

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

REGULATION TITLE: *UWF/REG-3.018 Prohibition of Hazing-Procedures and Penalties*

SUMMARY: The proposed amendment to the hazing regulation clarifies that bystanders who observe hazing and are in a position to take action and do not, may be charged with hazing, provides a mechanism for a student organization to self-report activities which may be considered hazing, provides additional detail regarding the investigation of hazing charges, and makes formatting changes to the numbering used in the regulation.

AUTHORITY: Section 1006.63, Florida Statutes

NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION AMENDMENT: Dr. Kevin Bailey, Vice President for Student Affairs

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: Anita Schonberger, Deputy General Counsel, aschonberger@uwf.edu, Phone (850) 474-3420; Bldg. 10/Rm 104; 11000 University Parkway; Pensacola, FL 32514-5750. Any comments regarding the proposed regulation amendment must be sent in writing to the contact person on or before August 6, 2014 to receive full consideration.

THE DATE THIS NOTICE WAS POSTED ON THE UWF BOARD OF TRUSTEES WEBSITE: July 17, 2014; **DATE THIS NOTICE WAS PUBLISHED IN @UWF:** July 22, 2014

THE FULL TEXT OF THE PROPOSED AMENDMENT TO THIS REGULATION IS SET FORTH BELOW:

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 ~~is encouraged to~~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.

(cb) Investigation of Allegations and Charges—After an investigation 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 of hazing 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.

(fe) 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

~~(Cii)~~ 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.