

NOTICE OF PROPOSED REGULATION AMENDMENT  
University of West Florida

**REGULATION TITLE:** UWF/REG 3.010 Student Code of Conduct

**PURPOSE AND EFFECT:** The purpose and effect of the proposed amendment is to clarify and update the existing regulation governing student code of conduct.

**SUMMARY:** The proposed amendments to the Student Code of Conduct accomplish the following: clarify the type of conduct that constitutes inappropriate off campus conduct; clarified that interim measures may be taken when a student's or student organization's presence on campus "*adversely*" affects the health, safety or welfare of the University community or a member thereof; reorganize Article IV., Section 2; add discrimination to anti-harassment provision, clarify that gender identity is included as a protected class for purposes of prohibited discrimination or harassment; clarify the drug usage policy so that being under the influence of drugs, and using, possessing, selling and distributing drugs are clearly identified as violations; clarify the descriptions of unauthorized computer use.

**AUTHORITY:** Sections 1006.60, 1006.61, 1006.62, 1006.63 FS.; Board of Governors Regulation 6.0105.

**NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION:**  
Dr. Tammy McGuckin, Assistant Vice President of Student Affairs/Interim Dean of Students.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS:** James Felder, Associate General Counsel, [jfelder@uwf.edu](mailto:jfelder@uwf.edu) (850) 474-3420; FAX (850) 857-6058; Bld. 10/128; 11000 University Parkway; Pensacola, FL 32514-5750. Any comments regarding this proposed regulation must be sent in writing to the contact person on or before May 25, 2010 to receive full consideration.

**THE DATE THIS NOTICE WAS POSTED ON THE UWF BOARD OF TRUSTEES WEBSITE:** April 28, 2010; Corrected Notice Posted May 10, 2010.

**THE FULL TEXT OF THE PROPOSED REGUATION IS ATTACHED.**

**University of West Florida Regulation  
UWF/REG 3.010 Student Code of Conduct**

UNIVERSITY OF WEST FLORIDA  
Student Code of Conduct

**Article I. General Policy**

The University of West Florida is dedicated to the advancement of knowledge and learning and to the development of ethically responsible individuals. University students and student organizations are expected to uphold appropriate standards of behavior and to respect the rights and privileges of others. All students and student organizations are expected to conduct themselves in accordance with all federal, state and local laws, and Board of Governors and University ~~rules,~~ regulations, and policies.

The University affirms its desire to maintain a learning and living environment for all students that is free from all forms of unlawful discrimination, harassment and retaliation. The University is committed to ensuring that all students, faculty and staff are treated with dignity and respect. An environment of mutual respect must prevail if the University is to fulfill its goals; therefore, discrimination, harassment and retaliation will not be tolerated. All members of the University community are responsible for ensuring that their conduct does not discriminate, harass or retaliate against others and are to cooperate in maintaining a climate where discrimination, harassment and retaliation are not tolerated.

In keeping with the University of West Florida's values, any sanctions imposed are for the purposes of restoring the standards of the University community, educating students and student organizations about the seriousness of their action(s), promoting civility and positive growth, while maintaining the safety and integrity of the University community.

The Student Code of Conduct applies to all UWF campuses, UWF international and exchange programs and off-campus conduct. This code applies to individual students as well as student organizations.

The President delegates administration of the Student Code of Conduct to the Vice President for Student Affairs, the Dean of Students and to other appropriate staff. All references to the Vice President for Student Affairs or Dean of Students in this Code also refer to his/her designee.

The Student Code of Conduct shall be reviewed every three years under the direction of the Vice President for Student Affairs beginning ~~2009~~2012-by a committee composed of at least 50% students appointed by the student body president.

**Article II. Definitions for Purposes of the Student Code of Conduct**

1. **University:** means all locations of the University of West Florida including the on-line campus.
2. **Dean of Students Office:** the area designated by the University with responsibility for administering the Student Code of Conduct
3. **Student:** includes all persons enrolled at the University of West Florida, either full-time or part-time, degree seeking or non-degree seeking, and persons who are not officially enrolled for a particular term but who have a continuing relationship with the University.
4. **Faculty member:** means any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.
5. **University official:** includes any person employed by the University performing assigned administrative or professional responsibilities.
6. **University community:** includes any person who is a student, faculty member, staff member, or any other person employed by the University.
7. **University premises:** includes all land, facilities, and other property in the possession of, owned, or controlled by the University (including adjacent streets and sidewalks).

8. **Student Organization:** means any number of persons who are recognized by the University as a registered student organization, including sports clubs and other student groups.
9. **Student Conduct Committee:** consists of persons appointed by the University President to hear cases of student misconduct. The Committee must consist of at least 50% students.
10. **Hearing Officer:** means a University official authorized by the Vice President for Student Affairs to administer the Student Code of Conduct.
11. **University ~~rules, regulations and policies:~~** ~~please see web pages for the most up-to-date University rules, regulations, and policies.~~ ~~Please visit [www.uwf.edu/osrr](http://www.uwf.edu/osrr) for the most up-to-date University regulations and University-wide policies.~~
12. **Complainant:** any person who submits a statement alleging that a student violated this Student Code of Conduct.
13. **Charged student:** any student accused of violating this Student Code of Conduct.
14. **Good standing as to conduct:** a student who has no misconduct charges pending against him or her, is not on conduct related probation, and has completed any and all misconduct related sanctions is in good standing.

### Article III. University Authority

1. **Off-Campus conduct:** ~~the University may take disciplinary action against a student or student organization for violations committed off campus if any one of the following applies: (a) The off-campus conduct is specifically prohibited by law or the University's Student Code of Conduct; (b) The off-campus conduct demonstrates that the continued presence of the student on campus presents a danger to the health, safety, or welfare of the University community; (c) The off-campus conduct is disruptive to the orderly conduct processes and functions of the University; (d) The off-campus conduct is intimidating or threatening to the University community or an individual within the University community; (e) The off-campus conduct is of such a serious nature that it adversely affects the student's suitability to remain a part of the University community.~~ the University may take disciplinary action against a student or student organization for violations committed off campus where one of the following applies: (a) The off-campus conduct demonstrates that the continued presence of the student on campus presents a danger to the health, safety, or welfare of the University community; (b) The off-campus conduct is disruptive to the orderly processes and functions of the University; (c) The off-campus conduct is intimidating or threatening to the University community or an individual within the University community; (d) The off-campus conduct is of such a serious nature that it adversely affects the student's suitability to remain a part of the University community; or (e) The off-campus conduct is such that it could constitute a violation of the law or an ordinance and the conduct also meets at least one of the conditions described in (a), (b), (c), or (d) above.
2. **Court or Administrative proceedings outside of the University:** charges by public authorities will not prevent the University from filing University charges against a student. If a student is charged by the outside authorities with an act that is also a violation of a University ~~rule,~~ regulation, or policy or University Student Code of Conduct, the University may, but is not required to, delay its proceedings pending the outcome of the off-campus proceeding. A verdict of guilty, a plea of guilty, or a plea of no contest (nolo contendere), or any admission of guilt or responsibility made by a student in an outside criminal, civil, or administrative forum shall be conclusive for University purposes and will operate as a conclusive finding that the student is "responsible" for the same offense of the University Student Code of Conduct. The University reserves the right to amend its charge(s) based on information obtained through an outside proceeding where that information is relevant to activity adversely affecting the University community. If the outside charges have been dismissed, are not prosecuted, are not heard, or if adjudication of guilt is withheld, such action will have no bearing on the University charges.

3. **Cease and desist:** University officials and faculty may, under appropriate circumstances, order a student to cease and desist from an activity considered to be disruptive to the University.
4. **Interim measures:** any interim measure may be taken at any time. Notice of interim measures shall be provided to the student or student organization in writing.
  - a. **Interim suspension:** the Dean of Students may recommend to the Vice President for Student Affairs the temporary suspension of a student or student organization when it is determined that a student's or student organization's presence adversely affects the health, safety or welfare of the University community or a member of the University community.
  - b. **Restrictions on activity:** the Dean of Students may restrict a student's or student organization's activities when it is determined that the health, safety or welfare of a student or member of the University community is at risk. Restrictions on activities may include, but are not limited to: registering for or attending class; accessing or contacting certain individuals (no contact order); accessing University property, facilities, resources or equipment; participating in University activities, organizations or student activities.
  - c. **Interim removal from Housing:** The Director of Housing and Residence Life may temporarily remove a student from housing when it is determined that a reasonable risk to the health, safety or welfare of members of the University community or University property exists.
  - d. **Appeal of interim measures:** the student or student organization has the opportunity to submit a written request for a hearing to the Vice President for Student Affairs regarding the interim measures. If requested, the hearing will be conducted within three business days of the receipt of the written request. The scope of this hearing is limited solely to the interim measures.
  - e. **Student enrollment status:** if a student's enrollment status is changed as a result of an interim measure, but the student is subsequently found not responsible for the violation, the University shall:
    - i. Correct any record of the change in enrollment status in the student's permanent records and other reports in a manner compliant with State and Federal laws and;
    - ii. Refund to the student, at a minimum, a pro rata portion of any tuition/fees and other University specific fees and charges as appropriate due to the temporary change in enrollment status and in a manner consistent with University policy and procedures.
5. **Interpretation and application:** any question of interpretation or application of the Student Code of Conduct shall be referred to the Vice President for Student Affairs. Where an individual is both an employee and a student, his or her status in a given situation shall be determined by the Vice President for Student Affairs.

#### **Article IV. Violations of the Student Code of Conduct**

The following behavior violates the University Student Code of Conduct:

1. Deceit of any kind, including but not limited to:
  - a. Forgery, alteration or misuse of University documents, records, or identification cards.
  - b. Failure to present proper identification upon request by University officials, including law enforcement officers.
  - c. Furnishing false information to the University.
  - d. Unauthorized possession, duplication or use of keys, access cards, or identification cards belonging to the University.
2. Disrespect to persons or to property of others or of the University, including but not limited to:
  - a. Physical and/or psychological abuse or threat of such abuse.
  - ~~a-b.~~ Intentional physical assault or injury to another person.
  - ~~b-c.~~ Sexual abuse or threat of such abuse.

- ~~e.d.~~ Harassment that unreasonably interferes with an individual's academic or employment status or performance by creating an intimidating, hostile or offensive working environment or an educational environment where the harassment is based on any of the following protected classes: gender, race, color religion, national origin, age, disability, marital status, veteran status or sexual orientation. (Harassment on the basis of these protected classes may include unequal treatment that is based on prejudiced stereotypes of a group to which that individual may belong, objectionable epithets, threatened or actual physical harm or abuse, stalking, or other intimidating or insulting conduct directed against the individual based on his or her protected class.) Performing sexual acts and/or sexual touching on or with another individual without the consent of the individual, when the individual is unable to give consent or after the individual has withdrawn consent. (For expanded definitions refer to Student Handbook.).
- ~~d.e.~~ Conduct that creates an intimidating, hostile, or offensive campus, educational or working environment for another person. Stalking, following or otherwise contacting another person repeatedly, so as to put that person in fear for his/her safety.
- ~~e.f.~~ Intentional physical assault or injury to another person. Endangering the health, safety or welfare of members or guests of the University.
- ~~f.g.~~ Participation in acts of vandalism individually or as a member of a group. Discrimination or hHarassment based on any of the following protected classes: gender (including gender identity and sex), race, color religion, national origin, age, disability, marital status, veteran status or sexual orientation. Harassment is defined as conduct that unreasonably interferes with an individual's academic or employment status or performance by creating an intimidating, hostile or offensive working environment or an educational environment.(Harassment on the basis of these protected classes may include unequal treatment that is based on prejudiced stereotypes of a group to which that individual may belong such as objectionable epithets, threatened or actual physical harm or abuse, stalking, or other intimidating or insulting conduct directed against the individual based on his or her protected class.)
- ~~h.~~ Conduct that creates an intimidating, hostile, or offensive campus, educational or working environment for another person.
- ~~i.~~ Conduct which is disorderly and/or disruptive or in any way interferes with the administration or functions of the University.
- ~~g.j.~~ Conduct that substantially disrupts or materially interferes with University activities or that reasonably leads University authorities to forecast such disruption or interference.
- ~~h.k.~~ Failure to follow directives of University officials. Actions which are committed without regard for the possible harm to self, other individuals, a group, or which may result in injury or damage to an individual or group.
- ~~i.l.~~ Unauthorized entrance into or occupancy of any administrative office, classroom, or other University facility. Participation in acts of vandalism individually or as a member of a group.
- ~~j.m.~~ Theft, the unauthorized use, unauthorized possession or unauthorized destruction of University resources or property of others; or acts committed with disregard for such resources or property. Failure to follow directives of University officials.
- ~~k.n.~~ Hazing, defined as an act which recklessly or intentionally endangers the mental or physical health or safety of a person for the purpose of initiation or admission into, affiliation with, or as a condition for the continued membership in a group or organization. Unauthorized entrance into or occupancy of any administrative office, classroom, or other University facility.
- ~~l.o.~~ Conduct which is disorderly and/or disruptive or in any way interferes with the administration or functions of the University. Theft, the unauthorized use, unauthorized

- possession or unauthorized destruction of University resources or property of others; or acts committed with disregard for such resources or property.
- ~~m.p.~~ Conduct which is lewd, indecent, or voyeuristic. Hazing, defined as an act which recklessly or intentionally endangers the mental or physical health or safety of a person for the purpose of initiation or admission into, affiliation with, or as a condition for the continued membership in a group or organization.
- ~~m.q.~~ Actions which are committed without regard for the possible harm to self, other individuals, a group, or which may result in injury or damage to an individual or group. Conduct which is lewd, indecent, or voyeuristic.
- ~~o.r.~~ Interference with the freedom of movement of any member or guest of the University.
- ~~p.s.~~ Interference with the rights of others to carry out their activities or duties at or on behalf of the University.
- ~~q.t.~~ Soliciting, aiding, abetting, inciting or encouraging others to participate in conduct which violates this Student Code of Conduct.
- ~~r.u.~~ Posting of commercial advertising on University property or engaging in commercial activity on University property or in conjunction with University events without appropriate authorization.
- ~~s.~~ Performing sexual acts on or with another individual without the consent of the individual, when the individual is unable to give consent or after the individual has withdrawn consent.
- ~~t.~~ Stalking, following or otherwise contacting another person repeatedly, so as to put that person in fear for his/her safety.
- ~~u.~~ Endangering the health, safety or welfare of members or guests of the University.
3. Obstruction of Disciplinary Process - Acts that disrupt or interfere with the University disciplinary process, including but not limited to:
- Knowingly falsifying, distorting or misrepresenting information in a disciplinary proceeding.
  - Deliberately disrupting or interfering with the orderly conduct of a disciplinary proceeding.
  - Knowingly initiating a complaint or referral without cause.
  - Use of threats, coercion, intimidation, or harassment to discourage an individual's participation in or use of the disciplinary process.
  - Tampering with information to be used in a University disciplinary process.
  - Attempting to influence the impartiality of a member of the disciplinary process.
  - Violating and/or failing to comply with or fulfill disciplinary sanctions.
4. ~~Violations of federal, state, local laws, County or municipal ordinances, Board of Governors or University rules, regulations, or policies including, but not limited to:~~ Violations (or conduct which could constitute a violation), of federal, state, local laws, County or municipal ordinances, Board of Governors or University regulations, or policies including, but not limited to:
- Prohibited Uses of Drugs
    - Possessing or using narcotics, prescription drugs (without a valid prescription or in an unauthorized manner), other controlled substances, or drug paraphernalia, as prohibited by Florida Law.
    - Sale or distribution of narcotics, prescription drugs (without a valid prescription or in an unauthorized manner), other controlled substances, or drug paraphernalia, as prohibited by Florida Law.
    - Being under the influence of an illegal substance to the point at which an individual has lost normal control of his/her body or mental facilities or both.
    - Being under the influence of an illegal substance and endangering the safety of another person or property

- ~~a. Possession, use, sale or distribution of narcotics or other controlled substances and/or drug paraphernalia, as prohibited by Florida Law, on the University campus or at any University sponsored, off-campus function.~~
- b. Prohibited Uses of Alcohol:
  - i. Any possession or consumption of alcohol that is in violation of the University's Alcohol policy.
  - ii. Possessing, purchasing or consuming alcohol if under the legal age.
  - iii. Misrepresenting one's age for the purposes of purchasing or consuming alcohol.
  - iv. Purchasing, furnishing or serving alcohol to any underage person.
  - v. Possessing, furnishing or consuming alcohol in unauthorized areas of the University.
  - vi. Possessing or using a common source of alcohol (i.e. kegs, beer bong, or their equivalent).
  - vii. Operating a motor vehicle while under the influence of alcohol.
  - viii. Being intoxicated to the point at which an individual has lost normal control of his/her body or mental faculties or both.
  - ix. Disorderly intoxication: being intoxicated and endangering the safety of another person or property or being intoxicated or drinking alcoholic beverages in a place on campus at which it is not permitted and causing a public disturbance.
- c. Illegal or unauthorized possession or use of firearms, explosives, ammunition, fireworks, weapons (such as metallic knuckles, slingshots, bows and arrows, and knives), or other deadly weapons or dangerous chemicals, likely to cause harm to another, or to University property.
- d. Actions which cause or attempt to cause a fire or explosion, falsely reporting a fire, explosion or an explosive device, tampering with fire safety equipment or failure to evacuate University buildings during a fire alarm.
- e. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.
- f. Cruelty to animals.
- ~~g.~~ Violations of the Residential Student Code of Conduct.
- ~~g-h.~~ Any other violation (or conduct which could constitute a violation) of the federal, state, local laws, County or municipal ordinances, Board of Governors or University regulations, or policies.
- 5. Computer, network and/or data misuse including but not limited to:
  - a. Unauthorized access, entry or use of a University's or another's computer, computer system, network, software, password, account or data.
  - b. Unauthorized alteration or degradation of computer equipment, software, network, data or system performance.
  - ~~c. Unauthorized copying or distribution of computer software or data.~~
  - ~~c.~~ Unauthorized copying or distribution of University data.
  - ~~d. Theft or unauthorized use of intellectual property.~~
  - ~~d.~~ Unauthorized use, duplication, sharing, or distribution of copyrighted materials or other intellectual property, including computer software or other media such as music and videos.
  - e. Use of a computer or computer system in the commission of a crime to violate or facilitate the violation of laws, Board of Governors or University ~~rules,~~ regulations or policies.
  - f. Any unauthorized commercial use of University computer or computing resources.
  - g. Any unauthorized use of electronic or other devices to make an audio or video recording.
  - h. Use of computing facilities and resources to interfere with the work of another student, faculty member, staff member or University official.
  - i. Use of University computing facilities or resources to send obscene or abusive material.

- j. Any other violation of the University Computer Use Policy.

#### **Article V. Victim's Right**

- A. Advisement:** An alleged victim has the right to have an advisor or advocate accompany him or her when he or she is presenting information to the Hearing Officer or Student Conduct Committee or presenting information in any other context to University officials as a part of the disciplinary process. An advisor/advocate may assist, support or counsel an alleged victim but may not speak for, question witnesses or present arguments for the alleged victim at the disciplinary hearing or in any other context in which the alleged victim is presenting information to University officials regarding the incident.
- B. Questions:** An alleged victim has the right to provide a list of questions that he or she would like the charged student to be asked by the Hearing Officer or Chair of the Student Conduct Committee at the disciplinary hearing. In order to be considered, the questions must be submitted in writing to the Dean of Students Office at least 3 business days before the hearing.
- C. Victim/Charged Student Separation:** An alleged victim has the right to request that he or she be permitted to present his or her side of the story in a separate room from the charged student at the disciplinary hearing so long as the process, as a whole, does not unduly compromise the charged student's right to have the Hearing Officer or Chair of the Student Conduct Committee ask the victim questions.
- D. Past Behavior:** An alleged victim has a right to have his or her past unrelated behavior excluded from the disciplinary hearing. The issue of relevance of the past behavior is determined by the Hearing Officer or Chair of the Student Conduct Committee.
- E. Victim Impact Statement:** If the charged student is found responsible, the victim has a right to submit a victim impact statement to the Hearing Officer or Chair of the Student Conduct Committee for consideration at the sanctioning phase only. The statement may include a description of how the victim was impacted by the conduct violation and may include recommendations for sanctions, penalties or restitution. However, the Hearing Officer or Student Conduct Committee is not bound by those recommendations.
- F. Notification:** Where the charged student was alleged to be responsible for conduct which, if proven, would constitute any of the following offenses or attempts to commit the following offenses: Arson, Assault, Burglary, Criminal Homicide, Destruction/damage/vandalism of property, Kidnapping, Robbery, Forcible Sex Offences, Non-forcible sex offenses (incest or statutory rape), the alleged victim has a right to be notified by the Dean of Students Office of the final results of the disciplinary proceeding conducted with respect to that offense. The notification of final results may only include 1) the name of the student, 2) the violation with which the student was charged, 3) whether the student was found "responsible or "not responsible," and 4) any sanction(s) imposed. (See 34 C.F.R. Sections 99.31 and 99.39)

#### **Article VI. Procedures for Charges, Educational Conferences and Hearings**

- A. Determination of Charges**
  - 1. Alleged violations of the Student Code of Conduct may be reported to the Dean of Students Office by any member of the community including but not limited to: (a) University Police or other University departments, (b) faculty, staff, or students or (c) third parties.
  - 2. The Dean of Students Office will review the information to determine if a student will be charged with violating the Student Code of Conduct.
  - 3. The Dean of Students Office may not charge a student with a violation of the Student Code of Conduct more than one year after the date the conduct occurred or was discovered; whichever is later. University administrators may exercise professional discretion when applying the time provision to account for circumstances that warrant an extension of the one-year time limit from the date of discovery.



## B. Notice of Charges

1. The Dean of Students Office will notify the student in writing of the allegations and charge(s).
2. The notice will include the date and time of an Educational Conference. The conference will be scheduled no earlier than three business days from the date of the notice unless requested by the student. If the time or date of the conference is not convenient to the student, the student must notify the Dean of Students Office within two business days to reschedule.
3. If at any time during the course of the judicial process the Dean of Students Office determines that either charges are not warranted or that insufficient evidence exists to continue, then the charges may be withdrawn, and the student will be so notified in writing.

## C. Educational Conference

1. The purpose of the Educational Conference is to review with the student the allegations and charges, the Student Code of Conduct, the hearing forum options, the judicial process, and possible sanctions, and to answer student questions.
2. During the conference the student will be given the opportunity to accept responsibility or not accept responsibility for the charges.
3. If the student accepts responsibility for the charges:
  - a. The student will be asked to sign a form indicating his or her acceptance of responsibility and that he or she is waiving the right to a hearing.
  - b. A letter documenting student responsibility and the sanctions will be sent to the student within five business days from the Dean of Students Office.
4. If the student does not accept responsibility for the charges:
  - a. The student will be asked to sign a form indicating that he or she does not accept responsibility for the charges and will be asked to select a hearing forum.
  - b. The Dean of Students Office will schedule the hearing providing the student with a minimum of five business days notice.
5. If the student fails to attend the Educational Conference, the matter will be referred for hearing to the Student Conduct Committee.

## D. Hearing Forum

A student has the right to a hearing before the Student Conduct Committee. This committee must be composed of at least 50% students. In the alternative, the student may choose to have a hearing before a Hearing Officer. If the student selects the Hearing Officer forum, he or she will be asked to sign a waiver of the right to a hearing before the Student Conduct Committee.

## E. Hearing Procedures

The Hearing process is not a legal process, it is an educational process. Formal rules of process, procedure and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Code of Conduct proceedings.

1. **Student status:** the student's status on campus will remain unchanged pending the final decision of the hearing and/or the appeal process, except in cases where interim measures are taken.
2. **Hold on student's records:** the University may place a hold on the records or registration of any student who fails to respond to a University disciplinary notice or fulfill any sanctions previously issued by the University. The University may take other action necessary for resolution of a case prior to the student's enrollment in a subsequent semester, transfer or graduation. All pending disciplinary matters must be resolved prior to a student's graduation, transfer from or continued education at the University of West Florida.

3. **Accommodations for students with disabilities:** any student with a disability may request reasonable accommodations during the disciplinary process. This request must be made to the Student Disability Resource Center at least three business days in advance of the hearing. If necessary, the hearing officer or Student Conduct Committee may postpone the hearing to provide reasonable accommodations.
4. **Safety procedures:** the Hearing Officer or Student Conduct Committee may accommodate concerns for the safety of the individuals involved by providing separate facilities or other alternatives.
5. **Pre-hearing information notice:** the University will make available pre-hearing information including a copy of the hearing procedures and copies of records that will be presented by the University at the hearing. The pre-hearing information will be available at least three business days in advance of the hearing at the Dean of Students Office.
6. **Failure to appear:** if a student fails to appear, the hearing will proceed in the student's absence.
7. **Confidentiality:** all hearings shall be closed and confidential unless requested by the charged student, in writing, three business days prior to the hearing, and the following conditions are met: (a) all students involved in the hearing as witnesses or victims consent in writing prior to the hearing, and (b) such request does not conflict with law, Board of Governors or University ~~rule,~~ regulation or policy. The Dean of Students will make the final determination regarding open and closed hearings.
8. **Student Advisor / Student Advocate:**
  - a. **Student Advisor:** a charged student is entitled to have any one person at the hearing to serve as his or her advisor. Students may consult with their advisor during the hearing process. However, this consultation must take place in a manner that does not disrupt the proceedings. The advisor shall not speak on behalf of the student, question witnesses, present information or argue before the panel. The advisor shall not serve as a witness.
  - b. **Student Advocate:** a student advocate is an individual appointed by the Student Government Association President. The student advocate is available upon request to assist students with information regarding university policies, grievance procedures and appeal procedures, and to serve as a facilitator in the resolution of disagreements, grievances or otherwise unsatisfactory conditions.
9. **Role of the Hearing Officer or Chair:** the Hearing Officer or Student Conduct Committee Chair may:
  - a. Accept information for consideration at his/her discretion.
  - b. Make determinations regarding requests for postponements, where appropriate.
  - c. Make determinations as to procedural questions. Make procedural modifications for purposes of expediting a process or in the interest of fairness or safety.
  - d. Take any other action deemed necessary.
10. **Self-Incriminating statements:** no student will be compelled to make self-incriminating statements. Note however: the University is not required to postpone disciplinary proceedings pending the outcome of any criminal proceeding.
11. **Information:** the Dean of Students Office and the charged student will be given an opportunity to provide information. This may include, but is not limited to, pertinent records, documents, written or oral statements. The student will also be given an opportunity to inspect records provided by the Dean of Students Office.
12. **Witnesses:** The Dean of Students Office and the charged student may call witnesses. In order to preserve the educational atmosphere of the hearing and to avoid creation of an adversarial environment, all questions for witnesses will be directed through the Hearing Officer or Student Conduct Committee Chair. If a witness cannot appear, his or her written or taped statement may be considered. Witnesses will be required to wait outside

- until their point of participation and will be asked to leave the hearing after being questioned.
13. **Record:** there shall be a single record of all student conduct hearings. This record is the official record and is the property of the University. Student Conduct Committee Hearings will be audio recorded and the recording will become part of the record. For hearings before a Hearing Officer, the Officer's notes will become part of the record. The student may request a copy in writing which will be provided at cost.
  14. **Standard of proof:** the burden to prove disciplinary cases rests with the University and the standard of proof shall be "more likely than not." This means that the information presented supports the finding that it was more likely than not that the violation occurred.
  15. **Multiple students charged:** in cases involving multiple students charged from the same incident, information obtained at one hearing may be used at another hearing provided that each charged student involved has the opportunity to review and respond to the information at his or her hearing.
  16. **Deliberations:** are closed and shall include only the Hearing Officer or the Student Conduct Committee members involved in the decision making process.
  17. **Decisions of "responsible" or "not responsible" on the charge(s):** shall be based on the information presented at the hearing. The Hearing Officer or Student Conduct Committee (by majority vote) shall determine whether the student has violated the Student Code of Conduct as charged.
  18. **Notice of decisions:** a written decision letter from the Dean of Students Office will be provided to the student within five business days following the close of the hearing. This time may be extended for deliberations when necessary and the student shall be notified of any such extensions. The decision letter shall contain a decision on each charge, any findings of fact and any sanctions.

#### **Article VII. Sanctions**

A student or student organization found responsible for violations shall be subject to sanctions commensurate with the offense. Consideration may be given to aggravating and mitigating circumstances. One or more of the sanctions may be imposed for any single violation.

1. **Disciplinary reprimand:** a written disciplinary sanction notifying a student or student organization that the behavior did not meet University standards. All disciplinary reprimands will be taken into consideration if further violations occur.
2. **Disciplinary probation:** a written disciplinary sanction notifying a student or student organization that the behavior is in serious violation of University standards. Any additional violations occurring during a probationary period may result in more serious sanctions. In addition, restrictions may be placed on a student's or student organization's activities. Restrictions that may be imposed during a probationary period may include, but are not limited to, restriction of the privilege to: (a) participate in student activities or in student organizations; (b) represent the University on athletic teams, or in other leadership positions; (c) have access to University housing facilities or other areas on campus; (d) have use of University resources and/or equipment; or (e) have contact with specified person(s).
3. **Loss of University privileges:** temporary or permanent loss of University privileges may include use of University facilities, resources, equipment, attendance at athletic functions, University Commons access, library use, parking privileges, University computer usage, and/or residence hall or other visitation.
4. **Suspension:** a student who is suspended is required to leave the University for a specified period of time. The student must comply with all sanctions and complete all requirements prior to re-admission. During the suspension period the student may not visit or come onto any UWF campus without specific written permission of the Vice President for Student Affairs.

5. **Deactivation of recognized Student Organization status:** temporary or permanent loss of all privileges, including University recognition.
6. **Expulsion:** a student who is expelled is permanently deprived of his or her privilege to continue at the University in any capacity. The student may not visit or come onto any UWF campus without specific written permission of the Vice President for Student Affairs.
7. **Restitution:** the student or student organization is required to pay for damages and/or loss of use of individual's or University property. Payment is limited to the actual cost of repair or replacement of such property.
8. **Community/University service:** a student or student organization is required to complete a specified number of hours of service to the campus or general community.
9. **Education requirements:** a student is required to complete a specified educational sanction related to the violation committed. Such educational requirements may include, but are not limited to, completion of a seminar, report, alcohol or drug assessment, presentations, and/or counseling.
10. **University Housing assignment change or removal:** a student is required to (a) relocate to a new University housing assignment; (b) leave University housing for a specified period of time; or (c) leave University housing permanently.
11. **No contact order:** a directive informing the student that he or she is not to have any contact, direct or indirect, with one or more designated persons or group(s) through any means, including personal contact, e-mail, telephone, or via third parties.
12. **Denial of further registration and/or credits:** further registration may be denied and/or credits and degrees may be invalidated or revoked for false, fraudulent or incomplete statements made by a student in his or her application for admission, residence affidavit, or accompanying documents or statements in connection with, or supplemental to, the application for admission to or graduation from the University.
13. **Denial or revocation of academic credit:** degrees and credit awarded by the University may be invalidated or revoked, credits may be denied and grades may be reduced for conduct involving violations of academic honesty rules, regulations, or policies.
14. **Withholding degrees:** the University may withhold issuing a degree, diploma or transcript pending compliance with University ~~rules,~~ regulations, or policies or pending completion of the process set forth in this Student Code of Conduct, including the completion of all imposed sanctions.

#### **Article VIII. Appeals**

1. The student or student organization may appeal the decision in writing to the Vice President for Student Affairs. The appeal must be received in the Vice President for Student Affairs Office within 15 business days of the date of the decision letter.
2. Grounds for filing an appeal are limited to the following: (a) the student's or student organization's rights were violated in the hearing process; (b) new information is discovered that was not available at the time of the hearing; (c) the information presented does not support the decision; or (d) the sanction(s) imposed were not appropriate for the violation.
3. If an appeal is decided in favor of the student or student organization, the matter may be returned to the Dean of Students Office, Hearing Officer, or the Student Conduct Committee. If an appeal is not decided in favor of the student or student organization, the matter shall be considered final and binding.

#### **Article IX. Records**

1. Records of disciplinary actions shall be maintained by the Dean of Students Office.
2. Student files involving cases that do not result in suspensions or expulsions shall be expunged seven years after the final decision. Records of cases that result in suspensions or expulsions are kept permanently. Statistical and database information may be kept permanently at the University.

3. Students found “not responsible” or cases in which charges are dropped are considered not to have a judicial record. However, the records will be maintained by the University in accordance with 1002.22, F.S. and with applicable State record retention laws.

**Article X. Transcript Notations**

1. A temporary notation will be placed on the student’s transcript during any period of suspension.
2. If a student is expelled, a permanent notation will be placed on the student’s transcript.

*Specific Authority 1001. 74(4), 1006.60 FS. Law Implemented 1001. 74 (1 0) (f), 1001.75(10), 1006.60, 1006.61, 1006.62, 1006.63 FS. History- Formerly FAC Rule 6C6-3. 010 adopted 10/1/75, Amended 10-24-79, 12-29-80, 8-9-81, 8-30-83, Formerly 6C6-3. 10, Amended 10-26-86, 4-21-91. Converted to UWF/REG .3.010 7/21/07, amended 8/28/06, 8/27/07. 06/03/10.*