

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: February 20, 2013

REGULATION TITLE: Student Honor Code and Student Conduct Code; Victim Services for Students on Campus
REGULATION NO.: 4.051

SUMMARY: This regulation is revised to clarify and reflect existing policies and practices relating to victim’s rights in the student conduct process in accordance with recent guidance from the Department of Education, Office of Civil Rights.

AUTHORITY: BOG Regulation 1.001.

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, Senior 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: Dave Kratzer, Vice President for Student Affairs

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

REGULATIONS OF [THE](#)
UNIVERSITY OF FLORIDA

~~6C1~~4.051 Student Honor Code and Student Conduct Code: Victim Services for Students on Campus.

(1) The University values the dignity and safety of every individual on campus and encourages alleged victims of violence [or harassment](#) to report inappropriate behavior to the appropriate university offices, including the University Police [Department](#) and the Crime Victim Advocate. Alleged victims will be treated with dignity and compassion by University personnel and their privacy will be maintained, within the boundaries of the law. Alleged victims will be informed of their options within the criminal process and campus student conduct process, and may be accompanied by an advisor through any student conduct proceeding.

(2) Alleged victims will also be informed of campus and community resources to assist them in overcoming the incident and to proceed with their goals and responsibilities at the University. General campus services available to alleged victims of violence include: personal counseling and medical services; police assistance; and accommodations in academic and residence hall arrangements, when necessary.

(3) Alleged victims of violence [or harassment](#) where the act of violence is considered a violation or violations of the Student Conduct Code receive specific victim accommodations within the student conduct process. Acts of violence include sexual and physical assault, relationship/domestic violence, and stalking and harassment that include threats of violence.

(4) Alleged victims of violence may choose how to proceed within the student conduct process, although the University can proceed with conduct action without the victim's consent if the alleged behavior put others in reasonable fear of physical harm or created a hostile

environment in which others are unable to conduct or participate in University work, education, research or other activities, or otherwise adversely affects the accused student's suitability as a member of the University Community. Alleged victims of violence or harassment whose cases are handled by the Office of Student Conduct and Conflict Resolution in an administrator or committee hearing have certain rights in the conduct process. Victim rights include the following:

- (a) to be informed of the available resolution options under the Student Conduct Code.
- (b) to be treated with dignity and respect no matter which resolution option is chosen.
- (c) to be informed of campus resources to assist in working through the situation.
- (d) to be kept informed of the status of the case throughout the process upon request.
- (e) to have an advisor present during the hearing. This person may be a victim advocate, attorney, friend, faculty member, family member. This person may not address the witnesses, accused student, committee or any other party or otherwise directly participate in the proceedings.
- (f) to have a support person present during the hearing. This person shall play no role other than as emotional support to the alleged victim.
- (g) to remain present throughout the remainder of the hearing. The alleged victim may participate in the hearing from another room so long as this does not infringe upon the accused student's right to question the accuser and witnesses.
- (h) to submit potential questions to the hearing chair prior to and during the hearing and to ask relevant questions of the accused and witnesses who give statements or provide information during the hearing. Repetitive questions are not permitted. All questions will be

submitted in writing to the chair of the committee and all relevant questions will be asked by the chair of the committee.

(i) to submit a written impact statement to be considered by the committee, if the accused is determined responsible for violating the Student Conduct Code but before sanctions are determined.

(j) to have the right to have unrelated and irrelevant sexual behavior excluded from the hearing.

(k) to appeal the decision of the hearing body under the same standards the accused can appeal. Being kept informed of the status of the case throughout the conduct process, including the final outcome of the process.

~~————(b)—— Being accompanied by an advisor throughout the conduct process.~~

~~————(c)—— In cases involving sexual assault, with the recommendation of a licensed mental health care provider, the alleged victim may provide hearing testimony from a separate room as long as it does not infringe upon the accused student's rights to question the witness.~~

~~————(d)—— Submitting potential questions to the hearing authority prior to the hearing.~~

~~————(e)—— Submitting a written impact statement to the hearing body after the finding of facts which shall be considered during sanctioning, should the accused student be found responsible for the violation.~~

~~————(f)—— Having unrelated behavior excluded from the judicial hearing.~~

~~————(g)—— Remaining present as an observer throughout the information gathering portion of the conduct hearing after his/her statement.~~

~~(g)—— Asking questions of the accused or other witnesses after their statements to the hearing body. These questions must be asked through the panel chair.~~

~~Specific~~ Authority: BOG [Regulation 1.001](#) ~~Resolution dated January 7, 2003.~~

History: New 9-24-08. Formerly 6C1-4.0163, [6C1-4.051](#), Amended _____.