

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

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

SUMMARY: The primary change proposed in the amendments to UWF Regulation 3.010 adds provisions to the Student Conduct Code for adjudication of alleged sexual or gender based misconduct in accordance with guidance issued by the Office of Civil Rights in 2011. The new provisions are contained in Article VI.

Other significant changes include clarifying and expanding other articles of the Code as follows:

Article I- General Policies- delegation of authority to administer the Student Code of Conduct is clarified.

Article II-Definitions-definitions of the following terms or phrases were expanded or added: student, member of University Community, University premises, good standing, standard of proof, victim, and sexual/gender based misconduct.

Article III-University Authority- standards used for Interim Measures and for review of Interim Measures were clarified and expanded.

Article IV- Violations of the Student Code of Conduct- Specific enumerated violations were clarified and expanded.

Article V- Victim's Rights- this entire article is being deleted and the provisions that were in it were moved to different articles.

Article V (formerly Article VI)- Procedures for Charges, Educational Conferences and Hearings- The following hearing procedures were added or expanded: pre-hearing information, victim notification, student advisor requirements, role of the Hearing Officer, self-incriminating statements, victim participation, use of past behavior, decision information, victim impact statement, sanctions. In addition, a provision was added related to withdrawal of a student with pending misconduct charges.

Article VI – Procedures for Charges, Educational Charges and Hearings (Title IX cases)- This entire article was added to set forth procedures for adjudicating cases involving sexual or gender based misconduct. The premise underlying these additional provisions is to bring parity of access to both the alleged victim and the accused student.

Article VII- Sanctions- A description of the procedures related to determining sanctions was added, and two new sanctions were added, (1) fines, and (2) drug testing of students found responsible for violating the drug-related provisions of the conduct code.

Article VIII- Appeals- The types of actions the Vice President for Student Affairs or designee could take on appeal was clarified and expanded, and notification to students of the method of judicial appeal of Student Conduct decisions was added.

Article IX- Appeals (Title IX)- This section was added to provide access to the appeals process for the victim of sexual or gender based misconduct.

AUTHORITY: BOG Regulation 6.0105 Student Conduct and Discipline

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; FAX (850) 474-2203; Bld. 10/Rm 122; 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 March 1, 2013 to receive full consideration.

THE DATE THIS NOTICE WAS POSTED ON THE UWF BOARD OF TRUSTEES WEBSITE: February 15, 2013; **DATE THIS NOTICE WAS PUBLISHED IN @UWF:** February 15, 2013

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

UWF 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 regulations, and policies.

The University is committed to ensuring that all students, faculty and staff are treated with dignity and respect. 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, who further delegates portions of the administration of the Student Code of Conduct to the Dean of Students, who delegates portions to the Associate Dean of Students/Director of Student Rights and Responsibilities 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(s).

The Student Code of Conduct shall be reviewed every three years under the direction of the Vice President for Student Affairs beginning 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 department area designated by the University with responsibility for administering the Student Code of Conduct. The Office of Student Rights and Responsibilities (OSRR) is included in the Dean of Students Office.
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 registered for courses enrolled for a particular term but who have a continuing relationship with the University, including students admitted but not yet enrolled at 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 employee or guest of the University.

7. **University premises:** for the purposes of this policy, includes all land, facilities, and other property in the possession of, owned, or controlled by the University (including adjacent streets and sidewalks), including property at which University-sponsored events are held for the duration of the event.
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 who shall be appointed by the president of the Student Government Association. Faculty and staff members are appointed by the Vice President for Student Affairs.
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:** UWF Students must comply with all applicable University regulations and policies. University regulations can be found at <http://uwf.edu/trustees/regulations/>. University policies can be found at <http://www.uwf.edu/president/policies/>. Select regulations and policies applicable to students are also contained in the UWF Student Planner and Handbook ("Student Handbook"). please visit 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, including any student who submits allegations of a violation under Title IX.
13. **Accused/Charged student:** any student accused of violating this Student Code
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/or has pending, incomplete or overdue completed any and all misconduct-related sanctions is not considered a student in good standing. Students adversely affected by their standing within the University (i.e. a student wishing to run for an SGA Office) may submit a request for an expedited student conduct hearing to the Vice President of Student Affairs.
15. **More likely than not:** refers to the standard of proof used in student conduct hearings. Hearing officers and Student Conduct Committees will determine student responsibility by a preponderance of the evidence, or a determination of whether it is more likely than not that the charged student committed an infraction.
16. **Victim:** for the purposes of this policy, a victim is any individual that has been injured or harmed by a UWF student. Certain victims are entitled to varying levels of participation in the student conduct process, depending on the nature of the allegations. As articulated in the Family Educational Rights to Privacy Act (See 34 C.F.R. § 99.31 and 99.39) a victim that has been subject to any of the following violations or attempted violations: Arson, Assault, Burglary, Criminal Homicide, Destruction/damage/vandalism of property, Kidnapping, Robbery, Forcible Sex Offences, Non-forcible sex offenses (incest or statutory rape) is entitled to be notified of the outcome of the disciplinary process. As defined by the Title IX Amendments of the Higher Education Act of 1972 (See 20 U.S.C. §1681-1688), a victim that is the subject of gender-based discrimination, harassment, or sexual assault has the right to participate fully in the investigation and adjudication of the alleged misconduct, as outlined in Article VI of this regulation. All other victim rights articulated in this regulation apply to all victims.
17. **Sexual/Gender-Based Misconduct:** for the purposes of this policy, sexual/gender-based misconduct is a broad term used to describe any behavior that would violate provisions of Title IX, including but not limited to sexual assault, sexual harassment, gender-based discrimination, stalking or other violations perpetrated against a victim because of the victim's gender.

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 where one of the following applies: (a) The off-campus conduct demonstrates that the continued presence of the student or organization 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 ~~charging a student with violations of this student code of conduct.~~ If a student is charged by the outside authorities with an act that is also a violation of a University regulation or policy or of the 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:** interim measures may be taken by the University at any time if it is determined that a student or student organization's continued presence on campus may adversely affect the health, safety or welfare of the University community. Notice of interim measures shall be provided to the student or student organization in writing. Interim measures may include, but are not limited to:
 - 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.~~ temporarily suspend a student from the University. A student who is suspended is required to leave the University premises. During the interim suspension period the student may not visit or come onto any UWF campus without the written permission of the Dean of Students.
 - b. **Restrictions on activity:** the Dean of Students may restrict a student's or student organization's activities. ~~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, student organizations or student activities.

- c. **Interim removal from Housing:** The [Dean of Students or the](#) Director of Housing and Residence Life may temporarily remove a student from [University](#) 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 Review 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 [by the Vice President for Student Affairs or his/her designee](#) within three business days of the receipt of the written request. The scope of this hearing is limited solely to the [determination of whether that student's presence adversely affects the health, safety or welfare of the University community.](#) ~~interim measures.~~
 - e. **[Termination of Interim Measures:](#)** [Interim measures will be lifted at the conclusion of the disciplinary hearing, or, if the student or student organization appeals, at the conclusion of the appeals process, or when the University determines that a student or student organization's presence no longer adversely affects the health, safety or welfare of the University community.](#)
 - fe. **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 [conduct, whether completed or attempted,](#) ~~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.
 - e. [Impersonation, misrepresentation or other actions taken to deceive University officials or students with regards to one's identity](#)
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. [Abuse is defined as any action taken with the intention of harming or injuring another person.](#)
 - b. ~~Intentional physical assault or injury to another person.~~ [Assault includes, but is not limited to hitting, slapping, punching, kicking, shoving or otherwise touching in an injurious or threatening manner, or the brandishing or use of a weapon or other object intended to injure or cause physical harm.](#)
 - c. Sexual abuse or threat of such abuse.

- d. 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)
- e. Taking sexual advantage of another person, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person; causing the prostitution of another person; recording, photographing or transmitting identifiable images of private sexual activity or intimate parts of another person without that person's effective consent; allowing third parties to observe private sexual acts without the other person's consent; engaging in voyeurism; and/or knowingly or recklessly exposing another person to a significant risk of a sexually transmitted infection, including HIV.
- fe. Stalking, following or otherwise contacting another person repeatedly, so as to put that person in fear for his/her safety.
- gf. Endangering the health, safety or welfare of members or guests of the University
- hg. Harassment 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.)
- ih. Conduct that creates an intimidating, hostile, or offensive campus, educational or working environment for another person, unrelated to the victim's protected class, if any.-
- ji. Conduct which is disorderly and/or disruptive or in any way interferes with the administration or functions of the University, interferes with the freedom of movement of members or guests of the University community, or interferes with the rights of others to carry out their activities or duties.-
- kj. Conduct that substantially disrupts or materially interferes with University activities or that reasonably leads University authorities to forecast such disruption or interference
- lk. 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
- ml. ———Participation in acts of vandalism individually or as a member of a group.
- nm. Failure to follow directives of University officials.
- on. Unauthorized entrance into or occupancy of any administrative office, classroom, or other University facility.
- po. 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.
- qp. 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.
- rq. Conduct which is lewd, indecent, or voyeuristic.
- ~~r. Interference with the freedom of movement of any member or guest of the University.~~
- ~~s. Interference with the rights of others to carry out their activities or duties at or on behalf of the University.~~
- st. Soliciting, aiding, abetting, inciting or encouraging others to participate in conduct which violates this Student Code of Conduct.

- 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 Standards of Community Living](#).
 - 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 University data.
 - 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 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 [or other policies related to computer use on campus.](#)

Article V. Victim's Right

~~**A. Advicement:** 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. 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.~~

~~**C. 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. An alleged victim may request to answer questions from a hearing officer or committee in closed session. In this case, the charged student shall~~

be notified and will be given the opportunity to present a list of written questions for the alleged victim to the hearing officer or committee.

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-(Non-Title IX)

A. Determination of Charges

1. Alleged violations of the Student Code of Conduct may be reported to the Dean of Students Office by any one, 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 via email 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 conduct 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 via email.

C. Educational Conference

1. The purpose of the Educational Conference is to review with the charged student the allegations and charges, the Student Code of Conduct, the hearing forum options, the conduct/judicial process, and possible sanctions, and to answer student questions.
2. During the educational 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. An email 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.~~

15. Pre-hearing information notice: the University will make available, upon request, 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. The charged student must also provide to the Dean of Students Office copies of any records that he/she will present at the hearing at least three business days in advance of the hearing.

2. Victim Notification: the University will notify the alleged victim via email of the date, time and location of the hearing no less than five days in advance of the hearing. This notification will also advise the alleged victim of his/her rights in the student conduct process, including but not limited to, the right to submit a list of questions, the right to

- [submit a victim impact statement, and the right to provide information in a closed session or in a separate room from the charged student. Alleged victims, as defined by FERPA \(20 U.S.C. § 1232g\), have the right to be notified of the outcome of the proceedings.](#)
- 36. Failure to appear:** if a student fails to appear, the hearing will proceed in the student's absence.
- 47. 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 ~~and the~~ [alleged victim\(s\)](#) consent in writing prior to the hearing, and (b) such request does not conflict with law, Board of Governors or University regulation or policy. The Dean of Students will make the final determination regarding open and closed hearings.
- 58. Student Advisor / Student Advocate:**
- 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 [arguente](#) before the panel. The advisor shall not serve as a witness. [The name and role of the advisor must be given to the Dean of Students Office at least 72 hours prior to the scheduled meeting/hearing. If the advisor is an attorney, this must be disclosed at that time, as the University attorney must also be present at the meeting/hearing.](#)
 - 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, [the student conduct process, grievance procedures](#) and appeal procedures, ~~and to serve as a facilitator in the resolution of disagreements, grievances or otherwise unsatisfactory conditions.~~
- 69. Role of the Hearing Officer or Chair:** the Hearing Officer or Student Conduct Committee Chair [will preside over the hearing, be responsible for the order and decorum of the hearing, and will ensure that the hearing procedures are followed. At his or her discretion, the Hearing Officer or Student Conduct Committee Chair](#) may:
- Accept information for consideration ~~at his/her discretion.~~
 - Make determinations regarding requests for postponements, where appropriate.
 - Make determinations as to procedural questions. Make procedural modifications for purposes of expediting a process or in the interest of fairness or safety.
 - Take any other [appropriate](#) action deemed necessary.
- 740. Self-Incriminating statements:** no student will be compelled to make self-incriminating statements. ~~-Any information shared by the accused student during an educational conference may be presented during a hearing. Note however: the University is not required to postpone disciplinary proceedings pending the outcome of any criminal proceeding.~~
- 811. Information:** the Dean of Students Office and the charged student will be given an opportunity to provide information [at the hearing](#). This may include, but is not limited to, [witnesses](#), 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.
- 942. 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.

10. **Questions:** The 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.
11. **Alleged Victim/Charged Student Separation:** The alleged victim may request that he or she be permitted to participate in a separate room from the charged student at the disciplinary hearing. This request will generally be granted so long as the process allows the charged student to hear the information presented by the alleged victim and to have the Hearing Officer or Chair of the Student Conduct Committee ask the alleged victim questions.
12. **Past Behavior:** An alleged victim or charged student has a right to have his or her past unrelated behavior excluded from the disciplinary hearing. The issue of relevance of the past behavior shall be determined by the Hearing Officer or Chair of the Student Conduct Committee. An accused student's misconduct history will not be presented at the disciplinary hearing. This information may only be presented once a finding has been reached within the context of determining appropriate sanctions.
- 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.~~
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 charged student/respondent has violated the Student Code of Conduct. The Hearing Officer/Conduct Committee will also, in consultation with the Associate Dean/Director of OSRR, make recommendations for sanctions in those cases where the charged student is found responsible. 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. **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.

19. **Sanctions:** The Hearing Officer/Conduct Committee will, in consultation with the Associate Dean/Director of OSRR, make recommendations for sanctions in those cases where the charged student is found responsible. The Associate Dean/Director of OSRR shall make the final determination as to any sanctions.

2048. **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.

21F. **Victim 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~~ Victims have the right to be notified of the outcome of the disciplinary process in those cases where the charged student's behavior would constitute any of 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)

F. **Student Withdrawal:** If a student withdraws from the University with misconduct charges pending against him or her, the conduct process will continue with or without his/her participation.-

G. **Student status:** the student's permanent status on campus will remain unchanged pending the final decision of the hearing process and/or any appeal

H. **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.

I. **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.

J. **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 reasonable alternatives.

Article VI. Procedures for Charges, Educational Conferences and Hearings (Title IX Cases)

Federal anti-discrimination laws articulated in Title IX of the Education Amendments of 1972 (20 U.S.C. §1681-1688) require that institutions of higher education provide an equitable process for adjudicating cases of gender-based discrimination, harassment and sexual assault. As such, the University has established an alternative hearing procedure under this policy to address and adjudicate alleged Title IX violations where the accused is a University student and the complainant is a University student or employee.

A. **Investigative Proceedings –** Once the University has received a complaint of sexual/gender-based misconduct, the University Title IX Coordinator will review the complaint and, if it is deemed to have sufficient merit, will assign the case to a Title IX investigator. The

Investigator is a neutral fact-finder who, during the course of the investigation, typically conducts interviews with the complainant, the accused student, and any witnesses. The complainant will be contacted by the appropriate Title IX Investigator to begin the investigation, and the accused student will be notified that an investigation has begun. If a complainant does not wish to pursue any remedies available to him/her under this regulation, they may choose not to participate in the investigation. However, the investigation may continue, at the University's discretion, without the participation of the complainant.

Once the case is assigned to an Investigator, the University will attempt, inasmuch as possible, to conclude the investigation within 30 days. As part of the investigation, the Investigator will:

1. Interview all persons involved, including any witnesses
2. Obtain information, either through direct observation of the scene of the alleged violation, or through information provided by the complainant, accused student, any witnesses and/or law enforcement agencies
3. Provide the complainant, the accused student and any witnesses with the opportunity to have a representative/advisor accompany them during investigative meetings. The advisor may ask questions regarding the process and advise the student, but may not speak in place of the student.
4. Keep complete and detailed records of the investigation, including a description of allegations, notes from all interviews, outcome of investigation, and any actions taken
5. Provide a written report of the investigation, including findings and recommended courses of action and remedies, to the Title IX Coordinator.

B. Written Report - The written report completed by the Investigator will be sent to the Title IX Coordinator for review. After the Title IX Coordinator has reviewed the report, copies will be provided to both the complainant and the accused student. If desired, the complainant and/or the accused student may submit written comments related to the Report to the Title IX Coordinator. In order to be considered, the comments must be submitted to the Title IX Coordinator within 14 calendar days from the date the report was distributed. At the conclusion of the 14 day period, the Title IX coordinator will finalize the report and will issue a finding. If it is determined that there is not sufficient evidence of sexual/gender-based misconduct in order to move forward with formal charges against the accused student, both parties will be notified. Even if formal disciplinary charges are not brought against the accused student, other remedial actions may be warranted per the investigation findings. These actions will be determined and directed by the Title IX Coordinator. If it is determined that there is sufficient cause to move forward with formal charges of misconduct under this regulation, the Title IX Coordinator will notify the Dean of Student's Office.

C. Notice of Charges

1. The Dean of Students Office will notify the charged student via email 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 charged 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.

D. Educational Conference

1. **For the Charged Student:** The purpose of the Educational Conference is to review with the charged student/respondent the allegations and charges, the Student Code of Conduct, the hearing forum options, the conduct process, and possible sanctions, and to answer 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 charged student accepts responsibility for the charges:
 - a. The charged 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. An email documenting student responsibility and the sanctions will be sent concurrently to the charged student as well as the complainant within five business days of the Educational Conference by the Dean of Students Office.
4. If the charged student does not accept responsibility for the charges:
 - a. The charged 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 charged student and the complainant with a minimum notice of five business days.
5. If the charged student fails to attend the Educational Conference, the matter will be referred for hearing to the Student Conduct Committee.
6. **For the Complainant:** The complainant will be given the opportunity to participate in a separate Educational Conference, the purpose of which is to explain the conduct process and hearing procedures, possible sanctions for the charged student, and to answer questions.

E. Hearing Forum

A charged 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 charged student may choose to have a hearing before a Hearing Officer. If the charged 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.

F. 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. **Pre-hearing information notice:** the University will make available to the charged student and the complainant, upon request, 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.
2. **Failure to appear:** if either the charged student or the complainant fail to appear, the hearing will proceed in their absence.
3. **Role of the Hearing Officer or Chair:** the Hearing Officer or Student Conduct Committee Chair will preside over the hearing, be responsible for the order and decorum of the hearing, and will ensure that the hearing procedures are followed. At his or her discretion, the Hearing Officer or Student Conduct Committee Chair may:
 - a. Accept information for consideration.
 - 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 appropriate action deemed necessary.
4. **Confidentiality:** all hearings shall be closed to the public and confidential. Only the Representative of the Dean of Students Office, the charged student, the complainant, their advisors and any witnesses may be present at the hearing.
5. **Student Advisor / Student Advocate:**
 - a. **Student Advisor:** a charged student or complainant are 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 or present information. The advisor shall not serve as a witness. The name and role of the advisor must be given to the Dean of Students Office at least 72 hours prior to the scheduled meeting/hearing. If the advisor is an attorney, this must be disclosed at that time, as the University attorney must also be present at the meeting/hearing.
- 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, the student conduct process and appeal procedures.
6. **Self-Incriminating statements:** no student will be compelled to make self-incriminating statements. Any information shared by the accused student or complainant during an educational conference or investigative meeting may be presented during a hearing.
7. **Complainant/Charged Student Separation:** The complainant may request that he or she be permitted to participate in a separate room from the charged student at the disciplinary hearing. This request will generally be granted so long as the process allows the charged student to have the Hearing Officer or Chair of the Student Conduct Committee ask the complainant questions.
8. **Presentation of Information:** the primary information presented at the hearing will be the report of the Title IX Investigator. After the Investigator has shared his/her findings, both the charged student and the complainant will have the opportunity to challenge or question the contents of the report. In challenging or questioning the findings, the complainant and the charged student will be given an opportunity to provide information including, but not limited to, witnesses, records, documents, and written or oral statements. The charged student and complainant will also be given an opportunity to inspect records provided by the Dean of Students Office and/or Title IX Investigator at the hearing.
9. **Witnesses:** Both the complainant and the charged student may call witnesses. Witnesses may be questioned by all parties, including the charged student, the complainant, and the Hearing Officer/Conduct Committee. 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.
10. **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.
11. **Past Behavior:** An alleged victim or charged student has a right to have his or her past unrelated behavior excluded from the disciplinary hearing. The issue of relevance of the past behavior shall be determined by the Hearing Officer or Chair of the Student Conduct Committee. An accused student's past misconduct history will not be presented at the disciplinary hearing. This information may only be presented once a finding has been reached within the context of determining appropriate sanctions.
12. **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.
13. **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.
14. **Deliberations:** are closed and shall include only the Hearing Officer or the Student Conduct Committee members involved in the decision making process.
 15. **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 charged student/respondent has violated the Student Code of Conduct.
 16. **Victim Impact Statement:** If the charged student is found responsible, the complainant 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 complainant 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.
 17. **Sanctions:** The Hearing Officer/Conduct Committee will, in consultation with the Associate Dean/Director of OSRR, make recommendations for sanctions in those cases where the charged student is found responsible.
 18. **Notice of decisions:** a written decision letter from the Dean of Students Office will be provided concurrently to both the charged student and the complainant within five business days following the close of the hearing. This time may be extended for deliberations when necessary and the parties shall be notified of any such extensions. The decision letter shall contain a decision on each charge, any findings of fact and any sanctions.
- F. **Student Withdrawal:** If a student withdraws from the University with misconduct charges pending against him or her, the conduct process will continue with or without his/her participation.
- G. **Student status** the student’s permanent status on campus will remain unchanged pending the final decision of the hearing process and/or any appeal
- H. **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.
- I. **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.

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. The Hearing Officers/Student Conduct Committee will recommend sanctions to the Associate Dean/Director of OSRR. Final determination of sanctions is made by the Associate Dean. Recommended sanctions may be adopted, modified or rejected. If final sanctions, as determined by the Associate Dean, differ from the recommended sanctions of the Hearing Officer/Conduct Committee, then the rationale for the sanction will be stated in the charged student’s decision letter. A sanction of expulsion must be reviewed and approved by the Dean of Students. One or more of the following 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. **Fines:** Monetary fines established by the Dean of Students, subject to the approval of the Board of Trustees, will be published on the Office of Student Rights and Responsibility website (www.uwf.edu/osrr).
11. **Drug Testing:** a student found responsible for any drug-related violation may be sanctioned to random drug screening for a specified period of time. Positive (failed) test results would constitute a violation of this policy and would trigger further disciplinary charges.
120. **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.
134. **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, text messaging, social media or via third parties.
142. **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, residency

affidavit, or accompanying documents or statements in connection with, or supplemental to, the application for admission to or graduation from the University.

153. **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.

164. **Withholding degrees:** the University may withhold issuing a degree, diploma or transcript pending compliance with University 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 (Non-Title IX)

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 105 business days of the date of the decision letter.
2. The Vice President for Student Affairs or designee will review the appeal. Grounds for appeal are limited to the following:
 - a. the student's rights, as outlined in this regulation, 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 charged student, the Vice President for Student Affairs or designee may modify the decision and/or sanctions, remand the case to the same Hearing Officer/Committee for reconsideration of the decision and/or sanctions, or remand the case to a new Hearing Officer/Committee for a new hearing. If an appeal is not decided in favor of the charged student, the matter is considered final and binding.
4. A copy of the decision of the Vice President of Student Affairs or designee shall be forwarded to the charged student, the victim (if applicable) and to the Dean of Students Office for filing and for distribution to the appropriate parties.
5. A charged student who wishes to seek judicial review of the final decision of the University may do so pursuant to Florida Rule of Appellate Procedure 9.190(b)(3), applicable to review of quasi-judicial decisions of an administrative body not subject to the Administrative Procedure Act, by filing a petition for certiorari review with the circuit court for Escambia County within thirty (30) days of the final university decision. If the student seeks review with the court, he or she must also provide a copy of the petition to the Office of the Vice President for Student Affairs, University of West Florida, Bldg. 10, 11000 University Parkway, Pensacola, FL 32514.
- ~~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. Appeals (Title IX)

1. Both the complainant and the charged student 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 10 business days of the date of the decision letter.
2. If either student submits an appeal, the other student and the Title IX Investigator will be notified and provided with a copy of the appeal and will be given 10 business days to respond to the appeal in writing. The Vice President for Student Affairs or designee will

review the appeal, including all information provided by all parties. Grounds for appeal are limited to the following:

- a. the student's rights, as outlined in this regulation, 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. The Vice President for Student Affairs or designee may modify the decision and/or sanctions, remand the case to the same Hearing Officer/Committee for reconsideration of the decision and/or sanctions, or remand the case to a new Hearing Officer/Committee for a new hearing.
4. Unless the appeal decision is to remand the case for a new hearing, the appeal decision is considered the final decision of the University
5. A copy of the decision of the Vice President of Student Affairs shall be forwarded to both students, to the Title IX Coordinator and to the Dean of Students Office for filing and for distribution to the appropriate parties.
6. A charged student who wishes to seek judicial review of the final decision of the University may do so pursuant to Florida Rule of Appellate Procedure 9.190(b)(3), applicable to review of quasi-judicial decisions of an administrative body not subject to the Administrative Procedure Act, by filing a petition for certiorari review with the circuit court for Escambia County within thirty (30) days of the final university decision. If the student seeks review with the court, he or she must also provide a copy of the petition to the Office of the Vice President for Student Affairs, University of West Florida, Bldg. 10, 11000 University Parkway, Pensacola, FL 32514.

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-disciplinary record. However, the records will be maintained by the University in accordance with Section 1002.22, F.S. and with applicable State record retention laws.

Article XI. 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, 8/23/10, 6/4/2010, _____

