

**THE UNIVERSITY OF WEST FLORIDA NOTICE OF
PROPOSED REGULATION AMENDMENT**

DATE: **October 22, 2019**

REGULATION TITLE AND NUMBER: *UWF/REG – 3.018 Anti-Hazing Regulation:
Prohibition and Prevention of Hazing - Procedures and Penalties*

PURPOSE AND EFFECT: UWF Regulation 3.018 is amended to add new language concerning hazing. The changes are proposed to conform to recent changes in the Florida Statute and Florida Board of Governors regulation on hazing.

SUMMARY: The proposed changes to this regulation provide the following:

- An updated definition of hazing as provided in Florida Statutes and FL BOG Regulation 6.021.
- Adding language identifying hazing as a crime in the state of Florida.
- Identifying unavailable defenses to hazing.
- Rules regarding hazing and prohibition of retaliation.
- Provision indicating that student athletes and student organizations are also subject to their respective organizations' policies on hazing and providing that the UWF Regulation on hazing and the UWF Student Code of Conduct control in the event of a conflict.
- Identifying examples of actions and situations that may constitute hazing.
- Identifying and defining student organizations and groups that are subject to the hazing regulation.
- Defining rights of those who report.
- Identifying the University officials that should receive reports of hazing.
- Providing an explanation and process for investigations and the appropriate responses including sanctions, expulsion, discipline.
- Providing for education and training of all students and student organizations/groups.
- Requiring all registered student organizations to include UWF's Regulation prohibiting hazing into their bylaws or governing documents.

AUTHORITY TO AMEND THE REGULATION: Florida Statute § 1006.63 and Florida Board of Governors Regulations 1.001 and 6.021.

**NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION
AMENDMENT:** Pamela E. Langham, General Counsel

**COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT
SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO
THE CONTACT PERSON IDENTIFIED BELOW.** In response, the University may solicit

additional written comments, schedule a public hearing, withdraw or modify the proposed regulation amendment in whole or in part after notice, or proceed with adopting the regulation amendment. The comments must identify the regulation(s) on which you are commenting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION:

Gabby Rozier, Paralegal, Office of the General Counsel at grozier@uwf.edu, or 850-474-3420 or Office of the General Counsel, Building 10, 11000 University Parkway, Pensacola, Florida 32514.

THE FULL TEXT OF THE REGULATION: The full text of the proposed regulation is attached below this Notice. The full text of the proposed and existing regulation is also posted on UWF's website at <https://uwf.edu/offices/board-of-trustees/regulations/> . In addition, the full text of the proposed regulation and current regulation are available upon request to the Office of the General Counsel, which can be contacted at 1.850.474.3420 or grozier@uwf.edu

University of West Florida Regulation

UWF/REG-3.018 Anti-Hazing Regulation: Prohibition and Prevention of Hazing - Procedures and Penalties.

I. Hazing will not be tolerated at the University of West Florida.

- A. The University of West Florida (“UWF” or the “University”) prohibits any form of hazing of its students, including hazing by students or other persons associated with any student, organization, or group, at any time, and at any location.
- B. Hazing means any action or situation, which occurs on or off university property, that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes including, but not limited to initiation or admission into or affiliation with any university student organization or group whether or not officially recognized by the University. Hazing includes, but is not limited to, pressuring or coercing the student into violating state or federal law; any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance; or other forced physical activity that could adversely affect the physical health or safety of the student; and also includes any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student. 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.
- C. Hazing also includes observation of hazing activities by Bystanders, defined as individuals in a position to intervene, but who fail to intervene.
- D. Hazing is a violation of the UWF Student Code of Conduct and is prohibited in any form both on and off campus.
- E. Hazing is a crime in the State of Florida, pursuant to Section 1006.63, Florida Statutes.
- F. It is not a defense to a charge of hazing that:
 - 1. The express or implied consent of the victim had been obtained or that the individuals(s) willingly participated;
 - 2. The conduct or activity that resulted in the death or physical/mental injury was not part of an official organizational event or was not otherwise sanctioned or approved by the organization;
 - 3. The conduct or activity that resulted in the death or physical/mental injury was not done as a condition of membership or affiliation with the organization or group.

II. Other Rules Regarding Hazing

- A. A person, organization, or group is subject to conduct proceedings under this regulation if they engage, commit or participate in the offense of hazing, and, solicit, encourage, direct, aid, or attempts to aid another in hazing; recklessly permits hazing to occur or has firsthand knowledge of the planned or actual hazing incident(s), and knowingly fails to report that knowledge to the Appropriate Official.
- B. Making an intentionally false accusation of hazing is prohibited.
- C. Retaliation in any manner against an individual who reports hazing or who participates in an investigation of a hazing report is prohibited.
- D. All members of the University community are subject to this Regulation and any investigation that may be required to enforce the Regulation.
- E. In addition to this regulation:
 - 1. National Collegiate Athletic Association (NCAA) student athletes shall follow the policies and guidelines set forth by the NCAA, affiliated Athletic Conference, and UWF Athletics.
 - 2. Students belonging to organizations with inter/national policies and guidelines should follow those policies in addition to those set by the University to the extent the inter/national policies and guidelines are not in conflict with this regulation and the Student Code of Conduct.

III. Definitions

- A. Actions and situations that may constitute hazing include, but are not limited to, the following:
 - 1. Pressuring or coercing a student(s) into violating state or federal law, University regulations or policies
 - 2. Paddling, hitting, slapping, branding, whipping, beating, and/or physical brutality in any form
 - 3. Creation of unnecessary fatigue
 - 4. Personal servitude
 - 5. Physical and/or psychological shocks.
 - 6. Wearing of apparel that is conspicuous and not normally in good taste
 - 7. Degrading or humiliating games or activities
 - 8. Sleep, food, or beverage deprivation
 - 9. Isolation and exclusion from social contact
 - 10. Exposure to the elements
 - 11. Forced consumption of any food, liquor, drug, or other substance
 - 12. Forced physical activity that could adversely affect the physical health or safety of the student such as calisthenics and other strenuous activity
 - 13. Any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that

could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student

14. Kidnaping or abandonment
 15. Line-ups and berating behaviors
 16. Undue interference with academic pursuits
 17. Pressuring or coercing involvement in activities that are illegal, lewd, or in violation of University regulations and policies
- B. “Members of the University Community” means its faculty, staff, students, volunteers, organizations, groups, vendors, customers, alumni, and visitors.
- C. “Organization” and “group” are defined as follows:
1. Organization means a number of persons who are associated with the University and each other and has registered with the University as a Student Organization under University Policy SA-22.03-05/15, *Policy on Student Organizations*.
 2. Group means a number of persons who are associated with the University and each other, but who have not registered, or are not required to register, as a student organization (e.g. athletic teams, musical or theatrical ensembles, academic or administrative units, clubs, etc.)
- D. “University Official” means any person (faculty or staff) who is employed by University, and who performs assigned administrative, professional, or paraprofessional responsibilities.
- E. For the purpose of this regulation, the term “Appropriate Official” includes:
1. UWF Dean of Students
 2. University Police

IV. Rights of Those Who Report

- A. Individuals who are victims of hazing and who truthfully report the activities shall not be individually charged with a violation of this regulation in relation to that or incident.
- B. Individuals who have knowledge of or witness a hazing incident, but who did not participate, and truthfully report the activities shall not be individually charged with a violation of this regulation in relation to those particular or related incidents.
- C. An organization or group that seeks assistance in preventing hazing from occurring within the organization or group, even if past behaviors have included hazing, shall not be retroactively charged with a past violation of this regulation.
- D. Any organization or group that self-reports a hazing behavior to an Appropriate Official shall be given the opportunity to stop and change those behaviors without immediate threat of being charged with a violation of this regulation. An organization

or group that self-reports shall be expected to identify those individuals responsible for the hazing behaviors to the Appropriate Official. If evidence is presented in subsequent semesters that hazing behaviors have continued or were not stopped within the organization, that organization may be held responsible for past behaviors.

- E. Students reporting hazing in the above circumstances shall not be charged under this University Regulation. However, depending on the circumstances, to the extent the conduct violates state law; the provisions of Florida Statute 1006.63 may apply.
- F. The University may grant immunity to a Student, Student Organization, or Student Group for conduct that may violate this Regulation or the Student Code of Conduct that meets the criteria set forth in Florida Statute 1006.63 (11)(a) and (12) known as Andrews Law or pursuant to University Policy SA-22.03-05/15, *Policy on Student Organizations*, or as determined appropriate by the University.

V. Reporting

- A. Complaints or reports of activities believed to be hazing should be reported to the Appropriate Official.
 - 1. Any faculty, staff, student, or volunteer member of the University Community, with knowledge or suspicion of hazing has a duty to report the activity to the Appropriate University Officials or the University Police.
 - 2. Other members of the University community with knowledge or suspicion of hazing are strongly encouraged to report the activity to the Appropriate Officials.
- B. Any questions concerning the interpretation or application of this regulation should be referred to the Appropriate Official (refer to “Definitions”).
- C. Victims of hazing should be referred to the appropriate University resource to render services for survivor/victim advocacy.

VI. Investigation and Response

- A. UWF will respond to and investigate reports of alleged hazing received from any source and will determine whether to proceed with disciplinary action, to forward a report to the appropriate law enforcement officials for prosecution as a criminal matter, or both.
- B. Allegations of Hazing - any person having knowledge of any activity or conduct which may constitute hazing should notify the Dean of Students Office or the University of West Florida Police Department, which may be made anonymously.
- C. Self-Reporting of Incidents - Student Organization/Student Groups officers/captains should immediately report any activity or conduct which may constitute hazing that occurs within their organization/group to the Dean of Students Office, provide a

detailed description of the events that have transpired, the names of any individuals involved, and a description of any actions taken by the organization. Upon receiving the report, the Appropriate Dean of Students Office will investigate as described in this regulation and the organization/group president/chief officer and advisor/coach will be notified. The investigation and adjudication will focus on individual violations of this regulation, unless evidence discovered in the investigation suggest the incident to have been sanctioned/supported by the organization/group. If the incident appears to have been sanctioned/supported by the organization/group, a follow-up investigation into the organization's/group's role must be undertaken. If the student organization/group is affiliated with an inter/national organization, the inter/national headquarters may be contacted depending on the severity of the incident, the organization's/group's involvement in the incident, and the organization's/group's cooperation in the investigation.

- D. Investigation of Allegations and Charges - Upon receiving a report of alleged hazing, the Dean of Students Office will assign the case to a designated investigator. As part of the investigation, the investigator will, at a minimum:
1. Make contact (if possible) with the individual(s) bringing forward the allegations of hazing.
 2. Contact the individual(s) alleged to have committed the hazing.
 3. Contact the officer(s)/leader(s) of the Organization if the conduct under investigation is organizational in nature.
 4. Contact the organization's/group's Advisory/Coach.
 5. Conduct interviews with persons the investigator deems appropriate or relevant to the investigation, including without limitation the survivor(s)/victim(s), the accused student(s), the officer(s)/leader(s) of the accused Organization/Group, and witnesses. The investigator may, at their discretion, recommend interim measures, as described in Article III.5. of the Student Code of Conduct, to the Dean of Students at any point during the investigation. The Dean of Students may also initiate interim measures as described in Article III.5 of the Student Code of Conduct at any point during the investigation. Failure of a student or Organization/Group to comply with an interim measure may result in additional conduct action(s).
- E. At the investigator's discretion, the investigator may: 1) designate students and/or Organization/Group officers/captains or leaders to participate in an investigatory meeting at a pre-determined time and location; and 2) establish communication restrictions on designated students and/or Organization/Group officers/captains and leaders involved in the investigation process.
- F. The investigator will provide a written investigative report to the Dean of Students Office. Upon receipt of this report, the Dean of Students, or designee, will determine if charges are warranted. If charges are warranted, the Dean of Students Office will charge individual student(s), Student Organizations/Groups and/or Bystanders, as defined herein.

- G. Intimidating, harassing, or retaliating against those involved in the investigative process in any capacity, both during and after the investigation, is a violation of this regulation.
- H. Adjudication – Adjudication of Individual Student(s) and/or Student Organization(s)/Group(s) shall be conducted pursuant to the Student Code of conduct.
- I. Sanctions – Individual Student(s) and/or Student Organization(s)/Group(s) Sanctions for violations of this regulation shall be administered by the Dean of Students, as per the Student Code of Conduct. Student Organizations/Groups subject to University jurisdiction and individual students found responsible for violations of this regulation shall be sanctioned in accordance with the Student Code of Conduct.
 - 1. Individual Students - If found responsible for a violation of the Student Code of Conduct, disciplinary sanctions that are appropriate for the violation will be assigned. For individual students, possible sanctions resulting from the University conduct process range from written warning to expulsion, the withholding of diploma or transcripts pending compliance with the rules or pending payment of fines.
 - 2. Organization or Group Cases - If found responsible for a violation of the Student Code of Conduct, the terms and conditions applicable to their registration and/or any other applicable governing rules, policies, and regulations set forth by UWF, disciplinary sanctions that are appropriate for the violation will be assigned. For Groups and Organizations, possible sanctions resulting from the University conduct process range from probation to expulsion, educational interventions, loss of specific privileges, revocation of Student Organization/Group status for a period of time, rescission of permission for that organization/group to operate on campus property or to otherwise operate under the sanction of the University.
 - 3. Faculty and Staff, possible sanctions range from an oral warning to termination of employment and shall be administered by the appropriate supervisor(s).

VII. Corrective Action and Penalties

- A. Violation of this regulation may result in corrective action under the Student Code of Conduct, Human Resources Policies and Procedures, or other applicable University Regulations, Policies, or Operating Procedures. Visitors refusing to comply may be reported to the University Police.
- B. Responsibility for any violations of this regulation may be attributed to the accused, the Organization or Group, its members, or its officers/captains.
- C. Any Organization, Group, or individual may be found responsible for any violations of this regulation upon satisfactory proof that the Organization, Group, or individual engaged in, did not discourage, or did not take reasonable steps to prevent hazing from occurring.

VIII. Legal Processes

- A. Individuals believed to have engaged in hazing but who are not students, faculty, staff, may be referred to appropriate authorities to investigate their involvement in particular incidents.
- B. If criminal charges are filed against an individual, Organization, or Group, UWF reserves the right to proceed with its investigations and adjudication process according to the Student Code of Conduct or other prescribed process as UWF handles the educational aspect of the alleged violations separately from any criminal or legal procedures.
- C. Penalties imposed by the University may be in addition to any penalty imposed for violation of any of the criminal laws of this State.

IX. Additional Requirements for Registered Student Organizations

- A. All elected or appointed student organizations'/group's presidents/captains or designees shall be required to educate their respective member organization/group members on an annual basis regarding applicable University Regulations concerning hazing. The method of this required training will be subject to the terms and conditions set by UWF.
- B. All registered student organizations must include UWF's Anti-Hazing Regulation as part of the organization's bylaws or governing documents.

X. Additional Requirements for the University

- A. A copy of this Anti-Hazing Regulation shall be provided annually to all students enrolled at UWF, faculty, and staff.
- B. UWF shall make training opportunities available for students and Student Organizations/Groups that are designed to reinforce this Anti-Hazing Regulation and increase awareness of the dangers of hazing.

Specific Authority: Article IX, Sec. 7, Fla. Constitution; FL Board of Governors Regulations 1.001, 6.021; Section 1006.63, F.S.

History: New 12-30-81, Formerly 6C6-3.18, Amended 5-31-87; Converted to Regulation UWF/REG 3.018 effective on 7/21/05; Amended 12-14-07, 09/09/14; Amended 12/19

**~~University of West Florida Regulation
UWF/REG-3.018 Prohibition of Hazing-- Procedures and Penalties.~~**

~~(1) Hazing will not be tolerated at the University of West Florida.~~

~~(a) University student groups (e.g. registered student organizations, intramural and athletic teams, and other student groups) and individual students are prohibited from hazing.~~

~~(b) Hazing is prohibited in any form both on campus and off campus.~~

~~(c) Intentional or reckless hazing that results in a substantial risk of physical injury or death or which results in serious bodily injury or death is a crime in the State of Florida, pursuant to Section 1006.63, Florida Statutes.~~

~~(2) Definition of Hazing.~~

~~(a) In accordance with Section 1006.63(1), Florida Statutes, "Hazing" is defined as any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of a postsecondary institution. "Hazing" includes, but is not limited to, pressuring or coercing the student into violating state or federal law, any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity that could adversely affect the physical health or safety of the student, and also includes any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student.~~

~~(b) For the purposes of this regulation, hazing includes observation of hazing activities by individuals in a position to intervene but who fail to intervene.~~

~~(3) Procedures for Implementation by Student Affairs.~~

~~(a) Allegations of Hazing—Any person having knowledge of any activity or conduct which may constitute hazing should contact the Dean of Student's Office or the University of West Florida Police Department.~~

~~(b) Self Reporting of Incidents—Student organization/team members and officers/captains should immediately report any activity or conduct which may constitute hazing that occurs within their organization to the Dean of Students Office, provide a detailed description of the events that have transpired, the names of any individuals involved, and a description of any actions taken by the organization. Upon receiving the report, the Dean of Students Office will investigate as described in this regulation and the organization president and advisor/coach will be notified. The investigation and~~

~~adjudication will focus on individual violations of this regulation, unless evidence discovered in the investigation proves the incident to have been sanctioned by the organization. If the incident appears to have been sanctioned by the organization, a follow-up investigation into the organization's role may be undertaken. If the student organization is affiliated with a national organization, the national headquarters may be contacted depending on the severity of the incident, the organization's involvement in the incident, and the organization's cooperation in the investigation.~~

~~(e) Investigation of Allegations and Charges— Upon receiving a report of alleged hazing, the Dean of Students Office will assign the case to a designated investigator. As part of the investigation, the investigator will:~~

~~(i) Make contact (if possible) with the individual(s) bringing forward the allegations of hazing;~~

~~(ii) Make contact with the individual(s) alleged to have perpetrated the hazing. If the conduct is organizational in nature, the investigator will contact the advisor and president of the organization under investigation;~~

~~(iii) Conduct interviews with all parties, including victims, the accused student(s) and any witnesses. The investigator may, at his/her discretion, recommend interim action (as described in the UWF Student Code of Conduct) to the Dean of Students at any point during the investigation;~~

~~(d) The investigator may, at his or her discretion, require students, or a select group of students (i.e. all new members of an organization) to participate in an investigatory meeting at a pre-determined time and location and may exercise discretion regarding the communication of students during the investigation process.~~

~~(e) The investigator will provide a written investigative report to the Dean of Students Office. Upon receipt of this report, the Dean of Students (or designee) will determine if charges are warranted. If charges are warranted, the Dean of Students Office will charge the individual student(s), the involved student group(s), and/or the President or other responsible officers of the involved student group(s) and/or student bystanders in accordance with the UWF Student Code of Conduct.~~

~~(f) Adjudication.— Adjudication shall be conducted pursuant to the Student Code of Conduct.~~

~~(i) It is not a defense to a charge of hazing that:~~

~~(A) Any or all participants consented;~~

~~(B) The conduct was not part of an official organizational event or otherwise sanctioned or approved by the student group; or~~

~~(C) The conduct or activity was not done as a condition of membership to or affiliation with a student group.~~

~~(g) Sanctions.— Sanctions for violations of this regulation shall be administered by the Dean of Students.~~

~~(i) Student groups subject to University jurisdiction and individual students found responsible for violations of this regulation shall be sanctioned in accordance with the Student Code of Conduct. For student groups, sanctions include, but are not limited to, revocation of registration or denial of application for registration, loss of University privileges such as the ability to formally meet on campus and to use campus facilities, or to represent the University of West Florida, and, in the case of fraternities and sororities, the right to be recognized or operate at the University of West Florida.~~

~~(ii) Sanctions imposed by the University for violations of this regulation may be in addition to any penalty imposed for violation of the criminal laws of the State of Florida and for violation of any other University regulations or policies.~~

~~(4) Distribution to Students.~~

~~In accordance with Section 1006.63, Florida Statutes, copies of this regulation concerning violations, penalties, and process for enforcement will be distributed to students enrolled in the University, and shall be incorporated in the bylaws or governing documents of every student organization operating under the authority of the University.~~

~~*Specific Authority 240.227(1), 240.261, 240.262 FS. Law Implemented 240.227(1), 240.261, 240.262, 1006.63 FS. History New 12-30-81, Formerly 6C6-3.18, Amended 5-31-87. Converted to Regulation UWF/REG 3.018 effective on 7/21/05. Amended 12-14-07, 09/09/14.*~~