

UCF-5.007 Office of Student Conduct; Scope, Definitions; Student Conduct Records; Special Student Panels

(1) Scope

(a) The UCF Rules of Conduct shall apply to all undergraduate students, graduate students and students pursuing professional studies, including those attending its regional campuses and/or off campus instructional sites and shall be deemed a part of the terms and conditions of admission and enrollment of all students.

(b) These rules apply to all student conduct that occurs on University premises which includes all land, buildings, facilities, and other properties in the possession of or owned, used, or controlled by the University.

(c) These rules also apply for all off campus conduct when alleged violation(s) of the UCF Rules of Conduct are committed, regardless of location. The University reserves the right to pursue any violation of conduct, when that conduct adversely affects the interest(s) of any part of the University community.

(d) Failure to comply with duly established laws or University regulations may subject violator(s) to appropriate civil authorities.

(2) Authority

(a) The Florida Board of Governors Regulation 6.0105 requires each university to establish a Student Disciplinary System, including a code of conduct, to apply to student disciplinary proceedings.

(b) These regulations are designed to ensure fairness and due process in student disciplinary proceedings.

(c) Generally, authority necessary to enforce the student conduct regulations is vested in the Vice President for Student Development and Enrollment Services or designee. Selected functions of this authority are shared with faculty, staff and students. Some functions of student conduct administration are assisted through review boards or committees.

(3) Violations of Law and Rule of Conduct Violations

(a) Members of the University community, who commit offenses against the laws of municipalities, states, or the United States, are subject to prosecution by those authorities and may be subject to disciplinary action under University rules when their conduct violates institutional standards. Student shall not be forced to present self-incriminating evidence; however, the University is not required to postpone disciplinary proceedings pending the outcome of any civil or criminal case.

(4) Definitions

(a) The term “Advisor” refers to the person of the charged students or organizations choice who may assist and/or accompany the charged student throughout the Student Conduct Review Process but shall not speak for or present the case on behalf of the charged student or organization.

(b) The term “Charged student” means any student that is charged with a violation of the Rules of Conduct.

(c) The term “Continuously enrolled” is defined as being enrolled in classes without a break of two or more consecutive regular semesters/terms (i.e., Fall and Spring, or Spring, Summer, and Fall).

(d) The term “Director of the OSRR” refers to the Director of the Office of Student Rights and Responsibilities.

(e) The term “Disciplinary Sanction Review Committee” is a committee composed of an equal number of faculty/staff and students appointed by the Director of the OSRR to review the disciplinary probation/suspension status of a student.

(f) The term “Hold” refers to a service indicator placed on a student’s record.

(g) The term “Member of the University community” refers to any person who is a student, faculty member, staff member, University official or any other person employed by the University.

(h) The term “Off campus” refers to any location not defined as University premises.

(i) The term “Overlay” refers to a notification on a student’s university transcript that states the student is not in good standing.

(j) The term “Preponderance of evidence” means that evidence, considered as a whole, shows that the fact sought to be proved is more probable than not. This is the standard used in adjudicating all disciplinary cases within the Student Conduct Review Process.

(k) The term “Record Sealing” refers to when a student’s disciplinary record cannot be examined except by a court order or designated officials.

(l) The term “Sanction” refers to outcome(s) imposed on students found in violation of any Rules of Conduct of this University.

(m) The term “Student” means any person enrolled in one or more classes at the University, either full time or part time, including study abroad, pursuing undergraduate, graduate or professional studies.

(n) The term “Student Conduct Board” means any person or persons authorized by the Director of the OSRR or designee to determine whether a student has violated the Rules of Conduct and to recommend sanctions that may be imposed when a rules violation has been

committed. Board members are selected through an annual application and interview process with the exception of the justices from the Student Government Association Judicial Council. All Student Conduct Board members, including justices, receive training from the Office of Student Conduct.

(o) The term “University” means the University of Central Florida.

(p) The term “University official” includes any person employed by the University (i.e. faculty, staff, administration, and residence hall staff) acting within the scope of their job duties.

(q) The term “University premises” includes all land, buildings, facilities, and other properties in the possession of or owned, used, or controlled by the University.

(r) The term “VP of SDES” refers to the Vice President of Student Development and Enrollment Services.

(5) Student Conduct Records

(a) Maintenance of Records. A student’s conduct case record will be maintained in the Office of Student Conduct. The case record of a student found responsible for charge(s) against them, with sanctions less than suspension or expulsion, will generally be maintained in the Office of Student Conduct for seven years from the calendar year of record, after which they are destroyed. The case record of a student who has been placed on Disciplinary Suspension or Expulsion will be permanently maintained as official records by the Office of Student Conduct.

(b) Release of Records. The release of student disciplinary records will be governed by applicable federal and state laws regarding the privacy of educational records.

(6) Evaluation of Student Conduct Review Process. The Student Conduct Review Process will be evaluated periodically by a committee, which shall be composed of students and staff members of the university.

UCF-5.008 Rules of Conduct

The following defined and described actions include, but are not limited to, conduct for which disciplinary action may be taken at the University of Central Florida. Individual students are expected to abide by these rules of conduct, and administrators are expected to enforce them. These rules of conduct should be read broadly and are not designed to define prohibited conduct in exhaustive terms. Additional rules and regulations may be revised during the year; announcements will be made on adoption of the changes or additions.

(1) Academic Misconduct

(a) Unauthorized assistance: Using or attempting to use unauthorized materials, information or study aids in any academic exercise unless specifically authorized by the instructor of record. The unauthorized possession of examination or course related material also constitutes cheating.

(b) Communication to another through written, visual, electronic, or oral means. The presentation of material which has not been studied or learned, but rather was obtained through someone else's efforts and used as part of an examination, course assignment or project.

(c) Commercial Use of Academic Material: Selling notes, handouts, etc. without authorization or using them for any commercial purpose without the express written permission of the University and the Instructor is a violation of this rule.

(d) Falsifying or misrepresenting your academic work.

(e) Plagiarism: Whereby another's work is used or appropriated without any indication of the source, thereby attempting to convey the impression that such work is the student's own.

(f) Any student who knowingly helps another violate academic behavior standards is also in violation of the standards.

(2) Possessing and/or Providing False and Misleading Information and/or Falsification of University Records

(a) Withholding related information, or furnishing false or misleading information (oral or written) to University officials, university and non-university law enforcement officers, faculty or staff.

(b) Possession, use or attempted use of any form of fraudulent identification.

(c) Forgery, alteration or misuse of any University document, material, file, record or instrument of identification.

(d) Deliberately and purposefully providing false or misleading verbal or written information about another person.

(e) Falsification, distortion, or misrepresentation of information during the Student Conduct Review Process, including knowingly initiating a false complaint.

(3) Disruptive Conduct

(a) An act that impairs, interferes with, or obstructs the orderly conduct, processes, and functions of the University or any part thereof or the rights of other members of the University community.

(b) Any act which deliberately impedes or interferes with the normal flow of pedestrian and vehicular traffic.

(c) An act which tampers with the election(s) of any University student organization or group including major violations of the SGA Election Statutes.

(d) Misuse of any University safety equipment, firefighting equipment, or fire alarms.

(e) An act which deliberately interferes with the academic freedom or the freedom of speech of any member or guest of the University community.

(f) A false report of an explosive or incendiary device, which constitutes a threat or bomb scare.

(g) Breach of peace: an act, which aids, abets, or procures another person to breach the peace on the University premises or at University sponsored/related functions.

(h) Failure to comply with oral or written instruction from duly authorized University officials (i.e. faculty, staff, administration, residence hall staff) acting within the scope of their job duties or law enforcement officers acting in the performance of their duties, including failure to identify oneself to these persons when requested to do so.

(i) Failure to produce identification upon request by a University official (i.e. faculty, staff, administration, residence hall staff), acting within the scope of their job duties or law enforcement officers acting in the performance of their duties.

(j) Hindering or interfering with the Student Conduct Review Process by failing to obey the notice from a university official to appear for a student conduct meeting or hearing; and/or attempting to discourage an individual's proper participating in, or use of, the Student Conduct Review Process.

(4) Harmful Behavior

(a) Physical harm or threat of physical harm to any person. This harmful behavior policy may not apply in those instances where it is found that a student is acting in self defense.

(b) Harassment: defined as behavior (including written or electronic communication) that could cause severe emotional distress, intimidation, or coercion to another person or could place another person in the victim's position in fear of bodily injury or death.

(c) Verbal or written abuse, threats, intimidation, coercion and/or other conduct that endangers the health, safety, or wellbeing of others. This definition, however, shall not be interpreted to abridge the right of any member of the University community to freedom of expression protected by the First Amendment of the United States Constitution and any other applicable law.

(d) Failure to respect the privacy of other individuals.

(e) Retaliation against or harassment of complainant(s) or other person(s) alleging misconduct.

(5) Sexual Misconduct

(a) Any nonconsensual sexual conduct which occurs on or off the UCF campus.

Consent, to be valid, must be:

- i. Freely and actively given.
- ii. In mutually understandable words or actions.
- iii. Consent to one form of sexual activity can never imply consent to other forms of sexual activity.
- iv. Consent is not the lack of resistance; there is no duty to fight off a sexual aggressor.
- v. Consent can be withdrawn at anytime, as long as the withdrawal is clearly communicated by the person withdrawing consent through words or actions.
- vi. A person shall not knowingly take advantage of another person who is under 18 years of age, mentally defective, under the influence of prescribed medication, alcohol or other chemical drugs, or who is not conscious or awake, and thus is not able to give consent as defined

above. Further, a person shall not physically or verbally coerce another person to engage in any form of sexual conduct, to the end that consent as defined above is not given.

vii. Any attempted acts of sexual misconduct are also violations of this policy.

(b) Unwelcome sexual advances, requests for sexual favors, or conduct of a sexual nature which prevents or impairs another person's full enjoyment of the educational benefits, atmosphere, or opportunities provided as part of the University.

(c) Exposure of one's body in such a manner that another party reasonably could be offended or to display sexual behavior which another person reasonably finds offensive.

(d) Sexual stimulation sought through trespass, spy, or eavesdropping activities.

(e) Attempting to commit by solicitation sexual acts with a minor by oral, written, or electronic means.

(6) Larceny/Property Damage

(a) Unauthorized use, possession, or services or theft of property. Such property may be personal or public.

(b) Damage or defacing of University property or the property of another person whether or not it is on University premises.

(7) Hazing

(a) Any action or situation which recklessly or intentionally endangers the mental or physical health and/or safety of a student for the purpose of initiation or admission into, or affiliation with, any organization operating under registration with the University. Hazing may result in felony charges.

(b) Brutality of a physical nature such as whipping, beating, branding, forced calisthenics, exposure to the elements; forced consumption of any food, liquid, liquor, drug, or

other substances; or other forced elements; or other forced activity which could adversely affect the mental or physical health or safety of the individual.

(c) Any activity which could subject the individual to mental stress such as sleep deprivation, forced exclusion from social contact, forced contact which could result in embarrassment, or any other activity which could adversely affect the mental health or dignity of the individual.

(d) Forcing or requiring the violation of University policies, federal, state, or local law.

(e) Any activity, as described above, upon which the initiation or admission into or affiliation with a University of Central Florida organization may be directly or indirectly conditioned, shall be presumed to be a “forced” activity, the willingness of an individual to participate in such an activity notwithstanding.

(8) Unauthorized Use of Keys, and/or Entry

(a) Unauthorized possession, duplication or use of keys to any University premises.

(b) Unauthorized entry or attempted entry.

(9) Misconduct at University Sponsored/Related Activities

(a) Violation of UCF rules of conduct at UCF sponsored related activities shall also be a violation of the golden rule.

(b) Violations of a regulation(s) of a host institution sponsored/related activity shall be a violation of the golden rule.

(10) Unlawful Possession, Use, or Sale of any Controlled Substance

Use, possession, sale, distribution, cultivation, manufacture or attempt to obtain any narcotic or other controlled substances, and possession and/or use of drug paraphernalia, except as expressly permitted by law.

(11) Alcoholic Beverages Violation

Use, possession, sale and/or distribution of alcoholic beverages, except as expressly permitted by the law and University regulations and policy, and behavior under the influence of alcoholic beverages.

(12) Possession and/or Use of a Firearm and/or Dangerous Material

(a) Possession, storage or use of firearms, explosives, ammunition, other weapons or dangerous articles or substances including but not limited to tasers, switchblade knives, and non-lethal weapons such as air soft guns on university owned or affiliated property or at university sponsored/related activities is prohibited.

(b) Possession or use of fireworks of any description, explosives, or chemicals which are disruptive, explosive, or corrosive on University premises or at University sponsored/related activities.

(13) Instigation or Participation in Group Disturbances during Demonstrations, Parades, or Picketings

(a) Participation in a demonstration(s), parade(s), or picketing which invades the rights of others, which interferes with the educational function of the University, or which jeopardizes public order and safety.

(b) Leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.

(14) Misuse of Computing and Telecommunications Resources

- (a) Theft or other abuse of computer facilities and resources
- (b) Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
- (c) Unauthorized transfer of a file.
- (d) Use of another individual's identification and/or password.
- (e) Use of computing facilities and telecommunications resources to interfere with the work of another student, faculty member or University Official.
- (f) Use of computing facilities and telecommunications resources to send obscene or abusive messages.
- (g) Use of computing facilities and telecommunications resources to interfere with normal operation of the University computing system.
- (h) Use of computing facilities and telecommunications resources in violation of copyright laws.
- (i) Any violation of the University of Central Florida Use of Information Technology and Resources Policy.
- (j) Any violation of the University of Central Florida ResNet Acceptable Use Policy.
- (15) Gambling
 - (a) Play in an unlawful game of chance for money or for anything of value on University premises or at any affair sponsored by a student or student organization.
 - (b) Unlawfully sell, barter or dispose of a ticket, order, or any interest in a scheme of chance by whatever name on University premises or at any affair sponsored by a student or student organization.

(c) Wager on a University team or organization in a competition, with a direct influence in the success of the competition.

(16) University Student Residence Violations

Violation(s) of any Department of Housing and residence Life policy, rule or regulation published in hard copy or available electronically via Department of Housing and Residence Life website.

(17) University Wordmark Violations

Unauthorized use of the official University wordmark, Pegasus, monogram, seal, or other graphic identity symbol.

(18) Violation of Local, State, and/or Federal Laws

Violation of any local, state and/or federal law that may result in a felony or misdemeanor.

UCF-5.009 Student Conduct Review Process; Sanctions

(1) Violation Reports

(a) Alleged violations of the UCF Rules of Conduct shall be reported in writing to the Director of the OSRR or designee. Violation reports can be submitted for information purposes only, for information purposes with the requirement that the student attend an ethics seminar, or to initiate the student conduct review process. Upon receiving an alleged violation of misconduct, the Director of the OSRR or designee may review relevant information and consult with relevant parties regarding the incident in question. In unusual cases, which dictate a decision for the welfare of any individual, the student body, or any part of the University or its community, the Director of the OSRR or designee, upon notifying the VP of SDES, may take immediate action to resolve the situation by placing the student on interim suspension. Such action is subject to review at a hearing within three (3) business days by the VP of SDES or designee to determine the status of the interim suspension. The outcome of an interim suspension hearing shall remain in effect until the final disposition of formal charges resulting from the circumstances of the case, unless the VP of SDES or designee shall decide otherwise.

(b) The Director of the OSRR will refer all information warranting disciplinary action to the Office of Student Conduct. The Office of Student Conduct will send written notification to the charged student indicating the nature of the activity in question and what university rules were allegedly violated.

(c) Upon receipt of an incident report the Office of Student Conduct has six months to charge a student with a violation of the Rules of Conduct. The Office of Student Conduct may exercise discretion when applying the time provision to account for circumstances that warrant a waiver of the six month time limit from the date of discovery.

(d) Students charged with alleged violations of the Rules of Conduct will receive notice to attend a required preliminary conference with the Office of Student Conduct to discuss the charges. If the student fails to attend that conference, a hold may be placed on the student's record, preventing them from registering for future classes until the matter is resolved. Students who leave the university or withdraw from a class before a disciplinary matter is resolved may be prohibited from future enrollment until such time as the matter is resolved. The student will receive information regarding the Student Conduct Review Process, including the student's rights during the process, an opportunity to inspect and/or review the information known at the time charges are prepared, and notice on how to contact the Student Government Association Judicial Advisor. At the conclusion of the meeting, the Office of Student Conduct recommends an option for resolution of the disciplinary charge. These options are dismissal, mediation, informal hearing, or formal hearing.

(2) Options for Resolution of Disciplinary Charges

(a) Case Dismissal: The Director of the OSRR or designee may dismiss a case if it is found to not have sufficient facts or information to substantiate the claim of misconduct, the accused person is not a student, or the action claimed as misconduct is not a violation of the rules of conduct.

(b) Mediation: Depending on the nature and severity of the alleged violation, the Office of Student Conduct may recommend formal mediation through the Office of Student Rights and Responsibilities as an alternative to disciplinary action. The involved parties must each agree to mediation. Mediation is confidential. In mediation, the parties voluntarily meet with an impartial mediator to communicate their concerns and needs to each other and to reach their own agreement on the resolution of the case. The participants in mediation are responsible

for keeping their agreement or renegotiating it, if necessary. In the event that the participants do not agree to mediate or mediate but do not reach a full and final resolution, the case will be referred back for disciplinary action through an informal or a formal hearing. Breach of a mediated agreement may result in a follow up mediation session or the matter may be referred back through the conduct process at the discretion of the Office of Student Conduct.

(c) **Informal Hearing:** At the discretion of the Office of Student Conduct, violations found not to warrant a formal **hearing** may be referred to an informal hearing. At the informal hearing the charged student has the opportunity to meet with an Office of Student Conduct staff member and accept responsibility for the charges of violation of the Rules of Conduct. At the informal level the matter will be settled by the following outcomes: punitive sanction (disciplinary warning or disciplinary probation) as well as educational sanctions (papers, seminars, community service, etc.). If the matter is not resolved informally, the case will be resolved through a formal hearing.

(d) **Formal Hearing:** If an alleged violation of the Rules of Conduct is not dismissed or otherwise resolved, then the Office of Student Conduct shall present in writing formal charges to the student. The charged student may request either a panel or administrative hearing. The charged student's hearing shall be open only to the charged student, his/her advisor, the hearing body, witnesses (when called upon), and a representative from the Office of Student Conduct. In cases of alleged Harmful Behavior or Sexual Misconduct (see Regulation UCF-5.008, Rules of Conduct), the student is required to have a panel hearing.

Formal notification shall include:

1. The student's name and address.
2. Date, time and location of the formal hearing.

3. The rule(s) of conduct allegedly violated as known at the time formal charges are prepared.

4. Names of potential witnesses known at the time formal charges are prepared.

5. A description of any physical or written documentation known at the time charges are prepared.

(3) Formal Hearings.

There are two types of formal hearings – panel hearings and administrative hearings.

(a) Panel Hearings.

1. A panel to consider an individual case shall be randomly selected by the Office of Student Conduct from the Student Conduct Board and shall consist of two (2) faculty and administrative staff members combined, and two (2) student members. One panel member shall be selected by the Office of Student Conduct to chair the hearing and report the finding(s) and recommended sanctions, if any, to the Director of the OSRR or designee.

2. At hearings conducted by a panel, an Office of Student Conduct staff member shall act as an advisor to the panel. The Director of the OSRR shall receive the panel's finding(s) as to "in violation" or "not in violation" of the Rules of Conduct, and consider any sanctions recommended by the panel.

3. The Director of the OSRR or designee may accept the finding(s) of "in violation" or "not in violation" or remand the case for rehearing. If the Director of the OSRR or designee accepts the finding(s) of "in violation," they may approve, mitigate or increase the sanctions recommended by the panel, listed in the Disciplinary Sanctions section of the Student Conduct Review Process.

4. Any decision by the Director of the OSRR or designee to alter sanctions or return a case shall be accompanied by a concise and explicit written statement that explains the basis for that decision.

(b) Administrative Hearings

1. Administrative hearings shall be conducted by a faculty or staff member randomly selected by the Office of Student Conduct from the Student Conduct Board. The charged student shall be informed of the hearing officer assigned to his/her case and shall have the opportunity to challenge the impartiality of the individual within three (3) business days of notification. The student shall state in writing the basis for such challenge. A hearing officer so challenged will be excused; however, indiscriminate challenges shall not be permitted. In the event that a student has opted not to challenge the impartiality of a hearing officer prior to the allotted three (3) business days, the assigned hearing officer shall remain as scheduled. Administrative Hearings are not an option in cases of alleged Harmful Behavior or Sexual Misconduct (see Regulation UCF-5.008, Rules of Conduct).

2. At hearings conducted by an administrative hearing officer, an Office of Student Conduct staff member shall act as an advisor to the administrative hearing officer. The Director of the OSRR or designee shall receive the administrative hearing officer's finding(s) as to "in violation" or "not in violation" of the Rules of Conduct, and consider any sanctions recommended by the administrative hearing officer.

3. The Director of the OSRR or designee may accept the finding(s) of "in violation" or "not in violation" or remand the case for rehearing. If the Director of the OSRR or designee accepts the finding(s) of "in violation," they may approve, mitigate or increase the sanctions

recommended by the administrative hearing officer, listed in the Disciplinary Sanctions section of the Student Conduct Review Process.

4. Any decision by the Director of the OSRR or designee to alter sanctions or return a case shall be accompanied by a concise and explicit written statement that explains the basis for that decision.

(c) Conduct of Formal Hearings - the following is furnished as a guide to the sequence of events in a formal hearing:

1. Reading of charges.
2. Student response of “in violation” or “not in violation.”
3. Presentation of information in support of the charges.
4. Opening statement by the charged student.
5. Questioning of the charged student by the hearing body.
6. Presentation and questioning of witnesses in support of the charges.
7. Presentation and questioning of witnesses by the charged student.
8. Final questions of the charged student by the hearing body.
9. Closing remarks by the charged student.
10. Deliberation (in confidential executive session).
11. Announcement of the finding(s) and recommended sanctions if any.

(d) Case Record for Formal Hearing - The case record shall consist of the following items:

1. A copy of the formal charges in writing.
2. A recording of the formal hearing.
3. All staff memoranda submitted.

4. All items of physical or written documentation submitted, provided such items are not returned to a rightful owner. In that case, photographs or other facsimiles shall be made before return.

5. The finding(s) and recommended sanction(s) by the hearing panel or administrator, if any.

6. The Director of the OSRR's decision.

(4) Student Rights in the Student Conduct Review Process

(a) The following rights shall be explained to each charged student prior to the commencement of any formal disciplinary hearing:

1. The charged student shall be afforded reasonable written notice, at least five (5) business days prior to the formal hearing, unless waived in writing. Written notice sent to the charged student's electronic and/or physical address listed in the Registrar's records shall constitute full and adequate notice. Written notice shall include:

(i) The student's name and address.

(ii) Date, time and location and nature of the proceeding of the formal hearing.

(iii) The rule(s) of conduct allegedly violated as known at the time formal charges are prepared.

(iv) Names of potential witnesses known at the time formal charges are prepared.

(v) A description of any written or physical documentation known at the time charges are prepared.

2. The student may have at his or her own expense and initiative, an advisor present at the hearing. It is the student's responsibility to make appropriate arrangements for the advisor to attend the hearing, and the hearing shall not be delayed due to scheduling conflicts of the

chosen advisor. The advisor may be present to advise the student but shall not speak for or present the case for the student or otherwise participate directly in the proceeding. The Office of Student Conduct shall maintain a list of impartial advisors and resources available to the student.

3. All hearings shall be conducted on the basis that the charged student is not in violation until the preponderance of evidence proves otherwise. The burden of proof in a student conduct hearing is not on the student charged with a violation of the Rules of Conduct.

4. The student may inspect any information presented in support of the charges. Information may be presented in support of the student.

5. The university cannot compel any person to attend a student disciplinary hearing. However, all parties to the student conduct hearing may arrange for witnesses to voluntarily present relevant information during the proceeding. Pertinent information may be accepted as information for consideration by the person or body conducting the hearing. The student may hear and question adverse witnesses who testify at the hearing.

6. The student shall not be forced to present self-incriminating information; however, the University is not required to postpone disciplinary proceedings pending the outcome of any civil or criminal case.

7. The finding of "in violation" or "not in violation" on the charges shall be based solely on the information presented at the hearing.

8. Should the finding of the hearing body be in violation, prior conduct history will then be reviewed and may affect sanctioning.

9. The results of any formal hearing shall be made available to the student within two (2) business days following the hearing (deadline can be extended by mutual agreement of the charged student and the Director of the OSRR or designee).

10. The student's enrollment status shall remain unchanged pending the University's final decision in the matter, except in cases where the VP of SDES or designee determines that the safety, health, or general welfare of the student, any individual, or any part of the University may be involved.

(5) Sanctions

(a) Disciplinary Warning- An official warning that the student's behavior is in violation of the UCF Rules of Conduct, and that if the student is subsequently found in violation of a rule while on disciplinary warning; subsequent action may be more severe.

(b) Disciplinary Probation- Disciplinary probation status shall be for a specific length of time. Restrictive conditions may be imposed and vary according to the severity of the offense. Restrictive conditions may include, but may not be limited to the following: loss of good standing, which may become a matter of record; ineligibility to receive any University award, scholarship, loan, honorary recognition, or initiation into any local or national organizations, and denial of the privilege to occupy a position of leadership or responsibility in any University student organization, publication, or activity, or ability to represent the University in an official capacity or position. Under disciplinary probation, the student may continue to attend classes and is given a chance to show capability and willingness to live in accordance with University rules. However, if the student is subsequently found in violation of a rule while on disciplinary probation, the University may suspend or expel the student from the University. While on Disciplinary Probation, a hold will be placed on a student's record for record keeping purposes.

(c) Disciplinary Suspension- A student involved in an offense warranting consideration of action more serious than disciplinary probation or one involved in repeated misconduct may face suspension. During the period of suspension, a student may not attend

classes, participate in University related activities, whether they occur on or off campus. A student under disciplinary suspension may not otherwise be present on University premises unless authorized in writing in advance under conditions approved by the Director of the OSRR. In determining if and to what extent suspended students shall be authorized to be on University premises, the Director of the OSRR or designee shall consider whether the suspension creates an undue hardship on the suspended student in regard to considerations that include, but are not limited to, the medical needs of the student. An overlay will be placed on a student's record during the period of suspension. Further, while on disciplinary suspension, a hold will be placed on a student's record for record keeping purposes. All assigned educational sanctions must be completed prior to the conclusion of disciplinary suspension; otherwise the disciplinary suspension will remain in effect.

(d) Disciplinary Expulsion- Expulsion is a sanction which removes the student from his/her academic program and permanently separates a student from the University of Central Florida without opportunity to graduate or re-enroll at the university in the future. An overlay will be permanently placed on the student's record. Further, a hold will be permanently placed on a student's record for record keeping purposes.

(e) Educational Sanctions- In conjunction with an administrative sanction, a student found to have been in violation of any of the Rules of Conduct will be assigned educational sanctions such as, but not limited to, reflective/research papers, classes/seminars, community service, interviews, etc. If a student has any outstanding educational sanctions at the conclusion of disciplinary probation or suspension, a student's disciplinary probation or suspension status and hold will remain in effect pending the completion of the educational sanctions.

UCF-5.010 Student Conduct Appeals

(1) Appeals Within the Student Conduct Review Process

(a) Students found in violation as a result of a hearing may appeal that finding(s) and sanction(s) imposed. The appeal must be made in writing to the Appellate Officer (VP of SDES or designee) within seven (7) business days after the date the student was notified of the decision by the Director of the OSRR.

(b) Students may appeal the finding and sanction(s) imposed on the basis of one or more of the following:

1. Irregularities in fairness and stated procedures of the hearing that could have affected the outcome of the hearing.

2. Discovery of new and significant information that could have affected the outcome of the hearing and that was not known or could not reasonably have been discovered and/or presented at the time of the initial hearing.

3. The sanction(s) are extraordinarily disproportionate to the violation(s).

(c) On the appeal form, the student must state the reason(s) for appeal, the supporting facts, and the recommended solution. This is not a re-hearing of the conduct case. An appeal cannot be filed simply because a student is dissatisfied with the decision. Failure to describe the nature of the information in full detail in the appeal letter will result in the denial of an appeal.

(d) The Appellate Officer shall first determine if sufficient grounds for appeal exist and then, if so, may either deny the appeal, thus sustaining the initial decision and sanction(s) or do one of the following:

1. If the student alleges that the sanction was inappropriate and the Appellate Officer finds the sanction to be inappropriate, the Appellate Officer may reduce the sanction.

2. If the student alleges that there was a defect in procedure or new information is presented and the Appellate Officer finds that there was a defect in the procedure or new information was presented which was sufficiently substantial to have affected the outcome, the Appellate Officer will order a new hearing.

(e) The student shall receive a written decision to the appeal. There is no definitive timeline for receiving an appeal response. It depends on many factors including the complexity of the case and the information mentioned in the appeal, as well as the Appellate Officer's appeal load at that particular time. Decisions of the VP of SDES or designee reflect final agency action.

(f) OSC cannot place an overlay on the student's record until the appeal decision is completed or if the student chooses not to appeal. At such time, if appropriate, a hold, and/or overlay, is placed on the student's record. If the Appellate Officer upholds the original findings, the effective date of any disciplinary sanction(s) imposed will revert back to the date of the Director of the OSRR's final decision letter.

(2) Disciplinary Sanction Review Request (Probation/Suspension)

(a) After a student has completed one semester of their disciplinary probation or half of their disciplinary suspension, they have the opportunity to request a review of their probation and/or suspension status.

(b) Requests should be submitted to the Director of the OSRR or designee via an online Disciplinary Sanction Review request form available at www.osc.sdes.ucf.edu. This request can only be submitted once a semester.

(c) This request will allow the student the opportunity to discuss what they have done to proactively address their behavior while on disciplinary probation/suspension.

(d) In considering this request a student's good behavior shall assume that the student is performing above and beyond the basic requirements of their sanction(s). Students that simply fulfill the minimum requirements of their sanction(s) will not be subject for a disciplinary sanction review.

(e) A request for disciplinary sanction review should include information such as the following:

1. Proof of involuntary and or voluntary psychological testing
2. Proof of counseling and/or assessment
3. Involvement in educational programs and academic progress
4. Community involvement/service
5. Occupational growth

(f) This request will first be reviewed by the Director of the OSRR or designee to determine whether or not the student meets criteria for review. If the Director of the OSRR or designee agrees that the student's request meets the above mentioned criteria, the committee will then contact the student within 14 business days to schedule a "sanction review meeting" with a committee appointed by the Director of the OSRR or designee, comprised of an equal number of faculty, staff and students.

(g) At this meeting, the student will have the opportunity to further discuss with the committee why their disciplinary probation and/or suspension status should be changed.

(h) After the meeting, the committee will issue a recommendation to the Director of the OSRR or designee. The Director of the OSRR or designee will provide a decision to the student in writing within two (2) business days of receiving the recommendation.

(i) If the request is denied by the Director of the OSRR or designee the decision shall include a concise and explicit written statement that explains the basis for that decision.

(j) There is no appeal process for a Disciplinary Sanction Review.

(3) Sealing of Records

(a) A student's conduct record is eligible to be sealed if the incident(s) in question are minor and do not result in suspension or expulsion and where further violations would not likely result in suspension or expulsion from the university.

(b) A student conduct record may be sealed upon the successful submission and review of appropriate paperwork to the Office of Student Conduct.

(c) The factors influencing the decision by the Director of the OSRR for sealing are the severity of the violation, effect of the violation on the University community, sanctions applied, completion of sanctions, and ethical development demonstrated by the student.

(d) There is no appeals process regarding student conduct record sealing.

UCF-5.011 Scope; Authority; Principles of Group Responsibility; Violations of Law and Rule of Conduct Violations; Definitions; Student Organizational Conduct Records

(1) Scope

(a) The organizational conduct regulations (UCF-5.011, 5.012, and 5.013) shall apply to all student organizations of the University, including those at its regional campuses and/or at off campus instructional sites, and shall be deemed a part of the terms and conditions of student organization registration.

(b) The Organizational Rules of Conduct apply to all student organizations for conduct that occurs:

1. on or off University premises; or
2. while participating in University and/or organization sponsored or related activities; or
3. during school sessions, holidays, breaks, and university closures; or
4. against students or non-students.

(c) The University reserves the right to pursue any violation of the Organizational Rules of Conduct when the alleged conduct adversely affects the interest(s) of any part of the University community.

(2) Authority

(a) The Florida Board of Governors Regulation 6.0105 requires each university to establish a Student Disciplinary System, including a code of conduct, to apply to student disciplinary proceedings.

(b) These regulations shall ensure a fair and impartial process in student organizational disciplinary proceedings and guarantee the integrity of the university.

(c) Generally, authority necessary to enforce the organizational student conduct regulations is vested in the Vice President for Student Development and Enrollment Services or designee. Selected functions of this authority are shared with faculty, staff and students. Some functions of student conduct administration are assisted through review boards.

(3) Principles of Group Responsibility

(a) Any student organization can be held responsible for its actions or the actions of one or more of its members (active or inactive). There is no minimum number of group members who must be involved in an incident before disciplinary action may be taken against the organization. In some instances, the conduct of a single member may provide sufficient grounds for action against the entire organization. Misconduct on the part of the organization may be addressed when:

1. Members of the organization act together to violate University standards of conduct;
2. One or more members, alumni, or guests allegedly violate an Organizational Rule of Conduct at an organization-sponsored, financed, or otherwise supported activity;
3. One or more members of an organization or its officers has knowledge of the incident, behavior, etc. and fails to take corrective or prohibitive action before such incident, behavior, etc. occurs or fails to stop such incident, behavior, etc. while it is occurring;
4. A violation occurs on premises and/or transportation owned, operated, or rented exclusively by the student organization;
5. A pattern of individual violations has occurred and/or continues to occur without adequate control, response, or sanction on the part of the student organization or its leaders;

6. The student organization or related activities provided the context for the violation; or

7. The student organization chooses to protect one or more individual offenders who are members, alumni, former members, or guests of the student organization from official actions.

(4) Violations of Law and Rule of Conduct Violations

(a) Members of the University community who commit offenses against the laws of municipalities, states, or the United States are subject to prosecution by those authorities and may be subject to disciplinary action by the University when their conduct violates institutional standards. Students shall not be forced to present self-incriminating evidence; however, the University is not required to postpone disciplinary proceedings pending the outcome of any civil or criminal case.

(5) Definitions

(a) The term “Advisor” refers to the one person of the charged student organization’s choice who may assist and/or accompany the charged student organization throughout the Student Organization Conduct Review Process. An Advisor shall not speak for or present the case on behalf of the charged student organization.

(b) The term “Charged student organization” means any student organization that is charged with a violation of the Organizational Rules of Conduct.

(c) The term “Director of the OSRR” refers to the Director of the Office of Student Rights and Responsibilities.

(d) The term “Member of the University community” refers to any person who is a student, faculty member, staff member, University official or other employee or agent of the University.

(e) The term “Off campus” refers to any location not defined as University premises.

(f) The term “Preponderance of evidence” means that evidence, considered as a whole, shows that the fact sought to be proved is more probable than not. This is the standard used in resolving all disciplinary cases within the Student Conduct Review Process.

(g) The term “Sanction” refers to outcome(s) imposed on student organizations found in violation of the Organizational Rules of Conduct.

(h) The term “Student” means any person continuously enrolled in one or more classes at the University, either full time or part time, including study abroad, pursuing undergraduate, graduate or professional studies.

(i) The term “Student Conduct Board” means any person or persons authorized by the Director of the OSRR or designee to determine whether a student organization has violated the Organizational Rules of Conduct and, if so, to recommend sanctions that may be imposed. Board members are selected through an annual application and interview process with the exception of the justices from the Student Government Association Judicial Council. All Student Conduct Board members, including justices, receive extensive training from the Office of Student Conduct.

(k) The term “University” means the University of Central Florida.

(l) The term “University official” is any person employed by the University (i.e. faculty, staff, administration, and residence hall staff) acting within the scope of their job duties.

(m) The term “University premises” includes all land, buildings, facilities, and other properties in the possession of or owned, used, or controlled by the University.

(n) The term “VP of SDES” refers to the Vice President of Student Development and Enrollment Services.

(6) Student Organizational Conduct Records

(a) Maintenance of Records. A student organizations conduct case record will be maintained in the Office of Student Conduct. The case record of a student organization found responsible for charge(s) against them, with sanctions less than suspension or revocation, will generally be maintained in the Office of Student Conduct for seven years from the calendar year of record, after which they are destroyed. The case record of a student organization that has been suspended or whose registration has been revoked will be permanently maintained by the Office of Student Conduct.

(b) Release of Records. The release of student organization disciplinary records will be governed by applicable federal and state laws regarding the privacy of educational records.

UCF-5.012 Organizational Rules of Conduct

Student organizations are expected to abide by these Organizational Rules of Conduct, and administrators and faculty are expected to enforce them. These rules should be read broadly and are not intended to define prohibited conduct in exhaustive terms. These rules may be revised during the year; announcements will be made on adoption of changes or additions. The following is a non-exhaustive list of prohibited conduct for which disciplinary action may be taken at the University of Central Florida. The following offenses, or the aiding, assisting, condoning, or attempting to commit these offenses, constitute violations of the Organizational Rules of Conduct.

(1) Theft, Disregard for Property

(a) Malicious or unwarranted damage or destruction of another's property;

(b) Taking, attempting to take, or keeping in its possession property or services not belonging to the student organization.

(c) Misuse or mishandling of organizational funds by any officer, member, or other individual.

(2) Possessing and/or Providing False and Misleading Information and/or

Falsification of University Records

(a) Withholding related information, or furnishing false, misleading, incomplete, or incorrect information (oral or written) to University officials, non-university law enforcement officers, faculty or staff.

(b) Possession, use or attempted use of any form of fraudulent identification.

(c) Forgery, alteration or misuse of any University document, material, file, record or instrument of identification.

(d) Deliberately and purposefully providing false or misleading verbal or written information about another person.

(e) Falsification, distortion, or misrepresentation of information during the Student Conduct Review Process, including knowingly initiating a false complaint

(3) Disruptive Conduct

(a) An act that impairs, interferes with, or obstructs the orderly conduct, processes, and functions of the University or any part thereof or the rights of other members of the University community.

(b) Obstructing the free movement of other students around the campus, interfering with the use of University facilities, preventing the normal operation of the University; or conducting any event that interferes with the normal progress of academic events on campus.

(c) Engaging in obscene or indecent conduct.

(d) Failure to comply with the administrative policies as enacted by the University.

(e) Failure to comply with the directions of University officials or authorized agents acting in the performance of their duties. Student organization officers and members shall comply with all directions or requests of University officials, University police officers or authorized agents in a timely manner.

(f) Hindering or interfering with the Organizational Conduct Review Process by failing to obey the notice from a university official to appear for a student conduct meeting or hearing and/or attempting to discourage an individual's proper participating in, or use of, the Organizational Conduct Review Process.

(g) Failure to comply with the student organization's constitution.

(h) Participating in any event with a student organization that is currently on disciplinary probation (with restrictive conditions), has been suspended, or has had their UCF registration revoked.

(4) Harmful Behavior

(a) Physical violence towards another person or group.

(b) Harassment: Defined as behavior (including written or electronic communication) that could cause severe emotional distress, intimidation, or coercion to another person or could place another person in the victim's position in fear of bodily injury or death.

(c) Verbal or written abuse, threats, intimidation, coercion and/or other conduct that endangers the health, safety or well-being of another person or group.

(d) Failure to respect the privacy of other individuals.

(e) Retaliation against or harassment of complainant(s) or other person(s) alleging misconduct.

(f) Condoning or encouraging acts of harmful behavior as defined above or failing to stop an act of harmful behavior while it is occurring.

(5) Sexual Misconduct

(a) Any nonconsensual sexual conduct or attempted nonconsensual sexual conduct which occurs on or off the UCF campus.

1. Consent, to be valid, must be: freely and actively given; and in mutually understandable words or actions.

2. Consent to one form of sexual activity can never imply consent to other forms of sexual activity.

3. Consent is not the lack of resistance; there is no duty to fight off a sexual aggressor.

4. Consent can be withdrawn at anytime, as long as the withdrawal is clearly communicated by the person withdrawing consent through words or actions.

5. A person shall not knowingly take advantage of another person who is under 18 years of age, mentally defective, under the influence of prescribed medication, alcohol or other chemical drugs, or who is not conscious or awake, and thus is not able to give consent as defined above. Further, a person shall not physically or verbally coerce another person to engage in any form of sexual conduct, to the end that consent as defined above is not given.

(b) Obscene or indecent behavior, which includes, but is not limited to, exposure of one's sexual organs or the lewd display of sexual behavior.

(c) Conduct of a sexual nature that creates an intimidating, hostile, or offensive campus, educational, or working environment for another person. This includes unwanted, unwelcome, inappropriate, or irrelevant sexual or gender-based activities, comments or gestures.

(d) Condoning or encouraging acts of sexual misconduct as defined above or failing to stop an act of sexual misconduct while it is occurring.

(6) Alcohol Related Misconduct

(a) Use and/or possession of alcoholic beverages, except as expressly permitted by law and University regulations/policies.

(b) Sale and/or distribution of alcoholic beverages, except as expressly permitted by the law and University regulations/policies.

(c) Furnishing or causing to be furnished any alcoholic beverage to any person under the legal drinking age.

(d) Behavior under the influence of alcohol.

(e) Furnishing or causing to be furnished any alcoholic beverage to any person in a state of noticeable intoxication.

(f) Failure of a student organization to take all necessary steps to see that no person under the legal drinking age possesses alcoholic beverages at functions it sponsors or within any property or transportation it owns, operates, and/or rents.

(7) Drug Related Misconduct

(a) Use and/or possession of any narcotic or other controlled substances, and possession and/or use of drug paraphernalia, except as expressly permitted by law.

(b) Sale and/or distribution of any narcotic or other controlled substances, except as expressly permitted by law.

(c) Cultivation and/or manufacture of any narcotic or other controlled substances, except as expressly permitted by law.

(d) Attempt to obtain any narcotic or other controlled substances, except as expressly permitted by law.

(8) Unauthorized Entry

(a) Unauthorized entry, attempted entry, or loitering in private or restricted areas that are owned and/or operated by the University.

(9) Gambling

(a) Play or sponsor of an unlawful game of chance for money or for anything of value on University premises or at any affair sponsored by a student organization.

(b) Unlawful sale, barter, or disposition of a ticket, order, or any interest in a scheme of chance by whatever name on University premises or at any activity sponsored by a student organization

(c) Wagering on a University team or organization in a competition, with or without intent to have a direct influence in the success of the competition

(10) Hazing- The University does not condone hazing in any form and defines hazing to include but not limited to:

(a) Any action or situation which recklessly or intentionally endangers the mental or physical health and/or safety of a student for the purpose of initiation or admission into, or association with, any organization. Hazing may result in felony charges.

(b) Brutality of a physical nature such as whipping, beating, branding, forced calisthenics, exposure to the elements; forced consumption of any food, liquor, liquid, drug, or other substances; or other forced elements; or other forced activity which could adversely affect the mental or physical health or safety of the individual.

(c) Any activity that could subject the individual to mental or physical stress such as sleep deprivation, forced exclusion from social contact, forced contact which could result in embarrassment, or any other activity that could adversely affect the mental or physical health or dignity of the individual.

(d) Forcing or requiring the violation of University policies, federal, state, or local law.

(e) Any activity, as described above, upon which the initiation or admission into or association with a student organization may be directly or indirectly conditioned, shall be

presumed to be a "forced" activity, the willingness of an individual to participate in such an activity notwithstanding.

(11) Outstanding Debt

(a) Failure to pay on and off campus vendors in a timely manner. Groups shall not knowingly enter into purchase or rental agreements that are beyond the resources of the organization's ability to pay. The University will not cover outstanding debts of student organizations.

(12) Use of Facilities

(a) Failure to comply with University regulations and procedures for campus events and/or use of campus facilities or grounds. Those individuals acting on behalf of an organization that reserve facilities should check with the University department or office responsible for the facility to guarantee that all procedures have been followed.

(13) Fire Safety and Sanitation

(a) Tampering with or damage to fire safety equipment.

(b) Causing, condoning, or encouraging the creation of any situation involving incendiary or other chemicals or substances, explosives, or fire that reasonably may result in danger to another's person or property.

(c) Possession or use of illegal fireworks, incendiary devices, or dangerous explosives.

(d) Failure to properly maintain a student organization's facilities or property (or surrounding property) such that a potential danger to the health and safety of the occupants or members of the University and surrounding community is created.

(14) Advertising

(a) Origination or circulation of any advertising media that contains matter that violates federal, state and/or local laws.

(b) Origination or circulation of any advertising media containing false or misleading information or obscene language or patently offensive material.

(15) Solicitation and Fundraising

(a) Failure to comply with applicable law and University regulations and procedures for solicitation and fundraising activities on campus.

(16) University Wordmark Violations

(a) Unauthorized use of the University's name, abbreviation, trademarks or wordmarks, including the Pegasus, monograms, seal, or other graphic identity symbols. The phrases "UCF" or "University of Central Florida" (or some form thereof) cannot precede the title of the organization. This section refers to but is not limited to, the student organization's: domain name, web address, promotional materials, and uniforms/shirts.

(17) Academic Misconduct

(a) Unauthorized academic assistance: Using or attempting to use unauthorized materials, information or study aids in any academic exercise unless specifically authorized by the instructor of record.

(b) The unauthorized possession of examination or course related material.

(c) Commercial Use of Academic Material: Selling notes, handouts, etc. without authorization or using them for any commercial purpose without the express written permission of the University and the Instructor.

(d) Knowingly helping any student violate academic behavior standards.

(18) Violation of Local, State, and/or Federal Laws

Violation of any local, state and/or federal law that may result in a felony or misdemeanor.

UCF-5.013 Organization Conduct Review Process; Sanctions; Appeals

(1) Violation Reports

(a) Alleged violations of the UCF Organizational Rules of Conduct shall be reported in writing to the Director of the OSRR or designee. Incident reports can be submitted for information purposes only, for information purposes with the requirement that the student organization attend an academic integrity seminar, or to initiate the student conduct review process. Upon receiving an incident report, the Director of the OSRR or designee may review relevant information and consult with relevant parties regarding the incident in question. In unusual cases, which dictate a decision for the health and safety of any individual, the student body, or any part of the University or its community, the Director of the OSRR or designee, upon notifying the VP of SDES, may take immediate action to resolve the situation by placing the student organization on interim suspension. Such action is subject to review at a hearing within ten (10) business days by the VP of SDES or designee to determine the status of the interim suspension. The outcome of an interim suspension hearing shall remain in effect until the final disposition of formal charges resulting from the circumstances of the case, unless the VP of SDES or designee shall decide otherwise.

(b) The Director of the OSRR will refer all information warranting disciplinary action to the Office of Student Conduct. The Office of Student Conduct will send written notification to the chief officer of the student organization at their UCF mailing address indicating the nature of the activity in question and what Organizational Rules of Conduct were allegedly violated. The chief officer of the student organization shall serve as the organization's representative in the organization conduct review process. The student organization may not designate an advisor as their representative in the conduct review process.

(c) Upon receipt of an incident report the Office of Student Conduct has six months to charge a student organization with a violation of the Organizational Rules of Conduct. The Office of Student Conduct may exercise discretion when applying the time provision to account for circumstances that warrant a waiver of the six month time limit from the date the violation report was filed.

(d) A student organization charged with alleged violations of the Organizational Rules of Conduct (see UCF-5.012) will receive notice to attend a mandatory preliminary conference with the Office of Student Conduct. If the student organization fails to attend the mandatory preliminary conference without providing a satisfactory reason for the absence, the student organization may be placed on immediate social probation until such time as the student organization completes the mandatory preliminary conference. During the mandatory preliminary conference the student organization will receive information regarding the Student Organization Conduct Review Process, including the student organization's rights during the process; an opportunity to inspect and/or review the information known at the time charges were prepared and how to contact the Student Government Association Judicial Advisor. At the conclusion of the mandatory preliminary conference, one of the following will occur: case dismissal, mediation, informal hearing, or formal hearing.

(e) Social probation includes but is not limited to the prohibition of the following: any on or off campus fundraisers, socials, intramural competitions, receptions, service projects, conferences, retreats, etc. The organization may also not be able to update its registration until such time that it appears before a hearing. Groups under social probation may gather at regularly scheduled business meetings.

(2) Options for Resolution of Disciplinary Charges

(a) Case Dismissal: The Director of OSRR or designee may dismiss a case if it is found to not have sufficient facts or evidence to substantiate the claim of misconduct or the misconduct is not a violation of the organizational rules of conduct.

(b) Mediation: Depending on the nature and severity of the alleged violation, the Office of Student Conduct may recommend formal mediation through the Office of Student Rights and Responsibilities as an alternative to disciplinary action. The involved parties must each agree to mediation. Mediation is a confidential process where the parties voluntarily meet with an impartial mediator to communicate their concerns and needs to each other and to reach their own agreement on the resolution of the case. The participants in mediation are responsible for keeping their agreement or renegotiating it, if necessary. In the event that the participants do not agree to mediate or mediate but do not reach a full and final resolution, the case will be referred back to the Office of Student Conduct for disciplinary action through an informal or a formal hearing. Breach of a mediated agreement may result in a follow up mediation session or the matter may be referred back through the conduct process at the discretion of the Office of Student Conduct.

(c) Informal Hearing: At the discretion of the Office of Student Conduct, violations found not to warrant a formal hearing may be referred to an informal hearing. At the informal hearing the charged student organization has the opportunity to meet with an Office of Student Conduct staff member and accept responsibility for the charges of violation of the Organizational Rules of Conduct. At the informal level the matter will be settled by the following outcomes: punitive sanction (warning, probation, or restrictive probation) as well as educational sanctions (papers, seminars, community service, etc.). If the matter is not settled informally, the case will be resolved through a formal hearing.

(d) Formal Hearing: If an alleged violation of the Organizational Rules of Conduct is not dismissed or otherwise resolved, then the Office of Student Conduct shall present in writing formal charges to the student organization. The charged student organization may request either a panel or administrative hearing. In cases of alleged Harmful Behavior or Sexual Misconduct (see Organizational Rules of Conduct, UCF-5.012) the student organization is required to have a panel hearing. The charged student organization's hearing shall only be open to the charged student organization's chief officer, their advisor, the hearing body, witnesses (when called upon), a representative from the Office of Student Conduct, and a university staff member from an appropriate office (Office of Student Involvement, Office of Fraternity and Sorority Life, Recreation and Wellness Center, etc.).

(3) Formal Hearings

There are two types of formal hearings – panel hearings and administrative hearings.

(a) Panel Hearings.

1. A panel to consider an organizational case shall be comprised of members from the Office of Student Conduct Student Conduct Board. The panel shall consist of two (2) faculty and administrative staff members combined and two (2) student members that have been trained by the Office of Student Conduct to hear organizational cases. One panel member shall be selected by the Office of Student Conduct to chair the hearing and report the finding(s) and recommended sanction(s), if any, to the Director of the OSRR or designee.

2. At hearings conducted by a panel, an Office of Student Conduct staff member shall act as an advisor to the panel. The Director of the OSRR shall receive the panel's finding(s) as to "in violation" or "not in violation" of the Organizational Rules of Conduct and consider any recommended sanctions by the panel.

3. The Director of the OSRR or designee may accept the finding(s) of “in violation” or “not in violation” or remand the case for rehearing. If the Director of the OSRR or designee accepts the finding of “in violation,” they may approve, mitigate or increase the sanctions recommended by the panel.

4. Any decision by the Director of the OSRR or designee to alter sanctions or return a case shall be accompanied by a concise and explicit written statement that explains the basis for that decision.

(b) Administrative Hearings

1. Administrative hearings shall be conducted by a faculty or staff member from the Student Conduct Board trained by the Office of Student Conduct to hear organizational cases. The charged student organization shall be informed of the hearing officer assigned to its case and shall have the opportunity to challenge the impartiality of the individual within three (3) business days of notification. The charged student organization shall state in writing the basis for such challenge. A hearing officer so challenged will be excused; however, indiscriminate challenges shall not be permitted. In the event that a charged student organization has opted not to challenge the impartiality of a hearing officer prior to the allotted three (3) business days, the assigned hearing officer shall remain as scheduled. Administrative hearings are not an option in cases of alleged Harmful Behavior or Sexual Misconduct (see Organizational Rules of Conduct, UCF 5.012).

2. At hearings conducted by an administrative hearing officer, an Office of Student Conduct staff member shall act as an advisor to the administrative hearing officer. The Director of the OSRR or designee shall receive the administrative hearing officer’s finding(s) as to “in

violation" or "not in violation" of the Organizational Rules of Conduct, and consider any sanctions recommended by the administrative hearing officer.

3. The Director of the OSRR or designee may accept the finding(s) of “in violation” or “not in violation” or remand the case for rehearing. If the Director of the OSRR or designee accepts the finding(s) of “in violation,” they may approve, mitigate or increase the sanctions recommended by the administrative hearing officer.

4. Any decision by the Director of the OSRR or designee to alter sanctions or return a case shall be accompanied by a concise and explicit written statement that explains the basis for that decision.

(c) Conduct of Formal Hearings - the following is furnished as a guide to the events in a formal hearing:

1. Reading of charges.
2. Student organization response of “in violation” or “not in violation.”
3. Presentation of information in support of the charges.
4. Opening statement by the charged student organization.
5. Questioning of the charged student organization by the hearing body.
6. Presentation and questioning of witnesses in support of the charges.
7. Presentation and questioning of witnesses by the charged student organization.
8. Final questions of the charged student organization by the hearing body.
9. Closing remarks by the charged student organization.
10. Deliberation (in confidential executive session).
11. Announcement of the finding(s) and recommended sanction(s), if any..

(d) Case Record for Formal Hearing - The case record shall consist of the following items:

1. A copy of the formal charges in writing.
2. A recording of the formal hearing.
3. All staff memoranda submitted.
4. All items of physical or written documentation submitted, provided such items are

not returned to a rightful owner. In that case, photographs or other facsimiles shall be made before return.

5. The finding(s) and recommended sanction(s), if any, by the hearing panel or administrator.

6. The Director of the OSRR's decision.

(4) Student Organization Rights during the Formal Conduct Review Process-

(a) The following rights shall be explained to the charged student organization before the commencement of a formal disciplinary hearing:

1. The charged student organization shall be afforded written notice, at least five (5) business days prior to a formal hearing, unless waived in writing. Written notice sent to the chief student officer of the charged student organization's electronic and/or physical address shall constitute full and adequate notice. Written notice shall include:

(i) The name of the organization, the chief student officer's name and organization's address, if applicable.

(ii) Date, time and location of the formal hearing

(iii) Alleged Organizational Rule of Conduct Violation(s) known at the time formal charges are prepared.

(iv) Names of potential witnesses known at the time that formal charges are prepared.

(v) A description of any physical or written documentation known at the time charges are prepared.

Provided that the required notice stated above has been given to the student organization along with its representative(s) but a representative failed to attend a scheduled formal hearing without providing a satisfactory reason for the absence, the organization may be placed on immediate social probation until such time as the organization completes the formal hearing and any further steps in the conduct process. The organization will also not be able to update its registration while on social probation.

2. The student organization may have at their own expense and initiative, an advisor present at the hearing. It is the student organization's responsibility to make appropriate arrangements for the advisor to attend the hearing, and the hearing shall not be delayed due to scheduling conflicts of the chosen advisor. The advisor may be present to advise the student organization but shall not speak for or present the case for the student organization or otherwise participate directly in the proceeding. A student organization may consult with their advisor at any time during the hearing. This consultation must take place in a manner that does not disrupt the proceedings. A student organization's advisor must not be connected to the actual conduct case or a related case. In addition, an advisor may not serve as a witness. If the advisor does not adhere to their defined role in the student conduct review process, they may be removed from the hearing. The Office of Student Conduct shall maintain a list of impartial advisors and resources available to the student organization.

3. All hearings shall be conducted on the basis that the charged student organization is not in violation until the preponderance of evidence proves otherwise. At a student conduct

organizational hearing, the technical rules of evidence applicable to civil and criminal cases shall not apply. The burden of proof in a student conduct hearing is not on the student organization charged with a violation of the Organizational Rules of Conduct.

4. The student organization's chief officer may inspect any information presented in support of the charges. Information may be presented in support of the charged student organization.

5. The university cannot compel any person to attend a student organizational hearing. However, all parties to a student organizational conduct hearing may arrange for witnesses to voluntarily present relevant information during the proceeding. Pertinent information may be accepted as information for consideration by the person or body conducting the student organizational formal hearing. The student organization may hear and question adverse witnesses who testify at the student organizational formal hearing.

6. The student organization shall not be forced to present information that incriminates its individual members; however, the University is not required to postpone disciplinary proceedings pending the outcome of any civil or criminal prosecution.

7. The finding(s) of "in violation" or "not in violation" on the charges shall be based solely on the information presented at the student organizational formal hearing.

8. Should the finding(s) of the hearing body be in violation, prior conduct history that has occurred within three academic years of the incident will then be reviewed and may affect sanctioning.

9. The final decision shall be furnished in writing to the student organization within two (2) business days following the hearing (the deadline can be extended by mutual agreement of the charged student organization and the Director of the OSRR or designee).

10. The student organization's registration status shall remain unchanged pending the University's final decision in the matter except in cases where the VP of SDES or designee determines that the safety, health, or general welfare of any individual, or any part of the University may be involved.

(5) Sanctions for Student Organizations

(a) Disciplinary Warning: An official warning that the organization's behavior is in violation of the Organizational Rules of Conduct and that if the organization is subsequently found in violation of a rule, subsequent action may be more severe.

(b) Disciplinary Probation: A period of time during which any further violation of the Organizational Rules of Conduct puts the student organization's status with the University in jeopardy. Restrictive conditions may also be imposed as part of disciplinary probation and will vary according to the severity of the offense. Restrictive conditions may include barring or limiting some or all of the organization's activities and/or privileges (including, but not limited to: social activities; intramural competition; organizational competition; Homecoming; eligibility to receive any University award or honorary recognition; privilege to occupy a position of leadership or responsibility in any University student organization governing body, publication, or activity; or ability to represent the University in an official capacity or position). If a student organization is found "in violation" for another violation of the Organizational Rules of Conduct while on disciplinary probation, more severe sanctions may be imposed.

(c) Suspension: While on suspension the student organization loses its University recognition and/or registration for a temporary period of time. While an organization is suspended, it may not use University resources or participate as an organization in any University activities or events.

(d) Revocation of UCF Registration: Permanent severance of the organization's relationship with UCF.

(e) Recommendation for Charter Revocation: An official request to a national office that the local chapter's charter be revoked.

(f) Educational Sanctions: In conjunction with any sanction listed above, a student organization found to have been in violation of any of the Organizational Rules of Conduct will be assigned educational sanctions such as, but not limited to: reflective/research papers, classes/seminars, community service, restitution, interviews, etc. If a student organization has any outstanding educational sanctions at the conclusion of disciplinary probation or suspension, the disciplinary probation or suspension will remain in effect pending completion of the educational sanctions.

(6) Appeal Within the Student Organization Review Process

(a) A student organization found in violation as a result of a hearing may appeal the finding(s) and sanction(s) imposed. The appeal must be made in writing to the Appellate Officer (VP of SDES or designee) within seven (7) business days after the date the student organization was notified of the decision by the Director of the OSRR.

(b) Student organizations may appeal the finding(s) and sanction(s) imposed on the basis of one or more of the following:

1. Irregularities in fairness and stated procedures of the hearing that substantially affected the outcome of the hearing.

2. Discovery of new and significant information that would be likely to change the outcome of the hearing and that was not known or could not reasonably have been discovered and/or presented at the time of the initial hearing.

3. The sanction(s) are extraordinarily disproportionate to the violation(s).

(c) On the appeal form, the student organization must state the reason(s) for appeal, the supporting facts, and the recommended solution. This is not a re-hearing of the conduct case. An appeal cannot be filed simply because a student organization is dissatisfied with the decision. Failure to describe the nature of the information in full detail in the appeal letter will result in the denial of an appeal.

(d) The Appellate Officer shall first determine if sufficient grounds for appeal exist and then, if so, may either deny the appeal, thus sustaining the initial decision and sanction(s), or do one of the following:

1. reduce the sanction; or.
2. order a new hearing.

(e) The student organization shall receive a written decision to the appeal. There is no definitive timeline for receiving an appeal response. It depends on many factors including the complexity of the case and the information mentioned in the appeal, as well as the Appellate Officer's appeal load at that particular time. Decisions of the VP of SDES or designee reflect final agency action.

(f) If the Appellate Officer upholds the original findings, the effective date of any disciplinary sanction(s) imposed will revert back to the date of the Director of OSRR's final decision letter.