

NOTICE OF PROPOSED REGULATION

Date: July 30, 2008

REGULATION TITLE:

Student Honor Code and Student Conduct Code: Alternative Dispute Resolution

REGULATION NO.:

6C1-4.046

SUMMARY: Alternative dispute resolution is established as a tool for resolution under the Student Conduct Code through the Director of Student Conduct and Conflict Resolution, the Coordinator of Residential Judicial Programs or their designees. If a student participates in a method of alternative dispute resolution and successfully fulfills his or her obligations, the student's conduct record regarding the matter may be expunged within one year of completing the agreement as long as the student is responsible for no additional violations. The alternative dispute resolution methods available are mediation (student versus student conflict involving a violation), victim/offender (one party victimizes another and the offender takes responsibility) and restorative justice (identifiable harmed party and offender accepts responsibility). Generally, cases involving Student Honor Code violations, sexual assault, or other serious violations are not eligible for alternative dispute resolution.

AUTHORITY: BOG Resolution dated January 7, 2003.

COMMENTS CONCERNING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: Rebecca J. Holt, Administrative Assistant, 123 Tigert Hall, Post Office Box 113125, University of Florida, Gainesville, Florida 32611, 352-392-1358 office, 352-392-4387 facsimile, regulations@ufl.edu.

NAME OF PERSON WHO APPROVED THE PROPOSED REGULATION: Patricia Telles-Irvin, Vice President for Student Affairs.

THE FULL TEXT OF THE PROPOSED REGULATION IS ATTACHED TO THIS NOTICE.

REGULATIONS OF
UNIVERSITY OF FLORIDA

6C1-4.046 Student Honor Code and Student Conduct Code: Alternative Dispute Resolution.

(1) Consistent with the primary educational mission of the Student Conduct Code, including to establish community standards and procedures that promote an environment conducive to learning by upholding academic standards and by respecting community members, alternative dispute resolution provides an opportunity for individuals affected by violations or alleged violations of the Student Conduct Code to resolve disciplinary matters among themselves at the discretion of the Director of Student Conduct and Conflict Resolution, or the Coordinator of Residential Judicial Programs, or his or her designee. A student who participates in a method of alternative dispute resolution and successfully fulfill his or her obligations may, upon completion of the obligations, have his or her student conduct record regarding the matter expunged at the discretion of the Director of Student Conduct and Conflict Resolution or designee within one year of completing his or her agreement as long as the student is responsible for no further violations of the Student Conduct Code. Alternative Dispute Resolution may be used in the conduct process in the following ways:

(a) Mediation. In situations where there is a student versus student conflict that involves a Student Conduct Code violation or violations, the administrator hearing the case may at any time recommend the parties participate in a mediation. If as a result of the mediation, the parties reach an agreement and the agreement is fulfilled, the administrator may decide to forego the conduct process. Where an agreement is not reached or one party does not complete the agreement, the case will be referred back to the traditional conduct system.

(b) Victim/Offender Mediation. In situations where one party victimizes another and violations of the Student Conduct Code are involved, and the offender is accepting responsibility for his or her violation, in addition to other sanctions, the administrator hearing the case may refer the case to victim/offender mediation at any time in the process at the administrator's discretion, provided the victim is willing to meet with the offender. In less serious incidents involving victimization, the matter may be referred to victim/offender mediation provided both parties agree and the Director of Student Conduct and Conflict Resolution or the Coordinator of Residential Judicial Programs or his or her designee determines it is appropriate.

(c) Restorative Justice. In situations where there is an identifiable harmed party or community and the offender is accepting responsibility for his or her violation, the offender may be given the option of having the case referred to the restorative justice program. Restorative justice involves the following:

1. The offender describes his or her behavior and what he or she was thinking at the time of the behavior;
2. Harmed parties/community members describe how they were affected or harmed by the offender's behavior; and
3. The parties involved come together and agree on a way for the offender to repair any harm done and reintegrate into the community.
4. If an agreement is reached and complied with, students may be eligible to have their conduct records expunged within one year of completing their agreement provided there are no further violations of the Student Conduct Code during this time.
5. If there is no agreement or the agreement is not complied with, the offender is referred back to the traditional conduct process.

(2) Generally speaking, cases involving Student Honor Code violations, sexual assault, or serious violence are not eligible for alternative dispute resolution. Cases in which there is an identifiable harmed party or impact on the community are more likely to be referred to alternative dispute resolution. Cases that are simply violations of the Student Conduct Code and do not have any identifiable harmed party or community impact are not eligible for alternative dispute resolution.

Specific Authority: BOG Resolution dated January 7, 2003.

History: New _____.