

# Governance Committee Meeting

Oct 14, 2020 10:45 AM - 12:00 PM EDT

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UNIVERSITY OF CENTRAL FLORIDA

**Board of Trustees  
Governance Committee  
Virtual Meeting  
October 14, 2020, 10:45 a.m.-12:00 p.m.**

**Livestream:**

<https://ucf.webex.com/ucf/onstage/g.php?MTID=e9fad901541ee53dbafd22e17689542d9>

**Conference call number: 1-408-418-9388, access code: 132 372 8242#**

**AGENDA**

- |   |  |
|---|--|
| 1. Call to order                          | <i>Bill Yeargin, Chair, Governance Committee</i>   |
| 2. Roll Call                              | <i>Tanya Perry, Coordinator, Legal Affairs</i>   |
| 3. Minutes of the August 12, 2020 meeting | <i>Chair Yeargin</i>   |
| 4. Reports                                | <i>Chair Yeargin</i>   |
| INFO-1                                    | FY21 Governance Committee Annual Plan<br><i>Chair Yeargin</i>  |
| 5. New Business                           | <i>Chair Yeargin</i>   |
| GOVC-1                                    | Resolution on Delegation of Authority to the President<br><i>Scott Cole, Vice President and General Counsel</i><br><i>Janet Owen, Vice President for Government and Community Relations</i>  |
| GOVC-2                                    | Ninth Amended and Restated Bylaws of the University of Central Florida Board of Trustees<br><i>Scott Cole</i>  |
| GOVC-3                                    | Amendments to University Regulations UCF-3.001 Non-Discrimination; Affirmative Action Programs and UCF-3.0134 Complaints and Grievances Alleging Discrimination, Discriminatory Harassment or Retaliation<br><i>Youndy Cook, Senior Deputy General Counsel</i> |

- GOVC-4 Amendments to University Regulations UCF-3.0191 Disciplinary Action – USPS, UCF-3.033 USPS Predetermination and Arbitration Procedures for Employees with Regular Status, UCF-3.0133 USPS Non-unit Grievance Procedure, UCF-3.0124 Discipline and Termination for Cause of Non-unit Faculty and A&P Staff Members, UCF-3.036 Grievance Procedure for Non-unit Faculty Employees, and UCF-3.037 Grievance Procedure for Non-unit A&P Employees  
*Youndy Cook*
- GOVC-5 Amendments to University Regulations UCF-5.006 Student Rights and Responsibilities, UCF-5.008 Rules of Conduct, UCF-5.009 Student Conduct Review Process; Sanctions, UCF-5.010 Student Conduct Appeals, UCF-5.012 Organizational Rules of Conduct, UCF-5.013 Organizational Conduct Review Process; Sanctions; Appeals  
*Youndy Cook*
- GOVC-6 Amendments to University Regulation 3.018 Conflict Of Interest or Commitment; Outside Activity or Employment  
*Youndy Cook*
- GOVC-7 Amendments to University Regulation 2.003 Admission of Graduate Students  
*Youndy Cook*
- GOVC-8 Appointment of Board Member to Central Florida Clinical Practice Organization  
*Deborah German, Chair, Central Florida Clinical Practice Organization*  
*Jeanette Schreiber, Secretary, Central Florida Clinical Practice Organization*
- GOVC-9 UCF Foundation Articles of Incorporation  
*Jennifer Cerasa, Senior Associate General Counsel*
- GOVC-10 Governance Committee Charter Amendments  
*Scott Cole*
6. Adjournment Chair Yeargin



UNIVERSITY OF CENTRAL FLORIDA

Board of Trustees  
Governance Committee Meeting  
August 12, 2020  
Virtual Meeting

**MINUTES**

**CALL TO ORDER**

Trustee Alex Martins, vice chair of the Governance Committee, called the meeting to order at 8:00 a.m. Committee members Ken Bradley, Joseph Harrington, and Sabrina La Rosa attended via video conference. Chair Seay attended via video conference and Trustees Joseph Conte and David Walsh also attended.

**MINUTES**

The minutes from the June 17, 2020 Governance Committee meeting were approved as submitted.

**NEW BUSINESS**

Update on Title IX Regulations (INFO-1)

Youndy Cook, Senior Deputy General Counsel, updated the committee on the university's response to the recently adopted U.S. Department of Education Title IX regulations. The new regulations require schools to adopt a detailed procedure to address sexual harassment claims by August 14<sup>th</sup>, 2020. Cook briefly explained the purpose of Title IX and the process by which the laws were revised. Existing university regulations will have to be revised to meet these new requirements. Due to the short timeframe given to comply, these regulation changes will initially be done through the emergency regulation process, as suggested by the Board of Governors. The emergency regulations become effective immediately upon posting, which will be completed by the close of business August 13, 2020. The regulations affected will then go through the normal regulation development procedure and will be presented at the next committee meeting for approval. Cook explained the emergency regulation process in response to Trustee Bradley's inquiry. Trustee Harrington expressed concern with messaging for both students and employees. President Cartwright responded that the university will communicate what the current laws are and that we intend to comply with them.

Amendments to University Regulation UCF- 2.032 Textbook Adoption (GOVC-1)

Youndy Cook, Senior Deputy General Counsel, asked the committee to approve proposed amendments to regulation UCF-2.032 Textbook Adoption. The purpose of this regulation is to help make textbooks and other instructional more affordable for and available to students. This regulation is based upon Board of

Governors Regulation 8.003, which is in turn based upon Florida Statute s. 1004.085. These amendments are proposed to conform UCF's regulation to both the BOG regulation and the statute. Updates include clarifying that selections of textbooks and other instructional materials is a faculty responsibility but should be done through the help of institutional initiatives to assess costs and benefits.

Two comments were received when this regulation was initially posted, both by faculty members. Revisions were incorporated to address their concerns and then the regulation was reposted for additional public comment. No other comments were received. Trustee Bradley commented that the Education Programs Committee supports these changes and any efforts to make textbooks more affordable for the students. Trustee Harrington made comments that faculty may be burdened to comply with these requirements. Melody Bowden, Associate Vice Provost of Student Learning and Academic Success commented on those concerns, emphasizing that institution-level initiatives will serve to help achieve the goals of this regulation. Trustee Bradley made a motion to approve the proposed regulation amendments and Trustee La Rosa seconded. The motion was approved unanimously.

Delegation of Authority to the President (INFO-2)

Scott Cole presented the Delegation of Authority to the President. He asked trustees to submit any proposed changes by September 16, 2020. This item will come back to the committee for approval at the next committee meeting in October.

**ADJOURNMENT**

The meeting adjourned at 8:38 a.m.

Reviewed by:

\_\_\_\_\_  
Bill Yeargin  
Chair, Governance Committee

\_\_\_\_\_  
Date

Respectfully submitted:

\_\_\_\_\_  
Janet Owen  
Associate Corporate Secretary

\_\_\_\_\_  
Date

UCF BOARD OF TRUSTEES  
Agenda Item Summary  
Governance Committee  
October 14, 2020

Title: *FY21 Governance Committee Annual Plan*

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Information       Information for upcoming action       Action

Meeting Date for Upcoming Action: \_\_\_\_\_

**Purpose and Issues to be Considered:**

Chair Yeargin will present the Governance Committee’s Annual Plan and open the floor for discussion and committee input.

**Background Information:**

In response to trustee feedback, the Board Office, in coordination with the President’s Office and committee staff, have drafted a template for all committees to use in developing plans for strategic discussions, informational presentations, and actionable items that come before the committees on an annual basis. The draft template was presented to all committee chairs for their input and direction on strategic discussions to address in FY21.

**Recommended Action:**

This item is being provided for information only.

**Alternatives to Decision:**

This item is being provided for information only.

**Fiscal Impact and Source of Funding:**

N/A

**Authority for Board of Trustees Action:**

N/A

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Contract Reviewed/Approved by General Counsel  N/A

Committee Chair or Chair of the Board has approved adding this item to the agenda

**Submitted by:**

Scott Cole, Vice President and General Counsel

**Supporting Documentation:**

Attachment A: FY21 Governance Committee Annual Plan

**Facilitators/Presenters:**

Chair Bill Yeargin



## UCF Board of Trustees Governance Committee Annual Plan

**Fiscal Year 2021 (July 1, 2020 – June 30, 2021)**

*Last Updated: October 7, 2020*

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### **Mission Statement:**

The University of Central Florida is a public multi-campus, metropolitan research university that stands for opportunity. The university anchors the Central Florida city-state in meeting its economic, cultural, intellectual, environmental and societal needs by providing high-quality, broad based education and experienced-based learning; pioneering scholarship and impactful research; enriched student development and leadership growth; and highly relevant continuing education and public service initiatives that address pressing local, state, national, and international issues in support of the global community.

### **Charter Summary:**

**Purpose:** The purpose of the **Governance Committee** is to propose for consideration by the full board a process by which presidents of the University of Central Florida would be selected; nominate a chair and vice chair of the University of Central Florida Board of Trustees for consideration by the full board; recommend candidates for designation as Trustee Emeritus for consideration by the full board; recommend candidates for designation as Honorary Doctor for consideration by the full board; review annually and recommend changes as necessary to the Board Bylaws; lead a biannual, comprehensive Board self-assessment process; review and provide recommendations to the Board regarding Board member education, including new member orientation and regularly scheduled board member training; inform members of corporate governance “best practices” and make recommendations to the Board and its committees; review and recommend to the Board the number and structure of committees; review and make recommendations regarding delegation of authority to the President; review and make recommendations regarding amendments to the bylaws of direct support organizations; review and approve university regulations; review and recommend changes as necessary to the Board’s conflict of interest statement and disclosure form and fulfill any other responsibilities as subsequently may be assigned by the University of Central Florida Board of Trustees and/or the board chair.

Minimum Number of meetings: 2

Charter last amended: June 18, 2020

Minimum Number of members: 5

Next charter review: October 14, 2020

### **2020-2021 Committee Priorities:**

**Align actions with approved goals:** Ensure university actions align with the president’s strategic goals approved by the Board of Trustees.

**Emerging Issues Monitoring:** Direct Support Organizations (and associated Governance recommendations)

## **Types of Agenda Items:**

Currently, agenda items fall into three categories: Discussion, Information, and Motion.

**Discussion:** These items may include a specific theme that carries through several meetings. The chair develops these items with committee staff and presentations are structured to engage the Committee in strategic discussion.

**Information:** These items are brought before the Committee to educate, but also to engage the committee members in discussion that will set the background for a future action. Except for extenuating circumstances, the Committee should never be asked to act on a decision with significant fiscal or reputational impact without prior discussion as a full body.

**Motion (Action):** These items require committee approval as required by federal or state laws, external standards, Board of Governors' Regulations, Board policies, and/ or university regulations. These items require a motion and a vote, but approval is never assumed. Staff bring recommendations to the Committee, but the approval lies within the Committee's decision-making authority.

DRAFT



**Governance Committee  
Annual Plan Detail – FY21**

<b>Committee Meeting Date</b>	<b>Item Type</b>	<b>Agenda Item</b>	<b>Lead(s)</b>
<b>August 12, 2020</b>	Motion	Amendments to University Regulation UCF-2.032 Textbook Adoption	Cook
	Information	Update on Title IX regulations	Cook
	Information	Board of Trustees Delegation of Authority to the President	Cole
<b>Committee Meeting Date</b>	<b>Item Type</b>	<b>Agenda Item</b>	<b>Lead(s)</b>
<b>October 14, 2020</b>	Information	FY21 Governance Committee Annual Plan	Yeargin
	Motion	Revised Delegation of Authority to the President	Cole
	Motion	UCF Board of Trustees Bylaws Amendments	Cole
	Motion	CFCPO board appointment	Schreiber German
	Motion	UCF Foundation Articles of Incorporation	Cerasa
	Motion	Governance Committee Charter Amendments	Cole
	Motion	Regulations, as needed	Cook
<b>Committee Meeting Date</b>	<b>Item Type</b>	<b>Agenda Item</b>	<b>Lead(s)</b>
<b>November 19, 2020</b>	Motion	Regulations, as needed	Cook
	Information	Parking Permit Eligibility	Cook Singh
	Discussion	Board Self-Assessment Process	Monteleone
	Information	Board Statement of Expectations Review	Monteleone
	Discussion/Motion	DSO Report: Governance Recommendations	Yeargin Bradley Cole, Margaret
<b>Committee Meeting Date</b>	<b>Item Type</b>	<b>Agenda Item</b>	<b>Lead(s)</b>
<b>February 10, 2021</b>	Discussion	Mid-Year Annual Plan Assessment	Yeargin
	Motion	DSO Bylaws Amendments	Cole, Scott Cole, Margaret
	Motion	Bi-Annual Board Self-Assessment Survey	Yeargin Monteleone
	Motion	Regulations, as needed	Cook
<b>Committee Meeting Date</b>	<b>Item Type</b>	<b>Agenda Item</b>	<b>Lead(s)</b>
<b>April 14, 2021</b>	Discussion	Chair/Vice Chair Nomination Process	Yeargin
	Motion	Spring Commencement Honorary Doctorate, as needed	Cole
	Motion	Regulations, as needed	Cook
	Information	Review Eighth Amended and Restated Bylaws of the Board of Trustees of the University of Central Florida	Cole
	Information	Governance Committee Charter Review	Yeargin
<b>Committee Meeting Date</b>	<b>Item Type</b>	<b>Agenda Item</b>	<b>Lead(s)</b>
<b>June 16, 2021</b>	Discussion	End-of-Year Annual Plan Assessment	Yeargin
	Motion	Governance Committee Charter Amendments	Yeargin
	Motion	Chair/Vice Chair Slate	Yeargin
	Motion	Bylaws Amendments Approval (if needed)	Cole
	Motion	DSO Appointments	Cole
	Motion	DSO Bylaws Amendments	Cole, Margaret
	Motion	Summer Commencement Honorary Doctorate, as needed	Cole
	Motion	Chapter 5 and Chapter 6 Regulations	Cook
Information	Board Orientation and Development Program Updates	Monteleone	

## UCF BOARD OF TRUSTEES

## Agenda Item Summary

Governance Committee

October 14, 2020

**Title:** Resolution on the Delegation of Authority to the President

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 Information Information for upcoming action Action**Meeting Date for Upcoming Action:** \_\_\_\_\_**Purpose and Issues to be Considered:**

The Governance Committee is responsible for reviewing and making recommendations regarding the delegation of authority to the president. The delegation of authority to the president was last amended at the May 16, 2019 meeting. The current delegation of authority to the president was sent to all trustees to request their input on possible revisions.

**Background Information:**

Previously, the Florida Board of Governors (“BOG”) requested that each University Board of Trustees assess its delegations of authority to the President. In connection with its request, the BOG circulated a Discussion Draft on Delegation Best Practices and Principles for each Board of Trustees to consider.

President Cartwright’s appointment as UCF’s sixth president presented the timely opportunity to review University governance documents. As a part of the review, the University assessed its Board of Trustees’ delegation of presidential authority as compared to the BOG’s recommended best practices. For the most part, the University’s existing delegation, combined with BOG regulations and UCF regulations and practices, were consistent with the BOG’s best practices, although not in the same format.

Taking into consideration the BOG’s best practices and the approaches of other SUS institutions, the University developed a revised Resolution on the Delegation of Authority from the Board to the President. The proposed Resolution, which would rescind and replace the existing Board-approved Delegation of Authority to the President as of May 16, 2019, sets out the Board’s delegated authority to the President and follows the format of the authority topic areas set forth in the BOG’s Best Practices. Those topic areas are:

1. University Administration and Oversight
2. Academic Programs and Student Affairs
3. Personnel
4. Financial Management
5. Property and Purchasing
6. Miscellaneous Powers and Duties

**Recommended Action:**

Recommend to the University of Central Florida Board of Trustees the approval of the Resolution on the Delegation of Authority from the Board of Trustees to the President.

**Alternatives to Decision:**

Do not approve the recommended revisions to the Resolution on the Delegation of Authority from the Board of Trustees to the President or suggest alternative amendments.

**Fiscal Impact and Source of Funding:**

N/A

**Authority for Board of Trustees Action:**

Board of Governors Regulation 1.001 – University Board of Trustees Powers and Duties

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**Contract Reviewed/Approved by General Counsel**  N/A

**Committee Chair or Chair of the Board has approved adding this item to the agenda**

**Submitted by:**

Scott Cole, Vice President and General Counsel

**Supporting Documentation:**

Attachment A: Proposed Resolution on the Delegation of Authority to the President

Attachment B: Comparison Chart of BOG Best Practice Recommendations

Attachment C: Current Board of Trustees Delegation of Authority to the President

**Facilitators/Presenters:**

Scott Cole

Janet Owen, Vice President for Government and Community Relations

## Resolution on Presidential Authority

**WHEREAS**, Article IX, section 7, Florida Constitution provides that the Board of Governors shall establish the powers and duties of the university board of trustees as set forth therein and as may be established in Board of Governors' regulations, and

**WHEREAS**, Board of Governors Regulation 1.001, University Boards of Trustees Powers and Duties, delegates powers and duties to the university boards of trustees so that the university boards have all of the powers and duties necessary and appropriate for the direction, operation, management, and accountability of each state university, and

**WHEREAS**, Board of Governors Regulation 1.001, University Boards of Trustees Powers and Duties, further provides that the university president shall serve as the chief executive officer and corporate secretary of the board of trustees and is responsible to the board of trustees for all operations of the university and for setting the agenda for meetings of the board of trustees in consultation with the chair, and

**WHEREAS**, the University of Central Florida Board of Trustees has revised and updated its delegation of certain authorities to the President, consistent with state law, regulations and policies of the Board of Governors, and regulations and policies of this Board, and hereby rescinds all previously delegated powers and duties to the President on October 26, 2017, January 24, 2019 and May 16, 2019 and intends this Resolution to supersede and replace the previously approved delegations of presidential authority, and

**WHEREAS**, the University of Central Florida Board of Trustees intends that any power or duty not delegated to the President in this Resolution be reserved in the Board of Trustees.

**NOW THEREFORE, RESOLVED** that:

- (A) The University of Central Florida Board of Trustees, adopts this Resolution effective October \_\_, 2020, rescinding all existing delegations previously adopted by the Board, and
- (B) The University President's powers and duties specified in Florida law, regulations and policies of the Board of Governors, and in the Board of Trustees regulations and bylaws are hereby affirmed; and
- (C) The President is hereby authorized, in the name of the University Board of Trustees and the University, to exercise the following authorities and to take the following actions, all as the President deems appropriate, advisable, and in the interests of the University:

**(1) University Administration and Oversight.**

- (a) Direct the day-to-day operations of the University.
- (b) Organize the University to efficiently and effectively achieve its goals, and periodically review and provide reports to the Board of Trustees on University operations in order to determine how effectively and efficiently it is being administered and whether are meeting the goals of the strategic plan adopted by the Board of Governors and other strategic goals for the advancement of the University as endorsed by the Board of Trustees.

- (c) Prepare a strategic plan in alignment with the Board of Governors' systemwide strategic plan and regulations, and the University's mission, to first be submitted to the Board of Trustees for approval and then to the Board of Governors for approval.
- (d) Prepare an annual accountability plan and all other significant reports for consideration and approval by the Board of Trustees, and for submission to the Board of Governors, outlining the University's top priorities, strategic directions, and specific actions for achieving the priorities, as well as progress toward previously approved institutional and system wide goals.
- (e) Prepare and periodically update a policy addressing conflicts of interest for the Board of Trustees, Affiliated Organizations, and University and Affiliated Organization employees, and when appropriate, for students, independent contractors and volunteers.
- (f) Maintain an effective information system to provide accurate, timely, and cost-effective information about the University, meeting all data and reporting requirements of the Board of Trustees and Board of Governors.
- (g) Propose regulations for approval by the Board of Trustees, when appropriate; take routine administrative actions on behalf of the Board of Trustees prior to the exercise of the Board's authority for final approval, related to the development, adoption, amendment or repeal of University regulations, or any action required under the Florida Administrative Procedures Act, Chapter 120, Florida Statutes.
- (h) Establish policies procedures related to data and technology, including information systems, communications systems, computer hardware and software, and networks.
- (i) Secure comprehensive general liability insurance pursuant to sections 1001.706(4)(d) and 1004.24, Florida Statutes, and develop, approve, implement, and oversee the risk management program and implementation of an appropriate insurance strategy.
- (j) Develop, approve, implement and oversee a systematic approach to identify, manage, and mitigate various types of risk, regardless of origin, and define the risk appetite for the University and Affiliated Organizations.
- (k) Provide for payment of the cost of civil actions against trustees, officers, employees, or agents of the Board of Trustees, as the Board of Trustees is a corporation primarily acting as an instrumentality of the state pursuant to Section 768.28, Florida Statutes, for the purposes of sovereign immunity.
- (l) Govern traffic on the grounds of the University and in other areas in accordance with law and any mutual aid agreements entered into with other law enforcement agencies.
- (m) Develop and implement initiatives to promote inclusive excellence in all aspects of University programs and functions, fostering a diverse, equitable and inclusive environment in which free expression of different viewpoints are valued. The President will report annually on the University's progress in implementing strategic initiatives and performance relating to diversity, equity and inclusion as they pertain to student enrollment, academic service and programs;

equity in employment; and athletics, as a part of the Board's consideration of the Florida Equity Report.

(n) Establish the program for campus safety and emergency preparedness, including safety and security measures for University personnel, students, and campus visitors.

(o) Develop, approve, implement and oversee the programs, policies, procedures and systems to support and maintain the University's and Affiliated Organization's compliance with applicable federal, state, and local laws, rules, regulations, and other requirements.

(p) Consult with the Board of Trustees in a timely matter on any matters appropriate to its policy-making and fiduciary functions, recommend changes to governance documents, and promptly notify the Board Chair of any facts or circumstances that may materially and adversely affect the reputation of the University or its Affiliated Organizations.

(q) Close all or portions of the University campus and cease normal operations and services in the event of an emergency, when, in the President's judgment, such action would protect the safety, health and welfare of the University faculty, students and staff, and the University facilities and grounds. In exercising this authority, the President is authorized to determine and assign those employees who are required to provide essential services. Closures for non-emergencies greater than three days require consultation with the Chair.

(r) Consult with the Chancellor of the State University System prior to recommending any acquisition, establishment, reclassification, relocation, or closure of additional campuses or special purpose centers to the Board of Trustees.

(s) Take all actions necessary or desirable, including serving as the signatory on all documents and agreements, necessary or desirable to carry out the powers and duties enumerated in this Resolution and those reasonably inferable therefrom.

(t) As appropriate and consistent with this Resolution, delegate and authorize the sub-delegation of powers and duties provided in this Resolution, electronically or in writing to an employee of the University who:

1. is a University Vice President with responsibility in an area relating to the subject matter of the delegation; or

2. is a manager with responsibility in an area relating to the subject matter of the delegation who reports directly to a position at or above the level of Vice President; or

3. holds a position at the University that is equivalent in seniority or responsibility to a Vice President or such manager, as determined by the President or Chief Human Resources Officer; or

4. is deemed by the President to have the appropriate capabilities, provided that the delegation specified the date of the delegation, the name and title of the delegee, the particular authority or portion of authority being delegated, and a copy of the delegation is filed with the delegee and with the Vice President and General Counsel of the University.

## **(2) Academic Programs and Student Affairs.**

(a) Propose regulations for Board of Trustees' approval, and establish policies, when appropriate, in the area of academic programs and student affairs as follows, and in such additional areas as from time to time may be designated by the Legislature, Board of Governors as requiring Board of Trustees' approval:

1. Authorization and discontinuance of degree programs;
2. Articulation and access;
3. Admission and enrollment of students;
4. Minimum academic performance standards for the award of a degree;
5. Student financial assistance;
6. Student activities and organizations;
7. Student records and reports;
8. Antihazing, related penalties, and program for enforcement;
9. Reasonable accommodation of religious observances;
10. Textbook and instructional materials affordability; and
11. Student code of conduct and related penalties.

The President is authorized to adopt and revise policies as required or deemed appropriate in the areas of academic and student affairs which are not specifically listed above.

(b) Develop, approve, and implement non-degree and non-college credit granting educational programs of the University.

(c) Award degrees and certificates or other evidence of satisfying the graduation criteria approved by the Board of Trustees for degree-granting programs or of satisfying the completion criteria approved by the President for non-degree granting programs; award posthumous and in memoriam degrees; initially approve and recommend to the Board of Trustees for its final approval all honorary degrees; develop, approve, implement and govern the administrative and academic terms, policies, procedures and systems for awarding such degrees and certificates.

(d) Develop, approve, and implement student exchange programs, including without limitation those that are ancillary to the degree and non-degree and non-college credit granting programs of the University.

(e) Establish the internal academic calendar of the University within any applicable general guidelines of the Board of Governors.

(f) Establish a committee, which shall include student representation, for the periodic evaluation of the student disciplinary system, in accordance with applicable law and regulation.

(g) Approve the internal procedures of student government organizations.

(h) Establish, develop, approve, implement and govern the programs, terms, policies, procedures and systems for childcare facilities, including educational research centers for child development as authorized in s. 1011.48, Florida Statutes, for the purpose of providing childcare services for

members of the University community as well as providing research and internship opportunities.

(i) Develop, approve, implement and govern the inter- and intra-collegiate athletics programs, policies, and procedures of the University, with periodic reports to the Board of Trustees on the operations of the program including, but not limited to, finances, audit and compliance, and changes in key personnel.

(j) Establish policies regulating the administration and operation of the Office of Research. The President, or designee, is authorized to negotiate, enter into, and execute research contracts; to solicit and accept research grants and donations; and to fix and collect fees, other payments, and donations that may accrue from these methods. The president or designee may negotiate, enter into, and execute contracts on a cost-reimbursement basis and may provide temporary financing of those costs prior to reimbursement from moneys on deposit in a sponsored research development fund, except as prohibited elsewhere by law. All purchases of a division of sponsored research will be made in accordance with the policies and procedures of the University and the purchasing regulations of the Board of Governors; however, upon certification addressed to the President that it is necessary for the efficient or expeditious prosecution of a research project, the President may exempt the purchase of material, supplies, equipment, or services for research purposes from the general purchasing requirement of the Florida Statutes.

(k) Recommend to the Board of Trustees for approval, the creation and termination of masters and undergraduate degree-granting programs subject to BOG final approval of limited access programs and undergraduate programs requiring more than 120 credits for graduation if and as required by law;

(l) Subject to final approval of the Board of Governors:

1. Approve the creation and termination of doctoral and professional graduate degree-granting programs of the University; and
2. If, and as required by law, recommend and seek final Legislative approval for the creation of new colleges, schools and functional equivalents offering a program leading to a degree that is a credential for a specific license issued under a state statute or the state constitution.

### **(3) Personnel.**

(a) Establish and implement policies and procedures to recruit, appoint, transfer, promote, compensate, evaluate, reward, demote, discipline, and remove personnel, in accordance with regulations and policies of the Board of Trustees and Board of Governors. Pursuant to law and Board of Governors' regulation, the Board of Trustees will evaluate the President's performance annually against the strategic goals of the University, approve compensation of the President. Renewals of the President's employment contract is subject to confirmation by the Board of Governors and is limited to one-year terms.

(b) With the exception of the positions described in (3)(c), below, consult with the Chair of the Board of Trustees, or other trustee designee, regarding the hiring, dismissal, or any annual increase of more than five (5) percent in the compensation of any Vice President or other direct



report to the President, and any athletics personnel earning over \$1 million in compensation. The President and Board Chair will annually review the positions covered by this provision.

(c) Secure approval of the Board of Trustees for the hiring, firing, or reduction in compensation of individuals serving in the positions of Vice President and General Counsel, Chief Compliance Officer, and Chief Audit Executive, which positions have a reporting relationship to the Board of Trustees in addition to reporting to the President.

(d) Approve travel in accordance with s. 112.061, Florida Statutes.

(e) Administer collective bargaining agreements and matters related thereto, including the appointment of University collective bargaining team members to negotiate collective bargaining agreements; recommend for Board of Trustees' approval actions to be taken on collective bargaining agreements under negotiation; and execute Board of Trustees' approved collective bargaining agreements.

(f) Employ private attorney services after consulting with the University's General Counsel.

(g) Recommend to the Board of Trustees the awarding of tenure.

(h) Consult with the Board Chair regarding employment contracts in excess of one year.

#### **(4) Financial Management.**

(a) Recommend for Board of Trustees' approval financial commitments, contractual obligations, contingent risks, or the assumption of liabilities of any kind of more than five (5) years in duration, or an aggregate net value of \$5 million dollars or greater, options, renewals, extensions or amendments thereto, other than grants, contracts, terms required in gift agreements, and other agreements for research, sponsored training, clinical trials, patents and licensing, technology transfer and research compliance. This authority applies to Affiliated Organizations.

(b) Keep the Board of Trustees apprised of the financial condition of the University and all Affiliated Organizations, subject to the oversight of the Board of Trustees.

(c) Prepare an institutional budget request, including a request for fixed capital outlay, for approval by the Board of Trustees.

(d) Recommend to the Board of Trustees a schedule of tuition and fees to be charged by the University pursuant to law and regulations established by the Board of Governors.

(e) Recommend to the Board of Trustees regulation for the waiver for tuition and fees pursuant to law and regulations established by the Board of Governors.

(f) Prepare the operating budget of the University, carryforward spending plan, and a fixed capital outlay budget, if required, as prescribed by law, regulations of the Board of Governors, policies of the Board of Trustees, and provisions of the General Appropriations Act, for approval by the Board of Trustees, with the following requirements:

1. The proposed expenditures, plus transfers, and balances must not exceed the estimated income, transfers, and balances.
2. The budget and each part must balance.
3. If at any time the unencumbered balance in the education and general fund of the Board of Trustees approved operating budget goes below seven (7) percent, the President must provide written notification to the Board of Governors.
4. Any changes to the operating budget in an amount greater than the lower of \$5 million or .5 percent of the budget requires approval of the Board of Trustees.
5. Provide quarterly budget-to-actual reporting to the Board of Trustees' Finance and Facilities Committee and annual budget-to-actual analysis to the Board of Trustees.

(g) Enter into agreements for, and accept, credit card payments as compensation for goods, services, tuition, and fees.

(h) Establish policies and procedures for the performance of annual internal audits of finances, controls and operations of the University and Affiliated Organizations.

(i) Establish policies and procedures for the implementation of appropriate financial controls, with review by the University's internal auditor.

(j) Sign checks and authorize other forms of payment to pay legal obligations of the University, in accordance with section 1011.42(7), Florida Statutes.

(k) Enter into agreements for banking services and perform banking transactions. Further delegation of authority to withdraw funds or other assets from a University account at a depository institution is limited to a vice president or other position deemed by the President or senior designee reporting to the President to have responsibility for financial matters.

(l) Enter into agreements for collection services when deemed advisable in collecting delinquent accounts and charging off and settling uncollectible accounts. The President will annually report the status of accounts receivable charge-offs to the Board, which may be provided through the university's financial statements or reports.

(m) Recommend for Board of Trustees' approval:

1. All borrowing of funds by the University or Affiliated Organizations and any material changes to such loans, including internal University resources borrowed via internal loan;
2. Any debt issuance; and
3. Public private partnerships.

The Board of Trustees will be presented with sufficient information for prudent decision-making for all such projects and comply with the guidelines established by the Board of Governors in connection with the authorization, issuance and sale of University and Affiliated Organization debt.

(n) Make budget transfers to and from depositories and accounts, to include, the transfer funds from one depository to another, within a depository, to another institution, or from another institution to a depository for investment purposes; and may transfer funds to pay expenses,

expenditures, or other disbursements, evidenced by an invoice or other appropriate documentation.

(o) Account for University and Affiliated Organization expenditures of any state, local, federal, and other funds in accordance with guidelines or regulations established by the Board of Governors, and as provided by law, including the submission of annual financial statements for the University and all Affiliated Organizations.

(p) Ensure University funds are invested in accordance with the investment program approved by the Board of Trustees and in compliance with applicable federal and state laws and regulations. The President will inform the Board of Trustees of any proposed material change to the University's investment program.

### **(5) Property and Purchasing.**

(a) Administer a program for the maintenance and construction of facilities, pursuant to Chapter 1013, Florida Statutes, to include the following activities:

1. Prepare a campus master plan for adoption by the Board of Trustees, prepare a campus development agreement for execution by the Board of Trustees, pursuant to section 1013.30, Florida Statutes, and report on progress under the Master Plan.
2. Recommend for Board of Trustees' prior approval any construction project (new, remodeling, site work) with a projected construction cost, in one or a series of related transactions, in an amount greater than \$2 million (Major Project), and any material changes to the projects, from any funding source(s) not specifically appropriated by the Legislature.
3. Initiate and manage construction projects (new, remodeling, or site work) with a projected construction cost, in one or a series of related transactions, in the amount equal to or less than \$2 million (Minor Project) in addition to Board of Trustees' approved Major Projects. Minor Projects and associated change orders of \$100,000 or more, will be reported on a quarterly basis to the Board of Trustees Finance and Facilities Committee.
4. Approve a facilities program for each Major Project.
5. Exercise responsibility for the fire safety, maintenance and sanitation of facilities.
6. Conduct plan reviews, issue permits and construction inspections to enforce building code compliance for projects subject to the Florida Building Code.
7. Approve additional service authorizations and change orders in the name of the Board of Trustees on Major Projects. Any change order(s) related to a facilities' construction or renovation project, in one or a series of related transactions, that increases the approved project budget in an amount greater than or equal to ten percent (10%) of the total approved value of a project, requires the prior approval of the Board of Trustees. All change orders shall be reported to the Board and entered into the official minutes as soon as practicable at a regular meeting of the Board.
8. Establish policies and procedures for the selection of vendors providing design and construction services incorporating applicable competitive solicitation requirements.
9. Contract for all required design, engineers and construction services, including design-build services.
10. Provide a comprehensive report on construction-related activities at each regular meeting of the Board's Finance and Facilities Committee, including information regarding change order activity.

(b) Recommend for Board of Trustees' approval, regulations setting forth competitive solicitation requirements and other criteria related to the procurement of commodities, goods, equipment and other types of personal property, software and contractual services.

(c) Contract for the purchase, sale, lease, license, or acquisition of commodities, goods, equipment and other types of personal property, software and contractual services, including private attorney services in accordance with the regulations approved by the Board of Trustees'.

(d) Contract for the lease-purchase equipment and software in accordance with the Board of Governors Debt Management Guidelines.

(e) Recommend for Board of Trustees' approval any real property leases or licenses with total University expenditures greater than \$1,000,000 and/or a term longer than five (5) years. This authority applies to Affiliated Organizations.

(f) Enter into real property licenses for use of University owned or controlled property.

(g) Recommend for Board of Trustee approval the acquisition, sale or encumbrance of real property for any donated property or for donated property with a value of greater than \$500,000. This authority applies to Affiliated Organizations.

(h) Notify the Board of Trustees prior to the commencement of construction of any facility that requires and has not yet received state funding by the Legislature for facility operating and maintenance costs.

(i) Act for the Board of Trustees as custodian of all University personal property, to include:  
1. Recommending for Board of Trustees' approval, policies and procedures for the disposal of personal property no longer needed by the University, in accordance with state law and Board of Governors regulation; and  
2. The disposal, use or sale of lost or abandoned personal property found within areas under the University's jurisdiction in accordance with section 705.18, Florida Statutes.

(j) Regulate the use, maintenance, protection, and control of, and the imposition of charges for, University-owned or University-controlled buildings and grounds, property and equipment, name trademarks and other proprietary marks, and the financial and other resources of the University.

(k) Recommend to the Board of Trustees naming opportunities for exterior buildings, colleges, schools, departments, institutes, academic centers, or major programs for any individual, corporation or other entity; and (if and as required by law in connection with living individuals, to recommend such name to the BOG and/or Legislature for its final approval.

(l) Protect, develop, and transfer the work products of University personnel and other University agents and contractors, including licensing, assigning, selling, leasing, or otherwise allowing the use of or conveying such work products and securing and enforcing patents, copyrights, and trademarks therein. The President must consult with the Board Chair before initiating, appealing or settling any litigation related to the enforcement of patents, copyrights and trademarks.

## **(6) Miscellaneous Powers and Duties.**

- (a) Recommend for Board of Trustees' approval, the creation, certification, decertification, dissolution, and change of governing documents of Affiliated Organizations.
- (b) Serve or appoint a presidential designee to serve on the board of directors and the executive committee of all direct support organizations, university health services support organizations and Affiliated Organizations established to benefit the University pursuant to sections 1004.28 and 1004.29, Florida Statutes and recommend for approval by the Board of Trustees any other appointments to Affiliated Organizations. The Chair of the Board of Trustees shall appoint at least one representative to the board of directors and the executive committee of any such entity. The Board of Trustees shall approve all other director appointments.
- (c) Recommend for Board of Trustees' approval annual operating and capital budgets for Affiliated Organizations.
- (d) Present to the Board of Trustees all internal and external audits of Affiliated Organizations.
- (e) Recommend to the Board of Trustees for approval any transfer of funds to or among Affiliated Organizations, unless under an agreement approved by the Board of Trustees.
- (f) Develop, approve, implement and oversee the programs, systems, terms, policies, procedures and strategies for the operations of faculty practice plans.
- (g) Oversee the University's fundraising operations and accept and administer gifts, grants, bequests, and devises made to the University.
- (h) Initiate, appeal and settle lawsuits involving University or Affiliated Organizations, and join amicus briefs, after consultation with the Board Chair, other than routine claims and lawsuits (i) covered by the State of Florida's Division of Risk Management which may be appealed and settled without Board Chair consultation, and (ii) for Affiliated Organizations claims covered by their insurance.
- (i) Perform such other duties as are not retained by the Board of Trustees and as may be necessary or appropriate for the administration of the University, in compliance with any applicable laws, Board of Trustees and Board of Governors' regulations, policies, and resolutions.

For the purposes of this Resolution the following terms are used as follows:

**Affiliated Organizations:** Direct Support Organizations, Practice Plan Corporations, self-insurance trust funds, and other legal entities under the control of the BOT.

**Board or BOT:** UCF Board of Trustees

**Board Chair:** Chair of the UCF Board of Trustees

**Board of Governors or BOG:** Board of Governors of the State University System of Florida

**President:** President of the University of Central Florida

**UCF or University:** University of Central Florida

**Vice President:** University vice president or senior vice president.

Attachment B

Subject	BOG Regulation 1.001 BOT Powers & Duties BOG Best Practices Recommendations	Proposed UCF Board of Trustees Delegation of Presidential Authority	Current UCF Delegation
<b>PREFACE</b>	Pursuant to Article IX, section 7(c), Florida Constitution, the Board of Governors shall establish the powers and duties of the board of trustees as set forth herein and as may be established in Board of Governors’ regulations. This regulation supersedes the delegation of authority to the boards of trustees contained in the Board of Governors’ Resolution dated January 7, 2003. The intent of this regulation is to delegate powers and duties to the university boards of trustees so that the university boards have all of the powers and duties necessary and appropriate for the direction, operation, management, and accountability of each state university.	<b>For the purposes of this Resolution the following terms are used as follows:</b> <b>Affiliated Organizations:</b> Direct Support Organizations, Practice Plan Corporations, self-insurance trust funds, and other legal entities under the control of the BOT. <b>Board or BOT:</b> UCF Board of Trustees <b>Board Chair:</b> Chair of the UCF Board of Trustees <b>Board of Governors or BOG:</b> Board of Governors of the State University System of Florida <b>President:</b> President of UCF <b>UCF or University:</b> University of Central Florida <b>Vice President:</b> University vice president or senior vice president.	
<b>CEO/Corp Sec BOT Agenda</b>	<b>BOG 1.001:</b> The university president shall serve as the chief executive officer and corporate secretary of the board of trustees and shall be responsible to the board of trustees for all operations of the university and for setting the agenda for meetings of the board of trustees in consultation with the chair.	<b>WHEREAS,</b> Board of Governors Regulation 1.001, University Boards of Trustees Powers and Duties, further provides that the university president shall serve as the chief executive officer and corporate secretary of the board of trustees and is responsible to the board of trustees for all operations of the university and for setting the agenda for meetings of the board of trustees in consultation with the chair, and	<b>The President’s authority also includes the following:</b> (4) Set the agenda for board meetings in consultation with the Chair of the Board.
<b>BOT Delegation to President</b>	<b>Each board of trustees shall establish the powers and duties of the university president.</b>	<b>WHEREAS,</b> the University of Central Florida Board of Trustees has revised and updated its delegation of certain authorities to the President, consistent with state law, regulations and policies of the Board of Governors, and regulations and policies of this Board, and hereby rescinds all previously delegated powers and duties to the President on October 26, 2017, January 24, 2019 and May 16, 2019 and intends this Resolution to supersede and replace the previously approved delegations of presidential authority, and <b>WHEREAS,</b> the University of Central Florida Board of Trustees intends that any power or duty not delegated to the President in this Resolution be reserved in the Board of Trustees.	
		<b>NOW THEREFORE, RESOLVED:</b> The President is hereby authorized, in the name of the University Board of Trustees and the University, to exercise the following authorities and to take the following actions, all as the President deems appropriate, advisable, and in the interests of the University:	

<b>(1) University Administration and Oversight.</b>			
<b>Operations</b>	See above: “. . . shall be responsible to the board of trustees for all operations of the university . . . ”	(a) Direct the day-to-day operations of the University.	<b>Catch-all:</b> <b>General delegation language:</b> Except as provided herein, the Board delegates to the President all usual and customary powers of a President to administer the day to day operations of the University. This includes the powers and duties described in Board of Governors Regulation 1.001 and those reasonably implied therefrom, which are not required to be directly performed by the Board.
<b>Administration/ Organization</b>	<b>BOG 1.001:</b> (a) Each board of trustees shall be responsible for the administration of its university in a manner that is dedicated to, and consistent with the university’s mission which shall be otherwise consistent with the mission and purposes of the State University System as defined by the Board of Governors.	(b) Organize the University to efficiently and effectively achieve its goals, and periodically review and provide reports to the Board of Trustees on University and Affiliated Organizations operations in order to determine how effectively and efficiently the University is being administered and whether it is meeting the goals of its strategic plan adopted by the Board of Governors and other strategic goals for the advancement of the University as endorsed by the Board of Trustees.	<b>UCF Delegation: Items requiring specific approval of the Board:</b> (1) All duties required to be undertaken directly by the Board pursuant to BOG Regulation 1.001.
<b>Strategic Plan</b>	<b>BOG 1.001:</b> (c) Each board of trustees shall adopt a strategic plan in alignment with the Board of Governors’ systemwide strategic plan and regulations, and the university’s mission. University strategic plans shall be submitted to the Board of Governors for approval.	(c) Prepare a strategic plan in alignment with the Board of Governors’ systemwide strategic plan and regulations, and the University’s mission, to first be submitted to the Board of Trustees for approval and then submitted to the Board of Governors for approval.	<b>UCF Delegation: Items requiring specific approval of the Board:</b> (14) Adoption of or amendment to the University strategic plan.
<b>Accountability Plan</b>	<b>BOG 1.001:</b> (d) Each board of trustees shall prepare a multi-year workplan/report for the Board of Governors that outlines its university’s top priorities, strategic directions, and specific actions and financial plans for achieving those priorities, as well as performance expectations and outcomes on institutional and systemwide goals. The workplan/ report shall reflect the university’s distinctive mission and focus on core institutional strengths within the context of State University System goals and regional and statewide needs.	(d) Prepare an annual accountability plan and all other significant reports for consideration and approval by the Board of Trustees, and for submission to the Board of Governors, outlining the University’s top priorities, strategic directions, and specific actions for achieving the priorities, as well as progress toward previously approved institutional and system wide goals.	<b>UCF Delegation: Items requiring specific approval of the Board:</b> (16) University works plans, accountability plans, and all other significant reports required to be submitted to the BOG.  (37) All items required by the BOG or Florida Legislature to be approved by the Board.

<b>Conflicts of Interest</b>	<b>BOG 1.001:</b> (e) Each board of trustees shall have a policy addressing conflicts of interest for its members.	(e) Prepare and periodically update a policy addressing conflicts of interest for the Board of Trustees, Affiliated Organizations, and University and Affiliated Organization employees, and when appropriate, for students, independent contractors and volunteers.	<b>UCF Delegation: Items requiring specific approval of the Board:</b> (23) University regulations and Board policies
<b>Information System</b>	<b>BOG 1.001:</b> (f) Each board of trustees shall maintain an effective information system to provide accurate, timely, and cost-effective information about the university, and shall require that all data and reporting requirements of the Board of Governors are met.	(f) Maintain an effective information system to provide accurate, timely, and cost-effective information about the University, meeting all data and reporting requirements of the Board of Trustees and Board of Governors.	Not specifically referenced.
<b>Regulations/ APA</b>	<b>BOG 1.001:</b> Each board of trustees is authorized to promulgate university regulations in accordance with the Regulation Development Procedure adopted by the Board of Governors.	(g) Propose regulations for approval by the Board of Trustees, when appropriate; take routine administrative actions on behalf of the Board of Trustees, prior to the exercise of the Board's authority for final approval related to the development, adoption, amendment or repeal of University regulations, or any action required under the Florida Administrative Procedures Act, Chapter 120, Florida Statutes.	<b>The President's authority also includes the following:</b> (1) Propose regulations for approval by the Board.
<b>Data Technology</b>	<b>BOG 1.001:</b> (g) Each board of trustees may promulgate regulations and procedures related to data and technology, including information systems, communications systems, computer hardware and software, and networks.	(h) Establish policies procedures related to data and technology, including information systems, communications systems, computer hardware and software, and networks.	Not specifically referenced.
<b>Liability Insurance</b>	<b>BOG 1.001:</b> Each board of trustees is authorized to secure comprehensive general liability insurance.	(i) Secure comprehensive general liability insurance pursuant to sections 1001.706(4)(d) and 1004.24, Florida Statutes, and develop, approve, implement, and oversee the risk management program and implementation of an appropriate insurance strategy.	Not specifically referenced.
<b>ERM</b>		(j) Develop, approve, implement and oversee a systematic approach to identify, manage, and mitigate various types of risk, regardless of origin, and define the risk appetite for the University and Affiliated Organizations.	
<b>Civil Actions</b>	<b>BOG 1.001:</b> Each board of trustees may provide for payment of the cost of civil actions against officers, employees, or agents of its board.	(k) Provide for payment of the cost of civil actions against trustees, officers, employees, or agents of the Board of Trustees, as the Board of Trustees is a corporation primarily acting as an instrumentality of the state pursuant to Section 768.28, Florida Statutes, for the purposes of sovereign immunity.	Not specifically referenced.
<b>Traffic</b>	<b>BOG 1.001:</b> Each board of trustees may govern traffic on the grounds of the university and in other areas in accordance with law and any mutual aid agreements entered into with other law enforcement agencies.	(l) Govern traffic on the grounds of the University and in other areas in accordance with law and any mutual aid agreements entered into with other law enforcement agencies.	<b>The President's authority also includes the following:</b> (2) Govern traffic on the grounds of the University.
<b>Campus Climate</b>	<b>UCF-specific</b>	(m) Develop and implement initiatives to promote inclusive excellence in all aspects of University programs and functions, fostering a diverse, equitable	



		and inclusive environment in which free expression of different viewpoints are valued. The President will report annually on the University's progress in implementing strategic initiatives and performance relating to diversity, equity and inclusion as they pertain to student enrollment, academic service and programs; equity in employment; and athletics, as a part of the Board's consideration of the Florida Equity Report.	
<b>Safety</b>	<b>BOG 1.001:</b> Each board of trustees shall be responsible for campus safety and emergency preparedness, to include safety and security measures for university personnel, students, and campus visitors.	(n) Establish the program for campus safety and emergency preparedness, including safety and security measures for University personnel, students, and campus visitors.	Not specifically referenced.
<b>Compliance</b>	<b>BOG 1.001:</b> Each board of trustees is responsible for compliance with all applicable laws, rules, regulations, and requirements.	(o) Develop, approve, implement and oversee the programs, policies, procedures and systems to support and maintain the University's and Affiliated Organization's compliance with applicable federal, state, and local laws, rules, regulations, and other requirements.	Not specifically referenced. SUS Compliance and Ethics Programs BOG Reg. 4.003
<b>Consultation</b>	<b>BOG Best Practice:</b> Consult with the Board of Trustees in a timely manner on any matters appropriate to its policy-making and fiduciary functions.	(p) Consult with the Board of Trustees in a timely matter on any matters appropriate to its policy-making and fiduciary functions, and promptly notify the Board Chair of any facts or circumstances that may materially and adversely affect the reputation of the University or its Affiliated Organizations.	Specifically relating to consultation, UCF Delegation addresses specific items requiring President to consult with the Board Chair before implementation. Also: "including any matter which has the potential to create significant political or reputational issues for the University."
<b>Closures</b>	<b>BOG Best Practice:</b> Close all or portions of the University campus and cease normal operations and services in the event of an emergency, when, in the President's judgment, such action would protect the safety, health and welfare of the University faculty, students and staff, and the University facilities and grounds. In exercising this authority, the President is authorized to determine and assign those employees who are required to provide essential services.	(q) Close all or portions of the University campus and cease normal operations and services in the event of an emergency, when, in the President's judgment, such action would protect the safety, health and welfare of the University faculty, students and staff, and the University facilities and grounds. In exercising this authority, the President is authorized to determine and assign those employees who are required to provide essential services. Closures for non-emergencies greater than three (3) days require consultation with the Chair.	<b>The President's authority also includes the following:</b> (3) Close and/or suspend operations of the campus as deemed necessary.
<b>Campuses</b>	<b>BOG 1.001:</b> Each board of trustees shall submit to the Board of Governors, for approval, plans for all new campuses and instructional centers.	(r) Consult with the Chancellor of the State University System prior to recommending any acquisition, establishment, reclassification, relocation, or closure of additional campuses or special purpose centers to the Board of Trustees.	<b>Items requiring specific approval of the Board:</b> (19) Establishment or closure of educational sites
<b>Signatory</b>		(s) Take all actions necessary or desirable, including serving as the signatory on all documents and agreements, necessary or desirable to carry out the	<b>New;</b>

		powers and duties enumerated in this Resolution and those reasonably inferable therefrom.	
<b>Further Delegation</b>		(t) As appropriate and consistent with this Resolution, delegate and authorize the sub-delegation of powers and duties provided in this Resolution, electronically or in writing to an employee of the University who: <ol style="list-style-type: none"> <li>1. is a University Vice President with responsibility in an area relating to the subject matter of the delegation; or</li> <li>2. is a manager with responsibility in an area relating to the subject matter of the delegation who reports directly to a position at or above the level of Vice President; or</li> <li>3. holds a position at the University that is equivalent in seniority or responsibility to a Vice President or such manager, as determined by the President or Chief Human Resources Officer; or</li> <li>4. is deemed by the President to have the appropriate capabilities, provided that the delegation specified the date of the delegation, the name and title of the delegee, the particular authority or portion of authority being delegated, and a copy of the delegation is filed with the delegee and with the Vice President and General Counsel of the University. (General Counsel)</li> </ol>	<b>New; not currently included in the Delegation</b>
<b>(2) Academic Programs and Student Affairs.</b>			
<b>Policies</b>	<b>BOG 1.001:</b> Each board of trustees shall adopt university regulations or policies, as appropriate, in areas including, but not limited to: <ol style="list-style-type: none"> <li>1. authorization and discontinuance of degree programs;</li> <li>2. articulation and access;</li> <li>3. admission and enrollment of students;</li> <li>4. minimum academic performance standards for the award of a degree;</li> <li>5. student financial assistance;</li> <li>6. student activities and organizations;</li> <li>7. student records and reports;</li> <li>8. antihazing, related penalties, and program for enforcement;</li> <li>9. reasonable accommodation of religious observances; and</li> <li>10. uniform student code of conduct and related penalties.</li> </ol> Such regulations or policies shall be consistent with any applicable Board of Governors' regulations.	(a) Propose regulations for Board of Trustees' approval, and establish policies, when appropriate, in the area of academic programs and student affairs as follows, and in such additional areas as from time to time may be designated by the Legislature, Board of Governors as requiring Board of Trustees' approval: <ol style="list-style-type: none"> <li>1. Authorization and discontinuance of degree programs;</li> <li>2. Articulation and access;</li> <li>3. Admission and enrollment of students;</li> <li>4. Minimum academic performance standards for the award of a degree;</li> <li>5. Student financial assistance;</li> <li>6. Student activities and organizations;</li> <li>7. Student records and reports;</li> <li>8. Antihazing, related penalties, and program for enforcement;</li> <li>9. Reasonable accommodation of religious observances;</li> <li>10. Textbook and instructional materials affordability; and</li> <li>11. Student code of conduct and related penalties.</li> </ol>	<b>Items requiring specific approval of the Board:</b> (17) creation or termination of degree programs  No other language listing specific regulation or policy areas.

		The President is authorized to adopt and revise policies as required or deemed appropriate in the areas of academic and student affairs which are not specifically listed above.	
<b>Non-Credit</b>	<b>BOG Best Practice:</b> Develop, approve, and implement non-degree, including non-college credit, granting educational programs of the University.	(b) Develop, approve, and implement non-degree and non-college credit granting educational programs of the University.	Assumed in general delegation; not specifically described in current Delegation
<b>Award Degrees</b>	<b>BOG Best Practice:</b> Award degrees, including posthumous, in memoriam and honorary degrees.	(c) Award degrees and certificates or other evidence of satisfying the graduation criteria approved by the Board of Trustees for degree-granting programs or of satisfying the completion criteria approved by the President for non-degree granting programs; award posthumous and in memoriam degrees; initially approve and recommend to the Board of Trustees for its final approval all honorary degrees; develop, approve, implement and govern the administrative and academic terms, policies, procedures and systems for awarding such degrees and certificates.	<b>Items requiring specific approval of the Board:</b> (31) conferral of degrees
<b>Exchange Programs</b>	<b>BOG Best Practice:</b> Develop, approve, and implement student exchange programs, including without limitation those that are ancillary to the degree and non-degree, including non-college credit, granting programs of the University.	(d) Develop, approve, and implement student exchange programs, including without limitation those that are ancillary to the degree and non-degree and non-college credit granting programs of the University.	Assumed in general delegation; not specifically described in current Delegation
<b>University Calendar</b>	<b>BOG Best Practice:</b> Establish the internal academic calendar of the University within general guidelines of the Board of Governors.	(e) Establish the internal academic calendar of the University within any applicable general guidelines of the Board of Governors.	<b>The President's authority also includes the following:</b> (5) Establish the university calendar.
<b>Review of Student Disciplinary System</b>	<b>BOG 1.001:</b> Each board of trustees shall establish a committee to periodically review and evaluate the student judicial system. At least one-half of the members of the committee shall be students appointed by the student body president.	(f) Establish a committee, which shall include student representation, for the periodic evaluation of the student disciplinary system, in accordance with applicable law and regulation.	Assumed in general delegation; not specifically described in current Delegation
<b>Student Government</b>	<b>BOG 1.001:</b> Each board of trustees shall approve the internal procedures of student government organizations.	(g) Approve the internal procedures of student government organizations.	Assumed in general delegation; not specifically described in current Delegation
<b>Research Centers for Child Development</b>	<b>BOG 1.001:</b> Each board of trustees may establish educational research centers for child development.	(h) Establish, develop, approve, implement and govern the programs, terms, policies, procedures and systems for childcare facilities, including educational research centers for child development as authorized in s. 1011.48, Florida Statutes, for the purpose of providing childcare services for members of the University community as well as providing research and internship opportunities.	Assumed in general delegation; not specifically described in current Delegation

<b>Athletics</b>	<b>BOG 1.001:</b> Each board of trustees shall require that institutional control and oversight of its intercollegiate athletics program is in compliance with the rules and regulations of the National Collegiate Athletic Association. The university president is responsible for the administration of all aspects of the intercollegiate athletics program.	(i) Develop, approve, implement and govern the inter- and intra-collegiate athletics programs, policies, and procedures of the University, with periodic reports to the Board of Trustees on the operations of the program including, but not limited to, finances, audit and compliance, and changes in key personnel.	Assumed in general delegation; not specifically described in current Delegation.
<b>Sponsored Research</b>	<p><b>BOG 1.001:</b> Each board of trustees is authorized to create divisions of sponsored research and establish policies regulating the administration and operation of the divisions of sponsored research.</p> <p><b>BOG Best Practice:</b> Establish policies regulating the administration and operation of the University Division of Sponsored Research. The President, or his or her designee, is authorized to negotiate, enter into, and execute research contracts; to solicit and accept research grants and donations; and to fix and collect fees, other payments, and donations that may accrue by reason thereof. The President or his or her designee may negotiate, enter into, and execute contracts on a cost-reimbursement basis and may provide temporary financing of such costs prior to reimbursement from moneys on deposit in a sponsored research development fund, except as may be prohibited elsewhere by law.</p> <p>All purchases of a division of sponsored research shall be made in accordance with the policies and procedures of the University and the purchasing regulations of the Board of Governors; however, upon certification addressed to the President that it is necessary for the efficient or expeditious prosecution of a research project, the President may exempt the purchase of material, supplies, equipment, or services for research purposes from the general purchasing requirement of the Florida Statutes.</p>	(j) Establish policies regulating the administration and operation of the Office of Research. The President, or designee, is authorized to negotiate, enter into, and execute research contracts; to solicit and accept research grants and donations; and to fix and collect fees, other payments, and donations that may accrue from these methods. The president or designee may negotiate, enter into, and execute contracts on a cost-reimbursement basis and may provide temporary financing of those costs prior to reimbursement from moneys on deposit in a sponsored research development fund, except as prohibited elsewhere by law. All purchases of a division of sponsored research will be made in accordance with the policies and procedures of the University and the purchasing regulations of the Board of Governors; however, upon certification addressed to the President that it is necessary for the efficient or expeditious prosecution of a research project, the President may exempt the purchase of material, supplies, equipment, or services for research purposes from the general purchasing requirement of the Florida Statutes.	<b>The President's authority also includes the following:</b> 12. Oversee the research activities of the University, including managing the intellectual property of the university.
<b>Masters and Undergraduate Programs.</b>		(k) Recommend to the Board of Trustees for approval, the creation and termination of masters and undergraduate degree-granting programs subject to BOG final approval of limited access programs and undergraduate programs requiring more than 120 credits for graduation if and as required by law;	

<b>Doctoral and Professional Graduate Programs.</b>		(l) Subject to final approval of the Board of Governors: (i) approve the creation and termination of doctoral and professional graduate degree-granting programs of the University; and (ii) if and as required by law, recommend and seek final Legislative approval for the creation of new colleges, schools and functional equivalents offering a program leading to a degree that is a credential for a specific license issued under a state statute or the state constitution.	
<b>(3) Personnel.</b>			
<b>Program</b>	<b>BOG 1.001:</b> Each board of trustees shall provide for the establishment of the personnel program for all the employees of the university, including the president, which may include but is not limited to: compensation and other conditions of employment, recruitment and selection, nonreappointment, standards for performance and conduct, evaluation, benefits and hours of work, leave policies, recognition and awards, inventions and works, travel, learning opportunities, exchange programs, academic freedom and responsibility, promotion, assignment, demotion, transfer, tenure, and permanent status, ethical obligations and conflicts of interest, restrictive covenants, disciplinary actions, complaints, appeals and grievance procedures, and separation and termination from employment. To the extent allowed by law, university employees shall continue to be able to participate in the state group insurance programs and the state retirement systems.	(a) Establish and implement policies and procedures to recruit, appoint, transfer, promote, compensate, evaluate, reward, demote, discipline, and remove personnel, in accordance with regulations and policies of the Board of Trustees and Board of Governors. Pursuant to law and Board of Governors' regulation, the Board of Trustees will evaluate the President's performance annually against the strategic goals of the University, approve compensation of the President. Renewals of the President's employment contract is subject to confirmation by the Board of Governors and is limited to one-year terms.	<b>The President's authority also includes the following:</b> (6) Administer the personnel program subject to Board and BOG policies and regulations.
<b>BOT Oversight – Specific Positions</b>	<b>BOG Best Practice:</b> Consult with the chair of the Board of Trustees, or other trustee designee, on the hiring, dismissal, and compensation of any person to serve in a Vice President capacity, as the Athletic Director, or as a Head Coach, or other executive direct report position to the President or the Board of Trustees. The following positions shall have a reporting relationship to the Board of Trustees in addition to reporting to the President: The General Counsel, the Chief Audit Executive and the Chief Compliance Office.	(b) With the exception of the positions described in (3)(c), below, consult with the Chair of the Board of Trustees, or other trustee designee, regarding the hiring, dismissal, or any annual increase of more than five (5) percent in the compensation of any Vice President or other direct report to the President, and any athletics personnel earning over \$1 million in compensation. The President and Board Chair will annually review the positions covered by this provision.	<b>Items requiring President to consult with Board Chair before implementation:</b> (1) Hiring, dismissal (except for Vice President and General Counsel, Chief Compliance Officer, and Chief Audit Executive) and any annual increase of more than 5% in the compensation of any Vice President or other direct report to the President, the head football coach or the head men's basketball coach. The President and Chair shall review and agree annually on the

			individuals that are governed by this provision.
		(c) Secure approval of the Board of Trustees for the hiring, firing, or reduction in compensation of individuals serving in the positions of Vice President and General Counsel, Chief Compliance Officer, and Chief Audit Executive, which positions have a have a reporting relationship to the Board of Trustees in addition to reporting to the President.	<b>Items requiring specific approval of the Board:</b> (34) Hiring and firing or reduction of compensation of the Vice President and General Counsel, Chief Compliance Officer, and Chief Audit Executive, who shall report to the Board as well as the President. (35) Hiring and firing or reduction of compensation for the Chief Financial Officer and the Vice President of Administration or Chief Operating Officer.
<b>Travel</b>	<b>BOG Best Practice:</b> Approve travel in accordance with section 112.061, Florida Statutes.	(d) Approve travel in accordance with s. 112.061, Florida Statutes.	<b>The President's authority also includes the following:</b> (7) Administer University travel in accordance with Section 112.061, Florida Statutes.
<b>Collective Bargaining</b>	<b>BOG 1.001:</b> Each board of trustees shall act as the sole public employer with regard to all public employees of its university for the purposes of collective bargaining, and shall serve as the legislative body for the resolution of impasses with regard to collective bargaining matters.	(e) Administer collective bargaining agreements and matters related thereto, including the appointment of University collective bargaining team members to negotiate collective bargaining agreements; recommend for Board of Trustees' approval actions to be taken on collective bargaining agreements under negotiation; and execute Board of Trustees' approved collective bargaining agreements.	<b>The President's authority also includes the following:</b> (8) Administer the collective bargaining process.
<b>Litigation/Outside Counsel</b>	<b>BOG Best Practice:</b> Employ private attorney services after consulting with the university's General Counsel.	(f) Employ private attorney services after consulting with the University's General Counsel. This authority applies to Affiliated Organizations.	Assumed in general delegation; not specifically described in current Delegation.
<b>Tenure</b>		(g) Recommend to the Board of Trustees the awarding of tenure.	
<b>Long Term Employment Contracts</b>		(h) Consult with the Board Chair regarding employment contracts in excess of one year.	
<b>(4) Financial Management.</b>			
<b>Major Contracts, Obligations or Risks</b>		(a) Recommend for Board of Trustees' approval financial commitments, contractual obligations, contingent risks, or the assumption of liabilities of any kind of more than five (5) years in duration, or an aggregate net value of \$5 million dollars or greater, options, renewals, extensions or amendments	

		thereto, other than grants, contracts, terms required in gift agreements, and other agreements for research, sponsored training, clinical trials, patents and licensing, technology transfer and research compliance. This authority applies to Affiliated Organizations.	
<b>Financial Management &amp; Reporting LBR, Operating Budget, etc.</b>	<b>BOG 1.001:</b> Each board of trustees shall be responsible for the financial management of its university and shall submit an institutional budget request, including a request for fixed capital outlay, and an operating budget to the Board of Governors for approval in accordance with the guidelines established by the Board of Governors.	(b) Keep the Board of Trustees apprised of the financial condition of the University and all Affiliated Organizations, subject to the oversight of the Board of Trustees.	<b>The President's authority also includes the following:</b> (9) Administer the financial activities of the university including proposing university budgets and managing university revenues and expenditures.
		(c) Prepare an institutional budget request, including a request for fixed capital outlay, for approval by the Board of Trustees.	<b>Items requiring specific approval of the Board:</b> (24) Annual institutional budget request and changes thereto in an amount greater than the lower of \$5 million or .5% of the budget.
<b>Tuition &amp; Fees</b>	<b>BOG 1.001:</b> Each board of trustees shall establish tuition and fees in accordance with regulations established by the Board of Governors.	(d) Recommend to the Board of Trustees a schedule of tuition and fees to be charged by the University pursuant to law and regulations established by the Board of Governors.	<b>Items requiring specific approval of the Board:</b> (25) Adoption of new or changes in existing tuition and fees.
<b>Waivers</b>	<b>BOG 1.001:</b> Each board of trustees shall establish waivers for tuition and fees pursuant to regulations established by the Board of Governors.	(e) Recommend to the Board of Trustees regulation for the waiver for tuition and fees pursuant to law and regulations established by the Board of Governors.	Assumed in general delegation; not specifically described in current Delegation
<b>Operating Budget &amp; Capital Outlay Budget</b>	<b>BOG Best Practice:</b> In accordance with the provisions of section 1011.40, Florida Statutes, prepare the operating budget of the University as prescribed by law, regulations of the Board of Governors, policies of the Board of Trustees, and provisions of the General Appropriations Act, for approval by the Board of Trustees. The proposed expenditures, plus transfers, and balances shall not exceed the estimated income, transfers, and balances. The budget and each part thereof shall balance. If at any time the unencumbered balance in the education and general fund of the Board of Trustees approved operating budget goes below 5 percent, the President shall provide written notification to the Board of Governors.	(f) Prepare the operating budget of the University and a fixed capital outlay budget, if required, as prescribed by law, regulations of the Board of Governors, policies of the Board of Trustees, and provisions of the General Appropriations Act, for approval by the Board of Trustees, with the following requirements: <ol style="list-style-type: none"> <li>1. The proposed expenditures, plus transfers, and balances must not exceed the estimated income, transfers, and balances.</li> <li>2. The budget and each part must balance.</li> <li>3. If at any time the unencumbered balance in the education and general fund of the Board of Trustees approved operating budget goes below seven (7) percent, the President must provide written notification to the Board of Governors.</li> <li>4. Any changes to the operating budget in an amount greater than the lower of \$5 million or .5 percent of the budget requires approval of the Board of Trustees.</li> </ol>	<b>Items requiring specific approval of the Board:</b> (24) Annual institutional budget request and changes thereto in an amount greater than the lower of \$5 million or .5% of the budget.

		5. Provide quarterly budget-to-actual reporting to the Board of Trustees' Finance and Facilities Committee and annual budget-to-actual analysis to the Board of Trustees.	
<b>Accept Credit Cards</b>	<b>BOG 1.001:</b> Each board of trustees may enter into agreements for, and accept, credit card payments as compensation for goods, services, tuition, and fees.	(g) Enter into agreements for, and accept, credit card payments as compensation for goods, services, tuition, and fees.	Assumed in general delegation; not specifically described in current Delegation
<b>Internal Audit</b>	<b>BOG Best Practice:</b> Establish policies and procedures for the performance of annual internal audits of University finances and operations. All reports generated from such audits must be submitted to the Board of Governors after review and acceptance by the Board of Trustees.	(h) Establish policies and procedures for the performance of annual internal audits of finances, controls and operations of the University and Affiliated Organizations	<b>Items requiring specific approval of the Board:</b> (26) Internal and external audits of the University and Affiliated Entities.
<b>Financial Controls</b>	<b>BOG Best Practice:</b> Establish policies and procedures for the implementation of appropriate financial controls, with review by the University's internal auditor.	(i) Establish policies and procedures for the implementation of appropriate financial controls, with review by the University's internal auditor.	Assumed in general delegation; not specifically described in current Delegation
<b>Sign Checks</b>	<b>BOG Best Practice:</b> Sign checks to pay legal obligations of the University in accordance with section 1011.42(7), Florida Statutes.	(j) Sign checks and authorize other forms of payment to pay legal obligations of the University, in accordance with section 1011.42(7), Florida Statutes.	Assumed in general delegation; not specifically described in current Delegation
<b>Banking Services</b>	<b>BOG Best Practice:</b> Perform banking transactions, which authority may also be delegated to the Vice President and Assistant Vice President for Administration and Finance, the University Controller and Associate Controller, the University Treasurer, and other positions deemed by the President or senior designee reporting to the President to have responsibility for financial matters.	(k) Enter into agreements for banking services and perform banking transactions. Further delegation of authority to withdraw funds or other assets from a University account at a depository institution is limited to a vice president or other position deemed by the President or senior designee reporting to the President to have responsibility for financial matters.	Assumed in general delegation; not specifically described in current Delegation
<b>Collection Services</b>	<b>BOG Best Practice:</b> Employ the services of collection agencies when deemed advisable in collecting delinquent accounts and charging off and settling accounts when uncollectible. The President will annually report the status of accounts receivable charge-offs to the Board, which may be provided through the university's financial statements or reports	(l) Enter into agreements for collection services when deemed advisable in collecting delinquent accounts and charging off and settling uncollectible accounts. The President will annually report the status of accounts receivable charge-offs to the Board, which may be provided through the university's financial statements or reports.	Assumed in general delegation; not specifically described in current Delegation.
<b>Debt Public-Private Partnerships</b>	<b>BOG 1.001:</b> Each board of trustees shall engage in sound debt management practices for the issuance of debt by the university and its direct support organizations, and shall comply with the guidelines established by the Board of Governors in connection with the authorization, issuance and sale of university and direct support organization debt.	(m) Recommend for Board of Trustees' approval: 1. All borrowing of funds by the University or Affiliated Organizations and any material changes to such loans, including internal University resources borrowed via internal loan; 2. Any debt issuance and 3. Public-Private Partnerships. The Board of Trustees will be presented with sufficient information for prudent decision-making for all such projects and comply with the	<b>Items requiring specific approval of the Board:</b> (10) Public Private Partnerships.



		guidelines established by the Board of Governors in connection with the authorization, issuance and sale of University and Affiliated Organization debt.	
<b>Budget Transfers</b>	<b>Authority to President in section 1011.42, Florida Statutes:</b> (6) The university president or his or her designee, after having been specifically authorized by the university board of trustees, may transfer funds from one depository to another, within a depository, to another institution, or from another institution to a depository for investment purposes and may transfer funds to pay expenses, expenditures, or other disbursements, evidenced by an invoice or other appropriate documentation. (7) The university board of trustees shall specifically designate and spread upon the minutes of the board the legal name and position title of any university employee authorized to sign checks to pay legal obligations of the university.	(n) Make budget transfers to and from depositories and accounts, to include, the transfer funds from one depository to another, within a depository, to another institution, or from another institution to a depository for investment purposes; and may transfer funds to pay expenses, expenditures, or other disbursements, evidenced by an invoice or other appropriate documentation.	Assumed in general delegation; not specifically described in current Delegation
<b>Account for Expenditures</b>	<b>BOG 1.001:</b> Each board of trustees shall account for expenditures of all state, local, federal, and other funds in accordance with guidelines or regulations established by the Board of Governors, and as provided by state or federal law. <b>BOG 1.001</b> Each board of trustees and each direct support organization shall submit annual financial statements to the Board of Governors.	(o) Account for University and Affiliated Organization expenditures of any state, local, federal, and other funds in accordance with guidelines or regulations established by the Board of Governors, and as provided by law, including the submission of annual financial statements for the University and all Affiliated Organizations.	Assumed in general delegation; not specifically described in current Delegation
<b>Investments</b>		(p) Ensure University funds are invested in accordance with the investment program approved by the Board of Trustees and in compliance with applicable federal and state laws and regulations. The President will inform the Board of Trustees of any proposed material change to the University's investment program.	
<b>(5) Property and Purchasing.</b>			
<b>Construction</b>	<b>BOG 1.001:</b> Each board of trustees shall administer a program for the maintenance and construction of facilities.	(a) Administer a program for the maintenance and construction of facilities, pursuant to Chapter 1013, Florida Statutes, to include the following activities:	<b>The President's authority also includes the following:</b> (10) Administer the purchasing and construction programs and act as custodian for university property.
<b>Master Plan &amp; Development Agreement</b>	<b>BOG 1.001:</b> Each board of trustees shall prepare and adopt a campus master plan pursuant to section 1013.30, Florida Statutes.	1. Prepare a campus master plan for adoption by the Board of Trustees, prepare a campus development agreement for execution by the Board of Trustees, pursuant to section 1013.30, Florida Statutes, and report on progress under the Master Plan.	<b>Items requiring specific approval of the Board:</b>

	Each board of trustees shall prepare, adopt, and execute a campus development agreement pursuant to section 1013.30, Florida Statutes.		(27) Campus master plan, capital improvement plans, and amendments thereto.
<b>Construction Project Approvals – Major Project</b>		2. Recommend for Board of Trustees’ prior approval any construction project (new, remodeling, site work) with a projected construction cost, in one or a series of related transactions, in an amount greater than \$2 million (Major Project), and any material changes to the projects, from any funding source(s) not specifically appropriated by the Legislature.	<b>Items requiring specific approval of the Board:</b> (8) Approval of capital projects valued at \$2 million or more and any material changes to such projects.  (11) Use of university funds for capital improvement projects exceeding \$2million in construction costs and all changes to such projects that increase projects by more than 10 percent of the original estimate
<b>Management of Construction - Minor Projects</b>		3. Initiate and manage construction projects (new, remodeling, or site work) with a projected construction cost, in one or a series of related transactions, in the amount equal to or less than \$2 million (Minor Project) in addition to Board of Trustees’ approved Major Projects. Minor Projects and associated change orders of \$100,000 or more, will be reported on a quarterly basis to the Board of Trustees Finance and Facilities Committee.	
<b>Facilities Programs</b>		4. Approve a facilities program for each Major Project.	
<b>Fire Safety, etc.</b>	<b>BOG 1.001:</b> Each board of trustees shall be responsible for the fire safety and sanitation of public educational and ancillary plants.	5. Exercise responsibility for the fire safety, maintenance and sanitation of facilities.	
<b>Building Code</b>		6. Conduct plan reviews, issue permits and construction inspections to enforce building code compliance for projects subject to the Florida Building Code.	<b>The President’s authority also includes the following:</b> (10) Administer the purchasing and construction programs and act as custodian for university property.
<b>Change Orders</b>	<b>BOG Best Practice:</b> In accordance with the provisions of section 1013.48, Florida Statutes, approve change orders in the name of the Board of Trustees for amounts not exceeding \$_____. All such approvals shall be for the purpose of expediting the work in progress and shall be exercised in accordance with the President’s further delegation of change order approval	7. Approve additional service authorizations and change orders in the name of the Board of Trustees on Major Projects. Any change order(s) related to a facilities’ construction or renovation project, in one or a series of related transactions, that increases the approved project budget in an amount greater than or equal to ten percent (10%) of the total approved value of a project, requires the prior approval of the Board of Trustees.	<b>21</b>

	<p>authority to the Office of Administration and Finance. The President or designee may make change orders for an amount exceeding \$_____ after consultation and approval of the chair of the Finance and Facilities Committee. Change orders exceeding \$_____ require the prior approval of the Finance Committee. All change orders shall be reported to the Board and entered into the official minutes as soon as practicable at a regular meeting of the Board.</p> <p><b>NOTE: 1013.48 Changes in construction requirements after award of contract.</b> The board may, at its option and by written policy duly adopted and entered in its official minutes, authorize the superintendent or president or other designated individual to approve change orders in the name of the board for preestablished amounts. Approvals shall be for the purpose of expediting the work in progress and shall be reported to the board and entered in its official minutes.</p>	All change orders shall be reported to the Board and entered into the official minutes as soon as practicable at a regular meeting of the Board.	
<b>Bid Process</b>		8. Establish policies and procedures for the selection of vendors providing design and construction services incorporating applicable competitive solicitation requirements.	<b>The President's authority also includes the following:</b> (10) Administer the purchasing and construction programs and act as custodian for university property.
<b>Design-Build</b>		9. Contract for all required design, engineers and construction services, including design-build services.	
<b>Reporting to FFC</b>		10. Provide a comprehensive report on construction-related activities at each regular meeting of the Board's Finance and Facilities Committee, including information regarding change order activity.	
<b>Purchasing</b>	<p><b>BOG 1.001:</b> Each board of trustees shall promulgate regulations that establish basic criteria related to the procurement of commodities and contractual services.</p> <p><b>BOG Best Practice:</b> Approve and execute contracts for purchase, sale, lease, license, or acquisition of commodities, goods, equipment, and contractual services, leases of real and personal property, and construction in accordance with Board of Governors' regulations. The acquisition may include purchase</p>	(b) Recommend for Board of Trustees' approval, regulations setting forth competitive solicitation requirements and other criteria related to the procurement of commodities, goods, equipment and other types of personal property, software and contractual services.	<b>The President's authority also includes the following:</b> (10) Administer the purchasing and construction programs and act as custodian for university property.
		(c) Contract for the purchase, sale, lease, license, or acquisition of commodities, goods, equipment and other types of personal property, software and contractual services, including private attorney services in accordance with the regulations approved by the Board of Trustees'.	<b>The President's authority also includes the following:</b> (11) Execute contracts on behalf of the Board.

	<p>by installment or lease-purchase. Such contracts may provide for payment of interest on the unpaid portion of the purchase price.</p>		<p><b>Items requiring specific approval of the Board:</b></p> <p>(2) Annual financial commitment, obligation, or contingent risk of \$5 million or .5% of the university budget, whichever amount is smaller, other than grants, contracts, and other agreements for research, sponsored training, clinical trials, patents and licensing, technology transfer, and research compliance.</p> <p>(3) Contractual obligation of more than 5 years duration and an aggregate net value of five million or more dollars, options, renewals, extensions, or amendments thereto, other than grants, contracts, or other agreements for research, sponsored training, clinical trials, patents and licensing, technology transfer, and research compliance.</p> <p>(5) Acquisition (including gifts), sale, or encumbrance of real property.</p>
<p><b>Real Property</b></p>	<p><b>BOG 17.001 Lease Authority</b></p> <p>(1) The Board of Trustees or designee may enter into leases for space in a building or any part of a building for use by a university or university direct support organization, including those leases in a research and development park with which the university is affiliated. Leases subject to s. 1010.62 F.S. must be approved by the Board of Governors, in accordance with the Board of Governors Debt Management Guidelines.</p>	<p>(d) Contract for the lease-purchase equipment and software in accordance with the Board of Governors Debt Management Guidelines.</p> <p>(e) Recommend for Board of Trustees' approval any real property leases or licenses with total University expenditures greater than \$1,000,000 and/or a term longer than five (5) years. This authority applies to Affiliated Organizations.</p> <p>(f) Enter into real property licenses for use of University owned or controlled property.</p>	<p><b>The President's authority also includes the following:</b></p> <p>(11) Execute contracts on behalf of the Board.</p> <p><b>The President's authority also includes the following:</b></p> <p>(11) Execute contracts on behalf of the Board.</p>

		(g) Recommend for Board of Trustee approval the acquisition, sale or encumbrance of real property for any donated property or for donated property with a value of greater than \$500,000. This authority applies to Affiliated Organizations.	
<b>Construction of Facilities Needing State Operations and Maintenance Funding</b>		(h) Notify the Board of Trustees prior to the commencement of construction of any facility that requires and has not yet received state funding by the Legislature for facility operating and maintenance costs.	
<b>Custodian of Personal Property</b>	<b>BOG Best Practice:</b> Act for the Board of Trustees as custodian of all University property.	(i) Act for the Board of Trustees as custodian of all University personal property, to include: 1. Recommending for Board of Trustees’ approval, policies and procedures for the disposal of personal property no longer needed by the University, in accordance with state law and Board of Governors regulation; and 2. The disposal, use or sale of lost or abandoned personal property found within areas under the University’s jurisdiction in accordance with section 705.18, Florida Statutes.	<b>The President’s authority also includes the following:</b> (10) Administer the purchasing and construction programs and act as custodian for university property.
<b>Use of University Property</b>	<b>BOG 1.001:</b> Each board of trustees shall be responsible for the use, maintenance, protection, and control of, and the imposition of charges for, university-owned or university-controlled buildings and grounds, property and equipment, name trademarks and other proprietary marks, and the financial and other resources of the university.  Each board of trustees may authorize the rent or lease of parking facilities, provided that such facilities are funded through parking fees or parking fines imposed by a university. A board of trustees may authorize a university to charge fees for parking at such rented or leased parking facilities and parking fines.	(j) Regulate the use, maintenance, protection, and control of, and the imposition of charges for, University-owned or University-controlled buildings and grounds, property and equipment, name trademarks and other proprietary marks, and the financial and other resources of the University.	
<b>Naming Buildings</b>		(k) Recommend to the Board of Trustees for approval naming opportunities for exterior buildings, colleges, schools, departments, institutes, academic centers, or major programs for any individual, corporation or other entity; and if and as required by law in connection with living individuals, to recommend such name to the BOG and/or Legislature for its final approval.	
<b>IP</b>	<b>BOG 1.001:</b> Each board of trustees is authorized to protect, develop, and transfer the work products of university personnel and other university agents and contractors, which authority	(l) Protect, develop, and transfer the work products of University personnel and other University agents and contractors, including licensing, assigning, selling, leasing, or otherwise allowing the use of or conveying such work	<b>Items requiring specific approval of the Board:</b>

	<p>shall include but not be limited to licensing, assigning, selling, leasing, or otherwise allowing the use of or conveying such work products and securing and enforcing patents, copyrights, and trademarks on such products. Each board of trustees shall have policies and procedures concerning the work products of university personnel that facilitate technology development and transfer for the public benefit. Such policies must include, without limitation, provisions that take into account the contributions of university personnel in the development of work products and that require any proceeds from such work products be used to support the research and sponsored training programs of the university.</p>	<p>products and securing and enforcing patents, copyrights, and trademarks therein. The President must consult with the Board Chair before initiating, appealing or settling any litigation related to the enforcement of patents, copyrights and trademarks.</p>	<p>(12) Oversee the research activities of the University, including managing the intellectual property of the university.</p>
<p><b>(6) Miscellaneous Powers and Duties.</b></p>			
<p><b>Affiliated Organizations</b></p>	<p><b>BOG 1.001:</b> Each board of trustees is authorized to establish direct support organizations and university health services support organizations and certify them to use university property, facilities, and services.</p>	<p>(a) Recommend for Board of Trustees’ approval, the creation, certification, decertification , dissolution, and change of governing documents of Affiliated Organizations.</p> <p>(b) Serve or appoint a presidential designee to serve on the board of directors and the executive committee of all direct support organizations, university health services support organizations and Affiliated Organizations established to benefit the University pursuant to sections 1004.28 and 1004.29, Florida Statutes. and recommend for approval by the Board of Trustees any other appointments to Affiliated Organizations. The Chair of the Board of Trustees shall appoint at least one representative to the board of directors and the executive committee of any such entity. The Board of Trustees shall approve all other director appointments.</p> <p>(c) Recommend for Board of Trustees’ approval annual operating and capital budgets for Affiliated Organizations.</p> <p>(d) Present to the Board of Trustees all internal and external audits of Affiliated Organizations.</p> <p>(e) Recommend to the Board of Trustees for approval any transfer of funds to or among Affiliated Organizations, unless under an agreement approved by the Board of Trustees.</p>	<p><b>Items requiring specific approval of the Board:</b></p> <p>(12) Creating, dissolution or amendment of governing documents of Affiliated Entities.</p> <p>(13) Review and confirmation of all appointments by the President to affiliated entities other than the President or designee as provided in Section 1004.28 FS.</p>

<b>Faculty Practice Plans</b>	<b>BOG 1.001:</b> Each board of trustees is authorized to form such corporate entities as are necessary to establish and maintain faculty practice plans for the collection, distribution, and regulation of fees generated by faculty members engaged in the provision of healthcare services to patients as an integral part of their academic activities and employment as faculty. Each such faculty practice plan must be adopted by the board of trustees in accordance with regulations of the Board of Governors and approved by the Board of Governors.	(f) Develop, approve, implement and oversee the programs, systems, terms, policies, procedures and strategies for the operations of faculty practice plans.	<b>Items requiring specific approval of the Board:</b> (12) Creating, dissolution or amendment of governing documents of Affiliated Entities.
<b>Foundation / Advancement</b>	<b>BOG Best Practice:</b> Accept gifts, grants, bequests, and devises on behalf of the university. In accordance with the terms specified by the donor, to designate the purpose for which, and the location at which, the income and/or principal of a gift shall be used and to make allocations in accordance therewith. To determine, consistent with any expressed intent of the donor, the purpose for which and the location at which a gift shall be used, to determine whether income and/or principal shall be used, and to make allocations and reallocation in accordance therewith, to the extent not specified by the donor of a gift.	(g) Oversee the University’s fundraising operations and accept and administer gifts, grants, bequests, and devises made to the University.	<b>The President’s authority also includes the following:</b> (13) Oversee the philanthropic activities of the university.
<b>Settlement of Claims</b>	<b>BOG Best Practice:</b> Initiate and settle lawsuits and claims and appeal adverse rulings when doing so would be in the best interests of the University.	(h) Initiate, appeal and settle lawsuits involving University or Affiliated Organizations, and join amicus briefs, after consultation with the Board Chair, other than routine claims and lawsuits (i) covered by the State of Florida’s Division of Risk Management which may be appealed and settled	<b>Items requiring President to consult with the Board Chair before implementation:</b> (2) Initiation, appeal, or settlement of lawsuits involving the university or

		without Board Chair consultation, and (ii) for Affiliated Organizations claims covered by their insurance.	affiliated entities other than tort claims handled by the State Division of Risk Management.
<b>Additional Authority: Necessary/Appropriate</b>	<p><b>BOG 1.001:</b> Each board of trustees shall perform such other duties as provided by the Board of Governors, or as each board of trustees may determine are necessary or appropriate for the administration of the university so long as the trustees comply with any applicable laws and Board of Governors' regulations and policies.</p> <p><b>BOG Delegation Best Practice:</b> Perform such other duties as are not retained by the Board of Trustees and as may be necessary or appropriate for the administration of the University, in compliance with any applicable laws, Board of Trustees and Board of Governors' regulations, policies, and resolutions.</p>	(i) Perform such other duties as are not retained by the Board of Trustees and as may be necessary or appropriate for the administration of the University, in compliance with any applicable laws, Board of Trustees and Board of Governors' regulations, policies, and resolutions.	<p><b>The President's authority also includes the following:</b></p> <p>(14) Perform such other duties related to the above not specifically retained by the Board.</p>



**UNIVERSITY OF CENTRAL FLORIDA  
BOARD OF TRUSTEES  
POLICY**

**Delegation of Authority to the President**

**POLICY STATEMENT**

Article IX, Section 7 of the Florida Constitution provides that the Board of Governors shall establish the powers and duties of the university boards of trustees. Board of Governors Regulation 1.001, copy attached as Exhibit A, delegates those powers and duties to the boards of trustees.

The Board of Trustees desires to further delegate certain of its powers and duties to the President as more particularly described below. Any power or duty delegated by the Board to the President may be rescinded at any time by majority vote of the Board. Except as otherwise provided herein, the President may further delegate his or her powers and duties to employees of the University in accordance with the University's Policy on Delegation of Authority.

**DEFINITIONS**

Affiliated Entities: Direct support organizations, practice plan corporations, or self-insurance trust funds of the University of Central Florida.

Board: UCF Board of Trustees

BOG: Florida Board of Governors

President: President of UCF

UCF or University: University of Central Florida

**PROCEDURES:**

Except as provided herein, the Board delegates to the President all usual and customary powers of a President to administer the day to day operations of the University. This includes the powers and duties described in Board of Governors Regulation 1.001 and those reasonably implied therefrom, which are not required to be directly performed by the Board.

**The President's authority also includes the following:**

1. Propose regulations for approval by the Board.
2. Govern Traffic on the grounds of the University.
3. Close and/or suspend operations of the campus as deemed necessary.
4. Set the agenda for Board meetings in consultation with the Chair of the Board.
5. Establish the University calendar.
6. Administer the personnel program subject to Board and BOG policies and regulations.
7. Administer University travel in accordance with Section 112.061, Florida Statutes.
8. Administer the collective bargaining process.
9. Administer the financial activities of the university including proposing university budgets and managing university revenues and expenditures.
10. Administer the purchasing and construction programs and act as custodian for university property.
11. Execute contracts on behalf of the Board.
12. Oversee the research activities of the University, including managing the intellectual property of the university.
13. Oversee the philanthropic activities of the University.
14. Perform such other duties related to the above not specifically retained by the Board.

**Items requiring specific approval of the Board:**

1. All duties required to be undertaken directly by the Board pursuant to BOG Regulation 1.001.
2. Annual financial commitment, obligation, or contingent risk of five million dollars or .5% percent of the University budget, whichever amount is smaller, other than grants, contracts, and other agreements for research, sponsored training, clinical trials, patents and licensing, technology transfer, and research compliance.
3. Contractual obligation of more than five (5) years' duration and an aggregate net value of five million or more dollars, options, renewals, extensions, or amendments thereto, other than grants, contracts, and other agreements for research, sponsored training, clinical trials, patents and licensing, technology transfer, and research compliance.
4. Changes requiring SACS substantive-change approval.
5. Acquisition (including gifts), sale, or encumbrance of real property.
6. Matters with potential for significant damage to the reputation of the University.
7. Any material change to the University's investment program.
8. Approval of capital projects valued at two million dollars or more and any material changes to such projects.
9. Borrowing of funds by the University or Affiliated Entities and any changes to the term of existing indebtedness.
10. Public Private Partnerships.
11. Use of University funds for capital improvement projects exceeding two million dollars in construction costs and all changes to such projects that increase project costs by more than 10 percent of the original estimate.

12. Creation, dissolution or amendment of governing documents of Affiliated Entities.
13. Review and confirmation of all appointments by the President to affiliated entities other than President or designee as provided in Section 1004.28 F.S.
14. Adoption of or amendment to the University strategic plan.
15. Annual operating and capital budgets for the University and Affiliated Entities and amendments to any line item of two million dollars or greater that exceeds 10% of the value of such line item.
16. University works plans, accountability plans and all other significant reports required to be submitted to the BOG.
17. Creation or termination of degree programs.
18. Naming of Buildings.
19. Establishment or closure of educational sites.
20. Amendment to University governing documents.
21. Establishment or elimination of Board Committees.
22. Hiring, supervision, termination and annual evaluation of the President.
23. University regulations and Board policies.
24. Annual institutional budget request and changes thereto in an amount greater than the lower of five million dollars or .5% of the budget
25. Adoption of new or changes in existing tuition and fees.
26. Internal and external audits of the University and Affiliated Entities.
27. Campus master plan, capital improvement plans, and amendments thereto.
28. Adoption or amendments to Committee charters.
29. Awarding of Tenure.
30. Collective bargaining agreements and impasse.
31. Conferral of degrees.
32. Transfer of university funds to, from, or among Affiliated Entities.
33. Performance unit plan adoption, amendment and cancellation as well as participation, goals and payments under the performance unit plan.
34. Hiring and firing or reduction of compensation of the Vice President and General Counsel, Chief Compliance Officer, and Chief Audit Executive, who shall report to the Board as well as the President.
35. Hiring and firing or reduction of compensation for the Chief Financial Officer and the Vice President of Administration or Chief Operating Officer.
36. Selection of Chair and Vice Chair of the Board.
37. All items required by the BOG or Florida Legislature to be approved by the Board.
38. Any additional items required by the Board to be approved by it.

**Items requiring President to consult with the Board Chair before implementation:**

1. Hiring, dismissal (except for Vice President and General Counsel, Chief Compliance officer and Chief Audit Executive) and any annual increase of more than 5% in the compensation of any Vice President or other direct report to the President, the head football coach or the head men's basketball coach. The President and Chair shall review and agree annually on the individuals that are governed by this provision.

2. Initiation, appeal or settlement of lawsuits involving the University or Affiliated Entities other than tort claims handled by the State Division of Risk Management.
3. Any matter which has the potential to create significant political or reputational issues for the University.
4. Employment contract with an employee of the University or an Affiliated Entity with a term greater than one year

**INITIATING AUTHORITY**

UCF Board of Trustees

**History:** New 10-26-2017. Amended 1-24-19, 5-16-19.

**Authority:** Section 7(c), Art. IX, Fla. Const.; FL BOG Regulation 1.001; FL BOG Delegation Best Practices and Principles.

**UCF BOARD OF TRUSTEES**  
**Agenda Item Summary**  
**Governance Committee**  
**October 14, 2020**

**Title:** Ninth Amended and Restated Bylaws of the University of Central Florida Board of Trustees

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Information                       Information for upcoming action                       Action

**Meeting Date for Upcoming Action:** \_\_\_\_\_

**Purpose and Issues to be Considered:**

The Governance Committee is responsible for reviewing annually and recommending changes as necessary to the bylaws of the University of Central Florida Board of Trustees. The bylaws were last amended on September 19, 2019. The proposed edits provide consistency with other governing documents that were updated in the last year and clarify operating procedures for Board of Trustees agenda changes.

**Background Information:**

The proposed amendments are outlined as follows:

- Section 4.2 ‘Selection’ – The proposed edits provide clarity around the effective start and end of the chair’s two-year term.
- Section 6.2 ‘Standing Committees’ – The edits reflect the correct names of the Board’s current standing committees
- Section 6.3 ‘Executive Committee’ – The edit reflects the charter change made in August 2020 (actions the Executive Committee cannot take).
- Section 6.5 ‘Direct Support Organizations’ – The edit reflects consistent language and terminology used in the revised Delegation of Authority to the President.
- Section 7.4 ‘Agenda’ – The edits clarify operating procedures
- References to ‘teleconference’ meetings were updated to also include ‘virtual’ meetings.

**Recommended Action:**

Approve the Ninth Amended and Restated Bylaws of the University of Central Florida Board of Trustees.

**Alternatives to Decision:**

Do not approve the recommended revisions to the Bylaws or approve alternative revisions.

**Fiscal Impact and Source of Funding:**

N/A

**Authority for Board of Trustees Action:**

Fifth Amended and Restated Governance Committee Charter

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**Contract Reviewed/Approved by General Counsel**    N/A

**Committee Chair or Chair of the Board has approved adding this item to the agenda**

**Submitted by:**

Scott Cole, Vice President and General Counsel

**Supporting Documentation:**

Attachment A: Ninth Amended and Restated Bylaws of the University of Central Florida Board of Trustees (redline)

Attachment B: Ninth Amended and Restated Bylaws of the University of Central Florida Board of Trustees (clean copy)

**Facilitators/Presenters:**

Scott Cole

# University of Central Florida Board of Trustees

~~Eighth~~ Ninth Amended and Restated Bylaws

~~September 19, 2019~~  
October 22, 2020

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## **ARTICLE I**

### **STATEMENT OF PURPOSE**

The University of Central Florida Board of Trustees is vested by law with all the powers and authority to administer the University of Central Florida in accordance with Article IX, Section 7 of the Florida Constitution, the laws of the State of Florida and with regulations and policies of the Florida Board of Governors. In order to more effectively discharge its responsibilities and duties in connection therewith, the University of Central Florida Board of Trustees hereby adopts these bylaws.

## **ARTICLE II**

### **THE BOARD**

Section 2.1 CORPORATE NAME – The Board of Trustees is a public body corporate called the *University of Central Florida Board of Trustees*, with all the powers of a body corporate under the laws of the State of Florida. The Board of Trustees shall be hereinafter referred to as the *Board*.

Section 2.2 COMPOSITION – The Board is composed of thirteen (13) trustees, six (6) citizen members appointed by the governor, and five (5) citizen members appointed by the Board of Governors, subject to confirmation by the Senate. The president of the Student Body and chair of the Faculty Senate shall also serve as voting trustees during their terms of office.

Section 2.3 POWERS AND DUTIES OF THE BOARD – The Board shall serve as the governing body of the University of Central Florida. It shall select the president of the University of Central Florida for ratification by the Board of Governors and shall hold the president responsible for the university's operation and management, performance, fiscal accountability, and compliance with federal and state laws and regulations of the Board of Governors. The Board shall have the authority to carry out all lawful functions permitted by the bylaws, its operating procedures, by regulations and policies of the Board of Governors, or by law.

The Board may adopt rules and policies consistent with the university mission, with law, and with the regulations and policies of the Board of Governors, in order to effectively fulfill its obligations under the law.

Section 2.4 CORPORATE SEAL – The corporate seal shall be used only in connection with the transaction of business of the Board and of the university. The secretary may affix the seal on any document signed on behalf of the corporation. Permission may be granted by the secretary for the use of the seal in the decoration of any university building or in other special circumstances. The corporate seal of the Board shall be consistent with the following form and design:

## ARTICLE III

### THE TRUSTEES

Section 3.1 TERM OF OFFICE – Trustees shall serve for staggered 5-year terms, as provided by law.

Section 3.2 VACANCIES – Vacancies shall be filled by appointing authority subject to confirmation by the Senate of the State of Florida.

Section 3.3 COMPENSATION – Trustees shall receive no compensation but may be reimbursed upon request for travel and per diem expenses.

## ARTICLE IV

### OFFICERS OF THE BOARD

Section 4.1 OFFICERS – The officers of the Board shall be the Chair, Vice Chair, Corporate Secretary, and the Associate Corporate Secretary. The Chair and Vice Chair shall be trustees, but no other Board officers shall be members of the Board.

Section 4.2 SELECTION – The Board shall elect its chair and vice chair from the appointed members and upon recommendation of the Governance Committee, at its ~~first-last~~ regular meeting of the fiscal year ending June 30, after July 1 upon recommendation of the Nominating Committee. The chair shall serve for two years beginning July 1 and may be reelected for one additional consecutive two-year term. Any exception to this term of office must be approved by a two-thirds vote of the board of trustees. For each additional consecutive term beyond two terms, the Board, by a two-thirds vote, may elect the chair for additional consecutive two-year terms.

Section 4.3 CHAIR – The duties of the chair shall include presiding at all meetings of the Board, calling special meetings of the Board, appointing committee chairs, determining the composition of all Board committees, attesting to actions of the Board, serving as spokesperson for the Board, and fulfilling other duties as assigned by the Board. The Chair shall notify the Governor or the Board of Governors, as applicable, in writing, whenever a board member has three consecutive unexcused absences from regular board meetings in any fiscal year, which may be grounds for removal by the Governor or Board of Governors, as applicable. The chair shall perform such duties in consultation with the university president.

Section 4.4 VICE CHAIR – The duty of the vice chair is to act as chair during the absence or disability of the chair. While the vice chair shall be the presumptive successor to the chair when a vacancy occurs, the chair shall be selected by the full board upon nomination of the Nominating-Governance Committee.

Section 4.5 CORPORATE SECRETARY – The university president shall serve as corporate secretary of the Board, and in the capacity of secretary, shall be responsible for giving notice of all meetings of the Board and its committees, setting the agenda and compiling the supporting documents for meetings of the Board in consultation with the chair, recording and maintaining detailed minutes of any Board meeting, including a record of all votes cast and history of

attendance of each trustee, executing or attesting to all documents that have been executed by the Board, and shall be custodian of the corporate seal. Minutes of each meeting shall be prominently posted on the university's website within two weeks after the meeting. All meetings will be held in accordance with section 286.011(2), Florida Statutes

Section 4.6 ASSOCIATE CORPORATE SECRETARY – The secretary may designate an individual to serve as associate corporate secretary to the Board. This individual shall perform all duties delegated by the secretary and shall provide for review by the General Counsel documents to be presented to the board and committees.

## **ARTICLE V**

### **PRESIDENT**

Section 5.1 DUTIES OF THE PRESIDENT – The university president shall serve as the chief executive officer of the university. The university president shall be responsible for the operation of the university, including efficient and effective budget and program administration, leading the university to accomplish its educational missions and goals, monitoring educational and financial performance, consulting with the Board in a timely manner on matters appropriate to its policy-making and fiduciary functions, appointing staff liaisons for each board committee, and serving as the university's key spokesperson. The president shall have the authority to execute all documents on behalf of the university and the Board consistent with law, applicable Board of Governors' and Board of Trustees' regulations and policies, and the best interests of the university.

## **ARTICLE VI**

### **COMMITTEES**

Section 6.1 COMMITTEES – The Board shall establish standing and ad-hoc committees as it deems appropriate to discharge its responsibilities. The Board chair shall appoint members of committees, their chairs and vice chairs based upon their expertise in matters relating to that committee, and shall appoint a trustee representative to the board of directors of each direct support organization. The chair shall be an ex-officio member of each committee. Each committee shall consist of no fewer than three members. Members of committees shall hold office until the appointment of their successors. Any vacancies on the standing committees shall be filled by appointment of the Board chair. Unless specifically delegated or as otherwise provided in these bylaws, authority to act on all matters is reserved to the Board and the duty of each committee shall be to consider and to make recommendations to the Board upon matters referred to it. Each committee shall have a written statement of purpose and primary responsibilities, or charter, as approved by the Board. The chairs of all committees shall perform their duties and shall have the responsibility and authority to place matters on the Board's agenda, with approval of the Board chair.

Section 6.2 STANDING COMMITTEES – The following committees shall be standing committees of the Board until dissolved by the Board:

Advancement Committee

Audit, ~~Operations Review, and~~ Compliance, ~~and Ethics~~ Committee  
Compensation and Labor Committee  
Educational Programs Committee  
Finance and Facilities Committee  
~~Nominating and~~ Governance Committee

Section 6.3 EXECUTIVE COMMITTEE – The Executive Committee shall be comprised of the Board Chair and committee chairs. The Executive Committee shall be empowered to act on matters that, in the opinion of the board chair, must be timely approved between regularly scheduled Board meetings. Actions taken by the Executive Committee shall be reported to the Board at the next Board meeting. The Executive Committee may not take any of the following actions, for which only the board has the exclusive authority: appointment and dismissal of the president; approval of the president’s employment agreement; sale or other disposition of assets; incurrence of debt; approval of new facilities; election of chair and vice chair; approval of the annual capital and operations budgets; use of the institution’s credit line; conferral of degrees; ~~creation or termination of degree programs institution or elimination of new academic programs or colleges~~; and amendment of the bylaws.

Section 6.4 AD-HOC COMMITTEES – Ad-hoc committees shall be appointed by the Board chair upon authority of the Board with such powers and duties and period of service as the Board chair may determine, provided that no ad-hoc committee shall be created to act upon any matter appropriate to be acted upon by a standing committee. The chairs of any ad-hoc committees shall be appointed by the Board chair and shall perform their duties in consultation with the university president. The chair of the Board shall serve as an ex-officio member of each ad hoc committee.

Section 6.5 ~~AFFILIATED ORGANIZATIONS - DIRECT SUPPORT ORGANIZATIONS~~ — ~~Each Direct Support Organization of the university~~ Each Affiliated Organization, which includes Direct Support Organizations, Practice Plan Corporations, self-insurance trust funds, and other legal entities under the control of the Board of Trustees, shall provide regular reports to a standing committee as assigned by the Board chair.

Section 6.6 QUORUM – A majority of the regular (not ex-officio) committee members shall constitute a quorum for all committee meetings. A quorum having been established, no business shall be transacted without a majority vote of all committee members present.

## ARTICLE VII

### MEETINGS

All meetings of the Board and its committees shall be open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting in accordance with section 286.011, Florida Statutes, unless the matter being discussed falls within the provisions of law allowing closed sessions.

Section 7.1 REGULAR MEETINGS – There shall be not less than five (5) regular meetings a year as the Board may determine. These meetings shall be held on such dates and at such times as the Board may determine. The time and date of a regular meeting may be changed by an affirmative

vote of a quorum of the Board. At the discretion of the chair, meetings may be held virtually or by teleconference.

Section 7.2 SPECIAL MEETINGS – Special meetings of the Board may be held at the call of the Board chair, the secretary, or upon request of seven (7) trustees. The secretary shall send written notice of such special meeting to all trustees, along with a statement of the purpose of the meeting, at least 48 hours in advance. No matter may be considered at any special meeting that was not included in the call of that meeting except by an affirmative vote of not less than two-thirds (2/3) of the trustees at the meeting. At the discretion of the chair, special meetings of the Board may be held by virtually or by teleconference.

Section 7.3 EMERGENCY MEETINGS – An emergency meeting of the Board may be called by the chair upon no less than twenty-four (24) hours' notice whenever an issue requires immediate Board action. No other business will be transacted at the meeting unless additional emergency matters are agreed to by a majority of those Board members present.

Section 7.4 AGENDA – The President, in consultation with the chair, shall set the agenda for the meetings with the review of the General Counsel. Recommendations to the Board included in the agenda are presented by the chair or committee chair designated by the chair, and include all matters of business or concern to the Board that have not been specifically delegated to the chair or the university president. The chair will provide a copy of the agenda to each member of the Board at least seven (7) days prior to the meeting. If additional items or supporting documentation become available, notice will be sent to all trustees acknowledging the update(s). a supplemental agenda will be provided. A revised agenda will be issued if a new agenda item is added or if an agenda item is removed. The Board may also consider items not included in the published agenda.

Section 7.5 CONSENT AGENDA – The Board chair may approve items to be placed on a consent agenda that may be approved by the Board without discussion. Committee items not recommended by the unanimous vote of the committee may not be placed on the consent agenda. Items may be removed from the consent agenda by any trustee, preferably at least two days prior to the Board meeting.

Section 7.6 APPEARANCE BEFORE THE BOARD – Individuals, groups or factions who wish to appear before the Board to discuss a subject pending before the Board shall complete a public comment form specifying the matter upon which they desire to be heard. Public comment forms will be available at each meeting and must be submitted prior to commencement of the meeting. For meetings held virtually or by teleconference~~telephonically~~, public comment forms can be obtained from the Board web site and emailed to the Office of Board Relations prior to the meeting. Organizations, groups, or factions wishing to address the Board shall designate a single representative to speak on its behalf to ensure an orderly presentation to the Board. The Board will reserve no more than fifteen minutes for public comments. Each speaker shall be allotted three minutes to present information unless modified by the Board chair.

Section 7.7 QUORUM – A quorum for the conduct of business by the full Board shall consist of seven (7) trustees. A quorum having been established, no business shall be transacted without a majority vote of all trustees present except as otherwise provided in these bylaws.

Section 7.8 RULES OF PROCEDURE – Except as modified by these bylaws or specific procedures and policies enacted by the Board, *Robert's Rules of Order Newly Revised* shall constitute the rules of parliamentary procedure applicable to all meetings of the Board and its committees.

## ARTICLE VIII

### MISCELLANEOUS

Section 8.1 CONFLICT OF INTEREST POLICY – Trustees stand in a fiduciary relationship to the university. Therefore, Trustees shall act in good faith, with due regard to the interests of the university, and shall comply with the fiduciary principles and law set forth in the Code of Ethics for Public Officers and Employees, Section 112.311-112.326, Florida Statutes. The Board shall adopt a written conflict of interest policy, to be included in the Board operating procedures or other policies, which shall be reviewed periodically and revised as necessary.

Section 8.2 INDEMNIFICATION – Whenever any civil or criminal action has been brought against a trustee for any act or omission arising out of and in the course of the performance of his or her duties and responsibilities, the Board may defray all costs of defending such action, including reasonable attorney's fees and expenses together with costs of appeal, and may save harmless and protect such person from any financial loss resulting from the lawful performance of his or her duties and responsibilities. Claims based on such actions or omissions may, in the discretion of the Board, be settled prior to or after the filing of suit thereon. The Board may arrange for and pay the premium for appropriate insurance to cover all such losses and expenses.

Section 8.3 LIMITATION OF LIABILITY – The Board shall be a corporation primarily acting as an instrumentality or agency of the state pursuant to section 768.28(2), Florida Statutes, for purposes of sovereign immunity.

Section 8.4 AMENDMENTS – These Bylaws may be amended at any regular meeting of the Board by the affirmative vote of not less than two-thirds (2/3) of the members of the Board, provided that notice of any proposed amendment including a draft thereof shall have been filed in writing with the secretary and a copy of the draft has been delivered electronically or by mail to each trustee at least ten (10) days prior to the meeting at which the amendment is to be voted upon.

Section 8.5 SUSPENSION OF OPERATING PROCEDURES – Any provision of these bylaws may be suspended in connection with the consideration of a matter before the Board by an affirmative vote of not less than two-thirds (2/3) of the members of the Board.

Section 8.6 PROXIES – The use of proxies for purposes of determining a quorum, for voting, or for any other purposes is prohibited.

**I HEREBY CERTIFY** that the foregoing ~~Seventh-Ninth~~ Amended and Restated Bylaws of the University of Central Florida Board of Trustees were approved by an affirmative vote of not less than two-thirds (2/3) of the members of the Board of Trustees at a regular meeting of the Board held on ~~September 19, 2019~~ October 22, 2020.

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Associate Corporate Secretary

History: New.1-23-03. Amended 11-20-04, 1-17-08, 9-17-09, 1-27-11, 9-26-13, 5-31-16, 9-15-16, 9-19-19.

Attachment B

# University of Central Florida Board of Trustees

Ninth Amended and Restated Bylaws

October 22, 2020



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7.1	Regular Meetings
7.2	Special Meetings
7.3	Emergency Meetings
7.4	Agenda
7.5	Consent Agenda
7.6	Appearance before Board
7.7	Quorum
7.8	Rules of Procedure
<b>Article VIII</b>	<b>Miscellaneous</b>
8.1	Conflict of Interest Policy
8.2	Indemnification
8.3	Limitation of Liability
8.4	Amendments
8.5	Suspension of Bylaws
8.6	Proxies

## ARTICLE I

### STATEMENT OF PURPOSE

The University of Central Florida Board of Trustees is vested by law with all the powers and authority to administer the University of Central Florida in accordance with Article IX, Section 7 of the Florida Constitution, the laws of the State of Florida and with regulations and policies of the Florida Board of Governors. In order to more effectively discharge its responsibilities and duties in connection therewith, the University of Central Florida Board of Trustees hereby adopts these bylaws.

## ARTICLE II

### THE BOARD

Section 2.1 CORPORATE NAME – The Board of Trustees is a public body corporate called the *University of Central Florida Board of Trustees*, with all the powers of a body corporate under the laws of the State of Florida. The Board of Trustees shall be hereinafter referred to as the *Board*.

Section 2.2 COMPOSITION – The Board is composed of thirteen (13) trustees, six (6) citizen members appointed by the governor, and five (5) citizen members appointed by the Board of Governors, subject to confirmation by the Senate. The president of the Student Body and chair of the Faculty Senate shall also serve as voting trustees during their terms of office.

Section 2.3 POWERS AND DUTIES OF THE BOARD – The Board shall serve as the governing body of the University of Central Florida. It shall select the president of the University of Central Florida for ratification by the Board of Governors and shall hold the president responsible for the university's operation and management, performance, fiscal accountability, and compliance with federal and state laws and regulations of the Board of Governors. The Board shall have the authority to carry out all lawful functions permitted by the bylaws, its operating procedures, by regulations and policies of the Board of Governors, or by law.

The Board may adopt rules and policies consistent with the university mission, with law, and with the regulations and policies of the Board of Governors, in order to effectively fulfill its obligations under the law.

Section 2.4 CORPORATE SEAL – The corporate seal shall be used only in connection with the transaction of business of the Board and of the university. The secretary may affix the seal on any document signed on behalf of the corporation. Permission may be granted by the secretary for the use of the seal in the decoration of any university building or in other special circumstances. The corporate seal of the Board shall be consistent with the following form and design:

## **ARTICLE III**

### **THE TRUSTEES**

Section 3.1 TERM OF OFFICE – Trustees shall serve for staggered 5-year terms, as provided by law.

Section 3.2 VACANCIES – Vacancies shall be filled by appointing authority subject to confirmation by the Senate of the State of Florida.

Section 3.3 COMPENSATION – Trustees shall receive no compensation but may be reimbursed upon request for travel and per diem expenses.

## **ARTICLE IV**

### **OFFICERS OF THE BOARD**

Section 4.1 OFFICERS – The officers of the Board shall be the Chair, Vice Chair, Corporate Secretary, and the Associate Corporate Secretary. The Chair and Vice Chair shall be trustees, but no other Board officers shall be members of the Board.

Section 4.2 SELECTION – The Board shall elect its chair and vice chair from the appointed members and upon recommendation of the Governance Committee, at its last regular meeting of the fiscal year ending June 30. The chair shall serve for two years beginning July 1 and may be reelected for one additional consecutive two-year term. Any exception to this term of office must be approved by a two-thirds vote of the board of trustees.

Section 4.3 CHAIR – The duties of the chair shall include presiding at all meetings of the Board, calling special meetings of the Board, appointing committee chairs, determining the composition of all Board committees, attesting to actions of the Board, serving as spokesperson for the Board, and fulfilling other duties as assigned by the Board. The Chair shall notify the Governor or the Board of Governors, as applicable, in writing, whenever a board member has three consecutive unexcused absences from regular board meetings in any fiscal year, which may be grounds for removal by the Governor or Board of Governors, as applicable. The chair shall perform such duties in consultation with the university president.

Section 4.4 VICE CHAIR – The duty of the vice chair is to act as chair during the absence or disability of the chair. While the vice chair shall be the presumptive successor to the chair when a vacancy occurs, the chair shall be selected by the full board upon nomination of the Governance Committee.

Section 4.5 CORPORATE SECRETARY – The university president shall serve as corporate secretary of the Board, and in the capacity of secretary, shall be responsible for giving notice of all meetings of the Board and its committees, setting the agenda and compiling the supporting documents for meetings of the Board in consultation with the chair, recording and maintaining detailed minutes of any Board meeting, including a record of all votes cast and history of attendance of each trustee, executing or attesting to all documents that have been executed by the Board, and shall be custodian of the corporate seal. Minutes of each meeting shall be

prominently posted on the university's website within two weeks after the meeting. All meetings will be held in accordance with section 286.011(2), Florida Statutes

Section 4.6 ASSOCIATE CORPORATE SECRETARY – The secretary may designate an individual to serve as associate corporate secretary to the Board. This individual shall perform all duties delegated by the secretary and shall provide for review by the General Counsel documents to be presented to the board and committees.

## **ARTICLE V**

### **PRESIDENT**

Section 5.1 DUTIES OF THE PRESIDENT – The university president shall serve as the chief executive officer of the university. The university president shall be responsible for the operation of the university, including efficient and effective budget and program administration, leading the university to accomplish its educational missions and goals, monitoring educational and financial performance, consulting with the Board in a timely manner on matters appropriate to its policy-making and fiduciary functions, appointing staff liaisons for each board committee, and serving as the university's key spokesperson. The president shall have the authority to execute all documents on behalf of the university and the Board consistent with law, applicable Board of Governors' and Board of Trustees' regulations and policies, and the best interests of the university.

## **ARTICLE VI**

### **COMMITTEES**

Section 6.1 COMMITTEES – The Board shall establish standing and ad-hoc committees as it deems appropriate to discharge its responsibilities. The Board chair shall appoint members of committees, their chairs and vice chairs based upon their expertise in matters relating to that committee, and shall appoint a trustee representative to the board of directors of each direct support organization. The chair shall be an ex-officio member of each committee. Each committee shall consist of no fewer than three members. Members of committees shall hold office until the appointment of their successors. Any vacancies on the standing committees shall be filled by appointment of the Board chair. Unless specifically delegated or as otherwise provided in these bylaws, authority to act on all matters is reserved to the Board and the duty of each committee shall be to consider and to make recommendations to the Board upon matters referred to it. Each committee shall have a written statement of purpose and primary responsibilities, or charter, as approved by the Board. The chairs of all committees shall perform their duties and shall have the responsibility and authority to place matters on the Board's agenda, with approval of the Board chair.

Section 6.2 STANDING COMMITTEES – The following committees shall be standing committees of the Board until dissolved by the Board:

- Advancement Committee
- Audit and Compliance Committee
- Compensation and Labor Committee

Educational Programs Committee  
Finance and Facilities Committee  
Governance Committee

Section 6.3 EXECUTIVE COMMITTEE – The Executive Committee shall be comprised of the Board Chair and committee chairs. The Executive Committee shall be empowered to act on matters that, in the opinion of the board chair, must be timely approved between regularly scheduled Board meetings. Actions taken by the Executive Committee shall be reported to the Board at the next Board meeting. The Executive Committee may not take any of the following actions, for which only the board has the exclusive authority: appointment and dismissal of the president; approval of the president’s employment agreement; sale or other disposition of assets; incurrence of debt; approval of new facilities; election of chair and vice chair; approval of the annual capital and operations budgets; use of the institution’s credit line; conferral of degrees; creation or termination of degree programs ; and amendment of the bylaws.

Section 6.4 AD-HOC COMMITTEES – Ad-hoc committees shall be appointed by the Board chair upon authority of the Board with such powers and duties and period of service as the Board chair may determine, provided that no ad-hoc committee shall be created to act upon any matter appropriate to be acted upon by a standing committee. The chairs of any ad-hoc committees shall be appointed by the Board chair and shall perform their duties in consultation with the university president. The chair of the Board shall serve as an ex-officio member of each ad hoc committee.

Section 6.5 AFFILIATED ORGANIZATIONS – Each Affiliated Organization, which includes Direct Support Organizations, Practice Plan Corporations, self-insurance trust funds, and other legal entities under the control of the Board of Trustees, shall provide regular reports to a standing committee as assigned by the Board chair.

Section 6.6 QUORUM – A majority of the regular (not ex-officio) committee members shall constitute a quorum for all committee meetings. A quorum having been established, no business shall be transacted without a majority vote of all committee members present.

## **ARTICLE VII**

### **MEETINGS**

All meetings of the Board and its committees shall be open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting in accordance with section 286.011, Florida Statutes, unless the matter being discussed falls within the provisions of law allowing closed sessions.

Section 7.1 REGULAR MEETINGS – There shall be not less than five (5) regular meetings a year as the Board may determine. These meetings shall be held on such dates and at such times as the Board may determine. The time and date of a regular meeting may be changed by an affirmative vote of a quorum of the Board. At the discretion of the chair, meetings may be held virtually or by teleconference.

Section 7.2 SPECIAL MEETINGS – Special meetings of the Board may be held at the call of the Board chair, the secretary, or upon request of seven (7) trustees. The secretary shall send written

notice of such special meeting to all trustees, along with a statement of the purpose of the meeting, at least 48 hours in advance. No matter may be considered at any special meeting that was not included in the call of that meeting except by an affirmative vote of not less than two-thirds (2/3) of the trustees at the meeting. At the discretion of the chair, special meetings of the Board may be held by virtually or by teleconference.

Section 7.3 EMERGENCY MEETINGS – An emergency meeting of the Board may be called by the chair upon no less than twenty-four (24) hours' notice whenever an issue requires immediate Board action. No other business will be transacted at the meeting unless additional emergency matters are agreed to by a majority of those Board members present.

Section 7.4 AGENDA – The President, in consultation with the chair, shall set the agenda for the meetings with the review of the General Counsel. Recommendations to the Board included in the agenda are presented by the chair or committee chair designated by the chair, and include all matters of business or concern to the Board that have not been specifically delegated to the chair or the university president. The chair will provide a copy of the agenda to each member of the Board at least seven (7) days prior to the meeting. If additional items or supporting documentation become available, notice will be sent to all trustees acknowledging the update(s). A revised agenda will be issued if a new agenda item is added or if an agenda item is removed. The Board may also consider items not included in the published agenda.

Section 7.5 CONSENT AGENDA – The Board chair may approve items to be placed on a consent agenda that may be approved by the Board without discussion. Committee items not recommended by the unanimous vote of the committee may not be placed on the consent agenda. Items may be removed from the consent agenda by any trustee, preferably at least two days prior to the Board meeting.

Section 7.6 APPEARANCE BEFORE THE BOARD – Individuals, groups or factions who wish to appear before the Board to discuss a subject pending before the Board shall complete a public comment form specifying the matter upon which they desire to be heard. Public comment forms will be available at each meeting and must be submitted prior to commencement of the meeting. For meetings held virtually or by teleconference, public comment forms can be obtained from the Board web site and emailed to the Office of Board Relations prior to the meeting. Organizations, groups, or factions wishing to address the Board shall designate a single representative to speak on its behalf to ensure an orderly presentation to the Board. The Board will reserve no more than fifteen minutes for public comments. Each speaker shall be allotted three minutes to present information unless modified by the Board chair.

Section 7.7 QUORUM – A quorum for the conduct of business by the full Board shall consist of seven (7) trustees. A quorum having been established, no business shall be transacted without a majority vote of all trustees present except as otherwise provided in these bylaws.

Section 7.8 RULES OF PROCEDURE – Except as modified by these bylaws or specific procedures and policies enacted by the Board, *Robert's Rules of Order Newly Revised* shall constitute the rules of parliamentary procedure applicable to all meetings of the Board and its committees.

## ARTICLE VIII

### MISCELLANEOUS

Section 8.1 CONFLICT OF INTEREST POLICY – Trustees stand in a fiduciary relationship to the university. Therefore, Trustees shall act in good faith, with due regard to the interests of the university, and shall comply with the fiduciary principles and law set forth in the Code of Ethics for Public Officers and Employees, Section 112.311-112.326, Florida Statutes. The Board shall adopt a written conflict of interest policy, to be included in the Board operating procedures or other policies, which shall be reviewed periodically and revised as necessary.

Section 8.2 INDEMNIFICATION – Whenever any civil or criminal action has been brought against a trustee for any act or omission arising out of and in the course of the performance of his or her duties and responsibilities, the Board may defray all costs of defending such action, including reasonable attorney’s fees and expenses together with costs of appeal, and may save harmless and protect such person from any financial loss resulting from the lawful performance of his or her duties and responsibilities. Claims based on such actions or omissions may, in the discretion of the Board, be settled prior to or after the filing of suit thereon. The Board may arrange for and pay the premium for appropriate insurance to cover all such losses and expenses.

Section 8.3 LIMITATION OF LIABILITY – The Board shall be a corporation primarily acting as an instrumentality or agency of the state pursuant to section 768.28(2), Florida Statutes, for purposes of sovereign immunity.

Section 8.4 AMENDMENTS – These Bylaws may be amended at any regular meeting of the Board by the affirmative vote of not less than two-thirds (2/3) of the members of the Board, provided that notice of any proposed amendment including a draft thereof shall have been filed in writing with the secretary and a copy of the draft has been delivered electronically or by mail to each trustee at least ten (10) days prior to the meeting at which the amendment is to be voted upon.

Section 8.5 SUSPENSION OF OPERATING PROCEDURES – Any provision of these bylaws may be suspended in connection with the consideration of a matter before the Board by an affirmative vote of not less than two-thirds (2/3) of the members of the Board.

Section 8.6 PROXIES – The use of proxies for purposes of determining a quorum, for voting, or for any other purposes is prohibited.

**I HEREBY CERTIFY** that the foregoing Ninth Amended and Restated Bylaws of the University of Central Florida Board of Trustees were approved by an affirmative vote of not less than two-thirds (2/3) of the members of the Board of Trustees at a regular meeting of the Board held on October 22, 2020.

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Associate Corporate Secretary

History: New 1-23-03. Amended 11-20-04, 1-17-08, 9-17-09, 1-27-11, 9-26-13, 5-31-16, 9-15-16, 9-19-19.

**UCF BOARD OF TRUSTEES**  
**Agenda Item Summary**  
**Governance Committee**  
**October 14, 2020**

**Title:** *Amendments to University Regulations UCF-3.001 Non-Discrimination; Affirmative Action Programs and UCF-3.0134 Complaints and Grievances Alleging Discrimination, Discriminatory Harassment or Retaliation*

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Information                       Information for upcoming action                       Action

**Meeting Date for Upcoming Action:** \_\_\_\_\_

**Purpose and Issues to be Considered:**

The University proposes to amend Regulations UCF-3.001 Non-Discrimination; Affirmative Action Programs and UCF-3.0134 Complaints and Grievances Alleging Discrimination, Discriminatory Harassment or Retaliation to be in compliance with new regulations adopted by the U.S. Department of Education under Title IX, the federal law which prohibits discrimination on the basis of sex in programs and activities receiving federal funding.

Amendments to UCF-3.001 include adding language regarding Title IX Sexual Harassment as defined by the recently adopted Federal Title IX regulations; other references to Title IX Sexual Harassment are added where appropriate, for example in paragraph (5). Additionally, references to applicable laws in paragraph (2) are added; and references to sex discrimination are updated in paragraphs (1) and (2)(a) are updated to reflect recent legal developments.

Amendments to UCF-3.0134 include reference to the university’s new Title IX Grievance Policy, UCF Policy 2-012, adopted to implement recently adopted Federal Title IX regulations. Throughout, sexual harassment and Title IX Sexual Harassment are also specified as types of allegations that are addressed by this regulation and reviewed by the Office of Institutional Equity.

These regulations were posted online September 18, 2020 for public comment. No comments were received as of the date of submission of these materials.

**Background Information:**

Florida Board of Governors Regulation 1.001 provides that “Each Board of Trustees is authorized to promulgate university regulations in accordance with the Regulation Development Procedure adopted by the Board of Governors.”

**Recommended Action:**

Approve amendments to University of Central Florida Regulations UCF-3.001 Non-Discrimination; Affirmative Action Programs and UCF-3.0134 Complaints and Grievances Alleging Discrimination, Discriminatory Harassment or Retaliation.

**Alternatives to Decision:**

Do not amend University Regulations UCF-3,001 and 3.0134 as proposed and suggest alternative amendments.



**Fiscal Impact and Source of Funding:**

N/A

**Authority for Board of Trustees Action:**

Board of Governors regulation 1.001

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**Contract Reviewed/Approved by General Counsel**  N/A

**Committee Chair or Chair of the Board has approved adding this item to the agenda**

**Submitted by:**

Scott Cole, Vice President and General Counsel

**Supporting Documentation:**

Attachment A: Proposed Amended Regulation UCF-3.001 (redline)

Attachment B: Proposed Amended Regulation UCF-3.0134 (redline)

**Facilitators/Presenters:**

Youndy Cook, Senior Deputy General Counsel

**UCF-3.001 Non-Discrimination; Affirmative Action Programs.**

(1) The University shall actively promote equal opportunity policies and practices conforming to federal and state laws against discrimination. The University shall not discriminate in offering access to its educational programs and activities or with respect to employment terms and conditions on the basis of race, color, ethnicity, national origin, religion, non-religion, age, genetic information, sex (including pregnancy, ~~and~~ parental status), gender identity or expression, and sexual orientation), marital status, physical or mental disability (including learning disabilities, intellectual disabilities, and past or present history of mental illness), political affiliations, veteran status (as protected under the Vietnam Era Veterans' Readjustment Assistance Act), or membership in any other protected classes as set forth in state or federal law. This commitment applies to the University's relationships with outside organizations, including the federal government, the military, ROTC, and private employers, only to the extent of state and federal requirements.

(2) It is the policy of the University that each employee and student be allowed to work and study in an environment free from unlawful discrimination, discriminatory harassment, and retaliation. To that end, the University prohibits specific forms of behavior that violate state and federal laws, including but not limited to Title VI of the Civil Rights Act of 1964 ("Title VI"), Title VII of the Civil Rights Act of 1964 ("Title VII"), Title IX of the Education Amendments of 1972 ("Title IX"), the Violence Against Women Reauthorization Act of 2013 ("VAWA"), the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Florida's Civil Rights Act (Florida Statutes ss. 760.10 and 110.1221), the Florida Educational Equity Act (Florida Statute s. 1000.05) and related state and federal anti-discrimination laws.

- (a) For purposes of this regulation, discrimination is defined as any unlawful distinction, preference, or detriment to an individual that is 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, and sexual orientation), marital status, physical or mental disability (including learning disabilities, intellectual disabilities, and past or present history of mental illness), political affiliations, 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 that: (1) excludes an individual

from participation in; (2) denies the individual the benefits of; (3) treats the individual differently with regard 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. Religious discrimination includes failing to reasonably accommodate an employee's or student's religious practices where the accommodation does not impose an undue hardship. Disability discrimination includes not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability where the accommodations do not impose an undue hardship.

- (b) Unlawful discriminatory harassment is a form of unlawful discrimination wherein an individual is subjected to verbal, physical, electronic or other conduct based upon an individual's protected class (such as race, color, religion, et al.), that interferes with that individual's educational or employment opportunities, participation in a university program or activity, or receipt of legitimately-requested services and meets the description of either Hostile Environment Harassment or Quid Pro Quo Harassment, as defined below.
1. Hostile Environment Harassment: Discriminatory Harassment that is so severe or pervasive that it unreasonably interferes with, limits, deprives, or alters the terms or conditions of education (e.g., admission, academic standing, grades, assignment); employment (e.g., hiring, advancement, assignment); or participation in a University program or activity (e.g., campus housing), when viewed from both a subjective and objective perspective.
  2. Quid Pro Quo Harassment: Discriminatory Harassment where submission to or rejection of unwelcome conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual's education (e.g., admission, academic standing, grades, assignment); employment (e.g., hiring, advancement, assignment); or participation in a university program or activity (e.g., campus housing).
- (c) Retaliation is defined as taking an adverse action against an individual because that individual, in good faith: (i) reported or threatened to report discrimination, or

discriminatory harassment, sexual harassment, or Title IX Sexual Harassment; or  
(ii) participated in any capacity, including as a witness or party, in a discrimination investigation or proceeding.

(3) Sexual harassment is a form of sex discrimination. Sexual harassment is defined as any unwelcome sexual advances, request for sexual favors, and other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when the conditions for Hostile Environment Harassment or Quid Pro Quo Harassment (as defined above) are present.

(4) Title IX Sexual Harassment is a form of sex discrimination specifically defined under Title IX regulations. Title IX Sexual Harassment is defined as conduct on the basis of sex that occurs in a University education program or activity against a person located in the United States and that satisfies one or more of the following:

- (a) An employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo);
- (b) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity (i.e., hostile environment); or
- (c) Sexual assault, dating violence, domestic violence, and stalking (as defined by the Jeanne Cleary Act).

(54) Employee Reporting Responsibilities.

- (a) Responsible employees are required to immediately report to the university's Office of Institutional Equity all relevant details (obtained directly or indirectly) about an incident of sex/gender-based discrimination or harassment, sexual harassment, Title IX Sexual Harassment, sexual assault, sexual exploitation, relationship violence, and/or stalking (as defined in the University's *Prohibition of Discrimination, Harassment and Related Interpersonal Violence Policy*, No. 2-004) that involves any student as a complainant, respondent, and/or witness, including dates, times, locations, and names of parties and witnesses. Reporting is required when the responsible employee knows (by reason of a direct or indirect disclosure) or should have known of such sex/gender-based discrimination or harassment, sexual harassment, Title IX Sexual Harassment, sexual assault, sexual exploitation, relationship violence, and/or stalking.

- (b) Deans, directors, department heads and supervisors are required to report to the Office of Institutional Equity all relevant details about an incident of discrimination, discriminatory harassment, Title IX Sexual Harassment, or retaliation where either the complainant or the respondent is an employee or Direct Support Organization employee. Reporting is required when such deans, directors, department heads, and supervisors know (by reason of direct or indirect disclosure) or should have known of the discrimination, discriminatory harassment, or retaliation.

(65) Disciplinary Action.

- (a) Any employee or student of the University who is found to have unlawfully discriminated against an employee, an applicant for employment, a student, or other member of the University community will be subject to disciplinary action up to and including termination or expulsion. Any contractor or other visitor to the University who is found to have engaged in unlawful discriminatory or retaliatory conduct in violation of this regulation will be subject to removal from University facilities, may be denied reentry, and may provide cause to terminate any applicable contract.
- (b) Any employee in a supervisory capacity who has actual knowledge by direct observation or by receipt of a report of discrimination, ~~or~~ discriminatory harassment, sexual harassment, Title IX Sexual Harassment, and who does not report the matter to the Office of Institutional Equity shall be subject to disciplinary action up to and including termination or expulsion.

(76) Complaint and Investigation Procedures. Any employee, student, or other member of the university community who believes that he or she is a victim of unlawful discrimination, discriminatory harassment, sexual harassment, Title IX Sexual Harassment, or retaliation may take formal or informal action. The individual may report the conduct to his or her supervisor or a higher level employee for further action; pursue informal resolution of the complaint under certain circumstances; or pursue an investigation in accordance with Regulation UCF-3.0134 with the Office of Institutional Equity. The Office of Institutional Equity is available to assist employees, students, and members of the university community with reporting discriminatory conduct,

obtaining information about the options to informally resolve a complaint, or pursuing an investigation by the Office of Institutional Equity.

(~~87~~) The University, in affirming equal opportunity practices, is committed to a continuing program of promotion and maintenance of an affirmative action program. The University, as a federal contractor, is required by law to maintain a current affirmative action plan for the University. For further information about that plan, contact the Office of Institutional Equity, University of Central Florida, Orlando, Florida 32816.

*Authority: BOG Regulation 1.001. History—New 10-8-75, Amended 1-10-82, 1-9-83, 12-27-83, 12-27-84, Formerly 6C7-3.01, Amended 3-27-86, 1-6-93, 3-16-03, 11-07-07, 07-10-08. Formerly 6C7-3.001, Amended 3-25-09, 1-3-11, 10-26-17, 11-14-19, \_\_\_\_\_-20.*

**UCF-3.0134 Complaints and Grievances Alleging Discrimination, Discriminatory Harassment or Retaliation.**

(1) This regulation outlines the procedures to be used for processing complaints/grievances alleging unlawful discrimination, discriminatory harassment, sexual harassment, Title IX Sexual Harassment, or retaliation. Federal and state laws protect employees, students, and other members of the University community against discrimination, discriminatory harassment, sexual harassment, Title IX Sexual Harassment and retaliation. University policies have been developed to explain that protection and to offer solutions when discrimination is alleged on the basis of an individual's race, color, ethnicity, national origin, religion, non-religion, age, genetic information, sex (including pregnancy ~~and~~ parental status), gender identity or expression, and sexual orientation), marital status, physical or mental disability (including learning disabilities, intellectual disabilities, and past or present history of mental illness), political affiliations, veteran status (as protected under the Vietnam Era Veterans' Readjustment Assistance Act), or membership in any other protected classes as set forth in state or federal law.

(2) The Office of Institutional Equity's Investigation Procedures are the university's procedures for addressing allegations that an employee or third party engaged in discrimination, discriminatory harassment, sexual harassment or retaliation against an individual for reporting, in good faith, any discrimination or discriminatory harassment or participating in or being a party to any investigation or proceeding related to the University's Prohibition of Discrimination, Harassment and Related Interpersonal Violence Policy, No. 2-004. The University's Title IX Grievance Policy, UCF Policy 2-012, sets forth the university's procedures for addressing allegations that an employee or third party engaged in Title IX Sexual Harassment. Reports in which a student is alleged to have engaged in discrimination, discriminatory harassment, sexual harassment, Title IX Sexual Harassment or retaliation are governed by Student Conduct rules and

procedures set out in the [Golden Rule Student Handbook](#) and the [University's Title IX Grievance Policy, UCF Policy 2-012](#). These procedures respond to the University's obligations under various laws to provide equal opportunity in employment and educational programs, and to provide access. A list of statutory and regulatory authorities is maintained on the Office of Institutional Equity's homepage.

(3) Processing Complaints/Grievances Alleging Discrimination.

- (a) When an allegation of unlawful discrimination, discriminatory harassment, [sexual harassment, Title IX Sexual Harassment](#) or retaliation is involved, the individual may elect to submit a written complaint/grievance under this procedure. Unless specifically prohibited by the terms of an applicable collective bargaining agreement, the complainant/grievant may submit a complaint/grievance directly to the university's Office of Institutional Equity. A representative of that office will communicate with those involved in the complaint/grievance.
- (b) An employee complaint/grievance submitted through other grievance procedures but which alleges discrimination, discriminatory harassment, [sexual harassment, Title IX Sexual Harassment](#), or retaliation will be submitted to the Office of Institutional Equity.
- (c) Where a complaint/grievance is submitted to the Office of Institutional Equity [alleging discrimination, discriminatory harassment, or sexual harassment](#), the complainant will be notified in writing of the findings of the investigation. [Where a complaint/grievance is submitted to the Office of Institutional Equity alleging Title IX Sexual Harassment, the grievance will be handled through the procedures described in the University's Title IX Grievance Policy, UCF Policy 2-012.](#)



Findings from this procedure may be considered in an employee grievance initiated under other procedures, but no grievance will be processed through more than one university administrative forum.

(4) Unlawful Retaliation. Federal and state laws protect every individual who makes a good faith report of discrimination, ~~or~~ discriminatory harassment, sexual harassment, or Title IX Sexual Harassment, or participates in or is a party to any investigation or proceeding regarding discrimination or discriminatory harassment from acts of retaliation. Retaliation is defined as any adverse action taken against a person for making a good faith report of discrimination ~~or~~, discriminatory harassment, sexual harassment, or Title IX Sexual Harassment, or participating in any proceeding related to such a report. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in the protected activity.

(5) Substantiated discrimination, discriminatory harassment, sexual harassment, Title IX Sexual Harassment, and retaliation complaints/ grievances will be addressed with appropriate corrective action. The Office of Institutional Equity will inform the President, Provost, or appropriate Vice President when an investigation concludes with findings of unlawful discrimination, discriminatory harassment, sexual harassment or retaliation, and in the case of substantiated Title IX Sexual Harassment, when the decision-maker finds, following the live hearing, that Title IX Sexual Harassment has occurred. The President, Provost, or appropriate Vice President will take steps to implement actions that will correct the conduct. These include but are not limited to changes in regulations, policies, or procedures; discipline administered through standard procedures; changes in the complainant's status to achieve a non-discriminatory environment; or other remedies deemed appropriate.

*Authority: BOG Regulation 1.001. History—New 12-27-83, Formerly 6C7-3.134, Amended 1-6-93, 4-23-03; Formerly 6C7-3.0134, Amended 5-18-09, 10-27-17, \_\_\_\_\_-20.*

**UCF BOARD OF TRUSTEES**  
**Agenda Item Summary**  
**Governance Committee**  
**October 14, 2020**

**Title:** *Amendments to University Regulations UCF-3.0191 Disciplinary Action – USPS, UCF-3.033 USPS Predetermination and Arbitration Procedures for Employees with Regular Status, UCF-3.0133 USPS Non-unit Grievance Procedure, UCF-3.0124 Discipline and Termination for Cause of Non-unit Faculty and A&P Staff Members, UCF-3.036 Grievance Procedure for Non-unit Faculty Employees, and UCF-3.037 Grievance Procedure for Non-unit A&P Employees*

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Information                       Information for upcoming action                       Action

**Meeting Date for Upcoming Action:** \_\_\_\_\_

**Purpose and Issues to be Considered:**

The University proposes to amend Regulation UCF-3.0191, which sets out certain disciplinary concepts related to USPS employees, to implement provisions of the university’s new Title IX Grievance Policy, which was adopted to comply with recent Federal Title IX regulations. First, language is added to clarify that in cases involving Title IX Sexual Harassment appropriate discipline will be determined through the procedures of the Title IX Grievance Policy. Second, Title IX Sexual Harassment, as defined in the new Title IX regulations, is added as a standard of conduct the violation of which may lead to disciplinary action.

The University proposes to amend Regulation UCF-3.033, which sets out the procedures to implement discipline and termination of USPS employees, to add language that requires a notice of proposed termination to include a statement that the employee may resign, subject to being coded as ineligible for rehire. Additionally, this regulation is amended to add new language regarding Title IX Sexual Harassment investigations. If the allegations against the employee fall under Title IX Sexual Harassment, then the procedures of University Policy 2-012 will be followed as to those allegations, and the predetermination conference will relate only to the proposed discipline because the employee will have an appeal under that policy beforehand. Language related to administrative leave pending investigation or disciplinary action is amended to defer to the existing provisions of UCF-3.040. Finally, the arbitration procedure included in the regulation is removed and USPS employees are referred to applicable grievance procedures. The in-unit employees have the grievance procedure in the collective bargaining agreement; the non-unit employees have the grievance procedure in UCF-3.0133, which, like the other non-unit grievance procedures, does not include arbitration.

The University proposes to amend Regulation UCF-3.0133, which provides for a grievance procedure for non-unit USPS employees, to clarify that the grievance procedure is not to be used where the employee has an appeal available under the Title IX Grievance Policy. The reason for this change is that the Title IX Grievance Policy includes a detailed appeal procedure. The proposed amendments update the definition of “grievance” to clarify which grievance procedure should be followed based on the type of grievance and to exclude Title IX Grievances. Other minor changes made throughout, including correcting the title of the Chief Human Resources Officer. Finally, Step Three of the grievance procedure is streamlined to remove an intervening level of review.

The University proposes to amend Regulation UCF-3.0124, related to the procedures to implement

discipline and termination of non-unit A&P and faculty employees, to add new language regarding Title IX Sexual Harassment investigations. If the allegations against the employee fall under Title IX Sexual Harassment, then the procedures of University Policy 2-012 will be followed as to those allegations only, while all other allegations will follow the procedures outlined in this regulation. Additionally, language is proposed to be added such that a predetermination notice for a proposed termination action will include a statement that the employee may resign, subject to being coded as ineligible for rehire.

The University proposes to amend Regulation UCF-3.036, which provides for a grievance procedure for non-unit faculty employees, to clarify that the grievance procedure is not to be used for Title IX Sexual Harassment appeals under the Title IX Grievance Policy. The reason for this change is that the Title IX Grievance Policy includes a detailed appeal procedure. The definition of “grievance” has been updated to clarify which grievance procedure should be followed based on the type of grievance, to exclude Title IX Grievance Policy appeals from the definition, and to remove restrictions that previously meant that employees could not use this procedure for grievances related to discipline.

The University proposes to amend Regulation UCF-3.037, which provides for a grievance procedure for non-unit A&P employees, to clarify that the grievance procedure is not to be used where the employee has an appeal available under the Title IX Grievance Policy. The reason for this change is that the Title IX Grievance Policy includes a detailed appeal procedure. The definition of “grievance” has been updated to clarify which grievance procedure should be followed based on the type of grievance and to exclude Title IX Grievance Policy appeals from the definition.

These regulations were posted online September 18, 2020 for public comment. No comments were received as of the date of submission of these materials.

**Background Information:**

Florida Board of Governors Regulation 1.001 provides that “Each Board of Trustees is authorized to promulgate university regulations in accordance with the Regulation Development Procedure adopted by the Board of Governors.”

**Recommended Action:**

Approve amendments to University of Central Florida Regulations UCF-3.0191 Disciplinary Action – USPS, UCF-3.033 USPS Predetermination and Arbitration Procedures for Employees with Regular Status, UCF-3.0133 USPS Non-unit Grievance Procedure, UCF-3.0124 Discipline and Termination for Cause of Non-unit Faculty and A&P Staff Members, UCF-3.036 Grievance Procedure for Non-unit Faculty Employees, and UCF-3.037 Grievance Procedure for Non-unit A&P Employees

**Alternatives to Decision:**

Do not amend University Regulations UCF-3.0191, UCF-3.033, UCF-3.0133, UCF-3.0124, UCF-3.036, and UCF-3.037 as proposed and suggest alternative amendments to comply with Federal Title IX regulations.

**Fiscal Impact and Source of Funding:**

N/A

**Authority for Board of Trustees Action:**

Board of Governors regulation 1.001

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Contract Reviewed/Approved by General Counsel  N/A

**Committee Chair or Chair of the Board has approved adding this item to the agenda** ☒

**Submitted by:**

Scott Cole, Vice President and General Counsel

**Supporting Documentation:**

Attachment A: Proposed Amended Regulation UCF-3.0191 (redline)

Attachment B: Proposed Amended Regulation UCF-3.033 (redline)

Attachment C: Proposed Amended Regulation UCF-3.0133 (redline)

Attachment D: Proposed Amended Regulation UCF-3.0124 (redline)

Attachment E: Proposed Amended Regulation UCF-3.036 (redline)

Attachment F: Proposed Amended Regulation UCF-3.037 (redline)

**Facilitators/Presenters:**

Youndy Cook, Senior Deputy General Counsel

**UCF-3.0191 Disciplinary Action - USPS ~~University Support Personnel System~~.**

(1) Scope and Purpose.

- (a) This regulation applies to all University Support Personnel System (USPS) employees of the university with regular status. The provisions of this regulation are subject to applicable provisions of collective bargaining agreements. Employee discipline is an action that is to be undertaken with care, objectivity, and with full consideration of the rights and interests of both the employee and the university.
- (b) The university subscribes to the principle of the use of discipline to correct employee conduct and behavior. Such discipline will normally be issued in a progressive manner, dependent upon the facts and circumstances of each case. Penalties will be imposed, dependent upon the seriousness of the offense and any aggravating or mitigating circumstances, or as otherwise required by law.
- (c) Probationary Employees: The probationary period shall be a working-test period. USPS employees must successfully complete a probationary period upon initial hire before they earn regular status; USPS employees must also complete a probationary period upon rehire to a USPS position. For purposes of discipline, regular status refers to an employee's status in the USPS and not a specific position.
  - Employees serving a probationary status in the USPS appointment may be dismissed during this probationary period without the use of the standards set forth in this regulation and without the right of appeal.

(2) Guidelines on Employee Discipline. The immediate supervisor has the primary responsibility for taking or requesting disciplinary action against an employee, but should consult with their higher level leadership. Human Resources has the responsibility of providing guidance to the various departmental units with regard to the administration of disciplinary actions and for assuring that they are accomplished in accordance with USPS regulations, university policies and guidelines, and any applicable collective bargaining agreement. In cases involving Title IX sexual harassment as defined in University Regulation 3.001, appropriate discipline will be determined by the decision-maker following a live hearing according to the procedures located in the University's Title IX Grievance Policy, UCF 2-012; such discipline will then be administered by the appropriate supervisor and in keeping with other applicable university procedures.

(3) Delegation of Authority. Discipline may only be administered by the supervisor who has been delegated the authority to do so. This delegation of authority varies with the severity of the disciplinary action and is identified in the following table:

Disciplinary Action	Authority
Oral Reprimand	Employee's immediate supervisor or higher-level supervisor
Written Reprimand	Employee's immediate supervisor or higher-level supervisor with the approval of the department head
Suspension, Discharge	The dean, director or department head shall arrange for a review of the proposed action by the Chief Human Resources Officer, or his/her designee. If the proposed action is approved, the Chief Human Resources Officer, or his/her designee, will implement the suspension/discharge.

#### (4) Types of Disciplinary Action.

- (a) Oral Reprimand – Involves a discussion between the supervisor and the employee regarding the infraction with an emphasis on correcting the employee's behavior. A written confirmation of an oral reprimand shall be kept in the employee's local departmental file.
- (b) Written Reprimand – For more serious or repeated cases of infractions, the supervisor, with approval of the second level supervisor, will counsel the employee as to the correct and expected behavior as well as record the circumstances of the violation in memorandum form, giving the original to the employee and maintaining a copy in either the local departmental file or noting that a copy will be sent to the employee's official personnel file housed in Human Resources. Written reprimands resulting from an official university investigation must be submitted to the official personnel file housed in Human Resources.
- (c) Suspension – The suspension of an employee shall normally be based on the recommendations of the supervisor and shall be subject to the approval of the dean, director or department head and the Chief Human Resources Officer or his/her designee to ensure consistency of action throughout the institution. The Chief Human Resources Officer or his/her designee will issue all suspensions. A written reprimand in lieu of suspension represents a suspension level disciplinary action,

but one where the action is documented as a reprimand and the employee continues to work and collect wages.

- (d) Discharge – When less severe actions fail in correcting an employee’s job-related behavior, or when the offense requires immediate separation from employment, a discharge action should be taken. The supervisor shall normally recommend the action, and it shall be subject to the approval of the dean, director or department head and the Chief Human Resource Officer or ~~his/her~~ designee, who shall issue the discharge. If authorized by the Chief Human Resources Officer or ~~his/her~~ designee, an employee may be placed on administrative leave with or without pay pending an investigation, which may be continued between the notice of proposed disciplinary action and the date of final action. Employees who are discharged for disciplinary reasons will not be eligible for rehire.

(5) Standards for Disciplinary Actions. Included herein are standards for the administration of disciplinary actions for various types of offenses. The following list is not all-inclusive, and the disciplinary action selected for a particular offense will be chosen based on the facts of the specific situation taking into consideration any extenuating circumstances. Decisions regarding disciplinary action, including the level of discipline to impose, will consider the employee’s prior disciplinary record excluding: any written reprimand that is more than two years old and any oral reprimand that is more than one year old. Such reprimands will not be used for escalating the level of disciplinary action but can be referenced as background. Suspensions and written reprimands in lieu of suspension can be used indefinitely, with no time limit whatsoever. These standards do not preclude the imposition of more or less severe penalties depending upon all circumstances surrounding a particular incident.

- (a) Absence Without Authorized Leave. The failure to secure approval for an absence from work during the established shift or work period. Included under this standard are absences that are not reported to management in accordance with departmental or university guidelines.
  1. First occurrence: Written reprimand.
  2. Second occurrence: Suspension.
  3. Third occurrence: Discharge.



Provided, however, that the failure to secure approval for an absence of two or more consecutive days shall be considered a second occurrence; and the failure to secure approval for an absence of three or more consecutive days shall be considered a third occurrence. This standard shall also apply to employees who fail to return to work as specified in an approved leave of absence.

- (b) Abuse of Sick Leave. Falsification by an employee of a notification of absence due to personal illness, injury or exposure to contagious disease.
  - 1. First occurrence: Suspension or discharge.
  - 2. Second occurrence: Discharge.
- (c) Possession or Use of a Deadly Weapon or a Dangerous Material. Possession or use of firearms, fireworks of any description, explosives, chemicals which are disruptive, explosive, or corrosive in nature, or any weapon other than a common pocket-knife.
  - 1. First occurrence: Suspension or discharge.
  - 2. Second occurrence: Discharge.
- (d) Damage or Destruction of University Property or Equipment. The actual or attempted damage, destruction, or careless operation of university property or equipment which may or may not result in personal injury. (If personal injury does result, more severe discipline may be imposed.) Sabotaging equipment or facilities will result in discharge.
  - 1. First occurrence: Written reprimand to discharge.
  - 2. Second occurrence: Suspension or discharge.
  - 3. Third occurrence: Discharge.
- (e) Conduct Unbecoming a Public Employee. Any act or acts on or off the job, that renders an employee ineffective within the university, discredits the university, affects the ability for acceptance by others, or poses a threat to the safety and well-being of the university community. Such conduct includes, and is not limited to, use of position, authority, or access to university confidential information to attempt to benefit themselves or others; any act or acts inconsistent with university values; failing to uphold the standards of honesty, integrity, and impartiality; or any prohibited act or acts set forth in the university's *Prohibition of Discrimination, Harassment and Related Interpersonal Violence Policy*.

1. First occurrence: Written reprimand to discharge.
  2. Second occurrence: Discharge.
- (f) Conviction of a Misdemeanor or Felony. When an employee is convicted of a misdemeanor or felony as a result of a crime committed on or off the job and that conviction results in a negative effect on the employee's ability or availability to perform the duties of the job whether immediate or in the future.
1. First occurrence: Suspension or discharge.
  2. Second occurrence: Discharge.
- (g) Absenteeism. The university has a right to expect that employees will be available to perform work with a reasonable degree of regularity and to conduct their personal business using accrued leave without the need to resort to the use of approved leave without pay or unscheduled absences. If there is a pattern of absence by the employee, such as consistent absence on the day preceding or following the employee's regular days off, absence on the same day of each week or each month, or absences that occur with such frequency as to constitute a hardship on the office/department, these absences may be considered excessive.
1. First occurrence: Oral reprimand.
  2. Second occurrence: Written reprimand.
  3. Third occurrence: Suspension.
  4. Fourth occurrence: Discharge.
- (h) Tardiness. The failure to report to work at an established time at the beginning of the work shift, or the late return to work at the established time after lunch or rest period.
1. First occurrence: Oral reprimand.
  2. Second occurrence: Written reprimand.
  3. Third occurrence: Suspension.
  4. Fourth occurrence: Discharge.
- (i) Falsification of Records. The misrepresentation or omission of any facts, whether verbal or written, with the intent to defraud or otherwise mislead.
1. First occurrence: Written reprimand to discharge.
  2. Second occurrence: Discharge.

- (j) Fighting. A physical assault on or against another person.
  - 1. First occurrence: Written reprimand to discharge.
  - 2. Second occurrence: Discharge.
- (k) Horseplay. Actions which are intended to be mischievous or prankish rather than malicious. If personal injury results, more severe disciplinary action up to and including suspension or discharge will be considered on the first occurrence.
  - 1. First occurrence: Oral reprimand.
  - 2. Second occurrence: Written reprimand.
  - 3. Third occurrence: Suspension.
  - 4. Fourth occurrence: Discharge.
- (l) Insubordination. The unwillingness or refusal to comply with a direct order or any established work assignment of the immediate supervisor or higher-level supervisor. This includes, but is not limited to, the refusal to carry out an assignment, refusal to work overtime, willful delay in carrying out an assignment, refusal to comply with a university-mandated fitness for duty evaluation and/or reasonable suspicion drug test, or responding with defiance to a reasonable work order or assignment issued by the immediate supervisor or higher level supervisor.
  - 1. First occurrence: Suspension.
  - 2. Second occurrence: Discharge.
- (m) Leaving Work Station Without Authorization. The unauthorized absence by an employee from the work station or duty location during the established work period or the leaving of a work station for a lunch or rest period without being properly relieved where that station must be maintained during such period.
  - 1. First occurrence: Written reprimand to suspension.
  - 2. Second occurrence: Suspension.
  - 3. Third occurrence: Discharge.
- (n) Loafing. The continued idleness or non-productiveness during working hours which diverts the employee from performing assigned tasks. This includes wasting time, engaging in idle talk or gossip, conducting personal business, or using business phone or computers for personal reasons.
  - 1. First occurrence: Oral reprimand to written reprimand.

2. Second occurrence: Written reprimand to suspension.
  3. Third occurrence: Suspension to discharge.
  4. Fourth occurrence: Discharge.
- (o) Misuse of University or University Controlled Property or Equipment. The unauthorized use of any university or university-controlled property or equipment for any reason other than for official university business.
1. First occurrence: Written reprimand to discharge.
  2. Second occurrence: Discharge.
- (p) Neglect of Duty. Carelessness in omission of, or inattention to, the performance of assigned duties and responsibilities resulting in a negative consequence to the department. Negligence is synonymous with carelessness and signifies lack of care, caution, attention, diligence, or discretion.
1. First occurrence: Written reprimand to discharge.
  2. Second occurrence: Discharge.
- (q) Abuse of Intoxicants. Being under the influence of, being in possession of, the sale of, or the distribution of any controlled substances or illegal drugs while on duty; or violating the University's Drug-Free Workplace/Drug-Free Schools Policy. (This provision does not extend to prescribed use of prescription medications.)
1. First offense: Suspension to discharge.
  2. Second offense: Discharge.
- (r) Rudeness to Students, Staff or the Public. Impolite, discourteous, unprofessional, or uncooperative language or actions towards students, staff, or the public.
1. First occurrence: Oral reprimand.
  2. Second occurrence: Written reprimand.
  3. Third occurrence: Suspension.
  4. Fourth occurrence: Discharge.
- (s) Sexual Harassment. Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment, (2) submission to or rejection of such conduct by an individual is used as basis for

employment or personnel decisions, or (3) when such conduct has the purpose or effect of substantially interfering with performance of work or creating an intimidating, hostile, or offensive working environment as determined by the university's Office of Institutional Equity.

1. First occurrence: Written reprimand to discharge.
2. Second occurrence: Discharge.

(t) Title IX Sexual Harassment. Title IX Sexual Harassment is a form of sex discrimination specifically defined under Title IX regulations. Title IX Sexual Harassment is defined as conduct on the basis of sex that occurs in a University education program or activity against a person located in the United States and that satisfies one or more of the following: (i) An employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo); (ii) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity (i.e., hostile environment); or (iii) Sexual assault, dating violence, domestic violence, and stalking (as defined by the Jeanne Clery Act).

1. First occurrence: Written reprimand to discharge.
2. Second occurrence: Discharge.

(u†) Sleeping While on Duty. The failure of an employee to remain awake while on duty during the established work shift.

1. First occurrence: Suspension.
2. Second occurrence: Discharge.

(v‡) Use of University equipment or work time to view pornography or explicitly nude images for non-business reasons.

1. First occurrence: Suspension to discharge.
2. Second occurrence: Discharge.

(w\*) Theft or Stealing. The unauthorized taking of any property or service.  
First occurrence: Discharge.

(x\*\*) Threatening and/or Abusive Language. The use of language which is threatening, profane, vulgar, or abusive.

1. First occurrence: Written reprimand to discharge.
2. Second occurrence: Discharge.

(y\*) Violation of Safety Practices. The failure to adhere to or follow established safety rules or requirements. This includes the failure to report an accident of an employee involving personal injury, failure to wear safety equipment, and the performance of any unsafe action.

1. First occurrence: Written reprimand to discharge.
2. Second occurrence: Discharge.

(zy) Willful Violation of a Provision of Law or Board of Governors or University Regulation. The deliberate failure to abide by Board of Governors or University Regulations or to follow the statutes governing employment by the State of Florida. This may include, but is not limited to giving or accepting a bribe, discrimination in employment, or illegal campaigning.

1. First occurrence: Written reprimand to discharge.
2. Second occurrence: Discharge.

(aaz) Strike or Concerted Activity. Instigating or supporting in any manner a strike. A strike is defined by Florida Statute as: The concerted failure of employees to report for duty; the concerted absence of employees from their positions; the concerted stoppage of work by employees; the concerted submission of resignations by employees; the concerted abstinence in whole or in part by any group of employees from the full and faithful performance of the duties of employment with a public employer [such as the University] for the purpose of inducing, influencing, condoning, or coercing a change in the terms and conditions of employment or the rights, privileges, or obligations of public employment, or participating in a deliberate and concerted course of conduct which adversely affects the services of the public employer; the concerted failure of employees to report for work after the expiration of a collective bargaining agreement; and picketing in furtherance of a work stoppage. The term "strike" shall also mean any overt preparation, including but not limited to, the establishment of strike funds with regard to the above activities.

First occurrence: Discharge.

*Authority: BOG Regulation 1.001. History–New 1-10-82, Amended 10-26-82, 12-29-88, Formerly 6C7-3.191, Amended 3-2-94, 4-23-03, 7-26-04; Formerly 6C7-3.0191, Amended 6-11-09, Amended 1-24-19, \_\_\_\_\_-20.*

**UCF-3.033 ~~USPS~~University Support Personnel System Predetermination and Arbitration Appeal Procedures for Employees with Regular Status.**

(1) This regulation sets forth the predetermination procedures for University of Central Florida University Support Personnel System (USPS) employees with regular status.

(a) Written Notice – Prior to discharge for disciplinary reasons, suspension without pay for disciplinary reasons, demotion for disciplinary reasons, or reduction in pay for disciplinary reasons of regular status employees, the university shall notify the employee as follows:

1. The employee shall be given written notice of the proposed action at least 14 calendar days prior to the date the action is to be taken.
2. If the employee is available, the notice shall be hand-delivered to the employee and the employee shall acknowledge receipt. Otherwise, the notice shall be mailed to the employee by certified mail, return receipt requested. The notice shall be considered received by the employee even if refused or ignored.

(b) Contents of Notice – The notice shall be signed by the Chief Human Resources Officer ~~director~~ or ~~his or her~~ designee and shall include the following:

1. The effective date of the university's proposed final action;
2. The specific charges or reasons for the action;
3. A list of documents on which the charges or other reasons are based;
4. A statement that the employee may, within 7 calendar days of receipt of the notice, submit a request in writing for a predetermination conference at which time the employee may make an oral or written statement, or both, to the university to refute or explain the charges or reasons for the action; and the name, address, and telephone number of the person to whom the request for a conference shall be directed;
5. A statement that the requested conference must be held prior to the proposed effective date of the action, at a time and place determined by the university, normally during regular business hours, and that the employee is permitted to bring a representative to advise and assist;
6. A statement that the University of Central Florida desires to reduce the risk



of error in taking the action against the employee and to avoid damaging the employee's reputation by untrue or erroneous charges, and therefore, the university is interested in receiving and considering the employee response;

7. A copy or summary of the predetermination procedures; and
8. Notice that an employee may resign with an understanding that they will be listed as ineligible for rehire if the proposed action is a discharge due to disciplinary reasons.

(c) Predetermination Conference – If a conference is requested by the employee, it must be conducted by the Chief Human Resources Officer ~~director or his~~ or ~~her~~-designee to make the final decision as follows:

1. The person(s) conducting the conference shall convene the conference at the time and place set by the university, shall identify all participants, and shall explain the purpose of the conference. The purpose of the conference is to hear the employee's response to the charges in order to protect the employee from erroneous or arbitrary adverse action, to afford the university an opportunity to reevaluate its position after reviewing the information presented by the employee, and to thereafter affirm or alter the disciplinary action as determined as a result of the conference. In the case of proposed discipline arising out of a decision maker's finding that Title IX Sexual Harassment has occurred, the conference shall not operate as a further appeal opportunity of the Title IX hearing beyond the appeal provided by the University's Title IX Grievance Policy, UCF Policy 2-012. If an appeal is filed under Policy 2-012, the conference will be held in abeyance until the appeal is resolved. Whether or not an appeal under Policy 2-012 is filed, an employee disciplined pursuant to Policy 2-012 will, during the conference, be limited to contesting the severity of the sanctions determined by the decision maker and/or imposed by the University.
2. The conference shall be informal and shall not be in the nature of an evidentiary hearing. The employee is permitted to bring a representative to assist or advise ~~him or her~~them, but discovery, cross-examination, and similar legal procedures are not permissible.

3. The employee shall be permitted to submit relevant information, orally or in writing, or both, including through witnesses. The privilege is reserved to the University of Central Florida to give such information the weight it deems proper. If the employee chooses to attend the conference but make no response, the University of Central Florida will proceed on the basis of the information it has or can obtain without such a response.
  4. After the conference is conducted, the employee shall be notified, as soon as practicable, that the proposed final action will be effective on a specific date, that the proposed final action has been revised, or that no action will occur.
- (d) Decision – After the conference, if the university determines that it will proceed with the discharge for disciplinary reasons, suspension without pay for disciplinary reasons, demotion for disciplinary reasons, or reduction in pay for disciplinary reasons, the employee shall be notified of the decision in writing by personal delivery, by electronic mail, or by certified mail, return receipt requested, ~~of the~~ employee's right to appeal to an arbitrator under subsection (2) of this regulation. If the employee occupies a position included in a certified bargaining unit, the employee must use the unit's grievance procedures as provided in the applicable collective bargaining agreement. Furthermore, sworn law enforcement personnel must assure that the provisions of Part VI of Chapter 112, F.S., Law Enforcement Officers' Bill of Rights, are followed.
- (e) If no conference is requested, the University of Central Florida will proceed with the proposed action as stated in the predetermination notice.
- (f) During the period between the first notice and the effective date of the action, the university will do one of the following ~~options shall be used by the university~~: retain the employee in his or her usual duties, temporarily assign the employee to other duties, place the employee on annual leave, or place the employee on administrative leave.
- ~~(g) — Extraordinary Situations.~~
- ~~(g) — Administrative leave pending action. 1. —~~The Chief Human Resources Officer ~~director or his~~ or ~~her~~ designee ~~shall~~ may immediately place an employee on administrative leave in as set forth in University Regulation

~~UCF-3.040(17). suspend an employee from performance of his or her duties when the Human Resources director or his or her designee has reason to believe that the employee's presence on the job would adversely affect the functioning of the university or would jeopardize the safety or welfare of other employees. The Chief Human Resources Officer director or his or her designee shall determine whether the administrative leave shall be with or without pay. a suspension shall be with or without pay based on the severity of the alleged misconduct and the threat to safety.~~

~~2. If oral notice is given under this paragraph (g), written notice of such action, and the reasons therefore, must be furnished to the employee as soon as possible.~~

~~3. Written notice in an extraordinary situation shall include a statement of the reasons for such action and shall be sent by certified mail, return receipt requested, or hand delivered and the employee shall acknowledge receipt.~~

~~(h) Final notice of an action shall include a statement that the in-unit employee has a right to appeal to an arbitrator under the provisions of this regulation. Non-unit USPS employees do not have grievance or arbitration rights.~~

(2) USPS in-unit Arbitration Appeal Procedures-Grievances

(a) In-unit USPS employees may grieve decisions under this regulation utilizing the grievance procedure found in the applicable collective bargaining agreement.

(b) Non-unit USPS employees may grieve decisions under this regulation utilizing the grievance procedure found in University Regulation UCF-3.0133. ~~An in-unit employee who has earned regular status in his or her current classification shall have the right to appeal to an arbitrator any discharge for disciplinary reasons, suspension without pay for disciplinary reasons, demotion for disciplinary reasons, or reduction in pay for disciplinary reasons.~~

~~1. If an employee requests an arbitration, the employee shall, within 14 working days after the receipt of notice of the employment action from the university, file with Human Resources a completed Arbitration Request Form. This form, entitled "Arbitration Request Form," is hereby incorporated by reference and can be~~

~~obtained from Human Resources, 12565 Research Parkway, Suite 360, Orlando, Florida 32826-2912.~~

- ~~2. Failure to initiate an arbitration request within the time limits prescribed shall be deemed a waiver of right to arbitrate. In the event of a question regarding timeliness of any notice, the date of receipt if transmitted in person, or the postmark if transmitted by mail, shall be determinative.~~
- ~~3. After the Request for Arbitration has been received, the Chief Human Officer Resources director will determine whether the request has been filed in accordance with the provisions of this section and shall notify the employee or his or her representative, the dean or director, and the vice president responsible for the college, major budgetary unit, or administrative unit in which the grievant is employed of this determination. Additionally, the employee will be mailed a copy of this regulation.~~
- ~~4. The Chief Human Resources Officer director shall select an arbitrator on a rotational basis from an odd-numbered panel of at least three (3) arbitrators maintained by the university and shall notify the university representative and the employee or his or her representative of the selection. The employee will receive notice of the identity of the arbitrator and may request disqualification of the arbitrator based on cause within seven (7) calendar days of receipt of the notice. Cause is present when it appears the arbitrator was chosen through corruption, fraud, or other undue means.~~
- ~~5. When an action is both appealable under this regulation and grievable under a collective bargaining agreement, the employee must use the process within the collective bargaining agreement. The filing of the arbitration request form constitutes a waiver of any rights to review of the matter under other university review procedures or under any other administrative process. If the employee seeks a review of a matter in an alternative forum after requesting arbitration under this regulation or fails to appear at the scheduled arbitration hearing, the university shall have no obligation to proceed further and the grievant loses rights to further appeal.~~
- ~~6. Inactive status. A grievance or arbitration request that is not acted upon by the grievant or his/her representative for more than thirty (30)-~~

~~calendar days shall be deemed resolved in accordance with the decision issued at the prior step.~~

~~(b) Fees and Expenses.~~

~~1. All reasonable fees and expenses for the arbitrator will be paid by the university unless an employee is represented by a labor organization, its agents, or employees, in which case the arbitrator's fees and expenses shall be paid by the party who fails to prevail in the arbitration.~~

~~2. The party desiring a transcript of the arbitration proceedings shall provide written notice to the other party of its intention to have a transcript of the arbitration made at least one week prior to the date of the arbitration and shall be responsible for scheduling a reporter to record the proceedings. The parties shall share equally the appearance fee of the reporter and the cost of obtaining an original transcript and one copy for the party originally requesting a transcript of the proceeding. The requesting party shall, at its expense, photocopy the copy of the transcript received from the reporter and deliver the photocopy to the other party within seven (7) calendar days after receiving the copy of the transcript from the reporter.~~

~~(c) The employee may self represent or be represented. If the employee elects to be represented, the employee must deliver or send to the Chief Human Resources Officer director or his or her designee within five working days after filing a Request for Arbitration, a written statement indicating the name, address, telephone number and qualifications of the representative and confirming that the employee as well as the representative will be present during the arbitration hearing, and that the employee agrees to representation.~~

~~(d) If the aggrieved employee participates during working hours in the arbitration, the employee's compensation will not be affected by the time spent at the arbitration hearing. The employee must notify the immediate supervisor seven (7) calendar days in advance of the anticipated absence. An employee will not be permitted to prepare the case during working hours.~~

~~(e) — Hearing.~~

- ~~1. — The arbitrator shall hold the hearing at the University of Central Florida, unless otherwise agreed by the parties. The hearing shall commence within six weeks of the arbitrator's acceptance of selection, or as soon thereafter as is practicable. Arbitration proceedings shall be conducted in accordance with this regulation. Arbitration under this regulation is intended to be an expedited procedure. Accordingly, discovery shall not be permitted and no pre-hearing filings shall be required of the parties. During the hearing, hearsay may be introduced, but the arbitrator shall not make any determination solely on the basis of hearsay. The parties may be requested to submit post-arbitration memoranda to summarize key arguments or evidence from the hearing. The arbitrator shall not make ex parte contact with any party or witness relating to the substantive issues of the arbitration.~~
- ~~2. — Within six weeks of the hearing, the arbitrator shall issue to the university and the employee a written order which may affirm, reverse, or alter the decision of the university.~~
- ~~3. — The employee and the university agree that the decision of the arbitrator shall be final and binding on both parties. No judicial review of the arbitration order is available except as provided by Chapter 682, F.S.~~

~~(f) — Authority of the Arbitrator.~~

- ~~1. — The arbitrator shall neither add to, subtract from, modify, or alter the provisions of university regulations, policies, or procedures, or an applicable collective bargaining agreement. Arbitration shall be confined solely to the application and/or interpretation of those provisions and limited to the matters in the Request for Arbitration Form submitted for arbitration. No statements of opinion or conclusions not essential to the determination of the matters submitted shall be permitted. The arbitrator shall not review managerial decisions other than to ensure that such actions are in accordance with the applicable procedures under review. In the case of discharge for disciplinary reasons, suspension without pay for disciplinary reasons, demotion for disciplinary reasons, or reduction in pay for disciplinary~~

- ~~reasons, the arbitrator shall determine if there is cause for such actions.~~
- ~~2. Where an administrator has made a judgment involving the exercise of discretion, such as decisions regarding assignment, or severity of disciplinary action, the arbitrator shall not substitute the arbitrator's judgment for that of the administrator. Nor shall the arbitrator review such decision except for the purpose of determining whether the decision has violated these regulations.~~
  - ~~3. The burden of proof shall be on the employer in discharge, suspension without pay, demotion and reduction in pay when taken for disciplinary reasons. The burden of proof shall be on the employee in all other arbitrations.~~
  - ~~4. The arbitrator's order and award may reinstate an employee, with or without back pay. The back pay award shall not exceed the amount of pay the employee would otherwise have earned at the employee's regular rate of pay and shall not be retroactive to a date earlier than the date of the occurrence of the event giving rise to the action at issue. In no situation will the award exceed the actual loss to the employee or provide attorney fees to either party.~~
  - ~~5. The arbitrator is not authorized to award other monetary damages or penalties.~~
- ~~(g) Arbitrability. The issue of arbitrability shall be bifurcated from the substantive issue(s) and, whenever possible, determined by means of a hearing conducted by a conference call. The arbitrator shall have ten (10) days from the hearing to render a decision on arbitrability. If the issue is judged to be arbitrable, a second arbitrator shall then proceed to hear the substantive issues, in accordance with the provisions above. The same arbitrator shall not be used to determine the substantive issue(s) in the arbitration.~~

*Authority: BOG Regulation 1.001. History—New 9-13-04, Amended 10-18-05; Formerly 6C7-3.033, Amended 6-25-09, 4-30-12, \_\_\_\_\_-20.*

**UCF-3.0133 ~~USPS~~University Support Personnel System Non-unit Grievance Procedure.**

(1) STATEMENT OF PURPOSE:

- (a) The primary purpose of this grievance procedure is to maintain sound employee relations by giving employees the opportunity to bring complaints and problems to the attention of management with the assurance that they will receive appropriate review. The intent of this grievance procedure is that, whenever possible, grievances should be resolved at the lowest level possible.
- (b) Questions regarding the procedure may be directed to the employee relations section of Human Resources. The time limits expressed in this procedure should be viewed as maximum and all efforts should be directed at resolving a grievance in the most timely manner possible. Extensions to these time limits will require the approval of the Chief Human Resources Officer ~~Director of Human Resources~~ or designee. When a management representative fails to communicate a required decision within the specified time limit, the employee is authorized to proceed to the next step. Failure to proceed to the next step shall be deemed a withdrawal of the grievance without resolution.

(2) GRIEVANCE GENERALLY:

- (a) A grievance is defined as a dispute concerning the university's interpretation or application of a law, Florida Board of Governors regulation, or a university regulation, policy, or procedure.
- (b) Limitations on grievances:
  - i. The term "grievance" shall mean a dispute concerning the interpretation or application of a university or State Board of Governors regulation or policy, except that the term "grievance" shall not include complaints regarding performance appraisals, discrimination alleged violations of Regulation 3.001 (Non-Discrimination; Affirmative Action Programs) and/or Policy 2-004 (Prohibition of Discrimination, Harassment and Related Interpersonal Violence), the Uniformed Services Employment and Reemployment Rights Act (USERRA), or the Family and Medical Leave Act (FMLA). The provisions of



University Regulation 3.0134 apply to allegations of discrimination violations of Regulation 3.001 (Non-Discrimination; Affirmative Action Programs) and/or Policy 2-004 (Prohibition of Discrimination, Harassment and Related Interpersonal Violence), and the employee will be expected to pursue a discrimination grievance under the at procedures outlined there. With respect to alleged violations of USERRA or FMLA, the employee must present the allegations in writing to Human Resources where such allegations will be subsequently investigated by Human Resources or by other university offices as may be deemed appropriate by Human Resources. The term “grievance” shall not include any appeal under the University’s Title IX Grievance Policy, UCF 2-012, including any appeal of the determination and/or sanction following a Title IX Sexual Harassment live hearing.

~~ii. Involuntary reductions in pay for disciplinary reasons, , involuntary demotions for disciplinary reasons, suspensions without pay for disciplinary reasons, and discharges for disciplinary reasons shall not be considered as grievances under this process, and requested review of such actions shall be handled in accordance with the provisions of the University Regulation UCF-3.033.~~

~~iii. Terminations due to performance shall not be grievable under this process and shall be appealable only in the appraisal appeal process.~~

~~iv.~~ An employee who receives a written Notice of ~~Advance~~ Separation under University Regulation UCF-3.038 may only grieve the decision because of an alleged violation of a specific University regulation or because of an alleged violation of law.

- (c) Employees who have not obtained regular status in the University Support Personnel System (USPS) may bring a grievance to the immediate supervisor. If the decision of the immediate supervisor is not satisfactory, the employee may discuss the grievance with the next level supervisor. The decision of the next level supervisor shall be final and the employee shall not have the right to

proceed further with the grievance.

- (d) The burden of proof shall be on the university in a grievance alleging violation of Regulation UCF-3.0191, entitled “Disciplinary Action – University Support Personnel System.” In all other grievances, the burden of proof shall be on the employee.
- (e) The ~~Director of~~Chief Human Resources Officer or designee shall make final determinations as to interpretation and implementation of this procedure, including but not limited to determinations as to grievance eligibility and grievance time frames.
- (f) It is the grievant’s responsibility to present witnesses, written documentation, or any other evidence that is relevant to the grievance at the appropriate grievance meeting.
- (g) Once a grievance is filed, no revisions or additions to the grievance are permitted in later steps of the grievance process.
- (h) The substance of a grievance and the grievance process are confidential while it is in process as permitted by law, except that either the university or the grievant may speak with witnesses. Discussion or communication of the circumstances involved in a grievance with employees who are not involved in the process or who otherwise do not need to know is strongly discouraged. Where such communication is threatening, defamatory, could be perceived as an attempt to influence decision makers and others or is widespread or inflammatory as to disrupt the process, such communication can be cause for discipline.
- (i) The filing of a grievance does not mean that an employee may engage in misconduct with impunity during the grievance process. Any misconduct at any time, including after a grievance is filed, can result in disciplinary action.
- (j) The filing or pendency of any grievance shall in no way operate to impede, delay, or interfere with the right of the university to take the action it proposes, subject to the final disposition of the grievance.
- (k) Inactive status. A grievance ~~or arbitration~~ request that is not acted upon by the grievant or his/her/their representative for more than thirty (30) calendar days

shall be deemed resolved in accordance with the decision issued at the prior step.

(3) STEP ONE: An employee must file a grievance with the employee's immediate supervisor either orally or in writing. It is suggested at this step that the grievance be handled orally. The employee must specifically request a grievance meeting within five ~~work-business~~ days (excluding official paid holidays) from the date that the employee becomes aware of the act or omission giving rise to the grievance. The immediate supervisor shall provide the employee with a response to the grievance within five ~~work-business~~ days of the date of the grievance meeting.

(4) STEP TWO:

(a) If the employee considers the immediate supervisor's grievance response unsatisfactory, believes the grievance discussed with the immediate supervisor still exists, and wishes to pursue resolution of the grievance, the grievance shall be reduced to writing, on the form entitled "University Support Personnel System (USPS), University Grievance Procedure, which is incorporated herein by reference and may be obtained from Human Resources. The employee should be specific in the written grievance and clearly state the following information: what regulation, policy, or procedure the employee believes has been violated; how that violation affects the employee; and what action the employee requests to resolve the grievance. The grievance shall be filed with the college dean or director within five ~~work-business~~ days after the employee receives the immediate supervisor's response at the informal step, with a copy sent to the ~~Director-Chief~~ Human Resources Officer.

(b) The college dean or director should confer with the aggrieved employee and others, as appropriate, in order to fully investigate the grievance. Human Resources will remain available to assist in any problem resolution and to ensure that no violation of applicable rules or regulations is involved. The college dean or director shall provide a written response to the grievance within ten ~~work-business~~ days after receiving the employee's written grievance and send a copy to the ~~Director-of~~ Chief Human Resources Officer.

(5) STEP THREE:

- (a) If the employee considers the college dean or department director's response unsatisfactory and wishes to pursue resolution of the grievance, the employee may seek review of the response by filing the written grievance and response, along with a written statement of the reason(s) that the grievant believes the response is incorrect, with the appropriate vice president within five ~~working~~ business days after receiving the college dean's or department director's decision. The employee must also send a copy to the appropriate college dean or department director (step two administrator) and the ~~Director of~~ Chief Human Resources Officer.
- ~~(b) If there is an intervening level of supervision between the step two administrator and the vice president, that supervisor shall be required to review the grievance utilizing the Step Two timelines before the vice president reviews the grievance at Step Three. The grievance must be filed with the intervening level supervisor in a timely manner consistent with timelines established for Step Two. At the Step Three level, the record submitted by the grievant must contain all relevant materials from Steps One and Two.~~
- ~~(c)~~ The vice president, within twenty ~~work~~ business days after receiving the grievant's request for review, shall issue a final decision to the grievant, and send a copy to the appropriate college dean or department director (step two administrator), ~~the intervening level supervisor (if applicable),~~ and the ~~Director of~~ Chief Human Resources Officer. Upon the vice president's or designee's request, the ~~Director of~~ Chief Human Resources Officer or designee will appoint a ~~Complaint~~ Grievance Review Officer from another division to conduct a review of the grievance and provide written findings and a recommendation to the vice president. The vice president's decision shall be final and binding on all parties.

*Authority: BOG Regulation 1.001. History—New 12-27-83, Formerly 6C7-3.133, Amended 11-8-87, 1-6-93, 4-23-03, 7-26-04, 10-18-05; Formerly 6C7-3.0133, Amended 6-11-09, 8-3-10, 6-25-12, \_\_\_\_\_-20.*

**UCF-3.0124 Discipline and Termination for Cause of Non-Unit Faculty and Non-Unit A&P Staff Members.**

(1) Just cause shall be defined as:

- (a) Incompetence; or
- (b) Misconduct.

(2) Termination and Suspension.

- (a) The appointment of a non-unit faculty or non-unit A&P staff member may be terminated or suspended during its term for just cause. The employee shall be given a written predetermination notice of a proposed termination or suspension by the president or the president's designee. The notice shall state the reasons for the proposed termination or suspension. The predetermination notice shall provide the opportunity for a predetermination conference regarding the proposed action, if requested in writing within five business days of receipt of the predetermination notice. The notice shall include a statement that the employee may resign, subject to being coded as ineligible for rehire, if the proposed action is a discharge. The predetermination conference shall be informal in nature and shall allow the employee an opportunity to present any information or records regarding the proposed action.
- (b) A written final notice shall be issued to notify the employee of the University's final decision regarding the proposed action. Any termination or suspension imposed under this subsection shall take effect as set forth in the final notice issued by the President or designee. An employee who is terminated or suspended under this subsection may grieve such action as set forth in University Regulations UCF-3.036 (non-unit faculty) or UCF-3.037 (non-unit A&P).
- (c) In the event that the non-unit A&P staff member or non-unit faculty member is investigated for Title IX Sexual Harassment, the procedures of this regulation shall be superseded in favor of the procedures of the Title IX Sexual Harassment process, including live hearing, as outlined in the University's Title IX Grievance Policy, UCF Policy 2-012. If the employee is also alleged to have committed other violations of university policy or code of conduct, such that termination or suspension of employment would be warranted based on those violations, if true, then the procedures outlined herein will be utilized to

concurrently address the other forms of misconduct that do not fall within the University's Title IX Grievance Policy, UCF Policy 2-012.

(3) Leave Pending a Predetermination Conference. Notwithstanding the provisions of paragraph (2)(a) above, the president or ~~his~~ designee may immediately place an employee on administrative leave as set forth in University Regulation UCF-3.040. An involuntary administrative leave under this subsection may be with or without pay. ~~As soon as practicable after placing an employee on leave under this provision, the president or president's designee shall serve written notice upon the employee, including a statement of the reasons for any action taken.~~ Either concurrent with or subsequent to notifying the employee of administrative leave, that notice the University shall issue a predetermination notice, where warranted, regarding proposed disciplinary action in accordance with Section (2) above. If the employee has been placed on leave without pay under this subsection and ultimately no disciplinary action is proposed or the employee prevails in the predetermination procedure, the employee shall be reinstated with back pay.

(4) Other Disciplinary Action. The president or designee retains the right to impose disciplinary action other than termination or suspension for just cause. Disciplinary actions include, but are not limited to, written reprimand, demotion, payment of fines, loss of future salary increases, or reassignment. The employee shall be given written notice of any disciplinary action other than termination or suspension, which notice shall state the reasons for the disciplinary action. Any disciplinary action taken under this section shall be subject to the grievance procedure found in University Regulations UCF-3.036 or UCF-3.037, as applicable; except that action taken as a result of a Title IX live hearing shall only be subject to the appeal procedure contained in the University's Title IX Grievance Policy, UCF Policy 2-012. Counseling shall not be considered disciplinary action under this section.

(5) Notification. Whenever notice is provided to be given under this Regulation, the notice shall be personally delivered to the employee or mailed by certified mail to the employee's address of record with the university. The deposit of such notice in the U.S. Mail satisfies the requirement of notification and constitutes delivery of such notice. The University also may, but is not required to, provide notice to the employee by electronic mail to the employee's University-assigned electronic mail address.

*Authority: BOG Regulation 1.001. History—New 4-30-81, Amended 12-27-83, Formerly 6C7-3.124, Amended 3-16-03; Formerly 6C7-3.0124, Amended 6-22-09, 4-20-10, 5-2-16,*

2-20-17, 9-27-18, \_\_\_\_\_-20.

**UCF-3.036 Grievance Procedure for Non-Unit Faculty Employees.**

(1) The purpose of this procedure is to promote prompt and efficient investigation and resolution of grievances filed by non-unit faculty employees of the University.

- (a) All problems and concerns should be resolved, whenever possible, before the filing of a grievance, and open communication is encouraged so that a formal grievance will not be necessary. Informal resolution of grievances is encouraged, and may be continued throughout the grievance process.
- (b) The burden of proof shall be on the University in a grievance alleging violation of any University Regulation requiring that the University have just cause to discipline the grieving employee (see University Regulation UCF-3.0124). In all other grievances, the burden of proof shall be on the grievant.
- (c) An employee who receives written notice of nonrenewal may only grieve the decision because of an alleged violation of a specific University regulation or because of an alleged violation of law.

(2) Resort to Other Procedures. It is the intent of this procedure to provide a complete response to a grievance but not to encourage multiple processing of the same matter. Therefore, if, prior to seeking resolution of a dispute by filing a grievance under this regulation, or while the grievance proceeding is in progress, a grievant seeks resolution of the matter in any other forum, administrative or judicial, the University has no obligation to proceed further with the matter pursuant to this grievance procedure. It is not intended that the grievance procedure be a device for appellate review. The University shall not entertain a grievance based upon the same issue adjudicated in another forum. Nor is it the intent of this procedure to serve as a route of appeal in relation to a Title IX Sexual Harassment matter under the University's Title IX Grievance Policy, UCF Policy 2-012; therefore, this procedure is not available as a mechanism to challenge a determination in a Title IX Sexual Harassment live hearing proceeding.

(3) Time limits. All time limits contained in this regulation may be extended either upon approval by the Office of Contract Compliance and Administrator Support or by mutual written agreement of the University and the grievant. Upon failure of the University or its representatives to provide a decision within the time limits provided in this regulation or any extension thereof, the grievant may appeal to the next appropriate step. Upon the failure of



the grievant or representative to file an appeal within the time limits provided in this regulation or any extension thereof, the grievance shall be deemed to have been resolved at the prior step.

(4) Definitions.

- (a) The term “grievance” shall mean a dispute concerning the interpretation or application of a university or State Board of Governors’ regulation or policy, except that an employee shall not have the right to file a grievance under the provisions of this regulation concerning ~~discrimination~~ alleged violations of Regulation 3.001 (Non-Discrimination; Affirmative Action Programs) and/or Policy 2-004 (Prohibition of Discrimination, Harassment and Related Interpersonal Violence), the Uniformed Services Employment and Reemployment Rights Act (USERRA), or the Family and Medical Leave Act (FMLA). The provisions of University Regulation 3.0134 apply to ~~allegations of discrimination~~ alleged violations of Regulation 3.001 (Non-Discrimination; Affirmative Action Programs) and/or Policy 2-004 (Prohibition of Discrimination, Harassment and Related Interpersonal Violence), and the employee will be expected to ~~pursue a discrimination grievance under that procedure~~ follow the procedures therein or, as applicable, the procedures of the University Title IX Grievance Policy, UCF Policy 2-012. ~~With respect to alleged violations of USERRA or FMLA, the employee must present the allegations in writing to Human Resources where such allegations will be subsequently investigated by Human Resources or by other university offices as may be deemed appropriate by Human Resources. The term “grievance” shall not include any appeal under the University’s Title IX Grievance Policy, UCF 2-012, including any appeal of the determination and/or sanction following a Title IX Sexual Harassment live hearing.~~ ~~The term “grievance” shall not include the appeal of or a dispute concerning a dismissal of a Title IX Sexual Harassment complaint or the decision-maker's sanction and/or determination following a Title IX Sexual Harassment live hearing under the University’s Title IX Grievance Policy, UCF Policy 2-012.~~
- (b) The term “days” shall mean calendar days. In the event an action falls due on Saturday, Sunday, university holiday, or a day on which the university is

administratively closed, the action will be considered timely if it is accomplished by 5:00 p.m. on the following business day.

- (c) The term “grievant” shall mean a non-unit faculty employee who has been directly affected by an act or omission and who has filed a grievance. The term “grievant” shall not mean a former employee, except that a terminated employee may present a grievance within the time limit set forth below following ~~his or her~~their notice of termination.
  - (d) The term “Vice President” shall mean the University of Central Florida Vice President of the division in which the grievant is employed or the President in the case of the President’s Division.
  - (e) The term “counsel” shall mean an attorney or lay advisor.
- (5) Step One Procedures.
- (a) If informal resolution is not successful, the grievant may initiate a grievance by filing the form below with the Office of Contract Compliance and Administrator Support.
  - (b) A Step One written grievance shall be filed no later than 28 days from the date following the act or omission giving rise to the grievance, or 28 days from the date the grievant acquires knowledge, or could have reasonably been expected to have acquired knowledge, of the act or omission.
  - (c) The grievance will be investigated by a Step One Reviewer appointed by the Vice President. If the act or omission on which the grievance is based is alleged to have been made personally by the grievant’s Vice President, the grievance must be initiated at Step Two.
  - (d) The Step One Reviewer shall meet with the grievant and the grievant’s counsel, and others, as appropriate, in order to fully investigate the grievance. The Office of Contract Compliance and Administrator Support will be available to assist. The Step One Reviewer shall provide a written decision within 42 days after meeting with the grievant.

NON-UNIT FACULTY GRIEVANCE FORM

Deliver to the Office of Contract Compliance and Administrator Support MH 338

This grievance was received on \_\_\_\_\_ (date) by \_\_\_\_\_

and was delivered by (check one)

certified or registered, restricted delivery, return receipt requested mail;

personal delivery

GRIEVANT NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

DIVISION: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_

HOME ADDRESS: \_\_\_\_\_

HOME PHONE: \_\_\_\_\_

CAMPUS AND EMAIL ADDRESS: \_\_\_\_\_

CAMPUS PHONE: \_\_\_\_\_

University Policy or Regulation Violated:

Statement of grievance including date of act(s) or omission(s) complained of:

Remedy Sought:

I will be represented in this grievance by: (check one)

Myself  \* Legal Counsel  Other, specify \_\_\_\_\_.

I understand that this grievance will not be processed if the act(s) or omission(s) complained of herein are, or become, the subject of any other administrative or judicial proceeding.

\_\_\_\_\_  
Signature of Grievant

\* Please provide name, phone, and email address for Legal Counsel:

\_\_\_\_\_

(6) Step Two Procedures.

- (a) A grievant who considers the Step One decision unsatisfactory may seek review of the response by filing the written grievance and decision, along with a written statement of the reason(s) that the grievant believes the response is incorrect, with the Office of Contract Compliance and Administrator Support. This filing must occur within fourteen days after receiving the Step One decision.
- (b) The grievance will be investigated by a Step Two Reviewer appointed by the President or designee.
- (c) The Step Two Reviewer shall meet with the grievant and the grievant's counsel, and others, as appropriate, in order to fully investigate the grievance. The Step Two Reviewer should issue a written decision within 42 days after meeting with the grievant. The Step Two Reviewer's decision shall be final.

(7) Any grievance meeting shall be informal and shall not be in the nature of an evidentiary hearing. While either party may present information, the rules of evidence shall not apply, and discovery, cross-examination, and similar legal procedures are not permissible. The decision of the grievance reviewers must be based on information presented in the grievance process.

(8) Once a grievance is filed, no revisions or additions to the grievance are permitted in later steps.

*Authority: BOG Regulation 1.001. History—New 4-30-81, Amended 12-27-83, Formerly 6C7-3.132, Amended 3-16-03, 10-18-05; Formerly 6C7-3.0132, Amended 8-10-09, 5-2-16, 2-20-17, \_\_\_\_\_-20.*

**UCF-3.037 Grievance Procedure for Non-Unit A&P Employees.**

- (1) The purpose of the grievance procedure is to provide a prompt and efficient procedure for the investigation and resolution of grievances filed by non-unit A&P employees of the University.
  - (a) All problems should be resolved, whenever possible, before the filing of a grievance, and open communication is encouraged so that resort to the formal grievance procedure will not be necessary. Informal resolution of grievances is encouraged, and may be sought throughout the process.
  - (b) The burden of proof shall be on the University in a grievance alleging violation of a University Regulation requiring that the University have just cause to discipline the grieving employee (see University Regulation UCF-3.0124). In all other grievances, the burden of proof shall be on the grievant.
  - (c) An employee who receives written notice of non-reappointment may only grieve the decision because of an alleged violation of a specific University regulation or because of an alleged violation of law.
- (2) Resort to Other Procedures. It is the intent of this procedure to provide a complete response to a grievance but not to encourage multiple processing of the same issue. Therefore, if, prior to seeking resolution of a dispute by filing a grievance under this regulation, or while the grievance proceeding is in progress, a grievant seeks resolution of the matter in any other forum, administrative or judicial, the University has no obligation to proceed further with the matter pursuant to this grievance procedure. It is not intended that the grievance procedure be a device for appellate review. The University shall not entertain a grievance based upon the same issue adjudicated in another forum. -Nor is it the intent of this procedure to serve as a route of appeal in relation to a Title IX Sexual Harassment matter under the University's Title IX Grievance Policy, UCF Policy 2-012; therefore, this procedure is not available as a mechanism to challenge a determination in a Title IX Sexual Harassment live hearing proceeding.
- (3) Time limits. All time limits contained in this regulation may be extended either upon approval by the ~~Executive Director of~~ Chief Human Resources Officer or by mutual written agreement of the parties. Upon failure of the University or its representatives to provide a decision within the time limits provided in this regulation or any extension thereof, the grievant may appeal to the next appropriate step. Upon the failure of the grievant to file an appeal within

the time limits provided in this regulation or any extension thereof, the grievance shall be deemed to have been resolved at the prior step.

(4) Definitions.

- (a) The term “grievance” shall mean a dispute concerning the interpretation or application of a university or Florida Board of Governors’ regulation or policy; except that the term “grievance” shall not include complaints regarding performance appraisals, ~~discrimination- alleged violations of Regulation 3.001 (Non-Discrimination; Affirmative Action Programs) and/or Policy 2-004 (Prohibition of Discrimination, Harassment and Related Interpersonal Violence),~~ the Uniformed Services Employment and Reemployment Rights Act (USERRA), or the Family and Medical Leave Act (FMLA). The provisions of University Regulation 3.0134 ~~apply to allegations of discrimination, govern the handling of alleged violations of Regulation 3.001 (Non-Discrimination; Affirmative Action Programs) and/or Policy 2-004 (Prohibition of Discrimination, Harassment and Related Interpersonal Violence),~~ and the employee will be expected to ~~pursue a discrimination grievance under that procedure~~ follow the procedures therein or, as applicable, the procedures of the University’s Title IX Grievance Policy, UCF Policy 2-012. With respect to alleged violations of USERRA or FMLA, the employee must present the allegations in writing to Human Resources where such allegations will be subsequently investigated by Human Resources or by other university offices as may be deemed appropriate by Human Resources. The term “grievance” shall not include any appeal under the University’s Title IX Grievance Policy, UCF 2-012, including any appeal of the determination and/or sanction following a Title IX Sexual Harassment live hearing.~~The term “grievance” shall not include the appeal of or a dispute concerning a dismissal of a Title IX Sexual Harassment complaint or the decision maker's determination and/or sanction following a Title IX Sexual Harassment live hearing under the University Title IX Grievance Policy, UCF Policy 2-012.~~
- (b) The term “days” shall mean calendar days. In the event an action falls due on Saturday, Sunday, university holiday, or a day on which the university is administratively closed, the action will be considered timely if it is accomplished

by 5:00 p.m. on the following business day.

- (c) The term “grievant” shall mean a non-unit A&P employee who has been directly affected by an act or omission and who has filed a grievance. The term “grievant” shall not mean a former employee, except that a terminated employee may present a grievance within the time limit set forth below following ~~his or her~~their notice of termination.
  - (d) The term “Vice President” shall mean the University of Central Florida Vice President of the division in which the grievant is employed or the President in the case of the President’s Division. The term “Vice President” may also refer to the President if the grievant works in an area supervised by a vice president and it is that vice president against whom the grievant is filing ~~his or her~~their grievance.
  - (e) The term “Division” shall mean an area administered by a Vice President or the President’s Division in the case of an area administered by the President.
  - (f) The term “counsel” shall mean an attorney or lay advisor.
  - (g) The term “Dean or Director” shall mean the dean or director for the college or area in which the grievant works. In those instances where it is a vice-president that is over the area in which the grievant works, “Dean or Director” will refer to that vice president.
- (5) Presentation of a Grievance.
- (a) Informal resolution of grievances is encouraged, with resort to formalized procedures established by this regulation being utilized only when informal discussions and procedures at the appropriate lowest administrative level do not satisfactorily resolve differences.
  - (b) A Step One grievance within the meaning of these procedures shall be commenced upon filing with the Dean or Director a written grievance in thea form ~~below approved by the Executive Director of Human Resources, as follows.~~

NON-UNIT A&P GRIEVANCE - STEP ONE

NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

DIVISION: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_

HOME ADDRESS: \_\_\_\_\_

HOME PHONE: \_\_\_\_\_

CAMPUS ADDRESS & EMAIL: \_\_\_\_\_

CAMPUS PHONE: \_\_\_\_\_

University Policy or Regulation Violated:

Statement of grievance including date of act(s) or omission(s) complained of:

Remedy Sought:

I will be represented in this grievance by (check one):

Myself  \* Legal Counsel  Other, specify \_\_\_\_\_ .

I understand that this grievance will not be processed if the act(s) or omission(s) complained of herein are, or become, the subject of any other administrative or judicial proceeding.

This grievance was filed with the Dean or Director of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by (check one)

certified or registered, restricted delivery, return receipt requested mail;

personal delivery

\_\_\_\_\_  
Signature of Grievant

Date Received: \_\_\_\_\_ Office of the Dean or Director of: \_\_\_\_\_

By: \_\_\_\_\_

\* Please provide name, phone, and email address for Legal Counsel:

\_\_\_\_\_



- (c) If the act or omission on which the grievance is based is alleged to have been made personally by the grievant's Dean or Director, the grievant may, in writing, request the Vice President to appoint a different university official for the grievance.
  - (d) A Step One written grievance shall be filed no later than 25 days from the date following the act or omission giving rise to the grievance, or 25 days from the date the grievant acquires knowledge, or could have reasonably been expected to have acquired knowledge, of the act or omission.
- (6) Step One Procedures.
- (a) If informal resolution is not successful and the grievant wishes to pursue the matter the grievance shall be committed to writing using the form outlined above. The grievance shall be filed with the Dean or Director after the employee receives the immediate supervisor's response at the informal step, with a copy sent to the ~~Executive Director of~~Chief Human Resources Officer.
  - (b) The Dean or Director should confer with the aggrieved employee and others, as appropriate, in order to fully investigate the grievance. Human Resources will remain available to assist in any problem resolution and to ensure that no violation of applicable policies or regulations is involved. The Dean or Director shall provide a written response to the grievant within twenty business days after receiving the employee's written grievance. A copy of that written response will also be sent to the ~~Executive Director of~~Chief Human Resources Officer.
- (7) Step Two Procedures.
- (a) If the grievant considers the Dean or Director's response unsatisfactory and wishes to pursue resolution of the grievance, the grievant may seek review of the response by filing the written grievance and response, along with a written statement of the reason(s) that the grievant believes the response is incorrect, with the Vice President within fourteen days after receiving the Dean or Director's Step One decision. The employee must also send a copy to the appropriate Dean or Director (Step One administrator) and the ~~Executive Director of~~Chief Human ~~Resources~~Officer.
  - (b) If there is an intervening level of supervision between the Step One administrator

and the Vice President, that supervisor shall be required to review the grievance utilizing the Step One timelines before the Vice President reviews the grievance at Step Two. The grievance must be filed with the intervening level supervisor in a timely manner consistent with timelines established for the initiation of Step Two. At the Step Two level, the record submitted by the grievant must contain all relevant materials from Step One.

- (c) The Vice President or designee, within twenty business days after receiving the grievant's request for review, shall issue a final decision to the grievant, and send a copy to the Dean or Director (Step One administrator), the intervening level supervisor (if applicable), and the ~~Executive Director of~~ Chief Human Resources Officer. Upon the Vice President's or designee's request, the ~~Executive Director of~~ Chief Human Resources Officer or designee will appoint a Complaint Review Officer from another division to conduct a review of the grievance and provide written findings and a recommendation to the Vice President. The Vice President's decision shall be final and binding on all parties.
- (d) Any grievance conference shall be informal and shall not be in the nature of an evidentiary hearing. While either party may present information, the rules of evidence shall not apply, and discovery, cross-examination, and similar legal procedures are not permissible. The decision of the Vice President or representative must be based on information presented in the grievance process.

(8) Once a grievance is filed, no revisions or additions to the grievance are permitted in later steps.

*Authority: BOG Regulation 1.001. History—New 4-30-81, Amended 12-27-83, Formerly 6C7-3.132, Amended 3-16-03, 10-18-05; Formerly 6C7-3.0132, Amended 8-10-09, 7-9-12, 5-2-16, 2-20-17, \_\_\_\_\_-20.*

**UCF BOARD OF TRUSTEES**  
**Agenda Item Summary**  
**Governance Committee**  
**October 14, 2020**

**Title:** *Amendments to University Regulations UCF-5.006 Student Rights and Responsibilities, UCF-5.008 Rules of Conduct, UCF-5.009 Student Conduct Review Process; Sanctions, UCF-5.010 Student Conduct Appeals, UCF-5.012 Organizational Rules of Conduct, UCF-5.013 Organizational Conduct Review Process; Sanctions; Appeals*

 Information Information for upcoming action Action

**Meeting Date for Upcoming Action:** \_\_\_\_\_

**Purpose and Issues to be Considered:**

The University proposes to amend Regulation UCF-5.006, addressing student rights and responsibilities as part of the university community, to update definitions to conform to new Title IX Sexual Harassment Procedures and update other definitions. The proposed amendment adds to this regulation the definitions of consent and sexual contact; these definitions were previously located in both Regulations UCF-5.008 and UCF-5.012. In a substantial change, this regulation amendment describes that there will be procedures to address sex-based misconduct that does not meet the definition of Title IX Sexual Harassment (see paragraph 11) and a separate procedure under the University's new Title IX Grievance Policy to address Title IX Sexual Harassment (see paragraph 12).

The University proposes to amend Regulation UCF-5.008, which sets out the student rules of conduct, to update the description of discriminatory harassment, set complicity as its own rule, and move definitions of consent and sexual contact out of this rule to Regulation UCF-5.006. Language has also been updated to differentiate between sex-based misconduct and Title IX Sexual Harassment and add Title IX Sexual Harassment as a separate rule of conduct.

The University proposes to amend Regulation UCF-5.009, which sets out the process for reviewing alleged student rule violations, to update the procedures for student conduct cases involving sex-based misconduct and Title IX Sexual Harassment, with specific reference to the University's Title IX Grievance Policy.

The University proposes to amend Regulation UCF-5.010, which sets out the appeal procedure for a student following a student conduct matter, to clarify and add some new language regarding appeals of student conduct cases involving sex-based misconduct and Title IX Sexual Harassment. Going forward, the grounds for appeal will be slightly different for non-Title IX sex-based misconduct cases and Title IX Sexual Harassment cases.

The University proposes to amend Regulation UCF-5.012, which sets out the rules of conduct for student organization at the university, to update the description of discriminatory harassment, and to set complicity as its own rule of conduct by moving the language from the introduction to the rules. Additionally, definitions of consent and sexual contact are moved out of this rule to Regulation UCF-5.006. Other sex-based misconduct provisions are updated.

The University proposes to amend Regulation UCF-5.013, which sets out the procedures related to

student organization conduct proceedings, to add clarifying language related to sex-based misconduct allegations and to update the link to the CREED program website.

These regulations were posted online September 18, 2020 for public comment. No comments were received as of the date of submission of these materials.

**Background Information:**

Florida Board of Governors Regulation 1.001 provides that “Each Board of Trustees is authorized to promulgate university regulations in accordance with the Regulation Development Procedure adopted by the Board of Governors.”

**Recommended Action:**

Approve amendments to University of Central Florida Regulations UCF-5.006 Student Rights and Responsibilities, UCF-5.008 Rules of Conduct, UCF-5.009 Student Conduct Review Process; Sanctions, UCF-5.010 Student Conduct Appeals, UCF-5.012 Organizational Rules of Conduct, and UCF-5.013 Organizational Conduct Review Process; Sanctions; Appeals

**Alternatives to Decision:**

Do not amend University Regulations UCF-5.006, UCF-5.008, UCF-5.009, UCF-5.010, UCF-5.012 and UCF-5.013 as proposed and suggest alternative amendments.

**Fiscal Impact and Source of Funding:**

N/A

**Authority for Board of Trustees Action:**

Board of Governors regulation 1.001

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**Contract Reviewed/Approved by General Counsel**  N/A

**Committee Chair or Chair of the Board has approved adding this item to the agenda**

**Submitted by:**

Scott Cole, Vice President and General Counsel

**Supporting Documentation:**

Attachment A: Proposed Amended Regulation UCF-5.006 (redline)

Attachment B: Proposed Amended Regulation UCF-5.008 (redline)

Attachment C: Proposed Amended Regulation UCF-5.009 (redline)

Attachment D: Proposed Amended Regulation UCF-5.010 (redline)

Attachment E: Proposed Amended Regulation UCF-5.012 (redline)

Attachment F: Proposed Amended Regulation UCF-5.013 (redline)

**Facilitators/Presenters:**

Youndy Cook, Senior Deputy General Counsel

### **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 Association 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 educational operation of the institution, nor violate state or local laws, or University 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.”

(2) Student Responsibilities. A student at the University is deemed to have given his or her 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 Integrity Panel” is comprised of one faculty and one staff/faculty member and two students selected from the Student Conduct Board. ~~Members of this panel will receive annual training on how to conduct an investigation related to academic misconduct.~~
- (b) The term “Advisor” or “Support Person” refers to any individual who provides support, guidance or advice to a party involved in a ~~Title IX investigation or~~ Student Conduct Review Process. The Advisor or Support Person of the involved party’s choice may assist and/or accompany the party throughout the ~~investigative process~~ ~~and~~ Student Conduct Review Process. This person shall not speak for, or present the information on behalf, of the party who requested the Advisor or Support Person’s attendance. As used in this regulation and in Regulation UCF-5.009, the term ‘Advisor’ does not include an advisor as defined under the Title IX Grievance

Policy, University Policy 2-012; refer to that policy for information about ‘Advisor’ under the University’s Title IX Grievance Policy.

- (c) 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.
- (d) 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.
- (e) The term “Complainant” refers to anyone who discloses having been subjected to sex discrimination, which includes sexual assault/misconduct, sexual exploitation, relationship violence, stalking, sexual or gender-based harassment, retaliation, or complicity in the commission of any act prohibited by the Rules of Conduct section UCF-5.008(5) or the Organizational Rules of Conduct section UCF-5.012(5), regardless of whether that person makes a report or seeks action under that policy.
- (f) 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 cannot be obtained by force, threat, coercion, manipulation, reasonable fear of injury, intimidation, use of position of influence, or through the use of one’s mental or physical helplessness or incapacity. The lack of a negative response, lack of protest or resistance, silence and passivity are not consent. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Past consent to sexual activity does not imply ongoing future consent.
  - 1. Responsibilities - It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement.

2. Standard - A determination of whether consent exists will be based on the information the initiator of the sexual act knew or should have known as a sober, reasonable person. Being impaired by alcohol or other drugs does not relieve an initiator of a sexual act from obtaining consent.
3. Incapacitation: 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. An individual may be incapacitated by force, threat, coercion, manipulation, reasonable fear of injury, intimidation, use of position of influence, or through the use of one's mental or physical helplessness or incapacity. Factors used to evaluate consent are found in UCF Policy 2-004.
4. Duration of Consent - Consent must be ongoing throughout sexual activity, for each sexual act, and can be withdrawn at any time.
5. Within each sexual encounter, there may be separate individual sexual acts involved. Consent to one act by itself does not constitute consent to another act. If verbal consent is not given, ongoing active participation is required for consent.
6. The existence of a dating or sexual relationship between the persons involved, or the fact of past sexual relations have occurred between the parties, is not an indicator of consent for any current or future sexual encounter.
7. 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.
8. Scope of Consent - Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.

(g) 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).



- (hg) 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. UCF's Deputy Title IX Coordinators are Dana Juntunen, Brandi Stuart, and Abigail Malick.
- (ih) The term "Director of SCAI" refers to the Director of Student Conduct and Academic Integrity.
- ~~(i) The term "Executive Director of the OSRR" refers to the Executive Director of the Office of Student Rights and Responsibilities.~~
- (j) The term "Hold" refers to a 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
- (k) 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.
- (l) The term "Off Campus" refers to any location not defined as University premises.
- (m) The term "Overlay" refers to a notification on a student's university transcript that states the student is not in good standing.
- (n) The term "Preponderance of Evidence" means that evidence, considered as a whole, shows that the fact sought to be proved is more probable than not. This is the standard used in adjudicating all disciplinary cases within the Student Conduct Review Process.
- (o) The term "Record Sealing" refers to when a student's disciplinary record cannot be examined except by a court order or designated officials.
- (p) The term "Relevant Information" means information that has been shown to directly support the position of a party throughout the University's investigative process or Student Conduct Review Process.
- (q) The term "Respondent" refers to any student or registered student organization who has been accused of sex discrimination, which includes sexual assault/misconduct, sexual exploitation, relationship violence, stalking, sexual or gender-based harassment, retaliation, or complicity as defined in Rules of Conduct section UCF-5.008(5) or the Organizational Rules of Conduct section UCF-5.012(5).

- (r) The term “Responsible Employee” is defined as any employee, and Direct Support Organization non-student employee, who is not a confidential employee as defined in the University’s *Prohibition of Discrimination, Harassment and Related Interpersonal Violence Policy*. Responsible Employees include (but are not necessarily limited to) Faculty (full-time and part-time), Staff (full-time and part-time), Resident Assistants, and graduate students with classroom responsibilities. Responsible employees also include 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 Employees on a case-by-case basis.
- (s) The term “Sanction” refers to outcome(s) imposed on students and registered student organizations found in violation of any Rules of Conduct or Organizational Rules of Conduct.
- (t) 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 complicity.
- (u) 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.
- (v) 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 Rules 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).

- (wv) The term “Student Conduct Board” means any person or persons authorized by the Director of SCAI or designee to gather information and make proposed findings regarding whether a student or registered student organization has violated the Rules of Conduct or Organizational Rules of Conduct and to propose sanctions that may be imposed.
- (xw) 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~~Title IX’s sex-discrimination prohibition protects against sexual harassment and sexual violence and extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity, pregnancy or parental status~~ as well as Title IX sexual harassment (defined in UCF-5.006(12)).
- (yx) 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. UCF’s Title IX Coordinator is Matt Ricke.
- (zy) The term “University” means the University of Central Florida.
- (aaz) The term “University Community” refers, collectively and individually, to students, University officials, Trustees, and all visitors, contractors, and guests to the University or any of its campuses, facilities or events.
- (bbaa) 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.
- (ccbb) 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.

(~~deed~~) 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.

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

(~~ffee~~) 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 areas of the UCF campus.

(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 SCAI Rules of Conduct Controlled Substance and Drug Violations and Alcoholic Beverages section and the Organizational Rules of Conduct section.

(6) Student Care Services. To provide comprehensive and consistent care for students experiencing academic, financial or personal challenges, Student Care Services (SCS), under Student Rights and Responsibilities provides support to students identified as needing additional on-campus or off-campus resources. Student Care Services staff review referrals from students, faculty, staff and/or other parties who are concerned about behavior exhibited by a student. The goal of Student Care Services is to intervene and support the student before a situation reaches

crisis level. Student Care Services staff will reach out to the student to assess what resources would be beneficial and collaboratively develop an action plan to reduce obstacles affecting success at UCF. Student Care Services staff will assist the student in coordinating with campus resources currently being utilized and will work with the student to monitor progress. Depending upon the circumstances, the referring person may receive feedback about the student's action plan. Students have the right to inspect and review all information submitted to Student Care Services.

(7) Student of Concern Team. In order to support student success, the University may utilize additional campus resources to assist the student. This may include collaboration with the Student of Concern Team (SOCT), a multidisciplinary group that reviews potential concerns presented by the UCF community regarding student behavior. The SOCT offers additional knowledge of university resources and procedures and may make further recommendations regarding action plan items for student success. Students of concern are presented to the team at the discretion of the Office of Student Rights and Responsibilities and/or Student Care Services.

- (a) The team may enlist the services of various campus units on an as needed basis, including but not limited to Counseling and Psychological Services, Student Health Services, Academic Services, Housing and Residence Life, First Year Advising and Exploration, Student Conduct, and the University of Central Florida Police Department.
- (b) The role of Student Health Services and Counseling and Psychological Services on the Student of Concern Team will be consultative in nature. When the involved student has been a patient or client of either agency, the staff representative will maintain the confidentiality of the student's clinical information and will make recommendations for action based solely upon the information provided in the meeting or as guided by clinical and licensure best practices.
- (c) Student Care Services staff has additional campus support systems in place to assess students engaging in behavior that may pose a risk to themselves or others. This includes but is not limited to the University Crisis Team, Mandated Assessment Procedure, and Involuntary Withdrawal Procedure.

(8) University Crisis Team. The University may refer students who are viewed to be engaging in behavior(s) that pose risks to themselves or others to the University Crisis Team for possible action. Such behaviors include, but are not limited to: suicidal behavior, self-injury, threats to harm others, disruptive behavior, disordered eating, and endangerment to the community.

- (a) The Assistant Dean of Students or designee will convene the team members in order to review each case and decide on the best course of action. The team is comprised of the following persons and/or their designee(s): Student Health Services Executive Director, Counseling and Psychological Services Director, UCF Police Department Chief, Student Care Services Associate Director, Student Conduct and Academic Integrity Director, Associate Dean for Academic Services, Housing and Residence Life Director, Deputy General Counsel, Assistant Dean of Students and Student Development and Enrollment Services Associate VP and Dean of Students.
- (b) Various campus units may enlist the services of the team. These include but are not limited to Student Accessibility Services, Recreation and Wellness Center, Wellness and Health Promotion Services, Office of Fraternity and Sorority Life, Athletics, Alcohol and Other Drug Intervention Services, Undergraduate Studies, and Graduate Studies.
- (c) The role of the Student Health Services Executive Director and the Counseling and Psychological Services Director on the Crisis Team will be consultative in nature. When possible, the Student Health Services Executive Director and the Counseling and Psychological Services Director will not confer on a case for which they are (or have been) serving in a direct provider relationship with the involved student. When the involved student has been a client at UCF Counseling and Psychological Services, the Counseling and Psychological Services Director or designee will maintain the confidentiality of the student's clinical information and will make recommendations for action based solely upon the information provided in the meeting or as guided by clinical and licensure best practices.

(9) Mandated Assessment Procedure. This University procedure is established for 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 (Chapter 397, Florida Statutes), significant acts or threats of violence to others, chronic eating disorders, dramatic and/or expansive displays of self-mutilation, behaviors that are significantly disruptive to the UCF community and /or diminish the ability of a student to care for oneself. Whenever the UCF Police provide transportation of a UCF student to the hospital for involuntary examination, the police will file a report with the OSRR. In addition, anyone may also file reports about students of concern with Student Care Services.

- (a) Once a report 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 to ensure the safety of the student or others if risk is present. In addition, the mandated assessment session(s) are designed to assist students in developing a safety 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 inform the student of their rights and responsibilities regarding the incident.
- (b) All students identified as threatening self-harm or having attempted suicide must complete a mandated assessment with a licensed mental health professional and/or a physical assessment with a licensed medical provider. Examples of a licensed mental health professional include a 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 to complete a follow up appointment. Student must provide proof of assessment within twenty (20) business days following release or prior to return to the university (in the event a student withdraws for the remainder of the semester or is placed on 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 Assistant Dean of Students or designee may initiate one or both of the following:
1. Interim Suspension followed by initiating the Student Conduct Review Process;
  2. Convening of the University Crisis Team to consider the initiation of the Involuntary Withdrawal Procedure.

(10) 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 Associate Vice President and Dean of Students (“Dean of Students”) 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 the student or 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 Office of Student Rights and Responsibilities (OSRR), 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 Assistant 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. If upon conclusion of the Interim Involuntary Withdrawal review, the University Crisis Team determines the student will remain on Interim Involuntary Withdrawal based on the above defined issues, the University Crisis Team will proceed with the Involuntary Withdrawal procedures as outlined below.
- (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 his/her 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 Assistant 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 him/herself. 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 Vice President for SDES, 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 SDES or designee, shall, within three (3) business days, sustain the initial decision or return the case to the University Crisis Team for re-consideration. The Vice President's 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 or 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 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.

(11) Title IX Policy and Procedure, Student Conduct Review Procedures for Sex-Based Misconduct (Non-Title IX Sexual Harassment).

~~(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. Title IX prohibits sex discrimination against students, staff and faculty— which includes acts of sexual misconduct, stalking and relationship violence. Title IX also prohibits retaliation for making a good faith report of sex discrimination or participating in or being a party to any proceeding involving sexual misconduct and/or interpersonal violence. A closely related federal law, Section 304 of the Violence Against Women Act (“Campus SaVE Act”), requires universities to increase transparency about the scope of sex-related violence on campus; guarantee victims enhanced rights, provide for standards in institutional conduct proceedings, and provide campus wide prevention education and awareness programming.~~

~~(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 (12) below).

(b) The University of Central Florida is committed to fostering an environment in which all members of our campus community are safe, secure, and free from sex discrimination, including sexual misconduct, stalking, and relationship violence, listed and defined in the Rules of Conduct (UCF-5.008) and Organizational Rules of Conduct (UCF-5.012). Our community expects that all interpersonal relationships and interactions – especially those of an intimate nature – be grounded upon mutual respect and open communication. When learning of conduct or behavior that may not meet these standards, community members are expected take an active role in promoting the inherent dignity of all individuals. For a more exhaustive list of the community’s rights and expectations as it relates to Title IX Policy and Procedures, please reference University Policy 2-004.1 Prohibition of Discrimination, Harassment and Related Interpersonal Violence. Allegations of Title IX Sexual Harassment (as defined in the University's Title IX Grievance Policy, UCF Policy 2-012) are governed by paragraph (12) below.

- (c) The university encourages any faculty, staff, student or non-student who thinks that he or she has been subjected to sex discrimination or retaliation by another student, member of the faculty or staff, or third party affiliated with the University to immediately report the incident to the Office of Institutional Equity. [Reports may be filed at https://letsbeclear.ucf.edu](https://letsbeclear.ucf.edu).
- (d) The University strives to promote the safety and well-being of all students and employees. This information is applicable to students and employees regardless of their sex, gender, sexual orientation, gender identity, or gender expression.
- (e) Rights of the Complainant and the Respondent. Any individual (“Complainant”) who discloses having been subjected to sex discrimination, including sexual assault/misconduct, sexual exploitation, relationship violence, stalking, sexual or gender-based harassment, retaliation, or complicity, and any individual or registered student organization (“Respondent”) who has been accused of sex discrimination, including sexual assault/misconduct, sexual exploitation, relationship violence, stalking, sexual or gender-based harassment, retaliation, or complicity, are afforded the following rights throughout the university’s investigative process and the student conduct review process (except in cases involving alleged Title IX Sexual Harassment as defined in the University’s Title IX Grievance Policy, UCF Policy 2-012, see paragraph (12) below). These rights provide a fair process for both parties ~~while also ensuring Complainant’s protections under Title IX and the Campus SaVE Act~~. These rights are in addition to the rights afforded in the student conduct review procedures outlined in University Policy 2-004.1 Prohibition of Discrimination, Harassment and Related Interpersonal Violence, and referenced in UCF-5.009 (students) and UCF-5.013 (student organizations) of the University Regulations. Complainant and Respondent rights include the following:
1. 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 will not represent the Complainant or Respondent, address witnesses, investigator(s), the hearing body, any other party, or otherwise directly participate throughout the university’s investigative process and/or student

conduct review process. In addition, if the selected person is a witness, the person cannot be an advisor or support person.

2. Both the Complainant and the Respondent have the right to remedial and protective measures and shall be notified of available assistance at the University.
3. 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. Prior to the initiation of the student conduct review process, the investigator has the discretion to determine the relevance of any proffered evidence and to include or exclude certain types of evidence. In general, the investigator will not consider statements of personal opinion, rather than direct observations or reasonable inference from the facts, or statements as to any party's general reputation for any character trait.
4. If the investigative process results in a recommendation to initiate the student conduct review process, both the Complainant and Respondent will receive notice to attend a preliminary conference meeting with SCAI and be informed of the available resolution options in the student conduct review process.
5. During the Student Conduct Review Process, both the Complainant and Respondent shall be informed of the Administrative Hearing Officer assigned to the case and shall have the opportunity to challenge the impartiality of the individual within three (3) business days of notification.
6. Both the Complainant and Respondent will be afforded similar and timely access to any information made available through the investigative process and/or that will be used during the student conduct review process.
7. If the matter proceeds to a formal hearing, both the Complainant and Respondent may submit a list of proposed questions related to the alleged incident to be asked during the formal hearing. The relevancy of proposed questions will be determined by the hearing body officer. During a formal hearing, all questions shall be asked through the hearing body officer. Both Complainant and Respondent should not be questioned directly by one another nor by either's advisor; instead, questions for each shall be asked

by the hearing officer based on proposed questions submitted by the other party.

8. Both the Complainant and Respondent will have equal opportunity to present relevant witnesses and other information during the investigative process. Such evidence, as deemed relevant to the investigation and used in authoring the investigative findings report, shall be presented during the student conduct review process. Relevancy and timeliness will be determined by the investigator(s). All evidence and witnesses must be submitted by the Complainant and Respondent no later than the conclusion of the investigative findings report review period prior to the report being sent to ~~the Deputy Title IX Coordinator for Students for review~~OSRR. If OSRR determines that there is “cause,” then OSRR will make a written recommendation, including a copy of OIE’s investigative report and all other supporting information, to SCAI. A finding of “cause” at this stage is not a finding of a violation. SCAI will charge the student and/or registered student organization through the Student Conduct Review Process when there is evidence of facts which reasonably allow the university to conclude that a violation of 5.008(5) or 5.012(5) may have occurred.
9. Both the Complainant and Respondent will have equal opportunity to present relevant witnesses and other information during a formal hearing review process. 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 hearing ~~body~~officer.
10. Both the Complainant and the Respondent will be provided access to participate, during the entire formal hearing in person, via videoconference, by telephone, or by other means available.
11. At least five (5) business days before the formal hearing, the Complainant may submit a written statement describing the impact of the Prohibited Conduct on the Complainant and expressing a preference about the sanction(s) to be imposed. At least five (5) business days before the formal hearing, the Respondent may submit a written statement explaining



any factors that the Respondent believes should mitigate or otherwise be considered in determining the sanction(s) imposed. SCAI will ensure that the Complainant and the Respondent each have an opportunity to review any statement submitted by the other party before the start of the formal hearing. The purpose of the statement(s) is to assist the hearing ~~body~~ officer in proposing a sanction. Therefore, the statement(s) will be given to the hearing ~~body~~ officer for consideration only if the hearing ~~body~~ officer makes a proposed finding of in violation on one or more allegations of sex-based misconduct (other than Title IX sexual harassment)~~sexual misconduct and/or interpersonal violence~~ addressed in the formal hearing.

12. 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;~~in accordance with federal guidelines.~~
13. Both the Complainant and the Respondent have the right to appeal the outcome of the Student Conduct Review Process on the base~~s~~ s outlined in the applicable Student Conduct Appeals section UCF-5.010 (individual student) or UCF-5.013 (registered student organizations).
14. Both the Complainant and Respondent will be given periodic status updates throughout the investigative process and the Student Conduct Review Process.

(~~fg~~) Administrative hearing officers ~~and panel members~~ who hear cases of sex-based misconduct (other than Title IX sexual harassment) ~~discrimination (including sexual harassment, sexual misconduct, stalking, and/or relationship violence)~~ receive annual training on how to conduct fair and impartial hearings for these types of cases.

#### (12) 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) Administrative hearing officers 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, \_\_\_\_\_-20.*

**UCF-5.008 Rules of Conduct**

The following defined and described actions include, but are not limited to, conduct for which disciplinary action may be taken at the University of Central Florida. Students are responsible for the observation of all University policies and regulations. Each student is expected to abide by these rules of conduct, and administrators are expected to enforce them. These Rules of Conduct should be read broadly and are not designed to define prohibited conduct in exhaustive terms. Additional rules and regulations may be revised during the year; announcements will be made on adoption of the changes or additions. 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 Rules of Conduct apply 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) Unauthorized assistance: Using or attempting to use unauthorized materials, information or study aids in any academic exercise unless specifically authorized by the instructor of record. The unauthorized possession of examination or course related material also constitutes cheating.
- (b) Communication to another through written, visual, electronic, or oral means. The presentation of material which has not been studied or learned, but rather was obtained through someone else's efforts and used as part of an examination, course assignment or project.
- (c) Commercial Use of Academic Material: Selling 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 not limited to class notes, Instructor's power points, tests, quizzes, labs, instruction sheets, homework, study guides, and handouts.
- (d) Falsifying or misrepresenting the student's own academic work.
- (e) Plagiarism: Whereby another's work is used or appropriated without any indication of the source, thereby attempting to convey the impression that such work is the student's own.
- (f) Multiple Submissions: Submitting the same academic work for credit more than once without the express written permission of the instructor.

- (g) Any student who knowingly helps another violate academic behavior standards is also in violation of the standards.
- (h) 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, university and non-university law enforcement officers, faculty or staff.
- (b) Possession, use or attempted use of any form of fraudulent identification.
- (c) Forgery, alteration or misuse of any University document, material, file, record or instrument of identification.
- (d) Deliberately and purposefully providing false or misleading verbal or written information about another person.
- (e) Falsification, distortion, or misrepresentation of information during an investigation, the Student Conduct Review Process, including knowingly initiating a false complaint.

(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 identify oneself 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 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) Discriminatory Harassment: Discriminatory harassment consists of verbal, physical, electronic or other conduct based upon a protected class as defined in University Policy 2-004, or membership in other protected classes set forth in state or federal law that interferes with that individual's educational or employment opportunities, participation in a university program or activity, or receipt of legitimately-requested services meeting

~~the description of either Hostile Environment Harassment or Quid Pro Quo Harassment, as defined in University Policy 2-004.1 Prohibition of Discrimination, Harassment, and Related Interpersonal Violence. defined as verbal, physical, electronic, or other conduct based on a protected category (such as race, color, religion, national origin, gender equity, et al.), which, due to the severity and or pervasiveness of the conduct and its targeted nature on the basis of a protected category, (i) has the purpose or effect of creating an objectively intimidating, hostile or offensive educational or work environment; and (ii) has the purpose or effect of unreasonably interfering with an individual's employment, schooling, or business with the University. Harassment under this provision is conduct that would constitute harassment under federal or state civil rights laws or under University Policy 2-004.1 Prohibition of Discrimination, Harassment, and Related Interpersonal Violence.~~

- (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 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.
- (e) Stalking: defined as conduct not of a sexual nature that is repeated, unwanted conduct toward or contact with another person that would cause a reasonable person to fear for the person's safety or the safety of others, or to experience substantial emotional distress. Such conduct is direct, indirect, or through a third party using any type of action, method, or means. Cyber stalking is also included in this definition.
- (f) 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 or activities.

2. Unauthorized recording of a class or of organizational or University meetings, where there exists a legal expectation of privacy, and any use, disclosure, or distribution of any such recording.
  3. Engaging in acts of voyeurism, including but not limited to peeping or surreptitiously recording another ~~in a bathroom~~ when there is a reasonable expectation of privacy.
  4. Any notice, consent or other requirement 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.
- (g) Retaliation against or harassment of complainant(s), other person(s) alleging misconduct, or anyone who participates in an investigation.
- (h) Condoning or encouraging acts of harmful behavior as defined above or failing to intervene during an act of harmful behavior while it is occurring.
- (5) ~~Title IX Sexual Misconduct Harassment, Other Sexual Harassment, and Other Identified Sex-Based Misconduct~~ and/or Interpersonal Violence Sex-Based Misconduct (Non-Title IX Sexual Harassment)
- (a) Sexual Assault: ~~Sexual assault means: Any nonconsensual sexual contact without consent which occurs on or off the UCF campus. .~~
1. ~~Consent is an understandable exchange of affirmative words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity. Consent cannot be obtained by force, threat, coercion, manipulation, reasonable fear of injury, intimidation, use of position of influence, or through the use of one's mental or physical helplessness or incapacity. The lack of a negative response, lack of protest or resistance, silence and passivity are not consent. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Past consent to sexual activity does not imply ongoing future consent.~~
    - a. ~~Responsibilities—It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement.~~
    - b. ~~Standard—A determination of whether consent exists will be based on the information the initiator of the sexual act knew or should have known~~

as a sober, reasonable person. Being impaired by alcohol or other drugs does not relieve an initiator of a sexual act from obtaining consent.

~~c. 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.~~

~~d. Duration of Consent — Consent must be ongoing throughout sexual activity, for each sexual act, and can be withdrawn at any time.~~

~~i. Within each sexual encounter, there may be separate individual sexual acts involved. Consent to one act by itself does not constitute consent to another act. If verbal consent is not given, ongoing active participation is required for consent.~~

~~ii. The existence of a dating or sexual relationship between the persons involved, or the fact of past sexual relations have occurred between the parties, is not an indicator of consent for any current or future sexual encounter.~~

~~iii. 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.~~

~~e. Scope of Consent — Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.~~

~~2. Sexual Contact — includes but is not limited to the following behaviors:~~

~~a. Touching, kissing, fondling (whether over or under clothing) of an individual for the purpose of sexual gratification; and/or~~

~~b. 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~~



~~e. contact, however slight, between the anus or sex organ of one individual and any other object.~~

- (b) Sexual Harassment. Sexual harassment ~~is~~ means any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when the conditions for Discriminatory Harassment as defined in ~~Section (4)(e), UCF Policy 2-004~~ are present. ~~This is conduct that would constitute sexual harassment under federal or state civil rights laws or under University Policy 2-004.1 Prohibition of Discrimination, Harassment and Related Interpersonal Violence.~~ Sexual Harassment may include inappropriate touching, acts of sexual violence, suggestive comments and public display of pornographic or suggestive calendars, posters, or signs where such images are not connected to any academic purpose. A single incident of ~~nonconsensual~~ sexual contact without consent (as defined above) may be sufficiently severe to constitute sexual harassment.
- (c) Gender-Based Harassment: Gender-based harassment is Discriminatory-discriminatory harassment that is based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions for Discriminatory Harassment as defined in ~~Section (4)(e) UCF Policy 2-004~~ are present.
- (d) Obscene or Indecent Behavior: Exposure of one's body in such a manner that another party reasonably could be offended or to display sexual behavior which another person reasonably finds offensive.
- (e) Voyeurism: Trespass, spying, or eavesdropping for the purpose of sexual gratification.
- (f) Solicitation of a Minor: soliciting sexual acts from a minor by oral, written, or electronic means.
- (g) Child Pornography: possessing, producing or the dissemination of child pornography.
- (h) 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 may include sexual assault, stalking, and physical assault. Relationship Violence may involve a pattern of behavior used to establish power and control over

another person through fear and intimidation or may involve one-time conduct. A pattern of behavior is typically determined based on the repeated use of words and/or actions and inactions in order to demean, intimidate, and/or control another person. This behavior can be verbal, emotional, and/or physical and may be directed towards the former partner, their property, or other individuals. Examples of Relationship Violence may include, but are not limited to: slapping; pulling hair; punching; damaging another person's property; driving recklessly to scare someone; name calling; humiliating another person in public; harassment directed toward a current or former partner or spouse; and/or threats of abuse, such as threatening to hit, harm, or use a weapon on another (whether Complainant or acquaintance, friend, or family member of the Complainant), or other forms of verbal threats.

- (i) **Stalking:** Stalking under this provision occurs where a person engages in a course of conduct of a sexual nature that is 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. Stalking may include, but is not limited to: non-consensual communications (face to face, telephone, e-mail); threatening or obscene gestures; surveillance/following/pursuit; showing up outside the targeted individual's classroom or workplace; sending gifts and/or notes (romantic, bizarre, sinister, or perverted); and/or making threats.
- (j) **Sexual Exploitation:** Sexual Exploitation is purposely or knowingly doing or attempting to do any of the following:
  - 1. Recording or photographing private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent;
  - 2. Disseminating or posting images of private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent;

3. 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);
4. Subjecting another person to human trafficking; or
5. Exposing another person to a sexually transmitted infection or virus without the other's knowledge.

~~(k) Complicity: Complicity is any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act prohibited by the Rules of Conduct Section (5).~~

~~(kl) Any attempted acts of sex-based misconduct~~sexual misconduct and/or interpersonal violence defined above~~ are also violations of this policy.~~

(6) Title IX Sexual Harassment

~~(a) Title IX Sexual Harassment is defined as any conduct on the basis of sex 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 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 or 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) Tampering with or damaging fire safety equipment.

(87) 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 operating under registration with the University or any student group operating with official sanction of the University. Hazing in violation of Florida Statutes may result in felony charges. A student can be found to have committed 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.

(98) 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).

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

- (a) Violation of UCF rules of conduct at UCF sponsored related activities shall also be a violation of the golden rule.
- (b) Violations of a regulation(s) of a host institution sponsored/related activity shall be a violation of the golden rule.

**(110) 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://osc.sdes.ucf.edu/medicalemergencies>.

**(112) Alcoholic Beverages Violation**

- (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 alcohol 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://osc.sdes.ucf.edu/medicalemergencies>.

~~(1213)~~ Possession of Weapons and/or Dangerous Material

- (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, explosives, or chemicals which are disruptive, explosive, or corrosive are prohibited on University premises or at University sponsored/related activities.

~~(1314)~~ 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 educational function of the University, or which jeopardizes public order and safety.
- (b) Leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.

~~(1415)~~ Misuse of Computing and Telecommunications Resources

- (a) Theft or other abuse of computer facilities and resources
- (b) Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
- (c) Unauthorized transfer of a file.
- (d) Use of another individual's identification and/or password.
- (e) Use of computing facilities and telecommunications resources to interfere with the work of another student, faculty member or University Official.
- (f) Use of computing facilities and telecommunications resources to send obscene or abusive messages.
- (g) Use of computing facilities and telecommunications resources to interfere with normal operation of the University computing system.

- (h) Use of computing facilities and telecommunications resources in violation of copyright laws.
- (i) Any violation of the University of Central Florida Use of Information Technology and Resources Policy.
- (j) Any violation of the University of Central Florida ResNet Acceptable Use Policy.

(4516) Gambling

- (a) Play in an unlawful game of chance for money or for anything of value on University premises or at any affair sponsored by a student or student organization.
- (b) Unlawfully sell, barter or dispose of a 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.

(4617) University Student Residence Violations. Violation(s) of any Department of Housing and Residence Life policy, rule or regulation published in hard copy or available electronically via Department of Housing and Residence Life website. A charge under this provision must include a specific citation of which Housing policy or policies the charged student has violated.

(4718) University Wordmark Violations. Unauthorized use of the official University wordmark, Pegasus, monogram, seal, or other graphic identity symbol.

(4819) 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.

(4920) Complicity: Complicity is any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act prohibited by the Rules of Conduct.

*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, \_\_\_\_\_-20.*



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

(1) Violation Reports. Alleged violations of the UCF Rules of Conduct shall be reported in writing to the Director of Student Conduct and Academic Integrity 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 SDES or designee, may take immediate action to resolve the safety and/or well-being concern by placing the student on interim suspension. Interim suspension is not a sanction. An interim suspension is subject to review at a hearing within three (3) business days by the VP of SDES or designee to determine the status of the interim suspension. The outcome of an interim suspension hearing shall remain in effect until the final disposition of formal charges resulting from the circumstances of the case, unless the VP of SDES or designee shall decide otherwise.

- (a) The Director of SCAI 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 months to charge a student with a violation of the Rules 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 from the date of discovery. For Title IX related cases see UCF-5.006(10).
- (c) Students charged with alleged violations of the Rules of Conduct will receive notice to attend a required preliminary conference with SCAI to discuss the charges. If the student fails to attend that conference, a hold may be placed on the student's record, preventing them from registering for future classes until the matter is resolved. Students who leave the university or withdraw from a class before a disciplinary matter is resolved may be prohibited from future enrollment until such time as the matter is resolved. The student will receive information regarding the Student Conduct Review Process, including the student's rights during the process, an opportunity to inspect and/or review the information known at the time charges are prepared, and notice on how to contact the Student Government Association Judicial

Advisor. At the conclusion of the meeting, SCAI recommends an option for resolution of the disciplinary charges.

(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 Rules of Conduct.
- (b) **Mediation:** Depending on the nature and severity of the alleged violation, SCAI may recommend formal mediation through the Office of Student Rights and Responsibilities as an alternative to disciplinary action. The involved parties must each agree to mediation. Mediation is confidential. In mediation, the parties voluntarily meet with an impartial mediator to communicate their concerns and needs to each other and to reach their own agreement on the resolution of the case. The participants in mediation are responsible for keeping their agreement or renegotiating it, if necessary. In the event that the participants do not agree to mediate or mediate but do not reach a full and final resolution, the case will be referred back for disciplinary action through an informal or a formal hearing. Breach of a mediated agreement may result in a follow up mediation session or the matter may be referred back through the conduct process at the discretion of SCAI. Mediation will not be a resolution option for cases involving allegations of incidents of sexual misconduct and/or interpersonal violence.
- (c) **Informal Hearing:** At the discretion of SCAI, violations found not to warrant a formal hearing may be referred to an informal hearing. At the informal hearing the charged student has the opportunity to meet with an SCAI staff member or designee and accept responsibility for the charges of violation of the Rules of Conduct. At the informal level the matter will be settled by the following outcomes: punitive sanction (Disciplinary Warning, 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 hearing process (decision of responsibility and recommended sanctions) are final and are not eligible to be appealed (UCF-5.010).

- (d) Formal Hearing: If an alleged violation of the Rules of Conduct is not dismissed or otherwise resolved, then SCAI shall present in writing formal charges to the student. 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, their/his/her advisor, the hearing body, witnesses (when called upon), and a representative from SCAI. For cases of sex-based misconductsexual harassment or other forms of sexual misconduct and/or interpersonal violence, 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.

Formal notification shall include:

1. The student's name and address.
2. Date, time and location of the formal hearing.
3. The rule(s) of conduct allegedly violated as known at the time formal charges are prepared.
4. Names of potential witnesses known at the time formal charges are prepared.
5. A description of any physical or written documentation known at the time charges are prepared.

(3) Formal Hearings. There are two types of formal hearings – panel hearings and administrative hearings.

(a) Panel Hearings.

1. A panel to consider an individual case shall be randomly selected by SCAI from the Student Conduct Board and shall consist of two (2) faculty and administrative staff members combined, and two (2) student members. One panel member shall be selected by 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 "in violation" or "not in violation" of the 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 “in violation” or “not in violation” or remand the case for rehearing. If the Director of SCAI or designee accepts the proposed finding(s) of “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 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. The charged student shall be informed of the hearing officer assigned to the case and shall have the opportunity to challenge the impartiality of the individual within three (3) business days of notification. The student shall state in writing the basis for such challenge. A hearing officer so challenged will be excused; however, indiscriminate challenges shall not be permitted. In the event that a student has opted not to challenge the impartiality of a hearing officer prior to the allotted three (3) business days, the assigned hearing officer shall remain as scheduled.
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 "in violation" or "not in violation" of the 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 “in violation” or “not in violation” or remand the case for rehearing. If the Director of SCAI or designee accepts the proposed finding(s) of “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 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. Please note that all formal hearing proceedings are recorded. The recording is part of the official record of the formal hearing and no other recordings are permitted.
1. Reading of charges.
  2. Student response of “in violation” or “not in violation.”
  3. Presentation of information in support of the charges.
  4. Opening statement by the charged student.
  5. Questioning of the charged student.
  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.
  10. The student is invited to await announcement of the proposed finding(s) and recommended sanction(s), if any.
- (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. A recording of the announcement of the proposed finding(s) and proposed sanctions, if any.
  4. All staff memoranda submitted.
  5. 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.

6. The proposed finding(s) and sanction(s) by the hearing panel or administrator, if any.
  7. 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 Association 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 shall be explained to each charged student prior to the commencement of any formal disciplinary hearing:

- (a) The charged student shall be afforded reasonable written notice, at least five (5) business days prior to the formal hearing, unless waived in writing. Written notice sent to the charged student's electronic and/or physical address listed in the Registrar's records shall constitute full and adequate notice. Written notice shall include:
  1. The student's name and address.
  2. Date, time and location and nature of the proceeding of the formal hearing.
  3. The rule(s) of conduct allegedly violated as known at the time formal charges are prepared.
  4. Names of potential witnesses known at the time formal charges are prepared.
  5. A description of any written or physical documentation known at the time charges are prepared.
- (b) The student may have, at his or her own expense and initiative, an advisor present at the hearing. It is the student's responsibility to make appropriate arrangements for the advisor to attend the hearing, and the hearing shall not be delayed due to scheduling conflicts of the chosen advisor. The advisor may be present to advise the student but shall not speak for or present the case for the student or otherwise participate directly in the proceeding. The student may consult with their advisor at any time during the hearing. This consultation must take place in a manner that

does not disrupt the proceedings. In addition, an advisor may not serve as a witness. If the advisor does not adhere to their defined role in the student conduct review process, they may be removed from the hearing.

- (c) All hearings shall be conducted on the basis that the charged student is not in violation until the preponderance of evidence proves otherwise. At a hearing, the technical rules of evidence applicable to civil and criminal cases shall not apply. The burden of proof in a student conduct hearing is not on the student charged with a violation of the Rules of Conduct.
- (d) The student may inspect any information presented in support of the charges at least three (3) business days before the formal hearing. The University also has the right to review any information the student intends to use at least three (3) business days before the formal hearing. Only such information that is determined “Relevant Information” will be made part of the hearing record.
- (e) 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 student may hear and question adverse parties who testify at the hearing.
- (f) The student shall not be forced to present self-incriminating information; however, the University is not required to postpone disciplinary proceedings pending the outcome of any civil or criminal case. 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 Rules of Conduct will be addressed independently of any outcome imposed by the courts for a criminal offense.
- (g) The proposed finding, as well as the Director of SCAI’s or designee’s determination, of “in violation” or “not in violation” on the charges shall be based solely on the information presented at the formal hearing.
- (h) 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.
- (i) Only if the proposed finding of the hearing body is that the student is in violation, will prior conduct history be reviewed and potentially affect proposed sanctioning.

- (j) The results of any formal hearing shall be made available to the charged student within ten (10) business days following the hearing. Should the 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.
- (k) 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 SDES or designee determines that the safety, health, or general welfare of the student, any individual, or any part of the University may be involved.

(5) 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(11) and UCF Policy 2-004 will apply in addition to the procedures of the Student Conduct Review Process outlined above.
- ~~(c) The sanctions as outlined below may be applied to violations of UCF-5.008(5) Sex-Based Misconduct (Non-Title IX).~~
- (c) Where a student is charged with Title IX Sexual Harassment as prohibited under UCF-5.008(6), sexual misconduct and/or interpersonal violence, the procedures outlined in UCF-5.006(12+) and the Title IX Grievance Policy (University Policy 2-012) will apply in ~~addition~~ place of the to theplace of the procedures of the Student Conduct Review Process outlined above.
- (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) Disciplinary Warning - An official warning that the student's behavior is in violation of the UCF Rules of Conduct, and that if the student is subsequently found in violation of a rule while on Disciplinary Warning, subsequent action may be more severe.



- (b) **Disciplinary Probation** - Disciplinary Probation status shall be for a specific length of time in which any further violation of the Rules of Conduct puts the student's status with the University in jeopardy. If the student is found "in-violation" for another violation of the Rules 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. While on Disciplinary Probation, restrictive conditions may include, but may not be limited to the following: loss of good standing, which may become a matter of record; denial of the privilege to occupy a position of leadership or responsibility in any University registered student organization, publication, or activity, or ability to represent the University in an official capacity or position; trespass of University facilities or other areas of campus or contact with another specified person(s). Under Disciplinary Probation, the student may continue to attend classes and is given a chance to show capability and willingness to live in accordance with University rules. While on Disciplinary Probation, a hold will be placed on a student's record for record keeping purposes.
- (c) **Deferred Disciplinary Suspension** - 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. 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 community's expectations of behavior articulated in the Rules of Conduct. During 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. The suspension will be enforced for failure to complete any assigned educational sanctions by the deadline(s) and/or for any subsequent violation of the Rules of Conduct, unless the Director of SCAI determines otherwise in exceptional circumstances. If the student is found in violation for any violation(s) of the Rules 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) semesters, in addition to the educational sanctions imposed for the subsequent violation. 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. Deferred Disciplinary Suspension may include the denial of specific university privileges, including but not limited to loss of good standing, which may become a matter of record; denial of the privilege to occupy a position of leadership or responsibility in an University registered student organization, publication, or activity, or ability to represent the University in an official capacity or position; trespass of University facilities or other areas of campus or contact with another specified person(s). The duration of any Deferred Disciplinary Suspension period and the specific restrictions imposed will be determined by SCAI on a case-by-case basis. While on Deferred Disciplinary Suspension, a hold will be placed on a student's record for record-keeping purposes.

- (d) 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. 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 in regard to considerations that include, but are not limited to, the medical needs of the 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.

- (e) **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. 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.
- (f) **Delayed Conferral of Degree** – Delay of issuance of a student's diploma for a specified period of time or until the student meets certain conditions.
- (g) **Recommendation for Degree Revocation** – The University of Central Florida reserves the right to revoke any UCF degree awarded to any student. Reasons for degree revocation may include academic dishonesty, grade change, administrative error, disciplinary misconduct, or student request (see UCF Policy 4-406).
- (h) **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. 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.

- (i) Educational Sanctions - In conjunction with a sanction listed above, a student found to have been in violation of any of the Rules of Conduct will be assigned educational requirements such as, but not limited to, reflective/research papers, classes/seminars, community service, 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, \_\_\_\_\_-20.*

**UCF-5.010 Student Conduct Appeals**

(1) Appeals within the Student Conduct Review Process

- (a) Students found 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 SDES 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 appeal form can be found at <http://osc.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 ~~Sexual Misconduct and/or Interpersonal Violence~~ Sex-Based Misconduct and/or Title IX Sexual Harassment

- (a) Complainants and Respondents in matters involving allegations of ~~sexual misconduct and/or interpersonal violence~~ Sex-Based Misconduct and/or Title IX Sexual Harassment (as defined ~~above~~ in Regulation UCF-5.008(5) and UCF-5.008(6)) 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 SDES or designee) within ~~seven (7)~~ 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 appeal form can be found at ~~<http://ose.sdes.ucf.edu/process>~~ <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) In cases charged under 5.008(6), Complainants and Respondents may appeal the finding and sanction(s) imposed on the basis of one or more of the following:<sup>[YC1]</sup>
1. Procedural irregularity that materially affected the outcome of the matter (i.e., a failure to follow the University's own procedures).
  2. New evidence that was not reasonably available at the time the Determination of Responsibility, or dismissal was made, that could materially affect the outcome of the matter.
  3. The ~~Title IX Coordinator, Investigator(s), or~~<sup>[AF2]</sup>~~Decision-Maker(s)~~<sup>[YC3]</sup> had a conflict of interest or bias for or against an individual party, or for or against Complainants or Respondents in general, that materially affected the outcome of the matter.
  4. The sanction(s) are extraordinarily disproportionate to the violation(s).
- (d) 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.
- (~~e~~) 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.
- (~~f~~) 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 issue to both the Complainant and the Respondent. Should the appellate officer require additional time for review beyond the 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.
- (~~g~~) 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) Community ReEngagement and Educational Development (CREED) Program

- (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 In Violation of a Rule of Conduct that required an investigation by the Office of Institutional Equity (OIE) are ineligible to apply for relief under the CREED Program.
  - 2. Students who have been found In Violation of a 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 CREED Program submission form available at [www.osc.sdes.ucf.edu/creed](http://www.osc.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 ~~[www.osc.sdes.ucf.edu/creed](http://www.osc.sdes.ucf.edu/creed)~~ <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.

#### (4) 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 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, New 6-18-09.  
Amended 3-5-15, 10-29-15, 7-28-16, 7-20-17, 1-18-18, 7-18-19, 6-18-20, \_\_\_\_\_-20.*

### **UCF-5.012 Organizational Rules of Conduct**

Registered student organizations are expected to abide by these Organizational 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 should be read broadly and are not intended to define prohibited conduct in exhaustive terms. These rules may be revised during the year; announcements will be made on adoption of changes or additions. The 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 student group; accordingly, the rules 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. ~~The following offenses, or the aiding, assisting, condoning, or attempting to commit these offenses, constitute violations of the Organizational Rules of Conduct.~~

#### **(1) Theft, Disregard for Property**

- (a) Malicious or unwarranted damage or destruction of another's property;
- (b) Taking, attempting to take, or keeping in its possession property or services not belonging to the 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 and/or Falsification of University Records**

- (a) Withholding related information, or furnishing false, misleading, incomplete, or incorrect information (oral or written).
- (b) Possession, use or attempted use of any form of fraudulent identification.
- (c) Forgery, alteration or misuse of any University document, material, file, record or instrument of identification.
- (d) Deliberately and purposefully providing false or misleading verbal or written information about another person.

- (e) Falsification, distortion, or misrepresentation of information during an investigation, the student conduct review process, including knowingly initiating a false complaint

### (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) Engaging in obscene or indecent conduct.
- (d) Failure to comply with the administrative policies as enacted by the University.
- (e) Failure to comply with the directions of University officials or authorized agents acting in the performance of their duties. 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.
- (f) Hindering or interfering with the Organizational Conduct Review Process by failing to obey the notice from a university official to appear for a student conduct meeting or hearing and/or attempting to discourage an individual's proper participating in, or use of, the Organizational Conduct Review Process.
- (g) 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.

- (b) Discriminatory Harassment: Discriminatory harassment consists of verbal, physical, electronic or other conduct based upon a protected class as defined in University Policy 2-004, or membership in other protected classes set forth in state or federal law that interferes with that individual's educational or employment opportunities, participation in a university program or activity, or receipt of legitimately-requested services meeting the description of either Hostile Environment Harassment or Quid Pro Quo Harassment, as defined in University Policy 2-004 Prohibition of Discrimination, Harassment, and Related Interpersonal Violence.~~Defined as verbal, physical, electronic, or other conduct based on a protected category (such as race, color, religion, national origin, et al.) which, due to the severity and pervasiveness of the conduct and its targeted nature on the basis of a protected category, (i) has the purpose or effect of creating an objectively intimidating, hostile or offensive educational or work environment; and (ii) has the purpose or effect of unreasonably interfering with an individual's schooling or employment with the University. Harassment under this provision is conduct that would constitute harassment under federal or state civil rights laws, University Regulation UCF 3.001, or University Policy 2-004.1 Prohibition of Discrimination, Harassment and Related Interpersonal Violence.~~
- (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 of harassment.
- (g) Condoning or encouraging acts of harmful behavior as defined above or failing to intervene on an act of harmful behavior while it is occurring.

(5) Sex-Based Misconduct and/or Interpersonal Violence

- (a) ~~Nonconsensual Sexual Assault. Sexual assault means sexual contact without consent. Any nonconsensual sexual contact which occurs on or off the UCF campus. Consent and sexual contact are defined in UCF-5.006(3).~~

~~1. Consent is an understandable exchange of affirmative words or actions which indicate a willingness to participate in mutually agreed upon sexual activity. Consent cannot be obtained by force, threat, coercion, manipulation, reasonable fear of injury, intimidation, use of position of influence, or through the use of one's mental or physical helplessness or incapacity. The lack of a negative response, lack of protest or resistance, silence, and passivity are not consent. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Past consent to sexual activity does not imply ongoing further consent.~~

~~a. Responsibilities—It is the responsibility of the initiator to obtain consent at each stage of sexual involvement.~~

~~b. Standard—A determination of whether consent exists will be based on the information the initiator of the sexual act knew or should have known as a sober, reasonable person. Being impaired by alcohol or other drugs does not relieve an initiator of a sexual act from obtaining consent.~~

~~c. Incapacitation—Incapacitation is a state where an individual cannot make rational, reasonable decisions because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is take 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 fact, nature, or extent of the sexual interaction.~~

~~d. Duration of Consent—Consent must be ongoing throughout sexual activity, for each sexual act, and can be withdrawn at any time.~~

~~i. Within each sexual encounter, there may be separate individual sexual acts involved. Consent to one act by itself does not constitute consent to another act. If verbal consent is not given, ongoing active participation is required for consent.~~

~~ii. The existence of a dating or sexual relationship between the persons involved, or the fact of past sexual relations have occurred between the parties, is not an indicator of consent for any current or future sexual encounter.~~

~~iii. 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.~~

~~e. Scope of Consent—Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.~~

~~2. Sexual Contact—includes but is not limited to the following behaviors:~~

~~a. Touching, kissing, fondling (whether over or under clothing) of an individual for the purpose of sexual gratification; and/or~~

~~b. 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~~

~~c. contact, however slight, between the anus or sex organ of one individual and any other object.~~

(b) Sexual Harassment: Sexual harassment means any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when the conditions for Discriminatory Harassment as defined in UCF Policy 2-004 Section (4)(b) are present. ~~This is conduct that would constitute sexual harassment under federal or~~

~~state civil rights laws, University Regulation UCF-3.001, or University Policy 2-004.1 Prohibition of Discrimination, Harassment and Related Interpersonal Violence.~~ Sexual Harassment may include inappropriate touching, acts of sexual violence, suggestive comments and public display of pornographic or suggestive calendars, posters, or signs where such images are not connected to any academic purpose. A single incident of nonconsensual sexual contact (as defined above) may be sufficiently severe to constitute sexual harassment.

- (c) Gender-Based Harassment: Gender-based harassment is dDiscriminatory harassment that is based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions for Discriminatory Harassment as defined in UCF Policy 2-004 Section (4)(b) are present.
- (d) Obscene or Indecent Behavior: Exposure of one's body in such a manner that another party reasonably could be offended or to display sexual behavior which another person reasonably finds offensive.
- (e) Voyeurism: Trespass, spying, or eavesdropping for the purpose of sexual gratification.
- (f) Solicitation of a Minor: soliciting sexual acts from a minor by oral, written, or electronic means.
- (g) Child Pornography: possessing, producing or the dissemination of child pornography
- (h) Stalking: Stalking occurs ~~when a person engages in~~when there is a coordinated 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. Stalking may include, but is not limited to: non-consensual communications (face to face, telephone, e-mail); threatening or obscene gestures; surveillance/following/pursuit; showing up outside the targeted individual's classroom or workplace; sending gifts and/or notes (romantic, bizarre, sinister, or perverted); and/or making threats.

(i) Sexual Exploitation: Sexual Exploitation is purposely or knowingly doing or attempting to do any of the following:

1. Recording or photographing private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent;
2. Disseminating or posting images of private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent;
3. 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);
4. Subjecting another person to human trafficking; ~~or.~~
- ~~5. Exposing another person to a sexually transmitted infection or virus without the other's knowledge.~~

~~(j) Complicity: Complicity is any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act prohibited by the Section (5).~~

~~(k) Any attempted acts of Sex-Based Misconductsexual misconduct and/or interpersonal violence defined aboveassault~~ 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) Behavior under the influence of alcohol.

- (e) Furnishing or causing to be furnished any alcoholic beverage to any person in a state of noticeable intoxication.
- (f) Failure of a 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://osc.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://osc.sdes.ucf.edu/medicalemergencies>.

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

#### (9) Gambling

- (a) Play or sponsor of an unlawful game of chance for money or for anything of value on University premises or at any affair sponsored by a registered 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 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 safety equipment.
- (b) Causing, condoning, or encouraging the creation of any situation involving incendiary or other chemicals or substances, explosives, or fire that reasonably may result in danger to another's person or property.
- (c) Possession or use of illegal fireworks, incendiary devices, or dangerous explosives.

- (d) Failure to properly maintain a 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) Complicity. The following offenses, or the aiding, assisting, condoning, or attempting to commit these offenses, constitute violations of the Organizational Rules 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, \_\_\_\_\_-20.*

**UCF-5.013 Organization Conduct Review Process; Sanctions; Appeals**

(1) Violation Reports

- (a) Alleged violations of the UCF Organizational Rules of Conduct shall be reported in writing to the Director of 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 attend an academic integrity seminar, or to initiate the student 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 SDES or designee, may take immediate action to resolve the situation by placing the registered student organization on interim organizational suspension. Interim organizational suspension is not a sanction. Interim organizational suspension is preliminary in nature; it is in effect only until there is a resolution of the registered student organization conduct matter. Interim organizational suspension is subject to review at a hearing within ten (10) business days by the VP of SDES or designee to determine the status of the interim organizational suspension. The outcome of an interim organizational suspension hearing shall remain in effect until the final disposition of formal charges resulting from the circumstances of the case, unless the VP of SDES or designee shall decide otherwise.
- (b) The Director of SCAI 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 Rules 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 Rules 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 from the date the violation report was filed.

- (d) A registered student organization charged with alleged violations of the Organizational Rules of Conduct (see UCF-5.012) will receive notice to attend a mandatory preliminary conference with SCAI. If the registered student organization fails to attend the mandatory preliminary conference without providing a satisfactory reason for the absence, the registered student organization may be placed on immediate social probation until such time as the registered student organization completes the mandatory preliminary conference. During the mandatory preliminary conference the registered student organization will receive information regarding the Registered Student Organization 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 charges were prepared and how to contact the Student Government Association Judicial Advisor. At the conclusion of the mandatory preliminary conference, one of the following will occur: case dismissal, mediation, informal hearing, or formal hearing.
- (e) Social probation includes but is not limited to the prohibition of the following: any on or off campus fundraisers, socials, intramural competitions, receptions, service projects, conferences, retreats, etc. The organization may also not be able to update its registration until such time that it appears before a hearing. Groups under social probation may gather at regularly scheduled business meetings.

## (2) Options for Resolution of Disciplinary Charges

- (a) Case Dismissal: The Director of 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 rules of conduct.
- (b) Mediation: Depending on the nature and severity of the alleged violation, SCAI may recommend formal mediation through the Office of Student Rights and Responsibilities as an alternative to disciplinary action. The involved parties must each agree to mediation. Mediation is a confidential process where the parties voluntarily meet with an impartial mediator to communicate their concerns and needs to each other and to reach their own agreement on the resolution of the case. The participants in mediation are responsible for keeping their agreement or renegotiating it, if



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

- (c) **Informal Hearing:** At the discretion of SCAI, violations found not to warrant a formal hearing may be referred to an informal hearing. At the informal hearing 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 Rules 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 settled informally, the case will be resolved through a formal hearing.
  - (d) **Formal Hearing:** If an alleged violation of the Organizational Rules of Conduct is not dismissed or otherwise resolved, then SCAI shall present in writing formal charges to the registered student organization. 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, their advisor, the hearing body, witnesses (when called upon), a representative from SCAI, and a university staff member from an appropriate office (Office of Student Involvement, Office of Fraternity and Sorority Life, Recreation and Wellness Center, etc.).
- (3) **Formal Hearings.** There are two types of formal hearings – panel hearings and administrative hearings.
- (a) **Panel Hearings.**
    1. A panel to consider an organizational case shall be comprised of members from SCAI Student Conduct Board. The panel shall consist of two (2) faculty and administrative staff members combined and two (2) student members that have been trained by SCAI to hear organizational cases. One panel member shall be selected by SCAI to chair the hearing and report the proposed finding(s) and sanction(s), if any, to the Director of SCAI or designee.

2. At hearings conducted by a panel, a SCAI staff member shall act as an advisor to the panel. The Director of SCAI shall receive the panel's proposed finding(s) as to "in violation" or "not in violation" of the Organizational 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 "in violation" or "not in violation" or remand the case for rehearing. If the Director of SCAI or designee accepts the proposed finding of "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. The charged registered student organization shall be informed of the hearing officer assigned to its case and shall have the opportunity to challenge the impartiality of the individual within three (3) business days of notification. The charged registered student organization shall state in writing the basis for such challenge. A hearing officer so challenged will be excused; however, indiscriminate challenges shall not be permitted. In the event that a charged registered student organization has opted not to challenge the impartiality of a hearing officer prior to the allotted three (3) business days, the assigned hearing officer shall remain as scheduled.
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 "in violation" or "not in violation" of the Organizational 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 "in violation" or "not in violation" or remand the case for rehearing. If the Director of SCAI or designee accepts the proposed finding(s) of "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. Please note that all formal hearing proceedings are recorded. The recording is part of the official record of the hearing and no other recordings are permitted.
1. Reading of charges.
  2. Registered student organization response of “in violation” or “not in violation.”
  3. Presentation of information in support of the charges.
  4. Opening statement by the charged 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 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 Association 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 shall be explained to the charged registered student organization before the commencement of a formal disciplinary hearing:
- (a) The charged registered student organization shall be afforded written notice, at least five (5) business days prior to a formal hearing, unless waived in writing. Written notice sent to the chief student officer of the charged registered student organization's electronic and/or physical address shall constitute full and adequate notice. 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 formal hearing
  3. Alleged Organizational Rule of Conduct Violation(s) known at the time formal charges are prepared.
  4. Names of potential witnesses known at the time that formal charges are prepared.
  5. A description of any physical or written documentation known at the time charges are prepared.

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

- (b) The registered student organization may have at their own expense and initiative, an advisor present at the hearing. It is the registered student organization's responsibility to make appropriate arrangements for the advisor to attend the hearing, and the hearing shall not be delayed due to scheduling conflicts of the chosen advisor. The advisor may be present to advise the registered student organization but shall not speak for or present the case for the registered student organization or otherwise participate directly in the proceeding. A registered student organization may consult with their advisor at any time during the hearing. This consultation must take place in a manner that does not disrupt the proceedings. A registered student organization's advisor must not be connected to the actual conduct case or a related case. In addition, an advisor may not serve as a witness. If the advisor does not adhere to their defined role in the student conduct review process, they may be removed from the hearing. SCAI shall maintain a list of impartial advisors and resources available to the registered student organization.
- (c) All hearings shall be conducted on the basis that the charged registered student organization is not in violation until the preponderance of evidence proves otherwise. At a student conduct organizational hearing, the technical rules of evidence applicable to civil and criminal cases shall not apply. The burden of proof in a student conduct hearing is not on the registered student organization charged with a violation of the Organizational Rules of Conduct.
- (d) The registered student organization's chief officer or designee may inspect any information presented in support of the charges. Information may be presented in support of the charged student organization.
- (e) The University cannot compel any person serving as a witness to attend a registered student organizational hearing. However, all parties to a registered student organizational conduct hearing may arrange for witnesses to voluntarily present relevant information during the proceeding. Pertinent information may be accepted as information for consideration by the person or body conducting the registered student organizational formal hearing. The registered student organization may hear and question adverse witnesses who testify at the registered student organizational formal hearing.

- (f) The registered student organization shall not be forced to present information that incriminates its individual members; however, the University is not required to postpone disciplinary proceedings pending the outcome of any civil or criminal prosecution.
- (g) 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.
- (h) The proposed finding(s), as well as the Director of SCAI's determination, of "in violation" or "not in violation" on the charges shall be based solely on the information presented at the registered student organizational formal hearing.
- (i) Only if the proposed finding(s) of the hearing body is that the registered organization is in violation, will prior conduct history be reviewed and potentially affect the proposed sanctioning.
- (j) 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.
- (k) 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 SDES or designee determines that the safety, health, or general welfare of any individual, or any part of the University may be involved.

(5) Additional Procedures in Cases of ~~Sexual-Sex-Based~~ Misconduct ~~and/or Interpersonal Violence~~. Where a registered student organization is charged with sexual misconduct and other identified sex-based misconduct and/or interpersonal violence, the procedures outlined in UCF-5.006(101) will apply in addition to the procedures of the ~~Student Conduct 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 Rules of Conduct and that if the organization is subsequently found in violation of a rule, subsequent action may be more severe.

- (b) **Organizational Probation:** A period of time during which any further violation of the Organizational Rules 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. Restrictive conditions may include barring or limiting some or all of the organization's activities and/or privileges (including, but not limited to: social activities; intramural competition; organizational competition; Homecoming; eligibility to receive any University award or honorary recognition; privilege to occupy a position of leadership or responsibility in any University registered student organization governing body, publication, or activity; or ability to represent the University in an official capacity or position). If a registered student organization is found "in violation" for another violation of the Organizational Rules 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 Rules 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 Rules of Conduct unless the Director of SCAI determines otherwise in exceptional circumstances. If the registered student organization is found in violation for any violation of the Organizational Rules 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 two (2) semesters 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 in violation of any of the Organizational 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 student organization found in violation as a result of a hearing may appeal the finding(s) and sanction(s) imposed. The appeal must be made in writing to the appellate officer (VP of SDES or designee) within ten (10) business days after the date the registered student organization was notified of the decision by the Director of SCAI.
  - (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 SDES 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 final decision letter.

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

- (a) The Community ReEngagement and Educational Development (CREED) Program is designated for a student organization 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 organizational member of the UCF Community.
- (b) Upon completion of one semester of the Organizational Probation or Organizational Deferred 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 in violation of a Organizational Rule of Conduct that required an investigation by the Office of Institutional Equity (OIE) are ineligible to apply for relief under the CREED program.
  - 2. Registered student organizations that have been found in violation of a 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 <http://www.osc.sdes.ucf.edu> <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 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 OSCAI 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 - New 10-16-09, Amended 9-3-13, 10-29-15, 7-28-16, 7-20-17, 1-18-18, 7-19-18, 7-18-19, 6-18-20, \_\_\_\_\_-20.*

**UCF BOARD OF TRUSTEES**  
**Agenda Item Summary**  
**Governance Committee**  
**October 14, 2020**

**Title:** *Amendments to University Regulation UCF-3.018 Conflict of Interest or Commitment; Outside Activity or Employment*

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**Information**                       **Information for upcoming action**                       **Action**

**Meeting Date for Upcoming Action:** \_\_\_\_\_

**Purpose and Issues to be Considered:**

The University proposes to amend Regulation UCF-3.018 Conflict of Interest or Commitment; Outside Activity or Employment to include adding new language that references Section 1012.977, Florida Statutes which concerns persons engaged in the design, conduct or reporting of research for the university. Those individuals are required to disclose outside activities and financial interests and receive a determination from the university that the outside activity and financial interest does not affect the integrity of the university. Language about the consequences of failing to disclose the outside activity or financial interest has also been added.

This regulation was posted online September 18, 2020 for public comment. No comments were received as of the date of submission of these materials.

**Background Information:**

Florida Board of Governors Regulation 1.001 provides that “Each Board of Trustees is authorized to promulgate university regulations in accordance with the Regulation Development Procedure adopted by the Board of Governors.”

**Recommended Action:**

Approve amendments to UCF Regulation UCF-3.018 Conflict of Interest or Commitment; Outside Activity or Employment.

**Alternatives to Decision:**

Do not amend University Regulation UCF-3.018 and suggest alternative amendments.

**Fiscal Impact and Source of Funding:**

N/A

**Authority for Board of Trustees Action:**

Board of Governors regulation 1.001

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**Contract Reviewed/Approved by General Counsel**  N/A

**Committee Chair or Chair of the Board has approved adding this item to the agenda**

**Submitted by:**

Scott Cole, Vice President and General Counsel

**Supporting Documentation:**

Attachment A: Proposed Amended Regulation UCF-3.018 (redline)

**Facilitators/Presenters:**

Youndy Cook, Senior Deputy General Counsel

**UCF-3.018 Conflict of Interest or Commitment; Outside Activity or Employment.**

(1) Code of Ethics. The policies and requirements of Chapter 112, Part III, Florida Statutes, “Code of Ethics for Public Officers and Employees,” shall apply to all UCF employees whether or not they are members of a bargaining unit, and includes the following prohibited actions or conduct:

- (a) Solicitation and Acceptance of Gifts. University employees may not solicit or accept anything of value, such as a gift, loan, reward, promise of future employment, favor or service that is based on an understanding that their vote, official action, or judgment will be influenced by such gift.
- (b) Unauthorized compensation. University employees, their spouses and minor children may not accept any compensation, payment, or thing of value when they know, or should know, that it is given to influence a vote or other official action.
- (c) Misuse of Public Position. University employees may not use or attempt to use their official position or any property or resource that is within his or her trust to obtain special privilege, benefit, or exemption for themselves or others.
- (d) Disclosure or Use of Information. University employees (including former employees) may not disclose or use information not available to the public and obtained by the reason of their position for their personal benefit.
- (e) Doing Business with One’s Agency. University employees acting in their official capacity are prohibited from directly or indirectly purchasing, renting, or leasing any realty, goods, or services for the University from a business entity in which the employees or their spouses or children serve as an officer, partner, director, or proprietor, or own more than a 5% interest. Employees, acting in their private capacity, are also prohibited from renting, leasing, or selling any realty, goods, or services to the University.
- (f) Conflicting Employment or Contractual Relationship. University employees may not work for or contract with a business entity or agency regulated by or doing business with the University. Employees also may not work for or have a contractual arrangement which will impede the full and faithful discharge of his or her public duties. Employees may not create a continuing or frequently

recurring conflict between his or her private interests and the performance of his or her public duties.

- (g) **Contractual Services: Prohibited Employment.** University employees who participate in the decision-making process involving a purchase request, who influence the content of any specification or procurement standard, or who render advice, investigation, or auditing regarding the University's contract for services, may not be employed by a person holding such a contract with the University.

Additionally, Florida Statute 104.31 states that employees may not use their position to interfere with an election, to command, coerce, or advise any other employee to contribute towards any political purpose, or advise where he or she might purchase commodities or interfere in any other way with the personal right of employees. Further, employees may not participate in any political campaign for an election while on duty.

Additionally, Section 1012.977, Florida Statutes, states that any person employed by a state university or entity engaging in research which is created or authorized pursuant to part II of chapter 1004 consents to the policies of the university or entity, the regulations of the Board of Governors, and the laws of this state. At a minimum, such policies shall require employees engaged in the design, conduct, or reporting of research to disclose and receive a determination that the outside activity or financial interest of the employee does not affect the integrity of the state university or entity. Further, the statute provides that an employee engaged in the design, conduct, or reporting of research who fails to disclose any outside activity or financial interest as defined by the statute shall be suspended without pay pending the outcome of an investigation which shall not exceed 60 days. Upon conclusion of the investigation, the university or entity may terminate the contract of the employee.

(2) General.

- (a) This regulation applies to all University employees, irrespective of bargaining unit, pay plan, rank, or employment status.
- (b) University employees are expected to fully and competently perform all duties pertinent to their employment. Outside activity or employment which interferes with an employee's obligations to the university or which represents a conflict of interest or commitment is prohibited.

- (c) Employees are required to submit a report of their intention to participate in outside activity or employment in advance of such engagement; and to resubmit such report annually or as required by section (3), below. If in the opinion of the president, or representative, the outside activity or employment creates an actual or potential conflict of interest or interference with the employee's duties, the employee will be notified to resolve the conflict or to provide further information that will allow the university to adequately manage any actual or potential conflict.
- (d) Any employee who wishes to request the use of any university facility, equipment, personnel, or other university resources in connection with an outside activity or employment is required to submit a written request for such use, in accordance with subsection (3) below. See also University Regulations UCF-4.029 - 4.0294 relating to use of university facilities.

(3) Submission of Reports.

- (a) Faculty, Executive Services, Post-doctoral employees, and select individuals identified in University positions of trust or other employee types engaged in the design, conduct, and reporting of research must submit a report of outside activity or employment and potential conflicts of interest or commitment at the beginning of each academic year, irrespective of whether the employee has any activity or employment to report, using Form AA-21, "Potential Outside Activity, Employment, and Conflict of Interest and or Commitment Disclosure; ~~Outside Activity or Employment Report~~." This report must be resubmitted during the course of the reporting period should there be a change in activity, such as new outside activity or employment, substantial increase in the commitment required for an outside activity or employment, or change in relationships that could create a conflict of interest. This report should be submitted online using the reporting process set forth by the University Compliance, Ethics, and Risk Office and the Office of Research ~~and Commercialization~~. Further information is available in the Faculty Handbook, as well as on the web sites for the University Compliance, Ethics, and Risk Office and the Office of Research ~~and Commercialization~~.



- (b) All other employees must submit a report prior to the initiation of any outside activity or employment, using Form HR-11, "Report of Potential Conflict of Interest, Outside Activity/Employment." This form must be resubmitted during the course of the reporting period should there be a change in activity, such as new outside activity or employment, substantial increase in the commitment required for an outside activity or employment, or change in relationships that could create a conflict of interest.
- (c) Any employee who wishes to request the use of university facilities, equipment, or personnel in conjunction with an outside activity or employment must submit a written request for such use using the appropriate form. For Faculty, Executive Service, Post-doctoral employees, and select individuals identified in University positions of trust or other employee types engaged in the design, conduct, and reporting of research, any such request should be included with the report on Form AA-21. All other employees must use Form HR-12, "Permission to Use University Personnel, Equipment, Facilities, Students, or Services." Failure to submit such a request constitutes specific lack of permission to use any university resources in conjunction with an outside activity or employment. Each request will be evaluated on its own merits. The university is under no obligation to grant any such request.
- (d) Reports submitted under this regulation will be reviewed at appropriate levels of supervision. If a potential or actual conflict of interest or commitment is identified, the employee will be notified to resolve the conflict. If the employee has additional information that would assist the University in reviewing such conflict, the employee bears the burden of making that information available to the University. The resolution to a potential or actual conflict of interest may require the employee to cease the outside activity or employment or to divest oneself of the interests that are creating the conflict.
- (e) The Florida Commission on Ethics also requires individuals who are identified under Florida Statute 112.3145 as reporting individuals, to submit to the Commission a disclosure of their financial interests within 30 days of appointment, annually by July 1, and within 60 days after leaving their position.

Employees considered reporting individuals will be notified of their status by a member of the Human Resources Department.

(4) If an employee does not agree with a decision by the president or representative, the employee may request relief under the provisions of the applicable UCF grievance procedure, but must follow the University's directive while pursuing the grievance.

(5) Other Applicable Regulations. Any employee who accepts compensation for outside employment shall comply with the applicable requirements of Section 112.313, F.S., and University Regulation UCF-3.0032.

(6) Nothing contained in this regulation shall excuse any employee who engages in outside employment or other activities which constitute a conflict of interest or commitment. A determination by the university not to object to an outside activity or employment does not preclude a finding by the State Ethics Commission that the activity or employment is not in accordance with all applicable laws and regulations respecting conflicts of interest. The employee's obligation to avoid conflicts of interest is a continuing one.

*Authority: BOG Regulation 1.001. History—New 10-8-75, Amended 11-22-77, 4-30-81, 8-15-84, 11-4-90, Formerly 6C7-3.18, Amended 4-23-03, 10-30-07; Formerly 6C7-3.018, Amended 6-24-10, 3-13-14, 10-30-14, 6-23-17, \_\_\_\_-20.*

**UCF BOARD OF TRUSTEES**  
**Agenda Item Summary**  
**Governance Committee**  
**October 14, 2020**

**Title:** *Amendments to University Regulation UCF-2.003 Admission of Graduate Students*

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**Information**                       **Information for upcoming action**                       **Action**

**Meeting Date for Upcoming Action:** \_\_\_\_\_

**Purpose and Issues to be Considered:**

The University proposes to amend Regulation UCF-2.003 Admission of Graduate Students, which sets out basic admissions requirements for graduate students, to allow doctoral academic programs to waive test score requirements for applicants for the Spring, Summer and Fall 2021 admission cycles. The reason for this proposed change is the difficulties that many applicants, especially underprivileged applicants, are experiencing in getting standardized testing done due to the current pandemic. The language is self-limiting, applying only to the Spring, Summer and Fall 2021 admissions cycles, which open soon.

This regulation was posted online September 18, 2020 for public comment. No comments were received as of the date of submission of these materials.

**Background Information:**

Florida Board of Governors Regulation 1.001 provides that “Each Board of Trustees is authorized to promulgate university regulations in accordance with the Regulation Development Procedure adopted by the Board of Governors.”

**Recommended Action:**

Approve amendments to University of Central Florida Regulation UCF-2.003 Admission of Graduate Students.

**Alternatives to Decision:**

Do not amend University Regulation UCF-2.003 and keep the requirement of test scores for all admission cycles.

**Fiscal Impact and Source of Funding:**

N/A

**Authority for Board of Trustees Action:**

Board of Governors regulation 1.001

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**Contract Reviewed/Approved by General Counsel**     N/A

**Committee Chair or Chair of the Board has approved adding this item to the agenda**

**Submitted by:**

Scott Cole, Vice President and General Counsel

**Supporting Documentation:**

Attachment A: Proposed Amended Regulation UCF-2.003 (redline)

**Facilitators/Presenters:**

Youndy Cook, Senior Deputy General Counsel

**UCF-2.003 Admission of Graduate Students.**

(1) This regulation applies to all students who seek to be admitted to graduate programs at the University of Central Florida.

(2) Each admitted student to a graduate degree program or to a post-baccalaureate professional program must meet the following minimum requirements:

(a) Earned a bachelor's degree or equivalent from a U.S. institution of higher education accredited by one of the following accrediting bodies or its equivalent from a foreign institution

1. Accrediting Commission for Community and Junior Colleges (ACCJC)
2. New England Commission of Higher Education (NECHE)
3. Higher Learning Commission (HLC)
4. Middle States Commission on Higher Education (MSCHE)
5. Northwest Commission on Colleges and Universities (NWCCU)
6. Southern Association of Colleges and Schools Commission on Colleges (SACSCOC)
7. WASC Senior College and University Commission

AND

(b) Earned a 3.0 GPA (or equivalent) or better in all work attempted while registered as an undergraduate student working for a baccalaureate degree, OR

(c) Earned a 3.0 GPA (or equivalent) or better in all work attempted while registered as an upper division student working for a baccalaureate degree, OR

(d) Earned a previous graduate degree or professional degree or equivalent from a U.S. institution of higher education accredited by an accrediting body listed in (2)(a) or its equivalent from a foreign institution in a field related to the discipline of the program to which the applicant is applying.

(3) Additionally, all applicants to doctoral programs must meet the following specific requirements:

(a) Each applicant to a doctoral degree program shall present scores that are acceptable for the program to which the student is applying on the Graduate Record Examination (verbal, quantitative, and writing), or an equivalent measure on the GMAT, whichever is deemed most appropriate to the program. For the Summer

and Fall 2021 admission cycles only, this university requirement to present test scores for doctoral degree program admissions is suspended; however, each academic program may choose to continue to require test scores for such candidates for admission. If a doctoral degree program elects to waive the test score requirements for the Summer and Fall 2021 admission cycles, the program must notify Graduate Studies of that decision on or before October 29, 2020. Students, including international students, who already have a graduate degree obtained from a U.S. institution of higher education accredited by an accrediting body listed in (2)(a) or equivalent foreign institution in the same or in a related area are not required to take the Graduate Record Examination or GMAT unless it is required by the program.

- (b) Submit three letters of recommendation, a resume or a curriculum vita, and a written essay.
  - (c) The submitted materials must be used in the context of a holistic credential review process.
  - (d) Each doctoral program may determine other requirements for admission, consistent with their mission and purpose. Any additional admissions requirements so imposed by doctoral programs must be published annually in the Graduate Catalog and on the website of the doctoral program; further, such requirements shall be reviewed and updated annually.
  - (e) These requirements shall not include preferences in the admissions process for applicants on the basis of any category protected by law.
- (4) Additionally, all applicants to master's programs must meet the following specific requirements:
- (a) A score on standardized exams such as the GRE or GMAT is not required by the university for admission to a master's degree program, although individual programs may still require the exams for admissions purposes.
  - (b) Each master's program may determine other requirements for admission, consistent with their mission and purpose. Any additional admissions requirements so imposed by master's programs must be published annually in the Graduate Catalog

and on the website of the master's program; further, such requirements shall be reviewed and updated annually.

- (c) These requirements shall not include preferences in the admissions process for applicants on the basis of any category protected by law.
- (d) For international students in master's programs that do not require a GRE or GMAT, a course-by-course evaluation of the student's official transcript must be submitted by a credential evaluation service recommended by UCF that shows a GPA equivalent from an earned degree equivalent to a U.S. bachelor's degree obtained from an institution of higher education accredited by an accrediting body listed in (2)(a).

(5) In addition to the above requirements, international students must show proficiency in written and spoken English in accordance with the provisions of University Regulation UCF-2.009.

(6) All graduate applicants must indicate whether or not Florida residency is claimed. An application or residency affidavit submitted by or on behalf of a student which contains false, fraudulent or incomplete statements may result in denial of admission or denial of further registration and/or invalidation of UCF credit.

(7) Exceptions to the above requirements:

- (a) In any academic term, up to 20 percent of the graduate students may be admitted in a given degree program as exceptions to the minimum requirements for graduate admissions as defined in paragraph (2) (b) & (c), above.
- (b) Students who do not meet the admissions criteria and who wish to enroll in courses but not degree programs at the post-baccalaureate level may enroll under the classification of non-degree seeking students. Graduate programs wishing to admit these students to graduate degree programs after the students have satisfactorily completed up to nine hours of graduate course work may do so provided that the number so admitted is included as part of the 20 percent exception, as defined in paragraph (6)(a), above.

(8) In addition to the above requirements, all graduate applicants who are admitted must submit an immunization form. UCF Student Health Services is responsible for oversight of student immunization compliance and reserves the right to require immunizations based on recommendations from the Centers for Disease Control and Prevention (CDC) the Florida

Department of Health, the Florida Board of Governors, or the UCF Board of Trustees. UCF reserves the right to refuse registration to any applicant, former student, or student whose health record indicates the existence of a condition which may be harmful to the members of the University community.

(9) Exceptions: Students may apply for an exception to the University's immunization requirements if they meet one of the following criteria and submit appropriate documentation.

- (a) Medical Basis – The student must provide a letter from a healthcare provider, signed on official medical office stationery, stating the medical reason(s) why the student is not able to receive the vaccine(s), and indicating if this is a temporary or permanent condition.
- (b) Religious Basis – The student (or the student's parent/guardian if under 18 years old) can sign a Religious Exemption waiver upon request.
- (c) Active Duty Military and Veterans – Active Duty and Veterans may complete the waiver section of the immunization form if documentation of immunizations is unavailable at the time of registration. Proof of military service is required (DD 214 or military ID card).
- (d) With approval of the UCF President, limited UCF programs may be an exception when students will not be physically present in any UCF classroom or on any UCF campus. Should such students seek to register for face to face courses, they must comply with paragraph (8).

(10) All applicants for admission or readmission to the University of Central Florida, including to any graduate or doctoral programs of study within the University and including any applicant for post-baccalaureate study, are required to disclose on the application prior criminal conduct, pending criminal charges, and prior educational misconduct. The University reviews all applications in which a student discloses prior criminal conduct, pending criminal charges, or prior educational misconduct to determine whether the admission of the applicant is in the best interest of the University. The office responsible for this review is the Office of Student Rights and Responsibilities. Applicants who fail to disclose prior criminal misconduct, pending criminal charges, or any prior educational misconduct are in violation of the disclosure requirements of this paragraph and may be subject to appropriate action by the University, including denial of admission or readmission, revocation of admission, or other academic and/or disciplinary action



prescribed by the University, up to and including dismissal. Applicants are not required to disclose minor traffic violations.

(11) Applicants may appeal an admissions decision by following the university admissions appeal procedure. Information regarding this procedure is available in the Graduate Catalog.

(12) Readmissions

- (a) Graduate students who do not maintain continuous enrollment, must apply for readmission. Readmission is not guaranteed. The readmission decision is based on multiple factors such as previous academic performance, work taken since last attending UCF, space and fiscal limitations.
- (b) A student who was previously dismissed from his or her graduate program and would like to reapply to the same program must have an approved conditional retention plan on file before a readmission decision can be made.

(13) Graduate applicants and graduate readmit applicants may be admitted subject to space and fiscal limitations.

*Authority: BOG Regulations 1.001, 6.001, and 6.003. History—New 10-8-75, Amended 9-27-79, 1-6-82, Formerly 6C7-2.03, Amended 10-2-08, Formerly 6C7-2.003, Amended 7-30-09, 2-29-16, 9-16-16, 4-23-20, \_\_\_\_\_-20.*

UCF BOARD OF TRUSTEES  
Agenda Item Summary  
Governance Committee  
October 14, 2020

**Title:** Appointment of Board Member to Central Florida Clinical Practice Organization, Inc.

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Information                       Information for upcoming action                       Action

**Meeting Date for Upcoming Action:** \_\_\_\_\_

**Purpose and Issues to be Considered:**

The Central Florida Clinical Practice Organization, Inc. (CFCPO) Bylaws authorize election of three employed clinical faculty members to the CFCPO Board of Directors. Dr. Mehul Patel was selected pursuant to CFCPO's Bylaws in an election by the employed clinical faculty members of the faculty practice to serve on the corporation's Board of Directors. In accordance with the Bylaws, Dr. Patel will serve a 3-year term.

Although CFCPO is not a DSO, it follows similar review processes to ensure full transparency and oversight in alignment with the president's goal of building a culture of trust, engagement and accountability.

**Background Information:**

Central Florida Clinical Practice Organization, Inc. (CFCPO) is a 501(c)(3) tax exempt organization created to serve as a support entity for the UCF College of Medicine clinical mission, similar to that of other Florida state medical schools. CFCPO receives and holds clinically related revenues, applies that revenue to pay appropriate expenses, manages reserves, ensures proper accounting procedures are being followed, and provides administrative and financial services.

**Recommended Action:**

Approval of the election of Dr. Mehul Patel to serve on the corporation's Board of Directors.

**Alternatives to Decision:**

The election results could be rejected.

**Fiscal Impact and Source of Funding:**

N/A

**Authority for Board of Trustees Action:**

Fl. Statute 1004.28(3)

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**Contract Reviewed/Approved by General Counsel**  N/A

**Committee Chair or Chair of the Board has approved adding this item to the agenda**

**Submitted by:**

Deborah C. German, Chair, Central Florida Clinical Practice Organization, Inc.

**Supporting Documentation:**

Attachment A: Board Member Bio

Attachment B: Central Florida Clinical Practice Organization Bylaws

**Facilitators/Presenters:**

Deborah C. German, Chair, Central Florida Clinical Practice Organization, Inc.

Jeanette C. Schreiber, Secretary, Central Florida Clinical Practice Organization, Inc.

## **Mehul Patel, MD, MSc**

Dr. Mehul Patel is a comprehensive ophthalmologist who evaluates and manages eye diseases both medically and surgically. He specializes in refractive cataract surgery and minimally invasive glaucoma surgery. He understands the delicacy and complexity of the eye as well as the importance of having good vision for as long as possible.

### **Education**

Dr. Patel received his M.D. from the University of North Carolina at Chapel Hill School of Medicine. He then completed his ophthalmology residency at Howard University Hospital's Department of Ophthalmology in Washington, D.C. He has also earned a master's degree in Global Health from the University of Oxford and spent one year conducting ophthalmic public health research in Hong Kong.

### **Background**

Dr. Patel practices at UCF Health and has a passion for cataract surgery and optimizing vision. He is thorough and strives to make sure that the patient is very well informed about their diagnoses and options when it comes to surgery. His research interests focus on optimizing refractive outcomes for patients undergoing cataract surgery. Dr. Patel speaks Gujarati and Hindi and is actively involved in mission work, having spent time providing medical and ophthalmic care in several countries including East Timor, India and Haiti.

**FIFTH  
AMENDED & RESTATED  
BYLAWS  
of  
CENTRAL FLORIDA CLINICAL PRACTICE ORGANIZATION, INC.**

(A Non-Profit Corporation)

**ARTICLE I.  
NAME**

The name of this Corporation shall be CENTRAL FLORIDA CLINICAL PRACTICE ORGANIZATION, INC.

**ARTICLE II.  
PURPOSE**

The corporation is organized as a corporation not-for-profit under Chapter 617, Florida Statutes. The corporation shall 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 shall 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 shall 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 6C-9.017, or corresponding provisions of any subsequent laws or rules.

**ARTICLE III.  
MEMBERSHIP**

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

**ARTICLE IV.  
FISCAL YEAR**

The fiscal year of the corporation shall begin on the first day of July and end on the last day of June in each year.

**ARTICLE V.**  
**BOARD OF DIRECTORS**

**Section 1. Directors.** The Board of Directors shall consist of:

- (a) A member of the university Board of Trustees appointed by the Chair of the Board of Trustees,
- (b) The Dean of the College of Medicine,
- (c) The Dean of the College of Nursing,
- (d) The Vice President for Health Affairs of the university,
- (e) The Provost of the university or designee,
- (f) The Chief Operating Officer of the university or designee,
- (g) Two (2) members of the senior leadership team of the university's Health Affairs unit appointed by the Vice President for Health Affairs of the university, and
- (h) Three (3) members of the College of Medicine's employed clinical faculty, two of whom shall practice at the College of Medicine's faculty practice and one of whom shall be a clinical department Chair, elected by the employed clinical faculty who practice at the College of Medicine's faculty practice.

If any member of the Board of Directors shall serve *ex officio* in more than one designated position, their membership in the Board of Directors shall be considered as one position and they shall have no more than one vote per matter presented to the Board of Directors.

**Section 2. Terms of Office.** *Ex officio* members of the Board of Directors shall serve as directors of the corporation, pursuant to section 1 (b), (c), (d) (e) and (f), for such time as they continue to serve in their positions with the university. Directors designated pursuant to section 1 (e) and (f), if any, will serve for terms of three years commencing at the annual meeting of the Board of Directors or until their successors will be duly designated and approved. Directors appointed or elected pursuant to section 1 (a), (g) and (h), shall serve for terms of three (3) years commencing at the annual meeting of the Board of Directors or until their successors shall be duly appointed or elected and qualified. Any appointed, designated or elected director may be appointed, designated or elected to succeed himself/herself. The terms of the elected clinical faculty directors shall be staggered so as to expire at different times.

**Section 3. Powers and Duties of the Board of Directors.** The property, affairs, activities, and concerns of the corporation shall be vested in the Board of Directors. All management functions shall be exercised by the Board of Directors subject to delegation by the Board to others.

The Board of Directors shall have the power 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, shall be used to further the specific purposes of the corporation.

The corporation shall have the power and authority 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 and its Board of Trustees.

**Section 4. Meetings of the Board.** The Board of Directors shall hold an annual meeting in the first quarter of each fiscal year for the receiving of annual reports of officers, directors and committees, and the transaction of other business. Regular meetings of the Board of Directors shall be held at such times as shall be determined by the Board. Written notice of the time and place of the annual meeting and regular meetings shall be provided by the Secretary to each director, by personal delivery, first class mail, or electronic mail, at least three (3) business days before the meeting.

Special meetings of the Board of Directors may be called by the Chair or upon the written request of three (3) members of the Board. At least three (3) business days prior written notice of any special meeting shall be provided by the Secretary to all members of the Board by personal delivery, first class mail, or electronic mail.

Notice of a meeting of the Board of Directors may be waived by any director, either before or after the meeting. Attendance of a director at a meeting shall constitute a waiver of notice, except when a director states, at the beginning of the meeting, any objection to the transaction of business because the meeting was not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Board of Directors need be specified in the notice or waiver of notice.

**Section 5. Quorum and Voting.** A majority of the Board of Directors shall constitute a quorum for the transaction of business. In the absence of the Chair and Vice Chair, the quorum present may choose a chair for the meeting. If a quorum is not present, a lesser number may adjourn the meeting to a date no more than ten (10) days later. The act of a majority of the directors present at a meeting at which a quorum is present shall be the act of the Board of Directors unless a greater number is required by these bylaws or by law.

**Section 6. Order of Business.** The order of business shall be as follows at all the meetings of the Board of Directors:

- (a) calling the roll
- (b) review of the minutes of the prior meeting
- (c) reports of committees
- (d) reports of officers
- (e) old and unfinished business
- (f) new business
- (g) adjournment

Any question as to priority of business shall be decided by the Chair. This order of business may be altered or suspended at any meeting by a majority vote of the members present.

**Section 7. Vacancies.** Whenever any vacancy occurs in the Board of Directors by death, resignation, or otherwise, it shall be filled without undue delay. In the case of elected clinical

faculty directors, the vacancy shall be filled by an election held by the clinical faculty. Any person appointed, designated or elected to fill a vacancy in the Board of Directors shall hold office for the unexpired term of his or her predecessor in office, subject to the power of removal stated in these bylaws or by law.

**Section 8. Removal.** The President of the university may remove any director at any time upon written notice, with or without cause, except for directors appointed by the Chair of the Board of Trustees. Directors appointed or elected pursuant to section 1(g) and (h), may be removed at any time by the appointing or electing entity.

**Section 9. Participation by Conference Telephone.** Members of the Board of Directors may participate in a meeting of the Board by means of a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other at the same time. Participation by such means shall constitute presence in person at a meeting.

## **ARTICLE VI. OFFICERS**

**Section 1. Officers.** Except as otherwise provided in these Bylaws, the affairs of the corporation are to be managed by a Chair, a Vice Chair, a Secretary, and a Treasurer. The offices of Secretary and Treasurer may be consolidated and held by one person, if so determined by the Board of Directors. The Board of Directors may select an executive director of the corporation and may delegate to the executive director the responsibility for the day-to-day management and operation of the corporation.

**Section 2. Election and Term of Office.** The Chair of the corporation shall be the Vice President for Health Affairs of the university, and shall serve for such time as he/she continues to serve as the Vice President for Health Affairs of the university. The Board of Directors shall elect the Vice Chair, Secretary, and Treasurer for terms of three (3) years. A majority of a quorum present shall be necessary to constitute an election.

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

**Chair.** The Chair shall preside at the meetings of the Board of Directors and shall be a member *ex officio*, with right to vote, of all committees. The Chair shall perform such other duties as are necessarily incident to the office of the chair. The Chair shall sign all certificates, bonds, deeds, mortgages, leases, and contracts of the corporation except as otherwise approved by the Board of Directors. The Chair shall perform all duties as the Board of Directors shall designate and may delegate certain duties with the Board's approval.

**Vice Chair.** In case of the death or absence of the Chair, or of his/her inability to act, the Vice Chair shall perform the duties of the chair.



**Secretary.** The Secretary shall give notice of and attend all meetings of the Board of Directors and keep a record of the actions of the Board and committees; conduct correspondence and carry into execution all orders, votes, and resolutions not otherwise committed; notify the officers and members of the Board of their election; notify committee members of their appointment on committees; and generally carry out such duties as are incident to the office of the secretary.

**Treasurer.** The Treasurer shall keep an account of all monies received and expended for the use of the corporation. The Treasurer shall cause to be deposited from time to time such funds of the corporation as the Treasurer may deem necessary or advisable in accounts with any such bank or banks designated in a manner approved by the Board of Directors, and shall make a report at the annual meeting or when called upon by the Chair.

**Section 4. The Executive Director.** The Board of Directors may appoint an executive director to serve at the pleasure of the Board or for such other term as fixed by a contract between the corporation and the executive director. The executive director shall be an *ex officio* non-voting member of the Board of Directors and all committees appointed by the Board of Directors. The executive director shall also serve as the chief administrative officer of the corporation and, as such, shall be responsible for the day-to-day management and operation of the corporation and may hold the office of Treasurer if approved by the Board of Directors. The executive director shall be accountable directly to the corporation's Chair.

**Section 5. Removal.** The President of the university may remove any officer at any time upon written notice. The Board of Directors may remove any elected officer at any time upon a two-thirds vote of the directors, whenever the best interests of the corporation would be served.

**Section 6. Vacancies.** A vacancy in any office, whether due to death, resignation, removal, disqualification, or otherwise, may be filled by the Board of Directors for the unexpired portion of the term. All vacancies in any office shall be filled by the Board of Directors without undue delay, at any regular meeting, or at a meeting regularly called for that purpose.

## **ARTICLE VII.** **COMMITTEES**

**Section 1. Standing Committees.** At the first meeting of the Board of Directors after their election, or as soon thereafter as practicable, the Chair shall, subject to the Board's approval, appoint and charge such committees as he/she may deem necessary and advisable to assist in the conduct of the corporation's affairs.

**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.

**Section 3. Committee on Nominations of Clinical Faculty Representatives.** The Board of Directors may establish a nominating committee of at least three (3) members of the clinical

faculty in the College of Medicine whose duty it shall be to seek nominations from the employed clinical faculty who practice at the College of Medicine's faculty practice candidates for election to the Board of Directors by the clinical faculty in accordance with Article V. Such nominations shall be reported in writing to the Secretary, who will hold an election in May/June of each year. Board members elected from clinical faculty shall take office effective at the annual meeting.

**Section 4. Special Committees.** The Chair may, at any time, appoint other committees on any subject for which there are no standing committees.

**Section 5. Membership and Committee Quorum.** Committees of the Board of Directors may include members who are not directors but shall be constituted to include a majority of directors and shall be chaired by a director appointed by the Chair. Committee members may be removed at any time, with or without cause, and committees may be abolished at any time by the Chair of the corporation.

A majority of any committee of the corporation shall constitute a quorum for the transaction of business.

**Section 6. Committee Vacancies.** The authority that originally appointed a committee shall have the power to fill any vacancy on the committee.

## **ARTICLE VIII. DISTRIBUTION OF NET RECEIPTS**

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

## **ARTICLE IX. ADMINISTRATIVE POLICIES**

**Section 1. Affairs and Operations.** Notwithstanding any other provision of these Bylaws to the contrary, the affairs and operations of the corporation shall 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. Financial Audits and Reports.** All financial records of the corporation shall be available to the appropriate personnel of the university from time to time designated by the Vice President for Health Affairs of the university, the President of the university, or the Chair of the university Board of Trustees. The corporation shall annually have a financial audit of its accounts and records conducted by an independent certified public accountant. Copies of each annual audit and management letter shall be forwarded to the President of the university, the Vice President for

Health Affairs of the university, the Dean of the College of Medicine, and the university Board of Trustees and the Board of Governors.

**Section 3. Operating Budget.** An operating budget shall be prepared for the corporation at least annually and recommended by the Dean of the College of Medicine, the Vice President for Health Affairs of the university, and the President of the university to the university Board of Trustees and the Board of Governors for review and oversight.

## **ARTICLE X. INDEMNIFICATION**

The Corporation shall, to the extent legally permissible, indemnify and defend each of its directors, officers, employees, or other agents against all liabilities and expenses, including where applicable, amounts paid actions, suit or other proceeding, whether civil or criminal, in which such person may be involved by reason of corporate employment or Board of Directors service, except with respect to any matter as to which such person shall have been adjudicated in any proceeding not to have acted in good faith in the reasonable belief that such action was in the best interest of the Corporation; provided that any payment by the way of settlement, compromise or consent decree shall be indemnified hereunder only to the extent that it shall be determined by the Board to have been made in the best interests of the Corporation; and further provided that no settlement hereunder shall be entered into without the prior consultation and approval of a duly authorized representative of the Board. Any person believing himself to be entitled to indemnification or defense under this Section shall, in order to qualify for indemnification or defense hereunder, notify the Chair immediately upon the occurrence giving rise to said entitlement.

In the event that a director, officer, employee or other agent who would otherwise be entitled to indemnification or defense hereunder is entitled, through insurance or otherwise, to alternative sources (s) of indemnification or defense for liabilities and expenses noted above, such individual will be entitled, under this provision, only to indemnification or defense to the extent not provided by such alternative sources(s).

Nothing contained in this Article shall affect any rights of indemnification or defense to which corporate personnel other than directors, officers, employees, and other agents of the Corporation may be entitled by contract or otherwise by law.

## **ARTICLE XI. AMENDMENTS**

The Bylaws of the corporation shall 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. Copies of all amendments shall be provided to the President of the university and the university Board of Trustees.

These Fifth Amended & Restated Bylaws of the Central Florida Clinical Practice Organization, Inc. were approved and adopted by the corporation's Board of Directors on August 29, 2019 and February 19, 2020.

  
\_\_\_\_\_  
Deborah C. German, M.D.  
Chair, Board of Directors

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, 2/19/2020; UCF Board of Trustees 2/20/2020

**UCF BOARD OF TRUSTEES**  
**Agenda Item Summary**  
**Governance Committee**  
**October 14, 2020**

**Title:** *UCF Foundation Articles of Incorporation*

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**Information**                       **Information for upcoming action**                       **Action**

**Meeting Date for Upcoming Action:** \_\_\_\_\_

**Purpose and Issues to be Considered:**

Whether the proposed amendments to the Amended and Restated UCF Foundation's Articles of Incorporation represent the structure of the UCF Foundation.

**Background Information:**

The Foundation Board reviewed and recommended approval of the Amended and Restated UCF Foundation Articles of Incorporation on October 8, 2020. The Amended and Restated Articles of Incorporation are a significant rewrite to conform the document with current practices at the Foundation and with the Foundation Board of Directors structure.

**Recommended Action:**

Approve of the proposed amendments to the UCF Foundation's Amended and Restated Articles of Incorporation.

**Alternatives to Decision:**

Decline the proposed amendments.

**Fiscal Impact and Source of Funding:**

None.

**Authority for Board of Trustees Action:**

Governance Committee Charter 1.11  
 Florida Statute 1004.28

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**Contract Reviewed/Approved by General Counsel**    N/A  

**Committee Chair or Chair of the Board has approved adding this item to the agenda**  

**Submitted by:**

Jennifer Cerasa, Legal Counsel, UCF Foundation, Inc. and Sr. Assoc. General Counsel to UCF

**Supporting Documentation:**

Attachment A: UCF Foundation Articles of Incorporation (current)  
 Attachment B: UCF Foundation Amended and Restated Articles of Incorporation (proposed)

**Facilitators/Presenters:**

Jennifer Cerasa, Legal Counsel, UCF Foundation, Inc., and Sr. Assoc. General Counsel to UCF

Attachment A

ARTICLES OF AMENDMENT TO THE ARTICLES OF INCORPORATION

OF

FLORIDA TECHNOLOGICAL UNIVERSITY FOUNDATION, INCORPORATED

FILED  
JUN 1 11 54 AM '79  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA


Pursuant to the provisions of Section 617.2 of the Florida Statutes, the undersigned Corporation adopts the following Articles of Amendment to the Articles of Incorporation:

1. The name of the Corporation is changed to University of Central Florida Foundation, Incorporated.
2. The above amendment was adopted unanimously at the annual meeting of the Board of Trustees of the Florida Technological University Foundation, Incorporated which was held on the University campus on March 16, 1979.


Date March 16, 1979

Florida Technological University  
Foundation, Incorporated

By

  
J. Blair Culpepper  
President

By

  
Mary Jo Davys  
Secretary/Treasurer

Form  
1-1-68

# State of Florida

Secretary of State



I, Tom Adams, Secretary of State of the State of Florida,  
Do Hereby Certify That the following is a true and correct copy of

Certificate of Incorporation  
of

FLORIDA TECHNOLOGICAL UNIVERSITY FOUNDATION, INCORPORATED

a corporation not for profit organized and existing under the Laws of the  
State of Florida, filed on the 6th day of February,  
A.D., 1968, as shown by the records of this office.



Given under my hand and the Great Seal of the  
State of Florida, at Tallahassee, the Capital,  
this the 9th day of February,  
A.D. 19 68.

*Tom Adams*  
Secretary of State

ARTICLES OF INCORPORATION

OF

FLORIDA TECHNOLOGICAL UNIVERSITY FOUNDATION, INCORPORATED

The undersigned subscribers to these Articles of Incorporation, each a natural person competent to contract, hereby associate themselves together to form a corporation not for pecuniary profit, under Chapter 617 of the Florida Statutes:

ARTICLE I

The name of this corporation is FLORIDA TECHNOLOGICAL UNIVERSITY FOUNDATION, INCORPORATED.

ARTICLE II

The purposes for which this corporation (hereinafter called the Foundation) is organized are as follows:

1. To encourage, solicit, receive and administer gifts and bequests of property and funds for scientific, educational and charitable purposes, all for the advancement of Florida Technological University and its objectives; and to that end to take and hold, either absolutely or in trust for any of said purposes, funds and property of all kinds, subject only to any limitations or conditions imposed by law or the instrument under which received; to sell, lease, convey and dispose of any such property and invest and reinvest any proceeds and other funds, and to deal with and expend the principal and income for any of said purposes; to act as trustee; and, in general, to exercise any, all, and every power, including trust powers, which a corporation not for profit organized under the laws of Florida for the foregoing purposes can be authorized to exercise.

2. To promote and support education; to provide (a) funds which are not provided from public sources for use in the



furtherance of the education and welfare of Florida Technological University, its faculty and students; (b) funds to be used in attracting experienced and outstanding instructors, educators and scientists to such University; (c) educational facilities, including dormitories; (d) scholarships and fellowships.

3. To do and perform any acts and expend its funds in any manner which the Board of Trustees shall determine will be beneficial to education and the University.

4. Upon specific approval of the Board of Trustees or Executive Committee, to borrow such sums, on such terms and with such security, if any, as may be prescribed in such approval, but no trust assets may be pledged or committed in a manner that would violate the trust upon which held.

5. All of the assets and income of the Foundation shall be used only for the purposes hereinabove set out, including the payment of expenses incidental thereto; and 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 (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office. In the event of dissolution or other termination of the Foundation, title to all its assets shall vest in the Board of Regents of the State of Florida, the governing board of the State University system, or its successor, to be used exclusively for the purposes hereinabove set out, it being intended that no distribution or payment shall be made which will impair or destroy the tax exempt status of the Foundation or which will result in the denial of tax exempt status to donations, contributions,

legacies, bequests, or dues received by this Foundation, to the extent that such tax exempt status shall be allowed under any applicable laws or regulations.

### ARTICLE III

The qualification of members of the Foundation and the manner of their admission shall be as follows:

Any person of good character whose financial contribution or contributions to the Foundation is or are accepted by the Board of Trustees shall be members of the corporation. Additional qualifications may be specified and required pursuant to provisions of the by-laws of the corporation.

All persons interested in the scientific, educational and charitable purposes of the Foundation and the advancement of Florida Technological University and its objectives and who meet such additional qualifications as may be prescribed in the by-laws are eligible to become members of the Foundation upon approval or acceptance in any manner authorized by the Board of Trustees.

To honor individuals who have significantly advanced the objectives of Florida Technological University, the Board of Trustees may provide for a class of membership to be known as Florida Technological University Foundation Fellows. Fellows shall be elected upon the nomination of the Board of Trustees and confirmation by the President of the University. Their number shall be limited only by the high standards to be observed in their selection to assure that this honor be extended to persons of merit and distinction. The qualifications for and privileges of this membership may be prescribed in the by-laws.

### ARTICLE IV

The Foundation shall have perpetual existence.

ARTICLE VI

Section 1. Board of Trustees.

The affairs of the Foundation shall be managed by a Board of Trustees of not less than three persons. Except as otherwise provided herein, their number, qualifications, terms of office, and manner of selection shall be fixed in the by-laws. Members of the Board of Trustees shall be members of the corporation.

Section 2. Executive Committee.

The by-laws may provide for the election of an Executive Committee. The Board of Trustees may authorize such committee to exercise all or part of the powers and authority of the Board of Trustees.

Section 3. Officers.

The officers of the Foundation shall be a President, Vice-President(s), Executive Director, Secretary, Treasurer and such Assistant Secretaries and Treasurers as the Board may from time to time elect. The officers shall be elected annually by the Board of Trustees each to serve for one year or until the election of a successor. The offices of President and Vice-President shall be filled from the membership of the Board of Trustees. The offices of Secretary and Treasurer may be held by the same person.

ARTICLE VII

The names of the officers who are to manage the affairs of the Foundation until the first meeting of the Board of Trustees are:

President	E. G. Banks
Vice-President	J. Walter Tucker, Jr.
Vice-President	Murray W. Overstreet, Jr.

Vice-President	Douglas Stenstrom
Secretary	Andrew R. Bergstrom
Treasurer	D. Keith Abele

ARTICLE VIII

The following persons shall constitute the Board of Trustees of the Foundation until the first election hereunder:

D. Keith Abele	801 North Orange Avenue Orlando, Florida 32801
E. G. Banks	750 South Orlando Avenue Orlando, Florida 32789
Andrew R. Bergstrom	Sand Lake Road Orlando, Florida 32809
Ralph H. Kennedy	2450 Silver Star Road Orlando, Florida 32804
William G. Mateer	1000 Citizens National Bank Bldg. Orlando, Florida 32801
W. A. McCree, Jr.	2110 Alden Road Orlando, Florida 32803
Charles N. Millican	One West Church Street Orlando, Florida 32801
Louis C. Murray	60 West Columbia, Suite F, Orlando, Florida 32806
Murray W. Overstreet, Jr.	204 Church Street Kissimmee, Florida 32741
H. C. Sanderson, Jr.	1500 Lake Shore Drive Orlando, Florida 32803
Douglas Stenstrom	Florida State Bank Building Sanford, Florida 32771
Allen Trovillion	1290 Palmetto Avenue Winter Park, Florida 32789
J. Walter Tucker, Jr.	400 East Central Boulevard Orlando, Florida 32801
Robert L. Wagner	Suite 1420, Citizens National Bank Bldg., Orlando, Fla. 32801
Joel R. Wells, Jr.	135 Wall Street Orlando, Florida 32801
W. R. Winn, Jr.	250 No. Orange Avenue, Suite 820 Orlando, Florida 32801

ARTICLE VIII

These Articles of Incorporation may be amended at any annual meeting, or at any special meeting called for that purpose, by a two-thirds vote of the members of the Board of Trustees in attendance, a quorum as fixed in the by-laws being present.

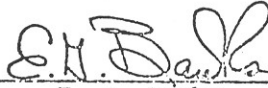
ARTICLE X

The by-laws of the Foundation are to be made, altered or rescinded by the Board of Trustees in the manner set forth in the by-laws.

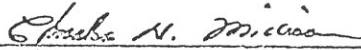
ARTICLE XI

The initial location of the principal office of this corporation in the State of Florida is One West Church Street, Orlando, Florida. The Board of Trustees may from time to time move the principal office to any other address within the State of Florida.

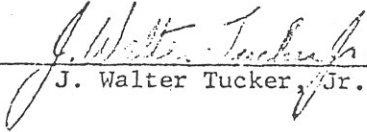
IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals this 4th day of January A.D., 1965.



E. G. Banks



Charles N. Millican



J. Walter Tucker, Jr.

OFFICE

SECRETARY OF STATE

CORPORATION NOT FOR PROFIT

Certificate Designating Place of Business or Domicile for the Service of Process Within This State, Naming Agent Upon Whom Process May Be Served

In pursuance of Section 617.023, Florida Statutes, the following is submitted, in compliance with said Act:

First—That FLORIDA TECHNOLOGICAL UNIVERSITY FOUNDATION, INCORPORATED

a corporation not for profit duly organized and existing under the laws of the State of Florida

with its principal place of business at City of Orlando

County of Orange, State of Florida

has designated and established One West Church Street

(Street address and building number, P.O. Box address not acceptable)

City of Orlando, County of Orange

State of Florida, as its place of business or domicile for the service of

process within this State, and named as its agents Ray E. Malpass

\_\_\_\_\_ to accept service of process.

Complete the following when there is a change of one or more officers or directors.

OFFICERS:	AFFIX TITLES:	SPECIFIC ADDRESS
	NAME	
<u>E. G. Banks, President</u>		<u>750 S. Orlando Avenue</u> <u>Winter Park, Florida</u>
<u>J. Walter Tucker, Jr., Vice President</u>		<u>400 E. Central Boulevard</u> <u>Orlando, Florida</u>
<u>Andrew R. Bergstrom, Secretary</u>		<u>Sand Lake Road</u> <u>Orlando, Florida</u>
<u>D. Keith Abele, Treasurer</u>		<u>801 N. Orange Avenue</u> <u>Orlando, Florida</u>

DIRECTORS: (THREE (3) required by law)	SPECIFIC ADDRESS
NAME	
<u>Ralph H. Kennedy</u>	<u>2450 Silver Star Road</u> <u>Orlando, Florida</u>
<u>William G. Mateer</u>	<u>1000 Citizens National Bank Bldg.</u> <u>Orlando, Florida</u>
<u>W. A. McCree, Jr.</u>	<u>2110 Alden Road</u> <u>Orlando, Florida</u>

By Ray E. Malpass  
President

ACKNOWLEDGMENT: (MUST BE SIGNED BY DESIGNATED AGENT)

Having been named to accept service of process for the above stated corporation, at place designated in this certificate, I hereby accept to act in this capacity.

Ray E. Malpass  
By \_\_\_\_\_  
Resident Agent

Section 617.023, Florida Statutes, Office and resident agent. Every corporation organized hereunder shall maintain an office in this state with a resident agent thereat upon whom process may be served. The resident agent may be either an individual or a corporation. The corporation shall keep the secretary of state informed of the current city, town or village and street address of said office together with the name of the resident agent.

Filing Fee: \$2.00

STATE OF FLORIDA

COUNTY OF ORANGE

I HEREBY CERTIFY that on this day, before me, a Notary Public, duly authorized in the State and County above named to take acknowledgments, personally appeared E. G. BANKS to me known to be the person described as a subscriber in and who executed the foregoing Articles of Incorporation, and acknowledged before me the foregoing Articles of Incorporation, and acknowledged that they subscribed to said Articles of Incorporation and that the facts therein set forth are true and correct.

WITNESS my hand and official seal in the County and State named above this 4th day of January 1968.

*Samuel Smith*  
\_\_\_\_\_  
Notary Public

My commission expires: May 27, 1971

STATE OF FLORIDA

COUNTY OF ORANGE

I HEREBY CERTIFY that on this day, before me, a Notary Public, duly authorized in the State and County above named to take acknowledgments, personally appeared CHARLES N. MILLICAN to me known to be the person described as a subscriber in and who executed the foregoing Articles of Incorporation, and acknowledged before me the foregoing Articles of Incorporation, and acknowledged that they subscribed to said Articles of Incorporation and that the facts therein set forth are true and correct.

WITNESS my hand and official seal in the County and State named above this 3rd day of January 1968.

*Samuel L. Smith*  
\_\_\_\_\_  
Notary Public

My Commission expires:  
Notary Public, State of Florida at Large  
My Commission Expires May 17, 1969  
Bonded by American Fire & Casualty Co.

STATE OF FLORIDA

COUNTY OF ORANGE

I HEREBY CERTIFY that on this day, before me, a Notary Public, duly authorized in the State and County above named to take acknowledgments, personally appeared J. WALTER TUCKER, JR., to me known to be the person described as a subscriber in and who executed the foregoing Articles of Incorporation, and acknowledged before me the foregoing Articles of Incorporation, and acknowledged that they subscribed to said Articles of Incorporation and that the facts therein set forth are true and correct.

WITNESS my hand and official seal in the County and State named above this 10th day of January 1968.

*Samuel L. Smith*  
\_\_\_\_\_  
Notary Public

My Commission expires:

AMENDED AND RESTATED  
ARTICLES OF INCORPORATION  
OF  
UNIVERSITY OF CENTRAL FLORIDA FOUNDATION, INC.  
A NOT FOR PROFIT CORPORATION

The person signing below, acting as the Chief Executive Officer of the University of Central Florida Foundation Inc, (Foundation), a not for profit corporation under the Florida Not for Profit Corporation Act (Act), as provided in Chapter 617 of the Florida Statutes certifies that:

- a) The original name of the Foundation was Florida Technological University Foundation, Incorporated, which name was changed to the University of Central Florida Foundation, Incorporated in the Articles of Amendment to the Articles of Incorporation filed on June 1, 1979;
- b) The following Amended and Restated Articles of Incorporation were adopted by at least a majority of all votes cast at a meeting of the Foundation’s Board of Directors (“Board”) on \_\_\_\_\_ and have been ratified as provided in the Bylaws;

The following Amended and Restated Articles of Incorporation of the University of Central Florida Foundation, Inc. will supersede all other articles when approved by the Secretary of State of Florida, in accordance with Chapter 617, Florida Statutes:

ARTICLE I

NAME AND PRINCIPAL OFFICE

The name of this corporation is UNIVERSITY OF CENTRAL FLORIDA FOUNDATION, INCORPORATED. The principal office is located at 12424 Research Parkway, Orlando, Florida 32826.

ARTICLE II

PURPOSE

The purposes for which this corporation is organized are as follows:

To encourage, support, and enhance the University of Central Florida, a comprehensive learning institution in higher education, in its mission as determined by the University of Central Florida Board of Trustees, including the ability to encourage, solicit, receive and administer private support for the benefit of the University and its related entities, create awareness of the University and its mission, build relationships, recognize support, own property, borrow such sums of money necessary upon approval by the Board of Trustees, and 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.

All of the assets and income of the Foundation shall be used only for the purposes hereinabove set out, including the payment of expenses incidental thereto; and 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.

### ARTICLE III

#### BOARD OF DIRECTORS

The powers of the Foundation will be exercised, its property controlled, and its affairs governed by the University of Central Florida Foundation Board of Directors (“Directors”). Members of the Board will be elected and appointed as provided in the Bylaws.

An Executive Committee of the Board may be elected and appointed as provided in the Bylaws. The Executive Committee can exercise all the power and authority of the Board in the management and direction of the business affairs of the Foundation except for those matters which are expressly delegated to another committee and matters which, under applicable law, or the Foundation’s Certificate of Incorporation or Bylaws cannot be delegated by the Board.

### ARTICLE IV

#### TERM

The Foundation shall have perpetual existence.

### ARTICLE V

#### REGISTERED AGENT

The street address of the registered office of the Foundation is 12424 Research Parkway, Orlando, Florida 32826. The name of its registered agent at this address is Jennifer F. Cerasa, Legal Counsel.

### ARTICLE VI

#### OFFICERS

The officers of the Board will be the Chair, Vice Chairs, Secretary and Treasurer. These Board Officers will be Elected Directors and members of the Board. No other Officers will be members of the Board.

### ARTICLE VII

#### RULES OF THE BOARD OF GOVERNORS

The Articles of Incorporation and Bylaws will be consistent with the applicable rules of the University and the State of Florida Board of Governors, including the right of the President

and the Board of Trustees of the University of Central Florida to monitor and control the use of resources of the University of Central Florida, including without limitation, the name of the University of Central Florida.

ARTICLE VII

PROPERTY HELD FOR CHARITABLE PURPOSES

The property of the Foundation is irrevocably dedicated to charitable purposes and no part of the net income or assets of the Foundation will ever inure to the benefit of any Director, officer, or member of the Foundation, or to the benefit of any private individual.

ARTICLE VIII

DISTRIBUTION OF PROPERTY UPON DISSOLUTION

Upon the dissolution or winding up of the Foundation, its assets remaining after payment, or provision for payment of all debts and liabilities of the Foundation, will be distributed to the University of Central Florida Board of Trustees or other State of Florida entity designated to hold title on behalf of the University of Central Florida to be used exclusively for the purposes set out here, it being intended that no distribution or payment will be made which will impair or destroy the tax exempt status (under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended) of the Foundation or which will result in the denial of tax exempt status to donations, contributions, legacies, bequests, or dues received by the Foundation, to the extent that such tax exempt status will be allowed under any applicable laws or regulations.

ARTICLE IX

AMENDMENT TO ARTICLES

This Amended and Restated Articles of Incorporation and the Bylaws may be amended in accordance with the Bylaws.

The undersigned, as Secretary of the UCF Foundation Board of the Directors, executed these Amended and Restated Articles of Incorporation on \_\_\_\_\_, 2020.

UNIVERSITY OF CENTRAL FLORIDA  
FOUNDATION, INC.

By: \_\_\_\_\_  
Sara Bernard  
Secretary, UCF Foundation Board

12424 Research Parkway, Ste. 250  
Orlando, FL 32826

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 2020, by \_\_\_\_\_, who are personally known to me,  
\_\_\_\_\_ or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public Signature  
Print Name: \_\_\_\_\_  
Notary Public, State of Florida  
My Commission Expires: \_\_\_\_\_

[NOTARY SEAL]

**UCF BOARD OF TRUSTEES**  
**Agenda Item Summary**  
**Governance Committee**  
**October 14, 2020**

**Title:** Governance Committee Charter Amendments

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Information                       Information for upcoming action                       Action

**Meeting Date for Upcoming Action:** \_\_\_\_\_

**Purpose and Issues to be Considered:**

One of the responsibilities of the Governance Committee is to nominate a chair and vice chair of the University of Central Florida Board of Trustees for consideration by the full board. To ensure the nomination process reflects current practices and operating procedures, Chair Yeargin asked staff to review the Nomination Process for the Chair and Vice Chair document that was last approved by the Board at the May 26, 2011 Board of Trustees meeting.

Following a review, staff recommends rescinding the current Nomination Process for the Chair and Vice Chair document and amending the Governance Committee Charter to include guidance for the Chair and Vice Chair Nomination process. The attached redline charter reflects this proposed change, in addition to updating the charter format to be consistent with other recently amended charters.

**Background Information:**

The Board of Trustees is delegated the authority from the Board of Governors to administer their university. The BOT has chosen to establish committees to provide recommendations to the full board within their scope of delegated authority.

Each committee has adopted a charter to describe its scope of authority and those charters are required to be updated regularly.

**Recommended Action:**

- (1) Approve the Governance Committee charter amendments; and
- (2) Rescind the current Nomination Process for the Chair and Vice Chair document, approved at the May 26, 2011 Board of Trustees meeting, to avoid duplicity of information as the process is now outlined in the charter.

**Alternatives to Decision:**

Decline the proposed amendments to the charter or make alternative recommendations.

**Fiscal Impact and Source of Funding:**

N/A

**Authority for Board of Trustees Action:**

Florida Board of Governors Regulation 1.001 (3)(b)

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**Contract Reviewed/Approved by General Counsel**    N/A

**Committee Chair or Chair of the Board has approved adding this item to the agenda**

**Submitted by:**

Scott Cole, Vice President and General Counsel

**Supporting Documentation:**

Attachment A: Governance Committee Charter (redline)

Attachment B: Sixth Amended and Restated Governance Committee Charter (clean copy)

Attachment C: Nomination Process for the Chair and Vice Chair, approved at the May 26, 2011 Board of Trustees meeting

**Facilitators/Presenters:**

Scott Cole

~~Sixth Fifth~~-Amended and Restated  
UCF Governance Committee Charter

**1. Overall Purpose and Objectives**

~~The Governance Committee is appointed by the University of Central Florida Board of Trustees with the responsibility to: The Governance Committee (“Committee”) is a standing committee of the University of Central Florida Board of Trustees (“Board”). The general purpose of the committee is to provide policy guidance, policy review and strategic oversight of Board’s governance functions. The Committee is responsible for the oversight and effective governance of the university and its Affiliated Organizations.~~

**2. Authority**

~~The Board authorizes the Committee to:~~

- ~~2.1 Perform activities within the scope of its charter~~
- ~~2.2 Engage advisors as it deems necessary to carry out its duties~~
- ~~2.3 Have unrestricted access to management, faculty, and employees of the University of Central Florida and its direct support organizations and affiliates.~~
- ~~2.4 The Committee may request special reports from members of the university or Direct Support Organization management personnel on topics that may enhance its understanding of their activities and operations as it relates to the Committee’s mission.~~

**3. Roles and Responsibilities**

~~The Governance Committee is appointed by the University of Central Florida Board of Trustees with the responsibility to:~~

- ~~3.1 Oversee the propose for consideration by the full board a process by which presidents of the University of Central Florida would be selected, pursuant to Board of Governors Regulation 1.002.~~

- ~~3.2 Nominate a chair and vice chair of the University of Central Florida Board of Trustees for consideration by the full board.~~

- ~~3.2.1 In consultation with the Governance Committee chair, the Board Office shall notify the Board that nominations for the positions of chair and vice chair of the Board must be submitted in writing – either by email or hardcopy—to the Board Office. The deadline for nominations, which must be explicitly documented in the notice, is no later than 5 p.m. thirty~~

days following the first notice calling for nominations. No nominations will be accepted after that time.

3.2.2 In consultation with the Governance Committee chair, the Board Office will develop a list of the written nominations that were submitted by the members of the Board and share that list with Governance Committee members at least 10 days prior to the meeting when nominations will be discussed.

3.2.3 At the meeting to discuss nominations, the members of the Governance Committee, who are not candidates for chair or vice chair, will prepare a slate of candidates from nominations received and submit that slate, along with supporting information about each nominee, to the Board for action at its last regular meeting of the fiscal year ending June 30. The supporting information shall include the term of each candidate with the goal of providing continuity between the service of the chair and vice chair.

- ~~13~~.3 Recommend candidates for designation as Trustee Emeritus for consideration by the full board
- ~~31~~.4 Recommend candidates for designation as Honorary Doctor for consideration by the full board
- ~~13~~.5 Revise annually and recommend changes as necessary to the Board Bylaws
- ~~31~~.6 Lead a biannual, comprehensive Board self-assessment process
- ~~31~~.7 Revise and provide recommendations to the Board regarding Board member education, including new member orientation and regularly scheduled board member training
- ~~31~~.8 Incorporate members of corporate governance “best practices” and make recommendations to the Board and its committees
- ~~31~~.9 Revise and recommend to the Board the number and structure of committees
- ~~31~~.10 Revise and make recommendations regarding delegation of authority to the President
- ~~31~~.11 Revise and make recommendations regarding amendments to the bylaws of direct support organizations
- ~~31~~.12 Revise and approve university regulations
- ~~31~~.13 Revise and recommend changes as necessary to the Board’s conflict of interest

statement and disclosure form.

~~31.14~~ ~~F~~fulfill any other responsibilities as subsequently may be assigned by the University of Central Florida Board of Trustees and/or the board chair.

## ~~2. Authority~~

~~The board authorizes the committee to:~~

~~2.1 perform activities within the scope of its charter~~

~~2.2 engage advisors as it deems necessary to carry out its duties~~

~~2.3 have unrestricted access to management, faculty, and employees of the University of Central Florida and its direct support organizations and affiliates.~~

## 4. Reporting Responsibilities

4.1 The Committee will, at the next regularly scheduled board meeting, report to the Board any action taken by the Committee.

4.2 The Committee will promptly notify all board members of any matters within the purview of the Committee that might significantly impact the financial, legal, academic standing, or reputation of the university.

## 35. Organization/Membership

35.1 The chair of the ~~b~~Board will appoint the chair and members of the ~~e~~Committee.

53.2 The ~~e~~Committee will consist of at least five members.

35.3 Members will serve on the ~~e~~Committee until their resignation or replacement by the chair of the ~~B~~Board.

## 6. Meetings

~~6.13.4~~ A majority of the members of the ~~e~~Committee will constitute a quorum for the transaction of business. Action shall require a majority vote of Committee members present.

~~6.23.5~~ Meetings will be held not less than two times per year.

~~6.33.6~~ The ~~C~~Committee will maintain written minutes of its meetings.

~~3.7~~ ~~The committee may request special reports from members of the university or Direct Support Organization management personnel on topics that may enhance its understanding of their activities and operations as it relates to the committee's~~



~~mission.~~

## **7. Staff**

7.1 The General Counsel and Assistant Vice President of Board Relations will serve as the administrative liaisons to the Committee. The General Counsel and Assistant Vice President will meet regularly and correspond with the chair of the Committee, and in consultation with the chair, prepare the agenda for meetings of the Committee.

8

## **4. Governance Charter Review**

8.1 The Committee will review the committee its charter annually and discuss any required changes with the board to ensure that the charter is approved or reapproved by the board annually. recommend to the Board any changes that the Committee deems necessary.

*Approved by the UCF Board of Trustees on June 18, 2020.*

### Adoption of Charter

I HEREBY CERTIFY that the University of Central Florida Board of Trustees adopted this sixth amended and restated charter at its regularly scheduled meeting on October 22, 2020.

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Associate Corporate Secretary

Date

University of Central Florida Board of Trustees

### **Revision History:**

9-15-16

10-26-17

7-18-19

11-14-19

6-18-20

10-22-20

## Attachment B



UNIVERSITY OF CENTRAL FLORIDA

### **Sixth Amended and Restated UCF Governance Committee Charter**

#### **1. Overall Purpose and Objectives**

The Governance Committee (“Committee”) is a standing committee of the University of Central Florida Board of Trustees (“Board”). The general purpose of the committee is to provide policy guidance, policy review and strategic oversight of Board’s governance functions. The Committee is responsible for the oversight and effective governance of the university and its Affiliated Organizations.

#### **2. Authority**

The Board authorizes the Committee to:

- 2.1 Perform activities within the scope of its charter.
- 2.2 Engage advisors as it deems necessary to carry out its duties.
- 2.3 Have unrestricted access to management, faculty, and employees of the University of Central Florida and its direct support organizations and affiliates.
- 2.4 The Committee may request special reports from members of the university or Direct Support Organization management personnel on topics that may enhance its understanding of their activities and operations as it relates to the Committee’s mission.

#### **3. Roles and Responsibilities**

The Governance Committee is appointed by the University of Central Florida Board of Trustees with the responsibility to:

- 3.1 Oversee the process by which presidents of the University of Central Florida would be selected, pursuant to Board of Governors Regulation 1.002.
- 3.2 Nominate a chair and vice chair of the University of Central Florida Board of Trustees for consideration by the full board:
  - 3.2.1 In consultation with the Governance Committee chair, the Board Office shall notify the Board that nominations for the positions of chair and vice chair of the Board must be submitted in writing – either by email or hardcopy—to the Board Office. The deadline for nominations, which must be explicitly documented in the notice, is no later than 5 p.m. thirty days following the first notice calling for nominations. No

- nominations will be accepted after that time.
- 3.2.2 In consultation with the Governance Committee chair, the Board Office will develop a list of the written nominations that were submitted by the members of the Board and share that list with Governance Committee members at least 10 days prior to the meeting when nominations will be discussed.
  - 3.2.3 At the meeting to discuss nominations, the members of the Governance Committee, who are not candidates for chair or vice chair, will prepare a slate of candidates from nominations received and submit that slate, along with supporting information about each nominee, to the Board for action at its last regular meeting of the fiscal year ending June 30. The supporting information shall include the term of each candidate with the goal of providing continuity between the service of the chair and vice chair.
- 3.3 Recommend candidates for designation as Trustee Emeritus for consideration by the full board.
  - 3.4 Recommend candidates for designation as Honorary Doctor for consideration by the full board.
  - 3.5 Review annually and recommend changes as necessary to the Board Bylaws.
  - 3.6 Lead a biannual, comprehensive Board self-assessment process.
  - 3.7 Review and provide recommendations to the Board regarding Board member education, including new member orientation and regularly scheduled board member training.
  - 3.8 Inform members of corporate governance “best practices” and make recommendations to the Board and its committees.
  - 3.9 Review and recommend to the Board the number and structure of committees.
  - 3.10 Review and make recommendations regarding delegation of authority to the President.
  - 3.11 Review and make recommendations regarding amendments to the bylaws of direct support organizations.
  - 3.12 Review and approve university regulations.
  - 3.13 Review and recommend changes as necessary to the Board’s conflict of interest statement and disclosure form.
  - 3.14 Fulfill any other responsibilities as subsequently may be assigned by the University of Central Florida Board of Trustees and/or the board chair.

#### **4. Reporting Responsibilities**

- 4.1 The Committee will, at the next regularly scheduled board meeting, report to the Board any action taken by the Committee.

- 4.2 The Committee will promptly notify all board members of any matters within the purview of the Committee that might significantly impact the financial, legal, academic standing, or reputation of the university.

## 5. Membership

- 5.1 The chair of the Board will appoint the chair and members of the Committee.
- 5.2 The Committee will consist of at least five members.
- 5.3 Members will serve on the Committee until their resignation or replacement by the chair of the Board.

## 6. Meetings

- 6.1 A majority of the members of the Committee will constitute a quorum for the transaction of business. Action shall require a majority vote of Committee members present.
- 6.2 Meetings will be held not less than two times per year.
- 6.3 The Committee will maintain written minutes of its meetings.

## 7. Staff

- 7.1 The General Counsel and Assistant Vice President of Board Relations will serve as the administrative liaisons to the Committee. The General Counsel and Assistant Vice President will meet regularly and correspond with the chair of the Committee, and in consultation with the chair, prepare the agenda for meetings of the Committee.

## 8. Charter Review

- 8.1 The Committee will review its charter annually and recommend to the Board any changes that the Committee deems necessary.

### Adoption of Charter

I HEREBY CERTIFY that the University of Central Florida Board of Trustees adopted this sixth amended and restated charter at its regularly scheduled meeting on October 22, 2020.

---

Associate Corporate Secretary  
University of Central Florida Board of Trustees

Date

### Revision History:

10-26-17  
7-18-19  
11-14-19  
6-18-20  
10-22-20



**University of Central Florida  
Board of Trustees**

**Nomination Process for Chair and Vice Chair**

The following process shall govern the annual election of the chair and vice chair of the UCF Board of Trustees (“Board”), as provided for in Section 4.2 of the bylaws.

**Process**

The Committee will meet when necessary, no later than May 31, for the purpose of developing nominations for the positions of chair and vice chair of the Board. This meeting will be called by the Committee chair.

The Committee chair shall notify the Board no later than April 1 that nominations for the positions of chair and vice chair of the Board must be submitted in writing – either by email or hardcopy—to the Committee chair, or the chair’s designee, no later than April 30 at 5:00 p.m. No nominations will be accepted by the Committee chair after that time.

The Committee chair will develop a list of the written nominations that were submitted by the members of the Board and share that list with Committee members at least 10 days prior to the meeting for nominations in May.

At the May meeting for nominations, the members of the Committee who are not candidates for chair or vice chair will prepare a slate of candidates from nominations received and submit that slate, along with supporting information about each nominee, to the Board for action at its first meeting after July 1 of that year. The supporting information shall include the term of each candidate with the goal of providing continuity between the service of the chair and vice chair.

Any member of the Committee who has been nominated for the position of chair or vice chair of the Board shall abstain from voting on the nominees at the May nomination meeting of the Committee unless such member declines the nomination.

Initiating Authority: UCF Board of Trustees

History: New 5-2011.