

NOTICE OF PROPOSED REGULATION

Date: July 30, 2008

REGULATION TITLE:

Student Honor Code and Student Conduct Code: Reviews and Appeals

REGULATION NO.:

6C1-4.048

SUMMARY: The Student Conduct Committee, Greek Conduct Committee, and the Health Science Center Student Conduct Committee present to the Dean of Students their reports concerning a decision and sanctions to be imposed, if any. If the Dean of Students or designee determines that a decision was not based on evidence presented or did not comply with the law or applicable University regulation, the decision may be rejected and the case re-heard. In any case, the Dean or designee may accept, modify or reject the recommended sanction. The regulation also sets forth the circumstances under which the Dean may re-open a case, as previously set forth in Regulation 6C1-4.016. The appeal procedures, including time limits and the basis for appeal, are also provided.

AUTHORITY: BOG Resolution dated January 7, 2003.

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

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

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

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

REGULATIONS OF
UNIVERSITY OF FLORIDA

6C1-4.048 Student Honor Code and Student Conduct Code: Reviews and Appeals.

(1) Reviews.

(a) The Student Conduct Committee, Greek Conduct Committee and the Health Science Center Student Conduct Committee make a recommendation to the Dean of Students or designee concerning a decision and sanctions to be imposed, if any. The College of Law Honor Committee makes a recommendation to the Review Board, as defined in Regulation 6C1-4.0434, concerning a decision and sanctions to be imposed, if any.

(b) If the Dean of Students or designee determines that a decision was not based upon evidence presented to the hearing body, or the decision did not comply with the requirements of law or applicable University regulations, the decision may be rejected and/or the case may be re-heard. The Dean of Students or designee will state the reasons for the rejection of the decision. In any case, the Dean of Students or designee may accept, modify or reject the recommended sanction. The Dean of Students or designee must state the reasons for any modification or rejection of the recommended sanction.

(c) The Dean of Students or designee may reject his or her prior decision or sanctions and may reopen the case for further proceedings in the following circumstances:

1. The Dean of Students or designee is subsequently presented with information, testimony, facts or other evidence from a criminal or civil proceeding relevant to the University proceeding and/or decision made by the Dean of Students or designee based on the university proceeding; and

2. This information, testimony, facts or other evidence was not available to the University at the time of the University proceeding.

Decisions or sanctions imposed under the Student Conduct Code shall not be rejected solely on the basis of an adjudication of not guilty, an acquittal, a dismissal, a reduction of charges or other finding in favor of the student in a criminal or civil proceeding.

(2) Appeals.

(a) Decisions made by the Director of Student Conduct and Conflict Resolution or designee may be appealed to the Dean of Students or designee. Decisions made by the Coordinator of Residential Judicial Programs may be appealed to the Director of Student Conduct and Conflict Resolution. Decisions made by the Dean of Students or designee, in cases other than decisions resulting from an appeal to the Dean or designee from another hearing authority, may be appealed to the Vice President for Student Affairs or designee.

(b) Appeals to the Director of Student Conduct and Conflict Resolution, Dean of Students and the Vice President for Student Affairs (hereinafter "reviewing authority"), as set forth above, must be filed in writing and filed with the reviewing authority within ten (10) business days from the date of the decision letter. In addition, contact must be made with the reviewing authority within ten (10) business days from the date of the decision letter for the purpose of scheduling an appointment, unless otherwise agreed upon in writing by the student and the reviewing authority. The actual appointment must be scheduled within ten (10) business days of filing the appeal unless otherwise approved by the reviewing authority. If the student fails to appear for the appointment, the reviewing authority will make a decision based on the written material.

(c) The basis for filing an appeal is limited to the following grounds:

1. the student's or student organization's rights were violated in the hearing process;
2. new relevant material evidence or information has been provided that could not have been discovered at the time of the hearing;

3. the information presented did not support the decision by a preponderance of the evidence (more likely than not) standard; or

4. the sanction(s) imposed were not appropriate for the violation.

(d) The decision on the appeal should be made within ten (10) business days following the meeting with the student except in exceptional circumstances. The decision of the appeal authority shall be final and no further appeals are allowed.

(3) Disciplinary sanctions which may result in limits being placed on extracurricular activities and/or registration, will take effect immediately. However, once an appeal is requested, the sanctions will be stayed and will not take effect until the appeal process has been completed. If no appeal is requested, the final action with respect to the above will take effect immediately.

Specific Authority: BOG Resolution dated January 7, 2003.

History: New _____, Formerly, 6C1-4.016.