

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: July 28, 2020

REGULATION TITLE:	REGULATION NO.:
Student Honor Code and Student Conduct Code	4.040

SUMMARY: In May 2020, the US Department of Education (ED) released its final Title IX sexual assault regulations, effective August 14, 2020. This proposed regulation amendment incorporates by reference the newly released Title IX regulations, and the University will respond to allegations of sexual misconduct consistent with Title IX's prohibition against sex discrimination in education programs and activities.

AUTHORITY: BOG Regulation 1.001

COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT 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 AMENDMENT IS: Stephanie M. Fisher, Legal Assistant II, 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 AMENDMENT: Dr. D'Andra Mull, Vice President for Student Affairs.

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

**REGULATIONS OF THE
UNIVERSITY OF FLORIDA**

4.040 Student Honor Code and Student Conduct Code.¹

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¹ As University regulations and their implementation are subject to applicable law, the University will comply with the Department of Education Regulation 34 C.F.R. § 106, Nondiscrimination on the Basis of Sex In Education Programs or Activities Receiving Federal Financial Assistance, as amended and effective August 14, 2020, also known as Title IX, 20 U.S.C. §§1681-1688 (2020). The University will respond to allegations of sexual misconduct consistent with Title IX's prohibition against sex discrimination in education programs and activities. Any provision in this University of Florida Regulation 4.040 "Student Honor Code and Student Conduct Code" that conflicts or is not compliant with Title IX will not apply to sexual misconduct cases governed by Title IX; instead, the University incorporates by reference all Title IX regulations and requirements of the Office for Civil Rights, Department of Education's Final Rule.

(1) Principles and Scope. Our educational mission is to enable our Students to lead and to influence the next generation and beyond for economic, cultural, and societal benefit. The University strives to protect and to guide the educational community by establishing a Student Honor Code, a Student Conduct Code, and a Student conduct system. These codes and systems promote individual and social responsibility and are enforced through University Regulations. By becoming a member of the University of Florida community, a Student agrees to adhere to its Student Honor Code and its Student Conduct Code. Students acting as individuals or as members of Student Organizations are expected to follow all applicable Laws and Regulations. University Regulations have been designed to promote the safety of people and the campus community, to create an environment conducive to learning, and to achieve the mission of the Institution.

(a) Principles. The University principles address our respect for people and property, for fairness, for Laws and Regulations, and for academic integrity. Nothing in this Regulation shall be interpreted to limit the constitutional or statutory rights of any Student, including but not limited to expressive rights protected by the First Amendment.

1. Respect for people and property. Students are encouraged both to conduct themselves in a manner that exemplifies respect for all people and property and to adhere to their personal values without imposing those on others.

2. Respect for fairness. Rules and established procedures are intended to ensure both fundamental fairness and an educational experience for Students and Student Organizations.

3. Respect for Laws and Regulations. Students and Student Organizations are expected to follow all applicable Laws and Regulations.

4. Respect for academic integrity. Academic honesty and integrity are fundamental values of the University. Students commit to holding themselves and their peers to the high standard of honor required by the Student Honor Code. Any Student who becomes aware of a

violation of the Student Honor Code is encouraged to report the violation to the appropriate University Official.

(b) Scope. Each Student and every Student Organization is required to abide by the Student Honor Code and the Student Conduct Code when on University-controlled property, at University sponsored events, or off campus in accordance with sections 3 and 4 of this Regulation.

The University disciplinary process is educational and designed to address Student behavior; therefore, the University will address any alleged violations of its Student Honor Code or its Student Conduct Code independently of any criminal or civil court process.

Unless otherwise noted, use of the term “Student” in this document applies both to the Student as an individual and to a Student Organization as a single entity, as applicable. The officers or the leaders of a particular Student Organization usually will be expected to represent the organization during the Student Conduct Process. A Student may be held responsible for their actions as an individual and as a member of a Student Organization.

Any question about how to interpret or apply the Student Conduct Code or Student Honor Code should be directed to the Dean of Students or designee.

(c) Off-Campus Conduct. The University may apply the Student Conduct Code and Student Honor Code to Students whose conduct may have an adverse impact on the health, safety, or welfare of people, property, the University Community, or the pursuit of its objectives, regardless of where such conduct occurs, even if off campus.

(2) Definitions. The following definitions are used solely for the purpose of this Regulation.

Accused Student	A Student who has been accused of a violation of the Student Conduct Code or the Student Honor Code.
Advisor	Any one person chosen by an Accused Student or a Reporting Person to assist them throughout the Student Conduct Process. Any Advisor serves at the Student's own

	<p>expense and initiative. A person may not serve in this capacity if their service would unreasonably conflict with the fair administration of the Student Conduct Process, as determined by the Director of Student Conduct and Conflict Resolution or designee. The University is not responsible for selecting an Advisor for any Student navigating the Student Conduct Process. It is the Student's responsibility to make appropriate arrangements for their Advisor to attend meetings, which will not be delayed due to scheduling conflicts of the chosen Advisor. The Advisor may be present to advise the Accused Student or the Reporting Person but cannot speak for the Student, present the Student's case, serve as a Witness, or otherwise participate directly in any meeting or Hearing.</p>
Appeal Authority	Any person or people authorized by the Student Conduct Code or Student Honor Code to determine the outcome of an appeal. No person may hear or decide an appeal if they conducted or participated in the disciplinary proceeding being reviewed on appeal.
Business Days	Any weekday Monday through Friday during which University of Florida is in operation. Business Days do not include University holidays and closures.
Chair	The member of the Conduct Committee who acts as the chairperson of the Hearing and leads Hearing deliberations. The Conduct Committee Advisor selects the Chair from the Hearing Body.
Charge(s)	A potential violation of the Student Conduct Code or the Student Honor Code.
Coercion	<p>Measured by a reasonable person standard, an attempt to cause another person to act or to think in a certain way by use of force, threats, or intimidation. Examples of Coercion include but are not limited to:</p> <ul style="list-style-type: none"> • Causing the deliberate Incapacitation of another person;

	<ul style="list-style-type: none"> • Requiring a person to submit to sexual acts to receive an academic benefit or an employment advantage; • Threatening to harm oneself if the other person does not engage in a sexual act; and • Threatening to disclose a person's sexual orientation, gender identity, or other sensitive, personal information if the person does not engage in a sexual act.
Conduct Committee Advisor	<p>The Director of Student Conduct and Conflict Resolution or designee may convene a Conduct Committee and advise the Conduct Committee throughout the Hearing process on procedure, questioning, relevant information, policy, and Regulation. The Conduct Committee Advisor will review all information, Witnesses, and questions to advise the Conduct Committee on relevancy determinations. The Conduct Committee Advisor will make relevancy determinations, prior to the Hearing, on documents, exhibits, and Witnesses allowable in a Hearing. The Conduct Committee Advisor is not a member of the Conduct Committee. The Conduct Committee Advisor is present during committee deliberations but does not vote.</p>
Conflict Resolution	<p>Conflict Resolution services and education are available to Students both to aid them in resolving conflict productively and to develop their abilities to handle conflict effectively.</p>
Consent	<p>Consent is an act or statement that is knowing, freely given, and mutually understood to communicate a willingness to engage in the activity. It is the responsibility of each person involved in any sexual act to ensure that they have the Consent of the other(s).</p> <ul style="list-style-type: none"> • The existence of a dating or sexual relationship between the people involved, or the existence of a past sexual encounter, is not by itself an indication of Consent for any current or future sexual encounter.

	<ul style="list-style-type: none"> • Consent cannot be obtained by force, threat, Coercion, or by causing a reasonable fear of imminent injury. • For sexual activity to be consensual, Consent must be ongoing throughout the sexual encounter. A person can withdraw Consent at any time. Consent to one sexual act does not automatically constitute Consent to another sexual act. • A person withdraws Consent by clearly communicating withdrawal through words or actions. • Consent to engage in sexual activity with one person does not automatically constitute Consent to engage in sexual activity with another person. • Lack of protest or resistance, alone, is not Consent. • A person who is Incapacitated cannot give Consent.
Correspondence	<p>Written or electronic communication from the University sent to a Student. The University may use either the Student's UFL email address, if the Student is a current Student, or the physical address on file with the Registrar. Correspondence includes but is not limited to written or electronic communication from the Student through the Student's UFL email address.</p>
Educational Conversation About Behavior ("ECaB")	<p>A required meeting related to reported information, which is not investigatory in nature and does not result in Charges. This meeting is intended to address reported information that does not support initiating a formal conduct process but does require an educational discussion about the content of the Student Conduct Code and the expectations of the University community.</p>
Faculty	<p>Any person hired or appointed by the University to conduct classroom, teaching, or research activities.</p>
Hearing	<p>A proceeding through which a Hearing Body determines whether a Student is responsible or not responsible for Charges and imposes Sanctions if appropriate. A Hearing</p>

	Body conducts Hearings in accordance with the Student Conduct Code or the Student Honor Code.
Hearing Body	Any person or people authorized in the Student Conduct Code or the Student Honor Code to conduct Hearings, to make relevancy determinations during Hearings, to make findings after Hearings about whether a Student has violated the Student Conduct Code or the Student Honor Code, and to recommend or to issue Sanctions if appropriate.
Impaired	Impaired means a person's normal faculties are diminished in some material respect. Normal faculties include but are not limited to the ability to see, hear, walk, talk, judge distances, drive an automobile, make judgments, act in emergencies and, in general, to normally perform the many mental and physical acts of daily life.
Incapacitation/ Incapacitated	Incapacitation is a temporary or permanent state in which a person is physically or mentally unable to communicate a willful, voluntary, and knowing decision. A person can be incapacitated because of age, alcohol or drug consumption, being unconscious or asleep, a disability, or any other circumstance that prevents a Student from having the capacity to give Consent. For a person to be rendered Incapacitated by alcohol or drugs, the person must be so Impaired that they are unable to give Consent. This level of impairment must be obvious to a Reasonable person; it is not enough for a person to be merely under the influence of, or to have impaired judgment because of, alcohol or drugs.
Incident Review Committee (“IRC”)	The Director of Student Conduct and Conflict Resolution or designee may convene a committee to review a reported organizational incident or an allegation originating from one of the four Greek councils: the Interfraternity Council (IFC), the Multicultural Greek Council (MGC), the National Pan-Hellenic Council (NPHC), or the Panhellenic Council (PC). This committee gives perspective on whether sufficient information exists for a Reasonable Hearing Body to

	<p>determine if an accused Student Organization violated the Student Conduct Code. If such information exists, the Director of Student Conduct and Conflict Resolution or designee may issue Charges.</p> <p>Informed by the perspective of the IRC, the Director of Student Conduct and Conflict Resolution or designee will decide if an organizational Charge is appropriate.</p>
Intake Meeting	<p>An individual meeting between (1) the Director of Student Conduct and Conflict Resolution or designee and any person or people participating in the Student Conduct Process or (2) a Student Conduct Administrator and any person with whom the Student Conduct Administrator needs to discuss the details of a received report to decide which resolution options are appropriate. An Intake Meeting may occur at any point before or during the Student Conduct Process at the discretion of the Director of Student Conduct and Conflict Resolution or designee.</p>
Investigation	<p>The gathering of information related to a reported incident or allegation. Investigations may be conducted by Student Conduct and Conflict Resolution or by other investigatory units.</p>
Investigation Meeting	<p>A meeting that includes the opportunity for the Director of Student Conduct and Conflict Resolution or designee to interview people who may have information relevant to a potential Charge, to explain the Student Conduct Process, to explain the rights of Students, and to review of the nature of the allegation.</p>
Laws	<p>Any Laws, Regulations, codes, and ordinances, whether they originate from a Florida municipality or county, the State of Florida, the United States, or when in another state or country, the applicable Laws of that state or country.</p>
Preponderance of the Information	<p>The University's burden of proof for any disciplinary proceeding is preponderance of the evidence, but for the</p>

	<p>purpose of this Regulation it will be referred to as “Preponderance of the Information”. “Preponderance of the Information” means that the information presented by the University, as a whole, supports the finding that it is more likely than not that the charged violation occurred. In order to satisfy this burden, the University must present some information that would not be deemed inadmissible hearsay in a court of Law. This standard shall be used in resolving all Student Conduct or Student Honor Code cases under this Regulation.</p>
Reasonable	A term used as an objective standard for evaluating appropriateness. Having sound judgment; rational and sensible; not extreme or excessive. Referenced throughout section 4. Violations of the Student Conduct Code as “Reasonable person”, “Reasonable fear” and “Reasonable expectation of privacy”. This definition does not apply to reasonable accommodations.
Recording	Any recording in any medium using any technology. This includes but is not limited to visual recordings, such as photographs and videos, and audio recordings.
Regulations	University of Florida Regulations, policies, or rules.
Relationship Violence	Relationship Violence encompasses both dating and domestic violence. Dating violence is violence or a threat of harm between people who have or have had a relationship of a romantic or intimate nature, not living together in the same household. Domestic violence is violence or a threat of harm between family members or individuals living in the same household.
Reporting Person	Any person who has reported another person’s alleged violation of the Student Conduct Code. The Reporting Person is the person who files a report or on whose behalf a report is filed.
Sanction	A mandatory requirement established by the University, given to a Student who has accepted responsibility for, or

	whom a Hearing Body has found responsible for, a violation of the Student Conduct Code or the Student Honor Code.
Separation/Disaffiliation	A type of Sanction for a Student or a Student Organization that includes suspension, expulsion, or disaffiliation.
Student	Any person admitted, enrolled, or registered for any University Program, regardless of the medium of the program, or degree-seeking status, or when not enrolled or registered for a particular term, who is eligible to enroll in future terms without seeking readmission. For the purpose of this Regulation, the term “Student” is interchangeable with “Student Organization” when the term “Student Organization” is not directly specified.
Student Conduct Administrator	A person or administrative unit whose duties include the administration of the Student Conduct Code or the Student Honor Code process. Student Conduct Administrators are designated by the Dean of Students and may include staff members in Student Conduct and Conflict Resolution and in Housing and Residence Life Education.
Student Conduct Process	The processes outlined in this Regulation to resolve alleged violations of the Student Conduct Code and the Student Honor Code.
Student Organization	An association or group of persons that has complied with the formal requirements for University recognition or is in the formal process of obtaining recognition. For the purpose of this Regulation, the term “Student” is interchangeable with “Student Organization” when the term “Student Organization” is not directly specified.
Support Person	Any one person chosen to provide comfort and emotional support to an Accused Student or a Reporting Person throughout the Student Conduct Process. Any Support Person serves at the Student’s own expense and initiative. A person may not serve in this capacity if the Director of Student Conduct and Conflict Resolution or designee

	<p>determines that their service would unreasonably conflict with the fair administration of the Student Conduct Process.</p> <p>The University is not responsible for providing a Support Person for anyone navigating the Student Conduct Process. It is the Student's responsibility to make appropriate arrangements for their Support Person to attend meetings, which will not be delayed due to scheduling conflicts of the chosen Support Person. The Support Person may not serve as a secondary Advisor or a Witness, nor can the Support Person perform any other function except for providing comfort and emotional support to the Accused Student or the Reporting Person. The Support Person cannot speak for a Student, present the Student's case, or otherwise participate directly in any meeting or Hearing.</p>
University/Institution	The University of Florida.
University Activity or University Program	Any event, program, or activity that is hosted, sponsored, or organized by any University group, office, or organization. This definition applies only to this Regulation and not in any other context.
University Campus/Premises	All land, buildings, facilities, and other property the University possesses, owns, leases, operates, supervises, or controls, including adjacent streets and sidewalks.
University Community	University Officials, Faculty, other employees, Students, and other people who or entities that participate in any University Activity or University Program.
University Official	Any person the University employs, contracts, or appoints to perform assigned teaching, research, administrative, professional, or other responsibilities.
Witness	A Relevant Witness is a person with direct knowledge about or involvement in a reported incident or allegation. Relevant Witnesses may participate in person during the Student Conduct Process. Other Witnesses, including character Witnesses, may not participate in person during the Student

	Conduct Process but may submit statements pursuant to the submission guidelines outlined in the Student Rights section of this Regulation.
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(3) Violations of the Student Honor Code

The Honor Pledge: We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honesty and integrity by abiding by the Student Honor Code. On all work submitted for credit by Students at the University of Florida, the following pledge is either required or implied: "On my honor, I have neither given nor received unauthorized aid in doing this assignment."

- (a) Cheating. A Student cannot use unauthorized materials or resources in any academic activity for academic advantage or benefit. Cheating includes but is not limited to:
 - 1. Using any materials or resources prepared by another Student without the other Student's express Consent or without proper attribution to the other Student.
 - 2. Using any materials or resources, through any medium, which the Faculty has not given express permission to use and that may confer an academic benefit to the Student.
 - 3. Using additional time, or failing to stop working when instructed, on any time-bound academic activity.
 - 4. Failing to follow the directions of a proctor of any academic activity, when such conduct could lead to an academic advantage or benefit.
 - 5. Collaborating with another person, through any medium, on any academic activity, when Faculty has expressly prohibited collaboration.
- (b) Complicity in Violating the Student Honor Code. Attempting, aiding, encouraging, facilitating, abetting, conspiring to commit, hiring someone else to commit, giving or receiving bribes to secure, or being a participant (by act or omission) in any act prohibited by the Student Honor Code.
- (c) False or Misleading Information.

1. A Student must not make a false or misleading statement during the Investigation or resolution of an alleged Student Honor Code violation.

2. A Student must not make a false or misleading statement for the purpose of procuring an improper academic advantage for any Student.

3. A Student must not use or present fabricated information, falsified research, or other findings if the Student knows or reasonably should be aware that the information, research, or other finding is fabricated or falsified.

(d) Interference with an Academic Activity.

1. A Student must not take any action or take any material for the purpose of interfering with an academic activity, through any means over any medium.

2. A Student must not be disruptive to the testing environment or other academic activity.

(e) Plagiarism. A Student must not represent as the Student's own work all or any portion of the work of another. Plagiarism includes but is not limited to:

1. Stealing, misquoting, insufficiently paraphrasing, or patch-writing.

2. Self-plagiarism, which is the reuse of the Student's own submitted work, or the simultaneous submission of the Student's own work, without the full and clear acknowledgment and permission of the Faculty to whom it is submitted.

3. Submitting materials from any source without proper attribution.

4. Submitting a document, assignment, or material that, in whole or in part, is identical or substantially identical to a document or assignment the Student did not author.

(f) Submission of Academic Work Purchased or Obtained from an Outside Source. A Student must not submit as their own work any academic work in any form that the Student purchased or otherwise obtained from an outside source, including but not limited to: academic materials in any form prepared by a commercial or individual vendor of academic materials; a

collection of research papers, tests, or academic materials maintained by a Student Organization or other entity or person, or any other sources of academic work.

(g) Unauthorized Recordings. A Student must not, without express authorization from Faculty, make or receive any Recording, through any means over any medium, of any academic activity, including but not limited to a Recording of any class or of any meeting with Faculty. Students registered with the Disability Resource Center who are provided reasonable accommodations that include allowing such Recordings must inform Faculty before making such Recordings.

(h) Unauthorized Taking or Receipt of Materials or Resources to Gain an Improper Academic Advantage. A Student, independently or with another person or other people, must not without express authorization take, give, transmit, or receive materials, information, or resources in any manner, through any medium, for the purpose of gaining or providing an improper academic advantage to any Student.

(4) Violations of the Student Conduct Code.

(a) Alcoholic Beverages Violations.

1. Under-age possession or consumption. Possession or consumption of alcoholic beverages by a Student under 21 years old.

2. Distribution or sale of alcoholic beverages. Distribution or sale of an alcoholic beverage to any person under 21 years old.

3. Possession of common source containers. Unless explicitly approved in advance in writing by the Division of Student Affairs or Business Affairs for a particular occasion, a Student or Student Organization cannot possess or use of kegs, mini kegs, or other common source containers of alcoholic beverages, such as trash cans, tubs, or similar containers of alcohol, when such possession or use occurs on campus, in the housing of any University of Florida organization or group, or in connection with a University Activity.

4. Alcohol abuse. Regardless of the age of those involved, facilitating, arranging, or participating in any extreme alcohol consumption activity that constitutes, facilitates, or encourages competitive, rapid, or excessive consumption of alcohol when such activity occurs on campus, in the housing of any University of Florida organization or group, or in connection with a University Activity.

5. Any other violation of the Alcoholic Beverages Regulation, University of Florida Regulation 2.019.

(b) Complicity in Violating the Student Conduct Code. Attempting, aiding, encouraging, facilitating, abetting, conspiring to commit, hiring someone else to commit, giving or receiving bribes to secure, or being an accessory to any act prohibited by this Code.

(c) Disruptive Conduct. Conduct that is materially or substantially disruptive to the normal operations of the University, or that incites others to do so, in any of the following activities: teaching, research, administrative functions, disciplinary proceedings, other University Activities whether on or off campus, and other authorized activities that take place on campus. In evaluating whether conduct is materially or substantially disruptive, the University may consider the totality of factors, including but not limited to whether there was an intent to prevent the activity or event from continuing to completion and whether the conduct was a sustained and continuous disruption. Disruptive conduct does not include any conduct protected by the First Amendment. Examples of Disruptive Conduct include but are not limited to:

1. Disruption of University Officials in the performance of their work.
2. Disruption of a University Activity or event.
3. Disruption of a class or curricular activity. Classroom or other academic workplace behavior that interferes with either:

- a. the instructor's authority or ability to conduct the class or
- b. other Students' ability to benefit from the instructional program.

4. Conduct that is disorderly or a breach of the peace under Law.

5. Public intoxication, which is disrupting a University Activity while under the influence of alcohol or another mind-altering substance.

6. Interference with the rights of others to carry out their activities or duties at or on behalf of the University.

7. Violation of the Disruptive Behavior Regulation, University of Florida Regulation 1.008.

8. Violation of the Campus Demonstration Regulation, University of Florida Regulation 2.002.

(d) Driving under the influence of alcohol, drugs, or other mind-altering substance. Operation of a motor vehicle while Impaired by drugs, alcohol, or other mind-altering substance or while having an unlawful blood or breath alcohol level.

(e) Drug Violations.

1. Use, possession, manufacturing, distribution, or sale of a controlled substance that is prohibited by Law. Knowingly inhaling or ingesting substances that will alter a Student's mental state. Use of legal medication outside the parameters of the medical authorization. Possession or use of prescription medications not prescribed to the user.

2. Possession of drug paraphernalia.

(f) Endangering Behavior

1. Unwanted physical contact causing physical injury. Other conduct, including but not limited to Relationship Violence, which does or could endanger the health, safety, or welfare of any person or people, including oneself.

2. Interference with the freedom of movement of any member or guest of the University.

3. Stalking/cyberstalking, which is a course of conduct committed with the intent to kill, injure, harass or intimidate another person that either places the person in Reasonable fear of the death of, or serious bodily injury to, that person, an immediate family member, a spouse or

an intimate partner of that person; or causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to a person listed above.

(g) Failure to Comply with Directive. Failure to comply with a lawful directive of law enforcement or a University Official.

(h) Dangerous Chemicals. Possession of dangerous chemicals or use of any such items in a manner that harms, threatens, or reasonably causes fear to others, on University Property or at University sponsored events, with limited exceptions, is prohibited. Exceptions to this prohibition:

1. A sworn law enforcement officer may carry chemical spray.
2. Any person may carry chemical spray that is used solely for self-defense and is in a compact vessel that contains no more than two ounces of chemical.

(i) Fire Safety Violations.

1. Conduct that causes or attempts to cause a fire or explosion or possession or use of fireworks unless authorized by the University in advance in writing.
2. Tampering with fire safety equipment or failure to evacuate during a fire alarm on the University Premises or at any University Activity.

(j) Furnishing False Information. Furnishing false or misleading information to the University or to any University Official. This includes but is not limited to forging documents or other data, or omitting facts that are material to the purpose for which the information is submitted.

(k) Harassment. Threats, intimidation, Coercion, or any other conduct that places a Reasonable person in fear of physical harm, through words or actions, or objectively disrupts a person's daily activities, including education and employment. Harassment does not include conduct protected by the First Amendment.

(l) Hazing. Any action or series of actions that recklessly or intentionally endangers the mental health, physical health or safety of a Student for any purpose, including but not

limited to initiation into, admission into or affiliation with any Student group or organization.

Hazing occurs if a person or group:

1. Causes or attempts to cause physical injury or other harm to a Student, including but not limited to emotional distress, or engages in any conduct that presents a threat to the Student's health or safety. Hazing includes but is not limited to any physical brutality, such as whipping; beating; branding; exposure to the elements; forced consumption of any food, alcohol, drug or other substance; or other forced physical activity that could adversely affect the physical health, mental health or safety of any Student and any activity that would subject the Student to extreme mental stress, such as sleep deprivation, forced sexual conduct or forced exclusion from social contact.
2. Engages in an action or activity that has a tendency to or is intended to demean, disgrace, humiliate or degrade a Student. This includes but is not limited to forced conduct that could result in extreme embarrassment or servitude, or other forced activity that is considered hazing under Florida law and could adversely affect the mental health or dignity of the Student.
3. Conduct that by design, intent or recklessness causes a Student to be reasonably unable to pursue, interferes with, or attempts to interfere with a Student's academic schedule or performance; or
4. Causes, induces, pressures, coerces or requires a Student to violate the Law or any University of Florida Regulation.
5. In response to allegations of hazing under this Regulation, it is not a defense that:
 - a. The person harmed gave Consent to the conduct.
 - b. The conduct was not part of an official organizational event or sanctioned or approved by the organization.
 - c. The conduct was not done as a condition of membership in the organization.

(m) Invasion of Privacy and Unauthorized Recording.

1. Making, using, disclosing or distributing a Recording of a person in a location or situation in which that person has a Reasonable expectation of privacy and is unaware of the Recording or does not Consent to it; and any other conduct that constitutes an invasion of the privacy of another person under applicable Laws and Regulations. Such conduct includes, without limitation, unauthorized Recording of personal conversations, images, meetings or activities.

2. Unauthorized Recording of a class or of organizational or University meetings, where there exists a legal expectation of privacy, and any use, disclosure, or distribution of any such Recording.

3. Engaging in acts of voyeurism, peeping, spying, or recording another in any location where a Reasonable expectation of privacy exists.

4. Any notice, Consent or other requirement under applicable Laws and Regulations must be fulfilled in connection with authorizing, making, using, disclosing or distributing any Recording, where there is a legal expectation of privacy.

5. Refer also to University Regulation 1.006(4) Non-Discrimination/Harassment/Invasion of Privacy Regulation which governs all University personnel including Students.

(n) Misuse or Unauthorized Possession or Use of Public or Private Property.

1. Theft, misuse, taking or unauthorized use or possession of public or private property or unauthorized use or acquisition of services.

2. Destroying, damaging or littering of any property. Conduct that destroys, damages or litters any property of the University or any property of a person or group.

3. Misuse of the identification number or card issued to a Student through alteration, forgery or duplication, or through use of an identification card that has not been issued to the user. It is also a violation to grant or authorize use by a third party of one's own identification

number or card for any purpose except to obtain Student block seating in accordance with University Athletic Association procedures for Student block seating.

4. Unauthorized sale of Student tickets. Unauthorized sale or purchase of Student tickets on University Campus to any University of Florida function or event.

5. Use or possession of fake identification materials, including the use of another person's government issued identification.

(o) Misuse or Unauthorized Use of University Computer Resources.

1. Any action without authorization from the University that does, or causes a person to, access, use, modify, destroy, disclose or take data, programs or supporting documentation residing in or relating in any way to a University of Florida computer, computer system or computer network or causes the denial of computer system services to an authorized user of such system.

2. Unauthorized downloading or facilitating others to download copyrighted music and films without authorization.

3. Any other violation of the Policies on Information Technology and Security Regulation, University of Florida Regulation 1.0102 or any policy referenced through that Regulation.

4. The use of the University's computer resources to violate any Laws or Regulations or Board of Governors' Regulation.

(p) Obstruction of the University Conduct Process. Interference with or obstruction of the Student Conduct Process, by any means and through any medium, including but not limited to the following:

1. Knowingly filing a false report that a violation was committed.

2. Falsification, distortion or misrepresentation of information before a Hearing

Body.

3. Disruption or interference with the orderly conduct of a Hearing or meeting as outlined in this Regulation.

4. Attempting to influence the impartiality of a Hearing Body prior to, or during the course of, a Student Conduct Process

5. Harassment or intimidation of a Hearing Body, and/or participant, prior to, during or after a Hearing or meeting as outlined in this Regulation.

6. Influencing or attempting to influence another person to commit an obstruction of the Student Conduct Process.

(q) Public indecency. Examples include but are not limited to public urination and exposure of sexual organs. Breastfeeding a child is not public indecency and does not violate this Regulation.

(r) Sexual Misconduct.

1. Sexual violence: any sexual act perpetrated against a person's will, including but not limited to the use of physical force or threats, or in circumstances in which the person is unable, due to Incapacitation, to give Consent. Acts falling into the category of sexual violence include but are not limited to nonconsensual sexual intercourse.

2. Nonconsensual intimate touching: any unwelcome intentional intimate touching of another, which does not constitute sexual violence, without the Consent of the other person or in circumstances in which the person is unable, due to Incapacitation, to give Consent.

3. Sexual harassment: unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature directed at a person that places another person in Reasonable fear of physical harm, or objectively disrupts employment, education, research, living or other activities.

(s) Unauthorized Entry to University Facilities. Unauthorized access or entry to University property, buildings, structures or facilities. Unauthorized possession, duplication or use of keys or access cards for any such University property.

(t) Violation of Law. Violation of any municipal or county ordinance, any Law, Regulation, or requirement of the State of Florida, the United States or, when in another state or country, that state or country. For example:

1. Florida Statute 790.115 Possessing or discharging weapons or firearms at a school-sponsored event or on school property prohibited; penalties; exceptions.

2. Florida Statute 1004.097 Free expression on campus.

(u) Violation of University Policy. Violation of any Regulation or policy of the University of Florida, the Florida Board of Governors or the State of Florida including, but not limited to the University of Florida, Department of Housing and Residence Life Education Community Standards.

(5) Student Rights

(a) Accused Student Rights. Any Accused Student or Student Organization will be afforded the following rights throughout the University conduct process. Any Student may also be given the opportunity to waive specific rights, in writing, to expedite the resolution process if appropriate as determined by the Director of Student Conduct and Conflict Resolution or designee. Accused Students have the right to:

1. Access and review all relevant University of Florida policies and procedures related to the Student Honor Code or Student Conduct Code.

2. Written notification in Correspondence of any Charges resulting from an alleged violation of the Student Honor Code or the Student Conduct Code.

3. Privacy of their student education records, except to the extent permitted or required by Law.

4. Have an Advisor and/or Support Person present during any meeting with Student Conduct and Conflict Resolution. A Student who chooses to have an Advisor and/or Support Person present during any meeting, must provide the identity of the person(s) and the appropriate

signed privacy waiver(s) to the Director of Student Conduct and Conflict Resolution or designee at least two (2) Business Days in advance.

5. A Hearing to determine responsibility of any alleged violations of the Student Honor Code or the Student Conduct Code. A single postponement request for the Hearing for up to thirty (30) calendar days may be submitted to Student Conduct and Conflict Resolution if a legal case resulting from the same incident is pending.

6. Decline to answer any questions or provide self-incriminating information to the Hearing Body at any point during the resolution process. Accused Students may also elect not to participate in a Hearing with the understanding that a decision, including any appropriate Sanctions, will be made using the information available at the time of the Hearing in their absence.

7. An opportunity to ask staff member(s) in Student Conduct and Conflict Resolution questions regarding the conduct process, and have those questions answered to the extent that staff is permitted and able.

8. Provide and review appropriate information, including any potential Witnesses that could be used in the decision-making process to Student Conduct and Conflict Resolution.

a. All information must be provided to Student Conduct and Conflict Resolution by 5:00 p.m. at least eight (8) Business Days before the scheduled Hearing. No new information, including potential Witnesses, will be accepted for consideration after this date, absent the express written permission of the Director of SCCR or designee.

b. An Accused Student and their Advisor, if any, have the right to inspect the case file at least five (5) Business Days before the scheduled Hearing.

9. Have all information, including any potential Witnesses, that could be used in the decision-making process reviewed preliminarily for relevance by Student Conduct and Conflict Resolution prior to the Hearing. The determination of relevance will rest with the Director of Student Conduct and Conflict Resolution or designee. Relevance decisions will be

communicated directly with the Accused Student, with rationale, in writing prior to the Hearing. Relevancy determinations regarding information directly related to the Reporting Person's character or prior conduct will also be communicated directly with the Reporting Person in the same manner. Relevancy determinations may be reversed or modified through an appeal to the Dean of Students or designee.

10. Participate in a Hearing, including provide information, listen to Witnesses and ask questions, through the Hearing Body, of Witnesses providing information during a Hearing.

11. Have a decision made based on the Preponderance of the Information standard.

12. Request reasonable accommodations if disabled, and in accordance with applicable Laws. Students in need of reasonable accommodations at any point during the conduct process due to a disability should contact the Disability Resource Center (DRC) as soon as possible.

13. Appeal a decision of a Hearing Body, in writing and in accordance with section (9) Appeals of this Regulation.

14. Request permission to participate via audio or live-video from another location, and/or participate in a manner that avoids direct contact with Reporting Persons and/or Witnesses as long as such participation does not infringe on the Accused Student's right to question the Reporting Person or Witnesses during the Hearing or infringe on the University's implementation of the conduct process.

15. Provide a written impact statement to the Conduct Committee Advisor before the start of a Hearing to be considered if Sanctions are to be issued.

16. Have any University status remain unchanged pending a final outcome through the conduct process; except in cases involving a threat or serious potential threat to the health, safety, or welfare of the University Community or University property, as outlined in section (11) Interim Restrictions of this Regulation.

17. Be notified of the final outcome of the case.

18. To select a Hearing Body as outlined in section (6) (g) 2 c Process. In cases involving Sexual Misconduct violations, if the Reporting Person and Accused Student disagree on the type of Hearing Body, the Hearing Body will be a University Officials Board. Reporting Person Rights.

(b) Any Reporting Person will be afforded the following rights throughout the University conduct process. Reporting Persons have the right to:

1. Participate individually in an Intake Meeting with a Student Conduct Administrator to review the allegations, the Charges, possible Sanctions, Reporting Person rights and explain the Student conduct process, and any available forms of resolution. Reasonable efforts will be made to hold this Intake Meeting at least ten (10) Business Days before any scheduled Hearing.

2. Ask staff member(s) in Student Conduct and Conflict Resolution questions regarding the conduct process, and have those questions answered to the extent that staff is permitted and able.

3. Provide appropriate information, including any potential Witnesses that could be used in the decision-making process to Student Conduct and Conflict Resolution.

a. All information must be provided to Student Conduct and Conflict Resolution by 5:00 p.m. at least eight (8) Business Days prior to the scheduled Hearing. No new information, including potential Witnesses, will be accepted for consideration after this date, absent the express written permission of the Director of SCCR or designee.

b. Reporting Person and their Advisor have the right to review the Reporting Person's own written statement, and their own submitted information at least five (5) Business Days prior the scheduled Hearing. A Reporting Person will not have access to review the entire case file.

c. Have all information directly related to the Reporting Person's character or prior conduct, including any potential Witnesses, that could be used in the decision-making process

reviewed preliminarily for relevance by Student Conduct and Conflict Resolution before the Hearing. Relevance decisions will be communicated directly to the Reporting Person and Accused Student, with rationale, in writing before the Hearing. Relevancy determinations may be reversed or modified through an appeal to the Dean of Students or designee.

4. To participate in a Hearing and have an Advisor and/or Support Person present during any Hearing or meeting. Participation may include providing information, providing Witnesses to present relevant information and/or submitting questions to be asked of the Accused Student and Witnesses, by the Hearing Body. A Student who chooses to have an Advisor and/or Support Person present during any meeting, must provide the identity of the person(s) to the Director of Student Conduct and Conflict Resolution or designee at least two (2) Business Days in advance, and provide the appropriate executed privacy waiver(s) during this notification.

5. To be notified of any recommendations of a Hearing Body, and the final outcome of the case.

6. To appeal on the same grounds as the Accused Student, as outlined in section (9) Appeals of this Regulation.

7. To review the Hearing Body selection of the Accused Student as outlined in section (6) (g) 2 c Process. In cases involving Sexual Misconduct violations, if the Reporting Person does not agree with the Hearing Body selected by the Accused Student, the Hearing Body will be a University Officials Board.

8. To request permission to participate via audio or live-video from another location, and/or participate in a manner that avoids direct contact with the Accused Student and/or Witnesses as long as such participation does not infringe on the Accused Student's right to question the Reporting Person or Witnesses during the Hearing or infringe on the University's implementation of the conduct process.

9. Decline to answer any questions or provide self-incriminating information to the Hearing Body at any point during the resolution process.

10. To provide a written impact statement to the Conduct Committee Advisor before the start of a Hearing. In the event that the Accused Student accepts responsibility, or is recommended or found responsible, the impact statement would then be provided to the Hearing Body to be considered in recommending or issuing Sanctions.

(6) Process.

(a) Hearing Bodies. Any specific procedures used by Hearing Bodies will comply with the requirements of the Student Conduct Code and Student Honor Code. Hearing Bodies are selected annually, with the approval of the Vice President for Student Affairs, and receive training from the Office of Student Conduct and Conflict Resolution.

1. The Director of Student Conduct and Conflict Resolution (and designee(s)) may conduct Hearings.

2. Individual Hearing Officers (IHO) designated by the Dean of Students may conduct Hearings.

3. The Dean of Students may appoint an Individual Hearing Officer who is not an employee of the University, with the approval of the Vice President for Student Affairs. This is an administrative decision of the University and not a specific choice a Student may select during an Information Meeting.

4. The Dean of Students and Associate Dean(s) of Students may conduct both informal and formal Hearings.

5. The Student Conduct Committee (SCC) may conduct formal Hearings. Student Conduct Committees are composed minimally of three (3) members and at maximum five (5) members, consisting of Faculty, staff and Students. Student Conduct Committees are selected by the Director of Student Conduct and Conflict Resolution or designee and at least one-half of the

committee must be Students regardless of committee size. The Director of Student Conduct and Conflict Resolution will designate a Conduct Committee Advisor for each Hearing.

6. A University Officials Board (UOB) may conduct Hearings. A UOB is composed of three (3) Faculty or staff members selected by the Director of Student Conduct and Conflict Resolution or designee. The Director of Student Conduct and Conflict Resolution will designate a Conduct Committee Advisor for each Hearing.

7. Health Science Conduct Committee (HSCC) may conduct formal Hearings. HSCCs will resolve alleged violations of the Student Honor Code and violations of the Health Insurance Portability and Accountability (HIPAA) or any other applicable Law concerning patient privacy within the Health Science Center colleges. Health Science Conduct Committees are composed minimally of three (3) members, with one (1) member being a representative from a Health Science college, and at maximum five (5) members, with three (3) members of a Health Science Conduct Committee are representatives from Health Science colleges. Student Conduct Committees are selected by the Director of Student Conduct and Conflict Resolution or designee and at least one-half of the committee must be Students regardless of committee size, other members will be Faculty/University Officials. The Director of Student Conduct and Conflict Resolution will designate a Conduct Committee Advisor for each Hearing.

8. Greek Conduct Committee may conduct formal Hearings. Greek Conduct Committees are convened for the purposes of Hearing cases involving an organization that is a member of the IFC, the MGC, the NPHC, or the PC. Greek Conduct Committees are composed minimally of three (3) members: the Executive Vice President from the council of which the accused chapter is a member, a Student from any of the four councils, and a Faculty/staff member. At maximum Greek Conduct Committees are composed of five (5) members: the Executive Vice President from the council of which the accused chapter is a member, two (2) Students from the same council as the accused organization, one (1) Student from one of the

other three councils, and one (1) Faculty/staff member. The Director of Student Conduct and Conflict Resolution will designate a Conduct Committee Advisor for each Hearing.

9. Law School Honor Committee may conduct formal Hearings only as outlined in Regulation 4.0434. The Law School Honor System is separate from the resolution procedures outlined herein, and only applies to Student Honor Code violations within the Levin College of Law as outlined in 4.0434.

10. Housing and Residence Life Education staff members may serve as Student Conduct Administrators, Conduct Committee members, University Officials Board members, and Individual Hearing Officers, as designees of the Dean of Students. The Office of Conduct and Community Standards in Housing and Residence Life Education will designate these Student Conduct Administrators and Individual Hearing Officers annually.

(b) Reporting.

Any person or entity may submit information in the following ways:

1. Filing a police report with the University of Florida Police Department or by requesting another law enforcement agency police report be sent to the University of Florida Police Department and forwarded to Student Conduct and Conflict Resolution.

2. Providing a written narrative to Student Conduct and Conflict Resolution or the Office of Conduct and Community Standards in Housing and Residence Life Education, or providing a written statement through a secure University reporting function.

3. Reporting information directly to the Office of Title IX Compliance and selecting to have a final report from the Office of Title IX Compliance sent to Student Conduct and Conflict Resolution for review.

(c) Time Limits.

1. Student Conduct Code.

a. No Student may be Charged with a violation of the Student Conduct Code more than one (1) year after the alleged violation occurred, absent extenuating circumstances.

b. In extenuating circumstances, the Dean of Students or designee has the sole discretion to extend this time period.

2. Student Honor Code.

a. Reports must be made to Student Conduct and Conflict Resolution before submission of a final grade for the course.

b. In extenuating circumstances, the Dean of Students or designee has discretion to extend this time period. For example: the matter is not brought to the attention of the Faculty member until after grades are submitted.

(d) Investigation. Investigations may be conducted as needed and within the following guidelines:

1. In any case involving alleged sexual misconduct, relationship violence or stalking, an Investigation will be conducted by the Office of Title IX Compliance at the direction of the Title IX Coordinator.

2. The Director of Student Conduct and Conflict Resolution or designee may conduct an Investigation or convene a group of one or more campus partners to conduct an Investigation. Correspondence will be sent to a Student(s) requesting participation in an Investigation Meeting(s). An Investigation may be conducted with others as related to the incident or report.

3. Housing and Residence Life Education staff may conduct Investigations for incidents that occur within housing, or may conduct other Investigations at the designation of the Director of Student Conduct and Conflict Resolution. Correspondence will be sent to a Student requesting participation in an Investigation Meeting(s). An Investigation may be conducted with others as related to the incident or report.

4. The Director of Student Conduct and Conflict Resolution may request the University of Florida Police Department conduct an Investigation of a Student Organization.

(e) Charging. After reviewing the information gathered during the Investigation, the Director of Student Conduct and Conflict Resolution or designee will determine if sufficient information exists for a reasonable Hearing Body to determine a violation(s) of the Student Conduct Code or Student Honor Code was committed by the accused Student. If this standard is met, then Charges may be issued.

The Director of Student Conduct and Conflict Resolution or designee may convene, at their discretion, a committee, including, but not limited to the Incident Review Committee, for evaluation of the information before making a charging decision related to allegations involving Student Organizations.

Nothing in this Regulation prevents the disposition of an allegation through educational meeting, Conflict Resolution, administratively by written agreement with mutual Consent of the Reporting Person and the Accused Student(s) involved. Such disposition, if utilized, must be consistent with all Laws and Regulations. Such disposition is at the discretion of the Director of Student Conduct and Conflict Resolution and is final.

If an allegation is not handled through other appropriate channels, is not dismissed, or is not resolved informally as described above, then the Director of Student Conduct and Conflict Resolution or designee may issue a notice of Charges to the Accused Student(s) through Correspondence.

(f) Notice. Written notice sent in Correspondence to a Student will include:

1. Notice of Charges will include specific Student Conduct Code or Student Honor Code Charges, brief description of the allegation, where to review the Student Rights and an invitation to attend an Information Meeting. A Student issued a Notice of Charges for an alleged Student Honor Code violation will not be permitted to drop or withdraw from the course and will have a temporary grade of "Incomplete" issued until the final resolution of the case.

2. The Office of Student Conduct and Conflict Resolution will use reasonable efforts to provide the Notice of Hearing ten (10) Business Days before the scheduled Hearing, unless

waived by an Accused Student on forms provided by the Office of Student Conduct and Conflict Resolution. Absent emergency circumstances, or waiver by an Accused Student, the Notice of Hearing will be provided at least five (5) Business Days before the schedule Hearing. This notice will include finalized Student Conduct Code or Student Honor Code Charges, a brief description of the allegation, where to review the Student Rights, and the date, time and location for a Hearing. Hearings will be scheduled at the convenience of the Hearing Body.

(g) Resolution Processes.

1. Student Honor Code.

a. Information meeting. This is an individual meeting between a Student and a Student Conduct Administrator after a Charge letter has been sent. The meeting consists of reviewing a Student's rights in the conduct process, reviewing the Charges, and affords the Student the opportunity to choose "Responsible" or "Not Responsible" to the Charges, and "Agree" or "Do Not Agree" to Sanctions proposed by the Faculty. These decisions determine the next course of action in the Student conduct process, resolution choices will be made during the information meeting. Charges may be adjusted by a Student Conduct Administrator during this meeting, prior to a Student selecting "responsible" or "not responsible."

b. Hearing.

i. If an Accused Student chooses "Not Responsible" to Charges or "Do Not Agree" with proposed Sanctions on a first time Student Honor Code allegation, a Hearing is required. If the allegation is a second Student Honor Code violation, the case must be resolved by Hearing, even if the Student is willing to accept responsibility for the Charges and accept the proposed Sanctions. The Faculty member involved may choose to participate in the Hearing as a Reporting Person or as a Witness.

ii. Student Honor Code allegations being resolved by a Hearing, will be heard by a Student Conduct Committee, except;

iii. Student Honor Code allegations stemming from a Health Science Center college course where the Accused Student is majoring in a Health Sciences Program, then the case will be heard by the Health Science Conduct Committee.

2. Student Conduct Code.

a. Information meeting.

i. This is an individual meeting between an Accused Student and a Student Conduct Administrator after a Charge letter has been sent. The meeting consists of reviewing a Student's rights in the conduct process, reviewing the Charges, potential outcomes (including possible Sanctions), and affords the Student the opportunity to choose "Responsible" or "Not Responsible" to the Charges, which determines the next course of action in the Student Conduct Process. Charges may be adjusted by a Student Conduct Administrator during this meeting, prior to a Student selecting "Responsible" or "Not Responsible."

ii. A Reporting Person may be invited to an individual Intake Meeting with a Student Conduct Administrator. This meeting may consist of reviewing a Student's rights in the conduct process, reviewing the Charges, potential outcomes (including possible Sanctions), and any forms of resolution available.

b. Administrative review / shared governance.

i. If an individual Student has accepted responsibility for the Charges and the potential outcome would not be Separation, then a Student may be offered the option of an administrative review with a Student Conduct Administrator. This meeting is educational in nature, allows the Student to share their perspective of the incident, discuss circumstances of the case, as well as educating the Student on ways to repair any harm and return to good standing in the University Community. This meeting informs the Student Conduct Administrator's sanctioning decision, which will be communicated in Correspondence. Witnesses are not called, but a Student Conduct Administrator may seek additional information as needed.

ii. For Student Organizations, shared governance may be offered if a Student Organization has accepted responsibility for the alleged behavior and the potential outcome would not result in the organization's Separation from the Institution. Additionally, to be eligible, at least two full academic semesters must have concluded, since the end of a semester where a shared governance resolution was issued.

- This meeting is educational in nature and is a way of supporting an organization's internal accountability, collaboration between multiple vested entities, and shared responsibility for the success of our University Community.
- Organizations participating in shared governance will be asked to complete a full internal Investigation, provide documentation showcasing action steps that have been taken to respond to the incident, and the plans the organization has to implement longer term education to avoid similar incidents in the future, which will be provided to the Student Conduct Administrator.
- This information informs the Student Conduct Administrator's issued outcomes and potential Sanctions which will be communicated in Correspondence.

c. Hearings.

i. If an Accused Student chooses "Not Responsible" to Charges, or regardless of accepting or denying responsibility for Charges, if Separation is a potential outcome, a Hearing is required. The Director of Student Conduct and Conflict Resolution or designee would determine if a case could result in Separation.

- Cases that may not result in Separation, a Student may select:
 - An Individual Hearing Officer Hearing, or
 - A Student Conduct Committee Hearing
- Cases that could result in Separation, a Student may select:
 - A University Officials Board, or
 - A Student Conduct Committee Hearing

- Cases originating from one of the four Greek councils (IFC, MGC, NPHC, PC): If the organization is not eligible, as defined above, for a Shared Governance resolution, the case will be resolved through the Greek Conduct Committee.

(h) Hearing Guidelines.

1. All Hearings will be decided by a majority vote, using the Preponderance of the Information standard.

2. The University, not the Accused Student, has the burden of proof in a disciplinary proceeding. The burden of proof is the Preponderance of the Information. The Hearing Body will evaluate the weight given to information and the credibility of Witnesses.

3. The formal rules of evidence governing criminal and civil court are not applied in Student Conduct Code and Student Honor Code proceedings.

4. The facts of the case will be determined during deliberation after the close of the Hearing, by the Hearing Body. The decision of responsible or not responsible on the Charges will be based solely on the information presented at a Hearing.

5. Pertinent records, reports, exhibits and/or written statements may be accepted as information for consideration in the disciplinary proceeding. Any records, reports, exhibits and/or written statements will be reviewed for relevance by the Conduct Committee Advisor and outlined in section (5) Student Rights. Any of the above information that was preliminarily excluded as not relevant by the Conduct Committee Advisor may be resubmitted for consideration through an appeal as outlined in section (5) Student Rights. The Conduct Committee will consider all relevant information during the Hearing.

6. Hearings will be audio recorded. This is the only Recording allowed and is the sole property of the University. Recording failures will not require a delay or affect the validity of a Hearing.

7. Only relevant past behavior of a Student will be allowed at the Hearing.

8. In instances of alleged sexual misconduct, past sexual history of the Reporting Person and Accused Student is not allowed, unless deemed relevant by the Conduct Committee Advisor or through an appeal as outlined in section (5) Student Rights.

9. An Accused Student and Reporting Person will have the opportunity to present relevant information.

10. Witnesses.

a. In addition to Witnesses invited by the University, if any, Reporting Persons and Accused Students participating in the Hearing may arrange for Witnesses to voluntarily present relevant information during the Hearing. The Chair of the Conduct Committee will facilitate the questioning of Witnesses. Witnesses at Hearings will not be sworn in. Each Witness will be told that they are required to tell the truth. A Student giving untrue testimony at a Hearing may be subject to Student conduct Charges. Questions will be reviewed and may be disallowed by the Hearing Body, or Conduct Committee Advisor preliminarily, if deemed not relevant.

b. Failure of a Witness to participate in a Hearing, does not invalidate the Hearing. The inability of the Accused Student or Reporting Person to question a Witness who has provided only a written statement, is not a violation of rights under this Regulation when, during the hearing, both the Accused Student and the Reporting Person have the opportunity to hear and respond to written statements read aloud and may offer information to rebut Witness statements and other information presented at the Hearing. During the Hearing, all Witness statements considered by the Hearing Body will be read into the record and the Reporting Person and Accused Student will have an opportunity to respond.

11. A Student or Witness may choose not to answer any and all questions posed by a Hearing Body.

12. An Accused Student or Reporting Person may submit a challenge to the impartiality of an Individual Hearing Officer, in writing with the basis of the challenge, to the Dean of Students or designee within three (3) Business Days of notification. If a challenge is not

received within the allotted three (3) Business Days, the assigned Individual Hearing Officer will remain as scheduled. Decisions on challenges by the Dean of Students or designee is final and not subject to appeal.

13. All Hearings will be conducted in private. Hearing Bodies in training, or other University employees may be permitted to observe a Hearing at the discretion of the Director of Student Conduct and Conflict Resolution or designee.

14. The following is a guide to the format of a Hearing. The Hearing Body may question the Reporting Person, Accused Student and Witnesses directly. This format may be altered at the discretion of the Hearing Body or the Conduct Committee Advisor.

- a. Review Hearing procedures
- b. Review of the Charges
- c. Introductory statement(s) of Accused Student and Reporting Person as applicable

Questioning of Witnesses

- d. Presentation of information by the Reporting Person and questioning of the Reporting Person (as applicable)
- e. Presentation of information by the Accused Student and questioning of the Accused Student
- f. Closing statements
- g. Deliberation (not recorded)
- h. The Hearing Body may share verbally to the Student(s) its recommendations or findings as applicable

15. Prior records of Student conduct action and impact statements are considered by the Hearing Body only in the Sanctioning phase of deliberations and will not be used in determining responsibility.

16. In cases involving multiple Students Charged, information provided at one Hearing may be used in the related case(s), so long as all other procedural requirements contained within this Regulation are satisfied.

(i) Hearing Decisions.

1. Individual Hearing Officers make a decision on responsibility for each Charge as well as determine Sanctions as applicable. The outcome of an Individual Hearing Officer Hearing will be communicated in writing, through Correspondence, to the Accused Student and the Reporting Person within a reasonable period of time and will include applicable appeal information.

2. University Officials Board and Conduct Committees make a recommendation of “responsible” or “not responsible” for each separate Charge and recommend Sanctions as applicable to the Dean of Students or designee.

a. The Dean of Students or designee will review the recommendations of the applicable Hearing Body, and will then make a decision as to the Charges(s) in question which may consist of adopting the recommendation of responsible or not responsible, remanding the matter for rehearing, or reconvening of the same Hearing Body with considerations for additional fact finding.

b. The Dean of Students or designee will review the recommended Sanctions, as applicable, and will then make a decision which may consist of adopting or modifying, the recommended Sanctions of the Hearing Body.

c. Any differences between the recommendation arising out of the Hearing Body and the Dean of Students or designee’s decision will be communicated in the outcome with rationale.

d. The outcome of a Hearing will be communicated in writing, through Correspondence, to the Accused Student and the Reporting Person within a reasonable period of time and include applicable appeal information.

(7) Sanctions. Students/Student Organizations found responsible for violating the Student Honor Code or the Student Conduct Code will be subject to Sanctions appropriate for the violation(s), with consideration of any mitigating circumstances; including but not limited to the Student's/Student Organization's previous conduct record. Sanctions include any combination of the following outcomes dependent on the violation itself:

For a violation(s) of the Student Honor Code, a Student/Student Organization will receive one or more of the following academic Sanctions, in addition to any appropriate status and educational Sanctions. For a violation(s) of the Student Conduct Code, a Student/Student Organization will receive one or more of the following appropriate status and educational Sanctions:

(a) Academic Sanctions: outcomes that impact official University of Florida course grades where violation(s) under the Student Honor Code have occurred.

1. Assignment grade penalty with resubmission: A point/grade reduction on the assignment/assessment in question, and with the permission of the Faculty member, an opportunity to resubmit the assignment/assessment with the addition of the implemented point/grade reduction.

2. Assignment grade penalty: A point/grade reduction on the assignment/assessment in question.

3. Course grade penalty with drop: A point/grade reduction for the entire course. However, the Student will be permitted to drop or withdraw the course with approval from the Director of Student Conduct and Conflict Resolution or designee. Requests for drop consideration must be submitted in writing with rationale to the Director of Student Conduct and Conflict Resolution or designee, where the final approval rests and is not eligible for independent appeal outside of the formal conduct appeal process.

4. Course grade penalty: A point/grade reduction for the entire course. There will be no ability to drop or withdraw from the course for any reason.

(b) Status Sanctions: outcomes that impact a Student's/Student Organization's standing with the University of Florida, including any privileges associated with being a University of Florida Student/Student Organization, which could also include the ability to be a University of Florida Student/Student Organization.

1. Written reprimand: Official notice and recognition that the behavior of a Student/Student Organization has violated the Student Honor Code and/or the Student Conduct Code.

2. Conduct review: An official notice that the Student/Student Organization conduct has violated the Student Honor Code and/or the Student Conduct Code, but is not sufficiently serious to warrant expulsion, suspension or probation. A Student/Student Organization on conduct review shall have their conduct under review for a specified period of time. This Sanction may require regular meetings with an appropriate official to ascertain and evaluate compliance with rules. Additional restrictions or conditions also may be imposed, depending on the nature and seriousness of the misconduct. Students/Student Organizations placed on this Sanction remain in good standing with the University. If there is a finding of responsibility for subsequent violations of the rules during this period of time, more severe Sanctions may be administered.

3. Probation: A period of time where a Student/Student Organization is deemed not in good standing with the University of Florida. Should the Student/Student Organization be found responsible for any additional violations of University policy or fail to complete any assigned Sanctions by the assigned deadline(s), they will be subject to additional Sanctions; including but not limited to increased status Sanctions. Probation can also include the loss of specific University privileges as deemed appropriate by the Hearing authority. Determination of whether a Student may represent the University as a Student athlete will be made by the University Athletic Association.

4. Loss of University privileges: Loss of University privileges can include but is not limited to: Attendance at athletic functions, holding leadership positions within Student Organizations as defined by Student Activities and Involvement or individual Student Organization by-Laws/constitutions, representing the University in any extracurricular activity or official function, study abroad, unrestricted University facility use, parking privileges, University computer usage, loss of social/philanthropy activities, ability to participate in intramurals, ability to reserve space for meetings/events on-campus, loss of block seating, ineligibility to receive future Institutional funding.

5. Deferred suspension: Deferred suspension from the University of Florida is a period of review where the Student/Student Organization is not in good standing with the University and must demonstrate an ability to comply with University rules, Regulations, and all other stipulated requirements; which includes a loss of University privileges. If, during the period of the deferred suspension, the Student/Student Organization is found responsible for any additional violations of University policy or fails to complete any assigned Sanctions by the assigned deadline(s), the Student/Student Organization may be immediately suspended from the University for a minimum of one semester and until any outstanding Sanctions are complete.

6. Suspension: The Student/Student Organization will be separated from the University for a specified period of time and/or until certain conditions are met.

7. Expulsion: The Student/Student Organization will be permanently separated from the University and will not have the ability to return as a Student/Student Organization at any point in time.

(c) Educational Sanctions: outcomes that provide a Student/Student Organization with opportunities to repair the harm of their actions and to engage in meaningful developmental experiences that will help the Student/Student Organization in avoiding future violations of University policy.

1. Educational Sanctions can include but are not limited to completion of a seminar, assignment, substance consultation/evaluation, psychological consultation/evaluation, restitution and community service.

2. Residence hall transfer or removal: A requirement to transfer residence halls or leave the residence halls for a specified or indefinite period of time.

3. No contact directive: which will prohibit, for a period of time, both (all) parties from communicating directly or indirectly with one another, or through intermediaries, and restrict them from being in the same physical space simultaneously.

(8) **Withdrawing or Revoking a Degree.** A degree may be withdrawn when a Student has graduated and an incident occurred before graduation in the following circumstances:

(a) The Student has a pending conduct Hearing that was scheduled before or as the Student graduated.

(b) At any time after the Student has graduated or received a degree, the University becomes aware of an incident involving an alleged violation of the Student Conduct Code or Student Honor Code that took place before the Student graduated or received a degree from the University.

(c) The Student will receive the degree once the matter is resolved and any Sanctions (where appropriate) are completed unless the Sanction is expulsion, in which case the degree will be revoked.

(d) **Revoking a degree.** A former Student may have their degree revoked under the provisions above, which include but are not limited to a determination through the Student Honor Code or the Student Conduct Code process that a significant violation took place, or upon a finding of research misconduct under Regulation 6C1-1.0101, provided that the relevant Dean and the Provost are consulted before making this decision and that the Vice President for Student Affairs concurs in the decision.

(9) Appeals. Any decision reached through Administrative Review or Hearing by a Hearing Body, is eligible for appeal. All appeals must be in writing and submitted to the appropriate office within ten (10) Business Days from the date of the decision letter. No person may hear or decide an appeal if they conducted or participated in the disciplinary proceeding being reviewed on appeal.

(a) Administrative Review/Shared Governance Appeals. The basis for filing an appeal arising from an Administrative Review/Shared Governance is limited to the following grounds: The Sanction(s) imposed were not appropriate for the violation, taking into account both prior misconduct and mitigating circumstances.

Administrative Review/Shared Governance Appeal Authorities:

1. Appeals of decisions originally made by Housing and Residence Education staff should be directed to the Director of Student Conduct and Conflict Resolution or designee.
2. Appeals of decisions originally made by Student Conduct and Conflict Resolution staff should be directed to the Dean of Students or designee.
3. Appeals of decisions originally made by the Dean of Students should be directed to the Vice President of Student Affairs or designee.

(b) Hearing Appeals. Except as required to explain the basis of new information, appeals are limited to a review of the verbatim record of the Hearing and supporting documents. The basis for filing an appeal on all other Student conduct proceedings is limited to one or more of the following grounds:

1. The Student's or Student Organization's rights were violated in the Hearing process in a manner which materially affected the outcome of the case.
2. New relevant material or information has been provided that could be sufficient to alter a decision, and was unknown by the person making the appeal at the time of the Hearing.
3. The Sanction(s) imposed were not appropriate for the violation, taking into account both prior misconduct and mitigating circumstances.

Hearing Appeal Authorities:

1. Appeals of decisions that did not result in Separation, or did not originate from a Title IX based allegation, will be reviewed by the Vice President of Student Affairs or designee.
2. Appeals of decisions that resulted in Separation, or originated from a Hearing of a Title IX based allegation, will be reviewed by an appeal panel designated by the Vice President of Student Affairs. Appeal panel members will be selected and trained annually. Each panel will be comprised as follows:
 - a. One (1) Student
 - b. Two (2) Faculty or staff members
 - (c) Procedure.
 1. If the underlying case involves a Reporting Person and Accused Student, any appeal by one will be shared with the other, and the non-appealing person will be provided an opportunity to submit a written response within a designated period of time.
 2. The decision on an appeal should be made and communicated in Correspondence within a reasonable period of time. The decision of the Appeal Authority is the final decision of the University and no further appeals within the University are allowed.
 3. If the appeal is granted, the Appeal Authority may modify the Sanctions imposed or may remand the case for a re-opened or new Hearing. The Appeal Authority must state the rationale in the appeal decision Correspondence.
 4. A Student remains eligible to attend classes and University activities pending the Hearing Body's decision and until any appeal is concluded, except as set forth below:
 - a. In cases where the Vice President of Student Affairs or designee determines that the health, safety, or welfare of the Student or a member of the University Community is involved, the Student may be restricted on an interim basis as outlined in this Regulation.

b. In cases where the Sanction(s) determined by the Hearing Body include Separation, the Student's privileges at the University, including the ability to attend classes and engage in University activities may be immediately revoked.

(10) Records. An accurate and complete record of each Student Conduct Code and Student Honor Code case will be made and preserved as outlined below and is subject to the General Records Schedule GS5 for Public Universities and Colleges.

The transcripts, degree certifications, diplomas and future registration records of Students subject to Student conduct action may have a service indicator placed in accordance with the following guidelines:

(a) The Dean of Students Office will place a service indicator on the records where:

1. a Student has committed Student Honor Code or Student Conduct Code violation resulting in Separation
2. a Student has been issued a limited activity directive or interim suspension as outlined under Restrictions in this Regulation
3. a Student has failed to appear before a Student Conduct Administrator or Hearing Body after notification of a required meeting
4. a Student fails to complete required Sanctions by the assigned deadline
5. a Student with severe behavior problems is no longer attending the University, and it is the determination of the Dean of Students or designee that a complete review of the Student's record is to be made before re-enrollment

(b) When a Student requests issuance of their transcript to another educational institution, outside agency or person, such transcript will be issued subject to the following guidelines:

1. If the Dean of Students Office has placed a service indicator on the transcript of a Student, the Dean of Students or designee will review the record to determine and decide whether the transcript will be issued

2. If the transcript is issued, the transcript would have an overlay which states that the Student is not in good standing with the University and to contact the Dean of Students Office for additional information.

(c) Records Retention and Expungement of Records.

1. Student conduct records will be maintained in the Dean of Students Office through the Student's graduation from the University. In cases where the Student does not graduate, the record will be maintained as long as the Student remains eligible to re-enroll.

2. Student conduct records must be maintained for longer periods of time or permanently if the Student was separated or blocked from enrollment, was found responsible for a significant violation of the Student Honor Code, has a hold or an overlay, or in situations that may result in future litigation.

3. If during the year of the Student's graduation, the Student requests in writing that their conduct record be expunged, and the Student can demonstrate that he or she has applied to graduate, the record may be considered for expungement. If the determination is made to review the record, it may be considered for expungement provided the Student committed relatively minor Student Conduct Code violations and did not:

- a. Violate the Student Honor Code;
- b. Cause personal injury;
- c. Cause significant property damage;
- d. Commit a felony violation of a state controlled substance Law;
- e. Disrupt the orderly operation of the University;
- f. Commit a violation of law related to firearms or other weapons/explosives; or
- g. Rise to the level of magnitude, or impact of violations described above in a-f.

4. Criteria to be utilized for considering an expungement includes:

- a. Any ongoing and/or uncompleted Sanctions;
- b. Any ongoing contact restrictions;

- c. The graduation date of the requesting Student and/or of Reporting Person(s) associated with the case;
- d. The present demeanor of the Student;
- e. The conduct of the Student subsequent to the violation;
- f. The nature of the violation and the severity of any damage, injury, or harm resulting from it;
- g. Any other information that the Dean of Students or designee considers pertinent to the decision.

5. Students are not entitled to have their Student conduct records expunged. This decision to review a Student conduct record and the decision to expunge a Student conduct record is at the sole discretion of the Dean of Students or designee. The decision to expunge or not expunge a disciplinary record is final and is not appealable.

(11) Interim Restrictions. The Dean of Students or designee determines if restrictions are warranted of a Student or Student Organization, or of a Student or Student Organization's privileges, based upon an assessment of the safety of the University Community. There are three categories of restrictions:

(a) No contact directive -- which will prohibit, for a period of time or indefinitely, both (all) parties from communicating directly or indirectly with one another, or through intermediaries. Criteria includes:

- 1. A reasonable belief that further contact between two or more persons involved in the alleged interactions could result in perpetuation or escalation of undesirable behavior.
- 2. When used alone, a reasonable belief that no further restrictions are appropriate for the circumstances.
- 3. When used in conjunction with a limited access/activity directive or with an interim suspension, a reasonable belief that further restrictions are appropriate for the circumstances.

(To utilize either of the next two levels of response, there must be allegations of conduct that could reasonably cause harm to members of the University Community or property.)

(b) Limited access/activity directive -- which will restrict, for a period of time, one, both, or all parties from being in specific buildings, specific locations, or from participating in specific activities, and/or restricting movement on campus and/or requiring the traveling of specific routes into and from campus locations. This will allow access to classes and instruction and other educational support while limiting when and/or where access is granted. Criteria includes:

1. allegations of conduct that could reasonably cause harm to members of the University Community or property
2. a reasonable belief that further contact between two or more persons involved in the alleged interactions could result in perpetuation or escalation of behavior
3. a reasonable belief that a Student's continued unlimited access to campus or campus activities could endanger one or more other person's health, safety, or property and that limited access will ameliorate safety for the University Community
4. a reasonable belief that access to classes and instruction and other educational support is within the best interests of the University and the Student
5. a reasonable belief that no further restrictions are appropriate for the circumstances
6. an opportunity to appeal to the Vice President for Student Affairs (VPSA) or designee within three (3) Business Days to request modification or nullification

(c) Interim suspension – which will prohibit access to campus and preclude access to classes, instruction, and other educational support. Criteria includes:

1. allegations of conduct that could reasonably cause harm to members of the University Community or property

2. a reasonable belief that a Student's continued access to campus or campus activities could endanger one or more other person's health, safety, or property and that prohibiting access will ameliorate safety for the University Community

3. a reasonable belief that further contact between two or more persons involved in the alleged interactions could result in perpetuation or escalation of behavior

4. a reasonable belief that limited access is not a viable option under the circumstances

5. a requirement of a Student conduct Hearing as soon as practicable

6. recommendation to, and final approval, by the Associate Vice President for Student Affairs (Assoc. VPSA)

7. an opportunity to appeal to the VPSA or designee within three (3) Business Days to request modification or nullification

8. If a Student is placed on interim suspension and the Student is subsequently found not responsible for the violation, the University will:

a. Correct any record of the change in enrollment status in the Student's permanent records and reports in a manner compliant with Laws and Regulations; and

b. Refund to the Student a pro rata portion of any charges for tuition and out-of-state fees, as appropriate, if the interim suspension of the Student's ability to attend classes lasts for more than ten (10) Business Days.

(d) Monitoring of Interim Restrictions. The Dean of Students or designee will monitor any interim restriction placed upon a Student or Student Organization, and if information comes to light during an Investigation or Conduct Process that warrants a different interim restriction or the removal of an interim restriction, that action shall be taken as soon as is reasonably possible.

(12) Conflict Resolution. Consistent with the educational mission of the Student Conduct Code, Conflict Resolution services are available to help Students manage and resolve

conflicts. The Director of Student Conduct and Conflict Resolution or designee, may refer reported incidents through Conflict Resolution services. Not all cases are appropriate for Conflict Resolution. Informal and formal Conflict Resolution services are available to Students impacted by peer conflicts or misconduct. All persons personally and directly impacted by the conflict must agree to attempt resolution through any of the Conflict Resolution services. Participation in these services is voluntary and may or may not result in an agreement or resolution. Mutually agreed upon resolutions may not be appealed. If resolution is not achieved through an attempt at Conflict Resolution and the matter involves a pending Student Conduct Code allegation, the Accused Student has the choice of accepting responsibility and attending an Administrative Review, or proceeding to a Hearing.

Conflict Resolution services may be used in the Student Conduct and Conflict Resolution process in the following ways:

(a) **Conflict Coaching.** Conflict coaching is a one-on-one consultation process designed to assess and develop conflict management strategies or talk about current and on-going conflicts. These meetings empower Students to consider their approach to Conflict Resolution, to generate solutions to existing conflict they may be experiencing, and/or to prepare for mediations.

(b) **Facilitated Dialogue.** A facilitated dialogue is a structured conversation between Students to share their thoughts in a neutral, private space. Facilitated dialogues allow ideas and opinions to be shared to work toward a mutual understanding of one another's beliefs.

(c) **Mediation.** Mediation is a structured conversation between Students to talk about their experiences related to conflict, explore mutually agreeable solutions, and negotiate an agreement that resolves the dispute. This conversation is led by a trained, neutral third-party Mediator.

(d) **Restorative Justice Practices.** Restorative justice practices provide an opportunity for community members to address harmful behavior in a process that explores community

standards, impacted party's feelings, and impacted party's responsibilities. This resolution option requires necessary engagement of University of Florida Students, Faculty, staff, and community members in a circle setting.

Services are free, private, and completely voluntary with recommendation from Student Conduct and Conflict Resolution. These services can be accessed for a variety of types of conflict, including roommate disputes, disagreements within or between Student Organizations, and other types of Student interpersonal conflict. Cases involving Student Honor Code violations, sexual misconduct, interpersonal violence, or other serious violence may not be eligible for Conflict Resolution services at the discretion of the Director of Student Conduct and Conflict Resolution or designee.

A committee created by the Vice President for Student Affairs or designee, which must include Student representatives, will review this Regulation at least every three (3) years.

Authority: BOG Regulation 1.001.

History: New 6-07-18.