

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: June 19, 2012

REGULATION TITLE:
Student Rights and Responsibilities

REGULATION NO.:
UCF-5.006

SUMMARY OF PROPOSED REGULATION AMENDMENT: This regulation has been amended to revise the provisions for victims/survivors of acts of violence, include information on alcohol emergencies, and update the mandated assessment policy.

AUTHORITY: BOG Regulations 1.001 and 6.0105

NAME OF PERSON WHO INITIATED PROPOSED REGULATION AMENDMENT:
Nicholas Oleksy, Associate Director, Office of Student Conduct

COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION AMENDMENT IS:

Regulations Administrator
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Millican Hall, Suite 360
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FULL TEXT OF THE PROPOSED REGULATION AMENDMENT:

5.006 Student Rights and Responsibilities

(1) Student Rights. Upon enrollment, students are entitled to the following freedoms and rights, provided the exercise thereof is accomplished in accordance with University procedures and does not result in disruption or disturbance as elsewhere described in the Regulations.

- (a) Participation in Student Government Association and its elective process.
- (b) Membership in Student Organizations.

- (c) Freedom of expression. The basic freedoms of students to hear, write, distribute, and act upon a variety of thoughts and beliefs are guaranteed. Freedom of expression carries with it the responsibility for seeing that the essential order of the University is preserved.
- (d) Freedom to hold public forums. The University desires to create a spirit of free inquiry and to promote the timely discussion of a wide variety of issues, provided the views expressed are stated openly and are subject to critical evaluation. Restraints on free inquiry are held to a minimum and are consistent with preserving an organized society in which peaceful, democratic means for change are available. Guest lecturers or off-campus speakers sponsored by student groups may appear on the UCF campus following arrangements with the designated University authority for such appearances.
- (e) Freedom to hear, write, distribute, and act upon a variety of thoughts and beliefs. This freedom is subject to the following regulations:
 - 1. Written materials identified by authorship and sponsorship may be sold or distributed on campus within the guidelines of propriety and responsible journalism as established and supervised by the University Board of Publications which is appointed by the President or designee. The distribution of such material, as is arranged by the Director of Office of Student Involvement, is permissible for student organizations provided steps have been taken to preserve the orderliness of the campus.
 - 2. Non-university or off-campus printed materials shall not be distributed or circulated by students or student organizations without first being stamped by the office of the Director of the Office of Student Involvement.
 - 3. The distribution of materials or circulation of petitions to captive audiences such as those in classrooms, at registration, in study areas or in residential units is not allowed without prior permission. Such permission may be requested from the appropriate university official.
- (f) Peaceful assembly. Student gatherings must neither disrupt or interfere with the orderly educational operation of the institution, nor violate state or local laws, or University regulations.

- (g) Fair and impartial hearing. These matters shall include, but not be limited to:
1. Disciplinary proceedings involving alleged violation of academic and nonacademic regulations.
 2. Refunds and charges. The status of a student charged with a violation of University regulations shall not be affected pending final disposition of the charges except in the case of administrative action. For specific procedures and rights of students during the student conduct process, see later section entitled “Student Conduct Review Process.”
- (h) Confidentiality of student records. Each University office and agency which generates, collects, and disseminates information on students must follow the guidelines for confidentiality of those records in their possession. For further information see “Student Record Guidelines.”
- (i) ~~Provisions for Victims/Survivors of Acts of Violence. To ensure fairness to victims/survivors of acts of violence throughout the disciplinary process, the University has established the following policy on victims/survivors~~ Provisions for Victims/Survivors of Acts of Violence. As a public institution the university must provide due process to students accused of sexual misconduct. The following provisions are designed to provide a fair process for both parties while also ensuring victims/survivors protections under Title IX. Consistent with due process, a charged student is not in violation until a preponderance of evidence proves otherwise. To ensure fairness to victims/survivors of acts of violence throughout the disciplinary process, the University has established the following provisions for victims/survivors:
1. A victim or a survivor may have a person of her or his choice accompany her or him throughout the Student Conduct Review process. This person will act as a support person or advisor but will not represent the victim or survivor.
 2. ~~A victim or survivor may submit a list of questions related to the alleged incident, prior to the hearing, that she or he feels the charged student should be asked during the hearing process.~~ A victim or survivor will be

afforded similar and timely access to any information that will be used during the Student Conduct Review Process.

3. ~~A victim or survivor may not have her or his irrelevant past conduct, including sexual history, discussed during the hearing. The issue of relevancy shall be determined by the Student Hearing Panel or the hearing officer.~~ A victim or survivor will receive notice to attend a preliminary conference meeting with the Office of Student Conduct.
4. ~~A victim or a survivor may make a “victim or survivor impact statement” and suggest an appropriate sanction (to include appropriate compensations) if the charged student is found to have been in violation of the Rules of Conduct.~~ A victim or survivor may submit a list of questions related to the alleged incident, prior to the hearing, that she or he feels the charged student should be asked during the hearing process.
5. ~~A victim or survivor may know the outcome of the student conduct review process after making a commitment to protect the confidentiality for all persons involved as outlined in the Family Educational Rights and Privacy Act Regulations, 34 CFR 99(a)(13). However, where the student conduct review process is invoked for a sex offense, both the victim/survivor and the accused must be informed of the final outcome of the student conduct review process without a commitment to protect the confidentiality of the information, pursuant to the Clery Act Regulations, 34 CFR 668.46(b)(11). The "final outcome" means only the final determination with respect to the alleged sex offense and any sanction that is imposed against the accused. If the alleged victim of such crime or offense is deceased as a result of such crime or offense, the next of kin shall be treated as the alleged victim for purposes of paragraph v.~~ A victim or survivor will have equal opportunity to present relevant witnesses and other information during the Student Conduct Review Process.
6. A victim or survivor may not have her or his irrelevant past conduct, including sexual history, discussed during the hearing. The issue of

relevancy shall be determined by the Student Hearing Panel or the hearing officer.

7. A victim or survivor will be provided access to view and hear the charged student's statements during the Student Conduct Review Process.
8. A victim or survivor should not be questioned directly by the charged student during the Student Conduct Review Process. All questions shall be asked through a hearing officer.
9. A victim or a survivor may make a "victim or survivor impact statement" and suggest an appropriate sanction (to include appropriate compensations) if the charged student is found to have been in violation of the Rules of Conduct.
10. A victim or survivor may know the outcome of the student conduct review process after making a commitment to protect the confidentiality for all persons involved as outlined in the Family Educational Rights and Privacy Act Regulations, 34 CFR 99(a)(13).

However, where the student conduct review process is invoked for a sex offense, both the victim/survivor and the accused must be informed of the outcome of the hearing and the outcome of any appeal without a commitment to protect the confidentiality of the information, pursuant to the Clery Act Regulations, 34 CFR 668.46(b)(11). The "final outcome" means only the final determination with respect to the alleged sex offense and any sanction that is imposed against the accused. If the alleged victim of such crime or offense is deceased as a result of such crime or offense, the next of kin shall be treated as the alleged victim for purposes of this paragraph. The university will provide the written determination of the hearing and appeal outcomes to the victim or survivor and the charged student concurrently

11. A victim or survivor has the right to appeal the outcome of the Student Conduct Review Process on the basis outlined in the Student Conduct Appeals section UCF-5.010

12. A victim or survivor will be given periodic status updates throughout the Student Conduct Review Process, which generally takes sixty calendar days following receipt of an incident report.

(2) Student Responsibilities

- (a) The most basic responsibility of a student is to study and move forward in intellectual development, while taking advantage of the many opportunities provided in this University environment for total personal growth, development and maturation.
- (b) Students and organizations are responsible for the observation of all University policies and regulations.
- (c) Rights and freedoms in any environment are protected through exercised responsibilities and maintained through an established system for justice. The ideal balance of control for liberties is strongly weighted toward understanding and observing regulations as acts of individual responsibility, not always because of agreement, but because compliance also serves the best interests of all and helps in the completion of stated individual and University objectives.
- (d) The University has compiled student-governing information in this handbook and has distributed it to help provide direction and awareness for the academic community. It is each student's responsibility to become aware of and learn its regulatory content and procedures for dealing with problems which may arise in the course of educational progress.
- (e) When University regulations are judged to no longer serve the best interests of all; the consideration for change should be introduced through appropriate channels.
- (f) Within the University, emphasis is placed on the development of each individual's recognition and acceptance of personal and social responsibilities.
- (g) High ethical and moral standards of conduct are a part of the University's mission and its contribution to the well being of society.

(3) Alcohol Emergencies The University of Central Florida highly encourages students and student organizations to call for medical assistance whenever an individual experiences severe intoxication or serious injury after consuming alcohol. Students and student organizations may be reluctant to call for help for themselves or others due to potential involvement from the UCF

Police Department or the Office of Student Conduct. Due to the serious or life-threatening nature of these medical emergencies, the University of Central Florida urges students to contact emergency medical services or the UCF police department if alcohol-related medical emergencies arise. The university's primary goal is to create a safe environment for its students. Procedures and expectations regarding these incidents have been outlined in the Office of Student Conduct Rules of Conduct Alcoholic Beverages section and the Organizational Rules of Conduct section.

(34) University Crisis Committee

- (a) The Crisis Committee is composed of the following persons and/or their designee(s): Health Services Director, Counseling Center Director, Associate Director of Safety and Security for University Police, Director of the Office of Student Rights and Responsibilities, Office of Student Conduct Representative, Associate Dean for Academic Services, and the Director of Housing and Residence Life.
- (b) The University may refer students who are viewed to be engaging in behavior that poses risk to themselves or others to the Crisis Committee for possible action. Such behaviors include, but are not limited to: suicidal behavior, self-injury, threats to harm others, disruptive behavior, disordered eating, and endangerment to the community.
- (c) Various campus units may enlist the services of the Committee. These include Housing and Residence Life, Health Services, Disability Services, Counseling, Recreation and Wellness Services, Office of Fraternity and Sorority Life, Athletics, Alcohol and Other Drug Programming Office, University Police, and the Office of Student Conduct. In the event that a student's behavior raises concern about risk of danger to self or others, the involved unit will contact the Director of OSRR. The Director of OSRR will then contact Crisis Committee members to convene a meeting in order to review the case and decide on the best course of action.
- (d) The role of the Health Services Director and the Counseling Center Director on the Crisis Committee will be consultative in nature. When possible, the Health Services Director and the Counseling Center Director will not confer on a case for

which they are (or have been) serving in a direct provider relationship with the involved student. When the involved student has been a client at the UCF Counseling Center, the Counseling Center Director will maintain the confidentiality of the student's clinical information and will make recommendations for action based solely upon the information provided in the Crisis Committee meeting.

(54) Mandated Assessment Policy

- (a) ~~In an effort to minimize risk of students with potentially unstable mental health conditions and to help protect the welfare of the UCF campus community, the University of Central Florida has a procedure for reviewing incidents which have resulted in a student's involuntary examination of imminent danger to self or others via the Baker Act (Florida Statute 394.463, Florida Mental Health Act) or Marchman Act (Florida Statute Chapter 397). Whenever Police (UCF, Orange County, etc.) provide transportation of a UCF student to the hospital for involuntary examination, the Police will file a report with the Office of Student Rights and Responsibilities (OSRR). Once the report is received, the Director of OSRR may notify and consult with a designated representative of the UCF Counseling Center or Student Health Service and/or the UCF crisis committee to review the severity of the student's behavior related to the involuntary examination for potential of continued risk to the campus community. A determination will be made whether a mandated interview which includes education about resources and steps needed to help the students in their specific situations is adequate or whether some other more stringent, protective action is appropriate to protect both the welfare of the student and the community. In either case, the Director of OSRR will contact the student in a timely manner (upon release from the hospital and return to UCF) and require an initial meeting between an OSRR representative and the student to inform the student of their rights and responsibilities regarding the incident involving imminent risk to self or others. In an effort to minimize risk of students with potentially unstable mental health conditions and to help protect the welfare of the UCF campus community, the University of Central Florida has a procedure for reviewing~~

incidents that put students or others at risk, (including but not limited to) a student's behavior or comments that result in hospitalization from imminent danger to self or others via the Baker Act (F.S. 394.463) or Marchman Act (Chapter 397, Florida Statutes), significant acts or threats of violence to others, chronic eating disorders, dramatic and/or expansive displays of self-mutilation, behaviors that are significantly disruptive to the UCF community and /or diminish the ability of a student to care for him/herself. Whenever the UCF Police provide transportation of a UCF student to the hospital for involuntary examination, the police will file a report with the OSRR. In addition, anyone may also file reports about students of concern with the Office of Student Rights and Responsibilities (OSRR)

- (b) ~~In cases where a mandated assessment which includes education about resources and steps needed to help the students in their specific situations is deemed adequate, the Director of OSRR will require such students to complete an interview with a licensed mental health professional. The required interview must occur within two weeks following release from the hospital. Examples of a licensed mental health professional include a UCF Health Service psychiatrist, a UCF Counseling Center counselor, or a community based counselor or psychiatrist of the student's choice. The Director of OSRR will require proof of participation for the required interview with the licensed mental health professional. Failure to comply may result in the initiation of the UCF Involuntary Withdrawal Procedure (see paragraph (5), below). Once a report is received, the Director of OSRR or designee may notify and consult with designated representatives of the UCF Counseling Center or Student Health Services and/or the University Crisis Committee to review the severity of the student's behavior for potential of continued risk to the campus community. A determination will be made whether a mandated assessment and/or physical assessment is needed to help the student in their specific situation or whether some other more stringent, protective action is appropriate to protect both the welfare of the student and the community. The mandated assessment session(s) may be used to evaluate the student's risk of harm to self or others, and to take~~

appropriate actions to ensure the safety of the student or others if risk is present. In addition, the mandated assessment session(s) are designed to assist students in developing a safety plan and provide students with educational resources. The Director of OSRR or designee will contact the student in a timely manner and require an initial meeting between an OSRR representative and the student to inform the student of their rights and responsibilities regarding the incident.

(c) ~~In cases where more protective action is needed based on more severe behavior/conduct (e.g., behaviors/actions towards killing self, behavior endangering others, threats to harm others, behavior disruptive to community), the Director of OSRR director may initiate:~~

- ~~1. a summary suspension followed by a student conduct review and due process;~~
- ~~2. involuntary withdrawal procedure; or~~
- ~~3. required interview with a mental health professional and counseling education.~~

All students identified as threatening self-harm or having attempted suicide must complete a mandated assessment with a licensed mental health professional and/or a physical assessment with a licensed medical provider. Examples of a licensed mental health professional include a UCF Health Services psychiatrist, a UCF Counseling Center clinician, or a community based counselor or psychiatrist of the student's choice. Before the mandated assessment is conducted, the Director of OSRR or designee will first obtain an *Authorization to Release/Exchange Confidential Information form* from the student to provide the licensed mental health professional and/or licensed medical health professional conducting the assessment with background information relevant to the reason for the mandated assessment. The Director of OSRR or designee will require proof of participation for the mandated assessment with a licensed mental health professional and/or proof of a physical assessment with an appropriate medical provider. Failure to comply may result in the convening of the University Crisis Committee to consider the initiation of the Involuntary Withdrawal Procedure

- (d) In cases where more protective action is needed based on more severe behavior/conduct (e.g., behaviors/actions towards killing self, behavior endangering others, threats to harm others, behavior significantly disruptive to the UCF community), the Director, OSRR or designee may initiate one or both of the following:
1. Interim Suspension followed by initiating the Student Conduct Review process
 2. Convening of the University Crisis Committee to consider the initiation of the Involuntary Withdrawal Procedure.

(65) Involuntary Withdrawal Procedure

- (a) A student who poses a serious danger of imminent or serious physical harm to himself/herself or others on property at the University will be involuntarily withdrawn from the University by the Director of OSRR upon appropriate notification and consultation from the University Crisis Committee.
- (b) This notification is received in the form of an incident report to the Office of Student Rights & Responsibilities, or a psychiatric evaluation filed with the UCF Police Department. The student will be withdrawn if the Director of OSRR concludes, on the basis of preponderance of evidence, that the student engages or threatens to engage in behavior that:
1. Poses a significant danger of causing harm to the student or to others, or
 2. Substantially impedes the lawful activities of other members of the campus community.
- (c) The Director of OSRR reserves the right to impose an immediate and interim withdrawal (the equivalent of a summary suspension), prior to the review of all information, if the Director of OSRR concludes that the student poses a threat to the welfare of any individual, the student body, or any part of the University or its community. In such cases, there will be a scheduling of a hearing within three (3) calendar days to determine the status of interim withdrawal. At this hearing, the student shall be offered an opportunity to provide documentation from an appropriate healthcare provider of their choice who has conducted a proper assessment.

- (d) The Director of OSRR will call a meeting of the University Crisis Committee at the earliest possible date. The student may be present at this meeting and may present information in support of his/her case. Following the student's presentation, the committee shall convene in executive session. At the conclusion of this proceeding, the committee shall make a recommendation to the Director of OSRR whether to withdraw the student, reinstate the student, or reinstate the student with conditions.
- (e) The Director of OSRR will make a final decision regarding the student's enrollment status and notify the student in writing within 24 hours of the Crisis Committee's recommendation.
- (f) A student subject to involuntary withdrawal is entitled to the following:
 - 1. Notice of intent to remove the student pursuant to this policy stating the reasons for the action.
 - 2. The opportunity to examine the psychiatric or other evaluations provided to the committee and to discuss them.
 - 3. The opportunity to present relevant information for consideration of his/her case personally, or by a health professional working with that student, if the student is not capable of self-representation.
 - 4. The opportunity to have an advisor of the student's own choice accompany the student.
 - 5. The right to appeal.
- (g) In the event a student disagrees with the decision of the Director of OSRR, the student may appeal the finding. The appeal must be made in writing to the Associate Vice President for Campus Life, or designee, within three (3) business days after the date of the notification to the student of the decision. The Associate Vice President for Campus Life, or designee, shall, within three (3) business days, sustain the initial decision or remand the case to the Crisis Committee for re-consideration.
- (h) Further administrative appeal may be made in writing by the student to the Vice President for Student Development and Enrollment Services. Such appeal must be made within three (3) business days after the date that the student was notified of

the Associate Vice President's decision. The Vice President may, within three (3) business days, approve, modify, or reject the original decision, or approve or reject the Associate Vice President's decision. The Vice President's decision will be considered final agency action.

- (i) Upon being withdrawn, the student may no longer attend classes, may not be an active member of a registered Student Organization, may no longer use University facilities, must vacate University owned or affiliated housing, and may be entitled to whatever refunds of tuition, fees, and room and board charges as would be appropriate given the timing of the withdrawal.
- (j) Students who are involuntarily withdrawn from the University shall have a hold placed on their records, which will prevent them from being readmitted or reenrolled in the institution except as stated in this paragraph. A student may request readmission or reenrollment at the University and provide the Director of OSRR with documentation from an appropriate healthcare provider of their choice who has conducted a proper assessment of the student and concluded that the student does not pose a serious threat of harm to himself/herself or others. In cases where the Director has imposed other conditions for readmission, it is the responsibility of the student to provide documentation of compliance with such conditions.
- (k) A student who is not involuntarily withdrawn may be subject to conditions to continue enrollment at the University. In such cases, the student will be provided with a written summary of conditions and must meet all conditions in order to maintain student status. A student who fails to meet such conditions will be subject to involuntary withdrawal by the Director of the Office of Student Rights & Responsibilities, or will be subject to charges through the University's Student Conduct Review Process for failure to comply.
- (l) The current medical withdrawal process should not be used to handle withdrawals related to mental health issues where an imminent threat is evident or a violation of the Golden Rule has allegedly occurred. However a student could choose to pursue a medical withdrawal within six (6) months of the end of the semester. As a general principle, the regular Student Conduct Review Process and its policies

and practices are preferred in serious instances of misconduct, without regard to whether there might be mental health issues present. The procedures and specifications given in this regulation are to be employed in those extraordinary situations in which, in the judgment of the appropriate administrative officers, the regular Student Conduct Review Process is not applicable or cannot be applied.

Authority: BOG Regulations 1.001 and 6.0105. History - Formerly 6C7-5.003, New 6-18-09, Amended _____-12.