



**June 25, 2024 | Governance Committee**  
Board of Trustees  
UCF Student Union, Pegasus Ballroom  
2024-06-25 09:00 - 10:00 EDT

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## June 25, 2024 | Governance Committee

Board of Trustees

Tuesday, June 25, 2024 at 9:00 AM EDT to Tuesday, June 25, 2024 at 10:00 AM EDT

UCF Student Union, Pegasus Ballroom

Virtual Link: <https://www.youtube.com/live/osYc6kqGzxA?feature=shared>

### Agenda

#### I. Opening Actions

9:00 AM

##### A. Call to Order and Welcome

Presenter: Michael Okaty, Chair, Governance Committee

##### B. Roll Call

Presenter: Lauren Ferguson, Assistant Vice President of Board Relations

#### II. Minutes from the February 22 and May 17, 2024, meetings

9:05 AM

Presenter: Chair Okaty

#### III. Action

9:10 AM

##### A. GOVC-1: Approval of Assessment of Leadership Competencies

Presenter: Youndy Cook, Vice President and General Counsel

##### B. GOVC-2: Amendments to University of Central Florida Bonus Plan

Presenter: Youndy Cook

##### C. GOVC-3: Amendments to University Regulation UCF-2.009 Admission of International Students

Presenter: Youndy Cook

##### D. GOVC-4: Amendments to University Regulation UCF-2.023 Academic Calendar

Presenter: Youndy Cook

##### E. GOVC-5: Amendments to University Regulation UCF-3.0122 Resignation and Nonrenewal of Non-unit Faculty and A&P Staff Members

Presenter: Youndy Cook

##### F. GOVC-6: Amendments to University Regulation UCF-4.033 Delinquent Accounts Receivable

Presenter: Youndy Cook

##### G. GOVC-7: Amendments to Chapter 4 University Regulations

Presenter: Youndy Cook

##### H. GOVC-8: Amendments to Chapter 5 University Regulations

Presenter: Sara Potter, Associate General Counsel

##### I. GOVC-9: Amendments to Chapter 6 University Regulations

Presenter: Youndy Cook

##### J. GOVC-10: Central Florida Clinical Practice Organization, Inc. Bylaw Amendments

Presenter: Youndy Cook

**K. GOVC-11: UCF Foundation, Inc. Bylaw Amendments**

Presenter: Richard Welsh, Senior Associate General Counsel

**L. GOVC-12: Appointment of Direct Support Organization Directors**

Presenter: Lauren Ferguson

**M. GOVC-13: Honorary Degree Consideration**

Presenter: Michael A. Kilbride, Executive Chief of Staff

**IV. New Business**

Presenter: Chair Okaty

**9:55 AM**

**V. Adjournment**

Presenter: Chair Okaty

**10:00 AM**



UNIVERSITY OF CENTRAL FLORIDA

**Board of Trustees  
Governance Committee Meeting  
February 22, 2024  
Rosen College of Hospitality Management**

**MINUTES**

**CALL TO ORDER**

Trustee Caryl McAlpin, Vice Chair of the Governance Committee, called the meeting to order at 1:15 p.m. Committee members Bill Christy, Brandon Greenaway, and Michael Okaty were in attendance. The following board members were also in attendance: Chair Alex Martins (ex officio), Tiffany Altizer, Rick Cardenas, Jeff Condello, Joe Conte, Danny Gaekwad, Stephen King, and Harold Mills.

**MINUTES**

Trustee Christy made a motion to approve the minutes from November 16, 2023, Governance Committee meetings and Trustee Greenaway seconded. The committee unanimously approved the minutes as submitted.

**ACTION**

At Vice Chair McAlpin's request, Youndy Cook, Vice President and General Counsel, confirmed there were no disclosures of conflict of interest from the Trustees.

**Memorandum of Understanding to Supplement the 2022-2024 BOT-UFF Collective Bargaining Agreement (GOVC-1)**

Charles Reilly, Associate Provost for Contract Compliance and Administrator Support, presented the proposed Memorandum of Understanding to Supplement the 2022-2024 BOT-UFF Collective Bargaining Agreement. The MOU amends the CBA to reflect that retiree email will be on the @ucf.edu domain. This change is necessary because the current CBA places retiree email on the @knights.ucf.edu domain and UCF intends to decommission all university sponsored email addresses on the @knights.ucf.edu domain by June 30, 2024. UFF voted to approve the MOU on January 26, 2024. Trustee King thanked the team for coming to this agreement for faculty.

Trustee Greenaway moved to recommend approval of GOVC-1 and Trustee Christy seconded. The motion was approved unanimously.

**Review and Endorse Board of Governors Statement of Free Expression (GOVC-2)**

Youndy Cook, Vice President and General Counsel, presented the Board of Governors Statement of Free Expression for review and endorsement. The Board of Governors recommends that each university board of trustees annually review and endorse the Board of Governors Statement of Free Expression and commit to the principles of civil discourse.

Trustee Christy moved to recommend approval of GOVC-2 and Trustee Greenaway seconded. The motion was approved unanimously.

Board of Trustees Policy Conflict of Interest Statement and Disclosure Form (GOVC-3)

Cook also presented the proposed Board of Trustees Policy Conflict of Interest Statement and Disclosure Form. This document must be completed annually by the Board of Trustees. The proposed changes include revisions to the board policy and the accompanying form. The main change is to clarify that “university” for these purposes includes related entities; further, this will allow trustees who serve on a university direct support organization board to complete a single Conflict of Interest disclosure form.

Trustee Christy moved to recommend approval of GOVC-3 and Trustee Greenaway seconded. The motion was approved unanimously.

Repeal of University Regulation UCF-2.006 Acceleration Mechanisms (GOVC-4)

Cook also presented the proposed repeal of University Regulation UCF-2.006 Acceleration Mechanisms. BOG Regulation 6.006 Acceleration Mechanisms governs this area and directs each university to include relevant information in catalogs and on websites, but does not require a regulation. Repealing this regulation will be more flexible as those information methods are more dynamic. This is a select regulation, so if approved, this repeal will be sent to the Board of Governors for their approval before becoming effective.

Trustee Greenaway moved to recommend approval of GOVC-4 and Trustee Christy seconded. The motion was approved unanimously.

Amendments to University Regulation UCF-2.010 Awarding of Degrees (GOVC-5)

Cook also presented the proposed amendments to University Regulation UCF-2.010 Awarding of Degrees. The proposed amendments will align the regulation with current practice as to catalog year and allow the university more flexibility in responding to student needs.

Trustee Christy moved to recommend approval of GOVC-5 and Trustee Greenaway seconded. The motion was approved unanimously.

Amendments to University Regulation UCF-2.029 Patents, Trademarks, and Trade Secrets (GOVC-6)

Sandra Sovinski, Deputy General Counsel for Research, presented the proposed amendments to University Regulation UCF-2.029 Patents, Trademarks, and Trade Secrets. In addition to the proposed updates, the title for the Vice President of Research and Innovation will be updated throughout.

Trustee Greenaway to recommend approval of GOVC-6 with the amendment to update the title of VP Research. Trustee Christy seconded. The motion was approved unanimously.

Amendments to University Regulation UCF-3.015 Promotion and Tenure of Tenured and Tenure-earning Faculty (GOVC-7)

Cook presented the proposed amendments to University Regulation UCF-3.015 Promotion and Tenure of Tenured and Tenure-earning Faculty (GOVC-7). Provost Michael Johnson and Trustee Stephen King provided supportive comments of the proposed amendments.

Trustee Greenaway moved to recommend approval of GOVC-7 and Trustee Christy seconded. The motion was approved unanimously.

**DISCUSSION ITEMS**

DSO Operating Overviews (DISC-1)

Lauren Ferguson, Assistant Vice President for Board Relations, and Rhonda Bishop, Vice President for University Compliance, Ethics, and Risk presented the Direct Support Organization Operating Overviews. The template that was utilized was presented at the September 27, 2023, Governance Committee meeting, and each DSO will undergo a comprehensive assessment on a revolving five-year schedule to assess progress toward their mission and goals.

**INFORMATION ITEMS**

One information item was included in the committee’s meeting materials: Leadership Criteria for the Presidential Assessment (INFO-1). Any questions or feedback can be directed to the Board Office.

**ADJOURNMENT**

The meeting adjourned at 1:56 p.m.

Reviewed by:

\_\_\_\_\_  
Michael Okaty  
Chair, Governance Committee

\_\_\_\_\_  
Date

Respectfully submitted:

\_\_\_\_\_  
Michael A. Kilbride  
Associate Corporate Secretary

\_\_\_\_\_  
Date



UNIVERSITY OF CENTRAL FLORIDA

**Minutes  
Board of Trustees  
Governance Committee - Virtual Meeting  
University of Central Florida  
May 17, 2024**

Chair Mike Okaty called the Governance Committee Meeting to order at 12:30 p.m.

He reminded the Governance Committee that the meeting was covered by the Florida Sunshine Law and that the public and press were invited to attend.

Lauren Ferguson, Assistant Vice President for Board Relations, called the roll and determined a quorum was present.

The following committee members attended the meeting virtually: Chair Michael Okaty, Trustee Bill Christy, Trustee Stephen King, Trustee Caryl McAlpin, Trustee John Miklos, and Trustee Alex Martins (ex officio). Other Trustees in virtual attendance included Tiffany Altizer, Trustee Rick Cardenas, Trustee Jeff Condello, Trustee Joseph Conte, Trustee Danny Gaekwad, and Trustee Bryce Lister.

**CONFLICT OF INTEREST DISCLOSURE**

At Martins' request, Youndy Cook, Vice President and General Counsel, confirmed that there were no disclosures of conflict of interest from the Trustees.

**ACTION ITEMS**

**GOVC-1 Vice Chair Nominations**

Chair Mike Okaty noted the committee had one item for consideration, nominations for Vice Chair of the Board of Trustees. He reminded the committee that the selected individual will serve in the position of Vice Chair for the remainder of the existing term, which concludes on June 30, 2025.

Okaty noted that he and Trustee McAlpin were deeply grateful to have received nominations, but considering their roles as Chair and Vice Chair of the Governance Committee, they requested that Chair Martins preside over the remainder of the meeting. Okaty formally turned the floor over to Martins.

Martins noted that of those nominated, three candidates accepted their nomination and would be considered. Those nominees were Trustees Altizer, McAlpin, and Okaty. Martins opened the floor for additional nominations. No additional nominations were received.

Miklos moved to move the full slate of nominees to the full board for consideration. Christy seconded the motion, which was unanimously approved.

**ADJOURNMENT**

Martins adjourned the committee meeting at 12:36 p.m.

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_  
Alex Martins, Chair UCF Board of Trustees

Respectfully submitted: \_\_\_\_\_ Date: \_\_\_\_\_  
Michael A. Kilbride, Associate Corporate Secretary



# Board of Trustees

*Governance Committee*

*June 25, 2024*

## **Agenda Item**

GOVC-1: Approval of Assessment of Leadership Competencies

## **Proposed Committee Action**

The Committee is asked to recommend to the Board of Trustees, on its consent agenda, approval of the proposed amendments to the Assessment of Leadership Competencies used in the Presidential Assessment and Incentive Plan.

## **Authority for Board of Trustees Action**

Board of Governors Regulation 1.001

### **Supporting Documentation Included**

Attachment A: Presidential Leadership Criteria Assessment Form

### **Facilitators/Presenters**

Youndy Cook, Vice President and General Counsel



# GOVC-1: Approval of Assessment of Leadership Competencies

## EXECUTIVE SUMMARY

### Objective

Consider the proposed Assessment of Leadership Competencies for use as part of the presidential assessment.

### Summary of Key Observations/Recommendations

The Assessment of Leadership Competencies is part of the Presidential Assessment and Incentive Plan. The leadership competencies are used to evaluate the president across twelve assessment criteria, which are: personal characteristics; strong academic leader/faculty focus; student focus; community engagement; partnerships and external relations; administrative acumen, judgment, and decision making; resource alignment with university mission; athletics knowledge; knowledge of metropolitan universities; leadership; relationship with governance; and financial acumen. A thirteenth criteria addresses overall performance. The Assessment Criteria have been revised from prior years to better reflect the University's strategic plan goals.

### Additional Background

The last presidential assessment was conducted in November 2023 via structured interviews with Trustees utilizing the prior version of the Assessment of Leadership Competencies instrument. The assessment criteria at the time were: personal characteristics; strong academic leader/faculty focus; student focus; proven record of diversity and inclusion; partnerships and external relations; administrative leadership, judgment, and decision making; fundraising and diversification of resources; athletic knowledge; knowledge of metropolitan universities; relationship with governance; and financial acumen.

This item was presented at the February 22, 2024, Governance Committee meeting as an information item and no additional feedback was received.

### Rationale

As the highest-ranking university official, the university president is a critical position with direct reporting responsibilities to the UCF Board of Trustees. A thorough annual assessment of the president's leadership, in addition to being mandated by BOG regulation, ensures regular review regarding whether the president is performing in alignment with the university's strategic objectives and maintaining appropriate operational leadership.

### Implementation Plan

Following approval by the UCF Board of Trustees, utilize the updated assessment criteria in

the Fall 2024 presidential assessment cycle.

### **Resource Considerations**

N/A

### **Conclusion**

Staff recommends that the committee recommend approval of the Assessment of Leadership Competencies.



**Presidential Assessment and Incentive Plan:  
II. Assessment**

***Part 1: Assessment of Leadership Competencies***

<b>Assessment Criteria</b>	<b>Rating &amp; Comments</b>
<p><b>1. Personal Characteristics</b></p> <ul style="list-style-type: none"> <li>• High level of integrity.</li> <li>• Resilient, able to learn from failures and move constantly forward.</li> <li>• Tolerant of risk and encourages creativity and innovation</li> </ul>	<p><input type="checkbox"/> <b>Does Not Meet Expectations</b>  <input type="checkbox"/> <b>Meets Expectations</b>  <input type="checkbox"/> <b>Exceeds Expectations</b></p>
<p><b>2. Strong Academic Leader / Faculty Focus</b></p> <ul style="list-style-type: none"> <li>• Committed to academic excellence and investing in programs of strategic emphasis.</li> <li>• Understanding, respect, and concern for the roles and responsibilities of the faculty.</li> <li>• Effective facilitator in cultures where governance is shared and buy-in is critical.</li> <li>• Strong personal and professional academic background.</li> </ul>	<p><input type="checkbox"/> <b>Does Not Meet Expectations</b>  <input type="checkbox"/> <b>Meets Expectations</b>  <input type="checkbox"/> <b>Exceeds Expectations</b></p>
<p><b>3. Student Focus</b></p> <ul style="list-style-type: none"> <li>• Committed to student success.</li> <li>• Committed to undergraduate education, as well as dedication to and understanding of graduate and professional education and research.</li> <li>• Respect and concern for students.</li> </ul>	<p><input type="checkbox"/> <b>Does Not Meet Expectations</b>  <input type="checkbox"/> <b>Meets Expectations</b>  <input type="checkbox"/> <b>Exceeds Expectations</b></p>
<p><b>4. Community Engagement</b></p> <ul style="list-style-type: none"> <li>• Creates a welcoming and inclusive environment for all students, faculty, and staff.</li> <li>• Desire and ability to address access and inclusion.</li> <li>• Focused on attracting and retaining high-quality faculty and staff.</li> </ul>	<p><input type="checkbox"/> <b>Does Not Meet Expectations</b>  <input type="checkbox"/> <b>Meets Expectations</b>  <input type="checkbox"/> <b>Exceeds Expectations</b></p>

<p><b>5. Partnerships and External Relations</b></p> <ul style="list-style-type: none"> <li>• Demonstrated record of partnership and spirit of entrepreneurship.</li> <li>• Ability to engage with community partners to build strong relationships on behalf of the university.</li> <li>• Ability to work with a variety of government partners and agencies to support the university's mission.</li> </ul>	<p><input type="checkbox"/> Does Not Meet Expectations  <input type="checkbox"/> Meets Expectations  <input type="checkbox"/> Exceeds Expectations</p>
<p><b>6. Administrative Acumen, Judgement, and Decision Making</b></p> <ul style="list-style-type: none"> <li>• Demonstrated record of building, nurturing, and working with a high-caliber leadership team.</li> <li>• Willingness to make strategic choices, timely decisions, and responsive actions.</li> <li>• Courageous decision maker who embraces the responsibility to make tough calls.</li> </ul>	<p><input type="checkbox"/> Does Not Meet Expectations  <input type="checkbox"/> Meets Expectations  <input type="checkbox"/> Exceeds Expectations</p>
<p><b>7. Resource alignment with University Mission</b></p> <ul style="list-style-type: none"> <li>• Ability to acquire resources from a variety of sources, including fundraising.</li> <li>• Strategic pursuit of revenue diversification.</li> <li>• Aligns university resources in support of the strategic plan.</li> </ul>	<p><input type="checkbox"/> Does Not Meet Expectations  <input type="checkbox"/> Meets Expectations  <input type="checkbox"/> Exceeds Expectations</p>
<p><b>8. Athletics Knowledge</b></p> <ul style="list-style-type: none"> <li>• Appreciates the significant role of intercollegiate athletics in the life of the university.</li> <li>• Understands the changing intercollegiate athletics landscape.</li> </ul>	<p><input type="checkbox"/> Does Not Meet Expectations  <input type="checkbox"/> Meets Expectations  <input type="checkbox"/> Exceeds Expectations</p>
<p><b>9. Knowledge of Metropolitan Universities</b></p> <ul style="list-style-type: none"> <li>• Keen understanding of the unique mission of and the ability to lead a multistate metropolitan research university.</li> </ul>	<p><input type="checkbox"/> Does Not Meet Expectations  <input type="checkbox"/> Meets Expectations  <input type="checkbox"/> Exceeds Expectations</p>

<p><b>10. Leadership</b></p> <ul style="list-style-type: none"> <li>Engages university community in the strategic plan to achieve the university’s goals.</li> <li>Cultivates the institution’s unique strengths and character with a commitment to academic, operational and inclusive excellence.</li> <li>Demonstrated ability to foster a culture of innovation and collaboration.</li> </ul>	<p><input type="checkbox"/> Does Not Meet Expectations  <input type="checkbox"/> Meets Expectations  <input type="checkbox"/> Exceeds Expectations</p>
<p><b>11. Relationship with Governance</b></p> <ul style="list-style-type: none"> <li>Ability to work effectively with the board of trustees and other governmental agencies, including the Florida Board of Governors (BOG).</li> </ul>	<p><input type="checkbox"/> Does Not Meet Expectations  <input type="checkbox"/> Meets Expectations  <input type="checkbox"/> Exceeds Expectations</p>
<p><b>12. Financial Acumen</b></p> <ul style="list-style-type: none"> <li>Effective and efficient financial management.</li> <li>Drives investment in academic excellence to drive greater student success and research outcomes while meeting BOG performance-based funding objectives and progressing toward Preeminent status in the Florida State University System.</li> </ul>	<p><input type="checkbox"/> Does Not Meet Expectations  <input type="checkbox"/> Meets Expectations  <input type="checkbox"/> Exceeds Expectations</p>
<p><b>13. Overall Assessment</b></p> <ul style="list-style-type: none"> <li>Consideration of the president’s overall performance over the last year.</li> </ul>	<p><input type="checkbox"/> Does Not Meet Expectations  <input type="checkbox"/> Meets Expectations  <input type="checkbox"/> Exceeds Expectations</p>

**Leadership Competency Performance Ratings**

*Determined relative to approved Leadership Competencies*

**Exceeds Expectations:** Exceeds expectations for competency on a consistent basis. Achievement and abilities are clearly recognized and supported by leadership, faculty, staff, and students.

**Meets Expectations:** Fulfills expectations for competency on a consistent basis and may at times exceed expectations. Level of performance is effectively and consistently maintained.

**Does Not Meet Expectations:** Fails to consistently fulfill expectations for competency.



# Board of Trustees

*Governance Committee*

*June 25, 2024*

## **Agenda Item**

GOVC-2: Approval of Amendments to the University of Central Florida Bonus Plan

## **Proposed Committee Action**

The Committee is asked to recommend to the Board of Trustees, on its consent agenda, approval of the proposed amendments to the University of Central Florida Bonus Plan.

## **Authority for Board of Trustees Action**

Section 1012.978, Florida Statutes  
Board of Governors Regulation 9.015

### **Supporting Documentation Included**

Attachment A: University of Central Florida Bonus Plan

### **Facilitators/Presenters**

Maureen Binder, Vice President and Chief Human Resources Officer



# GOVC-2: Approval of Amendments to the University of Central Florida Bonus Plan

## EXECUTIVE SUMMARY

### **Objective**

Consider approving the proposed amendments to the University of Central Florida Bonus Plan

### **Summary of Key Observations/Recommendations**

Board of Governors Regulation 9.015 requires that bonuses paid pursuant to this plan be reported to the Board of Trustees. The University proposes to amend the Bonus Plan to allow for more flexibility in when the results are shared with the Board.

### **Additional Background**

Section 1012.978, Florida Statutes, provides that, notwithstanding Section 215.425(3)(d), Florida Statutes, a university board of trustees may implement a bonus scheme based on awards for work performance or employee recruitment and retention. Florida Board of Governors (BOG) Regulation 9.015 permits each board of trustees to establish and implement one or more bonus plans that authorizes the award of bonuses based on the employee work performance or for purposes of recruitment and retention and has established criteria for such plans. The bonus plan submitted for approval complies with the BOG Regulation 9.015.

### **Rationale**

The current Bonus Plan states that the results will be shared at the first Board of Trustees meeting on each Fall semester. The amended language gives the university more flexibility in delivering the results to the Board.

### **Implementation Plan**

Results of the bonus plan for the prior year will be communicated to the trustees during the Fall Semester each year.

### **Resource Considerations**

N/A

### **Conclusion**

The proposed amendments will align the current practice with the Bonus Plan.

## University of Central Florida Bonus Plan

The University of Central Florida Bonus Plan is designed to comply with Section 1012.978, Florida Statutes, and Florida Board of Governors Regulation 9.015. Pursuant to the Bonus Plan, the University will provide incentive bonuses based on work performance as well as bonuses to address recruitment and retention needs. A bonus is a one-time monetary award given to faculty or staff which is not added to the base salary.

### **General Employee Eligibility Criteria**

To be eligible for any type of bonus, the employee must meet all of the following criteria:

1. Hold a position that is not in a bargaining unit (non-unit).
2. Have a current positive overall performance rating, generally meaning a rating of “Effective” or “Satisfactory”.
3. Have no disciplinary action on file for the previous twelve (12) months.
4. Be in an employment relationship with the University on the date any bonus is to be paid.

### **Types of Bonuses and Evaluation Criteria**

This Bonus Plan contemplates three types of bonuses – work performance bonuses, recruitment bonuses, and retention bonuses. Each bonus type is further described below, and related evaluation criteria are provided.

1. Work Performance Bonuses

Evaluation Criteria: The evaluation criteria for these bonuses includes, but is not limited to, successful documented work performance involving increased duties/responsibilities, completion of a special project, attainment of established goals, superior performance, or specific achievements or assignments of significance.

Bonuses Falling Within This Category:

- A. Performance-Based Employee Recognition Bonus

The UCF Employee Recognition Award Program is intended to recognize and reward documented distinctive and exceptional achievements that go above and beyond an employee's core job duties and significantly contribute to: University initiatives; departmental initiatives and objectives; student success and/or improved student experience; improved operational efficiency; and/or exceptional customer service.

Employee Recognition Awards (a.k.a. “one-time performance pay”) serve to recognize employees for excellence in circumstances such as:

- the successful completion of a special project or assignment with pre-determined goals or performance levels in addition to the employee’s regularly assigned duties.
- assuming additional duties and performing them successfully for a period generally less than six (6) months.
- a documented productivity goal achievement.
- going above and beyond by helping another employee in a specific event or task that has been completed.

- B. Incentive Compensation Plan Award

An Incentive Compensation Plan (“ICP”) is a department-specific pre-approved program that provides for a lump-sum award based on successful attainment of clearly defined objectives. An ICP establishes the award based on eligible faculty or staff’s contributions to departmental goals, which typically includes revenue generation and

specific targets to be achieved with a pay-out schedule based on achieving the stated goals within the fiscal year. Incentive compensation programs may be appropriate in circumstances such as clinical practice and advancement; must define eligible employees; and must be provided to Human Resources in advance. The general Bonus Plan eligibility requirements listed above apply to any award under an ICP.

Any Faculty Practice Plan incentive compensation programs must operate in accordance with Board of Governors Regulation 9.017 and are authorized upon approval by the Board of Trustees

C. Recognition Awards

Recognition Awards serve to recognize employees for superior performance or specific achievements in designated categories. These awards are generally based on an application or nomination process, with documentation of performance and success. The UCF community gathers each year to honor and recognize distinguished staff and faculty members for their outstanding achievements and years of service through the Service and Recognition Awards. Select employees are recognized with an award for significant achievements (e.g., USPS Employee of the Month, non-unit Pegasus Professor Awards, non-unit Trustee Chair Professorships, College of Medicine awards for teaching and research). Faculty excellence awards are presented during an annual ceremony in categories such as teaching, research/creative activities, service, instructional design, advising/mentorship. and librarianship.

2. Recruitment (Sign on) Bonuses

Evaluation Criteria: The evaluation criteria for these bonuses include, but are not limited to, identification of external candidates with desirable specialized skills and exceptional experience, or where market conditions or departmental structure merit such an award.

3. Retention Bonuses

Evaluation Criteria: The evaluation criteria for these bonuses include, but are not limited to, circumstances to address verified offers of competing employment, address market conditions which are significantly higher than the current salary, ameliorate salary compression or inversion, or acknowledge successful completion of career development training, or certification programs that are in the best interests of the University or support the mission of the University. The general Bonus Plan eligibility requirements do not apply, except that the employee must be in active pay status at the time of payment of a retention bonus and the employee must not have a disciplinary action within the 12-month period preceding the payment.

Bonuses Falling Within This Category:

A. One-Time Payment In Lieu of Salary Increase

A one-time payment in lieu of a salary increase may be made to broad categories of employees where the university's budget cannot reasonably support recurring salary increases but can support one-time payments using non-recurring funds. Such one-time payments enhance retention of valuable workforce members and avoid the cost to the university of replacing individuals who may leave to seek an increase in salary elsewhere.

B. One-Time Payment for Employee at Top of Range

A one-time payment in lieu of all or part of a salary increase may be made for retention purposes where an employee is 'red-circled' – i.e., would otherwise be eligible for a university salary increase except that the employee is near or above the maximum

salary range for the position. The employee may receive some level of salary increase; however, the amount of such increase will vary depending on the availability of funds, performance, and internal equity considerations. Amounts may be paid as a lump sum rather than as an adjustment to base salary.

### **Delegations of Authority**

The University of Central Florida Board of Trustees (UCFBOT) delegates authority to the President or the President's designee to establish procedures to implement this bonus plan, including levels of approvals and compensation for specific bonuses described in this bonus plan. The University of Central Florida Bonus Plan shall be overseen by the Chief Human Resources Officer for all staff employees, and in conjunction with the Office of the Provost for all faculty employees.

### **Reporting to the Board of Trustees**

The Board of Governors requires that bonuses paid pursuant to this plan be reported to the UCF BOT on a schedule to be set by the Board. ~~Starting with the first BOT meeting of the Fall 2022 Semester, and accordingly each year thereafter, the~~Annually, during the Fall semester, the President shall submit a report to the Board that certifies the following: (i) that any bonuses paid during the prior year complied with the criteria in this bonus plan; and (ii) that the bonuses were within the University's budget as approved by the Board. The report shall include the total amount of funds paid for performance, recruitment, and retention bonuses.

*Authority: BOG Regulations 1.001 and 9.015. History – New 9-23-21. Revised 5-26-22, \_\_\_\_-24.*



# Board of Trustees

*Governance Committee*

*June 24, 2024*

## **Agenda Item**

GOVC-3: Amendments to University Regulation UCF-2.009 Admission of International Students

## **Proposed Committee Action**

The Committee is asked to recommend to the Board of Trustees, on its consent agenda, approval of the proposed amendments to University Regulation UCF-2.009 Admission of International Students.

## **Authority for Board of Trustees Action**

Board of Governors Regulation 1.001

### **Supporting Documentation Included**

Attachment A: University Regulation UCF-2.009 Admission of International Students (redline)

### **Facilitators/Presenters**

Youndy Cook, Vice President and General Counsel



# GOVC-3: Amendments to University Regulation UCF-2.009 Admission of International Students

## EXECUTIVE SUMMARY

### **Objective**

Consider the proposed amendments to University Regulation UCF-2.009 Admission of International Students.

### **Summary of Key Observations/Recommendations**

This regulation is amended to update the university's admission requirements for regarding proficiency in written and spoken English for an international applicant whose native language is other than English. Additionally, the name of the department overseeing this process has been updated.

### **Additional Background**

This regulation was last amended on July 11, 2023.

### **Rationale**

The proposed regulation amendments will allow the university flexibility for assessing English language proficiency as part of the admission of international students.

### **Implementation Plan**

Upon approval by the UCF Board of Trustees, the proposed amendments will be sent to the Board of Governors for approval as this is a select regulation. The amended regulation would take effect upon approval by the Board of Governors.

### **Resource Considerations**

The proposed regulation amendments are not anticipated to incur additional costs to the University.

### **Conclusion**

Staff recommends that the committee recommend approval of the proposed amendments to University Regulation UCF-2.009.

**UCF-2.009 Admission of International Students.**

Admission of international students to UCF is governed by the university admission regulations, Florida Board of Governors Regulation 6.009 and the following:

(1) Eligible international students may be accepted at the appropriate level subject to space and fiscal limitations. International applicants can only be admitted in a status that is appropriate for the visa category designated on the application.

(2) In addition to University admission requirements, international students must meet the following requirements as a minimum:

- (a) The applicant shall be academically eligible for further study in his/her own country.
- (b) An applicant whose native language is other than English shall show proficiency in written and spoken English by:
  - 1. proving they are from a country where English is the only official language; or
  - 2. establishing that a prior bachelor's, master's or doctoral degree was earned from a United States institution of higher education accredited by an institutional accreditor recognized by the U.S. Department of Education; or
  - 3. establishing that a prior bachelor's, master's or doctoral degree was earned from a country where English is the only official language, or a university at which English is the only official language of instruction; or
  - 4. ~~submitting a qualifying score on the Test of English as a Foreign Language (TOEFL) or International English Language Testing System (IELTS). Qualifying scores for graduate applicants are: a TOEFL computer based score of 220; a TOEFL internet based score of 80 (or equivalent score on the paper based test); or an IELTS score of 6.5. Specific programs may establish higher scores for qualification, and such information will be included in the Graduate Catalog and program website information for that specific program. Qualifying scores for undergraduate applicants are: a TOEFL computer based score of 220, a TOEFL internet based score of 80, a TOEFL paper based score of 550, or an IELTS score of 6.5; or~~
  - 54. completion of the English Language Institute's (ELI) UCF Global's English Programs (IEP & OEP) level 8 or higher with a grade of a "B" or better; or
  - 65. completion of GAA 10210 (EAS 2) with a grade of a "C" or better, completion of EAP 2851 with a grade of a "C" or better or placement into ENC 1101; or
  - 67. an onsite assessment by UCF-ELI Global's -faculty qualified to administer English proficiency assessment and determining that the student is English proficient at the university level; or-
  - 7. obtaining required score on English language proficiency tests endorsed by UCF Global and UCF Undergraduate and Graduate Admissions and featured on UCF's official website.

- (c) Students who are non-native speakers of English (and do not have a degree from a U.S. institution) must pass the Versant English Speaking exam administered by ~~UCF Global~~ ~~the UCF English Language Institute~~ before they will be permitted to teach as a Graduate Teaching Associate or Graduate Teaching Assistant.
- (d) The graduate applicant shall have an overall GPA of at least 3.0 on a 4 point scale or equivalent.
- (e) The applicant shall furnish a detailed statement showing specific sources of a satisfactory level of financial support and the amount expected from each source.
- (f) The applicant shall submit a health examination form to the University physician indicating his fitness, mentally and physically to pursue a college level study program. In addition, all international students on an F or a J visa must submit proof of health insurance that complies with the requirements of BOG Regulation 6.009.
- (g) International student applications, undergraduate and graduate, along with all other records required for admission must be received by the program or university international application deadline, whichever is earliest, or the deadline must be waived by the university.

*Authority: BOG Regulations 1.001 and 6.009. History—New 10-8-75, Amended 7-14-80, Formerly 6C7-2.09, Amended 3-16-03, Formerly 6C7-2.009, Amended 6-11-09, 12-19-16, 3-21-19, 4-23-20, 7-11-23, \_\_\_\_\_-24.*



# Board of Trustees

*Governance Committee*

*June 25, 2024*

## **Agenda Item**

GOVC-4: Amendments to University Regulation UCF-2.023 Academic Calendar

## **Proposed Committee Action**

The Committee is asked to recommend to the Board of Trustees, on its consent agenda, approval of the proposed amendments to University Regulation UCF-2.023 Academic Calendar.

## **Authority for Board of Trustees Action**

Board of Governors Regulation 1.001

### **Supporting Documentation Included**

Attachment A: University Regulation UCF-2.023 Academic Calendar (redline)

### **Facilitators/Presenters**

Youndy Cook, Vice President and General Counsel



# GOVC-4: Amendments to University Regulation UCF-2.023 Academic Calendar

## EXECUTIVE SUMMARY

### **Objective**

Consider the proposed amendments to University Regulation UCF-2.023 Academic Calendar.

### **Summary of Key Observations/Recommendations**

This regulation is amended to state that the university will have three academic semesters – fall, spring, summer – and that each semester may consist of multiple sessions of differing lengths.

### **Additional Background**

This regulation was last amended on May 27, 2009.

### **Rationale**

The proposed regulation amendments allow the university flexibility to offer students additional sessions within each semester.

### **Implementation Plan**

The amended regulation would take effect upon approval by the UCF Board of Trustees.

### **Resource Considerations**

The proposed regulation amendments are not anticipated to incur additional costs to the University.

### **Conclusion**

Staff recommends that the committee recommend approval of the proposed amendments to University Regulation UCF-2.023.

**UCF-2.023 Academic Calendar.**

(1) The University of Central Florida operates on a year-round calendar which provides at least two hundred twenty (220) days of classroom instruction including examinations, or at least two hundred ten (210) days of instruction excluding examinations. The academic calendar will comply with Florida Board of Governors Regulation 8.001.

(2) The University of Central Florida shall operate ~~three~~two longer semesters, fall, ~~and~~ spring, and summer, each with a final exam period, ~~and a summer term that~~ Each semester may consist of multiple sessions of different length that may run concurrently.

(3) The University of Central Florida academic calendar shall be arranged so that the first semester of each year closes prior to Christmas.

(4) Provisions shall be made in the summer terms for the enrollment of teachers employed in the public schools and for other students desiring to enter or to continue their studies during that period.

*Authority: BOG Regulations 1.001 and 8.001. History—New 10-8-75, Amended 6-17-82, Formerly 6C7-2.23, Amended 3-16-03, Formerly 6C7-2.023, Amended 5-27-09, \_\_\_\_\_-24.*



# Board of Trustees

*Governance Committee*

*June 25, 2024*

## **Agenda Item**

GOVC-5: Amendments to University Regulation UCF-3.0122 Resignation and Nonrenewal of Non-unit Faculty and A&P Staff Members

## **Proposed Committee Action**

The Committee is asked to recommend to the Board of Trustees, on its consent agenda, approval of the proposed amendments to University Regulation UCF-3.0122 Resignation and Nonrenewal of Non-unit Faculty and A&P Staff Members.

## **Authority for Board of Trustees Action**

Board of Governors Regulation 1.001

### **Supporting Documentation Included**

Attachment A: University Regulation UCF-3.0122 Resignation and Nonrenewal of Non-unit Faculty and A&P Staff Members(redline)

### **Facilitators/Presenters**

Youndy Cook, Vice President and General Counsel



# GOVC-5: Amendments to University Regulation UCF-3.0122 Resignation and Nonrenewal of Non-unit Faculty and A&P Staff Members

## Objective

Consider the proposed amendments to University Regulation UCF-3.0122 Resignation and Nonrenewal of Non-unit Faculty and A&P Staff Members.

## Summary of Key Observations/Recommendations

This regulation is amended to update how much notice employees are expected to provide when resigning, including clarifying the expectation that employees with patient care responsibilities will provide more notice of resignation to allow for uninterrupted healthcare for patients. The proposed amendments also update how much notice the university gives to employees for nonrenewal. The amount of nonrenewal notice given depends on how long the employee has been employed and whether the employee has patient care responsibilities.

## Additional Background

This regulation was last amended on November 14, 2019.

## Rationale

The proposed regulation amendments will allow for continuity of care for patients when employees with patient care responsibilities leave the university.

## Implementation Plan

The amended regulation would take effect upon approval by the UCF Board of Trustees.

## Resource Considerations

The proposed regulation amendments are not anticipated to incur additional costs to the University.

## Conclusion

Staff recommends that the committee recommend approval of the proposed amendments to University Regulation UCF-3.0122.

**UCF-3.0122 Resignation and Nonrenewal of Non-unit Faculty and Administrative and Professional Staff Members.**

**(1) Resignation by the Employee**

- (a) Non-unit Faculty and Administrative and Professional (“A&P”) staff members shall give one month’s written notice of resignation if possible, except that UCF College of Medicine Faculty and A&P staff members shall provide notice as set forth in (b) below.
- (b) UCF College of Medicine Faculty and A&P staff with patient care responsibilities (whether at UCF Health or another institution with whom UCF has contracted to provide professional services) shall give at least three months’ (or 90 calendar days’) written notice of resignation.
- (c) Failure to provide at least two (2) weeks’ written notice of resignation as described above will result in the designation of the employee as ineligible for rehire, except in cases of medical or family emergency, or where the employee’s early departure is approved by the University.
- (de) Employees are required to work their resignation notice period unless on approved leave of absence. Failure to work during the resignation notice period will result in the designation of the employee as ineligible for rehire. Use of accrued leave during the resignation notice period should not exceed one week, and the employee is expected to report to work on the employee’s last day of the resignation notice period.

**(2) Nonrenewal by the University**

- (a) Nonrenewal means an employee is given written notice that his or her employment with the University will end no later than the time set forth in the written notice.
- (b) Non-unit faculty and A&P staff members have no expectation of continued employment beyond the terms listed herein. These employees may be given a notice of nonrenewal for any reason, subject to the notice period provisions herein, at any time during their employment, and such notice supersedes any term provisions of an appointment or contract. The nNotice period is provided to allow time for the employee to seek other employment, either with UCF or elsewhere.
- (c) Any reference to “non-unit faculty” in this Regulation specifically excludes tenured faculty.
- (b) Nonrenewal means an employee is given written notice that his or her employment with the University will end at the time set forth in the written notice.

**(3) Terms and Conditions of Notice; Notice Periods**

The length of the notice period provided to the employee when the University issues a notice of nonrenewal depends on years of employment and work assignment at the time of notice of nonrenewal, as set forth below:

- (a) For non-unit Faculty and A&P staff members who do not have a work assignment that includes patient care responsibilities at UCF Health or another institution with whom UCF has contracted to provide professional services:
  - (i) Non-unit Faculty and A&P staff members with up to 6 months of employment in their current pay plan -, may be given two weeks’ notice terminating the employment relationship.

- ~~(ii) (b)~~—Non-unit Faculty and A&P staff members with at least six months but fewer than two (2) years of employment in their current pay plan ~~- may be given~~ four (4) weeks’ written notice ~~terminating the employment relationship~~.
- ~~(e)(iii)~~ Non-unit Faculty and A&P staff members with at least two (2) years but fewer than five (5) years of employment in their current pay plan ~~- , may be given~~ twelve (12) weeks’ written notice ~~terminating the employment relationship~~.
- ~~(bd)~~ For non-unit Faculty and A&P staff members employed by UCF in the College of Medicine with fewer than five years of employment in their current pay plan and who have work assignments that include patient care responsibilities at UCF Health or another institution with whom UCF has contracted to provide professional services - twelve weeks’ written notice.
- ~~(cd)~~ For nNon-unit Faculty and A&P staff members with at least five (5) years but fewer than ten (10) years of employment in their current pay plan ~~- may be given~~ sixteen (16) weeks’ written notice ~~terminating the employment relationship~~.
- ~~(de)~~ For nNon-unit Faculty and A&P staff members with ten (10) years or more of employment in their current pay plan ~~may be given-~~ twenty (20) weeks’ written notice ~~terminating the employment relationship~~.
- ~~(ef)~~ Notwithstanding any provision of this regulation, employees hired on or moved to Executive Service appointments may have their employment terminated with sixty (60) days’ written notice of nonrenewal, regardless of how long the individual has been employed with the University.

(4) Following receipt of the notice of nonrenewal, the employee may be reassigned to other duties and responsibilities, at the discretion of the supervisor. An employee reassigned during part or all of the-a notice of nonrenewal period is entitled to the same level of salary ~~he or she~~they received prior to reassignment. An employee on notice of nonrenewal shall not receive any pay increase during the notice period.

(5) At the time of or following issuance of a notice of nonrenewal to any employee, the University may elect in its discretion to pay the employee for all or a portion of the notice of nonrenewal period, as may be allowed under Florida law and as may be appropriate to the employee’s work assignment. If the University elects this option, it shall pay the employee an amount, less withholding, equal to the salary for that portion of the notice period which the University is paying out, and the employee’s employment shall terminate immediately. Those employees with patient care responsibilities may be expected to continue seeing patients during some or all of the notice of nonrenewal period.

#### **(6) Exceptions to Notice Requirements; Special Conditions**

- (a) Employees on “soft money” funded appointments. Notwithstanding paragraphs (2) and (3) above, the University may nonrenew without notice employees who are on “soft money” funded appointments (e.g., contracts and grants, sponsored research funds, ~~and~~ grants and donations trust funds, and revenues from clinical services) with less than five continuous years of service on such “soft money” funded appointments.- For employees on a “soft money” funded appointment with five years or greater of such continued service, the University shall provide ninety (90) days’ notice of nonrenewal if funds are available in the contract, grant or fund.

- (b) Employees on Visiting Appointments. Notwithstanding paragraphs (2) and (3) above, the University may nonrenew an employee on a Visiting Appointment without providing notice.
- (c) Each employee on “soft money” or a Visiting Appointment shall have the following or an equivalent statement included in an appointment document or employment agreement: “Your employment is a Visiting Appointment or is funded by ‘soft money’ as defined in Regulation UCF-3.0122 and may cease with little or no notice.”

(7) The decision to nonrenew a University employee shall not be based on constitutionally or statutorily impermissible grounds.

*Authority: BOG Regulation 1.001. History—New 4-30-81, Formerly 6C7-3.122, Amended 1-6-93, 4-23-03, 7-16-07; Formerly 6C7-3.0122, Amended 5-7-09, 8-25-14, 10-27-17, 11-14-19, \_\_\_\_\_-24.*



# Board of Trustees

*Governance Committee*

*June 25, 2024*

## **Agenda Item**

GOVC-6: Amendments to University Regulation UCF-4.033 Delinquent Accounts Receivable

## **Proposed Committee Action**

The Committee is asked to recommend to the Board of Trustees, on its consent agenda, approval of the proposed amendments to University Regulation UCF-4.033 Delinquent Accounts Receivable

## **Authority for Board of Trustees Action**

Board of Governors Regulation 1.001

### **Supporting Documentation Included**

Attachment A: University Regulation UCF-4.033 Delinquent Accounts Receivable (redline)

### **Facilitators/Presenters**

Youndy Cook, Vice President and General Counsel



# GOVC-6: Amendments to University Regulation UCF-4.033 Delinquent Accounts Receivable

## EXECUTIVE SUMMARY

### Objective

Consider the proposed amendments to University Regulation UCF-4.033 Delinquent Accounts Receivable.

### Summary of Key Observations/Recommendations

This regulation is amended to comply with recently revised federal Department of Education regulations that go into effect on July 1, 2024. Specifically, the proposed amendment will remove a provision allowing withholding of academic transcripts for those students with an unpaid balance; under current language, the university could withhold a transcript due to an unpaid balance greater than \$500.

### Additional Background

This regulation was last amended on June 29, 2023.

### Rationale

The proposed regulation amendments will put the university in compliance with the recently revised federal Department of Education regulations that take effect on July 1, 2024.

### Implementation Plan

The amended regulation would take effect upon approval by the UCF Board of Trustees.

### Resource Considerations

The proposed regulation amendments are not anticipated to incur additional costs to the University.

### Conclusion

Staff recommends that the committee recommend approval of the proposed amendments to University Regulation UCF-4.033.

**UCF-4.033 Delinquent Accounts Receivable**

- (1) The University may pursue the collection of delinquent accounts receivable through the use of lawful procedures.
- (2) Collection efforts may include contracting for the services of a collection agency.
- (3) Students with delinquent accounts will have a hold placed on their accounts. Students with balances of \$500 or greater may not be allowed to register ~~or receive transcripts~~. Students with a balance of any amount may not be allowed to receive a diploma. The account hold will remain until the debt is paid, settled, or otherwise resolved. If the student account is written off pursuant to the procedures in subsection (4) below, the hold will continue in force until the indebtedness is paid, settled, or otherwise resolved.
- (4) Except for such delinquent, unpaid and uncanceled scholarship loan notes and student loan agreements as may be collected pursuant to Rule 6A-20.024, F.A.C., by the Department of Education:
  - (a) The Student Accounts Office is authorized to charge off as uncollectable accounts with past due balances of \$500 or less when those accounts become six (6) months past due and the cost of further collection efforts would not be warranted.
  - (b) The University Controller is authorized to settle or charge off as uncollectable accounts up to \$10,000.00 after reasonable and lawful collection attempts have failed.
  - (c) The Vice President for Administration and Finance, or designee, is authorized to settle or charge-off uncollectable accounts over \$10,000.00 after reasonable and lawful collection attempts have failed.

*Authority: BOG Regulations 1.001 and 7.002. History—New 7-14-80, Formerly 6C7-4.33, Amended 4-27-03; Formerly 6C7-4.033, Amended 8-7-09, 3-10-15, 6-29-23, \_\_\_\_\_-24.*



# Board of Trustees

*Governance Committee*

*June 25, 2024*

## **Agenda Item**

GOVC-7: Amendments to Chapter 4 University Regulations

## **Proposed Committee Action**

The Committee is asked to recommend to the Board of Trustees, on its consent agenda, approval of the proposed amendments to University Regulations UCF-4.029 Use of University Facilities; Definitions; Priority of Use; Restrictions on Use and UCF-4.0292 Potentially Hazardous Events, as well as the repeal of University Regulations UCF-4.0293 Use of University Grounds by the Campus Community; Campus Demonstrations and Outdoor Events and UCF-4.0294 Use of University Facilities; General Requirements.

## **Authority for Board of Trustees Action**

Board of Governors Regulation 1.001

### **Supporting Documentation Included**

- Attachment A: University Regulation UCF-4.029 (new)
- Attachment B: University Regulation UCF-4.029 (redline)
- Attachment C: University Regulations UCF-4.0292 (redline)
- Attachment D: University Regulation UCF-4.0293 (redline)
- Attachment E: University Regulation UCF-4.0294 (redline)

### **Facilitators/Presenters**

Youndy Cook, Vice President and General Counsel



# GOVC-7: Amendments to Chapter 4 University Regulations

## EXECUTIVE SUMMARY

### Objective

Consider the proposed amendments to University Regulations UCF-4.029 and UCF-4.0292, as well as the repeal of University Regulations UCF-4.0293 and UCF-4.0294.

### Summary of Key Observations/Recommendations

University Regulation UCF-4.029 Use of University Facilities; Definitions; Priority of Use; Restrictions on Use is amended to consolidate the content of UCF-4.0293 and UCF-4.0294 into this regulation concerning use of university facilities and grounds to reduce the risk of repetition and confusion and to group related material together. Existing concepts have been retained, however there are proposed amendments related to time, place, and manner restrictions including a prohibition on camping and a change in the times for unscheduled use of university grounds. Due to the extensive nature of revisions resulting from the consolidation, a completely new version of the regulation is presented. Additionally, the title of this regulation has been amended to better capture the consolidation of topics.

University Regulation UCF-4.0292 Potentially Hazardous Events outlines the procedures for planning and holding potentially hazardous events using University facilities. The proposed amendments to this regulation include identifying commencement as within the scope of those university-planned events that are not covered by this regulation and to clarify language regarding the approval process.

University Regulations UCF-4.0293 Use of University Grounds by the Campus Community; Campus Demonstrations and Outdoor Events and UCF-4.094 Use of University Facilities; General Requirements are proposed for repeal as their content is being incorporated into UCF-4.029.

### Additional Background

The proposed consolidation of the material covered by these regulations is expected to simply these regulations that concern the use of campus facilities.

### Rationale

The proposed regulation amendments and repeals will merge regulatory content related to the use of campus facilities into a single regulation, and amend the regulation related to the planning and approval process for potentially hazardous events on campus.

### **Implementation Plan**

The actions to amend and repeal these regulations would take effect upon approval by the UCF Board of Trustees.

### **Resource Considerations**

The proposed regulation amendments and repeals are not anticipated to incur additional costs to the University.

### **Conclusion**

Staff recommends that the committee recommend approval of the proposed amendments to University Regulations UCF-4.029 and UCF-4.0292 and the repeal of University Regulations UCF-4.0293 and UCF-4.0294.

## UCF-4.029 Use of University Facilities; Events and Protests

### (1) Definitions.

- (a) “University” means the University of Central Florida.
- (b) “University campus” or “campus” means all grounds and buildings of the University of Central Florida occupied or controlled by the University or under the guidance, supervision, regulation, or control of the University of Central Florida. “University campus” or “campus” does not include those facilities occupied by the University in leased or shared-use facilities; instead, events at those facilities must comply with policies and procedures prescribed by the owner of the facility. (E.g., Seminole State College establishes guidelines for events at Seminole State College, including in those areas used by the University of Central Florida.) “University campus” or “campus” does not include Research Park or affiliated housing.
- (c) “University facilities” means all buildings and grounds, including athletic and recreational fields, on the University campus.
- (d) “Instructional space” means all University facilities used primarily for the conduct of scheduled classes and other academic activities, including but not limited to classrooms, laboratories, studios, theaters, auditoriums, and lecture halls.
- (e) “University Grounds” means the generally accessible outdoor areas of campus, as defined by section 1004.097, F.S., in which members of the campus community are commonly allowed, including grassy areas, walkways, or other similar common areas. The term does not include outdoor areas of campus to which access is restricted such as parking facilities, athletic or recreational facilities, the grounds of the Creative School for Children, or the grounds of the Burnett House. The term also does not include courtyards or grounds within the curtilage of University buildings, or grounds immediately adjacent to University buildings where activities or use could impair entrance to or exit from the building or interfere with operations within the buildings.
- (f) “Event” is a gathering or activity, typically involving multiple persons. A gathering or activity does not have to be scheduled in advance to constitute an event. An event may be expressive in nature and constitute an “expressive activity,” as defined below.
- (g) “Potentially hazardous event” is a gathering or activity that, due to the size of the gathering or the nature of the activity, could reasonably be expected to create a risk of harm to persons or damage to property. Potentially hazardous events are also subject to the requirements of University Regulation UCF-4.0292.
- (h) “Expressive Activities” are activities such as assemblies, exercises of free speech, protests, parades, marches, and picketing protected under the First Amendment to the United States Constitution and Article 1 of the Florida Constitution. For purposes of this regulation, expressive activity does not include solicitation or other commercial speech.
- (i) “March” means an organized walk, run, or procession by a group of people for a specific cause or issue where the organizer does or could reasonably expect at least 50 people to participate.
- (j) “Parade” means a public procession, sometimes including a marching band or float(s) and often of a celebratory nature, held in honor of an anniversary, event, person, cause, etc.
- (k) “University organizations” means units of the University (i.e., colleges, schools, divisions, departments, institutes, or centers); the Student Government Association; and certain corporate entities authorized by the University that operate for the benefit of the University (including but not limited to all University direct support organizations,).
- (l) “University-related organizations” means registered student organizations; honor societies officially recognized by the University; and those organizations that, although

not officially recognized or registered by or affiliated with the University or otherwise failing to meet the definition in paragraph (j) above, are related to the University because they promote the interests of the University or perform other service to the University, such as nationally or regionally organized academic professional associations or professional fraternal societies supported by an academic unit. Other public educational institutions and other governmental agencies of and within the State of Florida may be treated as “University-related organizations” at the discretion of the University.

- (m) “Non-university organizations” means persons or organizations that do not meet the definitions in paragraphs (j) and (k), immediately above. “Non-university organizations” include unregistered student groups; candidates for election to public office; organizations supporting such candidates; charitable organizations; organizations that exist primarily for the purpose of carrying on commercial activity for profit; and those persons whose activities are primarily for personal gain or benefit.
- (n) “Organization” means any group of persons or individuals, whether incorporated or not and whether organized by means of bylaws or not, acting in coordinated fashion, including clubs.

**(2) Use of University Facilities – Reservation of Rights; Priority of Use**

- (a) University facilities are reserved and used primarily for the official and regular conduct of the University’s business by the University and the campus community. The University supports and encourages the exposure of its students and employees to a diverse and varied marketplace of ideas, but is dedicated foremost to the University’s mission and to the State of Florida’s directive to educate its students and engage in research and other scholarly activities. Therefore, the University gives precedence to the educational and administrative activities of the University and limits the use of University facilities by non-University organizations and persons, as outlined herein.
- (b) Certain campus facilities which are funded by student activity and service fees may give priority to student events and activities over university department business, according to policies set by those facilities.
- (c) The general public may access the streets, libraries, bookstores, and parking lots on campus solely for the purposes of conducting legitimate business with the University and participating in University-related activities that are open to the public. Unless invited by someone with authority to do so, members of the general public shall not have access to lecture halls, classroom buildings, classrooms, laboratories, studios, residential facilities, research areas, administrative buildings, faculty or staff offices, or other buildings and areas reserved for University housing, teaching, research, administration, recreation, creative activity, or athletic activity.
- (d) The University reserves the right to change, relocate, cancel, or reschedule an event, expressive activity, or scheduled use of University facilities, as necessary, due to:
  - (i) the need to accommodate University educational and administrative activities;
  - (ii) an emergency; or
  - (iii) reasonable grounds to believe that the use or activity presents an imminent threat to health, safety, or welfare that cannot be sufficiently mitigated using reasonable alternative means.

**(3) Scheduled Use of University Facilities**

- (a) University organizations and University-related organizations may request non-commercial use of University buildings, and particular facilities may be assigned in response to such requests on a non-interference basis, subject to the requirements of the University.

- (b) Use of University buildings, indoor facilities, and athletic or recreational facilities must be scheduled in advance. Recreation and Wellness Center recreational fields and areas are not generally accessible for common access by the university community, but may be available for reservation under procedures established by the Recreation and Wellness Center. Athletic facilities may be scheduled for use provided such use is authorized by the Athletics Association. Except in regard to expressive activities on occasions where there is not a prior reservation or scheduled event, use of certain areas of University Grounds must be scheduled in advance: Memory Mall, Lake Claire, the Reflecting Pond, the Arboretum, and Ferrell Commons courtyard.
- (c) Certain University facilities may be reserved by the general public, for a fee, on a space-available basis, pursuant to a facility use agreement or other formal arrangement with the University, for personal purposes (such as a reception) or commercial purposes (such as a test preparation service), subject to the policies and procedures of the University and the specific facility. This includes Memory Mall, rooms within the Student Union or Ferrell Commons, the Live Oak Event Center, the Fairwinds Alumni Center, the UCF Arena, and various outdoor recreation facilities. The University reserves the right to charge use fees on a differential basis depending on a number of factors, including but not limited to: nature of the proposed use, size of expected crowd, presence of potentially hazardous items or activities, whether the user is affiliated with the University, whether the user is an educational or governmental entity, and whether additional security or utilities will be required. Usage fees and/or service charges will be assessed by the authority controlling the facility to defray the costs of use. Charges will not be imposed for the spontaneous conduct of expressive activities on University Grounds as defined above. However, if a person or organization wishes to reserve an outdoor area of campus for exclusive, prescheduled use to conduct expressive activities, and such outdoor area is available, then the requestor will be expected to pay a usage fee and/or service charge otherwise charged for such reservations.
- (d) Requests for scheduling events in University facilities should be directed to the authority controlling the facility,.
- (e) Even where advance scheduling is not required, persons and organizations are encouraged to schedule events and activities in advance, because scheduled events and activities are given priority over unscheduled ones, except in the event of an emergency or the need to conduct educational or administrative activities of the University.
- (f) Use of University facilities for solicitation or other commercial speech must be scheduled and approved in advance and cannot be sponsored by a University organization or University-related organization. The University shall review commercial use requests in light of the University's contractual and other legal requirements, the relationship of the activity to the University's mission, and the benefit of the activity to the University and the State of Florida. Commercial use of University facilities is governed also by University Regulation UCF-4.010.

**(4) Use of University Facilities – General Principles**

- (a) The University shall not discriminate on the basis of the viewpoint expressed by any person or organization making authorized use of University facilities.
- (b) No person or organization may use University facilities for unlawful purposes or in an unlawful manner.
- (c) A condition for the scheduled use of University facilities may be that the sponsoring person or organization obtain adequate insurance coverage and/or that adequate security be provided by the University Police. The costs of such insurance and/or security shall

- be borne by the event sponsor/organizer. See University Regulation UCF-4.0292 for further information regarding insurance requirements.
- (d) No outside food service shall be permitted on or in University facilities during, or in conjunction with, any public meeting, event or function without the specific approval of the University.
  - (e) Camping is prohibited on campus, except where such camping is in connection with an official activity of the University, such as an activity of an academic or administrative unit, and has been approved in writing by the Senior Vice President for Administration and Finance, the Provost, or one of their designees. Camping means the use of any outdoor space for living accommodation purposes, such as overnight sleeping activities, making preparations for overnight sleeping (including the laying down of bedding for the purpose of sleeping), storing personal belongings, making a fire, using any tents or other structures for sleeping, digging or earth breaking, and/or carrying on cooking activities. Such activities constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging. Tailgating associated with athletic events at times designated by the University is not camping.
  - (f) Sponsored use. Non-university organizations and persons may use University facilities for events if specifically sponsored by a University organization or a University-related organization. Such sponsorship requires the University organization or University-related organization to be a participant in the event, including being physically present throughout the event.
  - (g) If the proposed use of a University facility qualifies as a potentially hazardous event, the user must follow the requirements (including insurance requirements) of Regulation UCF-4.0292. The event organizer must submit forms and information for potentially hazardous events sufficiently in advance of the proposed event to allow for University review and ensure the safety and security of the event. .
  - (h) The possession or use of firearms, explosives, or munitions on campus is generally prohibited. Law enforcement personnel may carry firearms or munitions and may use them in the course of law enforcement activities. The University also reserves the right to permit the use of firearms or munitions by military personnel or trainees and in limited circumstances with approval. See University Policy 3-119.2 for more information.
  - (i) A person or organization making use of University grounds, as defined in (1)(n) above, for expressive activities does not have the right to conduct commercial activities in conjunction with the person's expressive activities unless the commercial activity has been approved by the University.
  - (j) Amplified Sound. The University does not permit the use of amplified sound, including use of bullhorns, as part of events or expressive activities conducted on University grounds, except as approved in advance by the official responsible for the particular grounds being used, or as set forth in this paragraph. Absent specific instructions provided by University officials, the approved use of amplified sound may not exceed a limit of 70 decibels. Even where use of amplified sound is pre-approved, the University reserves the right to impose different volume restrictions on the use after consideration of the impact of amplified sound on the operations of the University at the particular date and time of the event/activity.

#### **(5) Use of University Facilities – Conditions of Use**

- (a) Limitations on Signage and Displays. “Displays” means signs not held or carried by a person. Displays may be static, dynamic, or electronic, such as LCD digital signage. Regardless of whether they are part of an event or expressive activity, all displays must comply with the Florida Building Code and adhere to the following guidelines:
  - (i) Outdoor displays are allowed only in conjunction with an event.
  - (ii) Displays are restricted to a size of eight feet by four feet. Screens for projection purposes may be larger if approved through the potentially hazardous events process or by the Senior Vice President for Administration and Finance or designee.
  - (iii) Displays must be assembled and disassembled each day.
  - (iv) Displays must be staffed at all times by the person or organization sponsoring the display.
  - (v) There is a five-day maximum on displays and signs associated with an event.
  - (vi) The same display cannot be sponsored by the same or different organizations successively merely to extend the five-day maximum.
  - (vii) If a display requires a constructed support structure, then it must be reviewed and approved by a University building code official or safety officer. A sketch drawing of the display indicating the size and construction materials must be submitted with the SAFE Form.
- (b) Facilities must be returned to their original condition following use. Users will be billed for the costs of any required cleanup. Users will be billed for damage to University facilities attributable to the use, beyond normal wear and tear.
- (c) All events, including expressive activities, using University facilities must comply with this regulation, Regulation UCF-4.0292 if the event is a potentially hazardous event, and with the following:
  - (i) Events may last no more than five days in succession. The same or different organizations may not sponsor the same event in succession in order to extend this maximum limitation.
  - (ii) No organization may reserve University facilities and then permit the facilities to be used by any other person or organization. When a University facility is reserved, reservations must be made in the name of a specific person or organization, and that person or organization must be present and actively utilizing the space so reserved. The University may shut down an event (or revoke the reservation) if the person or organization reserving the facility is not present and/or not actively utilizing the space.
  - (iii) Events and expressive activities generally are limited to the hours of 8:00 a.m. to 8:00 p.m. Sunday through Thursday, and 8:00 a.m. to 10:00 p.m. Friday and Saturday. Events and expressive activities outside of these hours must be specifically approved by the University at least fifteen calendar days in advance, so that the University can make custodial and security arrangements.
  - (iv) Damage to University or personal property in the course of use of University facilities is prohibited. Care should be taken to ensure that University and personal property is not damaged or destroyed. This includes campus lawns, grassy areas, shrubs, plants, and trees.

(6) **Demonstrations and Protests**

- (a) Except as limited by this or related regulations, or as limited by applicable laws or University policies, University grounds (as defined in (1)(n), above) may be used for demonstrations, protests, and other exercises of free speech and assembly subject to

reasonable time, place, and manner restrictions set forth in this regulation, including that such use be lawful and non-disruptive and not infringe on the rights of others.

- (b) No campus buildings, other indoor facilities, or athletic or recreational facilities may be used by anyone for demonstrations, protests, assemblies, events, or other functions unless specifically permitted in writing by the campus authority specifically responsible for the building or facility sought to be used.

(c) Campus demonstrations or protests that will take the form of or involve a parade or a march and during which the participants will use or cross lanes of vehicular or pedestrian traffic must follow the requirements of University Regulation UCF-4.0292, "Potentially Hazardous Events."

(7) Reservations for designated outdoor areas are available to the University Community. The University community (e.g., University students and employees, University organizations, and University-related organizations), may reserve certain outdoor areas of campus on a space-available basis, for the exclusive use of the reserving individual or organization. Contact the Office of Student Involvement for further information and to make reservations for a reservable area on the Main campus; contact Event Services at Rosen College to make reservations for all or part of a reservable area at the Rosen campus. Sidewalks and paved walkways are not included as part of any reservable area, and users may not extend their use of a reservable area to sidewalks or paved walkways that form the border of a reservable area. The Office of Student Involvement will maintain a map which highlights each of the reservable areas on the Main campus.

- (a) The open grass area between the kiosk near Millican Hall and the Mathematical Sciences Building, as bounded by Apollo Circle and the paved walkways leading to the southwest entrance of the Mathematical Sciences Building.
- (b) The northwest portion of the grass area between the Student Union brick mall and the John T. Washington Center, as bounded by Pegasus Circle to the northeast, the sidewalk of Aquarius Agora Dr. to the north, and the paved walkway leading to the covered patio of the Chick-fil-A.
- (c) The grass area bounded by the paved walkway bordering the northeast side of Howard Phillips Hall, the next paved walkway immediately northeast, and the paved walkway bisecting diagonally the grass area between the John T. Washington Center and Howard Phillips Hall, and the paved walkway bordering the southeast edge of this grass area.
- (d) The area south of the Health and Public Affairs 2 building bordered by the paved walkways and Pegasus Drive.
- (e) A portion of the rectangular grass area on the east side of Memory Mall bordered by Parking Surface Lot D, Mercury Circle, the east paved walkway of Memory Mall, and Memory Mall lamppost marker MM 23.
- (f) The grass area between the exits of the Student Union boardwalks (north and east), as bordered by Pegasus Circle on one side and a retention pond on the other side.
- (g) The open area southwest of the Convocation Center entrance, as bounded by the West Plaza Drive sidewalk on the west and the Gemini Boulevard sidewalk to the south.
- (h) At the Rosen College of Hospitality Management:
  - (i) the grass area north of, and adjacent to, the Rosen College Library bounded by the paved walkways on the north, east, and west, and by the Library on the south.
  - (ii) a portion of the great lawn directly adjacent to the UCF Rosen College shuttle stop bounded on two sides by the paved walkway of the shuttle stop and the paved walkway running north/south from the campus entrance gate.

(8) Use of University Facilities - No Interference, Disruption, or Infringement. University facilities shall not be used for any purpose that will impair or interfere with the orderly processes and functions of the University, or that pose an unreasonable and immediate threat to the safety of persons or to the

protection of property or are otherwise contrary to law. To that end, any person or organization organizing, conducting, leading, or participating in an event or expressive activity in or on a University facility shall not:

- (a) obstruct vehicular, bicycle, pedestrian, or other traffic;
- (b) obstruct entrances or exits to buildings or driveways or impede entry to or exit from any building or parking lot or vehicular path;
- (c) interfere with educational or administrative activities in or on any University facility;
- (d) violate a law, rule, regulation, or ordinance;
- (e) make threatening utterances or gestures directed to a person or identifiable group of persons, which an objectively reasonable person would interpret as a serious expression of an intent to cause a present or imminent future harm;
- (f) use fighting words, which are those words that by their mere utterance inflict violence or would tend to incite a reasonable person to violence or other breach of the peace;
- (g) obstruct, disrupt, or attempt to force the cancellation or continuance of a speaker;
- (h) create an objectively hostile environment for any person(s) based on a protected category (race, color, national origin, sex, religion (including non-religion), age, disability, gender identity or expression, or sexual orientation) through speech or conduct that is so severe and pervasive that it objectively interferes with a person's ability to benefit from or participate in educational or employment programs, benefits, or privileges;
- (i) interfere with or disrupt scheduled University ceremonies or events;
- (j) interfere with or disrupt University operations;
- (k) damage property, including grass, shrubs, trees, or other landscaping; or
- (l) utilize sound amplification, including bullhorns, except as permitted in paragraph (4)(j), above.

**(9) Response to Disruption and Interference.**

- (a) If an event, demonstration, protest, assembly, or other activity is disrupting, interfering with, or impeding University operations or infringing on the rights of other individuals ("disruptive action") contrary to the requirements of this and related regulations, the President or one of his/her representative(s) may:
  - (i) identify him/herself to the disrupters, giving name and official position;
  - (ii) inform the disruptive person(s) that they are engaged in disruptive action and/or are violating the law, and specify the nature of the disruptive action or violation;
  - (iii) request that the disruptive action or violation cease (which could include relocation of the activity to avoid the disruptive action); and
  - (iv) in the event of non-compliance with this request, enlist the assistance of the University Police in restoring order and enforcing the law.
- (b) In the event of disruptive action or violation of law, the University Police have a responsibility to:
  - (i) declare the activity, event, demonstration, or assembly to be disruptive, disorderly, or in violation of law (an "unlawful assembly") and request all participants to cease and desist and to disperse and clear the area or be subject to arrest and/or University disciplinary action;
  - (ii) arrest any participants observed to be in violation of the law; and
  - (iii) enlist the assistance of outside law enforcement agencies, if necessary.
- (c) In the event of disruptive action, University employees and students involved in the demonstration, protest, event, assembly or activity shall identify themselves by presenting appropriate documents such as ID cards when requested to do so by the police or by the President or his/her designated representative. When requesting that

persons identify themselves, the University representative making the request will identify him/herself. Individuals involved with the disruptive action who are not university students or employees will be directed to leave the campus immediately or be subject to arrest.

- (d) The University may take disciplinary action against any student or employee who engages in disruptive action. The University may seek criminal prosecution of any criminal violation by any person in connection with disruptive action or an unlawful assembly.
- (e) In the event of an emergency, the University Police should be called. The police may respond to any emergency or violation of criminal law, including any threat or act of violence, without waiting for the President or one of his/her representatives to act or request police intervention.

*Authority: BOG Regulation 1.001. History—New 10-8-75, Amended 10-20-81, 5-5-83, Formerly 6C7-4.29, Amended 10-19-86, 4-27-03, 8-15-07, 06-09-08, Formerly 6C7-4.029, Amended 1-15-2010, 7-19-18, \_\_\_\_\_-24.*

~~UCF 4.029 Use of University Facilities; Definitions; Priority of Use; Restrictions on Use~~

~~(1) Definitions. For the purposes of University Regulations UCF 4.010 and UCF 4.029 through UCF 4.0293, the following definitions apply:~~

~~(a) “University” means the University of Central Florida.~~

~~(b) “University campus” or “campus” means all grounds and buildings of the University of Central Florida occupied or controlled by the University or under the guidance, supervision, regulation, or control of the University of Central Florida.. “University campus” or “campus” does not include those facilities occupied by the University in leased or shared use facilities; instead, events at those facilities must comply with policies and procedures proscribed by the owner of the facility. (E.g., Seminole State College establishes guidelines for events at Seminole State College, including in those areas used by the University of Central Florida.) “University campus” or “campus” also does not include Research Park or affiliated housing.~~

~~(c) “University facilities” means all buildings and grounds, including athletic and recreational fields, on the University campus.~~

~~(d) “Instructional space” means all University facilities used primarily for the conduct of scheduled classes and other academic activities, including but not limited to classrooms, laboratories, studios, theaters, auditoriums, and lecture halls.~~

~~(e) An “event” is a gathering or activity, typically involving multiple persons. A gathering or activity does not have to be scheduled in advance to constitute an event.~~

~~(f) A “potentially hazardous event” is a gathering or activity that, due to the size of the gathering or the nature of the activity, could reasonably be expected to create a risk of harm to persons or damage to property. Potentially hazardous events are also subject to the requirements of University Regulation UCF 4.0292.~~

~~(g) “March” means an organized walk, run, or procession by a group of people for a specific cause or issue where the organizer does or could reasonably expect at least 50 people to participate.~~

~~(h) “Parade” means a public procession, sometimes including a marching band or float(s) and often of a celebratory nature, held in honor of an anniversary, event, person, cause, etc.~~

~~(i) “University organizations” are defined for purposes of use of University facilities as colleges, schools, divisions, departments, institutes, or centers of the University; the Student~~

~~Government Association; and certain corporate organizational units that operate for the benefit of the University (including but not limited to all University direct support organizations.);~~

~~(j) —“University related organizations” are defined for purposes of use of University facilities as registered student organizations; honor societies officially recognized by the University; and those organizations that, although not officially recognized or registered by or affiliated with the University or otherwise failing to meet the definition in paragraph (i) above, are related to the University because they promote the interests of the University or perform other service to the University, such as nationally or regionally organized academic professional associations or professional fraternal societies supported by an academic unit. For purposes of this and other regulations governing the use of University facilities, other public educational institutions and other governmental agencies of and within the State of Florida may be treated as “University-related organizations” at the discretion of the University.~~

~~(k) —“Non university organizations” are defined for purposes of use of University facilities as persons or organizations that do not meet the definitions in paragraphs (i) and (j), immediately above. “Non university organizations” include unregistered student groups; candidates for election to public office; organizations supporting such candidates; charitable organizations; organizations that exist primarily for the purpose of carrying on commercial activity for profit; and those persons whose activities are primarily for private gain or benefit.~~

~~(l) —“Organization” means any group of persons or individuals, whether incorporated or not and whether organized by means of bylaws or not, acting in coordinated fashion. Included in the term “organization” are groups commonly thought of as clubs.~~

~~(m) —“Non common outdoor areas” means those outdoor areas of the University campus which are not generally accessible for common use by the University community. These areas include, but are not limited to: grounds within the curtilage of or at the entrances to University residential facilities; grounds associated with the Burnett House; athletic and recreational fields or areas, including any operated by the Recreation and Wellness Center or the UCF Athletics Association; grounds immediately adjacent to University buildings where use could impair entrance to or exit from the building or interfere with activities within the buildings; and grounds associated with the Creative School for Children. Many of these outdoor areas may be crossed or walked upon for purposes of accessing a facility but are not available for events or activities by members of the University community.~~

~~(2) Priority of Use and Restrictions on Use. Use of University buildings, indoor facilities, and athletic or recreational facilities must be scheduled in advance. Except in regard to purely expressive activities on occasions where there is not a prior reservation or scheduled event or activity, use of certain outdoor areas must be scheduled in advance: this includes Memory Mall, Lake Claire, the Reflecting Pond, the Arboretum, and Ferrell Commons courtyard. Recreation and Wellness Center recreational fields and areas are not generally accessible for common access by the university community, but may be available for reservations under procedures established by the Recreation and Wellness Center.~~

~~(3) Even where advance scheduling is not required, persons and organizations are encouraged to schedule events and activities in advance, because scheduled events and activities will be given priority over unscheduled ones, except in the event of an emergency or the need to conduct educational or administrative activities of the University. In general, the conduct of educational and administrative activities of the university will take precedence over functions and activities of organizations and persons. Certain facilities on campus which are funded by student activity and service fees may give priority to student activities over university business, according to policies set by those facilities.~~

~~(4) The University reserves the right to relocate scheduled activities as necessary to accommodate University educational and administrative activities.~~

~~(5) The University shall not discriminate on the basis of the viewpoint expressed by any person or organization making authorized use of University facilities.~~

~~(6) Requests for scheduling events in University facilities should be directed to the authority controlling the facility, unless otherwise specified.~~

~~(7) Use of University facilities, including athletic and recreational facilities, may be subject to rental fees and/or service charges as determined by the authority or official controlling the facility.~~

~~(8) A condition for the use of University facilities may be that the sponsoring person or organization obtain adequate insurance coverage and/or that adequate security can be provided by the University Police. The costs of such insurance or security shall be borne by the event sponsor. See Regulation UCF 4.0292 for further information regarding insurance requirements.~~

~~(9) The above provisions relate to non-commercial speech and activity. Any use of University facilities for commercial purposes or commercial speech must be scheduled and approved in~~

~~advance. The University shall review such requests in light of the University's contractual and other legal requirements, the relationship of the activity to the University's mission, and the benefit of the activity to the University and the State of Florida. Commercial use of University facilities is governed generally by University Regulation UCF 4.010, which is implemented by the Department of Business Services. However, a limited number of facilities on campus, such as the Student Union and the Recreation and Wellness Center, may rent out space in their facilities to members of the public pursuant to specific policies and procedures they establish for that purpose.~~

~~(10) All scheduled and unscheduled use of University facilities is subject to change, relocation, or cancellation in the event of an emergency.~~

~~(11) The possession or use of firearms, explosives, or munitions on campus is generally prohibited. Law enforcement personnel may carry firearms or munitions and may use them in the course of law enforcement activities. The university also reserves the right to permit the use of firearms or munitions by military personnel or trainees.~~

~~*Authority: BOG Regulation 1.001. History New 10-8-75, Amended 10-20-81, 5-5-83, Formerly 6C7 4.29, Amended 10-19-86, 4-27-03, 8-15-07, 06-09-08, Formerly 6C7 4.029, Amended 1-15-2010, 7-19-18.*~~

### UCF-4.0292 Potentially Hazardous Events

(1) Scope.

- (a) This regulation applies to the planning and holding of potentially hazardous events in or on University facilities. Excepted from this regulation are official events which are scheduled annually in university publications (classes, orientation, registration, commencement, etc.).
- (b) The purpose of this regulation is to ensure that events held in or on University facilities are safe and non-disruptive to campus operations. Given the safety considerations at issue ~~with potentially hazardous events~~, it is imperative that event organizers carefully review this regulation and strictly comply with its requirements.
- (c) The provisions of this regulation are in addition to the provisions of other University regulations and university policies related to campus events and activities. Related regulations include University Regulations UCF-4.010 and 4.029, 4.0293, and 4.0294. Definitions of key terms used in this regulation may be found in University Regulation UCF-4.029.
- (d) A potentially hazardous event is defined as any activity that could reasonably be expected to create a risk of harm to persons or of defacement or damage to public or private property. Examples of potentially hazardous events include, but are not limited to: bonfires; lighting of fireworks; events involving helicopters or other aircraft; motor vehicle races; gatherings in excess of 400 persons, including unregistered campus athletic events; marches (including any organized walks or runs); parades; outdoor events involving animals; any event involving the distribution of alcohol; and any event on Memory Mall.

(2) Required Approvals.

- (a) Except as provided in paragraph (1)(a) above, any person or organization, University-related or otherwise, must apply for and secure approval in advance before conducting or publicly announcing intent to conduct a potentially hazardous event on campus. ~~In the case of a~~ university employee seeking to organize a potentially hazardous event must also have written approval, signature of the individual's supervisor is required in advance.
- (b) Applications for approval of a proposed potentially hazardous event shall be made in writing to the Office of Student Involvement using the Safety Action for Event Approval Form (SAFE Form). There are a range of possible events that meet the definition of “potentially hazardous events”. For events that can be reasonably anticipated to present a low risk of injury or damage, this application must be submitted at least 15 calendar days in advance of the proposed event. For events that are anticipated to require additional time for departmental review (such as events where additional security is anticipated, ~~where attendance is expected to be very large,~~ where campus streets will need to be closed, or where special arrangements will need to be made to protect university facilities), the applicant must initiate the SAFE Form approval process at least 45 days in advance of the planned event. The event organizer is in the best position to know the details of the event they are planning, and therefore the University expects the event organization to consider those plans and submit the SAFE Form sufficiently in

advance to permit a thorough review by the University of the proposed event. University staff will not cease or curtail other operations to expedite any SAFE Form event application. Failure to comply with the SAFE Form submittal deadlines or failure to provide the University with sufficient time to review the plans for the proposed event is grounds for the university to deny approval for the proposed event. Time limits can be shortened by the University where the application is complete and where the University feels that it does not need the full time period for review. The Environmental Health and Safety Office (EH&S), the Office of Student Involvement (OSI), or the UCF Police Department will, upon request, furnish the applicant with blank copies of the SAFE Form. The SAFE Form is available at <http://www.safe.sdes.ucf.edu>.

- (c) Each application shall be accompanied by proof of insurance as specified in subsection (6) below.
- (d) The applicant must deliver to the Office of Student Involvement a completed SAFE Form signed by (1) the faculty/staff advisor (if a student organization), an authorized department representative (if a university department or unit), the individual (if an individual), or the representative (if an organization other than a student organization); (2) Fraternity & Sorority Life (if a greek student organization); and (3) the facility/building coordinator (a person who has authority to approve an event at the event location as identified on the application). It is the applicant's responsibility to monitor the progress of the form by contacting OSI staff prior to the event. OSI staff will circulate applications to the following University officials for their information and approval:
  - 1. UCF Police Department
  - 2. UCF Landscape & Natural Resources
  - 3. Facilities Operations
  - 4. Environmental Health and Safety/Insurance
  - 5. Office of Student Involvement

After the application has circulated through the above University officials, the application will be returned to the Office of Student Involvement. The Office of Student Involvement or a designee will advise the applicant of the University's approval or disapproval of the event, and, if applicable, any charges or conditions to be imposed by the University on the event.

### (3) Cancellations and Terminations.

- (a) Application for or approval of a potentially hazardous event may be cancelled by either the applicant or the university upon giving written notice to the other party.
- (b) Any event may be terminated at any stage by the University Police Department or any university official whose approval is required for the event if it is determined that the event is not being conducted strictly in accordance with the terms of the approved application, the event organizer has not provided relevant information about the event to the University, the event is or has become disruptive or unsafe, there are emergency circumstances, or the event is interfering with other events or with university operations. Additionally, an event may be terminated for failure to provide and maintain appropriate insurance, as outlined in paragraph (6).

(4) Applicant's Responsibility. In addition to securing university approval (on the SAFE Form) to conduct the event, applicants shall be responsible for ensuring:

- (a) The event is conducted as described in the approved application including any requirements ~~thereon~~ for clean-up, extra security, etc.
- (b) All restrictions placed on the event by the university are followed.
- (c) The event does not become disruptive or unsafe.
- (d) The event does not interfere with other events or university operations.
- (e) All other procedures applicable to campus events are followed (i.e., no damage to property, displays of proper size, etc.).

(5) University Assistance. If facilities and personnel are available, the University may be able to assist applicants by providing security, clean-up crews, etc., at cost. However, there is no assurance that such assistance will be available for any specific event.

(6) Insurance Requirements.

- (a) All potentially hazardous events must be covered by liability insurance. The University may also require that the applicant make security arrangements for the event. The costs of such insurance and security shall be the responsibility of the applicant.
- (b) University organizations acting as applicants shall contact the University's insurance officer to determine if the current UCF liability coverage provides the required protection or if a special rider must be obtained. Cost of such rider shall be charged to the applying department's account.
- (c) Insurance Requirements. University-related and Non-University organizations must provide with their application a certificate of insurance provided by a company licensed to do business in the State of Florida, indemnifying and holding harmless the University, the Board of Trustees, and the Florida Board of Governors, and their officers and employees, from any and all liability, whatever its nature or description, caused by or resulting from the use or proposed use of the University facilities, in an amount not less than \$1,000,000 per occurrence. The applicant must provide with the application a certificate of insurance showing the Board of Trustees as an additional insured.

*Authority: BOG Regulation 1.001. History—New 5-28-85, Formerly 6C7-4.292, Amended 12-22-86, 7-27-92, 4-27-03, 11-20-06, 6-4-07, 06-09-08, Formerly 6C7-4.0292, Amended 1-15-2010, 2-5-15, 6-22-15, 7-19-18, \_\_\_\_\_-24.*

~~UCF 4.0293 Use of University Grounds by the Campus Community; Campus Demonstrations and Outdoor Events~~

~~(1) Except as limited by this or related regulations or as limited by applicable laws or University policies, outdoor areas of the University campus may be used for demonstrations and other exercises of free speech and assembly. Such use must not interfere with the conduct of classes or other University activities or otherwise be disruptive, and such use must not infringe on the rights of others. No person or organization may use University facilities or grounds for unlawful purposes or in a manner that violates the law. All definitions and general requirements for use of University buildings and outdoor areas of campus set forth in University Regulations UCF-4.029, UCF-4.0292, and UCF-4.0294 apply to uses of outdoor areas of the University campus under this Regulation.~~

~~(2) It is the policy and practice of the University to limit use of University buildings, other indoor facilities, and restricted-access outdoor areas by non-University organizations and persons. The rationale for this policy and practice is that the University, while it supports and encourages the exposure of its students and employees to a diverse and varied marketplace of ideas, is dedicated first and foremost to University's mission and to the State of Florida's directive to educate its students and engage in research and other scholarly activities.~~

~~(3) No campus buildings, other indoor facilities, or athletic or recreational facilities may be used by anyone for demonstrations, assemblies, events, or other functions unless specifically permitted in writing by the campus authority specifically responsible for the building or facility sought to be used. Certain University facilities may be available for rent, in which case the user will be required to enter into a facility use agreement or other formal arrangements with the University. The University reserves the right to charge fees on a differential basis depending on a number of factors, including but not limited to: nature of the use, size of expected crowd, presence of potentially hazardous items or activities, whether the user is directly associated with the University, whether the user is also an~~

~~educational or governmental entity, and whether additional security or utilities will be required. See also University Regulation UCF 4.0294.~~

~~(4) University and University-related organizations and persons may organize, conduct, or participate in demonstrations and other exercises of free speech and assembly on the University campus grounds, except for non-common outdoor areas. Non-university organizations and persons may conduct spontaneous expressive activities, and other exercises of free speech and assembly, on outdoor areas of the University campus that are otherwise accessible to the campus community for common use, but must abide by the reasonable time, place, and manner restrictions set forth in this and related University regulations (see also University Regulations UCF 4.029, 4.0292, and 4.0294), including that such use be lawful and non-disruptive. A person making use of the outdoor areas of the University's campus for expressive activities does not have the right to limit access to those outdoor areas or to conduct commercial activities in conjunction with the person's expressive activities.~~

~~(5) Non-university organizations and persons may use University indoor facilities for events if specifically sponsored by a University organization or a University-related organization. Such sponsorship requires the University organization or University-related organization to serve as a sponsor and to be a participant in the event of the non-University organization or persons, including being physically present throughout the event.~~

~~(6) All organizations and persons that engage in expressive activities in outdoor areas of the University campus, or otherwise conduct activities or events in University facilities, must abide by the general requirement that no such uses may interfere with, disrupt, or impede the normal operations of the University or otherwise interfere with or infringe on the rights of others. In order that expressive activities not interfere with the operation of the University or the rights of others, any person or organization organizing, conducting, leading, or participating in an expressive activity using University grounds or other facilities shall not:~~

- ~~(a) — obstruct vehicular, bicycle, pedestrian, or other traffic;~~
- ~~(b) — obstruct entrances or exits to buildings or driveways or impede entry to or exit from any building or parking lot or vehicular path;~~
- ~~(c) — interfere with educational or administrative activities inside or outside any building;~~
- ~~(d) — violate a law, rule, regulation, or ordinance;~~
- ~~(e) — make threatening utterances or gestures directed to a person or persons, which an objectively reasonable person would interpret as a serious expression of an intent to cause a present or future harm or to intimidate;~~
- ~~(f) — use fighting words, which are those words that by their mere utterance inflict violence or would tend to incite a reasonable person to violence or other breach of the peace;~~
- ~~(g) — obstruct, disrupt, or attempt to physically force the cancellation or continuance of a speaker;~~
- ~~(h) — create an objectively hostile environment for students or employees based on a protected category (race, color, national origin, sex, religion (including non-religion), age, disability, gender identity or expression, or sexual orientation) through speech or conduct that is so severe and pervasive that it objectively interferes with a student's or employee's abilities to benefit from or participate in educational or employment activities, benefits, or privileges;~~
- ~~(i) — interfere with or disrupt scheduled University ceremonies or events;~~
- ~~(j) — interfere with or disrupt University operations;~~
- ~~(k) — damage property, including grass, shrubs, trees, or other landscaping; or~~
- ~~(l) — utilize sound amplification, including bullhorns, except as set forth in paragraph (7) below.~~

~~(7) The University does not permit the use of amplified sound, including use of bullhorns, as part of expressive activities conducted in outdoor areas of the University campus or in University facilities, except as approved in advance by the official responsible for the particular grounds or facility being used or as set forth in this paragraph. Where amplified sound is permitted, it is permitted at limits specified in this paragraph or as specified by the official or by the procedures for the particular facility in question. Absent specific instructions provided by University officials, the approved use of amplified sound may not exceed a limit of 70 decibels. Even where use of amplified sound is pre-approved, the University reserves the right to impose different volume restrictions on the use after consideration of the potential impact of the use on the operations of the University.~~

~~(8) If an event, demonstration, assembly, or other activity is disrupting, interfering with, or impeding University operations or infringing on the rights of other individuals (“disruptive action”) contrary to the requirements of this and related regulations, the President or one of his/her representative(s) may:~~

- ~~(a) — identify him/herself to the disrupters, giving name and official position;~~
- ~~(b) — inform the disrupters that they are in violation of the University policy and/or in violation of the law and specify the nature of the violation;~~
- ~~(c) — request that the violation cease (which could include relocation of the activity to avoid the disruptive action); and~~
- ~~(d) — in the event of non-compliance with this request, enlist the assistance of the University Police in restoring order and enforcing the law.~~

~~(9) In the event of disruptive action, the University Police have a responsibility to:~~

- ~~(a) — declare the activity, event, demonstration, or assembly to be disruptive, disorderly, or in violation of law and request all participants to cease and desist and to disperse and clear the area or be subject to arrest and/or University disciplinary action;~~
- ~~(b) — arrest any participants observed to be in violation of the law; and~~

~~(e) —enlist the assistance of outside law enforcement agencies, if necessary.~~

~~(10) In the event of disruptive action, University employees and students involved in the demonstration, event, assembly or activity shall identify themselves by presenting appropriate documents such as ID cards when requested to do so by the police or by the President or his/her designated representative. When requesting that persons identify themselves, the University representative making the request will identify him/herself verbally. Disrupters not officially related to the University will be directed to leave the campus immediately or be subject to arrest for a violation of the law forbidding the disruption or interference with the administration or functions of an educational institution.~~

~~(11) The areas designated in paragraph (12) below may be reserved by University students and employees, University organizations, and University related organizations (the “campus community”), on a space available basis, for the exclusive use of the reserving individual or organization.~~

~~(12) The areas listed below shall be deemed reservable areas for the campus community. Contact the Office of Student Involvement for further information and to make reservations for all or part of a reservable area on main campus; contact Event Services at Rosen College to make reservations for all or part of a reservable area at the Rosen campus. Sidewalks and paved walkways are not included as part of any reservable area, and users may not extend their use of a reservable area to sidewalks or paved walkways that form the border of a reservable area. The Office of Student Involvement will maintain a map which highlights each of the reservable areas on the main campus.~~

~~(a) The open grass area between the kiosk near Millican Hall and the Mathematical Sciences Building as bounded by Apollo Circle and the paved walkways leading to the southwest entrance of the Mathematical Sciences Building.~~

- ~~(b) — The northwest portion of the grass area between the Student Union brick mall and the John T. Washington Center as bounded by Pegasus Circle to the northeast, the sidewalk of Aquarius Agora Dr. to the north, and the paved walkway leading to the covered patio of the Chick-fil-A.~~
- ~~(c) — The grass area bounded by the paved walkway bordering the northeast side of Howard Phillips Hall, the next paved walkway immediately northeast, and the paved walkway bisecting diagonally the grass area between the John T. Washington Center and Howard Phillips Hall, and the paved walkway bordering the southeast edge of this grass area.~~
- ~~(d) — The area south of the Health and Public Affairs 2 building bordered by the paved walkways and Pegasus Drive.~~
- ~~(e) — A portion of the rectangular grass area on the east side of Memory Mall bordered by Parking Surface Lot D, Mercury Circle, the east paved walkway of Memory Mall, and Memory Mall lamppost marker MM 23.~~
- ~~(f) — The grass area between the exits of the Student Union boardwalks (north and east) as bordered by Pegasus Circle on one side and a retention pond on the other side.~~
- ~~(g) — The open area southwest of the Convocation Center entrance bound by the West Plaza Drive sidewalk on the west and the Gemini Boulevard sidewalk to the south.~~
- ~~(h) — At the Rosen College of Hospitality Management, the grass area north of, and adjacent to, the Rosen College Library bounded by the paved walkways on the north, east, and west, and by the Library on the south.~~
- ~~(i) — At the Rosen College of Hospitality Management, a portion of the great lawn directly adjacent to the UCF Rosen College shuttle stop bounded on two sides by the paved~~

~~walkway of the shuttle stop and the paved walkway running north/south from the campus entrance gate.~~

~~(13) If the proposed use of University campus grounds or any other University facility qualifies as a potentially hazardous event, as defined in Regulation UCF 4.0292, the user must provide the information and documents identified in that regulation to allow for University review of the event. Please note that it is the responsibility of the event organization to submit forms and information for potentially hazardous events sufficiently in advance of the proposed event to allow for University review and for appropriate plans to be made to make the event secure. See Regulation UCF 4.0292 for more information about potentially hazardous events.~~

~~(14) Campus demonstrations or organized activities that will take the form of or involve a parade or a march and during which the participants will use or cross lanes of vehicular or pedestrian traffic must follow the requirements of University Regulation UCF 4.0292, "Potentially Hazardous Events." This is required so that necessary safety precautions can be taken.~~

~~*Authority: BOG Regulation 1.001. History New 10-19-86, Amended 3-16-03, 8-15-07, 06-09-08, Formerly 6C7 4.0293; Amended 1-15-2010, 7-20-17, 7-19-18.*~~

**~~UCF 4.0294 Use of University Facilities; General Requirements.~~**

- ~~(1) University facilities are reserved and used primarily for the official and regular conduct of the University's business by the University and the campus community.~~
- ~~(2) University organizations and University related organizations may request non-commercial use of University buildings, and particular facilities may be assigned in response to such requests on a noninterference basis and subject to the requirements of the University. Use of University grounds, including reserving grounds for use, is governed by University Regulation UCF 4.0293. Commercial use of University facilities is governed by University Regulation UCF 4.010, University policies and procedures, and procedures of the specific facilities in which space may be reserved for commercial purposes.~~
- ~~(3) No outside food service shall be permitted on or in University facilities during, or in conjunction with, any meeting, event or function without the specific approval of the University.~~
- ~~(4) The general public shall be deemed to have license to the streets, libraries, book stores, and parking lots on the campus solely for the purposes of conducting legitimate business with the University and participating in University related activities that are open to the public. Unless invited by someone with authority to do so, the general public shall not have access to lecture halls, classroom buildings, classrooms, laboratories, studios, residential facilities, research areas, administrative buildings, faculty or staff offices, or other buildings and areas reserved for University housing, teaching, research, administration, recreation, creative activity, or athletic activity.~~
- ~~(5) University facilities shall not be used for any purpose that will impair or interfere with the orderly processes and functions of the University, or that pose an unreasonable and immediate threat to the safety of University students and personnel or property, or are otherwise contrary to law. For purposes of determining interference and disruption, University officials will look to the standards of University Regulation UCF 4.0293.~~
- ~~(6) University athletic and recreational facilities may be scheduled for recreation purposes provided such use is authorized by the athletics association or department controlling the athletic or recreational facility in question.~~
- ~~(7) Facilities must be returned to their original condition following use by any person or organization. Users will be billed for the costs of cleanup that they do not adequately complete themselves.~~

~~(8) Displays, whether as part of an event or not, must adhere to the following guidelines:~~

~~(a) — Outdoor displays are allowed only in conjunction with an event or program.~~

~~(b) — Displays must be self-supporting and are restricted to a size of eight feet by four feet. Screens for projection purposes may be larger.~~

~~(c) — Displays must be assembled and disassembled each day.~~

~~(d) — Displays must be staffed at all times by the person or organization sponsoring the display.~~

~~(e) — There is a five-day maximum on displays.~~

~~(f) — The same display cannot be sponsored by the same or different organizations successively merely to extend the five-day maximum.~~

~~(g) — The size and construction of any display must be reviewed and approved by a University building code official or safety officer. A sketch drawing of the display indicating the size and construction materials must be submitted with the SAFE Form.~~

~~(9) All events, activities, and expressive activities using University facilities must comply with the following requirements:~~

~~(a) — Events may last no more than five days in succession. The same or different organizations may not sponsor the same event in succession in order to extend this maximum limitation.~~

~~(b) — No organization may reserve or make use University facilities and then permit the facilities to be used by any other person or organization. Where a University facility may be reserved, reservations are made in the name of a specific person or organization, and that person or organization must be present and actively utilizing the space so reserved. The University may shut down an event (or revoke the reservation) if the person or organization reserving the facility is not present and/or not actively utilizing the space so reserved.~~

~~(c) — Events, activities, and expressive activities generally are limited to the hours of 8:00 a.m. to 10:00 p.m. Sunday through Thursday and 8:00 a.m. to 12:00 midnight Friday and Saturday. Events, activities, and expressive activities outside of these hours must be specifically approved by the University at least fifteen calendar days in advance, so that the University can make custodial and security arrangements.~~

~~(d) — Sound amplification, including bullhorns, is not permitted, except as specifically authorized by the official in charge of the specific location where sound amplification is proposed to be used. See also Regulation UCF 4.0293(7) regarding amplified sound.~~

~~(e) — Any damage to University or personal property in the course of use of University facilities is prohibited. Care should be taken to ensure that University and personal property is not damaged or destroyed. This includes campus lawns, grassy areas, shrubs, plants, and trees. The University will charge the users of University facilities for necessary repairs or replacement.~~

~~(10) All potentially hazardous events, regardless of who is the sponsor, must follow the requirements (including insurance requirements) of Regulation UCF 4.0292.~~

~~(11) Use of University facilities may be subject to usage fees and/or service charges as determined by the authority or official controlling the facility to defray the costs of allowing use of the facilities. These charges may vary depending on whether the person or organization is University, University related, or non University, as those terms are defined in University Regulation UCF 4.029. Charges will not be imposed for the conduct of expressive activities in outdoor areas of campus as set forth in section 1004.097, F.S. However, if a non University person or organization wishes to reserve an outdoor area of the University campus for exclusive, prescheduled use and the outdoor area in question is available for such rental, then the speaker will be expected to pay usage fees and/or service charges otherwise charged to members of the public.~~

~~(12) A limited number of facilities on campus — such as the Student Union, the Memory Mall, Ferrell Commons, the Live Oak Event Center, the Fairwinds Alumni Center, the UCF Arena, and various outdoor recreation facilities — are available for rental by the general public at rates set by the facility and on a space available basis. Rental of these facilities may be for personal purposes (such as a reception) or commercial purposes (such as a test preparation service), subject to the policies and procedures of the University and the procedures of the specific facility.~~

~~*Authority: BOG Regulation 1.001. History — New 8-15-07, Formerly 6C7-4.0294, Amended 1-15-2010, 7-19-18.*~~



# Board of Trustees

*Governance Committee*

*June 25, 2024*

## **Agenda Item**

GOVC-8: Amendments to Chapter 5 University Regulations

## **Proposed Committee Action**

The Committee is asked to recommend to the Board of Trustees, on its consent agenda, approval of the proposed amendments to the listed Chapter 5 University Regulations.

## **Authority for Board of Trustees Action**

Board of Governors Regulation 1.001

### **Supporting Documentation Included**

Attachment A: University Regulation UCF-5.006 (redline)  
Attachment B: University Regulation UCF-5.0065 (redline)  
Attachment C: University Regulation UCF-5.007 (redline)  
Attachment D: University Regulation UCF-5.008 (redline)  
Attachment E: University Regulation UCF-5.009 (redline)  
Attachment F: University Regulation UCF-5.010 (redline)  
Attachment G: University Regulation UCF-5.011 (redline)  
Attachment H: University Regulation UCF-5.012 (redline)  
Attachment I: University Regulation UCF-5.013 (redline)  
Attachment J: University Regulation UCF-5.015 (redline)  
Attachment K: University Regulation UCF-5.016 (redline)

### **Facilitators/Presenters**

Sara Potter, Associate General Counsel



# GOVC-8: Amendments to Chapter 5 University Regulations

## EXECUTIVE SUMMARY

### Objective

Consider the proposed amendments to the following University Regulations: UCF-5.006, UCF-5.0065; UCF-5.007, UCF-5.008, UCF-5.009, UCF-5.010; UCF-5.011; UCF-5.012; UCF-5.013, UCF-5.015, and UCF-5.016.

### Summary of Key Observations/Recommendations

Many of the proposed amendments across this group of regulations are intended to better align with the language in Board of Governors Regulation 6.0105 (i.e., “Code” of Conduct instead of “Rules” of Conduct and “responsible” instead of “in violation”) or to update titles of individuals and departments. Additional edits are as follows:

UCF-5.006 Students Rights and Responsibilities sets forth student rights and responsibilities, including the definitions used in the student conduct process and the procedures used to address sex-based misconduct. The only additional proposed amendment is to add clarifying language to (3)(v) related to outcomes.

UCF-5.008 Rules of Conduct sets out the student rules of conduct. The only additional proposed amendments add a new paragraph (20) regarding use of restrooms and changing facilities in university buildings, in keeping with changes made to Florida Statutes s. 558.865 and Board of Governors Regulation 14.010.

UCF-5.009 Student Conduct Review Process; Sanctions sets out the process for reviewing alleged student rule violations. The additional proposed amendments to this regulation include an update to language in paragraph (2)(a) to align with University Regulation UCF-5.015; new language has been added to paragraph (4) with regards to students under 18; and new language has been added to paragraph (6) for graduate students that have been found responsible for academic misconduct.

UCF-5.010 Student Conduct Appeals sets out the appeal procedure for a student following a student conduct matter. The additional proposed amendments to this regulation are to add clarifying language to section (4) that the Community ReEngagement and Educational Development (CREED) Program only applies to undergraduate students.

UCF-5.013 Organizational Conduct Review Process; Sanctions; Appeals sets out the procedures related to student organization conduct proceedings. The only additional proposed amendments are to modify the provision related to the panel which hears organizational conduct matters.

UCF-5.015 Student Academic Behavior Misconduct Review Process sets out student academic behavior standards and outlines the process to be following in the event of academic misconduct allegations and findings. The only additional proposed amendments are to add new language regarding graduate students found responsible of academic misconduct.

UCF-5.016 Student Academic Appeals sets forth the conditions and procedures for student academic appeals. As a result of the Timely Academic Progress (TAP) policy for undergraduate students this regulation has been amended to add a new section regarding academic progress appeals.

### **Additional Background**

This group of regulations addresses student rights and responsibilities and are reviewed annually and updated as needed.

### **Rationale**

The proposed regulation amendments will allow for better alignment with the language used in Board of Governors regulations.

### **Implementation Plan**

The amended regulations would take effect upon approval by the UCF Board of Trustees.

### **Resource Considerations**

The proposed regulation amendments are not anticipated to incur additional costs to the University.

### **Conclusion**

Staff recommends that the committee recommend approval of the proposed amendments to these Chapter 5 University Regulations.

## UCF-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 and its elective process.
- (b) Membership in Registered 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:
  1. Written materials identified by authorship and sponsorship may be sold or distributed on campus within the guidelines of propriety and responsible journalism. The distribution of such material, as is arranged by the Director of Office of Student Involvement, is permissible for registered student organizations provided steps have been taken to preserve the orderliness of the campus.
  2. Solicitation, whether printed materials or otherwise, on campus is prohibited except as provided in University Regulation UCF-4.010.
  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 operation of the institution, nor violate federal, state, or local laws, or University policies and regulations.
- (g) Fair and impartial proceeding. These matters shall include, but not be limited to:
  1. Disciplinary proceedings involving an alleged violation of academic and nonacademic rules.
  2. Refunds and charges. The status of a student charged with a violation of University rules shall not be affected pending final disposition of the charges except in the case of administrative action (also known as an interim action). For specific procedures and rights of students during the Student Conduct Review 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) Students with disabilities may be entitled to accommodations. For those students, please contact Student Accessibility Services.

**(2) Student Responsibilities.** A student at the University is deemed to have given their consent to the policies of the University and the Florida Board of Governors and to the laws of the State of Florida. Each student is responsible for reviewing the rules and regulations of the University and for abiding by them.

**(3) Definitions.**

- (a) The term “Academic Misconduct Panel” is comprised of one faculty and one staff/faculty member, and two students selected from the Student Conduct Board.
- (b) The term “Advisor” or “Support Person” refers to any individual who provides support, guidance or advice to a party involved in a Student Conduct Review Process and includes advocates and/or legal representatives. The Advisor or Support Person of the involved party’s choice may assist and/or accompany the party throughout the Student Conduct Review Process. This person may be present to advise the party involved in a Student Conduct Review Process and may participate in all aspects of the proceeding but shall not testify for the party. The Advisor or Support Person may not serve in any other role, including as a witness, an investigator, decider of fact, hearing officer, or member of a committee or panel convened to hear or decide the charge or any appeal. The term “Advisor” does not include an advisor as defined under 34 CFR 106.45; refer to University Policy 2-012 for information about “Advisor” under the University’s Title IX Grievance Policy.
- (c) The term “Class Lecture” is defined as a formal or methodical oral presentation as part of a university course intended to present information or teach enrolled students about a particular subject. A class lecture will occur most often in a course identified by the university as a lecture type course, whether online or in-person, as opposed to a lab course or a course section identified as a discussion section. “Class lecture” does not include lab sessions, student presentations (whether individually or as part of a group), class discussion (except when incidental to and incorporated within a class lecture), clinical presentations such as patient history, academic exercises involving student participation, test or examination administrations, field trips, and private conversations between students in the class or between a student and the faculty member during a class session.
- (d) The term “Clery Act” refers to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The Clery Act is a federal law that requires institutions of higher education to provide current and prospective students and employees, the public, and the federal government with crime statistics and information about campus crime prevention programs and policies. Among other crimes, the Clery Act requires that colleges and universities report forcible sex offenses including sexual assault and rape. The Clery Act was amended by the Violence Against Women Reauthorization Act of 2013.
- (e) The term “Community ReEngagement and Educational Development (CREED) Program” is a committee composed of an equal number of faculty/staff and students appointed by the Director of Student Conduct and Academic Integrity (SCAI) or designee to review the disciplinary status of a student, or the removal of a “Z Designation” on a student’s transcript.

- (f) The term “Complainant” refers to anyone who discloses having been subjected to any act prohibited by the CodeRules of Conduct section UCF-5.008(5), the CodeRules of Conduct section UCF-5.008(6), or the Organizational CodeRules of Conduct section UCF-5.012(5), regardless of whether that person makes a report or seeks action under that policy.
- (g) The term “Consent” means an understandable exchange of affirmative words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity. Consent must be informed, freely and actively given. Consent cannot be obtained by force, threat, coercion, reasonable fear of injury, intimidation, use of position of influence, or through the use of one’s mental or physical helplessness or incapacity. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. The lack of a negative response, lack of protest or resistance, and silence are not consent. An individual who is incapacitated (such as by alcohol and/or other drugs both voluntarily or involuntarily consumed) may not give consent. Consent to sexual activity on a prior occasion does not, by itself, constitute consent to future sexual activity. In cases of prior relationships, the manner and nature of prior communications between the parties and the context of the relationship may have a bearing on the presence of consent. Once consent has been given to a particular sexual activity, it may be withdrawn at any time. An individual who seeks to withdraw consent must communicate, through clear words or actions, a decision to cease the sexual activity. Once consent is withdrawn, the sexual activity must cease immediately.
1. Responsibilities - It is the responsibility of the initiator to obtain clear and affirmative words or actions of a willingness to participate at each stage of sexual involvement.
  2. Incapacitation – Incapacitation is a state where an individual cannot make rational, reasonable decisions because of age, mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated due to the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition. A person who is incapacitated lacks the capacity to give consent because they cannot understand the facts, nature, or extent of the sexual interaction. A person seeking to initiate sexual activity is not expected to be a medical expert in assessing incapacitation. The potential initiator must look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation.
  3. Being impaired by alcohol or other drugs is no defense to any violation of this regulation.
- (h) 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).
- (i) The term “Deputy Title IX Coordinator” is defined as a university employee who is responsible for assisting with the coordination of the University’s efforts to comply with and carry out its responsibilities under Title IX.
- (j) The term “Director of SCAI” refers to the Director of Student Conduct and Academic Integrity.
- (k) The term “Hold” refers to a negative service indicator placed on a student’s record that includes but is not limited to: prevent modification to registration;

access to transcripts; and re-enrollment following a separation from the University.

- (l) The term “Mandated Assessment” refers to a process which is 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, completed by a licensed mental health professional or other appropriate licensed medical provider.
- (m) The term “Off Campus” refers to any location not defined as University premises.
- (n) The term “Overlay” refers to a notification on a student’s university transcript that states the student is not in good standing.
- (o) The term "Possession" means having actual knowledge of a substance or property, and intentionally exercising control over that substance or property.
- (p) 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 and Organizational Conduct Review Process.
- (q) The term “Publish” means to share, transmit, circulate, distribute or otherwise provide access to a recording, regardless of format or medium, to another person (or other persons), including but not limited to another student in the class. Additionally, a recording, or transcript of the recording, is published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, picket signs, or any mode of print.
- (r) The term “Record Sealing” refers to when a student’s disciplinary record cannot be examined except by a court order or designated officials.
- (s) The term “Relevant Information” means information that has been shown to directly support the position of a party throughout one of the University’s investigative processes, including the Student and/or Organizational Conduct Review Process.
- (t) The term “Respondent” refers to any student or registered student organization who has been accused of a violation of CodeRules of Conduct Section UCF-5.008(5), CodeRules of Conduct Section UCF-5.008(6), and/or the Organizational CodeRules of Conduct section UCF-5.012(5).
- (u) The term “Responsible Person” is defined as any university or Direct Support Organization non-student employee who is not a confidential employee as defined in the University’s *Reporting Requirements Related to Nondiscrimination Policy (No. 2-015)*, as well as resident assistants, and graduate students with administrative, instructional, or supervisory authority over others . Responsible Persons include but are not limited to Faculty (full-time and part-time), Staff (full-time and part-time), and all those employees identified as Campus Security Authorities (CSAs). The University reserves the right to designate other individuals involved in university-sponsored/related activities as Responsible Persons on a case-by-case basis.
- (v) The term “Sanction” refers to punitive and educational outcome(s) imposed on students and registered student organizations found responsible in violation of any CodeRules of Conduct or Organizational CodeRules of Conduct.
- (w) The term “Sex Discrimination” refers to any unlawful distinction, preference or detriment to an individual that is based upon an individual’s sex that: (1) excludes an individual from participation in; (2) denies the individual the benefits of; (3) treats the individual differently with regards to; or (4) otherwise adversely affects

a term or condition of an individual's employment, education, living environment, or participation in a university program or activity. Sex discrimination includes sexual assault/misconduct, sexual exploitation, relationship violence, stalking, sexual or gender-based harassment, retaliation, or aiding and abetting.

- (x) The term "Sexual Contact" means physical contact of a sexual nature between individuals and includes but is not limited to: (i) touching, kissing, fondling (whether over or under clothing) of an individual for the purpose of sexual gratification; and/or (ii) contact, however slight, between the mouth, anus or sex organ of one individual with either the anus or sex organ of another individual; and/or (iii) contact, however slight, between the anus or sex organ of one individual and any other object.
- (y) The term "Student" means any person enrolled in one or more classes at the University, either full time or part time, study abroad student, online students, continuing education students, students pursuing undergraduate, graduate or professional studies, either degree seeking or non-degree seeking. Persons who withdraw after allegedly violating the CodeRules of Conduct, or who are not officially enrolled for a particular academic term but who have a continuing relationship with the University are also "students." Individuals who have been accepted for admission and have paid an enrollment deposit are considered "students" for limited purposes (including the Student Conduct Review Process).
- (z) The term "Student Conduct Board" refers to any person or persons authorized by the Director of SCAI or designee to review information and recommend findings regarding whether a student or registered student organization has violated the CodeRules of Conduct or Organizational CodeRules of Conduct, and to recommend sanctions that may be imposed, if applicable. Student Conduct Board members shall be selected through an annual application and interview process, with the exception of the justices from the Student Government Judicial Branch. All members of the Student Conduct Board shall receive annual training from SCAI.
- (aa) The term "Title IX" refers to the Title IX of the Education Amendments of 1972 which is a federal law that protects people from discrimination based on sex in education programs or activities which receive Federal financial assistance. Title IX states that: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance". Additionally, Title IX prohibits discrimination on the basis of pregnancy as well as Title IX sexual harassment (defined in UCF Policy 2-012).
- (bb) The "Title IX Coordinator" is defined as a university employee who is responsible for coordinating the University's efforts to comply with and carry out its responsibilities under Title IX.
- (cc) The term "University" means the University of Central Florida.
- (dd) The term "University Community" refers, collectively and individually, to students, University officials, Trustees, employees, and all visitors, contractors, and guests to the University or any of its campuses, facilities or events.
- (ee) 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.

- (ff) The term “University Premises” includes all land, buildings, facilities, and other properties in the possession of or owned, used, controlled by the University, or its direct support organizations.
- (gg) The term “VAWA” refers to the Violence Against Women Reauthorization Act of 2013, which amended the Violence Against Women Act and the Clery Act to provide new requirements for schools to prevent and respond to sexual violence, relationship violence and stalking. Some of these requirements include providing primary prevention education and awareness programs for all incoming students and employees; collecting statistics on relationship violence and stalking, in addition to current requirements to collect sexual assault statistics; issuing Complainants a written notice of their rights; and adopting grievance policies that are prompt, fair, and impartial as well as administered by trained officials.
- (hh) The term “VP of SSWB” refers to the Vice President of Student Success and Well-Being.
- (ii) The term “Witness” refers to any person who directly observed an incident or has direct or indirect knowledge related to an incident.

**(4) Smoking.** While on UCF property, students will uphold the smoke-free campus policy (<http://smokefree.sdes.ucf.edu/>) to ensure a healthy and clean environment for everyone. Smoking of any kind is prohibited in all facilities and University premises.

**(5) Medical Emergencies.** The University of Central Florida highly encourages students and Registered Student Organizations to call for medical assistance whenever an individual experiences severe intoxication/impairment or serious injury after consuming alcohol and/or drugs. Students and Registered Student Organizations may be reluctant to call for help for themselves or others due to potential involvement from law enforcement officials or SCAI. 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 law enforcement officials if alcohol-related and/or drug-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 section 5.007 for individuals of and 5.011 for Registered Student Organizations.

**(6) Student Conduct Procedures for Sex-Based Misconduct (Non-Title IX Sexual Harassment).**

- (a) These procedures apply to alleged violations of UCF Regulation 5.008(5) and 5.012(5), but do not apply to 5.008(6) Title IX Sexual Harassment (see paragraph (7) below).
- (b) The Office of Institutional Equity (OIE) will conduct investigations under these procedures in a thorough and neutral manner. SCAI will then adjudicate the matters through the student conduct review process. During the investigation process and student conduct review process, the University will utilize the preponderance of evidence standard.
- (c) Rights of the Complainant and Respondent.
  1. The University strives to promote the safety and well-being of all students and employees. The requirements and protections of this policy apply equally regardless of an individual’s protected class as defined in the University’s *Nondiscrimination Policy* (No. 2-004). All requirements and protections also are equitably provided to individuals regardless of their status as a Complainant, Respondent, or Witness.

2. Both the Complainant and Respondent are permitted to have an advisor or support person accompany them throughout the university's investigative process and student conduct review process. This person may be present to advise the party but shall not testify for the Complainant or Respondent. The advisor or support person may not serve in any other role, including as a witness, an investigator, decider of fact, hearing officer, or member of a committee or panel convened to hear or decide the charge or any appeal. Also, it is within OIE's or SCAI's discretion whether to reschedule a meeting regarding an investigation or adjudication, respectively, due to a support person's/advisor's unavailability. Parties and witnesses must give prior notice to the investigator or SCAI representative, as appropriate, when any other person will be attending a meeting with OIE or SCAI.
3. Both the Complainant and the Respondent have the right to remedial and protective measures and shall be notified of available assistance at the University. For information, see Remedial Measures, Prevention, & Education Related to Nondiscrimination Policy (No. 2-016).
4. Both the Complainant and Respondent will have equal opportunity to present relevant witnesses and other information during the investigative process and during a formal hearing.
5. Both the Complainant and Respondent have the right to impartial investigators and hearing officers. Prior to the commencement of the formal hearing, the Complainant and Respondent shall have the opportunity to challenge the impartiality of the hearing officer. If the Complainant or Respondent shows good cause for the removal of the hearing officer, the Vice President of Student Success and Well-Being or designee will assign a new hearing officer.
6. Both the Complainant and Respondent will have equal opportunity to present relevant witnesses and other information during the investigative process and student conduct review process. Throughout the entire process, it is the student's responsibility to coordinate, schedule and communicate with OIE or SCAI if they would like to present relevant witnesses, documents or other information to be taken into consideration by OIE or SCAI. Unless otherwise stated in regulation, advisors are not permitted to coordinate, schedule and communicate with OIE or SCAI on behalf of a student. Neither the Complainant nor Respondent will have irrelevant past conduct, including sexual history, discussed during the formal hearing. The issue of relevancy shall be determined by the investigator during the investigation and by the hearing officer during the student conduct review process.
7. Both the Complainant and Respondent will be informed, concurrently and in writing, of the outcome of the investigative process, the Student Conduct Review Process, and the outcome of the appeal process.
8. Both the Complainant and the Respondent have the right to appeal the outcome of the Student Conduct Review Process on the basis outlined in the applicable Student Conduct Appeals section UCF-5.010 (individual student) or UCF-5.013 (registered student organizations).
9. Both the Complainant and Respondent will be given periodic status updates throughout the investigative process and the Student Conduct Review Process.

10. Persons requiring a reasonable accommodation based on a disability throughout the process must alert the investigator, Title IX Coordinator or SCAI contact of their need/request a reasonable amount of time prior to the start of any meeting or proceeding described herein, even if the persons are already receiving accommodations from other university services or resources.
- (d) Administrative hearing officers who hear cases of sex-based misconduct (other than Title IX sexual harassment) receive annual training on how to conduct fair and impartial hearings for these types of cases.

**(7) Title IX Sexual Harassment Procedures for Student Conduct Review Process.**

- (a) Federal law, specifically Title IX of the Education Amendments of 1972 (Title IX), prohibits discrimination on the basis of sex in education programs or activities. Part of Title IX's prohibition regarding sex discrimination includes acts of Title IX Sexual Harassment as defined in the University's Title IX Grievance Policy, UCF Policy 2-012. Title IX also prohibits retaliation for making a good faith report of Title IX Sexual Harassment or participating in or being a party to any proceeding involving allegations of Title IX Sexual Harassment.
- (b) Rights of the Complainant and the Respondent. The rights of the Complainant and Respondent in a Title IX Sexual Harassment matter are explained in the University's Title IX Grievance Policy, UCF Policy 2-012.
- (c) Procedures Governing Title IX Sexual Harassment Allegations. The policy and procedures which govern the investigation and live hearing process for allegations of Title IX Sexual Harassment are found in the University's Title IX Grievance Policy, UCF Policy 2-012.
- (d) Decision-makers and hearing chairs who hear cases of Title IX Sexual Harassment receive annual training on how to conduct fair and impartial hearings for these types of cases.

*Authority: BOG Regulations 1.001 and 6.0105. History - Formerly 6C7-5.003, New 6-18-09, Amended 7-19-12, 9-5-13, 11-24-14, 10-29-15, 7-28-16, 7-20-17, 1-18-18, 7-19-18, 7-18-19, 6-18-20, 10-22-20, 9-23-21, 10-20-22, 6-29-23, \_\_\_\_-24.*

## **UCF-5.0065 Involuntary Withdrawal Procedures; Mandated Assessment**

### **(1) Involuntary Withdrawal Procedure.**

(a) Introduction.

1. The University of Central Florida is committed to ensuring equality of educational opportunity while cultivating an environment that is safe for the campus community and supportive of student learning. The University will seek to intervene where a student's behavior interferes with the rights of others within the University community or where the student presents a significant risk of harm to the health, safety, well-being and/or property rights of others. In such situations, safety and security concerns are paramount, and the University must react as promptly as feasible under the circumstances. University officials may consider a number of reasonable security and health and safety measures, including, but not limited to, requesting emergency assistance and seeking psychiatric evaluation, hospitalization, and treatment for mental illness as appropriate under the law. Additionally, the University may determine that it is necessary for the student to be involuntarily withdrawn from the University for the protection of others. This section outlines the procedures to be used by the University in making an involuntary withdrawal decision.
2. This Involuntary Withdrawal Procedure will be applied in a nondiscriminatory manner, and decisions will be based on consideration of the student's conduct, actions, and statements and not on knowledge or belief that the student has a disability.
3. The purpose of the Involuntary Withdrawal Procedure is for the University to be able to take urgent action when circumstances present a Significant Risk based on reasonably available information at the time. It will be necessary for the University to act promptly and for the benefit of the community as a whole, even if that means that, in consideration of later-presented information, the procedure ultimately concludes in favor of the student's continued enrollment (with or without conditions). Where the involuntary withdrawal procedure is invoked but the student is permitted to continue enrollment with no conditions, the University will take reasonable steps to assist the student in resuming their academic endeavors with as little disruption as feasible under the circumstances.

- (b) Direct Threat. When a student's behavior is deemed to pose a direct threat risk to the health and safety of the community, the Vice President, Student Success and Well-being (VP-SSWB) or their designee may initiate an involuntary withdrawal of the student on behalf of the university. The Dean of Students or designee will consult with the University Crisis Team before a final decision is made on the involuntary withdrawal of the student. A student poses a Direct Threat when the student's behavior poses a "Significant Risk" to the health or safety of others, or of significant property damage, or of substantial disruption to the lawful activities of others or the educational process or orderly operation of the University, and reasonable modifications of policies, practices, or procedures will not sufficiently mitigate the risk. Significant Risk is defined as the high probability of harm, threats of harm, or disruption and not just a slightly increased, speculative, or

remote risk of such. Significant Risk is identified based on information that is reasonably available at the time of consideration. Information may be provided to the University through different means, including an incident report to the University, a police report, information provided following a hospitalization, or any other reliable source.

(c) Interim Involuntary Withdrawal.

1. A student may be involuntarily withdrawn from the University on an interim basis (“Interim Involuntary Withdrawal”) if the Dean of Students or designee determines, based upon information reasonably available at the time, that the student poses a Direct Threat as defined above. A student will remain on Interim Involuntary Withdrawal pending the outcome of the Interim Involuntary Withdrawal Review. An Interim Involuntary Withdrawal may be imposed prior to a meeting of the University Crisis Team.
2. A student will be notified of Interim Involuntary Withdrawal through a written notice outlining the Interim Involuntary Withdrawal procedure, including the time, date, and location of the Interim Involuntary Withdrawal Review.
3. A student under Interim Involuntary Withdrawal shall be given an opportunity to present information to the University Crisis Team within three (3) business days from the effective date of the Interim Involuntary Withdrawal, to review the following issues only:
  - a. The reliability of the information concerning the student’s behavior and,
  - b. Whether or not the student’s behavior poses a Direct Threat, as defined above.
4. Should the student fail to attend the Interim Involuntary Withdrawal review, the review may be held in the student’s absence, and any recommended actions will be made using the information available at the time of the scheduled review.

(d) Involuntary Withdrawal – Notice to Student. 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 proposed action.
2. The opportunity to examine the psychiatric or other evaluations provided to the University Crisis Team and to discuss them.
3. The opportunity to present relevant information for consideration of their case personally, or by a licensed mental 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 to any meetings or proceedings described in this procedure. The advisor may not present on behalf of the student or otherwise participate in the meeting or proceeding.
5. The right to appeal.

(e) Involuntary Withdrawal – Meeting of the University Crisis Team. The Dean of Students or designee will call a meeting of the University Crisis Team no earlier

than five (5) business days after notifying the student of the proposed Involuntary Withdrawal. The student will be notified of the time, date, and location of the University Crisis Team meeting. The student may be present at this meeting and may present information in support of themselves. Following the student's presentation, the team shall meet in a confidential deliberation. At the conclusion of this confidential deliberation, the team shall make a recommendation to the Dean of Students or designee, based upon the Team's review of all available information at the time of the meeting, as to whether the University should:

1. involuntary withdraw the student due to Direct Threat;
2. make no changes to the student's status;
3. allow continued enrollment with conditions; or
4. if the student is on Interim Involuntary Withdrawal at the time, reinstate the student with or without conditions.

- (f) Involuntary Withdrawal – Notifying Student of Recommendation and Decision. The Dean of Students or designee will make a final decision regarding the student's enrollment status based on the totality of information available to the University and considering both the University Crisis Team's recommendation and any information presented by the student. The Dean of Students or designee will notify the student in writing within two business days of the final decision regarding the student's enrollment status.
- (g) Involuntary Withdrawal Appeal – In the event a student disagrees with the decision of the Dean of Students or designee, the student may appeal the decision. The appeal must be made in writing to the VP-SSWB, or designee, within three (3) business days after the date of the notification to the student of the decision. A student may appeal the decision based on one or more of the following criteria:
1. Irregularities in fairness and stated procedures that could have affected the outcome of the decision.
  2. Discovery of new and significant information that could have affected the outcome and that was not known or could not reasonably have been discovered and/or presented at the time of the meeting.
  3. The outcome is extraordinarily disproportionate to the reported behavior. The Vice President of SSWB or designee, shall, within three (3) business days, sustain the initial decision or return the case to the University Crisis Team for re-consideration. Should the appellate officer require additional time for review beyond the three (3) business days, the appellate officer shall notify the student in writing of the need for additional time. A decision to sustain the initial decision is final action. If the matter is returned for re-consideration, the process will resume at the step outlined in subsection (e), above.
- (h) Upon being involuntarily withdrawn, the student may no longer enroll in classes, may not be an active member of a registered student organization, may no longer use University facilities, must vacate University owned housing, may no longer be permitted on University property, and may not be employed by UCF. Additionally, an involuntarily withdrawn student may be entitled to whatever refunds of tuition, fees, and room and board charges as would be appropriate given the timing of the withdrawal.

- (i) 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 at the institution except as stated in this paragraph. A student may request readmission or reenrollment at the University and provide the Dean of Students or designee with documentation from an appropriate healthcare provider of their choice who has conducted a proper assessment of the student and concluded that the student is ready and able to safely return to the University and does not pose a Direct Threat as defined above. In cases where the Dean of Students or designee has imposed other conditions for readmission, it is the responsibility of the student to provide documentation of compliance with such conditions.
- (j) A student who is considered for but ultimately not subject to Involuntary Withdrawal may be subject to conditions on continued enrollment at the University. In such cases, the student will be provided with a written summary of any such conditions and must meet all conditions in order to maintain student status. A student who fails to meet such conditions may be later subject to involuntary withdrawal by the Dean of Students or designee or may be subject to charges through the University's Student Conduct Review Process for failure to comply.
- (k) The current voluntary medical withdrawal process should not be used to handle withdrawals where a Direct Threat is evident or where a violation of the **Code Rules** of Conduct has allegedly occurred. Information for students seeking a medical withdrawal is available in the Catalog.
- (l) As a general principle, the University prefers to use the Student Conduct Review Process in instances of misconduct, without regard to whether the student has a physical or mental condition that might be contributing to the misconduct. The Involuntary Withdrawal Procedure is to be employed in those situations in which the regular Student Conduct Review Process is not applicable or, due to safety concerns, cannot be applied in a sufficiently timely fashion.

**(2) Mandated Assessment Procedure.** This University procedure is established to respond to behaviors or actions that result in hospitalization from imminent danger to self or others via the Baker Act (F.S. 394.463) or Marchman Act (F.S. 397.6811), or 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 oneself. Whenever the UCF Police provide transportation of a UCF student to the hospital for involuntary examination, the police will file a report with Student Care Services.

- (a) Once information is received regarding a UCF student hospitalization via the Baker Act or the Marchman Act, Student Care Services may utilize the mandated assessment session(s) to evaluate a student's risk of harm to self or others, and to take appropriate actions for 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 and/or well-being plan and provide students with educational resources. A member of Student Care Services will contact the student in a timely manner and require an initial meeting between a Student Care Services staff member and the student to discuss the mandated assessment procedure.

- (b) A mandated assessment must be completed 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 Student Health Services psychiatrist, a Counseling and Psychological Services clinician, or a community based licensed mental health professional or licensed psychiatrist of the student's choice. Student Care Services 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. The student must meet with Student Care Services within ten (10) business days following release of hospitalization. Student must provide proof of mandated assessment within twenty (20) business days following release of hospitalization or prior to return to the University (in the event a student withdraws for the remainder of the semester or pursues a medical withdrawal). Failure to comply may result in disciplinary action or the convening of the University Crisis Team.
- (c) In cases where more protective action is needed based on more severe behavior/conduct (e.g., behavior endangering others, threats to harm others, behavior significantly disruptive to the UCF community), the Dean of Students or designee may initiate one or both of the following:
  1. Interim Action followed by initiating the Student Conduct Review Process;
  2. Convening of the University Crisis Team to consider the initiation of the Involuntary Withdrawal Procedure.

*Authority: BOG Regulations 1.001 and 6.0105. History - New 9-23-21, 5-26-22, 6-29-23, \_\_\_\_-24.*

## **UCF-5.007 Student Conduct Scope; Student Conduct Records; Medical Emergencies (Alcohol & Drug)**

### **(1) Scope**

- (a) The **CodeRules** 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. The **CodeRules** of Conduct shall be deemed a part of the terms and conditions of admission and enrollment of all students. The right of all students to seek knowledge, debate ideas, form opinions, and freely express their ideas is fully recognized by the University of Central Florida. The **CodeRules** of Conduct apply to student conduct and will not be used to impose discipline for the lawful expression of ideas. Specific restrictions on time and place of meetings and assemblies are found in other University regulations or policies.
- (b) These **CodeRules** of Conduct **appliesy** to all student conduct that occurs on University premises or online, or at activities officially approved by the University of Central Florida or which are sponsored or conducted by University groups and organizations, regardless of location.
- (c) Off-Campus Conduct. The University may take action against a student for off-campus conduct if the conduct is specifically prohibited by law or the **CodeRules** of Conduct; or if the conduct poses (or demonstrates that the student's continued presence on University premises poses) a danger to the health, safety or welfare of the University community; or if the conduct is disruptive to the orderly processes and functions of the University.
- (d) Failure to comply with duly established laws or University regulations may subject violator(s) to appropriate civil authorities.

### **(2) Authority**

- (a) 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 **Success and Well-Being 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 student who commits offenses against the laws of municipalities, states, or the United States, is subject to prosecution by those authorities and may be subject to disciplinary action under University rules when the 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. The Student Conduct Review Process is not a criminal or judicial proceeding and is designed to address student behavior; therefore, alleged violations of the **CodeRules** of Conduct will be addressed independently of any penalty imposed by the courts for the criminal offense.

#### **(4) Student Conduct Records**

- (a) Maintenance of Records. A student's conduct case record will be maintained in Student Conduct and Academic Integrity (SCAI) and, if applicable, the Office of Institutional Equity. The case record of a student found responsible for charge(s) against them, with sanctions less than disciplinary suspension, dismissal and/or expulsion, will generally be maintained in SCAI (and, if applicable, the Office of Institutional Equity) 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, dismissal and/or expulsion will be permanently maintained as official records by SCAI.
- (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.
- (c) Sealing of Records: For information regarding sealing of records, please see UCF-5.010(4).

**(5) Evaluation of Student Conduct Review Process.** The Student Conduct Review Process will be evaluated periodically by the Golden Rule Review Committee. All proposed changes shall be evaluated for approval by the appropriate administrative body.

**(6) Medical Emergencies.** The University of Central Florida highly encourages students to call for medical assistance whenever an individual experiences severe intoxication or serious injury after consuming alcohol and/or other drugs. Students may be reluctant to call for help for themselves or others due to potential involvement from law enforcement officials or SCAI. 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 law enforcement officials if alcohol-related and/or drug-related medical emergencies arise. The University's primary goal is to create a safe environment for its students.

- (a) University of Central Florida students who receive medical attention due to drug and/or alcohol related emergencies may be exempted from disciplinary action by the Director of SCAI following the Director's review of the circumstances. Students exempted by the Director from disciplinary action in this manner will be referred for assessment and follow-up services in lieu of the student conduct review process.
- (b) Students who receive medical assistance for drugs and/or alcohol emergencies may receive exemption for violations of the CodeRules of Conduct Section 11(a)-11(d) and/or 12(a)-12(c); however, exemption for other CodeRules of Conduct violations may not be granted. The Director of SCAI or designee reserves the right to review each incident individually to determine whether the student will be exempt from disciplinary action. The Director of SCAI or designee maintains the right to recommend additional requirements for students who are referred for assessment and fail to meet the requirements of their assessment. For subsequent incidents, appropriate interventions will be handled on a case by case basis.
- (c) Students who seek medical assistance on behalf of another student impaired by drugs and/or alcohol may be exempted by the Director of SCAI from disciplinary action for violations of the CodeRules of Conduct Section 11(a)-11(d) and/or 12(a)-12(c). However, exemption for other violations of the CodeRules of Conduct will not be granted.

- (d) For parental notification regarding alcohol and/or other drug-related incidents, refer to the Parental Notification Policy on SCAI website:  
<https://scai.sdes.ucf.edu/parental-notification/>.
- (e) Additional information regarding alcohol and/or other drug-related emergencies can be found on the SCAI website at <https://scai.sdes.ucf.edu/medicalemergencies/>.

*Authority: BOG Regulations 1.001 and 6.0105. History - Formerly 6C7-5.0041, New 6-18-09. Amended 9-5-13, 11-20-14, 10-29-15, 7-28-16, 7-20-17, 7-19-18, 6-18-20, 9-23-21, \_\_\_\_-24.*

## UCF-5.008 CodeRules 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. Students are responsible for the observation of all University policies and regulations. Each student is expected to abide by these CodeRules of Ceonduct, and administrators are expected to enforce itthem. These CodeRules of Conduct should be read broadly and isare 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. The right of all students to seek knowledge, debate ideas, form opinions, and freely express their ideas is fully recognized by the University of Central Florida. The CodeRules of Conduct appliesy to student conduct and will not be used to impose discipline for the lawful expression of ideas. Students are prohibited from engaging in:

### (1) Academic Misconduct

- (a) Academic misconduct is defined as any submitted work or behavior that obstructs the instructor of record's ability to accurately assess the student's understanding or completion of the course materials or degree requirements (e.g., assignment, quiz, and/or exam).  
Examples of academic misconduct include but are not limited to: plagiarism; unauthorized assistance to complete an academic exercise; unauthorized communication with others during an examination, course assignment, or project; falsifying or misrepresenting academic work; providing misleading information to create a personal advantage to complete course/degree requirements; or multiple submission(s) of academic work without permission of the instructor of record.
- (b) Any student who knowingly helps another violate academic behavior standards is also in violation of the standards.
- (c) Commercial Use of Academic Material. Selling of course material to another person and/or uploading course material to a third-party vendor without authorization or without the express written permission of the University and the instructor of record. Course materials include but are not limited to class notes, the instructor of record's slide deck, tests, quizzes, labs, instruction sheets, homework, study guides, and handouts.
- (d) Soliciting assistance with academic coursework and/or degree requirements. The solicitation of assistance with an assignment, lab, quiz, test, paper, etc., without authorization of the instructor of record or designee is prohibited. This includes but is not limited to asking for answers to a quiz, trading answers, or offering to pay another to complete an assignment. It is considered Academic Misconduct to solicit assistance with academic coursework and/or degree requirements, even if the solicitation did not yield actual assistance (for example, if there was no response to the solicitation).

### (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 (faculty or staff) or law enforcement officers.
- (b) Possession, use or attempted use of any form of fraudulent identification, including the credentials or identification of another individual.
- (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 an investigation or the Student Conduct Review Process, including knowingly initiating a false complaint.
- (f) Fraud: Any act of deceit or misrepresentation for purposes of financial or personal gain.

### **(3) Disruptive Conduct**

- (a) Any act that impairs, interferes with, or obstructs the orderly conduct, processes, and functions of the University or any part thereof or the rights of one or more individuals.
- (b) Any act which deliberately impedes or interferes with the normal flow of pedestrian and vehicular traffic.
- (c) Any act which intentionally interferes with the election processes of any University registered student organization or sponsored student group.
- (d) Misuse of any University safety equipment, firefighting equipment, or fire alarms.
- (e) A false report of an explosive or incendiary device, which constitutes a threat or bomb scare.
- (f) 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.
- (g) 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 produce identification to these persons when requested to do so.
- (h) 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.
- (i) Hindering, noncompliance, 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.
- (j) Violation of any other University regulation or policy as described in the UCF Regulations, UCF Policies and Procedures, or University department publicized policy.
- (k) Failure to comply with applicable law and University regulations and procedures for solicitation and fundraising activities on campus.

### **(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) Verbal, digital, or written abuse, threats, intimidation, coercion and/or other conduct that endangers the health, safety, or wellbeing of others, or which would place a reasonable person in fear of bodily injury or death. This definition, however, shall not be interpreted to abridge the rights of the University community to freedom of expression protected by the First Amendment of the United States Constitution and any other applicable law.

- (c) **Unlawful Harassment:** Unlawful harassment consists of conduct based upon an individual's race, color, ethnicity, national origin, religion, non-religion, age, genetic information, sex (including pregnancy and parental status, gender identity or expression, or sexual orientation), marital status, physical or mental disability (including learning disabilities, intellectual disabilities, and past or present history of mental illness), veteran's status (as protected under the Vietnam Era Veterans' Readjustment Assistant Act), or membership in other protected classes set forth in state or federal law, and the conduct meets the description of either Hostile Environment Harassment or Quid Pro Quo Harassment, as defined in the University's Nondiscrimination Policy (No. 2-004).
- (d) **Bullying:** Defined as behavior of any sort (including communicative behavior) directed at another, that is severe, pervasive or persistent, and is of a nature that would cause a reasonable person or group in the target's position substantial emotional distress and undermine their ability to work, study, or participate in University life or regular activities, or which would place a reasonable person in fear of injury or death.
- (e) **Invasion of Privacy and Unauthorized Recording.**
  1. Making, using, disclosing or distributing a recording of a person in a location or situation in which that person has a reasonable expectation of privacy and is unaware of the recording or does not consent to it; and any other conduct that constitutes an invasion of the privacy of another person under applicable laws and regulations. Such conduct includes, without limitation, unauthorized recording of personal conversations, images, meetings, activities, or surreptitiously or covertly surveilling or observing an individual.
  2. Unauthorized recording of class activity (other than class lecture), or of meetings where there exists a legal expectation of privacy, and/or any unauthorized publication of a recording.
  3. Any notice, consent, or other requirements under applicable laws and regulations must be fulfilled in connection with authorizing, making, using, disclosing, or distributing any recording, where there is a legal expectation of privacy.
- (f) Retaliation against or harassment of complainant(s), other person(s) alleging misconduct, or anyone who participates in an investigation.

**(5) Sex-Based Misconduct (Non-Title IX Sexual Harassment)**

- (a) **Sexual Assault.** Sexual assault means sexual contact without consent.
- (b) **Sexual Harassment.** Sexual harassment means any unwelcome sexual advances, request for sexual favors, or other unwanted verbal, graphic or physical conduct of a sexual nature when the conditions for Hostile Environment Harassment or Quid Pro Quo Harassment as defined in UCF's Nondiscrimination Policy (No. 2-004) are present.
- (c) **Gender-Based Harassment:** Gender-based harassment is unlawful harassment that is based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal, graphic, or physical, even if the acts do not involve conduct of a sexual nature, when the conditions for Hostile Environment Harassment or Quid Pro Quo Harassment as defined in UCF's Nondiscrimination Policy (No. 2-004) are present.

- (d) Relationship Violence: Relationship Violence includes any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship. Relationship Violence includes “dating violence” and “domestic violence”, as defined by the Violence Against Women Reauthorization Act of 2013.
- (e) Stalking: Defined as when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear for their safety or the safety of others, or to experience substantial emotional distress. Stalking includes “cyber stalking,” a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, phones, texts, or other similar devices or forms of contact. A “course of conduct” is two or more acts, including but not limited to acts in which a person directly, indirectly, or through third-parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person’s property.
- (f) Sexual Exploitation: Sexual Exploitation is purposely or knowingly doing or attempting to do any of the following:
  1. Exposing 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;
  2. Voyeurism, including trespassing, spying, or eavesdropping for the purpose of sexual gratification;
  3. Soliciting sex acts from a minor by oral, written, or electronic means;
  4. Possessing, producing, or disseminating child pornography;
  5. Recording or photographing private sexual activity and/or a person’s intimate parts (including genitalia, groin, breasts or buttocks) without consent;
  6. Disseminating or posting images of private sexual activity and/or a person’s intimate parts (including genitalia, groin, breasts, or buttocks) without consent;
  7. Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or livestreaming of images);
  8. Subjecting another person to human trafficking; or
  9. Exposing another person to a sexually transmitted infection or virus without the other’s knowledge.
- (g) Any attempted acts of sex-based misconduct are also violations of this policy.

**(6) Title IX Sexual Harassment**

- (a) Title IX Sexual Harassment is defined as any conduct which occurs (i) on or after August 14, 2020; (ii)-against a person located in the United States; and (iii) in or as part of the University’s education program or activity, which satisfies one or more of the following:
  1. Unwelcome conduct of a sexual nature that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity.

2. Sexual assault (as defined in the Clery Act), which includes any sexual contact that occurs without consent (consent and sexual contact are defined in UCF-5.006(3)).
  3. Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any act of violence or threatened act of violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.
  4. Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under Florida statute or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Florida.
  5. Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for their safety or the safety of others; or (b) suffer substantial emotional distress.
- (b) Retaliation, including but not limited to conduct meant to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972, its implementing regulations, or UCF Policy 2-012.

**(7) Larceny/Property Damage**

- (a) Unauthorized use, possession, or theft of property or service. Such property may be personal or public.
- (b) Damaging or defacing of University property or the property of another person whether or not it is on University premises.
- (c) Misuse, tampering with, or damaging fire safety or other safety equipment.

**(8) Hazing**

- (a) Hazing is any action or situation that recklessly or intentionally endangers the mental or physical health and/or safety of a student for purposes including but not limited to: initiation or admission into, association or affiliation with, any registered student organization or other group whether or not officially recognized by the University. Hazing in violation of Florida Statutes may result in felony charges. A student may commit an act of hazing whether the student is a prospective, current, or former member of the organization or group. The actions of active, associate, new and/or prospective members, former members, or alumni of a student organization or group may be considered hazing under this rule.
- (b) Hazing includes 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) Hazing includes any activity which could subject the individual to extreme mental stress such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or any other activity that could adversely affect the mental health or dignity of the individual.
- (d) Hazing includes forcing, pressuring, or coercing, the student into violation of University policies or federal, state, or local law.
- (e) Hazing includes soliciting a person to commit or being actively involved in the planning of any act of hazing as defined above where the act of hazing creates a substantial risk of physical injury or death to the person(s) hazed.
- (f) It is not defense to an allegation of hazing that:
  - 1. the consent of the victim had been obtained;
  - 2. the conduct or activity that resulted in the death or injury of a person was not part of any official organizational event or otherwise sanctioned or approved by the student organization; or
  - 3. the conduct or activity that resulted in the death or injury of a person was not done as a condition of membership into a student organization.
- (g) Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

**(9) Misuse or Unauthorized Use of Facilities and Grounds**

- (a) Misuse or unauthorized use of classroom or laboratory facilities, or University property (as defined by University Regulation UCF-4.036).
- (b) Abusing grounds or building structures including, but not limited to ramps, rails, stair sets and entryways by means of recreational cycling, skating, scootering, or other recreational activities or devices as outlined in University Regulation UCF-4.036.
- (c) Unauthorized entry or attempted entry to any University property (as defined by University Regulation UCF-4.036).
- (d) Unauthorized possession, duplication or use of keys to any University property (as defined by University Regulation UCF-4.036).

**(10) Misconduct at University Sponsored/Related Activities**

- (a) Violation of the UCF CodeRules of Conduct at any UCF sponsored or related activities.
- (b) Violations of a regulation(s) of a host institution sponsored/related activity shall be a violation of the golden rule.

**(11) Controlled Substance and Drug Violations**

- (a) Possessing, consuming, or attempting to possess cannabis in any amount.
- (b) Cultivating, manufacturing, or attempting to obtain cannabis in any amount.
- (c) Possessing, consuming, cultivating, manufacturing, or attempting to possess any controlled substances other than cannabis, except as expressly permitted by law.
- (d) Selling or distributing cannabis or any other controlled substances other than alcohol.
- (e) Possessing or attempting to possess any drug-related paraphernalia.
- (f) Misconduct under the influence of controlled substance(s) and/or drugs other than alcohol.

NOTE: Students who receive medical attention due to drug related emergencies and/or students who call for help on behalf of another student who may be experiencing a drug related emergency may be exempt from disciplinary action. Information regarding exemptions under this rule for drug related emergencies can be found in University Regulation UCF-5.007 and the Student Conduct and Academic Integrity website: <http://scai.sdes.ucf.edu/medicalemergencies> .

**(12) Alcoholic Beverage Violations**

- (a) Possessing or consuming alcoholic beverages, or possessing or using alcohol-related paraphernalia, except as expressly permitted by the law and University Regulations and/or Policies.
- (b) Selling or distributing alcoholic beverages or alcohol-related paraphernalia, except as expressly permitted by law and University Regulations and/or Policies
- (c) Misconduct under the influence of alcohol

NOTE: Students who receive medical attention due to drug related emergencies and/or students who call for help on behalf of another student who may be experiencing a drug related emergency may be exempt from disciplinary action. Information regarding exemptions under this rule for drug related emergencies can be found in University Regulation UCF-5.007 and the Student Conduct and Academic Integrity website: <http://scai.sdes.ucf.edu/medicalemergencies>.

**(13) Possession of Weapons and/or Dangerous Materials**

- (a) The possession, use, or storage of weapons on property owned or controlled by the University or at events sponsored and/or supported by the University is prohibited, except as specifically outlined in University Policy 3-119.1 (Weapons on University Property and at University Events).
- (b) Possession or use of fireworks of any description, ammunition, explosives, or chemicals which are disruptive, explosive, or corrosive are prohibited on University premises or at University sponsored/related activities.

**(14) Instigation or Participation in Group Disturbances during Demonstrations, Parades, or Picketing**

- (a) Participation in a demonstration(s), parade(s), or picketing which invades the rights of others, which interferes with the function(s) 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.

**(15) 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 or of a faculty or staff member.
- (f) Use of computing facilities and telecommunications resources to send obscene materials.
- (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 (UCF Policy 4-002), including a violation of the terms and conditions of any third party computing system.
- (j) Any violation of the University of Central Florida ResNet Acceptable Use Policy.

**(16) 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 registered student organization.
- (b) Unlawfully sell, barter or dispose of a voucher or any item for participation in a scheme of chance by whatever name on University premises or at any affair sponsored by a student or registered student organization.
- (c) Wager on a University team or organization in a competition, with a direct influence in the success of the competition.

**(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.

**(19) Aiding and Abetting:** Aiding and abetting is any act taken with the purpose of aiding or facilitating the commission of an act prohibited by the CodeRules of Conduct.

(20) Refusing to Depart Restroom or Changing Facility. Willfully entering a restroom or changing facility designated for the opposite sex on University premises and refusing to depart when directed by a University official with the exception of the following circumstances:

- (a) to accompany a person of the opposite sex for the purpose of assisting or chaperoning a child under the age of 12, an elderly person, or a person with a disability or developmental disability;
- (b) for law enforcement or governmental regulatory purposes;
- (c) for the purpose of rendering emergency medical assistance or to intervene in any other emergency situation where the health or safety of another person is at risk;
- (d) for custodial, maintenance, or inspection purposes, provided that the restroom or changing facility is not in use; or
- (e) if the appropriate designated restroom or changing facility is out of order or under repair and the restroom or changing facility designated for the opposite sex contains no person of the opposite sex.

NOTE: For purposes of this violation only, “sex” is defined as under the provisions of section 553.865, Florida Statutes.

*Authority: BOG Regulations 1.001 and 6.0105. History –Formerly 6C7-5.0042, New 6-18-09, Amended 7-19-12, 9-5-13, 11-20-14, 10-29-15, 7-28-16, 7-20-17, 1-18-18, 7-19-18, 7-18-19, 6-18-20, 10-22-20, 12-3-20, 9-23-21, 10-20-22, 6-29-23, \_\_\_\_-24.*

### UCF-5.009 Student Conduct Review Process; Sanctions

**(1) Violation Reports.** To initiate the Student Conduct Review Process, alleged violations of the UCF CodeRules of Conduct must be reported in writing to the Director of the Student Conduct and Academic Integrity (SCAI) or designee. Upon receiving an alleged violation of misconduct, the Director of SCAI or designee may review relevant information and consult with relevant parties regarding the incident in question. Where deemed necessary to protect the safety and well-being of others, of the University, or of property, the Director of SCAI or designee, upon notifying the VP of Student Success and Well-Being (SSWB) or designee, may take immediate action to resolve the safety and/or well-being concern by placing the student on interim action. Interim action is not a sanction. An interim action is subject to review at a hearing within three (3) business days by the VP of SSWB or designee to determine the status of the interim action. The outcome of an interim action hearing shall remain in effect until the final disposition of any formal charges resulting from the circumstances of the case, unless the VP of SSWB or designee shall decide otherwise.

- (a) The Director of the SCAI or designee will refer all information warranting disciplinary action and assign the case to the appropriate staff member. SCAI will send written notification to the charged student indicating the nature of the activity in question and what university rules were allegedly violated.
- (b) Upon receipt of an incident report SCAI has six (6) months to charge a student with a violation of the CodeRules of Conduct. SCAI may exercise discretion when applying the time provision to account for circumstances that warrant a waiver of the six-month time limit. SCAI will waive the six-month limit in cases involving sexual harassment, dating violence, domestic violence, and stalking and may waive the time limit for other extraordinary cases, as determined by the Director of SCAI or designee.
- (c) Students charged with alleged violations of the CodeRules of Conduct will receive notice to attend a preliminary conference with SCAI to discuss the charges. At the preliminary conference, 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, and notice on how to contact the Student Government Impartial Advisor. At the conclusion of the conference, SCAI recommends an option for resolution of the disciplinary charges. If the student fails to attend the preliminary conference, a hold may be placed on the student's record, preventing them from registering for future classes until the matter is resolved, and SCAI may move forward with scheduling a formal hearing as a resolution for disciplinary charges. 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.

### **(2) Options for Resolution of Disciplinary Charges.**

- (a) **Case Dismissal:** The Director of SCAI 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 CodeRules of Conduct, or the reported violation is not seen to warrant punitive disciplinary action. An informal non-disciplinary meeting may be held where the student may be instructed to complete an educational requirement to demonstrate what was learned from the reported behavior. Upon successful completion of the educational requirement, the reported incident will be dismissed.

- (b) **Mediation:** Depending on the nature and severity of the alleged violation, SCAI may recommend mediation 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 possible disciplinary action. 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 SCAI. Mediation will not be a resolution option for cases involving allegations of incidents of sexual misconduct and/or interpersonal violence.
- (c) **Informal Resolution Conference:** At the discretion of SCAI, violations found not to warrant a formal hearing may be referred to an informal resolution conference. SCAI shall provide timely written notice to the student of the charges at least seven (7) business days before the informal resolution conference. At the informal resolution conference, the charged student has the opportunity to meet with an SCAI member or designee and accept responsibility for the charges of violation of the [CodeRules](#) of Conduct. At the informal level, the matter will be settled by the following outcomes: punitive sanction (Disciplinary Warning, Disciplinary Probation, or Disciplinary Deferred Suspension) 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. The outcomes from an informal resolution conference (decision of [accepting](#) responsibility and sanctions) are final and are not eligible to be appealed (UCF-5.010). The student will receive written notice of the Resolution Agreement within ten (10) business days of the conference, except in the case of extraordinary circumstances. Written notice of the Resolution Agreement will include the determination regarding responsibility for conduct violations and applicable sanctions.
- (d) **Formal Hearing:** If an alleged violation of the [CodeRules](#) of Conduct is not dismissed or otherwise resolved, then SCAI shall provide timely written notice to the student of the charges at least seven (7) business days before the formal hearing. Except as set forth in (5) below, the charged student may request either a panel or administrative hearing. The charged student's hearing shall be open only to the charged student; the charged student's advisor, advocate, or legal representative; the hearing body; witnesses (when called upon); a representative from SCAI; and a legal representative for the University. For cases of sex-based misconduct (non-Title IX Sexual Harassment), the hearing shall also be open to the complainant and advisor. For cases of Title IX Sexual Harassment, the hearing shall also be open to the complainant, advisor, and support person. In cases of alleged Academic Misconduct, the student is required to have an academic integrity hearing as stated in UCF-5.015. Following the formal hearing, the student will have a specified timeline to file an appeal; should the student fail to file an appeal within the specified timeline, the outcome from the formal hearing will be considered final agency action by the University (see Regulation UCF-5.010).

**(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 SCAI from the Student Conduct Board ~~where students comprise at least one-half of the membership and shall consist of two (2) faculty and administrative staff members combined, and two (2) student members.~~ One panel member shall be selected by SCAI to chair the hearing and report the proposed finding(s) and recommended sanctions, if any, to the Director of SCAI or designee.
  2. At hearings conducted by a panel, an SCAI staff member shall act as an advisor to the panel. The Director of SCAI or designee shall receive the panel's proposed finding(s) as to ~~responsible~~"in violation" or ~~not responsible~~"not in violation" of a violation of the Code Rules of Conduct, and consider any sanctions proposed by the panel.
  3. The Director of SCAI or designee may accept the proposed finding(s) of ~~responsible~~"in violation" or ~~not responsible~~"not in violation" or remand the case for rehearing. If the Director of SCAI or designee accepts the proposed finding(s) of ~~responsible~~,"in violation," they may adopt, modify, or reject~~approve, mitigate, or increase~~ the recommended decision and sanctions proposed by the panel or remand the matter for a rehearing.
  4. Any decision by the Director of SCAI or designee to alter proposed sanctions or remand 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 one faculty or staff member selected by SCAI from the Student Conduct Board.
  2. At hearings conducted by an administrative hearing officer, an SCAI staff member shall act as an advisor to the administrative hearing officer. The Director of SCAI or designee shall receive the administrative hearing officer's proposed finding(s) as to ~~responsible~~"in violation" or ~~not responsible~~"not in violation" of a violation of the Code Rules of Conduct, and consider any sanctions proposed by the administrative hearing officer.
  3. The Director of SCAI or designee may accept the proposed finding(s) of ~~responsible~~"in violation" or ~~not responsible~~"not in violation" or remand the case for rehearing. If the Director of SCAI or designee accepts the proposed finding(s) of ~~responsible~~,"in violation," they may adopt, modify, or reject~~approve, mitigate, or increase~~ the recommended decision and sanctions proposed by the administrative hearing officer or remand the matter for a rehearing.
  4. Any decision by the Director of SCAI or designee to alter sanctions or remand 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. The formal hearing will be recorded by the University, and no other recordings are permitted. The recording will be made part of the official record of the hearing.
1. Reading of charges.
  2. Charged Student response of ~~responsible~~"in violation" or ~~not responsible~~,"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.
  6. Presentation and questioning of all other parties.
  7. Final questions of the charged student by the hearing body.
  8. Closing remarks by the charged student.
  9. Hearing is brought to a close.
- (d) Deliberations by the hearing body are not part of the hearing and are confidential. Deliberations occur after the closure of the hearing and are not recorded. Following deliberations, the hearing body will prepare a written statement of its proposed finding(s) and, if applicable, recommend sanctions.
- (e) 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 proposed finding(s) and sanction(s) by the hearing panel or administrator, if any.
  6. The Director of SCAI's or designee's decision.
- (f) Student Conduct Board members for panel and administrative formal hearings are selected through an annual application and interview process with the exception of the justices from the Student Government Judicial Branch. All Student Conduct Board members, including justices, receive annual training from SCAI. Student Conduct Board members who serve on hearings related to allegations of sex discrimination, including but not limited to relationship violence, sexual assault, sex harassment, and stalking receive additional training annually.

**(4) Student Rights in the Student Conduct Review Process.** The following rights apply to a student disciplinary proceeding:

- (a) The charged student shall be afforded timely written notice, at least seven (7) business days prior to each disciplinary proceeding, unless waived in writing. Written notice may be sent to the charged student's electronic and/or physical address listed in the Registrar's records. If the charged student is under 18 years of age, notification may be sent to family, guardians, or the emergency contact of a student depending on the circumstances surrounding the incident. Written notice shall include:
  1. The student's name and address.
  2. Date, time, and location of the disciplinary proceeding.
  3. The rule(s) of conduct allegedly violated as known at the time the notice is sent.
  4. A listing of all known witnesses that have provided, or will provide, information against the student.
  5. A description of any physical or written documentation known at the time the notice is sent.
- (b) The student may have at their own expense and initiative, an advisor, advocate, or legal representative to be present and who can fully participate in the disciplinary proceeding (i.e., informal resolution conference or formal hearing). It is the student's responsibility to make appropriate arrangements for the advisor,

advocate, or legal representative to attend the preliminary conference or disciplinary proceeding(s), and the disciplinary proceeding(s) shall not be delayed due to scheduling conflicts of the chosen advisor, advocate, or legal representative. An advisor, advocate, or legal representative may not serve as a witness during any a disciplinary proceeding. The student may consult with their advisor, advocate, or legal representative at any time during the preliminary conference or disciplinary proceeding(s). This consultation must take place in a manner that does not disrupt the preliminary conference or disciplinary proceeding(s). If the advisor, advocate, or legal representative does not adhere to their defined role in the Student Conduct Review Process, they may be removed from the disciplinary proceeding.

- (c) The Student Conduct Review Process shall be conducted on the basis that the charged student is not ~~responsible in violation~~ until the preponderance of evidence proves otherwise, except if the student accepts responsibility for the charge(s). The technical rules of evidence applicable to civil and criminal cases shall not apply to the Student Conduct Review Process, including during a formal hearing. The burden of proof is not on the student charged with a violation of the ~~Code Rules~~ of Conduct. The university has the burden to prove, by a preponderance of the evidence, that a violation has taken place. Nothing contained in this paragraph prohibits or limits the University in offering other forms of resolution, such as mediation or informal resolution.
- (d) The student shall have the right to an impartial hearing officer for the formal hearing. Prior to the commencement of the formal hearing, the charged student shall have the opportunity to challenge the impartiality of any member(s) of the hearing body. If the student shows good cause for the removal of any member(s) of the hearing body, the Associate Vice President and Dean of Students or designee will assign a new hearing body member.
- (e) At least five (5) business days before the informal resolution conference or formal hearing, the University will provide the student with the opportunity to inspect all known information relating to the allegation(s), including inculpatory and exculpatory information. The University also has the right to review any information the student intends to use at the informal resolution conference or formal hearing at least five (5) business days before the informal resolution conference or formal hearing. During a formal hearing, only such information that is determined to be "Relevant Information" will be allowed.
- (f) The University cannot compel any person to attend a formal hearing. However, all parties may arrange for witnesses to voluntarily present Relevant Information during the proceeding. The questioning of a witness shall be facilitated by the hearing officer or panel conducting the formal hearing.
- (g) The student shall not be forced to present self-incriminating information during a disciplinary proceeding. In addition, the student reserves the right to remain silent. Such silence may not be used against the student. The University is not required to postpone any disciplinary proceeding(s) pending the outcome of any civil or criminal case. The University's formal hearing is not a criminal or judicial proceeding and is designed to address student behavior; therefore, alleged violations of the UCF ~~Code Rules~~ of Conduct will be addressed independently of any outcome imposed by the courts for a criminal offense.
- (h) The proposed finding, as well as the Director of SCAI's or designee's determination, of ~~responsible "in violation"~~ or ~~not responsible "not in violation"~~ on

the charges shall be based solely on the information presented at the formal hearing.

- (i) Should the student fail to attend the scheduled formal hearing, the hearing will be held in the student's absence and the proposed findings, including any recommended sanctions, will be made using the information available at the time of the scheduled formal hearing.
- (j) Only if the proposed finding of the formal hearing body is that the student is responsible in violation, will prior conduct history be reviewed and potentially affect proposed sanctioning.
- (k) The results of any formal hearing shall be made available to the charged student within ten (10) business days following the hearing. Should SCAI need additional time, the deadline can be extended by the Director of SCAI or designee by notifying the charged student. For academic integrity cases, the results of any formal hearing shall be made available to the charged student within fifteen (15) business days following the hearing. The Director of SCAI or designee shall notify the charged student in writing of the need for additional time.
- (l) The student's enrollment status shall remain unchanged pending the University's final agency action in the matter, except in cases where the VP of SSWB or designee determines that the safety, health, or general welfare of the student, any individual, or any part of the University may be involved.
- (m) The student has the right to an accurate and complete record of each disciplinary proceeding related to the charged violation(s) of the Code Rules of Conduct, including record of any appeal, to be made, preserved, and available for copying upon request by the charged student. The disciplinary record is considered complete following final agency action by the University. The disciplinary records will be maintained in accordance with UCF-5.007.

#### **(5) Additional Procedures in Cases of Sex-Based Misconduct and Title IX Sexual Harassment**

- (a) In cases involving sex-based misconduct or Title IX sexual harassment, a single hearing officer will be the only option for a formal hearing.
- (b) Where a student is charged with a violation of UCF-5.008(5), the procedures outlined in UCF-5.006(6) and UCF Policy 2-004 will apply in addition to the procedures of the Student Conduct Review Process outlined above.
- (c) Where a student is charged with Title IX Sexual Harassment as prohibited under UCF-5.008(6), the procedures outlined in UCF-5.006(7) and the Title IX Grievance Policy (University Policy 2-012) will apply in place of the procedures of the Student Conduct Review Process outlined above, except that UCF-5.009(4)(a) and (e) will apply, and the sanctions outlined below may be applied to violations of UCF-5.008(6) Title IX Sexual Harassment.
- (d) The sanctions outlined below may be applied to violations of UCF-5.008(5) Sex-Based Misconduct (non-Title IX) and UCF-5.008(6) Title IX Sexual Harassment.

#### **(6) Sanctions.**

- (a) Graduate students found responsible for academic misconduct will be subject to a three semester (one year) dismissal both from the graduate program in which the misconduct occurred and other graduate programs at the university
- (b) Disciplinary Warning - An official warning that the student's behavior is in violation of the UCF Code Rules of Conduct.

- (cb) Disciplinary Probation – Disciplinary Probation status shall be for a specific length of time in which any further violation of the CodeRules of Conduct puts the student’s status with the University in jeopardy. While on Disciplinary Probation, the student may continue to attend classes and is given a chance to show capability and willingness to live in accordance with the CodeRules of Conduct. If the student is found responsible ~~“in violation”~~ for another violation of the CodeRules of Conduct, while on Disciplinary Probation, more severe sanctions may be imposed. Restrictive conditions may be imposed and vary according to the severity of the offense. A non-exhaustive list of possible restrictive conditions shall be listed on the SCAI website (scai.sdes.ucf.edu). Student leadership eligibility shall be governed by the eligibility requirements outlined by the Office of Student Involvement and their eligibility appeal process. While on Disciplinary Probation, a service indicator will be placed on a student’s record for record keeping purposes.
- (de) Deferred Disciplinary Suspension - Deferred Disciplinary Suspension is a designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the CodeRules of Conduct. Deferred Disciplinary Suspension is used for offenses found serious enough to warrant Disciplinary Suspension, but where the specific circumstances of the case mitigate the offense or for repeated offenses of a less serious nature. During a Deferred Disciplinary Suspension, the student will be officially suspended from the university, but the suspension will be deferred, meaning that the student may continue to attend classes. Students placed on Deferred Disciplinary Suspension will have a conduct overlay placed on their transcripts for the period of time that the Deferred Disciplinary Suspension is in effect. The conduct overlay is a notation indicating that the student is not in good standing. Restrictive conditions may be imposed and vary according to the severity of the offense. A non-exhaustive list of possible restrictive conditions shall be listed on the SCAI website (scai.sdes.ucf.edu). Student leadership eligibility shall be governed by the eligibility requirements outlined by the Office of Student Involvement and their eligibility appeal process. A disciplinary suspension will be enforced for failure to complete any assigned educational sanctions by the deadline(s) and/or for any subsequent violation of the CodeRules of Conduct, unless the Director of SCAI or designee determines otherwise in exceptional circumstances. If the student is found responsible ~~in violation~~ for any violation(s) of the CodeRules of Conduct that occurred while on Deferred Disciplinary Suspension status, including failure to complete any assigned educational sanctions by the deadline(s), the student will be suspended for a minimum of one (1) semester, in addition to the educational sanctions imposed for the subsequent violation. While on Deferred Disciplinary Suspension, a service indicator will be placed on a student’s record for recordkeeping purposes.
- (ed) Disciplinary Suspension - A student involved in an offense warranting consideration of action more serious than Deferred Disciplinary Suspension or one involved in repeated misconduct may face Disciplinary Suspension. During the period of Disciplinary Suspension, a student may not be enrolled in 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 SCAI or designee. Upon being withdrawn, the student may no longer enroll in classes, may not be an active member of a Registered Student

Organization, may no longer use university facilities, must vacate university owned housing, may no longer be permitted on university property, may not be employed by the University, 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. In determining if and to what extent suspended students shall be authorized to be on University premises, the Director of SCAI or designee shall consider whether the suspension creates an undue hardship on the disciplinary suspended student. Students placed on Disciplinary Suspension will have a conduct overlay placed on their transcript for the period of time that the Disciplinary Suspension is in effect.–The conduct overlay is a notation indicating that the student is not in good standing. 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.

- (fe) Disciplinary Dismissal – Disciplinary Dismissal is a sanction which removes the student from the individual’s academic program and separates the student from the University for a period of at least two years and up to seven years. A dismissed student has none of the rights or privileges of a student of the University. A student under Disciplinary Dismissal may not otherwise be present on University premises for the duration of the dismissal unless authorized in writing in advance under conditions approved by the Director of SCAI or designee. Following Disciplinary Dismissal, the individual must apply for readmission to the University. Readmission is possible but not guaranteed and will only be considered after the two-to-seven-year time allotted from the effective date of the Dismissal, based on meeting all readmission criteria and obtaining clearance from the Associate Vice President and Dean of Students or designee. This may include restricted access to campus and/or other specified activities. Students placed on Disciplinary Dismissal will have a conduct overlay placed on their transcript for the period of time that the Disciplinary Dismissal is in effect. The conduct overlay is a notation indicating that the student is not in good standing. Further, while on Disciplinary Dismissal, 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 Dismissal; otherwise, the Disciplinary Dismissal will remain in effect.
- (gf) Delayed Issuance of Diploma: The issuance of a student’s diploma from the University of Central Florida will be withheld until the completion of a stated time frame and all educational sanctions imposed through the Student Conduct Review Process.
- (hg) Delayed Conferral of Degree – The Administrative process of a student’s degree being conferred through the University’s Registrar’s Office will be delayed. This means the student’s degree will not be awarded until the completion of a stated time frame and all educational sanctions imposed through the Student Conduct Review Process.
- (ih) Disciplinary Expulsion – Disciplinary Expulsion is a sanction which removes the student from the individual’s academic program and permanently separates a student from the University without opportunity to graduate or re-enroll at the university in the future. A student under Disciplinary Expulsion may not otherwise be present on University premises. 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.

- (j) Educational Sanctions - In conjunction with a sanction listed above, a student found ~~to have been responsible in violation~~ of ~~a violation of any of~~ the Code Rules of Conduct will be assigned educational requirements such as, but not limited to, reflective/research papers, classes/seminars, interviews, etc. Educational sanctions are intended to provide a student with opportunities to repair the harm of their actions and to engage in meaningful developmental experiences that will help the student in avoiding future violations of University policy.

*Authority: BOG Regulations 1.001 and 6.0105. History - Formerly 6C7-5.0041, New 6-18-09. Amended 9-5-13, 3-5-15, 10-29-15, 7-28-16, 7-20-17, 1-18-18, 7-19-18, 7-18-19, 6-18-20, 10-22-20, 9-23-21, 5-26-22, 6-29-23, \_\_\_\_\_-24.*

**UCF-5.010 Student Conduct Appeals****(1) Appeals within the Student Conduct Review Process**

- (a) Students found ~~responsible in violation~~ as a result of a formal hearing may appeal the finding(s) and sanction(s) imposed. The appeal must be made in writing to the Appellate Officer (VP of SSWB or designee) within ten (10) business days after the date the student was notified of the decision by the Director of Student Conduct and Academic Integrity (SCAI) or designee. The person designated to hear the appeal may not have directly participated in any other proceeding related to the charged violation. The appeal form can be found at <http://scai.sdes.ucf.edu/process>.
- (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, the appellate officer may: deny the appeal, thus sustaining the initial decision; alter the sanction(s); or return the case for a new hearing. Any decision by the appellate officer to alter sanctions or return a case for new hearing shall be accompanied by a concise and explicit written statement that explains the basis for that decision.
- (e) The appellate officer should issue a written decision to the student's appeal within twenty (20) business days of receipt of the appeal. Should the appellate officer require additional time for review beyond the twenty (20) business days, the appellate officer shall notify the charged student in writing of the need for additional time. Decisions of the appellate officer reflect final agency action.
- (f) Any decision by an appellate officer to alter sanctions or return a case shall be accompanied by a concise and explicit written statement that explains the basis for that decision.
- (g) SCAI 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 SCAI's or designee's final decision letter.

**(2) Appeals within the Student Conduct Review Process for Cases Involving Sex-Based Misconduct**

- (a) Complainants and Respondents in matters involving allegations of Sex-Based Misconduct (as defined in Regulation UCF-5.008(5)) may appeal the finding(s)

and sanction(s) imposed from a student conduct formal hearing. The appeal must be made in writing to the Appellate Officer (VP of SSWB or designee) within ten (10) business days after the date both the Respondent and Complainant are notified of the decision by the Director of SCAI or designee. The person designated to hear the appeal may not have directly participated in any other proceeding related to the charged violation. The appeal form can be found at <https://scai.sdes.ucf.edu/student-appeal/>.

- (b) In cases charged under 5.008(5), Complainants and Respondents 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, supporting facts, and the recommended solution. Failure to describe the nature of the information in full detail in the appeal letter will result in the denial of the appeal.
- (d) The appellate officer shall first determine if sufficient grounds for appeal exist and then, if so, the appellate officer may: deny the appeal, thus sustaining the initial decision; alter sanction(s); or return the case for a new hearing.
- (e) The appellate officer should issue a written decision to the student's appeal within twenty (20) business days of receipt of the appeal. The written decision shall be issued to both the Complainant and the Respondent. Should the appellate officer require additional time for review beyond twenty (20) business days, the appellate officer shall notify the Complainant and Respondent in writing of the need for additional time. Decisions of the appellate officer reflect final university action.
- (f) Any decision by an Appellate Officer to alter sanctions or return a case shall be accompanied by a concise and explicit written statement that explains the basis for that decision.

**(3) Appeals within the Student Conduct Review Process for Title IX Sexual Harassment**  
Complainants and Respondents in matters involving allegations Title IX Sexual Harassment are to follow University's Title IX Grievance Policy, UCF Policy 2-012 which outlines the rights, including appeals rights, for both parties.

**(4) Community ReEngagement and Educational Development (CREED) Program for Undergraduate Students**

- (a) The Community ReEngagement and Educational Development (CREED) Program is designated for a student to have the opportunity to demonstrate that in the period following the conclusion of the Student Conduct Review Process, they have taken steps to become a productive and engaged member of the UCF Community.
- (b) Upon completion of one semester of Disciplinary Probation, Deferred Disciplinary Suspension, or Disciplinary Suspension and completion of all educational sanctions, a student can request a review of their disciplinary status through the Community ReEngagement and Educational Development (CREED) Program. Students who have a Z Designation on their transcript are eligible to

apply once the duration of their Disciplinary Suspension has ended and all educational sanctions are complete.

1. Students who have been found responsible ~~“In-Violation”~~ of Sex-Based Misconduct (Non-Title IX Sexual Harassment) or Title IX Sexual Harassment are ineligible to apply for relief under the CREED Program.
  2. Students who have been found responsible ~~In-Violation~~ of ~~a Rule of a~~ violation of the Code of Conduct that had a substantially negative impact on a person or group of people, as determined by SCAI, are ineligible to seek relief under the CREED Program.
- (c) Requests must be submitted to the Director of SCAI or designee via an online CREED Program submission form available at [www.scai.sdes.ucf.edu/creed](http://www.scai.sdes.ucf.edu/creed). This request can only be submitted once a semester.
  - (d) The Director of SCAI or designee will review applications submitted before the semesterly deadline(s) during the application review period(s). Information on application deadlines and review periods can be found at <https://scai.sdes.ucf.edu/creed-program>. The Director of SCAI or designee shall conduct a preliminary review to ensure that the student’s request meets the necessary eligibility and application requirements. The Director of SCAI or designee must communicate the finding of the preliminary review of the application as well as the date and time of the CREED Review Meeting that has been scheduled for a committee to conduct a review of the student’s application, if applicable. The student has three (3) business days from when the Director of SCAI or designee sent their preliminary findings to request an alternate date and time of the CREED Review Meeting.
  - (e) Prior to this meeting, the committee will have reviewed the submitted packet and will prepare questions for the student to address, as well as provide the student with the opportunity to further discuss why their disciplinary status should be altered or terminated or why the Z Designation should be removed from the student’s transcript. No alterations shall be made to include new or increased sanctions. Should the committee feel that further information and/or documentation is necessary in order to render a recommendation, the review may be temporarily recessed. The student will be given ten (10) business days to produce the information and/or documentation. Upon receipt of the requested information and/or documentation, the committee will reconvene the CREED Review Meeting with the student.
  - (f) After the meeting, the committee will issue a recommendation to the Director of SCAI or designee. The Director of SCAI or designee will provide a final decision to the student in writing within ten (10) business days of receiving the recommendation.
  - (g) If the request is denied by the Director of SCAI or designee the final decision shall include a concise and explicit written statement that explains the basis for that decision and suggested action items for the student’s success.
  - (h) There is no appeal process for a CREED Review Meeting decision.

#### **(5) 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 disciplinary suspension, disciplinary dismissal, or

- disciplinary expulsion and/or if the student is not current on disciplinary probation or deferred suspension with all educational sanctions completed in full.
- (b) A student conduct record may be sealed upon the successful submission and review of appropriate paperwork to SCAI.
  - (c) The factors influencing the decision by the Director of SCAI or designee 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.

*Authority: BOG Regulations 1.001 and 6.0105. History – Formerly 6C7-5.00431, New6-18-09. Amended 3-5-15, 10-29-15, 7-28-16, 7-20-17, 1-18-18, 7-18-19, 6-18-20, 10-22-20, 9-23-21, 5-26-22, 6-29-23, \_\_\_\_\_-24.*

**UCF-5.011 Scope; Authority; Principles of Student Group Responsibility; Violations of Law and Organizational Code Rules of Conduct Violations; Conduct Records; Medical Emergencies (Alcohol & Drugs)**

**(1) Scope**

- (a) The organizational conduct regulations (UCF-5.011, 5.012, and 5.013) shall apply to all registered student organizations, 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 registered student organization registration. The right of all students to seek knowledge, debate ideas, form opinions, and freely express their ideas is fully recognized by the University of Central Florida, including when students come together as a group.
- (b) The Organizational Code Rules of Conduct applies to all registered student organizations for conduct that occurs:
  - 1. On University premises; or
  - 2. During or 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 may take action against a registered student organization for off-campus conduct if the conduct is specifically prohibited by law or the Organizational Code Rules of Conduct; or if the conduct poses (or demonstrates that the student organization's continued recognition at the University poses) a danger to the health, safety or welfare of the University community; or if the conduct is disruptive to the orderly processes and functions of the University.

**(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. The Florida Board of Governors Regulation 6.021 requires each university to establish an anti-hazing policy as part of the student code of conduct.
- (b) These regulations shall ensure a fair and impartial process in registered student organizational disciplinary proceedings and guarantee the integrity of the university.
- (c) Generally, authority necessary to enforce the organizational conduct regulations is vested in the Vice President for Student Success and Well-Being ~~Development and Enrollment Services~~ or designee. Selected functions of this authority are shared with faculty, staff and students. Some functions of the conduct process are assisted through review boards.

**(3) Definitions.** Definitions for terms used in this section, as well as in the Organizational Conduct Review Process, are located in UCF-5.006(3).

**(4) Principles of Student Group Responsibility.**

- (a) Any registered student organization can be held responsible for its actions or the actions of a collection of its members acting together. Misconduct on the part of an individual member(s) may not automatically be sufficient to initiate the Organizational Conduct Review Process.

- (b) Students may be held accountable as individuals under the CodeRules of Conduct for their conduct, whether the students are acting in an individual capacity or the students are acting as a member of a registered student organization.
- (c) The following criteria will be used to determine if a registered student organization can be held responsible for the actions of one or more individuals when those actions result in a violation of the Organizational CodeRules of Conduct:
  1. A violation arises out of an organization-sponsored, financed, or otherwise sanctioned activity or event, where the organization provided the context for the violation.
  2. A pattern of individual violations has occurred and/or continues to occur within the organization without adequate control, response, or disciplinary action on the part of the registered student organization or its executive board members or officers.
  3. The action resulting in the violation has received either the implied or overt consent of the registered student organization or any executive board members or officers of the registered student organization.
  4. The registered student organization or any executive board member or officer of the registered student organization fails to report and take reasonable action against invitees/members responsible for the Organizational CodeRules of Conduct violation.
  5. The registered student organization overtly places or implicitly allows active members of the registered student organization to be in a position to act on behalf or with authority of the organization.
  6. The registered student organization chooses to protect one or more individual offenders who are active members of the registered student organization from official actions.
- (d) Should a reported incident occur where an organization is named as allegedly violating an Organizational CodeRule of Conduct, the University may conduct an investigation to gather facts to help provide further context to the original complaint. The investigative process may include administering surveys to organization members and/or conducting interviews with persons associated with or believed to have knowledge about the reported incident. An investigative report will be drafted containing findings. Next steps following the investigation may be to close the case, request more information, or initiate a disciplinary proceeding.

**(5) Medical Emergencies.** The University of Central Florida highly encourages students and registered student organizations to call for medical assistance whenever an individual experiences severe intoxication or serious injury after consuming alcohol and/or drugs. Students and registered student organizations may be reluctant to call for help for themselves or others due to potential involvement from the law enforcement officials or Student Conduct and Academic Integrity (SCAI). 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 law enforcement officials if alcohol-related and/or drug-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 SCAI CodeRules of Conduct Controlled Substance and Drug Violations and Alcoholic Beverages section and the Organizational CodeRules of Conduct section.

- (a) Alcohol Emergencies - University Expectations for Student Groups. Student groups may be eligible for exemptions from disciplinary action when a representative of an organization at a student group event calls for emergency assistance on behalf of a person experiencing an alcohol related emergency. Student groups that seek medical assistance for alcohol emergencies may receive exemption for violations of the Organizational CodeRules of Conduct Section UCF-5.012 6(a)-6(f); however, exemption for other Organizational CodeRule of Conduct violations may not be granted. Student groups may be eligible for this exemption on a case-by-case basis at the discretion of the Director of SCAI or designee. Additional information regarding alcohol emergencies can be found at the SCAI website.
- (b) Drug-Related Emergencies - University Expectations for Student Groups. Student groups may be eligible for exemptions from disciplinary action when a representative of an organization at a student group event calls for emergency assistance on behalf of a person experiencing a drug-related emergency. Student groups that seek medical assistance for drug-related emergencies may receive exemption for violations of the Organizational CodeRules of Conduct Section UCF-5.012 7(a)-7(d); however, exemption for other Organizational CodeRule of Conduct violations may not be granted. Student groups may be eligible for this exemption on a case by case basis at the discretion of the Director of SCAI or designee. Additional information regarding drug-related emergencies can be found at the SCAI website.

**(6) Violations of Law and CodeRule of Conduct Violations.** Students 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. The Student Organization Conduct process is not a criminal or judicial proceeding and is designed to address registered student organization behavior as outlined in the Principles of Student Group Responsibility, above; therefore, alleged violations of the Organizational CodeRules of Conduct will be addressed independently of any penalty imposed by the courts for the criminal offense.

**(7) Student Organizational Conduct Records**

- (a) Maintenance of Records. A registered student organization's or other student group's conduct case record will be maintained in SCAI. The case record of a registered student organization found responsible for charge(s) against them, with sanctions less than organizational suspension or revocation, will generally be maintained in SCAI for seven years from the calendar year of record, after which they are destroyed. The case record of a registered student organization that has been suspended or whose registration has been revoked will be permanently maintained by SCAI.
- (b) Release of Records. The release of registered student organization and other student group disciplinary records will be governed by applicable federal and state laws regarding the privacy of education records.

*Authority: BOG Regulations 1.001 and 6.0105. History – New 10-16-09. Amended 7-19-12, 9- 3-13, 10-29-15, 7-28-16, 7-20-17, 6-18-20, 9-23-21, 6-29-23, \_\_\_\_-24.*

## UCF-5.012 Organizational ~~Code~~Rules of Conduct

Registered student organizations are expected to abide by these Organizational ~~Code~~Rules of Conduct, and administrators and faculty are expected to enforce them. The prohibition on hazing found in Section (10), below, shall apply equally to registered student organizations and other student groups, whether or not officially recognized by the University. These rules in the Code of Conduct should be read broadly and are not intended to define prohibited conduct in exhaustive terms. The Organizational Code of Conduct ~~These rules~~ may be revised during the year; announcements will be made on adoption of changes or additions. The right of all students to seek knowledge, debate ideas, form opinions, and freely express their ideas is fully recognized by the University of Central Florida, including when students come together as student group; accordingly, the Organizational Code of Conductrules below will not be used to impose discipline for a student group's lawful expression of ideas. Specific restrictions on time and place of meetings and assemblies are found in other University regulations or policies and student groups are expected to follow those restrictions. The following is a non-exhaustive list of prohibited conduct for which disciplinary action may be taken at the University of Central Florida.

### (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 registered 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

- (a) Withholding related information, or furnishing false, misleading, incomplete, or incorrect information (oral or written) to University officials (faculty or staff), or law enforcement officers.
- (b) Possession, use or attempted use of any form of fraudulent identification, including the credentials or identification of an individual or organization.
- (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 an investigation or the student conduct review process, including knowingly initiating a false complaint.
- (f) Fraud: Any act of deceit or misrepresentation for purposes of financial or personal gain.

### (3) Disruptive Conduct

- (a) Any act that impairs, interferes with, or obstructs the orderly conduct, processes, and functions of the University or any part thereof or the rights of one or more individuals.
- (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) Any act that intentionally interferes with an election process of any University registered or sponsored student organization.

- (d) Engaging in obscene or indecent conduct.
- (e) Failure to comply with the administrative policies as enacted by the University.
- (f) Failure to comply with the directions of University officials or authorized agents acting in the performance of their duties. Registered 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.
- (g) 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.
- (h) Participating in any event with a registered student organization that is currently on Organizational Disciplinary Probation (with restrictive conditions) or Organizational Deferred Suspension (with restrictive Conditions), is currently suspended, or that has had their UCF registration revoked.
- (i) Failure to comply with any other University regulation or policy as described in the UCF Regulations, UCF Policies and Procedures, or University department publicized policy.

#### **(4) Harmful Behavior**

- (a) Physical violence towards another person or group. This harmful behavior policy may not apply in those instances where it is found that a student(s) is acting in self-defense.
- (b) Unlawful Harassment: Unlawful harassment consists of conduct based upon an individual's race, color, ethnicity, national origin, religion, non-religion, age, genetic information, sex (including pregnancy and parental status, gender identity or expression, or sexual orientation), marital status, physical or mental disability (including learning disabilities, intellectual disabilities, and past or present history of mental illness), veteran's status (as protected under the Vietnam Era Veterans' Readjustment Assistant Act), or membership in other protected classes set forth in state or federal law, and the conduct meets the description of either Hostile Environment Harassment or Quid Pro Quo Harassment, as defined in University's Nondiscrimination Policy (No. 2-004).
- (c) Bullying: Defined as behavior of any sort (including communicative behavior) directed at another, that is severe, pervasive, or persistent, and is of a nature that would cause a reasonable person or group in the target's position substantial emotional distress and undermine his or her ability to work, study, or participate in University life or regular activities, or which would place a reasonable person in fear of injury or death.
- (d) Verbal, digital, or written abuse, threats, intimidation, coercion and/or other conduct that endangers the health, safety or well-being of another person or group, or which would place a reasonable person in fear of bodily injury or death. This definition, however, shall not be interpreted to abridge the rights of the University community to freedom of expression protected by the First Amendment of the United States Constitution and any other applicable law.
- (e) Failure to respect the privacy of other individuals.
- (f) Retaliation against or harassment of Complainant(s), other person(s) alleging misconduct, or anyone who participates in an investigation.

#### **(5) Sex-Based Misconduct**

- (a) Sexual Assault. Sexual assault means sexual contact without consent.

- (b) **Sexual Harassment:** Sexual harassment means any unwelcome sexual advance, request for sexual favors, or other unwanted verbal, graphic or physical conduct of a sexual nature when the conditions for Hostile Environment Harassment or Quid Pro Quo Harassment as defined in UCF's Nondiscrimination Policy (No. 2-004) are present.
- (c) **Gender-Based Harassment:** Gender-based unlawful harassment is harassment that is based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal, graphic, or physical, even if the acts do not involve conduct of a sexual nature, when the conditions for Hostile Environment Harassment or Quid Pro Quo Harassment as defined in UCF's Nondiscrimination Policy (No. 2-004) are present.
- (d) **Sexual Exploitation –** Purposely or knowingly doing or attempting to do any of the following:
  1. Exposing 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.
  2. Voyeurism, including trespassing, spying, or eavesdropping for the purpose of sexual gratification.
  3. Soliciting sex acts from a minor by oral, written, or electronic means.
  4. Possessing, producing or the disseminating child pornography;
  5. Recording or photographing private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent;
  6. Disseminating or posting images of private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts, or buttocks) without consent;
  7. Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or livestreaming of images);
  8. Subjecting another person to human trafficking; or
  9. Exposing another person to a sexually transmitted infection or virus without the other's knowledge.
- (e) **Stalking:** Stalking occurs when there is a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear for the person's safety or the safety of others, or to experience substantial emotional distress. A "course of conduct" is two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property. Stalking includes "cyber-stalking," a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, phones, texts, or other similar devices or forms of contact.
- (f) Any attempted acts of Sex-Based Misconduct are also violations of this policy.

**(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) Misconduct 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 registered 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.

NOTE: Registered student organizations may be eligible for exemptions from disciplinary action when a representative of an organization at a registered student organizational event calls for emergency assistance on behalf of a person experiencing an alcohol related emergency. Information regarding exemptions under this rule for alcohol related emergencies can be found in University Regulation UCF-5.011 and the Student Conduct & Academic Integrity website: <http://scai.sdes.ucf.edu/medicalemergencies> .

#### **(7) Drug-Related Misconduct**

- (a) Unlawful use and/or possession of any narcotic or other controlled substances, and possession and/or use of drug paraphernalia.
- (b) Sale and/or distribution of any narcotic or other controlled substances.
- (c) Cultivation and/or manufacture of any narcotic or other controlled substances.
- (d) Attempt to obtain any narcotic or other controlled substances, except as expressly permitted by law.

NOTE: Registered student organizations may be eligible for exemptions from disciplinary action when a representative of an organization at a registered student organizational event calls for emergency assistance on behalf of a person experiencing a drug related emergency. Information regarding exemptions under this rule for drug related emergencies can be found in University Regulation UCF-5.011 and the Student Conduct and Academic Integrity website: <http://scai.sdes.ucf.edu/medicalemergencies>.

**(8) Unauthorized Entry** Unauthorized entry, attempted entry, or loitering in private or restricted areas.

#### **(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 registered or sponsored student organization.
- (b) Unlawful sale, barter, or disposition of a voucher or any item for participation in a scheme of chance by whatever name on University premises or at any activity sponsored by a registered or sponsored 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**

- (a) Hazing is any action or situation that recklessly or intentionally endangers the mental or physical health and/or safety of a student for purposes including but not limited to initiation or admission into, or association or affiliation with, any registered student organization or other group whether or not officially recognized by the University. Hazing which violates Florida Statutes may result in felony charges. A student may commit an act of hazing whether the student is a

prospective, current, or former member of the organization or group. The actions of active, associate, new and/or prospective members, former members, or alumni of a registered student organization or other student group may be considered hazing under this rule.

- (b) Hazing includes 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) Hazing includes any activity that could subject the individual to extreme mental or physical stress such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or any other activity that could adversely affect the mental or physical health or dignity of the individual.
- (d) Hazing includes forcing, pressuring, coercing, or requiring the violation of University policies, federal, state, or local law.
- (e) Hazing includes soliciting a person to commit or being actively involved in the planning of any act of hazing as defined above where the act of hazing creates a substantial risk of physical injury or death to the person(s) hazed.
- (f) It is not a defense to an allegation of hazing that:
  - 1. The consent of the victim had been obtained;
  - 2. The conduct or activity that resulted in the death or injury of a person was not part of any official organizational event or otherwise sanctioned or approved by the student organization or group; or
  - 3. The conduct or activity that resulted in the death or injury of a person was not done as a condition of membership into a student organization.
- (g) Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.
- (h) All student groups, whether or not registered with the University and whether or not officially recognized by the University are subject to the same hazing prohibitions set out in this section (10). With regard to student groups that are not registered students organizations, and against which there is an allegation of hazing, the principles of group responsibility and scope provisions of University Regulation UCF-5.011(1)(b), (1)(c), and (4) shall apply, as well as the conduct proceeding procedures of University Regulation UCF-5.013.

**(11) Outstanding Debt.** 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 registered student organizations.

**(12) Use of Facilities.** 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, life safety, or security 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 registered 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.

**(15) Solicitation and Fundraising.** Failure to comply with applicable law and University regulations and procedures for solicitation and fundraising activities on campus.

**(16) University Wordmark Violations.** 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 registered 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 of course material to another person, student, and/or uploading course material to a third-party vendor without authorization or without the express written permission of the University and the Instructor. Course materials include but are not limited to class notes, Instructor's power points, tests, quizzes, labs, instruction sheets, homework, study guides, handouts, etc.
- (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.

**(19) Aiding and Abetting.** Aiding and abetting is any act taken with the purpose of aiding or facilitating the commission of an act prohibited by the Organizational CodeRules of Conduct.

*Authority: BOG Regulations 1.001 and 6.0105. History –New 10-16-09, Amended 7-19-12, 9-3-13, 10-29-15, 7-28-16, 7-20-17, 7-19-18, 7-18-19, 6-18-20, 10-22-20, 12-3-20, 9-23-21, 10-20-22, \_\_\_\_\_-24.*

**UCF-5.013 Organization Conduct Review Process; Sanctions; Appeals****(1) Violation Reports**

- (a) To initiate the Organizational Conduct Review Process, alleged violations of the UCF Organizational **CodeRules** of Conduct must be reported in writing to the Director of Student Conduct and Academic Integrity (SCAI) or designee. Incident reports can be submitted for information purposes only, for information purposes with the requirement that the registered student organization complete an educational activity including but not limited to an academic integrity seminar, or to initiate the Organizational Conduct Review Process. Upon receiving an incident report, the Director of SCAI or designee may review relevant information and consult with relevant parties regarding the incident in question. Where deemed necessary to protect the health and safety of any individual, the student body, or any part of the University or its community, the Director of SCAI or designee, upon notifying the VP of SSWB or designee, may take immediate action to resolve the situation by placing the registered student organization on interim organizational action. Interim organizational action is not a sanction. Interim organizational action is preliminary in nature; it is in effect only until there is a resolution of the registered student organization conduct matter. Interim organizational action is subject to review at a hearing within ten (10) business days by the VP of SSWB or designee to determine the status of the interim organizational action. The outcome of an interim organizational action hearing shall remain in effect until the final disposition of any formal charges resulting from the circumstances of the case, unless the VP of SSWB or designee shall decide otherwise.
- (b) The Director of SCAI or designee will refer all information warranting disciplinary action and assign the case to the appropriate staff member. SCAI will send written notification to the chief officer of the registered student organization at their UCF mailing address indicating the nature of the activity in question and what Organizational **CodeRules** of Conduct were allegedly violated. The chief officer of the registered student organization shall serve as the organization's representative in the organization conduct review process.
- (c) Upon receipt of an incident report SCAI has six months to charge a registered student organization with a violation of the Organizational **CodeRules** of Conduct. SCAI may exercise discretion when applying the time provision to account for circumstances that warrant a waiver of the six-month time limit. SCAI will waive the six-month limit in cases involving sexual harassment, dating violence, domestic violence, and stalking and may waive the time limit for other extraordinary cases, as determined by the Director of SCAI or designee.
- (d) A registered student organization charged with alleged violations of the Organizational **CodeRules** of Conduct (see UCF-5.012) will receive notice to attend a preliminary conference with SCAI to discuss the charges. At the preliminary conference, the registered student organization will receive information regarding the Organizational Conduct Review Process, including the registered student organization's rights during the process; an opportunity to inspect and/or review the information known at the time, and how to contact the Student Government Judicial Advisor. At the conclusion of the conference, SCAI recommends an option for resolution of the disciplinary charges. If the registered student organization fails to attend the preliminary conference, the registered

student organization may be placed on immediate social probation until such time the matter is resolved, and SCAI may move forward with scheduling a formal hearing as resolution for disciplinary charges.

- (e) Social probation includes but is not limited to 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 SCAI 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 CodeRules of Conduct.
- (b) Mediation: Depending on the nature and severity of the alleged violation, SCAI may recommend mediation 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 SCAI for possible disciplinary action. 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 SCAI.
- (c) Informal Resolution Conference: At the discretion of SCAI, violations found not to warrant a formal hearing may be referred to an informal resolution conference. SCAI shall provide timely written notice to the registered student organization of the charges at least seven (7) business days before the informal resolution conference. At the informal resolution conference, the charged registered student organization has the opportunity to meet with an SCAI staff member and accept responsibility for the charges of violation of the Organizational CodeRules of Conduct. At the informal level the matter will be settled by the following outcomes: punitive sanction (organizational warning, organizational probation, organizational probation with restrictions, deferred organizational suspension) 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. The outcomes from an informal resolution conference are final and are not eligible to be appealed. The registered student organization will receive written notice of the Resolution Agreement within ten (10) business days of the conference, except in the case of extraordinary circumstances. Written notice of the Resolution Agreement will include the determination regarding responsibility for the conduct violations and applicable sanctions.
- (d) Formal Hearing: If an alleged violation of the Organizational CodeRules of Conduct is not dismissed or otherwise resolved, then SCAI shall provide timely written notice of the charges to the registered student organization at least seven (7) business days before the formal hearing. The charged registered student organization may request either a panel or administrative hearing. The charged registered student organization's hearing shall only be open to the charged

registered student organization's chief officer or designee; the charged registered student organizations' advisor, advocate, or legal representative; representative from the National Office (if appropriate); the hearing body; witnesses (when called upon); a representative from SCAI; a legal representative for the university; and a university staff member from an appropriate office (Office of Student Involvement, Office of Fraternity and Sorority Life, Recreation and Wellness Center, etc.). Following the formal hearing, the student organization will have a specified timeline to file an appeal; should the student organization fail to file an appeal within the specified timeline, the outcome from the formal hearing will be considered final agency action of the University (section (7), below).

**(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 randomly selected by comprised of members SCAI from the SCAI Student Conduct Board where students shall comprise at least one-half of the membership. The panel shall consist of two (2) faculty and administrative staff members combined and two (2) student members that have been trained by SCAI to hear organizational cases. One panel member shall be selected by SCAI to chair the hearing and report the proposed finding(s) and recommended sanction(s), if any, to the Director of SCAI or designee. All board members will be trained by SCAI to hear organizational cases.
2. At hearings conducted by a panel, a SCAI staff member shall act as an advisor to the panel. The Director of SCAI or designee shall receive the panel's proposed finding(s) as to responsible" in violation" or not responsible" not in violation" of a violation of the the Organizational Code Rules of Conduct and consider any sanctions proposed by the panel.
3. The Director of SCAI or designee may accept the proposed finding(s) of responsible" in violation" or not responsible" not in violation" or remand the case for rehearing. If the Director of SCAI or designee accepts the proposed finding of responsible, " in violation," they may approve, mitigate, or increase the sanctions proposed by the panel.
4. Any decision by the Director of SCAI 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 SCAI to hear organizational cases.
2. At hearings conducted by an administrative hearing officer, a SCAI staff member shall act as an advisor to the administrative hearing officer. The Director of SCAI or designee shall receive the administrative hearing officer's proposed finding(s) as to responsible" in violation" or not responsible" not in violation" of a violation of the Organizational Code Rules of Conduct, and consider any sanctions proposed by the administrative hearing officer.
3. The Director of SCAI or designee may accept the proposed finding(s) of responsible" in violation" or not responsible" not in violation" or remand

- the case for rehearing. If the Director of SCAI or designee accepts the proposed finding(s) of responsible,~~“in violation,”~~ they may approve, mitigate, or increase the sanctions proposed by the administrative hearing officer.
4. Any decision by the Director of SCAI 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. The formal hearing is recorded by the University, and no other recordings are permitted. The recording will be made part of the official record of the hearing.
1. Reading of charges.
  2. Charged registered student organization response of responsible~~“in violation”~~ or not responsible.~~“not in violation.”~~
  3. Presentation of information in support of the charges.
  4. Opening statement by the charged registered student organization.
  5. Questioning of the charged registered 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 registered student organization.
  8. Final questions of the charged student organization by the hearing body.
  9. Closing remarks by the charged registered student organization.
  10. Hearing is brought to a close.
  11. Registered student organization is scheduled for a meeting to discuss the hearing body’s proposed finding(s) and recommended sanction(s), if any.
- (d) Deliberations by the panel or the administrative hearing officer are not part of the hearing and are confidential. Deliberations occur after the closure of the hearing and are not recorded.
- (e) 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 Director of SCAI’s or designee’s decision.
- (f) Student Conduct Board members for panel and administrative formal hearings are selected through an annual application and interview process with the exception of the justices from the Student Government Judicial Branch. All Student Conduct Board members, including justices, receive annual training from SCAI. Student Conduct Board members who serve on hearings related to allegations of sex discrimination, including but not limited to relationship violence, sexual assault, sex harassment, and stalking receive additional training annually.

**(4) Registered Student Organization Rights during the Formal Conduct Review Process.**

The following rights apply to a registered student organization disciplinary proceeding:

- (a) The charged registered student organization shall be afforded written notice, at least seven (7) business days prior to disciplinary proceeding, unless waived in writing. Written notice may be sent to the chief student officer of the charged registered student organization's electronic and/or physical address. Written notice shall include:
1. The name of the organization, the chief student officer's name and organization's address, if applicable.
  2. Date, time, and location of the disciplinary proceeding.
  3. Alleged Organizational ~~CodeRule~~ of Conduct Violation(s) known at the time the notice is sent.
  4. A listing of all known witnesses that have provided, or will provide, information against the registered student organization.
  5. A description of any physical or written documentation known at the time the notice is sent.

Provided that the required notice stated above has been given to the registered student organization along with its student leadership or member representative(s) but the organization failed to attend a scheduled disciplinary proceeding 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 disciplinary proceeding and any further steps in the conduct process. The organization will also not be able to update its registration while on social probation.

- (b) The registered student organization may have at their own expense and initiative, an advisor, advocate, or legal representative to be present and who can fully participate in the disciplinary proceeding (i.e., informal resolution conference or formal hearing). It is the registered student organization's responsibility to make appropriate arrangements for an advisor, advocate, or legal representative to attend the preliminary conference or disciplinary proceeding(s), which shall not be delayed due to scheduling conflicts of the chosen advisor, advocate, or legal representative. A registered student organization may consult with their advisor, advocate, or legal representative at any time during the disciplinary proceeding(s). This consultation must take place in a manner that does not disrupt the proceedings. In addition, an advisor, advocate, or legal representative may not serve as a witness during a disciplinary proceeding. A registered student organization's advisor must not be connected to the actual conduct case or a related case. If the advisor, advocate, or legal representative does not adhere to their defined role in the Organizational Conduct Review Process, they may be removed from the disciplinary proceeding(s). The Student Government (SG) Impartial Advisor(s) may assist the registered student organization with finding an advisor, advocate, or legal representative or may act as their advisor.
- (c) All formal hearings shall be conducted on the basis that the charged registered student organization is not ~~responsible in violation~~ until the preponderance of evidence proves otherwise, except if the registered student organization accepts responsibility for the charge(s). The technical rules of evidence applicable to civil and criminal cases shall not apply to the Organizational Conduct Review Process, including during a formal hearing. The burden of proof is not on the registered student organization charged with a violation of the Organizational ~~CodeRules~~ of Conduct. The university has the burden to prove, by a preponderance of the

evidence, that a violation has taken place. Nothing contained in this paragraph prohibits or limits the University in offering other forms of resolution, such as mediation or informal resolution.

- (d) At least five (5) business days before the disciplinary proceeding, the University will provide the registered student organization's chief officer or designee with the opportunity to inspect all known information related to the allegation(s), including inculpatory and exculpatory information. Information may be presented in support of the charged student organization. The University also has the right to review any information the registered student organization intends to use at the disciplinary proceeding at least five (5) business days before the disciplinary proceeding. During a formal hearing, only such information that is determined to be "Relevant Information" will be allowed.
- (e) The University cannot compel any person serving as a witness to attend a registered student organizational formal hearing. However, all parties to a registered student organizational conduct formal hearing may arrange for witnesses to voluntarily present Relevant Information during the proceeding. The questioning of witnesses shall be facilitated by the hearing officer or panel conducting the formal hearing.
- (f) The registered student organization shall have the right to an impartial hearing officer for the formal hearing. Prior to the commencement of the formal hearing, the charged registered student organization shall have the opportunity to challenge the impartiality of any member(s) of the hearing body. If the registered student organization shows good cause for the removal of any member(s) of the hearing body, the Vice President of SSWB or designee will assign a new hearing body member.
- (g) The registered student organization shall not be forced to present information that incriminates its individual members during a disciplinary proceeding. In addition, the registered student organization has the right to remain silent in the process, and such silence may not be used against the registered student organization. The University is not required to postpone disciplinary proceedings pending the outcome of any civil or criminal prosecution. The University's student organizational review process is not a criminal or judicial proceeding and is designed to address violations of the Organizational ~~CodeRules~~ of Conduct; therefore, alleged violations of the ~~coderule~~s will be addressed independently of any outcome imposed by or sought from a court.
- (h) Should the registered student organization fail to attend the scheduled formal hearing, the hearing will be held in the registered student organization's absence and the proposed findings, including any recommended sanctions, will be made using the information available at the time of the scheduled formal hearing.
- (i) The proposed finding(s), as well as the Director of SCAI's or designee's determination, of ~~responsible" in violation"~~ or ~~not responsible" not in violation"~~ on the charges shall be based solely on the information presented at the registered student organizational formal hearing.
- (j) Only if the proposed finding(s) of the formal hearing body is that the registered organization is ~~found responsible in violation~~, will prior conduct history be reviewed and potentially affect the proposed sanctioning.
- (k) The final decision shall be furnished in writing to the registered student organization within fifteen (15) business days following the hearing. Should

SCAI need additional time, the deadline can be extended by the Director of SCAI or designee by notifying the charged organization.

- (l) The registered student organization's registration status shall remain unchanged pending the University's final decision in the matter except in cases where the VP of SSWB or designee determines that the safety, health, or general welfare of any individual, or any part of the University may be involved.
- (m) The registered student organization has the right to an accurate and complete record of every disciplinary proceeding related to the charged violation(s) of the Organizational CodeRules of Conduct, including record of any appeal, to be made, preserved, and available for copying upon request. The disciplinary record is considered complete following final agency action by the University.

**(5) Additional Procedures in Cases of Sex-Based Misconduct.** Where a registered student organization is charged with sexual misconduct and other identified sex-based misconduct, the procedures outlined in UCF-5.006(6) will apply in addition to the procedures of the Organization Conduct Review Process.

**(6) Sanctions for Registered Student Organizations**

- (a) Organizational Warning: An official warning that the organization's behavior is in violation of the Organizational CodeRules of Conduct.
- (b) Organizational Probation: A period of time during which any further violation of the Organizational CodeRules of Conduct puts the registered student organization's status with the University in jeopardy. Restrictive conditions may also be imposed as part of organizational probation and will vary according to the severity of the offense. A non-exhaustive list of possible restrictive conditions can be found on the SCAI website (scai.sdes.ucf.edu). If a registered student organization is found responsible "in violation" for another violation of the Organizational CodeRules of Conduct while on organizational probation, more severe sanctions may be imposed.
- (c) Organizational Deferred Suspension – Organizational deferred suspension is used for offenses found serious enough to warrant organizational suspension, but where the specific circumstances of the case mitigate the offense or for repeated offenses of a less serious nature. Organizational deferred suspension is a designated period of time during which a registered student organization is given the opportunity to demonstrate the ability to abide by the community's expectations of behavior articulated in the Organizational CodeRules of Conduct. During an organizational deferred suspension, the registered student organization will be officially suspended from the University, but the organizational suspension will be deferred, meaning that the registered student organization may continue to operate with sanction-specific restrictions. Organizational suspension will be enforced should the registered student organization fail to complete any of the assigned sanctions by the deadline(s) and/or for any subsequent violation of the Organizational CodeRules of Conduct unless the Director of SCAI or designee determines otherwise in exceptional circumstances. If the registered student organization is found responsible "in violation" for any violation of the Organizational CodeRules of Conduct that occurred while on deferred suspension status, including failure to complete any assigned sanctions by the deadline(s), the registered student organization will be suspended for a minimum of one (1) semester in addition to any educational sanctions imposed for the subsequent

violation. Registered student organizations on organizational deferred suspension may be limited in their abilities to represent the University in intramural sporting events, extracurricular activities, or official functions. The duration of any organizational deferred suspension period and the specific restrictions imposed will be determined by SCAI on a case-by-case basis.

- (d) **Organizational Suspension:** While on organizational suspension the registered 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 unless authorized in writing in advance under conditions approved by the Director of SCAI or designee. Additional provisions may be assigned that further outline University expectations while on Organizational Suspension Status.
- (e) **Revocation of UCF Registration:** Permanent severance of the organization's relationship with UCF.
- (f) **Recommendation for Charter Revocation:** An official request to a national office that the local chapter's charter be revoked.
- (g) **Educational Sanctions:** In conjunction with any sanction listed above, a registered student organization found to have been ~~responsible in violation for~~ of any of the Organizational ~~Code~~**Rules** of Conduct will be assigned educational sanctions that are proportional to the violation such as, but not limited to: reflective/research papers, classes/seminars, community service, restitution, interviews, etc. If a registered student organization has any outstanding educational sanctions at the conclusion of organizational probation or organizational suspension, the organizational probation or organizational suspension will remain in effect pending completion of the educational sanctions.

#### **(7) Appeal within the Registered Student Organization Review Process**

- (a) A registered student organization found ~~responsible 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 SSWB or designee) within ten (10) business days after the date the registered student organization was notified of the decision by the Director of SCAI or designee. The person designated to hear the appeal may not have directly participated in any other proceeding related to the charged violation.
- (b) Registered 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 registered 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 registered 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. If the registered student organization alleges that the sanction was disproportionate to the violation(s) and the appellate officer finds the sanction to be disproportionate, the appellate officer may alter the sanction; or
  - 2. If the registered student organization alleges that there was a defect in procedure or new information was presented which was sufficiently substantial to have affected the outcome and the appellate officer agrees, the appellate officer will order a new hearing.
- (e) The registered 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 SSWB or designee reflect final agency action.
- (f) Any decision by Appellate Officer to alter sanctions or return a case shall be accompanied by a concise and explicit written statement that explains the basis for that decision.
- (g) 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 SCAI's or designee's final decision letter.

#### **(8) Community ReEngagement and Educational Development (CREED) Program**

- (a) The Community ReEngagement and Educational Development (CREED) Program is designated for a registered student organization to have the opportunity to demonstrate that in the period following the conclusion of the Organizational Conduct Review Process, they have taken steps to become a productive and engaged organizational member of the UCF Community.
- (b) Upon completion of one semester of the Organizational Probation, Organizational Deferred Suspension, or Organizational Suspension, and upon completion of all educational sanctions/requirements, a registered student organization can request modification of their organizational disciplinary status through the CREED Program.
  - 1. Registered student organizations that have been found ~~responsible~~ **violation** of Sex-Based Misconduct are ineligible to apply for relief under the CREED program.
  - 2. Registered student organizations that have been found ~~responsible~~ **violation** of a ~~violation of the code~~ **rule** of conduct that had a substantially negative impact on a person or group of people, as determined by SCAI, are ineligible to seek relief under the CREED program.
- (c) Requests must be submitted to the Director of SCAI or designee via an online Student Organization CREED Program Submission form that can be found at <https://scai.sdes.ucf.edu/creed-program/>.
- (d) The CREED Program is designed for registered student organizations to have the opportunity to demonstrate that in the period following a violation of the Organizational ~~Code~~ **Rules** of Conduct, they have taken steps to become

productive and engaged members of the UCF community. Student organizations that simply fulfill the minimum requirements of their sanction(s) will not be eligible for the CREED Program.

- (e) Upon receipt of the CREED Program form, the Director of SCAI or designee shall conduct a preliminary review to ensure that the registered student organization's request meets the necessary eligibility and application requirements. The Director of SCAI or designee must communicate the finding of the preliminary review of the application as well as the date and time of the "CREED review meeting" that has been scheduled for a committee to conduct a review the registered student organization's application, if applicable. The organization has three (3) business days from when the Director of SCAI or designee sent their preliminary findings to request an alternate date and time for the "CREED review meeting."
- (f) Prior to this meeting, the committee will have reviewed the packet and will prepare questions to be addressed, as well as provide the opportunity to further discuss why the registered student organization's organizational disciplinary status should be altered or terminated. No alterations shall be made to include new or increased sanctions. Should the committee feel that further information and/or documentation is necessary in order to render a recommendation, the review may be temporarily recessed. The registered student organization will be given ten (10) business days to produce the information and/or documentation the committee requested. Upon receipt of the requested information and/or documentation, the committee will reconvene the CREED review meeting with the registered student organization.
- (g) After the meeting, the committee will issue a recommendation to the Director of SCAI or designee. The Director of SCAI or designee will provide a final decision to the registered student organization in writing within ten (10) business days of receiving the recommendation.
- (h) If the request is denied by the Director of SCAI or designee the decision shall include a concise and explicit written statement that explains the basis for that final decision.
- (i) There is no appeal process for a Registered Student Organization Disciplinary CREED Review meeting decision.

*Authority: BOG Regulations 1.001 and 6.0105. History - Formerly 6C7-5.003, New 6-18-09, Amended 7-19-12, 9-5-13, 11-24-14, 10-29-15, 7-28-16, 7-20-17, 1-18-18, 7-19-18, 7-18-19, 6-18-20, 10-22-20, 9-23-21, 6-29-23, \_\_\_\_\_24.*

### **UCF-5.015 Student Academic Misconduct Review Process**

(1) The Office of Undergraduate Studies, College of Graduate Studies, Registrar's Office, and the Office of Student Rights and Responsibilities will review this regulation periodically.

(2) UCF is committed to a policy of honesty in academic affairs. Conduct that comprises a breach of this policy may result in academic action and/or disciplinary action. Academic action affects student assignments, examinations, or grades. Disciplinary action could affect student enrollment status.

(3) Academic misconduct includes but is not limited to cheating, plagiarism, assisting another in cheating or plagiarism, and commercial use of academic materials. Violations of academic misconduct at the undergraduate and graduate level are listed and defined in the [CodeRules of Conduct \(UCF-5.008\)](#).

(4) Alleged violations of the UCF [CodeRules of Conduct \(Academic Misconduct\)](#) shall be reported in writing to the Director of Student Conduct and Academic Integrity (SCAI) or designee. When an instructor becomes aware of an alleged violation of academic misconduct, the instructor must document the alleged violation(s) through the Academic Misconduct Report Form (AMR), available at <http://scai.sdes.ucf.edu>. Upon receiving an alleged violation of academic misconduct, the Director of SCAI or designee may review relevant information and consult with relevant parties regarding the incident in question.

- (a) The Director of SCAI or designee will refer all information warranting disciplinary action to the SCAI. SCAI will send notification to the student indicating the nature of the activity in question and what university rules were allegedly violated.
- (b) Upon receipt of an AMR form SCAI has six months to charge a student with a violation of academic misconduct. SCAI 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.
- (c) Students charged with alleged violations of academic misconduct will receive notice to attend a preliminary conference with SCAI to discuss the charges. At the preliminary conference, the purpose of this meeting is to provide the student with 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, and notice of how to contact the Student Government Impartial Advisor. At the conclusion of the conference, SCAI will recommend an option for resolution of the academic misconduct charges. These options are case dismissal, informal resolution conference, or academic formal hearing. If the student fails to attend the preliminary conference, a hold may be placed on the student's record, preventing them from registering for future classes until the matter is resolved, and SCAI may move forward with scheduling a formal hearing as a resolution for disciplinary charges. 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.

#### **(5) Options for Resolution of Academic Misconduct**

- (a) Case Dismissal. The Director of SCAI or designee may dismiss a case if: the reported case fails to have sufficient facts or information to substantiate the claim of academic misconduct; or the reported violation is not seen to warrant punitive

disciplinary action; or the reported behavior reported as academic misconduct is not a violation of the CodeRules of Conduct. An informal non-disciplinary meeting may be held where the student may be instructed to complete an educational requirement to demonstrate what was learned from the reported behavior. Upon successful completion of the educational requirement, the reported incident will be dismissed.

- (b) Informal Resolution Conference. At the discretion of SCAI, violations found not to warrant a formal hearing may be referred to an informal resolution conference. SCAI shall provide timely written notice to the student of the charges at least seven (7) business days before the informal resolution conference. At the informal resolution conference, the charged student has the opportunity to meet with a SCAI staff member or designee and accept responsibility for the charges of violation of academic misconduct. At the informal resolution conference level, the matter will be settled by the following outcomes: punitive sanction (disciplinary warning, disciplinary probation, deferred disciplinary suspension) 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. The outcomes from an informal resolution conference process (decision of responsibility and recommended sanctions) are final and are not eligible for appeal. The student will receive written notice of the Resolution Agreement within ten (10) business days, except in extraordinary circumstances. Written notice of the Resolution Agreement will include the determination regarding responsibility for conduct violations and applicable sanctions.
- (c) Academic Misconduct Formal Hearing. If an alleged violation of academic misconduct is not dismissed or otherwise resolved, then SCAI shall provide timely written notice to the student of the charges at least seven (7) business days before the formal hearing. The charged student's formal hearing shall be open only to the charged student/co-charged students involved in the same incident, selected advisor, witnesses (when called upon), the university's legal representative, and a representative from SCAI.
- (d) Charged students in the Academic Misconduct Review Process shall be entitled to the rights listed in 5.009(4)(a)-(h), including but not limited to timely written notice and the right to an advisor, advocate, or legal representative who can participate in the proceedings.

#### **(6) Academic Misconduct Formal Hearing Process**

- (a) Academic Misconduct Formal Hearings. Students going through the Academic Misconduct formal hearing process may elect an Administrative Academic Misconduct Formal Hearing or a Panel Academic Misconduct Formal Hearing.
  - 1. Administrative Academic Misconduct Formal Hearing
    - a. Administrative Academic Misconduct Formal Hearings shall be conducted by one faculty member from the Student Conduct Board, who will be designated as an administrative hearing officer.
    - b. A SCAI staff member shall act as an advisor to the administrative hearing officer. The Director of SCAI or designee shall receive the administrative hearing officer's proposed finding(s) as to responsible"in violation" or not responsible"not in violation" of a violation of the CodeRules of Conduct, and consider any punitive

and/or educational sanctions proposed by the administrative hearing officer.

- c. The Director of SCAI or designee may accept the proposed finding(s) of ~~responsible~~<sup>"in violation"</sup> or ~~not responsible~~<sup>"not in violation"</sup> or remand the case for rehearing. If the Director of SCAI or designee accepts the proposed finding(s) of ~~responsible~~<sup>"in violation,"</sup> they may adopt, modify, or reject~~approve, mitigate, or increase~~ the recommended decision and sanctions proposed by the administrative hearing officer, or remand the matter for a rehearing.
- d. Any decision by the Director of SCAI 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.

2. Academic Misconduct Panel Hearings.

- a. A panel to consider an individual case shall be randomly selected by SCAI from the Student Conduct Board and shall consist of at least one (1) faculty member, one (1) additional faculty or administrative staff member, and two (2) student members. One panel member shall be selected by SCAI to chair the hearing and report the finding(s) and recommended sanctions, if any, to the Director of SCAI or designee.
- b. A SCAI staff member shall act as an advisor to the panel. The Director of SCAI or designee shall receive the panel's proposed finding(s) as to ~~responsible~~<sup>"in violation"</sup> or ~~not responsible~~<sup>"not in violation"</sup> of a violation of the CodeRules of Conduct, and consider any punitive or educational sanctions proposed by the panel.
- c. The Director of SCAI or designee may accept the proposed finding(s) of ~~responsible~~<sup>"in violation"</sup> or ~~not responsible~~<sup>"not in violation"</sup> or remand the case for rehearing. If the Director of SCAI or designee accepts the proposed finding(s) of ~~responsible~~<sup>"in violation,"</sup> they may adopt, modify, or reject~~approve, mitigate, or increase~~ the recommended decision and sanctions proposed by the panel, or remand the matter for a rehearing.
- d. Any decision by the Director of SCAI or designee to alter proposed sanctions or return a case shall be accompanied by a concise and explicit written statement that explains the basis for that decision.

(b) Following the Academic Misconduct Formal Hearing.

1. Undergraduate students found ~~responsible~~<sup>"in violation"</sup> will be prescribed disciplinary and educational sanctions appropriate to the findings and recommendations. SCAI will report the outcome from the academic misconduct hearing back to the instructor of record and department chair. In consultation with the college dean or designee, the instructor and the department chair will determine if further course or academic action should be imposed. If the undergraduate program recommends further course or program action, the undergraduate program must notify SCAI

and Academic Services. Final results of the academic misconduct hearing and/or course or program action must be made available to the student in writing within fifteen (15) business days following the date of the hearing.

2. Undergraduate students found not responsible~~“not in violation”~~ will be notified within fifteen (15) business days. SCAI will report the findings back to the instructor, department chair, and college dean or designee. Students may have proposed course or academic action removed and the instructor may determine a new grade since no violation was found.
3. For graduate students found responsible~~“in violation”~~, SCAI notifies the instructor, the Dean or designee of the Academic College in which the graduate student resides, the program the student was in, and the Dean and Associate Dean of the College of Graduate Studies. The College of Graduate Studies will then dismiss the student from the academic program and disallow matriculation in a graduate program for a period of one year (three semesters). After that time, a student can re-apply to the program from which they were dismissed or apply to another graduate program in the university. To do so, the student must submit a new application (application fee, letters of reference if applicable, AND a statement describing what has been learned about academic misconduct, and what he/she/they will do in the future to prevent it). If admitted, the student will continue to have the original dismissal denoted on the transcript and, if readmitted to the same program, will continue with the same Program GPA held prior to dismissal. The student will be admitted on restricted status, any future instance of academic misconduct and, if the student is found to commit misconduct again, the College of Graduate Studies will refer the student to OSCAI and recommend permanent expulsion from the university, and the Dean or designee of the Academic College in which the graduate student resides. The college dean or designee will in turn notify the graduate program that a student is in violation and ask if the program wishes to invoke any program-level academic action(s). The student’s graduate program will determine if program action is necessary. If deemed necessary, recommendation of program action will be made using the *Probation/Dismissal Form* and/or *Conditional Retention Plan*. This information will be forwarded to the College of Graduate Studies. SCAI will be notified if the graduate program recommends additional program action. The results of any hearing and/or program action should be available for the student within fifteen (15) business days.
4. For graduate students found not responsible~~“not in violation”~~ of academic misconduct, SCAI notifies the instructor, Associate Dean of Graduate Studies and the Dean or designee of the Academic College in which the graduate student resides. The graduate student may have their proposed course or program action removed and the instructor may determine a new grade since no violation was found.

(c) Appeals.

1. Undergraduate or graduate students found responsible~~“in violation”~~ as the result of an academic misconduct formal hearing may appeal the finding(s) and sanction(s) imposed by the Director of SCAI or designee. The appeal must be made in writing to the appellate officer (Provost or

designee) within ten (10) business days after the date the student was notified of the decision by the Director of SCAI or designee. The person designated to hear the appeal may not have directly participated in any other proceeding related to the charged violation. Students may appeal the finding and sanction(s) imposed on the basis of one or more of the following:

- a. Irregularities in fairness and stated procedures of the hearing that could have affected the outcome of the hearing.
  - b. Discovery of new and significant information that could have affected the outcome of the hearing and which was not known or could not reasonably have been discovered and/or presented at the time of the hearing.
  - c. The sanction(s) are extraordinarily disproportionate to the violation(s), except for graduate students where all sanctions are the same.
2. Any decision by an appellate officer to alter sanctions or return a case shall be accompanied by a concise and explicit written statement that explains the basis for that decision.
  3. The appellate officer should issue a written decision to the student's appeal within twenty (20) business days of receipt of the appeal. Should the appellate officer require additional time for review beyond the 20 business days, the appellate officer will notify the charged student in writing of the need for additional time. Decisions of the Provost or designee reflect final agency action.
  4. Any decision by the Provost 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.
  5. Undergraduate students may appeal program sanctions imposed by the student's undergraduate program, per UCF-5.016. Graduate Students may not appeal dismissal for academic misconduct, but may be eligible for readmission per the Academic Misconduct Policy in the Graduate Catalog program sanctions provided by the student's graduate program, per UCF-5.017. Students found responsible ~~"in violation"~~ for academic misconduct are not eligible for academic appeal regarding the final grade issued by the course of the reported violation.

#### **(7) Z Designation for Academic Misconduct**

- (a) A Z designation denotes a student was found responsible ~~"in violation"~~ of academic misconduct while enrolled in a course. A Z designation does not affect a student's grade point average.
- (b) For undergraduate students, Z designations will remain on a student's transcript if:
  1. The student is found responsible ~~"in violation"~~ of academic misconduct and the punitive sanction is deferred disciplinary suspension for one or more semesters, disciplinary suspension for one or more semesters, disciplinary dismissal, or expulsion; or
  2. The student is found responsible ~~"in violation"~~ of academic misconduct twice during their UCF academic career.

- a. The punitive sanction received in either academic misconduct case has no bearing on the Z designation being permanently placed on the student's transcript.
- b. A Z designation will be placed in association with both courses in which the student was found responsible~~"in violation"~~ of academic misconduct.
- (c) For both undergraduate and graduate students, if a student is found responsible~~"in violation"~~ of academic misconduct a Z designation will be placed on their transcript in association with the final course letter grade recorded (ex. ZA, ZB, ZC, ZD, ZF).
- (d) A Z designation will be denoted on the student's transcript as a ZW if a student withdrew from the course prior to the conclusion of the conduct process and was subsequently found responsible~~"in violation"~~ of academic misconduct.
- (e) SCAI will communicate with the Registrar's Office to have Z designations placed on student's transcript following the conclusion of the Conduct Review Process.
- (f) For graduate students, the College of Graduate Studies will communicate with the Registrar's Office to have the three-semester dismissal placed on the student's transcript.
- (f) The following applies to undergraduate students only:
  - 1. Students have the opportunity to improve the letter grade recorded in association with a course in which they were found responsible~~"in violation"~~ of academic misconduct through the use of grade forgiveness. The Z designation however will still remain on the student's transcript.
  - 2.~~(g)~~ A student can attempt to have a Z designation permanently removed through participating in the Community ReEngagement and Educational Development (CREED) Program.
  - 3.~~(h)~~ A Z designation will remove a student from consideration for academic awards and honors (e.g. President's List and Dean's List) for the academic semester in which the violation occurred.

*Authority: BOG Regulation 1.001. History – Formerly 6C7-5.0042, Amended 8-10-09, 9-4-12, 10-29-15, 7-28-16, 7-20-17, 1-18-18, 7-19-18, 7-18-19, 6-18-20, 9-23-21, 6-29-23, \_\_\_\_\_-24.*

## UCF-5.016 Student Academic Appeals

### (1) General Policy.

- (a) This regulation applies to:
1. Undergraduate or graduate students seeking to appeal a final course grade (individual grades on assignments, exams, etc. are not appealed by this process). See section (3) below for the appeal steps.
  2. Undergraduate students seeking to appeal a program decision. (Graduate student appeals of program decisions, including termination from an academic program or grades on thesis or dissertation, are handled in UCF-5.017). See section (3) below for the appeal steps.
  3. Undergraduate students seeking to appeal a denied program change (i.e., denial of student's request to add or change a major, minor, or certificate) or an automatic graduation under the Timely Academic Progress policy. See section (4) below for the appeal steps.
- (b) All grade concerns must first be discussed directly with the instructor of the course. The professional judgement exercised by an instructor in assigning a grade or in conducting a class is not appealable and is therefore excluded from the provisions of this regulation. A formal grade appeal is limited to one or more of the following reasons:
1. Alleged deviation from established and announced grading policy;
  2. Alleged errors in the application of grading procedures;
  3. Alleged deviation from University syllabus policy that could have impacted the resulting grade; and
  4. Alleged lowering of grades for non-academic reasons, including discrimination.
- (c) Program decisions include actions related to program or college specific requirements. An undergraduate program appeal is limited to one or more of the following reasons:
1. Alleged deviation from program policies or university policies applied to the program as outlined in the Undergraduate Catalog or Undergraduate Program Handbook(s);
  2. Alleged errors in the application of program policies or procedures;
  3. Alleged program probation or program dismissal due to non-academic reasons; and
  4. Alleged undergraduate program action for non-academic reasons, including discrimination and/or sexual harassment in the undergraduate program, department or college.
- (d) Appeals to reverse a denied program change apply only to those undergraduate students with 75 or more credit hours who submitted a request to change or add a major, minor, or certificate. Appeals to reverse application of auto-graduation decisions applies to those undergraduate students who have met all degree requirements in their primary major of choice and for whom the university has elected to award the degree.
- (e) If an academic appeal under this regulation alleges discrimination, the appeal will first be referred to the Office of Institutional Equity (<https://oie.ucf.edu/>). The OIE process must be concluded before a formal grade appeal can be initiated.
- (fe) If the student is charged with a conduct violation based on alleged academic misconduct (per UCF-5.008) that relates to the final course grade or the

undergraduate program action being appealed, the student conduct process must be completed before the student initiates a formal ~~grade~~-appeal pursuant to (1)(a)1 or (1)(a)2 above.

(gf) If the student is pursuing an undergraduate program action appeal pursuant to (1)(a)2 or (1)(a)3 above that relates to a grade appeal, the grade appeal must be completed before the student initiates the undergraduate program action appeal.

(hg) If needed, the University may extend deadlines applicable to the ~~grade or program~~ appeal process for the purposes of reviewing the appeal. If extensions are made, the new deadline will be shared in writing.

(2) For any appeal under this regulation, the following assumptions are adopted:

(a) The burden of proof for a student academic appeal is on the student.

(b) Students and faculty members are entitled to a fair and timely resolution of academic appeals.

(c) Students have access to published materials, academic success coaches~~professional advisors~~, and student government to help them become familiar with and understand the procedures for handling academic appeals. Students may consult the Golden Rule, seek advice from an academic advisor, or consult with a student government advisor (sga\_cjus@ucf.edu) regarding the student's rights and responsibilities with respect to this appeal process.

(d) Faculty members and administrators have access to the materials published in the Golden Rule and access to University staff in the Office of Student Rights and Responsibilities (<https://osrr.sdes.ucf.edu/>) to help them be aware of and understand the procedures to address academic appeals.

(e) The University as an institution and its faculty members and students are entitled to procedures that ensure due process and the maintenance of academic standards.

(f) All appeal communications between the student and any University personnel must be made via a university-provided system.

1. Information regarding informal appeals should be communicated using the UCF email account (e.g., ~~knights.ucf.edu~~ or ucf.edu).

2. Information regarding formal appeals are submitted using the appeal forms and processes available at <https://academicsuccess.ucf.edu/gradeappeal/>.

### (3) Grade Appeals and Undergraduate Program Action Appeals

This section applies to appeals described in (1)(a)1 or (1)(a)2.

(a) Step 1: Resolution of Student Appeals with the Instructor or Program

1. ~~(a)~~ The appeal of final grades or an undergraduate program action must be initiated within ninety (90) calendar days of the final grade being posted or of the undergraduate program action being taken.

2. ~~(b)~~ All student appeals of grades or undergraduate program actions must first be addressed by the person or program whose action is being appealed. In cases of grade appeals this will be the instructor of the course and in cases of undergraduate program actions this will be the faculty administrator (e.g., program director or program coordinator) of the program that enacted the action. Henceforth, the instructor or faculty administrator are referred to as the "Responding Party". This attempted resolution is required before the student can continue to the formal appeal process described in Step 2.

3. ~~(c)~~ If the issue cannot be resolved directly with the Responding Party, or if the Responding Party is not available, the student has the right to pursue a Step 2

formal resolution at the unit level with the unit head or their designee. The “unit head” is usually the faculty member who serves as chair of the department or director of the school that houses the course or program.

~~(b4)~~ (b4) Step 2: Formal Resolution of the Student Appeal at the Unit Level

~~1.(a)~~ 1.(a) To initiate the formal academic appeal, the student must submit the appropriate appeal form and supporting documentation. The appeal form is available at <https://academicsuccess.ucf.edu/gradeappeal/>. If supporting documentation cannot be submitted online, the student must provide it to the unit head or designee. This documentation must clearly state the reason for the appeal and must include the resolution sought by the student.

~~2.(b)~~ 2.(b) Once the appeal is received by the unit head, they or their designee will review the appeal and supporting documentation to determine if there are grounds for the appeal.

~~a1.~~ a1. If there is not a basis for the appeal, the appeal will be dismissed, and the unit head or designee will inform the student in writing why the appeal is dismissed.

~~b2.~~ b2. If there is a basis for the appeal, within ten (10) business days of receipt of the appeal the unit head or designee will consult with the Responding Party and may also ask to meet with the student.

~~ia.~~ ia. If the Responding Party or student is not available to discuss or respond to the appeal, the resolution should wait until the Responding Party or student can respond, but not more than thirty (30) business days.

~~iib.~~ iib. In the event an immediate resolution is needed (e.g., due to pending graduation certification) the unit head will make a decision based on available information.

~~3.(e)~~ 3.(e) Within fifteen (15) days of receipt of the appeal, or longer based on either the Responding Party or student not being available (see above), the unit head or designee will provide the student and the Responding Party with a written decision.

~~(c5)~~ (c5) Step 3: Resolution of Student Academic Appeals at the College Level

~~1.(a)~~ 1.(a) If the student has new information to present or can show that a procedural error occurred in the previous steps, within ten (10) business days of the unit head or designee’s written decision the student may submit the appeal to the dean of the college that offers the course or program. The student will provide the information using the processes outlined in (2)(f).

~~2.(b)~~ 2.(b) The dean will delegate the appeal to an associate dean or designee who will, within ten (10) business days of receipt, review the appeal. One of the following actions will take place:

~~a1.~~ a1. If an appeal is presented that was previously dismissed for having no basis, and none of the new or additional information establishes a basis, then the appeal will again be dismissed, and the associate dean or designee will inform the student in writing why the appeal is dismissed.

~~b2.~~ b2. If the student presents new or additional information that must first be reviewed by the unit head, then the associate dean or designee will inform the student in writing that this information must be reviewed first by the unit head and that the student is required to revisit Step 2.



appointed to the student panel shall be maintained by the office of Student Conduct and Academic Integrity (for undergraduate) or the College of Graduate Studies (for graduate).

4.(d) Once the committee is convened, the committee should make reasonable efforts to meet for review of the case within twenty (20) business days. If the committee cannot meet within the 20 days, the university will inform the parties of the need for additional time.

5.(e) The meeting is not covered by Sunshine laws, is closed to outside parties, and will not be recorded.

a1. The student and Responding Party shall be separately invited to meet with the committee. Participating individuals in the appeal may appear through virtual (electronic) means at the committee meeting. While either party may invite a guest to attend the meeting, no guest may address the committee or respond to questions.

b2. The student and Responding Party shall be allowed adequate time to respond to the appeal and material as submitted, to answer any questions from committee members, and to present additional information needed to clarify the issues involved.

c3. Should either party fail to attend the scheduled appeal meeting, the meeting will be held in the party's absence with the understanding that the proposed outcomes and resolutions will be made using the information available at the time of the appeal meeting and in the party's absence.

6.(f) After meeting with both parties, the committee will deliberate and issue a recommendation by majority vote to the university dean. If applicable, the committee will suggest a resolution to the appeal. This decision may let the grade/action stand as is or may alter the recommended grade/action. If the decision of the committee is to alter a previous decision, only the faculty members on the committee will recommend what the alteration will be; however, the student members on the committee may participate in the discussion. The committee chair will ensure that the committee's majority opinion, rationale, and recommended findings and resolutions are documented and forwarded to the university dean within five (5) days of the conclusion of the committee hearing.

7.(g) Within five (5) business days of receiving the committee's recommendation, the university dean will provide the student with a written decision on the appeal. This decision represents final agency action. The dean's decision will be copied to the unit head and the dean of the college from which the appeal originated.

#### **(4) Academic Progress Appeals**

This section applies to appeals described in (1)(a)3, above.

(a) Step 1: Resolution of Student Appeals with Academic Advisor/Academic Success Coach

1. The appeal of a denied program change or of auto-graduation must be initiated within 5 business days of the written decision of the academic advisor/academic success coach to the student.

2. All student appeals of a denied program change or of auto-graduation must be first addressed by the person whose action is being appealed. In the case of a denied program change or auto-graduation appeals this will be the academic

advisor/academic success coach of the desired program (for adding or changing the major, minor or certificate) or the academic advisor/academic success coach of the current primary degree program (for auto-graduation). In this appeal process, the academic advisor/academic success coach, who is acting on the behalf of the academic college, will be referred to as the “Responding Party”. This attempted resolution is required before the student can continue to the formal appeal process described in Step 2.

3. If the issue cannot be resolved directly with the Responding Party, or if the Responding Party is not available, the student has the right to pursue formal resolution with the Dean and Vice Provost of Undergraduate Studies.

(b) Step 2: Resolution of Student Appeals at the University Level

1. To initiate a formal appeal, the student must submit an appeal to the Vice Provost and Dean of the Undergraduate College. This must be sent as an email from the student ucf.edu account with (1) student name, (2) student ID number, (3) student current major, (4) student desired major, minor or certificate (if changing or adding), (5) reason for appeal, and (6) supplemental information. Student may attach pdf or MS Word documents as supplemental information to support reason for appeal.
2. Once the appeal is received by the Vice Provost and Dean, the Vice Provost and Dean may delegate the appeal to an associate dean or designee who will, within five (5) business days of receipt, review the appeal. The Vice Provost and Dean may seek additional information from the appropriate college dean, the appropriate college associate dean of their designee, or from the Responding Party. Additionally, the Vice Provost and Dean may hold a meeting with the student for the purpose of attaining clarification on the information submitted.
3. The Vice Provost and Dean will provide the student with a written decision on the appeal or provide notification of an extension within ten (10) business days of the appeal. Their decision of the Vice Provost and Dean represents final agency action. The Vice Provost and Dean’s decision will be copied to the dean of the college from which the appeal originated.

**(58) Responsibility for Record Keeping of Formal Student Academic Appeals**

- (a) To support institutional compliance with the Southern Association of Colleges and Schools Commission on Colleges’ Principles of Accreditation, the following parties shall be responsible for maintaining complete records of all formal student academic appeals.
  1. The College of Undergraduate Studies for undergraduate-level academic appeals; and
  2. The College of Graduate Studies for graduate-level academic appeals.
- (b) The complete record shall include the following components:
  1. First and last name of the student filing the formal appeal or the student’s unique UCF personal identification number,
  2. Date the formal appeal was filed,
  3. Final decision resulting from review of the formal appeal,
  4. Date the formal appeal was determined closed, and
  5. Documentation reviewed at each phase of the formal appeal process.
- (c) The dean of the College of Undergraduate Studies and the dean of the College of Graduate Studies or their respective designees shall be responsible for monitoring

formal academic appeals for patterns that may warrant broader review in an effort to ensure the integrity of the academic enterprise and continuous compliance with accreditation standards. At minimum, the respective dean or designee shall conduct an annual review of the elements addressed in the SACS-COC Principles of Accreditation (10)(b)1, 2, 3, and 4 and shall consult the documentation on file for SACS-COC Principles of Accreditation (1)(b)5 as needed to render a determination of need for broader review.

*Authority: BOG Regulation 1.001. History– New 4-23-03, Formerly 6C7-5.00431, Amended 8-10-09, 9-4-12, 10-29-15, 7-20-17, 7-19-18, 1-24-19, 9-19-19, 6-17-21, \_\_\_\_\_-24.*



# Board of Trustees

*Governance Committee*

*June 25, 2024*

## **Agenda Item**

GOVC-9: Amendments to University Regulations UCF-6.007 Traffic/Parking Regulation and Enforcement and UCF-6.008 Vehicle Registration Fees; Parking Violation Fines.

## **Proposed Committee Action**

The Committee is asked to recommend to the Board of Trustees, on its consent agenda, approval of the proposed amendments to University Regulations UCF-6.007 Traffic/Parking Regulation and Enforcement and UCF-6.008 Vehicle Registration Fees; Parking Violation Fines.

## **Authority for Board of Trustees Action**

Board of Governors Regulation 1.001

### **Supporting Documentation Included**

Attachment A: University Regulation UCF-6.007 Traffic/Parking Regulation and Enforcement (redline)

Attachment B: University Regulation UCF-6.008 Vehicle Registration Fees; Parking Violation Fines (redline)

### **Facilitators/Presenters**

Youndy Cook, Vice President and General Counsel



# GOVC-9: Amendments to University Regulations UCF-6.007 Traffic/Parking Regulation and Enforcement and UCF-6.008 Vehicle Registration Fees; Parking Violation Fines

## EXECUTIVE SUMMARY

### Objective

Consider the proposed amendments to University Regulations UCF-6.007 Traffic/Parking Regulation and Enforcement and UCF-6.008 Vehicle Registration Fees; Parking Violation Fines.

### Summary of Key Observations/Recommendations

UCF-6.007 Traffic/Parking Regulation and Enforcement: This regulation addresses parking registration and enforcement. The regulation is amended throughout, including to add clarifying language regarding: the makeup of the University Parking Citation Appeals Committee, expiration of permits, accessible parking, classification titles of available permits, guest permits, vehicle substitutions, permits for Research Park tenants, and unacceptable reasons for citation appeals. New language has been added regarding towing, scratch-off permits, event parking, construction parking, vehicle immobilization devices, and the threatening of Parking Services employees.

UCF-6.008 Vehicle Registration Fees; Parking Violation Fines: This regulation addresses parking registration and enforcement. Amendments to this regulation include updating the permit classifications to align with UCF-6.007, simplifying the daily visitor permits to include only one 24-hour option, and increasing the immobilization fee to recover costs from leasing the immobilization devices.

### Additional Background

This group of regulations addresses vehicles, parking, and parking enforcement on university grounds are reviewed annually and updated as needed.

### Rationale

Proposed regulation changes will increase clarity for existing parking regulations.

### Implementation Plan

The amended regulation UCF-6.007 would take effect upon approval by the UCF Board of Trustees. Upon approval by the UCF Board of Trustees, UCF-6.008 will be sent to the Board of Governors for approval as this is a select regulation. The amended regulation would take effect upon approval by the Board of Governors.

### Resource Considerations

The proposed regulation amendments are not anticipated to incur additional costs to the University.

### Conclusion

Staff recommends that the committee recommend approval of the proposed amendments to University Regulations UCF-6.007 and UCF-6.008.

## UCF-6.007 Traffic/Parking Regulation and Enforcement.

### (1) General Information

#### (a) Definitions.

1. **Vehicle:** The term “vehicle” shall include bicycles, motorcycles, automobiles, trucks, and other mobile equipment.
2. **High Efficiency Vehicles (HEV):** Vehicles which run on rechargeable batteries and gasoline engines combined or which use one or more electric motors or other non-fossil fuel for momentum. Only HEV vehicles may be parked in HEV spaces and must have a valid UCF virtual parking permit or physical hang tag. Maximum time allowed in HEV spaces is 4 hours.
3. **Electric Vehicles (EV):** Only EV vehicles which require electricity for power may park in the parking spaces designated “Electric Vehicles Only”, must be in charging mode, and must have a valid parking permit unless designated for public use by UCF Parking and Transportation. EVs are prohibited from using unmarked electrical receptacles.
4. **Virtual permits:** for the purpose of this regulation, the terms virtual permits and hang tag permits are synonymous.
5. **License Plate Recognition (LPR):** University of Central Florida utilizes license plate recognition hardware and software for parking systems, permit management and enforcement.
6. **Campus:** Campus includes the Orlando/Main Campus (to include Research Park and Foundation owned properties) and the specialized campuses of UCF Downtown, Academic Health Sciences and Rosen College of Hospitality Management.
7. **Back in Parking:** Parking a vehicle with the front of the vehicle facing the drive lanes and rear facing license plate not visible.
8. **Nose in Parking:** Parking a vehicle with the front of the vehicle facing into the front of the parking space with the rear license plate visible and facing into drive lane.
9. **Employee:** a UCF employee including academic personnel, USPS, Faculty, A&P, OPS non-student employee, or an employee of a UCF direct support organization.

#### (b) The University Parking and Transportation Advisory Committee serves as the principal advisory body to the president through the Vice President of Facilities and Business Operations, recommending policies and regulations that govern traffic and parking on the UCF campus. The committee shall consist of:

1. two (2) faculty members selected by the Faculty Senate Committee on Committees;
2. two (2) students appointed by the president of Student Government Association;
3. two (2) staff members appointed by ~~USPS~~ Staff **Advisory** Council;
4. one (1) Administrative and Professional employee appointed by the Vice President of Facilities and Business Operations for Administration and Finance.
5. The Vice President of Facilities and Business Operations will appoint one additional member to serve as chair.

The term of service shall be two (2) years, staggered with the exception of student members, who shall serve for one year. The committee may elect a vice-chair to serve in the absence of the chair.

#### (c) The University Parking Citation Appeals Committee ~~is composed of up to two faculty (2) members, four (4) students, two (2) university employees, one (1) chair, and one (1) Parking and Transportation Services employee for system access. The University Parking Citation Appeals Committee~~ has jurisdiction over violations of the university’s parking regulations. In those cases heard before it, this committee will render decisions determining responsibility and will impose appropriate monetary or restrictive penalties. The University Parking Citation Appeals

Committee reports to the Assistant Vice President for Auxiliary Services, who designates a member of the committee to serve as the committee chair. The committee consists of:

1. two faculty (2) members selected by the Faculty Senate Committee on Committees
2. four (4) students appointed by the president of the Student Government Association
3. three (3) staff members selected by the Staff Advisory Council
4. one (1) Parking and Transportation Services employee who shall serve as a non-voting member to provide information necessary for the committee's operations (including but not limited to information regarding parking regulations and policies, and citation details).

(d) Applicability – The provisions of this regulation shall apply at all times to all vehicles that are operated or parked on the UCF campus. The fines, penalties, and other sanctions against persons in violation of the provisions of this regulation will be enforced as follows:

1. In the case of a vehicle registered with the Department of Parking and Transportation, the university shall assess fines for parking violations against the person in whose name the vehicle is registered with Parking and Transportation Services.
2. In the case of a vehicle not registered as such, assessments for parking violations shall be made against the operator if it is determined that the operator at the time of the violation is associated with the university and, in fact, should have registered the vehicle with the Department of Parking and Transportation.
3. If a vehicle is not registered with the university and the operator is not associated with the university, fines will be assessed against the person(s) in whose name the motor vehicle is registered with the State Department of Highway Safety and Motor Vehicles of their respective state.

(e) Responsibility – Unless otherwise noted, the Department of Parking and Transportation is responsible for the implementation and enforcement of this regulation and for resolution of disputes with regard to the university's parking and traffic regulations as authorized by the UCF Board of Trustees.

(f) Authorizations.

1. Operation of a motor vehicle upon any UCF campus is a privilege granted by the university. All vehicles parked on any university campus must be currently registered with the Department of Motor Vehicles of the respective state that the vehicle was registered in and display a valid license tag. UCF adheres to Florida State Statutes regarding vehicle registration expiration dates.
2. The university is authorized and reserves the right to regulate the use of any of its vehicle parking facilities for the exclusive use of designated groups or individuals.
3. Any individual possessing a valid driver's license may operate a properly registered motor vehicle on the UCF campus in accordance with the provisions of these regulations.
4. UCF police officers, community service officers (CSOs) and parking enforcement personnel are authorized to issue a university parking and traffic citation to any person or vehicle violating university parking and traffic regulations.
5. Vehicles are subject to immobilization ~~or being towed from the on~~ campus, depending upon the need for such action, as set forth in these regulations.
6. The university is authorized to tow any vehicle that prevents access to any road or space. Towing fees vary according to type of vehicle . If a third-party towing company is used, the charge will include the towing company fees.
76. The universityUCF assumes no responsibility for vehicles, or their contents, parked on campus.
87. The University of Central Florida utilizes license plate recognition hardware and software (LPR) for parking systems management and enforcement.

## (2) Registration Regulations

- (a) All motor vehicles parked on the UCF campus must be registered with the Department of Parking and Transportation and have the appropriate virtual parking permit or applicable physical parking permit properly displayed while parked on campus. Any citations issued to the registered vehicle are the responsibility of the permit-holder. This includes vehicles used by evening and non-traditional students. Exceptions to this requirement are as follows:
1. Vehicles displaying “government” license plates.
  2. Properly identified Government officials, such as FBI, ATF, US Customs, etc., who need to park on campus on official business, whose vehicles do not display an official government tag or other governmental markings, may be issued a one-day parking permit free of charge. These permits shall be issued at the Visitor and Parking Information Center.
  - ~~3. Construction personnel and contractors engaged in projects on campus may park within the designated fenced enclosure of the construction site without a UCF parking permit or may purchase a parking permit unless a permit is otherwise provided.~~
  34. Visitors shall comply with subparagraph (gf)142 below.
- (b) Registration year.
1. Virtual permits: The vehicle registration year begins September 1 and ends August 31 the following year for physical permits. Vehicle registration for virtual permits is year-round and permit expiration is based on the length of days selected/purchased: provided options are 150 days, 365 days, or daily. To facilitate the permit registration process for physical permits, hangtag permits may be available for purchase the beginning of the last week in July of the registration year. Semester permits are valid 150 days from the date of purchase. Each vehicle must be registered with a virtual permit or have a physical permit properly displayed upon each day the vehicle arrives and is parked on campus. Individuals who purchase a virtual permit may register a second vehicle to their account for an additional \$15.00 fee, plus tax. The second vehicle must be owned and registered to the original permit holder or within the same household. The second vehicle registration will expire at the time the initial virtual permit expires regardless of when the second vehicle is registered to the initial vehicle permit. Only one registered vehicle per account can be parked on any of the UCF campuses at any given time or the account holder will be subject to \$100 parking fine for virtual permit misuse. Virtual permit holders have the benefit of substituting their vehicle on a temporary or permanent basis. The permit holder is responsible to update vehicle changes through <https://parking.ucf.edu> to validate parking access on campuses.
  2. Physical permits: The vehicle registration year begins September 1 and ends August 31 the following year for physical permits. To facilitate the permit registration process for physical permits, hangtag permits may be available for purchase the beginning of the last week in July of the registration year. Semester permits are valid 150 days from the date of purchase.
- (c) All individuals who register their vehicles at the university must register them online. Registrants may pay for their parking permits online with a credit card or Knight Cash.
- (d) Physical hang tag permits must be displayed on the rearview mirror with the permit number and expiration date visible and legible from the exterior of the vehicle.
- (e) Registrants must register their own vehicle. The Department of Parking and Transportation must be notified of any change in ownership or license plate number.
- (f) Accessible parking is available for those individuals who possess a valid state-issued (blue) disabled placard, a temporary (red) state disabled placard, or an accessible license plate assigned to their name. Disabled placards are issued by the Florida Department of Highway Safety and Motor Vehicles (FLHSMV). Individuals are required to purchase a UCF parking permit of appropriate classification, i.e., “Employee” or “Student”, or “Daily Visitor” to park on the campus. Individuals with such appropriate permits may park in any available disabled parking

space on campus, including unreserved parking garages, except for those spaces that are assigned twenty-four (24) hours a day or designated as university business use space.

(gf) Parking permits are sold or issued under the following guidelines:

1. Only the university president, vice presidents, associate vice presidents, assistant vice presidents, deans and others as approved by the University Parking and Transportation Advisory Committee are eligible to purchase “A24-hour Assigned” permits. ~~An “A”~~This permit authorizes parking in a 24-hour ~~assigned/reserved~~ space that is assigned to the individual/department, as well as in any other legal parking space on campus that is not reserved for 24 hours daily use. Only a limited number of 24-hour ~~assigned/reserved~~ spaces are available for purchase. Parking in any paid departmental ~~assigned/reserved~~ space, requires the employee or student to purchase an individual permit registered to their vehicle while occupying the space.
2. Except as provided otherwise above in subparagraph (gf)1, all UCF employees must purchase a virtual “EmployeeB” permits. Employee virtual “B” permits authorize parking in designated employee, student, and residential “B”, and “D” parking areas.
3. All students, ~~staff and faculty and employee~~ parking motorcycles, mopeds, or motor scooters on campus must purchase motorcycle (“MC”) permits. “MC” permits authorize parking in designated motorcycle spaces only. Registering a vehicle other than a motorcycle, moped, or motor scooter with an “MC” permit will be subject the permit holder to a \$100 parking fine for virtual permit misuse.
4. Commuter students. Student virtual permits are available to all students who do not reside in campus housing. A “~~StudentD~~” virtual permit allows parking in general/designated “D” student parking areas.
5. Residential virtual permits are available to students who reside on campus as follows:
  - a. All residential parking spaces are restricted to residential permits only. Towing is enforced in these parking areas.
  - b. All residents with listed virtual permit designations may park in any unreserved parking space from 5:30 p.m. to 7:00 a.m. and on weekends. Posted overnight and game day restrictions apply.
    - ia. R Permit: Residents of Apollo, Libra, Hercules, Nike and Neptune communities may purchase only “R” virtual permits and are restricted to designated “R” parking spaces (lots B7, B8, B15, and Libra Garage) between the hours of 7:00 a.m. and 5:30 p.m. Monday through Friday.
    - ib. LC Permit: Residents of Lake Claire community may purchase only “~~LCRL~~” virtual permits and are restricted to designated “~~LCRL~~” parking spaces between the hours of 7:00 a.m. and 5:30 p.m. Monday through Friday.
    - iiie. KP Permit: Residents of the Towers at Knights Plaza may purchase only “KP” virtual permits and are restricted to “KP” parking garages (Garages G and E) between the hours of 7:00 a.m. and 5:30 p.m. Monday through Friday.
    - iv. RC Permit: Residents of the Rosen Campus may purchase only “RC” virtual permits and are restricted to “RC” parking between the hours of 7:00 a.m. and 5:30 p.m. Monday through Friday.
  - d. ~~All residential parking spaces are restricted to residential permits only and are towing enforced.~~
  - e. ~~All residents with listed virtual permit designations may park in any unreserved parking space from 5:30 p.m. to 7:00 a.m. and on weekends. Posted overnight and game day restrictions apply.~~
6. Graduate Teaching Assistants, Graduate Research Assistants and all other student OPS employees may purchase only “~~StudentD~~” permits.

7. Employees and students (including Valencia employees and students) at the Rosen College of Hospitality Management, UCF Downtown campus, and the Academic Health Sciences Campus must purchase a virtual permit of the appropriate classification. UCF and Valencia employees and students at the UCF Downtown campus may purchase “Employee V” or “Student V” permits. UCF employees and students at the Health Sciences campus may purchase “Employee M” or “Student M” permits.  ~~(“Employee B” or “Student D”)~~ These permits which may be used on any of the UCF campuses and park in parking areas as their permit designates.
9. Employees or affiliates of the city or county must display a valid UCF permit to access UCF Parking facilities.
10. Guest Permits: Special guests of the university, including ~~but not limited to fully retired UCF employees,~~ eligible campus ministry personnel, ~~and~~ State Auditors, and individuals or organizations providing community service and goodwill to the university, shall be issued “Guest” permits, subject to the availability of such permits. A “Guest” permit authorizes parking in any ~~available~~ legal parking space on campus, including unreserved parking garages, except for those spaces that are other than those reserved twenty-four (24) hours ~~a day~~ or designated as university business use spaces. Requests for this permit shall be submitted to the Department of Parking and Transportation. A replacement fee may be assessed for a “Guest” permit that is reported lost (see subparagraph (2)(g)18).
11. Fully retired UCF employees shall be issued “Guest” permits, subject to the availability of such permits. “Guest” permits may park in any available space on the campus, including unreserved parking garages, except for those spaces that are assigned twenty-four (24) hours or designated as university business use spaces. Retirees who return to work in a position with benefits are not eligible to receive a “Guest” permit. “Guest” permits are assigned to the retiree or other eligible person(s) for their use only and may not be transferred to another person. Such transference constitutes fraud, and the permit may be revoked. Further, additional permit issuance may be prohibited to the retiree as well as any other individual involved with the use of said permit. A replacement fee may be assessed for a “Guest” permit that is reported lost ~~(see subparagraph (2)(g)18).~~
12. RP Tenant Permits: Research Park tenants located in any UCF Foundation-owned property are required to register for a virtual parking permit. Research Park tenants that are not UCF employees or students are eligible to receive an “RP Tenant” permit. “RP Tenant” permits are only valid in Research Park and are not valid on any of the UCF campuses, including the main and regional campuses.
134. Vendor Permits: Vendor permits are available to third party vendors who conduct business on the university campus. Available permit options are one year, one month, or daily permit (only available at the Visitor and Parking Information Center). Vendor permits allow a maximum of two-hour parking in marked “Service Vehicle Only” spaces ~~service areas.~~ If “Service Vehicle Only” spaces are not available, vendors are permitted to park in “Employee” or “Student” spaces. ~~Vendor permitted vehicles are allowed to park in B or D spaces.~~ Vendor permits may also be available to departments that require essential access to serve university needs related to campus emergency restorations, campus infrastructure and building systems. Vendor permits are for the sole purpose of conducting business and are not to be used for personal benefits. With the issuance ~~of an any~~ departmental vendor permit, employees in personally owned vehicles are still responsible for purchasing a parking permit to park on any UCF campus and to comply with this regulation. Vendor permits or any departmental purchased permits cannot be purchased for the sole use of any specified UCF student or employee. University expenditure guidelines prohibit use of any university funding to purchase permits for employees. Citations issued to state vehicles

illegally parked shall be the responsibility of the employee or driver for payment with no university funds.

142. Visitors to the campus shall purchase a daily visitor's parking permit online at <https://parking.ucf.edu> or at the Visitors and Parking Information Center. A virtual daily permit authorizes parking in student ("D") parking lots and unreserved parking garages unless otherwise directed by parking services personnel. Daily permits are valid from time of purchase until 11:59 p.m. of the date purchased. A 24-hour daily permit may be purchased and will expire 24 hours after time of purchase. Visitors may also park in any short-term, timed parking space by paying the appropriate fee for the time requested. Short-term, timed spaces may be enforced 24 hours a day, unless otherwise posted.
153. Individuals who possess a valid Disabled Veteran (DV) license plate are exempt from the parking permit fee provided the DV license plate is registered in their name.
- ~~14. Persons holding current, permanent state-issued disabled placards, or temporary state disabled placards are required to purchase a UCF parking permit of appropriate classification, i.e., "B" or "D," or "Daily Visitor" to park on the campus. Disabled persons with such appropriate permits may park in any available disabled parking space on the campus, including unreserved parking garages, except for those spaces that are restricted, such as designated twenty-four hour reserved or service parking spaces.~~
165. Patients of UCF Student Health Services and UCF Counseling Center ~~or Wellness and Health Promotion Services:~~
- a. Student Health Services: Both a valid UCF parking permit and active Health Services appointment are required when parking in Health Services patient spaces. Health Services will administer the parking reservation upon arrival at the reception desk.
  - b. Counseling Center: Both a valid UCF parking permit and Counseling Center parking pass must be properly displayed when parking in the Counseling Center patient spaces. The Counseling Center pass must be obtained from the reception desk located in the Counseling Center.
  - ~~c. Biofeedback Clients: Both a valid UCF parking permit and Biofeedback Center parking pass must be displayed when parking in the Biofeedback client spaces. The Biofeedback pass must be obtained from Wellness and Health Promotion Services.~~
- ~~17. Scratch off permits: These permits are offered to departments to issue to their guests and can be purchased at the Visitor and Parking Information Center at a cost of \$5.00. Parking permits remain the property of Parking and Transportation Services and as such, may not be re-sold for profit. Scratch off permits or any departmental purchased permits cannot be purchased for the sole use of any UCF student or employee. University expenditure guidelines prohibit use of any university funding to purchase permits for employees or students.~~
- ~~16. Replacement permits~~
- ~~a. Replacement permits for physical permits are issued for \$14.08 plus tax for a multi-semester permit and \$7.04 plus tax for a one-semester permit. Proof of sale of the vehicle or return of the original permit is required. If a permit is stolen, a stolen parking permit affidavit must be filed and signed before the replacement permit may be issued.~~
  - ~~b. Virtual permit holders have the benefit of substituting their vehicle on a temporary or permanent basis. The permit holder is responsible to update vehicle changes through <https://parking.ucf.edu> to validate parking access on campuses.~~

### (3) Parking Regulations

- (a) The responsibility of locating a legal parking space rests with the motor vehicle operator. Lack of a convenient space shall not be considered as a valid excuse for violation of any parking

regulation. The fact that a person parks or observes others parking in violation of any parking regulation without being cited does not mean that the regulation is not in effect.

(b) The Department of Parking and Transportation Services reserves the right to close all or part of a parking facility for special events, or to conduct maintenance and/or repairs. Unauthorized vehicles parking in these reserved areas are subject to citation(s).

(cb) Except as noted herein, all parking regulations apply twenty-four (24) hours a day, seven (7) days a week and parking areas are restricted to specific permits as designated by posted signs or curb markings. However, between the hours of 5:30 p.m. and 7:00 a.m. any vehicle with a valid parking permit may use any “Employee” “B” (Faculty) or “D” (Student) parking space except where otherwise specified by posted appropriate signs or curb markings. “A” (“Reserved 24- hours Assigned”), “Service Vehicle Only” parking spaces, and disabled parking spaces shall not be used at any time except by vehicles with permits or certification authorizing use of these specific spaces.

(de) Short-term, timed parking is enforced twenty-four hours a day, seven days a week. Drivers of all vehicles using short-term, timed spaces are responsible for paying the posted fees. Daily or virtual permits are not valid in Park Mobile spaces.

(ed) All vehicles must park nose in with plates facing out to the drive lane. Exceptions to this rule are as follows:

1. Vehicles displaying accessible permits.
2. Vehicles actively charging at an electric charging station when the charging cable is not long enough to reach the car’s connector.
3. Vehicles displaying an official State-issued front license plate.
4. Registered Emergency Response Vehicles.

(fe) The following parking practices are specifically prohibited:

1. Parking on lawns, landscaped areas, sidewalks, or other areas not specifically designated by signs or curb markings as parking areas. The absence of a “No Parking” sign does not mean parking is permissible in an area.
2. Double parking, parking any portion of a vehicle outside designated lines or beyond a post or other delineation device indicating a valid parking space or row.
3. Blocking traffic, other parked vehicles, service areas or spaces, roadways, crosswalks, or wheelchair access aisles and ramps.
4. Parking in an access lane. An access lane is any area that is not designated as a parking space and that provides an avenue for traffic flow.
5. Except as noted in paragraphs (cb) and (de) above, parking in any space designated for permits other than the one displayed on the vehicle.
6. Parking in a short-term, timed space after the purchased amount of time has expired.
7. Unauthorized parking in “24-hour Assigned” reserved “A” parking spaces.
8. Unauthorized parking in designated “Service Vehicle Only” spaces.
9. Unauthorized parking in Business Use Only parking spaces.

109. Parking an unregistered vehicle without a valid parking permit anywhere on the UCF campuses.

110. Failure to display parking permits properly: not permanently affixed, improperly placed, or not displayed on the vehicle for which purchased.

~~121.~~ Failure to cancel registration or to destroy a physical parking permit upon disposal of the registered vehicle.

~~1312.~~ Unauthorized or fraudulent use of a parking permit.

~~1423.~~ Parking a bicycle, electric bicycle, scooter, skateboard, or any micro-mobility device in a motor vehicle space, on disabled ramps, in areas designated by signs as no bicycle parking, on sidewalks or crosswalks, or in any way to impede ingress or egress of a building.

1534. Parking a motorcycle in a motor vehicle space, or any space not designated as motorcycle parking.
1645. Parking in a residential parking space without the appropriate permit.
1756. Parking in areas that are reserved for construction/repairs or events.
1867. Use of parking facilities to store boats, trailers, or vehicles.
1978. Overnight parking of recreational vehicles unless registered by Athletics.
- ~~(f) The Department of Parking and Transportation reserves the right to close all or part of a parking facility to conduct maintenance and/or repairs.~~
- (g) University Event Parking: Any event held on campus, whether hosting internal or external guests, requiring the use of parking spaces, must be coordinated with the Department of Parking & Transportation Services. Pre-purchased virtual permits are available through the online portal or by contacting the Department of Parking and Transportation Services. Requests must be received seven (7) business days prior to the date of the event. If the event is cancelled, a cancellation fee may be assessed, and all expenses incurred related to the event request will be collected.
- (h) Construction personnel and contractors engaged in projects on campus may park within the designated fenced enclosure of the construction site without a UCF parking permit or may purchase a parking permit unless a permit is otherwise provided. At the department's discretion, construction workers may also purchase permits for a designated area at the applicable daily, weekly or monthly rate. Large construction groups and project managers should coordinate directly with Parking and Transportation Services for parking arrangements.

#### **(4) Disposition of Parking Citations**

- (a) Payments of non-contested parking citations must be received by the Department of Parking and Transportation within ten (10) business days from the date of citation issue. A late charge of \$10.00 shall be assessed each citation if payment is received after the ten (10) business day period. Payments shall be made by mail, in person, by telephone, or online (at <https://parking.ucf.edu>).
- (b) Once a citation has been placed on the vehicle, Parking and Transportation personnel have no further responsibility of notification.
- (c) The Visitor and Parking Information Center accepts approved credit cards, check, and Knights Cash as forms of payment.

#### **(5) Citation Appeals**

- ~~(a)~~ Any person who alleges being unjustly ticketed shall appeal the citation online at <https://parking.ucf.edu> within ten (10) business days from the date the citation was issued. The Director of the Department of Parking and Transportation or an authorized designee shall eliminate late charges or dismiss the citation altogether if it is determined to have been issued in error. Appeals not sustained by the director or authorized designee shall be heard by the Parking Citation Appeals Committee. Individuals requesting personal appeals shall be notified of their scheduled hearing date at the time the appeal is submitted online. A reminder of the notification will be emailed to the appellant prior to the scheduled appeal date.
- ~~(b)~~ Written appeals shall be reviewed by a Parking and Transportation Services appeals officer(s). The Appeals Hearing Officer(s) will receive and evaluate written appeals. They will be guided by the parking regulations and shall consider any relevant circumstances, as articulated in the appeal, in making their decision(s). Appeal Hearing Officer(s) may request further information or interview the appellant, a witness, or the citing officer. All appellants shall be notified by email of the Appeals Officer(s) decision subsequent to the appeal being heard. Fees assessed due to a vehicle's immobilization may not be appealed.
- ~~(c)~~ The decisions of the Parking Citation Appeals Committee shall be based upon the provisions set forth in this regulation and extenuating circumstances, if any, and are final and binding, except as

set forth herein. A student may request a second level of appeal by submitting a written appeal with the Student Government Association's Judicial Council within ten (10) business days upon receiving notification that the original appeal to the Parking Citation Appeals Committee was heard and denied. The Student Government Association is responsible for establishing the appeal procedure for this second level of appeal. The decision of the Judicial Council is final and binding and no further appeals shall be permitted. For purposes of this appeal process, "student" shall be defined to mean a person enrolled in classes at UCF as of the date of the parking citation.

(dg) The following reasons will not be accepted by the Judicial Council as grounds to dismiss or reduce a citation. This is not an all-inclusive list:

1. Disagreement with the traffic and parking regulations
2. Ignorance of the UCF parking regulations
3. Citations not previously issued for similar violations
4. Observation of others parking illegally
53. Stated inability to find a permitted parking space
64. Operation of the vehicle by another person
75. Tardiness to class and/or appointment
86. Inability to pay fine (lack of money)
97. Displayed incorrect or expired permit
108. No valid virtual or physical permit
119. Traffic congestion
12. Parking on lawns, landscaped areas, sidewalks or other areas not designated for parking
13. Parking at electrical vehicle charging stations while not actively charging vehicle
14. Removal of construction/road equipment (cones, bollards, ropes, chains, and signage) to park vehicle
150. To delay paying the fine for an appealed citation
164. Unsupported evidence of direction by any university official
172. Failure to attend the scheduled personal appeal or notify Parking Services twenty-four (24) hours in advance of the hearing of the inability to attend.

(eh) Students should consider the following when choosing to file an appeal with the Judicial Council:

1. Make sure the reason for the appeal is not one of those listed in subsection (df) above.
2. The student must prepare a concise written and/or oral statement not to exceed five minutes.
3. The Judicial Council will contact the student within three (3) business days to schedule a hearing. The case will be scheduled within ten (10) business days upon the Judicial Council receiving notice of the appeal. If the student does not appear for the hearing in person before the Judicial Council, the hearing will continue in the student's absence as a written appeal. Parking and Transportation Services personnel do not have the authority to overturn the decision of the Judicial Council.

## **(65) Vehicle Immobilization**

(a) Vehicles are subject to immobilization under the following circumstances:

1. The vehicle has accumulated three or more unpaid parking citations, or unpaid citations totaling \$200.00 or more in fines.
2. Possession of, using, or displaying a fraudulent/unauthorized parking permit. Violators may also be subject to referral to the Office of Student Conduct.
3. For law enforcement purposes, in which case an immobilization release fee may not be charged.

- (b) ~~Cost of release from immobilization is \$50.00 and payment of all unpaid citations.~~ Citations issued up to time of immobilization are not allowed to be appealed. ~~Release is available from Parking Services personnel during our normal hours of operation or as stated on <https://parking.ucf.edu>.~~
- (c) ~~Unauthorized removal, tampering with, or damaging an immobilization device will result in fines and a fee appropriate to the amount of damage caused to the device.~~

**(76) Tow away** – Vehicles are subject to being towed from campus at the owner’s expense under the following circumstances:

- (a) The vehicle is parked in a hazardous manner, in a fire lane, blocking traffic, roadways, crosswalks, sidewalks, disabled ramps, or creating a hazard such as leaking gasoline.
- (b) The vehicle is parked in a ~~“24-hour Assigned” spacespace reserved twenty four (24) hours per day.~~
- (c) When arrangements to release an immobilized vehicle have not been made within forty-eight (48) hours of the original immobilization.
- (d) When the vehicle is abandoned on campus for any reason whatsoever for more than forty-eight (48) hours.
- (e) When immobilization is not appropriate due to vehicular construction (i.e., Tesla wheel motors).
- (f) When the vehicle owner has previously removed or attempted to remove an immobilization device without authorization.
- (g) When the vehicle is parked in a parking lot or garage during posted time restrictions.
- (h) When the vehicle is parked in a reserved lot or garage designated for events or repairs/construction of parking facility.
- (i) When the vehicle is parking in a residential parking lot or garage without a residential parking permit.

**(87) Revocation of Campus Parking Privileges** –The Assistant Vice President for Auxiliary Services ~~mayshall~~ revoke the privilege of any person to park a vehicle on campus for a period of one year when it is determined that:

- (a) That person falsifies or willfully misrepresents vehicle registration information.
- (b) That person, whether the owner or operator, displays a fraudulent permit on a vehicle.
- (c) That person has accumulated six (6) or more parking citations during an academic year.
- (d) That person who threatens or interferes with a Parking Services enforcement unit/employee while conducting their job responsibilities.

**(98) Penalties for Non-Payment of Parking Citations**

- (a) A violator who is delinquent in the payment of parking citations shall not be permitted to register for class, drop or add classes, receive transcripts or diplomas, or purchase another permit until the debt has been satisfactorily resolved.
- (b) The university shall pursue the collection of delinquent payments through the use of lawful procedures. Collection efforts may include contracting for the services of a collection agency.

**(109) Traffic Regulations**

- (a) State Uniform Traffic Control Law, Chapter 316, F.S., as well as Chapter 320 F.S., is in effect on campus at all times.
- (b) Campus speed limits are 10 mph in parking lots and parking garages and 30 mph on roads unless otherwise posted.
- (c) It is a violation to drive or park in an opposing direction than indicated by signs, flow of traffic or directional arrows.
- (d) State of Florida Uniform Traffic citations issued on campus by university police officers are referred to appropriate local government courts for disposition.
- (e) ~~All rules and regulations at UCF are set and approved by the University’s Board of Trustees.~~

*Authority: BOG Regulation 1.001. History—New 3-22-76, Amended 8-19-82, 5-5-83, 8-14-83, Formerly 6C7-6.07, Amended 8-1-88, 9-20-89, 8-12-90, 7-21-91, 10-11-92, 9-8-93, 9-15-96, 8-14-02, 12-8-03, 8-14-05, 6-27-06, 8-15-06, 6-25-07, 7-31-08, Formerly 6C7-6.007, Amended 7-1-09, 6-24-10, 7-7-11, 3-16-12, 7-23-13, 9-2-14, 6-22-15, 7-5-16, 6-23-17, 5-24-18, 5-16-19, 6-18-20, 5-26-22, 8-7-23, \_\_\_\_\_24.*

## UCF-6.008 Vehicle Registration Fees; Additional Parking Fees; Parking Violation Fines

(1) **Vehicle Registration Fees.** All fees, as posted, do not include applicable State Sales Taxes. Vehicle permit fees are subject to change at the beginning of each academic year. There is no refund for a parking permit once it is issued.

(a) Virtual permit fees effective ~~July 15~~~~August 6~~, 202~~34~~, and going forward are:

Classification	365 Days	150 Days
<del>EmployeeB</del>	\$90.03	\$45.01
<del>EmployeeBM</del>	\$90.03	<del>N/A</del>
<del>EmployeeBV</del>	\$90.03	\$45.01
<del>StudentD</del>	\$90.03	\$45.01
<del>StudentDM</del>	\$90.03	<del>N/A</del>
<del>StudentDV</del>	\$90.03	\$45.01
<del>Guest G</del>	No charge	No charge
KP	\$135.04	\$67.52
MC	\$46.93	\$23.94
R	\$135.04	\$67.52
<del>LCRL</del>	\$135.04	\$67.52
<del>RC</del>	<del>\$135.04</del>	<del>\$67.52</del>
<u>24-hour Assigned</u>	<u>\$1029.58</u>	<u>\$514.79</u>

(b) Physical permit fees for the 202~~42~~-~~235~~ academic years and going forward are:

Classification	Multi-semester	1 Semester
<u>24-hour AssignedA</u>	\$1029.58	\$514.79
<del>EmployeeB</del>	\$90.03	\$45.01
<del>EmployeeBM</del>	\$90.03	<del>N/A</del>
<del>StudentD</del>	\$94.53	\$47.27
<u>Vendor</u>	\$47.89 monthly or \$478.87 annually from date of purchase	

### (2) Additional Parking Fees:

(a) Daily Visitor:

- ~~1. Daily Visitor Permit. Valid from time of purchase until 11:59 p.m. the day of purchase: \$5.00.~~
- ~~2. Daily Visitor permits after 5:30 p.m. Valid from time of purchase until 11:59 p.m. the day of purchase: \$3.00.~~
- ~~3. 24 Hour Daily Permit. Valid from time of purchase for 24 hours: \$8.00.~~
24. Departmental Daily Permit: \$53.00 per day.
35. Lease for Downtown Garages: up to \$20.00 per vehicle for private functions on weekends. This includes any overflow for events the city or event managers are hosting.
46. Lease for Rosen parking lots: up to \$20.00 per vehicle for private functions on weekends.

(b) One additional vehicle per account holder may be added to virtual permit orders for \$15.00 plus tax.

(c) Timed, short-term parking spaces: \$2.00 per hour.

(d) Pay-by-space (Visitors Lot Only): \$2.00 per hour for a 2-hour maximum.

- (e) Replacement permits are issued for \$14.08 plus tax for a multi-semester permit and \$7.04 plus tax for a one semester permit. Replacement permits are issued for physical permits only. Proof of sale of the vehicle or return of the original permit is required.
- (f) EV charging stations are provided for electric vehicles. Vehicles parked in the EV charging station spaces must be in charging mode and have a valid virtual permit or display a valid UCF parking permit to avoid citations and be in charging mode.

(3) **Special Provisions.** Per University regulation UCF-6.007 (2)(g) ~~56~~, all on-campus students who reside in Apollo, Libra, Nike, Hercules, Neptune communities (R permits), Lake Claire residents (~~LCRL~~ permits) and Towers at Knights Plaza (KP permits) are eligible to purchase only those designated permits associated with their residencies and are restricted to their designated residential parking areas between the hours of 7:00 a.m. and 5:30 p.m. Monday through Friday. Unreserved campus parking spaces may be used by these vehicles outside those days and times.

(4) **Schedule of Parking Violation Fines.**

(a) Violation	Fine
Unregistered or No Valid Permit	\$30.00
Improper Display of Permit	\$20.00
Unauthorized or Fraudulent Use of Permit	\$100.00
Expired License Plate	\$40.00
Parking in a Disabled Space Without Proper Permit	\$250.00
Blocking a Disabled Ramp	\$250.00
Unauthorized Parking in a 24-Hour <del>Assigned</del> Reserved Space	\$50.00
Virtual Permit Misuse	\$100.00
Blocking Traffic or a Roadway	\$50.00
Parking in a Service Vehicle Space Without Proper Permit	\$35.00
Parked Out of Assigned Area	\$25.00
Expired Meter or Overtime in a Pay-by-Space Parking Space	\$25.00
Parking in an Undesignated Area	\$30.00
Parked Facing Traffic/Backed in parking space	\$20.00
Parking in a Fire Lane	\$100.00
Parking in a Residential Space	\$50.00
Immobilization Fee	<del>\$8050.00</del>
Any Other Parking Violation Not Herein Specified	\$20.00

(b) All parking violation fines are due within 10 business days. Fines not paid within ten (10) business days, will accumulate a \$10.00 late fee.

(c) Administrative Fees: A fee may be applied in lieu of the original citation fee(s) when the appellant is found to have committed the violation, but the appeals committee deems it reasonable to waive a portion of the fee. A \$10.00 late fee will be applied if not paid within ten (10) business days of the Administrative fee assessment.

- 1. Immobilization (Boot) Fee: ~~\$8050.00~~
- 2. Impoundment Fee (for bicycles): \$20.00

(d) The following violations may be considered for waiver only on the first occurrence; subsequent violations will be charged at the full citation fee and are

not eligible for a waiver. An administrative fee will be applied in lieu of the waived citation fee as follows:

1. Failure to display a valid parking permit: \$10.00
2. Failure to display a valid license plate: \$10.00

*Authority: BOG Regulations 1.001 and 7.003. History—New 7-1-09, Amended 8-12-10, 7-7-11, 6-29-12, 7-23-13, 7-9-14, 7-1-15, 6-23-17, 5-24-18, 5-16-19, 6-18-20, 4-22-21, 5-26-22, 7-14-23, 8-7-23, \_\_\_\_-24.*



# Board of Trustees

*Governance Committee*

*June 25, 2024*

## **Agenda Item**

GOVC-10: Central Florida Clinical Practice Organization, Inc. Bylaw Amendments

## **Proposed Committee Action**

The Committee is asked to recommend to the Board of Trustees, on its consent agenda, approval of the proposed amendments to Central Florida Clinical Practice Organization (CFCPO) Bylaws.

## **Authority for Board of Trustees Action**

Board of Governors Regulation 1.001

### **Supporting Documentation Included**

Attachment A: Eighth Amended and Restated CFCPO Bylaws (redline)

### **Facilitators/Presenters**

Youndy Cook, Vice President and General Counsel



# GOVC-10: Central Florida Clinical Practice Organization, Inc. Bylaw Amendments

## EXECUTIVE SUMMARY

### Objective

The Committee is asked to review and approve the proposed revisions to the Central Florida Clinical Practice Organization, Inc. (CFCPO) Bylaws, recommended the CFCPO Board of Directors.

### Summary of Key Observations/Recommendations

- The proposed amendment to CFCPO's bylaws revises language regarding the corporation's IRS Form 990.
- CFCPO is not a direct support organization (DSO), but its current amended and restated bylaws were developed from a template that was developed for the university's direct support organizations (DSOs), and language from that template requiring that the organization's IRS Form 990 be submitted to the Board of Governors (BOG) was inadvertently included CFCPO's Bylaws.
- The Faculty Practice Plan executed by the BOG, BOG Regulation 9.017 and UCF Regulation 10.001, which authorize the formation of and operation of CFCPO, do not require that CFCPO's IRS Form 990 be submitted to the BOG.
- The Office of Institutional Knowledge Management has confirmed that it has not received requests from the BOG for CFCPO's IRS Form 990, the mechanism by which the DSOs submit their respective IRS Form 990s to the BOG, and it does not appear that the BOG collects IRS Form 990s from this type of entity at this time.

### Additional Background

The current bylaws were approved by the CFCPO Board of Directors on September 13, 2023, and by the UCF Board of Trustees on September 28, 2023.

### Rationale

Amending the bylaws as proposed would not require CFCPO to provide its IRS Form 990 to the BOG unless requested.

### Implementation Plan

The CFCPO Board approved these recommended changes at their May 22, 2024, meeting. The UCF Board of Trustees will review and consider approval of the amended bylaws at the June 25, 2024, meeting.

## **Resource Considerations**

N/A

## **Conclusion**

Staff recommends that the committee recommend approval of the proposed revisions to the CFCPO Bylaws.

**SEVENTHEIGHTH AMENDED & RESTATED BYLAWS OF  
CENTRAL FLORIDA CLINICAL PRACTICE ORGANIZATION, INC.**

**ARTICLE I.  
MEMBERS, PURPOSE, MISSION, AND OFFICE**

The corporation will have no members and will be managed by the Board of Directors.

The corporation is organized as a corporation not-for-profit under Chapter 617, Florida Statutes. The corporation will be organized and operated exclusively for scientific, educational, and charitable purposes, within the meaning of Section 501(c)(3) of the United States Internal Revenue Code, and not for pecuniary profit, and exclusively for the support and benefit of the University of Central Florida (the “University”). The corporation will possess all powers and authority as are now or may hereafter be granted to corporations not-for-profit under the laws of the State of Florida. The specific purposes for which the corporation is organized will include the promotion and support of medical education, research, and patient care, including the collection, receipt, management, administration and distribution of funds, exclusively for support of the mission and objectives of the university’s College of Medicine (the “College”), in accordance with the College of Medicine Faculty Practice Plan adopted in accordance with Florida Board of Governors Regulation 9.017, or corresponding provisions of any subsequent laws or rules.

The principal office of Central Florida Clinical Practice Organization, Inc. will be located at 6850 Lake Nona Blvd., 3<sup>rd</sup> Floor, Orlando, Orange County, Florida.

**ARTICLE II.  
BOARD OF DIRECTORS**

**Section 1. Directors.** The Central Florida Clinical Practice Organization, Inc. Board of Directors will consist of:

- A. The President of the University of Central Florida, or designee,
- B. At least one University of Central Florida Board of Trustees (“BOT”) representative appointed by the Chair of the BOT,
- C. A designee of the Vice President for Health Affairs of the University of Central Florida, and
- D. Additional representatives appointed by the University President.

The BOT will approve all appointments to the Board of Directors other than the BOT Chair or designee and the University President or designee.

**Section 2. Terms of Office.** *Ex officio* members of the Board of Directors will serve as directors of the corporation for such time as they continue to serve in their positions with the university. Directors designated or appointed to the Board of Directors will serve for three-year terms. Terms

will begin on the date of appointment and end June 30 (or July 1 through June 30, whichever applies) or until their successor is duly designated or appointed. Any designated or appointed director may be designated or appointed to successive terms.

**Section 3. Vacancies.** Whenever any vacancy occurs in the Board of Directors by death, resignation, or otherwise, it will be filled without undue delay. Any person designated or appointed to fill a vacancy in the Board of Directors will hold office for the unexpired term of his or her predecessor in office.

**Section 4. Removal.** The University President may remove any director at any time upon written notice, with or without cause, except for directors appointed by the BOT Chair. The Board of Directors may remove any director at any time upon a two-thirds vote of the directors, whenever the best interests of the corporation would be served.

**Section 5. Resignation.** A Director may resign at any time by submitting a written resignation to the Chair.

**Section 6. Powers and Duties.** The property, affairs, activities, and concerns of the corporation are vested in the Board of Directors subject to the Articles of Incorporation, Bylaws, applicable laws, guidelines and policies and regulations. All management functions will be exercised by the Board of Directors subject to its delegation. The powers and duties of the Board of Directors are as follows:

- A. To discharge faithfully all the duties imposed upon it by the Articles of Incorporation and by law.
- B. To meet upon the call of the Board Chair, the Board Vice Chair, the Chief Executive Officer (“CEO”) of the corporation or any two directors.
- C. To select a bank or banks or other depositories for the deposit of funds and securities of the corporation; and to cause the corporation to conduct its financial affairs in conformity with the policies and procedures adopted by the Board of Directors.
- D. To cause an audit of the books and records of this corporation to be made at least once each fiscal year together with a management letter, including the response from management, if required, conducted by a firm of independent Certified Public Accountants, whose engagement letter will provide that it render an opinion on the financial statements in accordance with generally accepted accounting principles and to have the results of the audit reported to and accepted by the Board of Directors.
- E. To hold and to invest and reinvest any monies it receives and to hold any property, to sell or exchange the same, and to invest and reinvest the proceeds of any sale or other conversion of any such property, for the purpose of earning income, which income, less operating expenses of the corporation, will be used to further the specific purposes of the corporation.
- F. To authorize the CEO, other Officers, and the corporation’s senior management to take action(s) as directed by the Board of Directors.

- G. To borrow money by issuing long or short-term notes, bonds, or debentures and to pledge, mortgage, or otherwise encumber its assets within the discretion of the Board, subject to the policies of the University of Central Florida, its Board of Trustees and the Florida Board of Governors.
- H. To annually approve the corporation's operating budget as well as any material changes to the budget, and then submit the budget to the University of Central Florida Board of Trustees for approval.
- I. To annually submit to the University of Central Florida Board of Trustees and, when requested to the Board of Governors, its federal Internal Revenue Service Return of Organization Exempt from Income Tax filing ("Form 990").

**Section 7. Meetings of the Board.** The Board Chair will preside at meetings of the Board of Directors. In the absence of the Board Chair, the Vice Chair will preside.

- A. Regular meetings of the Board of Directors will be held as determined by the Board of Directors. Written notice of the time and place of the annual meeting and regular meetings will be provided to each director, by personal delivery, first class mail, or electronic mail or board portal notice, at least three (3) business days before the meeting.
- B. Special meetings of the Board of Directors may be called by the Board Chair, Vice Chair, CEO or upon the written request of two (2) members of the Board of Directors. At least three (3) business days prior written notice of any special meeting will be provided to all members of the Board of Directors by personal delivery, first class mail, electronic mail or board portal notice.
- C. Proxies, general or special, will not be accepted for any purpose in the meetings of the Board of Directors.
- D. Any director may waive notice of any meeting. The attendance of a director at any meeting will constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

**Section 8. Public Notice.** Public notice of any meeting of the Board of Directors or any Committee will be made as required by Florida law. Opportunity for public comment may be permitted.

**Section 9. Public Comment.** To the extent required by law or permitted by the Chair, individuals who desire to appear before the Board of Directors or any Committee regarding an item being considered must submit their requests in writing to the address or email address noted in the posted notice for the meeting in advance, specifying the agenda item about which they wish to speak. Public comment will be limited to three (3) minutes per person.

**Section 10. Quorum and Voting.** A majority of the Board of Directors will constitute a quorum for the transaction of business. The act of a majority of the directors present at a meeting at which a quorum is present will be the act of the Board of Directors unless a greater number is required by these bylaws or by law.

**Section 11. Participation by Electronic Means.** Members of the Board of Directors may participate in a meeting of the Board by conference, telephone or similar communications means provided all persons participating in the meeting are able to communicate with each other.

**Section 12. Chair and Vice Chair of the Board.** The Board of Directors will have a Chair and Vice Chair serve as officers of the Board.

- A. Chair of the Board. The Chair of the Board (“Board Chair”) will be selected by the University President and must be a member of the Board. The Board Chair will:
  - 1. Preside at the meetings of the Board of Directors. The Board Chair or designee will prepare the agenda for all meetings of the Board of Directors.
  - 2. Sign all certificates, bonds, deeds, mortgages, leases, and contracts of the corporation except as otherwise approved by the Board of Directors.
  - 3. Perform all duties as the Board of Directors will designate and may delegate certain duties with the Board of Directors’ approval.
  - 4. Perform other duties as are necessarily incident to the office of the Board Chair.
- B. Vice Chair. The Vice Chair will be elected by the Board of Directors to serve as its Vice Chair and must be a member of the Board. The Vice Chair will assume the Chair’s duties in the Chair’s absence or incapacity and perform such duties as are assigned by the Chair.
- C. Term of Board Officers. Officers of the Board will serve for three years or until their successor is duly selected or elected. Any such selected or elected Board officer may serve successive terms.
- D. Removal. The Board of Directors may remove any Board officer at any time upon a two-thirds vote of the directors, whenever the best interests of the corporation would be served.
- E. Vacancies. In the event of absence, inability, or refusal to act of the Chair, the University President will select another member of the Board to serve as Chair. In the event of absence, inability or refusal to act of the Vice Chair, the Board will elect a new Vice Chair no later than its next regular meeting.

**ARTICLE III.**  
**OFFICERS OF THE CORPORATION**

**Section 1. Officers.** The officers of the corporation will be non-members of the Board and will be as follows:

- A. CEO, who is the Vice President of the University of Central Florida with responsibility for health affairs;

- B. Secretary, who will be appointed by the CEO;
- C. Treasurer, who will be appointed by the CEO, in consultation with the Chief Financial Officer of the University; and
- D. Other officers, listed below, as may be appointed by the CEO.

**Section 2. Term of Corporate Officers.** *Ex officio* Corporate Officers who are employees of the University of Central Florida will serve as long as they continue to be employed with the University of Central Florida in that position. The term of office for appointed Corporate Officers will commence when appointed and continue for three (3) years or until their successor is duly appointed. Any such appointed officer may serve successive terms.

**Section 3. Duties of Officers.** The duties and powers of the officers of the corporation will be as follows:

- A. CEO. The CEO will be the chief executive officer of the corporation, will have general and active management of the business and affairs of the corporation, subject to the directions of the Board of Directors, and, in the absence of a Chair or Vice Chair of the Board of Directors, will preside at all meetings of the Board of Directors.
- B. Secretary. The Secretary will be responsible for the following permanent records:
  1. Accurate minutes of the proceedings of all meetings of the Board of Directors and a record of the actions of the Board and committees.
  2. A copy of the Articles of Incorporation and Bylaws of the corporation and all amendments.
- C. Treasurer. The Treasurer will oversee the fiscal affairs of the corporation. The duties of the Treasurer include assuring that adequate provision is made for the care and custody of all the assets of the corporation.

**Section 4. Removal.** The CEO may remove any corporate officer at any time whenever the best interests of the corporation would be served.

**Section 5. Vacancies.** In the event of absence, inability, or refusal to act of any of the appointed or designated officers of the corporation, the CEO, except as otherwise provided for in these Bylaws and subject to University Regulation 10.001, will appoint a successor or successors to perform the duties of their respective offices.

## **ARTICLE IV.** **COMMITTEES**

**Section 1. General.** The Board Chair may, at any time, appoint and charge such committees necessary and advisable to assist in the conduct of the corporation's affairs. Although committee members may include members who are not directors, committees will include a majority of directors and will be chaired by a director appointed by the Board Chair. Committee member

appointments will be for defined terms, and committee members may be removed at any time, with or without cause, by the Board Chair. A majority of any committee of the corporation will constitute a quorum for the transaction of business.

**Section 2. Audit Committee.** The Board of Directors may establish an Audit Committee to provide for oversight of the integrity of financial reporting, internal controls and the independence and performance of the audit function of the corporation's independent auditors.

**ARTICLE V.  
GOVERNING AUTHORITY AND FISCAL YEAR**

**Section 1. Governing Authority.** Notwithstanding any other provision of these Bylaws to the contrary, the affairs and operations of the corporation will be conducted in compliance with the applicable regulations of the Florida Board of Governors and the University of Central Florida, including regulations governing the faculty practice plan for the University of Central Florida College of Medicine.

**Section 2. Fiscal Year.** The fiscal year of the corporation will begin on July 1 and end on June 30 of the following year.

**ARTICLE VI.  
NONDISCRIMINATION**

The corporation is committed to non-discrimination with respect to race, color, religion, age, disability, sex, marital status, national origin, veteran status or any other basis protected by law.

**ARTICLE VII.  
AMENDMENTS**

These Bylaws may be made, altered, or rescinded by a two-thirds (2/3) vote of members of the Board of Directors present at any regular or special meeting at which a quorum is present. All amendments must be submitted to the University of Central Florida Board of Trustees.

**ARTICLE VIII.  
DISTRIBUTION OF NET RECEIPTS**

The accumulation, expenditure, and distribution of all funds of the corporation will be exclusively for the support of the mission and objectives of the University of Central Florida College of Medicine and will be made only after approval by the Vice President for Health Affairs of the university or designee.

**ARTICLE IX.**  
**OPERATIONAL PROVISIONS**

**Section 1. Contracts.** Contracts for the activities of this corporation will be signed in the name of the corporation by the Board Chair except as otherwise delegated.

**Section 2. Financial Audits and Reports.** The corporation will annually have a financial audit of its accounts and records conducted by an independent certified public accountant. The audit will be performed in accordance with the applicable rules adopted by the Auditor General and by the BOT, which will be forwarded to the BOT for review and to the Board of Governors and Auditor General.

**Section 3. Compensation and Employment.** The directors and officers of this corporation, except those otherwise employed by the corporation or UCF, will not receive any compensation from this corporation for their services as director or officer.

- A. Directors, officers, and employees of this corporation may be reimbursed from funds of the corporation for any travel expenses or other expenditures incurred by them in the proper performance of their duties, provided the reimbursements or expenditures comply with applicable laws, regulations and policies.
- B. Personnel employed by this corporation will not be considered employees of the State of Florida by virtue of employment by this corporation.
- C. The corporation will provide equal employment opportunities for all persons regardless of race, color, religion, sex, age, or national origin. Personal services provided to the organization must comply with Section 1012.976, Florida Statutes.

**Section 4. Travel Expenses.** The corporation will not use state funds for travel expenses.

**Section 5. Indemnification.** Pursuant to Sections 607.0850 and 617.0831, Florida Statutes, any person who was or is a party, or is threatened to be made a party, to any threatened, pending, or completed action, suit, or proceeding whether civil, criminal, administrative, or investigative (other than an action by, or in the right of, the corporation, by reason of the fact that he or she is or was a Director or Officer of the corporation) shall be indemnified against expenses (including attorney's fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit, or proceeding, including any appeal thereof, but only if he or she acted in good faith and in a manner he or she reasonably believed to be in, or not opposed to, the best interest of the corporation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his or her conduct was unlawful. The corporation shall have the authority to purchase insurance for this purpose.

Authorization of Indemnification. Any indemnification hereunder shall be made by the corporation only upon a determination that indemnification of the Director or Officer is proper in a specific case because he or she has met the standard of conduct set forth in the previous paragraph of this Section 5. Such determination shall be made by the Board by a majority vote



Amendment History

Adopted by Board of Directors: 4/5/2010

Amended and Restated: 8/1/2011

Second Amended and Restated: 9/4/2012

Third Amended and Restated: 9/11/2014

Fourth Amended and Restated: 3/10/2015

Fifth Amended and Restated: 8/29/2019, 2/19/202; UCF Board of Trustees 2/20/2020

Sixth Amended and Restated: 10/17/2022; UCF Board of Trustees 11/17/2022

Seventh Amended and Restated: 9/13/2023; UCF Board of Trustees 9/28/2023

Eighth Amended and Restated:

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# Board of Trustees

*Governance Committee*

*June 25, 2024*

## **Agenda Item**

GOVC-11: Amendments to UCF Foundation, Inc. Bylaws

## **Proposed Committee Action**

The Committee is asked to review and approve the proposed revisions of the UCF Foundation, Inc. Bylaws, recommended by the UCF Foundation Board of Directors.

## **Authority for Board of Trustees Action**

Florida Statutes section 1004.28  
University Regulation UCF-4.034  
UCF Foundation Bylaws Article IV, Section 1

### **Supporting Documentation Included**

Attachment A: UCF Foundation Bylaws Redline  
Attachment B: UCF Foundation Bylaws Revisions Clean

### **Facilitators/Presenters**

Richard Welsh, Senior Associate General Counsel



# GOVC-11: Amendments to UCF Foundation, Inc. Bylaws

## EXECUTIVE SUMMARY

### Objective

The Committee is asked to review and approve the proposed revisions of the bylaws of the UCF Foundation, Inc. (“Foundation”).

All amendments to Foundation bylaws must also be approved by the Board of Trustees.

### Summary of Key Observations/Recommendations

The proposed revisions:

- simplify the alignment of current actual positions of Corporate Officers and to prevent future issues around title changes.
- clarify Board committee and advisor structure was implemented to assist in clearly defining scope, terms, and expectations.
- clarify the role of designated directors.
- address grammatical and formatting issues.

### Additional Background

The UCF Foundation’s Governance Committee is tasked annually with reviewing the UCF Foundation Bylaws. The bylaws were last amended on November 17, 2022. The Chair of the Governance Committee recommended the formation of a volunteer ad hoc workgroup to review staff comments after the December 7, 2023, meeting. Final suggested revisions were presented to this committee at the May 2, 2024, virtual meeting.

### Rationale

Authority for this Governance Committee Action is defined by Florida Statutes section 1004.28, UCF Foundation Committees Article IV, Section 1.E.4., and UCF Foundation Governance Committee Charter Article 2.3.

### Implementation Plan

The UCF Foundation Board approved these recommended changes at their May 31, 2024, meeting. The Board of Trustees will review and consider approval of the amended bylaws at the June 25, 2024, meeting.

### Resource Considerations

This item will not result in any additional costs to the UCF Foundation or the University.

## **Conclusion**

Staff recommends that the committee recommend approval of the proposed revisions to the UCF Foundation, Inc. Bylaws.

**AMENDED & RESTATED BYLAWS OF THE  
UNIVERSITY OF CENTRAL FLORIDA FOUNDATION, INCORPORATED**

**ARTICLE I.**

**~~MEMBERS, PURPOSE, MISSION, AND OFFICE~~**

**Section 1. Purpose and Mission.** The purpose ~~and missions~~ for which the University of Central Foundation, Incorporated (Foundation) is organized ~~is~~ as follows:

- ~~A. To encourage, support, and enhance the University of Central Florida (University), a comprehensive learning institution in higher education, in its mission as determined by the University of Central Florida Board of Trustees (BOT); including the ability to encourage,~~
- ~~B. To solicit, receive, and administer private support for the benefit of the University and its related entities create awareness of the University and its mission;~~
- ~~C. To build relationships, recognize support, own property, borrow such sums of money necessary upon approval by the BOT; and~~
- ~~D. To perform all business related matters necessary to accomplish this purpose which a corporation not for profit organized under the laws of Florida for the foregoing purposes can be authorized to exercise or as may be further delegated by the Bylaws;~~
- ~~E. All of the assets and income of the Foundation shall be used only for the purposes here in above set out, including the payment of expenses incidental thereto; and~~
- ~~A-F. No part of its assets or income shall be distributable to its members, trustees, or officers, and no substantial part of its activities shall be for the carrying on of propaganda or otherwise attempting to influence legislation, and the Foundation shall not participate in or intervene in any political campaign on behalf of any candidate for public office.~~

**Section 2. Office.** ~~The Foundation's principal office will be in Orange County, Florida, and the Foundation will ensure that the physical address is current with the Florida Secretary of State. The location of the principal office will be determined by the Chief Executive Officer ("CEO" as defined below) of the Foundation in consultation with the University. of the Foundation will be located at 12424 Research Parkway, Orlando, Orange County, Florida.~~

**ARTICLE II.**

**BOARD OF DIRECTORS**

**Section 1. Composition.** The Foundation Board of Directors (Board of Directors) will consist of:

A. Elected Directors.

- 1. Elected Directors will hold full voting privileges.
- 2. The Governance Committee (defined below) will recommend a slate of Elected Director appointments for review and approval by vote by the Board of Directors.
- 3. If the Board of Directors approves the appointment of an Elected Director, such appointment will not be final until it is reviewed and approved first by the President of the University ("University President") and then by the BOT.
- 4. There will be no more than thirty-eight (38) Elected Directors.
- ~~1-5.~~ The BOT will approve all ~~e~~Elected ~~d~~Director appointments to the Board of Directors.

B. Designated Directors.

1. Designated Directors will hold full voting privileges.
2. Designated Directors will consist of:
  - ~~Designated Directors of the Board of Directors shall be as follows: t~~The UCF Alumni Board Chair, or a designee from within ~~the~~ Alumni Board membership;
  - The University President, or a designee;
  - A representative appointed by the University President; and
  - A BOT representative approved by the BOT Chair.~~the University of Central Florida President, or a designee; and a Board of Trustees representative appointed by the BOT Chair.~~

**C. Emeritus Directors.**

1. Emeritus Directors will be non-voting members.
2. Any Elected Director who has served two full terms may be nominated and appointed as an Emeritus Director following a six-month period beginning at the conclusion of the second term.
3. The Governance Committee will nominate Elected Directors who have served the University and Foundation with distinguished service.
2. ~~The Board of Directors will serve as the final body to approve the nomination(s).  
Emeritus Directors will be non-voting.~~

~~**B. Additional representatives appointed by the University President.**~~

**Section 2. Term of Office.**

- A. Elected Directors will serve a term of four years (or until the end of the respective term of their predecessor if elected to succeed a person who has not completed a four-year term). Terms will begin on the date of appointment and end June 30 (or July 1 through June 30, whichever applies). No Elected Director is eligible to serve more than two consecutive terms unless the Director has been elected to serve as a Board Officer, in which case the term may be extended by the Board to accommodate the time required for fulfillment of the term of the office. An Elected Director who has served two terms consecutively may be re-elected to the Board of Directors after the expiration of one year following the end of their last term and will have the status of a newly Elected Director.
- B. Designated Directors will serve so long as they (or the individual who designated them) hold the office or the position that resulted in such placement on the Board of Directors.
- C. Emeritus Directors serve for life, subject to removal as outlined in Section 4 of this Article II. unless they are removed for cause.

**Section 3. Vacancies.** Whenever any vacancy occurs in the Board of Directors by death, resignation, or otherwise, it will be filled without undue delay. Any person elected or designated to fill a vacancy in the Board of Directors will hold office for the unexpired term of his or her predecessor in office. Three years of a term will constitute a full term of service.

**Section 4. Removal.** An Elected Director or Emeritus Director may be removed by a two-thirds vote of the Directors present and voting, whenever the interests of the Foundation would be best served. The University President may remove any Elected Director, Designated, or Emeritus Director at their sole discretion.

**Section 5. Resignation.** A Director may resign at any time by submitting a written resignation to the Chair. If the Chair is resigning, they will submit their resignation to the CEO and University President.

**Section 6. Powers and Duties.** So long as certified by the Board of Trustees, the property, affairs, activities, and concerns of the Foundation are vested in the Board of Directors subject to the Articles of Incorporation, Bylaws, applicable laws, guidelines, policies and regulations. All management functions will be exercised by the Board of Directors subject to its delegation. The powers and duties of the Board of Directors are as follows:

- A. To discharge faithfully all the duties imposed upon it by the Articles of Incorporation and by law.
- B. To meet upon the call of the Chair, Vice Chair, the CEO, or by one-fourth of the Directors entitled to vote, in writing, with due written notice of the time, place and subject matter given to each Director and consistent with the requirements of these Bylaws.
- C. Upon the recommendation of the Finance and Facilities Committee, select a bank or banks or other depositories for the deposit of the funds and securities of the Foundation, and to cause the Foundation to conduct its financial affairs in conformity with the policies and procedures adopted by the Board of Directors.
- D. Upon the recommendation of the Audit Committee, to cause an audit of books and records of this Foundation to be made at least once each fiscal year together with a management letter, including the response from management, conducted by a firm of independent Certified Public Accountants selected in accordance with [applicable University policy University Policy 2-208](#), whose engagement letter will provide that it render an opinion on the financial statements in accordance with generally accepted accounting principles and to have the results of the audit reported to and accepted by the Board of Directors.
- E. Upon the recommendation of the Investment Committee, to hold and to invest and reinvest any monies it receives and to hold any property, to sell or exchange the same, and to invest and reinvest the proceeds of any sale or other conversion of any such property, for the purpose of earning income, which income, less operating expenses of the Foundation, will be used to further the specific purposes of the Foundation.
- F. To authorize the CEO, other [Corporate](#) Officers, and the Foundation's senior management to take action(s) as directed by the Board of Directors.
- G. To borrow money by issuing long or short-term notes, bonds, or debentures and to pledge, mortgage, or otherwise encumber its assets within the discretion of the Board of Directors, subject to the policies of the University, BOT, and the Florida Board of Governors.
- H. To annually approve the Foundation's operating and real estate budgets as well as any material changes to the budget, and then submit the budget to the BOT for approval. [Any changes to the Foundation operating budget recommended by the BOT will be presented to the Board of Directors before final approval by the BOT.](#)
- I. To annually submit to the University of Central Florida Board of Trustees and the Board of Governors its federal Internal Revenue Service Return of Organization Exempt from Income Tax filing (Form 990).
- J. To participate in Board meetings and serve on at least one Committee ~~or University-affiliated group~~ as approved by the Chair.
- K. To acquire and maintain a broad awareness and knowledge of the University including its programs,

strengths, needs, resources, and mission.

- L. To provide advice and counsel to the University President and the CEO as requested on matters involving the University family and the community.
- M. To support the philanthropic aims of the Foundation with a minimum annual gift in an amount set by the Board of Directors. The annual gift should only mark the beginning of the Directors' support, and they are encouraged, as appropriate, to support other funds supplemental to the University, to make leadership gifts to special projects, and to make provisions for planned giving and support the University through their foundations and Foundations.
- N. To serve as an effective University ambassador in the community.

**Section 7. Meetings of the Board.** The Chair will preside at meetings of the Board of Directors. In the absence of the Board Chair, a Vice Chair will preside.

- A. Regular meetings of the Board of Directors will be held as determined by the Board of Directors. Written notice of the time and place of the annual meeting and regular meetings will be provided to each Elected and Designated voting dDirector, by personal delivery, first class mail, electronic mail or board portal notice, at least three (3) business days before the meeting. Emeritus Directors may be notified of annual board meetings.
- B. Special meetings of the Board of Directors may be called by the Chair, Vice Chair, CEO, or upon the written request of two (2) members of the Board of Directors. At least three (3) business days prior written notice of any special meeting will be provided to all members of the Board of Directors by personal delivery, first class mail, electronic mail or board portal notice.
- C. Proxies, general or special, will not be accepted for any purpose in the meetings of the Board of Directors.
- D. Any Director may waive notice of any meeting. The attendance of a Director at any meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

**Section 8. Public Notice.** Public notice of any meeting of the Board of Directors or any Committee will be made as required by Florida law.

**Section 9. Public Comment.** To the extent required by law or permitted by the Chair, individuals who desire to appear before the Board of Directors regarding an item being considered must submit their requests in writing to the address or email address noted in the posted notice for the meeting a minimum of 24-hours in advance, specifying the agenda item about which they wish to speak. Public comment will be limited to three (3) minutes per person.

**Section 10. Quorum and Voting.** A majority of the Board of Directors will constitute a quorum for the transaction of business. The act of a majority of the directors present at a meeting at which a quorum is present will be the act of the Board of Directors unless a greater number is required by these bylaws or by law.

**Section 11. Participation by Electronic Means.** Members of the Board of Directors may participate in a meeting by conference, video conference, telephone, or similar communications means provided all persons participating in the meeting are able to communicate with each other.

**Section 12. Officers of the Board.** The Board of Directors shall have the following officers: Chair, (2) Vice Chairs, Treasurer, and a Secretary ("Board Officers").

- A. Chair of the Board. The Chair will be elected by the Board of Directors and must be an Elected Director member of the Board of Directors. The Chair will:
1. Preside at the meetings of the Board of Directors. The Chair or designee will prepare the agenda for all meetings of the Board of Directors.
  2. Sign all certificates, bonds, deeds, mortgages, leases, and contracts of the Foundation except as otherwise approved by the Board of Directors.
  3. Perform all duties as the Board of Directors will designate and may delegate certain duties with the Board of Directors' approval.
  4. Perform other duties as are necessarily incident to the office of the Chair.
- B. Vice Chairs. The Vice Chairs will be elected by the Board of Directors to serve as its Vice Chairs and must be an Elected Director members of the Board of Directors. In the Chair's absence or incapacity and perform such duties as are assigned by the Chair, one of the Vice Chairs will assume the Chair's duties.
- C. Secretary. The Secretary of the Board will be elected by the Board of Directors and must be an Elected Director. The Secretary of the Board is responsible for the minutes of the Board and Executive Committee meetings. The Chair of each Committee is responsible for the minutes of each of their respective committee meetings. The duties of the Secretary will be as follows:
1. To keep accurate minutes of the proceedings of the annual meeting of the Foundation and all meetings of the Board of Directors and preserve these records as a permanent record.
  2. To keep on record a copy of the Articles of Incorporation and Bylaws of the Foundation and all amendments thereto.
  3. To address the requests for any seal of the Foundation for official documents, records and papers as may be requested. A seal is not required.
  4. To keep an accurate list of all members of this Foundation Board of Directors.
- D. Treasurer. The Treasurer will be elected by the Board of Directors and must be an Elected Director. The Treasurer will supervise the fiscal affairs of the Foundation and serve as Chair of the Finance Committee. The duties of the Treasurer will be as follows:
1. To assure that adequate provision is made for the care and custody of all the assets of this Foundation with guidance from the CFO.
  2. To assure that adequate provision is made to keep in force a blanket surety bond to assure that each Officer and employee who is authorized to collect, hold, or disburse funds of the Foundation will faithfully discharge their duties, the adequacy of which will be determined by the Executive Committee.
  3. To present a written report of the financial activities of their office at the next annual meeting following their appointment to office.
- E. Term of Board Officers. Officers of the Board Officers will serve for two (2) years or until their successor is duly elected. Any such selected or elected Board officer may serve successive terms.
- F. Removal. The Board of Directors may remove any Board Officer at any time upon a two- thirds (2/3) vote of the directors, whenever the best interests of the Foundation would be served.
- G. Vacancies. In the event of absence, inability or refusal to act of the Chair the Board of

Directors will elect a new Chair no later than its next regular meeting. In the event of absence, inability or refusal to act of a Vice Chair the Board of Directors will elect a new Vice Chair no later than its next regular meeting.

### ARTICLE III. OFFICERS OF THE CORPORATION

**Section 1. ~~Ex-Officio Corporate Officers.~~** Individuals holding the following positions at the Foundation will serve as ~~Ex-Officio~~ Corporate Officers, but will not be members of the Board of Directors and will have no voting rights.

- A. ~~The University President will appoint the CEO who shall serve as a Corporate Officer; Chief Executive Officer (CEO) appointed by the University President;~~
- B. ~~The CEO will appoint such other Corporate Officers from the Foundation senior management; Chief Development Officer (CDO), who will be appointed by the CEO;~~
- C. ~~Chief Operating Officer (COO), who will be appointed by the CEO;~~
- D. ~~Chief Financial Officer (CFO), who will be appointed by the CEO;~~
- E. ~~Director of Foundation Board Relations and Development, who will be appointed by the CEO.~~

**Section 2. Additional Corporate Officers.** University President may appoint any members of the administration, faculty, or student body of the University for any term(s) designated by the President, but any such appointee will not be a member of the Board of Directors.

**Section 3. Term of Corporate Officers.** ~~Ex-Officio~~ Corporate Officers will serve so long as they hold the identified office or the position to which they were appointed by the CEO. The term of office for Additional Corporate Officers will commence when designated or appointed and continue for three (3) years or until their successor is duly designated or appointed. Any such designated or appointed officer may serve successive terms.

**Section 4. Duties of Corporate Officers.** The duties and powers of the officers of the corporation will be as follows:

- A. CEO. The CEO, or designee, will attend all meetings of the Board of Directors and present a written report of the activities of their office at each meeting, including the next annual meeting following their appointment to office. The CEO shall report to the University President or their designee.
- B. ~~Other Corporate Officers~~CDO. ~~The~~The CEO will develop and designate the duties and responsibilities of all other Corporate Officers who shall report to the CEO. ~~CDO will perform the duties of the CEO during the absence or incapacity of the CEO.~~
- C. ~~COO.~~ The COO will manage the day-to-day business activities of the Foundation.
- D. ~~CFO.~~ The CFO will oversee the fiscal affairs of the Foundation. The duties of the CEO include assuring that adequate provision is made for the care and custody of all the assets of the Foundation.
- E. ~~Director of Foundation Board Relations and Development.~~ The Director of Foundation Board Relations and Development will assist in the documentation and safekeeping of accurate minutes of the

~~proceedings of all meetings of the Board of Directors and maintain a record of the actions of the Board and committees. The Director of Foundation Board Relations and Development will maintain a copy of the Articles of Incorporation and Bylaws of the Foundation and all amendments.~~

**Section 5. Removal.** The University President and CEO may remove any Corporate Officer at their sole discretion.

**Section 6. Vacancies.** In the event of absence, inability, or refusal to act of any of the ~~ex-officio~~ Corporate ~~o~~Officers, ~~appointed, or designated officers of the corporation,~~ the CEO, except as otherwise provided for in these Bylaws and subject to University Regulation 4.034 or its equivalent, will appoint a successor or successors to perform the duties of their respective offices.

## ARTICLE IV. COMMITTEES

**Section 1. Standing Committees.** The Chair of the Board of Directors may, at any time, appoint and charge the committees necessary and advisable to assist in the conduct of the Foundation's affairs. The Board Chair will appoint the Chair and the members of each committee, except for those committees whose Chair is specifically appointed in the bylaws. All committees will have a minimum of three (3) Elected Directors.

A. Executive Committee.

- ~~1-~~ The Executive Committee consists of the following: the Chair, Vice Chairs, Secretary, Treasurer, immediate past Chair, University President or designee, Chair of the Board of Trustees or designee, Chair of the UCF Alumni Board of Directors or designee, and Chair of all other committees described in these Bylaws.
- ~~2-~~ The Chair, or in their absence one of the Vice Chairs, will preside at meetings of the Executive Committee.
- ~~3-~~ The Executive Committee is authorized and empowered to act for, in the name of and on behalf of the Board of Directors at all times when the Board of Directors is not meeting. No action of any standing committee will be binding upon the Foundation unless such action is approved by the Executive Committee or Board of Directors.
- ~~4-~~ The Executive Committee will meet at the call of the Chair.

B. Audit Committee.

- ~~1.—The Audit Committee will consist of a minimum of not fewer than three appointed Elected Directors.~~
- ~~2.1.~~ The Audit Committee is charged with hiring the auditors and reviewing the results of the audit. The committee evaluates other accounting related policies and controls.

C. ~~—Donor Engagement and Stewardship Committee.~~

- ~~1.—The Donor Engagement and Stewardship Committee will consist of not fewer than three appointed Elected Directors. The Philanthropy Chair of the UCF Alumni Board will serve as an ex-officio voting member.~~
- ~~2.—The Donor Engagement and Stewardship Committee will advise the Board of Directors in matters dealing with Donor stewardship strategies, including but not limited to donor recognition, reporting and other experiences.~~

~~D.~~C. Finance and Facilities Committee.

- ~~1.—The Finance and Facilities Committee consists of not fewer than five appointed Elected Directors.~~
- ~~2.1.~~ The Chair of the Finance and Facilities Committee will be the Treasurer.

- ~~3.2.~~ The Finance and Facilities Committee will establish and be responsible for the fiscal policy of the Foundation, including budgets and fees. The Finance and Facilities Committee will recommend the budget for the next fiscal year to the Board of Directors at its annual meeting held prior to the end of the current fiscal year.
- ~~4.3.~~ The Finance and Facilities Committee advises the Board of Directors and all subsidiary organizations or entities ~~the University of Central Florida Real Estate Corporation, LLC and Knight's Crossing Student Housing, LLC~~ in regard to real estate policies, procedures, potential transactions and other real estate issues affecting the Foundation.

E.D. Governance Committee.

1. The Governance Committee ~~consists of not fewer than five appointed Elected Directors and~~ will include the immediate past Chair, Chair, Vice Chair(s) and a minimum of one ~~(1)~~ appointed Elected Director.
2. The CEO will also participate as a non-voting member ~~an Ex-Officio Corporate Officer~~ of the Governance Committee.
3. The immediate past Chair of the Board of Directors will serve as the Chair of the Governance Committee. If the past Chair is unable to serve, the current Chair of the Board of Directors will appoint the Chair of the Committee.
4. The Governance Committee is charged with the responsibility of annually receiving and placing in nomination the names of individuals to be considered for membership to the Board, preparing a slate of Board Officers every two years or upon the vacancy of a Board Officer, and succession planning. The committee is also charged with annually reviewing the Foundation's bylaws, memberships, committee assignments, and leading a board self-assessment process. The Governance Committee is also responsible for receiving disclosures of proposed transactions with Directors, including potential excess benefit transactions, and reviewing such transactions.

F. E. Investment Committee.

- ~~1. The Investment Committee will consist of not fewer than five appointed Elected Directors.~~
1. The Investment Committee will advise the Board of Directors in regard to the general investment policy and investment management of the Foundation.

F. Philanthropy Committee.

1. The Philanthropy Committee will advise the Board of Directors in matters dealing with Donor stewardship strategies, including but not limited to donor recognition, reporting and other experiences, fostering a culture of philanthropy within the Board and more broadly across the university, supporting the sustainable growth and success of philanthropic investment by promoting meaningful relationships and impact-focused connection with constituents, and reviewing policies and internal procedures related to the solicitation, acceptance, administration, and stewardship of gifts to the Foundation.
2. The Philanthropy Chair of the UCF Alumni Board will serve as an ex-officio voting member.
- ~~2.3.~~ This committee may be known by any other name as recommended by the Committee Chair and approved by the Board of Directors.

G. Other Committees.

1. The Chair of the Board of Directors will have the authority to establish an unlimited number of temporary Other Committees or task forces to accomplish any objectives affecting various interests and the welfare of the Foundation and the University as they deem necessary or desirable. Other Committees will be governed by a charter approved by the applicable Other Committees.

**Section 2. Committee Membership, Terms, and Quorum; Committee Advisors.**

**A. Committee Membership; Terms; Quorum.**

1. Although committees may include individuals who are not Elected Directors (Advisors), committees will include a majority of Elected Directors and will be chaired by an Elected Director appointed by the Chair of the Board of Directors or specified by these bylaws.
2. Committee member appointments will be for defined terms, and committee members may be removed at any time, with or without cause, by the Chair of the Board of Directors.
- ~~1-3.~~ A majority of any committee of the Board of Directors will constitute a quorum for the transaction of business.

**B. Committee Advisors: Appointment; Voting; Term.**

1. With the exception of the Executive Committee, individuals who are not Elected or Designated Directors but have expertise in given areas may serve as Advisors and vote on committees of the Board.
2. ~~The CEO and the relevant committee Chair will review all proposed appointments of Advisors and will submit a recommendation to the Board Chair who will have final approval on the appointment. , with the approval of the Chair and in consultation with the relevant committee Chair.~~
3. Advisors may vote on the committee's recommendations to the Executive Committee or Board.
4. ~~Advisors will serve a committee term of two (2) four years, renewable for an additional two (2) terms for a total of six (6) years. Term renewals are subject to approval by the Board of Directors.~~
5. ~~Committee terms commence will commence on the date of the approval by the Board Chair and on the date of renewal approval by the Board of Directors. on July 1 of the next fiscal year and end June 30 at the end of four years.~~
6. ~~Committee Advisors are expected to support the philanthropic aims of the Foundation. No Advisor is eligible to serve more than two consecutive terms on any standing committee. An Advisor who has served two committee terms consecutively may be appointed to an alternate standing committee upon committee term completion or re-appointed to the standing committee for which they most recently served after the expiration of one year following the end of their last committee term and will have the status of a newly appointed Advisor.~~

~~B. With the exception of the Executive Committee, Emeritus Directors may be appointed to committees as Emeritus Advisors. Emeritus Advisors may vote on committee recommendations to the Executive Committee or Board of Directors. Emeritus Advisors will serve a committee term of four years. Committee terms commence on July 1 of the next fiscal year and end June 30 at the end of four years. No Emeritus Advisor is eligible to serve more than two consecutive terms on any standing committee. An Emeritus Advisor who has served two committee terms consecutively may be appointed to an alternate standing committee upon committee term completion or re-appointed to the standing committee for which they most recently served after the expiration of one year following the end of their last committee term and will have the status of a newly appointed Emeritus Advisor.~~

- ~~C. Ex-Officio Committee Members. Ex Officio Committee Members may be appointed and serve as voting members of the Audit, Finance and Facilities, and Investment Committees. Ex Officio Committee Members will be University faculty with subject matter expertise in the work of the Committee. No more than one (1) Ex Officio Committee Member may serve on a Committee at any time.~~

Appointments of Ex Officio Committee Members will be reviewed by the CEO and Committee Chair, with final approval by the Board Chair. Ex Officio Committee Members will serve the same term as Committee Advisors.

**Section 3. Powers and Duties.** Standing Committees will be governed by a charter that is approved by the Board of Directors. The Board of Directors must approve any revocations or amendments to the committee charter(s). With the exception of the Executive Committee, no action of any standing committee shall be binding upon the Foundation unless such action is approved by the Executive Committee or Board of Directors.

#### **ARTICLE V. DIRECT SUPPORT ORGANIZATIONS**

**Section 1. Governing Authority.** The Foundation operates as a Direct Support Organization (DSO) for the University of Central Florida as defined by Florida statute. DSOs are certified by the University of Central Florida Board of Trustees and follow Florida law, the policies and procedures established by the State University System of Florida, the University of Central Florida and the Board of Trustees.

**Section 2. Fiscal Year.** The fiscal year of the Foundation will begin on July 1 and end on June 30 of the following year.

#### **ARTICLE VI. NONDISCRIMINATION**

The Foundation is committed to non-discrimination with respect to race, color, religion, age, disability, sex, marital status, national origin, veteran status or any other basis protected by law.

#### **ARTICLE VII. AMENDMENTS**

These Bylaws may be made, altered, or rescinded by a two-thirds (2/3) vote of members of the Board of Directors present at any regular or special meeting at which a quorum is present. All amendments must be submitted to the University of Central Florida Board of Trustees in accordance with University Regulation prior to becoming effective.

#### **ARTICLE VIII. OPERATIONAL PROVISIONS**

**Section 1. Contracts.** Contracts for the activities of this Foundation will be signed in the name of the Foundation by the Chair of the Board of Directors except as otherwise delegated.

**Section 2. Financial Audits and Reports.** The Foundation will annually have a financial audit of its accounts and records conducted by an independent certified public accountant selected in accordance with applicable University policy~~University Policy 2-208~~. The audit will be performed in accordance with the applicable rules adopted by the Auditor General and by the BOT, which will be forwarded to the BOT for review and to the Board of Governors and Auditor General.

**Section 3. Compensation and Employment.** The directors and officers of this Foundation, except those otherwise employed by the Foundation or UCF, will not receive any compensation from this Foundation for their services as director or officer.

A. Directors, officers, and employees of this Foundation may be reimbursed from funds of the

Foundation for any travel expenses or other expenditures incurred by them in the proper performance of their duties, provided the reimbursements or expenditures comply with Florida Statutes Sections 1004.28 and 1012.976.

- B. Personnel employed by this Foundation will not be considered employees of the State of Florida by virtue of employment by this Foundation.
- C. The Foundation will provide equal employment opportunities for all persons regardless of race, color, religion, sex, age, or national origin. Personal services provided to the organization must comply with Section 1012.976, Florida Statutes.

**Section 4. Travel Expenses.** The Foundation will not use state funds for travel expenses.

**Section 5. Indemnification.** Pursuant to Sections 607.0850 and 617.0831, Florida Statutes, any person who was or is a party, or is threatened to be made a party, to any threatened, pending, or completed action, suit, or proceeding whether civil, criminal, administrative, or investigative (other than an action by, or in the right of, the Foundation, by reason of the fact that he or she is or was a Director or Officer of the corporation) shall be indemnified against expenses (including attorney's fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit, or proceeding, including any appeal thereof, but only if he or she acted in good faith and in a manner he or she reasonably believed to be in, or not opposed to, the best interest of the Foundation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his or her conduct was unlawful. The Foundation shall have the authority to purchase insurance for this purpose.

**Section 6. Authorization of Indemnification.** Any indemnification hereunder shall be made by the Foundation only upon a determination that indemnification of the Director or Officer is proper in a specific case because he or she has met the standard of conduct set forth in Section 5. Such determination shall be made by the Board of Directors by a majority vote of a quorum consisting of Directors who were not parties to such action, suit or proceeding or, if such quorum is not obtainable, by a majority vote of a committee duly designated by the Board of Directors (in which Directors who are parties may participate) consisting solely of two (2) or more Directors not at the time parties to the action, suit or proceeding or by a committee comprised of individuals who were not parties to such action, suit or proceeding where such committee is selected by a majority vote of the full Board of Directors (in which Directors who are parties may participate).  
the previous paragraph of this Section

~~5. Such determination shall be made by the Board of Directors by a majority vote of a quorum consisting of Directors who were not parties to such action, suit or proceeding or, if such quorum is not obtainable, by a majority vote of a committee duly designated by the Board of Directors (in which Directors who are parties may participate) consisting solely of two (2) or more Directors not at the time parties to the action, suit or proceeding or by a committee comprised of individuals who were not parties to such action, suit or proceeding where such committee is selected by a majority vote of the full Board of Directors (in which Directors who are parties may participate).~~

**Section 76. Ethics and Financial Disclosure.** It is the duty of each Director and Officer to fully comply with the Government-in-the-Sunshine Law set forth in Section 286, et seq., Florida Statutes, the Public Records Law set forth in Section 119, et seq., Florida Statutes, and to the extent it applies, the Code of Ethics for Public Officers and Employees set forth in Chapter 112, Part III, Florida Statutes.

**Section 87. Insurance.** The Board of Directors will keep in force a blanket surety bond, or directors and officers liability insurance, or other general liability insurance, the adequacy of which will be determined by the Board of Directors, or a Committee designated by the Board of Directors, to assure

that each Officer and employee who is authorized to collect, hold, or disburse funds of the Board of Directors will faithfully discharge their duties.

**Section 98. Seal.** The seal of this corporation will be in the form of a circle and will bear, among other things, the name of the corporation and the date of its incorporation.

**Section 109. Rules.** These Bylaws govern the transaction of business for this Board of Directors. To the extent that the Bylaws do not cover specific procedures, the most recent version of *Robert's Rules of Order* will be applied.

**Section 110. Confidential and Exempt Public Records.** Under Florida Statutes 1004.28(5)(b), other than the auditor's report, management letter, any records related to the expenditure of state funds, and any financial records related to the expenditure of private funds for travel, all records of the Foundation and any supplemental data requested by the Board of Governors, the Board of Trustees, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall be confidential and exempt from s. 119.07(1).

#### ARTICLE IX. CONFLICT OF INTEREST

All actual or potential conflicts of interest involving directors and officers of the Foundation will be disclosed and addressed in accordance with the Foundation's Conflict of Interest Policy.

I CERTIFY these Amended and Restated Bylaws were approved by the Board of Directors on May 31~~October 21~~, 20242 and by the University of Central Florida Board of Trustees on June~~November 25~~17, 20242.



\_\_\_\_\_  
Dana Patton, Secretary  
University of Central Florida Foundation,  
Incorporated Board of Directors

#### Amendment History

Original: October 13, 2001

Amended and Restated: May 31~~October 21~~, 20242, Approved by Board of Directors

June~~November 25~~17, 20242 Approved by UCF Board of Trustees

**AMENDED & RESTATED BYLAWS OF THE  
UNIVERSITY OF CENTRAL FLORIDA FOUNDATION, INCORPORATED**

**ARTICLE I.  
PURPOSE, MISSION, AND OFFICE**

**Section 1. Purpose and Mission.** The purpose and mission for which the University of Central Foundation, Incorporated (Foundation) is organized is as follows:

- A. To encourage, support, and enhance the University of Central Florida (University), a comprehensive learning institution in higher education, in its mission as determined by the University of Central Florida Board of Trustees (BOT);
- B. To solicit, receive, and administer private support for the benefit of the University and its related entities create awareness of the University and its mission;
- C. To build relationships, recognize support, own property, borrow such sums of money necessary upon approval by the BOT;
- D. To perform all business related matters necessary to accomplish this purpose which a corporation not for profit organized under the laws of Florida for the foregoing purposes can be authorized to exercise or as may be further delegated by the Bylaws;
- E. All of the assets and income of the Foundation shall be used only for the purposes here in above set out, including the payment of expenses incidental thereto; and
- F. No part of its assets or income shall be distributable to its members, trustees, or officers, and no substantial part of its activities shall be for the carrying on of propaganda or otherwise attempting to influence legislation, and the Foundation shall not participate in or intervene in any political campaign on behalf of any candidate for public office.

**Section 2. Office.** The Foundation's principal office will be in Orange County, Florida, and the Foundation will ensure that the physical address is current with the Florida Secretary of State. The location of the principal office will be determined by the Chief Executive Officer ("CEO" as defined below) of the Foundation in consultation with the University.

**ARTICLE II.  
BOARD OF DIRECTORS**

**Section 1. Composition.** The Foundation Board of Directors (Board of Directors) will consist of:

- A. Elected Directors.
  1. Elected Directors will hold full voting privileges.
  2. The Governance Committee (defined below) will recommend a slate of Elected Director appointments for review and approval by vote by the Board of Directors.
  3. If the Board of Directors approves the appointment of an Elected Director, such appointment will not be final until it is reviewed and approved first by the President of the University ("University President") and then by the BOT.
  4. There will be no more than thirty-eight (38) Elected Directors.
  5. The BOT will approve all Elected Director appointments to the Board of Directors.
- B. Designated Directors.
  1. Designated Directors will hold full voting privileges.
  2. Designated Directors will consist of:

- The UCF Alumni Board Chair, or a designee from within Alumni Board membership;
- The University President, or a designee;
- A representative appointed by the University President; and
- A BOT representative approved by the BOT Chair.

C. Emeritus Directors.

1. Emeritus Directors will be non-voting members.
2. Any Elected Director who has served two full terms may be nominated and appointed as an Emeritus Director following a six-month period beginning at the conclusion of the second term.
3. The Governance Committee will nominate Elected Directors who have served the University and Foundation with distinguished service.  
The Board of Directors will serve as the final body to approve the nomination(s).

**Section 2. Term of Office.**

- A. Elected Directors will serve a term of four years (or until the end of the respective term of their predecessor if elected to succeed a person who has not completed a four-year term). Terms will begin on the date of appointment and end June 30 (or July 1 through June 30, whichever applies). No Elected Director is eligible to serve more than two consecutive terms unless the Director has been elected to serve as a Board Officer, in which case the term may be extended by the Board to accommodate the time required for fulfillment of the term of the office. An Elected Director who has served two terms consecutively may be re-elected to the Board of Directors after the expiration of one year following the end of their last term and will have the status of a newly Elected Director.
- B. Designated Directors will serve so long as they (or the individual who designated them) hold the office or the position that resulted in such placement on the Board of Directors.
- C. Emeritus Directors serve for life, subject to removal as outlined in Section 4 of this Article II. .

**Section 3. Vacancies.** Whenever any vacancy occurs in the Board of Directors by death, resignation, or otherwise, it will be filled without undue delay. Any person elected or designated to fill a vacancy in the Board of Directors will hold office for the unexpired term of his or her predecessor in office. Three years of a term will constitute a full term of service.

**Section 4. Removal.** An Elected Director or Emeritus Director may be removed by a two-thirds vote of the Directors present and voting, whenever the interests of the Foundation would be best served. The University President may remove any Elected Director, Designated, or Emeritus Director at their sole discretion.

**Section 5. Resignation.** A Director may resign at any time by submitting a written resignation to the Chair. If the Chair is resigning, they will submit their resignation to the CEO and University President.

**Section 6. Powers and Duties.** So long as certified by the Board of Trustees, the property, affairs, activities, and concerns of the Foundation are vested in the Board of Directors subject to the Articles of Incorporation, Bylaws, applicable laws, guidelines, policies and regulations. All management functions will be exercised by the Board of Directors subject to its delegation. The powers and duties of the Board of Directors are as follows:

- A. To discharge faithfully all the duties imposed upon it by the Articles of Incorporation and by law.

- B. To meet upon the call of the Chair, Vice Chair, the CEO, or by one-fourth of the Directors entitled to vote, in writing, with due written notice of the time, place and subject matter given to each Director and consistent with the requirements of these Bylaws.
- C. Upon the recommendation of the Finance and Facilities Committee, select a bank or banks or other depositories for the deposit of the funds and securities of the Foundation, and to cause the Foundation to conduct its financial affairs in conformity with the policies and procedures adopted by the Board of Directors.
- D. Upon the recommendation of the Audit Committee, to cause an audit of books and records of this Foundation to be made at least once each fiscal year together with a management letter, including the response from management, conducted by a firm of independent Certified Public Accountants selected in accordance with applicable University policy, whose engagement letter will provide that it render an opinion on the financial statements in accordance with generally accepted accounting principles and to have the results of the audit reported to and accepted by the Board of Directors.
- E. Upon the recommendation of the Investment Committee, to hold and to invest and reinvest any monies it receives and to hold any property, to sell or exchange the same, and to invest and reinvest the proceeds of any sale or other conversion of any such property, for the purpose of earning income, which income, less operating expenses of the Foundation, will be used to further the specific purposes of the Foundation.
- F. To authorize the CEO, other Corporate Officers, and the Foundation's senior management to take action(s) as directed by the Board of Directors.
- G. To borrow money by issuing long or short-term notes, bonds, or debentures and to pledge, mortgage, or otherwise encumber its assets within the discretion of the Board of Directors, subject to the policies of the University, BOT, and the Florida Board of Governors.
- H. To annually approve the Foundation's operating and real estate budgets as well as any material changes to the budget, and then submit the budget to the BOT for approval. Any changes to the Foundation operating budget recommended by the BOT will be presented to the Board of Directors before final approval by the BOT.
- I. To annually submit to the University of Central Florida Board of Trustees and the Board of Governors its federal Internal Revenue Service Return of Organization Exempt from Income Tax filing (Form 990).
- J. To participate in Board meetings and serve on at least one Committee as approved by the Chair.
- K. To acquire and maintain a broad awareness and knowledge of the University including its programs, strengths, needs, resources, and mission.
- L. To provide advice and counsel to the University President and the CEO as requested on matters involving the University family and the community.
- M. To support the philanthropic aims of the Foundation with a minimum annual gift in an amount set by the Board of Directors. The annual gift should only mark the beginning of the Directors' support, and they are encouraged, as appropriate, to support other funds supplemental to the University, to make leadership gifts to special projects, and to make provisions for planned giving and support the University through their foundations and Foundations.

- N. To serve as an effective University ambassador in the community.

**Section 7. Meetings of the Board.** The Chair will preside at meetings of the Board of Directors. In the absence of the Board Chair, a Vice Chair will preside.

- A. Regular meetings of the Board of Directors will be held as determined by the Board of Directors. Written notice of the time and place of the annual meeting and regular meetings will be provided to each Elected and Designated Director, by personal delivery, first class mail, electronic mail or board portal notice, at least three (3) business days before the meeting. Emeritus Directors may be notified of annual board meetings.
- B. Special meetings of the Board of Directors may be called by the Chair, Vice Chair, CEO, or upon the written request of two (2) members of the Board of Directors. At least three (3) business days prior written notice of any special meeting will be provided to all members of the Board of Directors by personal delivery, first class mail, electronic mail or board portal notice.
- C. Proxies, general or special, will not be accepted for any purpose in the meetings of the Board of Directors.
- D. Any Director may waive notice of any meeting. The attendance of a Director at any meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

**Section 8. Public Notice.** Public notice of any meeting of the Board of Directors or any Committee will be made as required by Florida law.

**Section 9. Public Comment.** To the extent required by law or permitted by the Chair, individuals who desire to appear before the Board of Directors regarding an item being considered must submit their requests in writing to the address or email address noted in the posted notice for the meeting a minimum of 24-hours in advance, specifying the agenda item about which they wish to speak. Public comment will be limited to three (3) minutes per person.

**Section 10. Quorum and Voting.** A majority of the Board of Directors will constitute a quorum for the transaction of business. The act of a majority of the directors present at a meeting at which a quorum is present will be the act of the Board of Directors unless a greater number is required by these bylaws or by law.

**Section 11. Participation by Electronic Means.** Members of the Board of Directors may participate in a meeting by conference, video conference, telephone, or similar communications means provided all persons participating in the meeting are able to communicate with each other.

**Section 12. Officers of the Board.** The Board of Directors shall have the following officers: Chair, (2) Vice Chairs, Treasurer, and a Secretary (“Board Officers”).

- A. Chair of the Board. The Chair will be elected by the Board of Directors and must be an Elected Director of the Board of Directors. The Chair will:
  1. Preside at the meetings of the Board of Directors. The Chair or designee will prepare the agenda for all meetings of the Board of Directors.
  2. Sign all certificates, bonds, deeds, mortgages, leases, and contracts of the Foundation except as otherwise approved by the Board of Directors.

3. Perform all duties as the Board of Directors will designate and may delegate certain duties with the Board of Directors' approval.
  4. Perform other duties as are necessarily incident to the office of the Chair.
- B. Vice Chairs. The Vice Chairs will be elected by the Board of Directors to serve as its Vice Chairs and must be an Elected Director. In the Chair's absence or incapacity, one of the Vice Chairs will assume the Chair's duties.
- C. Secretary. The Secretary of the Board will be elected by the Board of Directors and must be an Elected Director. The Secretary of the Board is responsible for the minutes of the Board and Executive Committee meetings. The Chair of each Committee is responsible for the minutes of each of their respective committee meetings. The duties of the Secretary will be as follows:
1. To keep accurate minutes of the proceedings of the annual meeting of the Foundation and all meetings of the Board of Directors and preserve these records as a permanent record.
  2. To keep on record a copy of the Articles of Incorporation and Bylaws of the Foundation and all amendments thereto.
  3. To address the requests for any seal of the Foundation for official documents, records and papers as may be requested. A seal is not required.
  4. To keep an accurate list of all members of this Foundation Board of Directors.
- D. Treasurer. The Treasurer will be elected by the Board of Directors and must be an Elected Director. The Treasurer will supervise the fiscal affairs of the Foundation and serve as Chair of the Finance Committee. The duties of the Treasurer will be as follows:
1. To assure that adequate provision is made for the care and custody of all the assets of this Foundation with guidance from the CFO.
  2. To assure that adequate provision is made to keep in force a blanket surety bond to assure that each Officer and employee who is authorized to collect, hold, or disburse funds of the Foundation will faithfully discharge their duties, the adequacy of which will be determined by the Executive Committee.
  3. To present a written report of the financial activities of their office at the next annual meeting following their appointment to office.
- E. Term of Board Officers. Board Officers will serve for two (2) years or until their successor is duly elected. Any such selected or elected Board officer may serve successive terms.
- F. Removal. The Board of Directors may remove any Board Officer at any time upon a two-thirds (2/3) vote of the directors, whenever the best interests of the Foundation would be served.
- G. Vacancies. In the event of absence, inability or refusal to act of the Chair the Board of Directors will elect a new Chair no later than its next regular meeting. In the event of absence, inability or refusal to act of a Vice Chair the Board of Directors will elect a new Vice Chair no later than its next regular meeting.

### ARTICLE III. OFFICERS OF THE CORPORATION

**Section 1. Corporate Officers.** Individuals holding the following positions at the Foundation will serve as Corporate Officers, but will not be members of the Board of Directors and will have no voting rights.

- A. The University President will appoint the CEO who shall serve as a Corporate Officer;

- B. The CEO will appoint such other Corporate Officers from the Foundation senior management;

**Section 2. Additional Corporate Officers.** University President may appoint any members of the administration, faculty, or student body of the University for any term(s) designated by the President, but any such appointee will not be a member of the Board of Directors.

**Section 3. Term of Corporate Officers.** Corporate Officers will serve so long as they hold the identified office or the position to which they were appointed by the CEO. The term of office for Additional Corporate Officers will commence when designated or appointed and continue for three (3) years or until their successor is duly designated or appointed. Any such designated or appointed officer may serve successive terms.

**Section 4. Duties of Corporate Officers.** The duties and powers of the officers of the corporation will be as follows:

- A. CEO. The CEO, or designee, will attend all meetings of the Board of Directors and present a written report of the activities of their office at each meeting, including the next annual meeting following their appointment to office. The CEO shall report to the University President or their designee.
- B. Other Corporate Officers. The CEO will develop and designate the duties and responsibilities of all other Corporate Officers who shall report to the CEO. .

**Section 5. Removal.** The University President and CEO may remove any Corporate Officer at their sole discretion.

**Section 6. Vacancies.** In the event of absence, inability, or refusal to act of any of the Corporate Officers, , the CEO, except as otherwise provided for in these Bylaws and subject to University Regulation 4.034 or its equivalent, will appoint a successor or successors to perform the duties of their respective offices.

#### **ARTICLE IV. COMMITTEES**

**Section 1. Standing Committees.** The Chair of the Board of Directors may, at any time, appoint and charge the committees necessary and advisable to assist in the conduct of the Foundation's affairs. The Board Chair will appoint the Chair and the members of each committee, except for those committees whose Chair is specifically appointed in the bylaws. All committees will have a minimum of three (3) Elected Directors.

- A. Executive Committee.
  1. The Executive Committee consists of the following: the Chair, Vice Chairs, Secretary, Treasurer, immediate past Chair, University President or designee, Chair of the Board of Trustees or designee, Chair of the UCF Alumni Board of Directors or designee, and Chair of all other committees described in these Bylaws.
  2. The Chair, or in their absence one of the Vice Chairs, will preside at meetings of the Executive Committee.
  3. The Executive Committee is authorized and empowered to act for, in the name of and on behalf of the Board of Directors at all times when the Board of Directors is not meeting. No action of any standing committee will be binding upon the Foundation unless such action is approved by the Executive Committee or Board of Directors.
  4. The Executive Committee will meet at the call of the Chair.

- B. Audit Committee.
1. The Audit Committee is charged with hiring the auditors and reviewing the results of the audit. The committee evaluates other accounting related policies and controls.
- C. Finance and Facilities Committee.
1. The Chair of the Finance and Facilities Committee will be the Treasurer.
  2. The Finance and Facilities Committee will establish and be responsible for the fiscal policy of the Foundation, including budgets and fees. The Finance and Facilities Committee will recommend the budget for the next fiscal year to the Board of Directors at its annual meeting held prior to the end of the current fiscal year.
  3. The Finance and Facilities Committee advises the Board of Directors and all subsidiary organizations or entities in regard to real estate policies, procedures, potential transactions and other real estate issues affecting the Foundation.
- D. Governance Committee.
1. The Governance Committee will include the immediate past Chair, Chair, Vice Chair(s) and a minimum of one (1) appointed Elected Director.
  2. The CEO will also participate as a non-voting member of the Governance Committee.
  3. The immediate past Chair of the Board of Directors will serve as the Chair of the Governance Committee. If the past Chair is unable to serve, the current Chair of the Board of Directors will appoint the Chair of the Committee.
  4. The Governance Committee is charged with the responsibility of annually receiving and placing in nomination the names of individuals to be considered for membership to the Board, preparing a slate of Board Officers every two years or upon the vacancy of a Board Officer, and succession planning. The committee is also charged with annually reviewing the Foundation's bylaws, memberships, committee assignments, and leading a board self-assessment process. The Governance Committee is also responsible for receiving disclosures of proposed transactions with Directors, including potential excess benefit transactions, and reviewing such transactions.
- E. Investment Committee.
1. The Investment Committee will advise the Board of Directors in regard to the general investment policy and investment management of the Foundation.
- F. Philanthropy Committee.
1. The Philanthropy Committee will advise the Board of Directors in matters dealing with ~~Donor stewardship strategies, including but not limited to donor recognition, reporting and other experiences.~~ fostering a culture of philanthropy within the Board and more broadly across the university, supporting the sustainable growth and success of philanthropic investment by promoting meaningful relationships and impact-focused connection with constituents, and reviewing policies and internal procedures related to the solicitation, acceptance, administration, and stewardship of gifts to the Foundation.
  2. The Philanthropy Chair of the UCF Alumni Board will serve as an ex-officio voting member.
  3. This committee may be known by any other name as recommended by the Committee Chair and approved by the Board of Directors.
- G. Other Committees.
1. The Chair of the Board of Directors will have the authority to establish an unlimited number of temporary Other Committees or task forces to accomplish any objectives

affecting various interests and the welfare of the Foundation and the University as they deem necessary or desirable. Other Committees will be governed by a charter approved by the applicable Other Committees.

**Section 2. Committee Membership, Terms, and Quorum; Committee Advisors.**

A. Committee Membership; Terms; Quorum.

1. Although committees may include individuals who are not Elected Directors (Advisors), committees will include a majority of Elected Directors and will be chaired by an Elected Director appointed by the Chair of the Board of Directors or specified by these bylaws.
2. Committee member appointments will be for defined terms, and committee members may be removed at any time, with or without cause, by the Chair of the Board of Directors.
3. A majority of any committee of the Board of Directors will constitute a quorum for the transaction of business.

B. Committee Advisors: Appointment; Voting; Term.

1. With the exception of the Executive Committee, individuals who are not Elected or Designated Directors but have expertise in given areas may serve as Advisors and vote on committees of the Board.
2. The CEO and the relevant committee Chair will review all proposed appointments of Advisors and will submit a recommendation to the Board Chair who will have final approval on the appointment.
3. Advisors may vote on the committee's recommendations to the Executive Committee or Board.
4. Advisors will serve a committee term of two (2) years, renewable for an additional two (2) terms for a total of six (6) years. Term renewals are subject to approval by the Board of Directors.
5. Committee terms will commence on the date of the approval by the Board Chair and on the date of renewal approval by the Board of Directors.
6. Committee Advisors are expected to support the philanthropic aims of the Foundation.

- C. Ex-Officio Committee Members. Ex Officio Committee Members may be appointed and serve as voting members of the Audit, Finance and Facilities, and Investment Committees. Ex Officio Committee Members will be University faculty with subject matter expertise in the work of the Committee. No more than one (1) Ex Officio Committee Member may serve on a Committee at any time. Appointments of Ex Officio Committee Members will be reviewed by the CEO and Committee Chair, with final approval by the Board Chair. Ex Officio Committee Members will serve the same term as Committee Advisors.

**Section 3. Powers and Duties.** Standing Committees will be governed by a charter that is approved by the Board of Directors. The Board of Directors must approve any revocations or amendments to the committee charter(s). With the exception of the Executive Committee, no action of any standing committee shall be binding upon the Foundation unless such action is approved by the Executive Committee or Board of Directors.

**ARTICLE V.**

**DIRECT SUPPORT ORGANIZATIONS**

**Section 1. Governing Authority.** The Foundation operates as a Direct Support Organization (DSO) for the University of Central Florida as defined by Florida statute. DSOs are certified by the University of Central Florida Board of Trustees and follow Florida law, the policies and procedures established by the

State University System of Florida, the University of Central Florida and the Board of Trustees.

**Section 2. Fiscal Year.** The fiscal year of the Foundation will begin on July 1 and end on June 30 of the following year.

#### **ARTICLE VI. NONDISCRIMINATION**

The Foundation is committed to non-discrimination with respect to race, color, religion, age, disability, sex, marital status, national origin, veteran status or any other basis protected by law.

#### **ARTICLE VII. AMENDMENTS**

These Bylaws may be made, altered, or rescinded by a two-thirds (2/3) vote of members of the Board of Directors present at any regular or special meeting at which a quorum is present. All amendments must be submitted to the University of Central Florida Board of Trustees in accordance with University Regulation prior to becoming effective.

#### **ARTICLE VIII. OPERATIONAL PROVISIONS**

**Section 1. Contracts.** Contracts for the activities of this Foundation will be signed in the name of the Foundation by the Chair of the Board of Directors except as otherwise delegated.

**Section 2. Financial Audits and Reports.** The Foundation will annually have a financial audit of its accounts and records conducted by an independent certified public accountant selected in accordance with applicable University policy. The audit will be performed in accordance with the applicable rules adopted by the Auditor General and by the BOT, which will be forwarded to the BOT for review and to the Board of Governors and Auditor General.

**Section 3. Compensation and Employment.** The directors and officers of this Foundation, except those otherwise employed by the Foundation or UCF, will not receive any compensation from this Foundation for their services as director or officer.

- A. Directors, officers, and employees of this Foundation may be reimbursed from funds of the Foundation for any travel expenses or other expenditures incurred by them in the proper performance of their duties, provided the reimbursements or expenditures comply with Florida Statutes Sections 1004.28 and 1012.976.
- B. Personnel employed by this Foundation will not be considered employees of the State of Florida by virtue of employment by this Foundation.
- C. The Foundation will provide equal employment opportunities for all persons regardless of race, color, religion, sex, age, or national origin. Personal services provided to the organization must comply with Section 1012.976, Florida Statutes.

**Section 4. Travel Expenses.** The Foundation will not use state funds for travel expenses.

**Section 5. Indemnification.** Pursuant to Sections 607.0850 and 617.0831, Florida Statutes, any person who was or is a party, or is threatened to be made a party, to any threatened, pending, or completed

action, suit, or proceeding whether civil, criminal, administrative, or investigative (other than an action by, or in the right of, the Foundation, by reason of the fact that he or she is or was a Director or Officer of the corporation) shall be indemnified against expenses (including attorney's fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit, or proceeding, including any appeal thereof, but only if he or she acted in good faith and in a manner he or she reasonably believed to be in, or not opposed to, the best interest of the Foundation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his or her conduct was unlawful. The Foundation shall have the authority to purchase insurance for this purpose.

**Section 6. Authorization of Indemnification.** Any indemnification hereunder shall be made by the Foundation only upon a determination that indemnification of the Director or Officer is proper in a specific case because he or she has met the standard of conduct set forth in Section 5. Such determination shall be made by the Board of Directors by a majority vote of a quorum consisting of Directors who were not parties to such action, suit or proceeding or, if such quorum is not obtainable, by a majority vote of a committee duly designated by the Board of Directors (in which Directors who are parties may participate) consisting solely of two (2) or more Directors not at the time parties to the action, suit or proceeding or by a committee comprised of individuals who were not parties to such action, suit or proceeding where such committee is selected by a majority vote of the full Board of Directors (in which Directors who are parties may participate).

**Section 7. Ethics and Financial Disclosure.** It is the duty of each Director and Officer to fully comply with the Government-in-the-Sunshine Law set forth in Section 286, et seq., Florida Statutes, the Public Records Law set forth in Section 119, et seq., Florida Statutes, and to the extent it applies, the Code of Ethics for Public Officers and Employees set forth in Chapter 112, Part III, Florida Statutes.

**Section 8. Insurance.** The Board of Directors will keep in force a blanket surety bond, or directors and officers liability insurance, or other general liability insurance, the adequacy of which will be determined by the Board of Directors, or a Committee designated by the Board of Directors, to assure that each Officer and employee who is authorized to collect, hold, or disburse funds of the Board of Directors will faithfully discharge their duties.

**Section 9. Seal.** The seal of this corporation will be in the form of a circle and will bear, among other things, the name of the corporation and the date of its incorporation.

**Section 10. Rules.** These Bylaws govern the transaction of business for this Board of Directors. To the extent that the Bylaws do not cover specific procedures, the most recent version of *Robert's Rules of Order* will be applied.

**Section 11. Confidential and Exempt Public Records.** Under Florida Statutes 1004.28(5)(b), other than the auditor's report, management letter, any records related to the expenditure of state funds, and any financial records related to the expenditure of private funds for travel, all records of the Foundation and any supplemental data requested by the Board of Governors, the Board of Trustees, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall be confidential and exempt from s. 119.07(1).

## **ARTICLE IX. CONFLICT OF INTEREST**

All actual or potential conflicts of interest involving directors and officers of the Foundation will be disclosed and addressed in accordance with the Foundation's Conflict of Interest Policy.

I CERTIFY these Amended and Restated Bylaws were approved by the Board of Directors on May 31, 2024 and by the University of Central Florida Board of Trustees on June 25, 2024 .

  
\_\_\_\_\_  
Dana Patton, Secretary  
University of Central Florida Foundation,  
Incorporated Board of Directors

Amendment History

Original: October 13, 2001

Amended and Restated: May 31, 2024, Approved by Board of Directors

June 25, 2024 Approved by UCF Board of Trustees



# Board of Trustees

*Governance Committee*

*June 25, 2024*

## Agenda Item

GOVC-12: Appointment of Direct Support Organization Directors

## Proposed Board Action

The Governance Committee is asked to recommend to the Board of Trustees, on its consent agenda, approval of the appointment of direct support organizations (DSO) directors. Florida Statutes section 1004.28(3) requires the Board of Trustees to approve all appointments to DSOs, except for the designees of the Board Chair and the President of the University of Central Florida (President).

## Authority for Board of Trustees Action

- Florida Statutes section 1004.28(3)
- Florida Board of Governors Regulation 9.011(9)
- UCF Regulation 4.034(3)(b)

### Supporting Documentation Included

Attachment A: UCF Athletics Association, Inc.

Attachment B: UCF Foundation, Inc.

### Facilitators/Presenters

Lauren Ferguson, Assistant Vice President, Board Relations



# GOVC-12: Appointment of Direct Support Organization Directors

## EXECUTIVE SUMMARY

### Objective

Florida Statutes section 1004.28(3) requires the Board of Trustees to approve all appointments to the boards of direct support organizations (DSOs), except for the designees of the Board Chair and the President of the University of Central Florida (President).

### Summary of Key Observations/Recommendations

- The UCF Direct Support Organizations listed below are presenting new board member appointments and reappointments for terms of service pursuant to their bylaws.
- The UCF Foundation Board stands as the sole self-perpetuating DSO Board, with Directors being elected by the Board of Directors rather than appointed by the President.
- Elected Directors of the UCF Foundation Board require final approval by the Board of Trustees to assume their positions.

### Additional Background

#### UCF Athletics Association, Inc. (3-year Term) | Attachment A

- Bill Self (*Reappointment; July 1, 2024 - June 30, 2027*)
- Phyllis Klock (*Reappointment; July 1, 2024 - June 30, 2027*)

#### UCF Foundation, Inc. (4-year Term) | Attachment B

- Cary D'Ortona (*New appointment; July 1, 2024-June 30, 2028*)
- Karen Manglardi (*New appointment; July 1, 2024-June 30, 2028*)
- Manish Hirapara (*New appointment; July 1, 2024-June 30, 2028*)
- Matt Assenmacher (*New appointment; July 1, 2024 - June 30, 2028*)
- Teresa Borcheck (*New appointment; July 1, 2024 - June 30, 2028*)
- Marc McMurrin (*Reappointment; July 1, 2024 - June 30, 2028*)
- Thomas McNamara (*Reappointment; July 1, 2024 - June 30, 2028*)

Attachments A and B include supporting documentation for each respective DSO Board's appointments.

### Rationale

UCF DSOs are 501(c)(3) non-profit corporations and are certified as direct support organizations of the University of Central Florida. DSOs are organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures in a manner consistent with the goals of the University and in the best interest of the State.

## **Implementation Plan**

If approved, the members of the Board(s) will serve as directors of their respective corporations for the terms designated below. If filling a vacancy, the term will conclude at the previous member's term.

- **UCF Athletics Association, Inc.** (three-year terms). Terms will begin July 1, 2024, and conclude on June 30, 2027.
- **UCF Foundation, Inc.** (four-year terms) Terms will begin on July 1, 2024, and conclude on June 30, 2028.

## **Resource Considerations**

N/A

## **Conclusion**

Staff recommends approval of the board member appointments to the UCF Athletics Association, Inc., and UCF Foundation, Inc.



## Attachment A

### UCF Athletics Association, Inc.



#### **Phyllis A Klock**

##### **Retired**

*UCF Athletics Association, Inc Board of Directors*

*Director Appointment*

*Third 3-Year Term*

*7/1/2024 to 6/30/2027*

Phyllis Klock is the retired President and Chief Operating Officer of CompBenefits Corporation. A dental and vision benefits company serving five million members in the US South and Midwest, CompBenefits grew to over \$350 million in revenues by the time of its sale to Humana in 2006.

A Charter Member of the Board of Trustees of the University of Central Florida, Phyllis served the university in this capacity from 2001 to 2012 and was named as a Trustee Emerita in 2012. In 2014 she was honored as Doctor of Commercial Sciences. Phyllis continues to be very involved with UCF as the immediate Past Chair of the UCF Foundation Board and current Chair of its Governance Committee, Board Member and Member of the Executive Committee of the UCF Athletics Association, Past President of the Town & Gown Council, and Past Chair of the Central Florida Wesley Foundation. She also serves as Board Member – Bridgewater State University Foundation, Board Member and Secretary of the Laity Council of Asbury United Methodist Church, Board Member for Agua Viva Serves, member of the Board of Higher Education and Campus Ministry of the Florida Conference of the United Methodist Church, member of the Board of Directors of the Florida United Methodist Foundation, volunteer at Hungerford Elementary School in Eatonville, and Reading Pals volunteer at Three Points Elementary School.



#### **William T. Self**

##### **Professor of Medicine and Associate Director, UCF School of Biomedical Sciences**

*UCF Athletics Association, Inc Board of Directors*

*Director Appointment*

*Second 3-Year Term*

*7/1/2024 to 6/30/2027*

Dr. Self, a Professor of Medicine and Associate Director of Undergraduate Affairs received his Bachelor's degree and Ph.D. in Microbiology from the University of Florida ('93, '98). His doctoral research in molecular biology and his post-doctoral studies at the

National Institutes of Health (NIH) focusing on gene regulation and enzyme analysis, culminated in significant discoveries, including the identification of a new enzyme. After five years at the NIH, Dr. Self established his own research laboratory upon arriving at the University of Central Florida in the fall of 2003. Over the past twelve years the laboratory has continued studies specializing in enzymes and nanomaterials in a collaboration with Dr. Sudipta Seal (NSTC). He continues to build an interdisciplinary research program in these areas. He and his wife of 20 years, Marianne, enjoy spending their time raising their four sons, Zachary, Ryan, Matthew and Michael.



**Cary D'Ortona.**  
**'00 '01MSA**

**Orlando Health – Senior Vice President  
President – Orlando Health Medical Group**  
*UCF Foundation, Inc.*  
*Elected Director*  
*New 4-Year Term*  
*7/1/2024 to 6/30/2028*

**Cary D'Ortona '00 01MSA** is president of Orlando Health Medical Group, and senior vice president of Orlando Health. He is responsible for leading the strategic and operational direction of more than 1,700 employed clinicians to support the needs of the organization. Cary joined Orlando Health in 2004. During his tenure at Orlando Health, he has guided expansion of pediatric specialty services and primary care. Prior to his appointment as president of the Orlando Health Medical Group, he served as president, chief operating officer and chief financial officer with Orlando Health Arnold Palmer Hospital and held positions in finance and internal audit.

Before joining Orlando Health, Cary worked as an auditor with Ernst & Young, LLP.

He earned a bachelor's degree in accounting and master's degree in accountancy, both from the University of Central Florida in Orlando. He also holds a Master of Science in Health Services Administration.

Cary is a member of the board of directors of Camp Boggy Creek, Junior Achievement and Special Olympics Florida. In addition, he is a board of directors' member for Orlando Health South Lake Hospital and a member of the executive committee of the Florida Hospital Association of Children's Hospitals. He also serves on the supervisory committee of the Addition Financial Credit Union.



**Karen Manglardi H'20 P'15 '16 '20**

**Manglardi Family Ventures – Vice President & Manager**  
*UCF Foundation, Inc.*  
*Elected Director*  
*New 4-Year Term*  
*7/1/2024 to 6/30/2028*

**Karen Manglardi H'20 P'15 '16 '20** graduated from FSU in 1988 and worked as a registered dietician after college for several years.

Her interests include cycling and is an active board member of the Florida Freewheelers, where she also served as the past President. She has served on the board of Trinity Preparatory School and The WAVE New Smyrna Beach Condominium Association, Inc.

Karen's three children are all UCF graduates.



**Manish Hirapara '98**

**PeakActivity LLC – Chief Executive Officer**

*UCF Foundation, Inc.*

*Elected Director*

*New 4-Year Term*

*7/1/2024 to 6/30/2028*

**Manish Hirapara '98** is the founder and CEO of PeakActivity LLC, a digital strategy company focused on dreaming, delivering, and elevating business growth. In this role, he crafts and implements digital strategies for PeakActivity's enterprise customer base. With over 20 years of experience creating innovative and disruptive digital solutions across many different industries, Hirapara has helped advise dozens of senior corporate leaders in the retail, transportation and logistics, financial services, distribution and manufacturing industries, on digital strategies that have delivered substantial revenue growth and cost savings in excess of \$1 billion.

PeakCares was started in 2018 as the community involvement and philanthropic arm of PeakActivity. Every quarter, Peaksters are given the opportunity to get involved with a community charity and assist in fundraising and in-kind efforts. Prior to PeakActivity, Hirapara served as a senior global eCommerce leader at Office Depot where he oversaw eCommerce strategy and implementation for both the B2B (business to business) and B2C (business to consumer) marketing channels across over 40 countries and 70+ websites.

Hirapara founded Enaptive in 2007 as a software company focused on enabling and transforming business using technology products and solutions. As managing director, Hirapara led a team of over 60 distributed employees across all enterprise functions, including IT, sales, human resources, finance, operations, and marketing.

Hirapara is married to wife Viengmone Phongsangouane Hirapara '99, who earned a BSBA in Finance from UCF.



**Matt Assenmacher, '93**

**Managing Partner – Top Tile & Stoneworks**

*UCF Foundation, Inc.*

*Elected Director*

*New 4-Year Term*

*7/1/2024 to 6/30/2028*

Since 2006, **Matt Assenmacher '93** has been Managing Partner of FFC Enterprises, LLC which does business as Top Tile & Stoneworks. In 2011, he founded ViaMaris Imports. Both companies specialize in serving the hotel industry in the luxury, upper upscale and upscale hotel segments. ViaMaris focuses on strategic global sourcing of tile and stone, while Top Tile & Stoneworks delivers high quality installations in hotels throughout the U.S. and Caribbean. Key clients include Hyatt Corp, Ritz Carlton, St. Regis, 1 Hotels, Marriott, Westin, Sheraton and Walt Disney World, among others.

Previously, Assenmacher held senior marketing and product management positions at CHEP, ProLaser North America and LaserSight Technologies. He is also a principal in Parkbreeze Holdings LLC.



In addition to his degree from UCF, Assenmacher earned a master's degree in management at Troy University in 1997.



**Teresa Borcheck**

**Vice President, Client Service Manager BNY Mellon Wealth Management**

UCF Foundation, Inc.

Elected Director

*New 4-Year Term*

*7/1/2024 to 6/30/2028*

**Teresa Borcheck** is currently the Vice President and Client Service Manager with BNY Mellon Wealth Management, supporting the wealth director for the DeNovo office in Winter Park. Additionally, she serves as the president of the Hans and Cay Jacobsen Foundation, having been on the board of directors since its inception. She retired in 2011 as senior vice president of Suntrust Bank's Foundation and Endowment Services, a division she started in 2001.

A non-profit expert, Mrs. Borcheck has consulted for a number of private foundations for over 30 years and has held positions at Special Olympics Florida and the Barbara Bush Foundation for Family Literacy.

Ms. Borcheck is a Gubernatorial Appointment to the Florida Board of Accountancy as one of two Consumer Members from 2005-Present. Ms. Borcheck was Florida Bankers Association Trust Banker of the Year, 2006 SunTrust Bank.

Mrs. Borcheck studied business at Lake Sumter Community College.



**Marc McMurrin '01**

**President and Chief Executive Officer – Ginsberg Family Foundation**

UCF Foundation, Inc.

Elected Director

*Second 4-Year Term*

*7/1/2024 to 6/30/2028*

**Marc McMurrin '01** is President and CEO of the Ginsburg Family Foundation, focused on the foundation's impact and philanthropic legacy. McMurrin has been a part of the Central Florida community for the past 28 years and most recently served alongside Dr. Joel Hunter as executive director of Operations for Northland Church. In this role, he was charged with overseeing the operational effectiveness, financial management, human resources, and the development of Northland's strategic community goals.

Prior to joining Northland, he spent 5 years as executive vice president of the Music Mission Kiev/Kiev Symphony Orchestra and Chorus at their Orlando headquarters.

McMurrin holds his business degree from UCF and is certified as a family philanthropy advisor.



**Thomas “Tom” McNamara ’88**

**President – Southern Development and Construction**

*UCF Foundation, Inc.*

*Elected Director*

*Second 4-Year Term*

*7/1/2024 to 6/30/2028*

**Thomas McNamara ’88** is a third-generation builder and the president and founder of Southern Development & Construction, Inc., a premier Central Florida heavy civil construction and development company. The UCF International Reading Center was one of Southern Development and Construction’s projects in 2010.

McNamara is also the president and founder of Mud Hole Custom Tackle, Inc., the world’s largest supplier of fishing tackle crafting goods, and CEO of American Tackle Company International, Inc., a manufacturer of fishing rod components in the United States with offices in Asia and Europe.

While At UCF, he was active in the LXA fraternity and met his wife Stacey ’89. He was on the UCF Athletics Association and is currently on the Athletic Director’s Cabinet. His daughters Erin and Megan begun attending UCF fall 2022.



# Board of Trustees

*Governance Committee*

*June 25, 2024*

## **Agenda Item**

GOVC-13: Honorary Degree Consideration

## **Proposed Board Action**

The Committee is asked to recommend to the Board of Trustees, on its consent agenda, approval to confer an honorary degree upon the proposed recipients.

## **Authority for Board of Trustees Action**

- Florida Board of Governors Regulation 1.001
- Florida Board of Governors Regulation 3.004
- UCF Policy 4-408: Honorary Degrees

### **Supporting Documentation Included**

Attachment A: Kenneth D. Robinson Bio

Attachment B: Harris Rosen Bio

### **Facilitators/Presenters**

Michael A. Kilbride, Executive Chief of Staff



# Honorary Degree Consideration

## EXECUTIVE SUMMARY

### Objective

The Governance Committee and Board of Trustees are requested to consider the proposed nominations for honorary degrees from the University of Central Florida. This esteemed tradition honors individuals who have made exceptional contributions to their field, society, or the university. By awarding honorary degrees, UCF recognizes and encourages continued excellence, strengthening the bond between the honorees and the university.

According to University Policy, the achievement may be scholastic in nature, or it may be evidenced in public service. Additionally, the achievement should be sustained and lasting in character and reflect a very noteworthy distinction that is in concordance with the goals, objectives, and duties of the university.

### Summary of Key Observations/Recommendations

- The proposed individuals have each significantly impacted the university through their long-term advocacy, dedication, and investment in the University of Central Florida.
- The nominees' values and achievements align with the mission of the University of Central Florida to unleash the potential within every individual, enrich the human experience through inclusion, discovery, and innovation, and propel broad-based prosperity for the many communities we serve.
- All members of the UCF community have the right to nominate candidates for honorary doctoral degrees. Nominations must have the endorsement of the appropriate university division or dean and must be reviewed by the Commencements, Convocations, and Recognitions Committee.
- Upon an affirming vote of the Commencements, Convocations, and Recognitions Committee, the packet will be sent to the Office of the President for the concurrence of the President.
- The President is responsible for recommending the nominees to the Board of Trustees. The Board of Trustees alone has the authority to approve the awarding of the degree.

### Additional Background

Since 1970, UCF has bestowed 96 honorary degrees to individuals who have made significant academic, cultural, and scientific contributions to society.

### Rationale

The nomination for an honorary degree is based on a nominee's extraordinary contributions to their field, society, or the university. This recognition emphasizes the importance of honoring individuals who exemplify the university's values and aspirations. By awarding this honorary

degree, UCF acknowledges the nominee's impact and encourages continued excellence in their endeavors.

### **Implementation Plan**

Upon approval, the following steps will be taken to confer the honorary degree:

- Notification: Inform the nominees of their selection and invite them to accept the degree.
- Ceremonial Arrangements: Plan and organize the conferral ceremony with appropriate recognition.
- Engagement Opportunities: Facilitate the nominee's involvement with the UCF community through speaking engagements or collaborations.

### **Resource Considerations**

The financial impact of awarding an honorary degree is minimal, primarily involving ceremonial costs and administrative resources. Pre-budgeted sources will cover these expenses, ensuring no additional burden on the university's budget.

### **Conclusion**

Staff recommends approval of the proposed nominees for the conferral of an honorary degree.



## Attachment A

### Candidate for Honorary Degree

## Mr. Kenneth D. Robinson Doctor of Public Service

**Mr. Robinson was nominated for a Doctor of Public Service and received unanimous approval from the University's Commencement, Convocations, and Recognitions Committee. With the endorsement of the faculty, President Cartwright requests approval of the honorary degree of Doctoral of Public Service for Mr. Kenneth D. Robinson.**

Kenneth D. Robinson, in his esteemed role as President and CEO of Dr. Phillips, Inc. and The Dr. P. Phillips Foundation, has been a pivotal figure in shaping the philanthropic landscape of Central Florida. His visionary leadership and unwavering dedication to community impact have shaped many of the civic and educational spaces that define our community. Ken's commitment to leveraging free-market principles with his talents to build an enterprise focused on philanthropic investments in Central Florida make him an exemplary candidate for the honorary degree of Doctor of Public Service from the University of Central Florida.

At the helm of Dr. Phillips, Inc., Ken has expertly managed the organization's real estate operations and an extensive investment portfolio. His strategic foresight and astute financial acumen have been instrumental in ensuring the sustained growth and success of the organization's assets, enabling continued investment in our community. However, it is his role in philanthropy that truly sets him apart.

Dr. Phillips has been a part of UCF's story since our very beginning. Howard Phillips, son of Dr. P. Phillips, was one of UCF's founders, a group of 89 families who personally guaranteed a \$1 million bank loan to purchase the land on which our main campus is now located. Since then, Dr. Phillips Charities has provided philanthropic support to UCF for academic programs totaling more than \$23 million, with much of that investment happening under the leadership and direction of Ken Robinson.

Ken's passion for higher education and his fundamental belief in the impact UCF drives across Central Florida have resulted in transformational investments in Orlando's Hometown University and beyond. Under his leadership, Dr. Phillips has made monumental contributions exceeding \$222 million, primarily focused on enriching the Central Florida community with a focus on educational programs, children and youth services, cultural programs, health and rehabilitation, and social services. Specifically, under Ken's leadership, Dr. Phillips Charities has been the lead donor in making UCF Downtown and UCF's new College of Nursing building possible. This remarkable generosity reflects Ken's deep commitment to fostering a thriving, supportive environment for residents.



## Attachment B

### Candidate for Honorary Degree

## **Mr. Harris Rosen** **Doctor of Public Service**

**Mr. Rosen was nominated for a Doctor of Public Service and received unanimous approval from the faculty representatives on the University's Commencement, Convocations, and Recognitions Committee. With the endorsement of the faculty, President Cartwright requests approval of the honorary degree of Doctoral of Public Service for Mr. Harris Rosen.**

Mr. Rosen is one of Central Florida's leading entrepreneurs, in addition to being one of the state's foremost philanthropists. Mr. Rosen's relationship with our community extends beyond business; he invests in the community. Mr. Rosen donated more than \$18 million dollars to the University of Central Florida to help create the world-class Rosen College of Hospitality Management here in Central Florida. To date, his contributions to UCF total more than \$30 million dollars supporting academic programs, facilities, and scholarship.

Mr. Rosen joined the Walt Disney Company as the director of hotel planning; however, it was in 1974 that he made a pivotal move by purchasing his first motel on International Drive in Southwest Orlando. This marked the inception of what is now Rosen Hotels & Resorts, a company that would grow to become a major player in the hospitality sector. Today, the company owns and operates seven hotels in the Orlando metropolitan area, consisting of 6,338 guest rooms and employing more than 4,000 associates.

In 1993, he launched the Tangelo Park Program, which provides free preschool education for every two, three, and four-year-old in this underserved community. This program also provides college or vocational school scholarships to students once they graduate high school. The first scholarships were awarded in 1994 and more than 400 others have been awarded since, covering tuition, books and room & board. Currently, the Tangelo Park high school graduation rate is 100%. this benevolent program is also credited with reducing the crime rate by almost 80%.