

**NOTICE OF PROPOSED REPEAL OF REGULATION**

**University of West Florida**

November 13, 2007

**REGULATION TITLE: UWF/REG 3.0151 Student Housing Conduct**

**PURPOSE AND EFFECT:** It is proposed to repeal this regulation because the content is covered by University policy and UWF/REG 3.010 Student Code of Conduct.

**AUTHORITY FOR REGULATION:** Article IX, Florida Constitution, Board of Governors Resolutions dated January 7, 2003, Board of Governors Regulation Development Procedure 7/21/05.

**NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION**

**AMENDMENT:** Dr. Deborah Ford, Vice President of Student Affairs.

**THE PERSON TO BE CONTACTED REGARDING THE REGULATION IS:** James Felder, Assistant General Counsel at [jfelder@uwf.edu](mailto:jfelder@uwf.edu), 850-474-3420 (tel), 850-857-6058 (fax), or 11000 University Parkway, Pensacola, Florida 32514. Any comments regarding the proposed regulation procedure must be sent in writing to the contact person on or before November 28, 2007 to receive full consideration.

**THE DATE THIS NOTICE WAS POSTED ON THE UWF BOARD OF TRUSTEES WEBSITE:** November 13, 2007

**THE FULL TEXT OF THE REGULATION TO BE REPEALED IS SET FORTH BELOW:**

## **University of West Florida Regulations**

### **UWF/REG-3.0151 Student Housing Conduct.**

The University establishes the following rules governing student conduct of on-campus resident students:

(1) Student conduct is expected to be lawful and to abide by University regulations. The University distinguishes its responsibilities for student conduct from the control functions of the wider community. The conduct of students both on the campus and in the wider community outside the campus is ordinarily of University concern when:

(a) The conduct interferes with the University's responsibility of ensuring members of the University community full and equal opportunity to obtain their educational objectives; or

(b) The conduct interferes with the University's responsibility to protect the health, safety, and general welfare of persons in the University community, to protect property, to maintain the ordinary rules of good conduct, and to sponsor non-class activities.

(2) The Director of Housing is assigned original jurisdiction in all matters which involve:

(a) Infractions of published housing regulations.

(b) Aberrant or disruptive behavior in the residence halls which necessitates immediate action to protect the health, safety, and welfare of persons in the University community.

(3) Sanctions.

(a) Warning – A written or oral warning which cautions the student that further behavior of the same or similar type will be cause for University disciplinary action.

(b) Restitution – A financial payment for property damage, theft, or destruction.

(c) Community Services – Work, educational tasks, or projects designed to redirect student behavior relating to the violation committed.

(d) Restriction – Withdrawal of specified privilege(s) for a prescribed period of time which relates to the violation committed.

(e) Probation – An official warning that the student's conduct constitutes an offense but is not sufficiently serious to warrant removal from University housing. Students are restricted from holding office on the Residence Hall Advisory Council or working in the Housing Office during the term of the probation. Continuance in University housing depends on maintenance of satisfactory citizenship during probation.

(f) Suspension from University Housing – The termination of the student's privilege to occupy University housing for an indefinite or specified period of time.

(4) Hearing Procedures.

(a) Charges of misconduct shall be filed within five (5) calendar days of the discovery of the misconduct with the Director of Housing.

(b) Student shall be entitled to a prompt hearing before the Director of Housing or Assistant Director of Housing or shall have the option to request adjudication by the Housing Conduct Committee. In selecting one, the student waives the right to the other. The Housing Conduct Committee consists of two students selected by the Residence Hall Advisory Council and two faculty/staff appointed by the Director of Housing. The Chair is appointed by the Vice President for Student Affairs from among the faculty/staff members.

(c) Student will receive written notice at least five (5) calendar days in advance of the date, time, and place of the hearing and of the specific charge(s) and factual basis upon which the charges are based.

(d) All hearings are governed, as a minimum, by the following due process:

1. Student is entitled to an advisor of his/her choice to be present at the hearing.

2. Student may inspect all documentary evidence which will be presented against him/her.

3. Student may hear and question adverse witnesses.

4. Student may present evidence on his/her own behalf.

5. Student shall not be forced to present self-incriminating testimony.

6. The standard of proof for the University shall be "substantial evidence," i.e., whether it is reasonable to conclude from evidence submitted that the student did commit the violation(s) with which charged.

7. Decision of guilt or innocence on the charges shall be based solely on the evidence presented at the hearing.

8. All hearings shall be closed and confidential unless specifically requested otherwise in writing by the student prior to the hearing.

9. A record of hearing shall be in written form or in any other form, such as tape recording, capable of being converted into written form within a reasonable time.

10. If the student fails to appear at the hearing, the hearing may proceed in the student's absence.

11. Decision shall be presented in writing to the student within five (5) calendar days following the hearing.

12. Student may appeal the decision in writing to the Director of Student Affairs within five (5) calendar days after

receipt of the written decision. At the conclusion of the appeals process, the decision of the Vice President for Student Affairs shall be final.

*Specific Authority 240.227(1), 240.261 FS. Law Implemented 240.227(1), 240.261 FS. History—New 8-23-89.*

*History – Formerly FAC Rule 3.0151 adopted 8/23/89. Converted to UWF/REG 3.0151-7/21/05,*

*Repealed\_\_\_\_\_.*