

NOTICE OF REGULATIONS REPEAL

Date: May 10, 2018

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Student Honor Code and Student Conduct Code:	
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SUMMARY: The proposed Regulation 4.040 replaces current regulations 4.040 through 4.0433 and 4.0435 through 4.051, which will be repealed.

AUTHORITY: BOG Regulation 1.001

THE FULL TEXT OF THE PROPOSED REPEALED REGULATIONS ARE ATTACHED TO THIS NOTICE.

REGULATIONS OF THE
UNIVERSITY OF FLORIDA

4.041 Student Honor Code and Student Conduct Code: Scope and Violations.

(1) A student or student organization shall not commit a violation of the Student Honor Code or Student Conduct Code.

(2) Scope. Disciplinary action may be imposed for violations of the Student Honor Code or Student Conduct Code occurring at any of the following locations or activities:

(a) University campus;

(b) Housing of any University of Florida organization or group, including but not limited to fraternity and sorority property;

(c) Activities officially approved by the University of Florida or which are sponsored or conducted by University groups and organizations (merely notifying the University community of an activity or opportunity does not make it a University or University group or organization approved, sponsored or conducted activity); and

(d) Other off-campus conduct as set forth in this paragraph (d):

1. When a student violates a municipal or county ordinance or violates state or federal law or a foreign country's law by an offense committed off the university campus and which is not associated with a University activity or program, the conduct authority of the University will not be used merely to duplicate the penalty imposed for such an act under applicable ordinances and laws.

2. The University may take conduct action against a student for off-campus conduct if it is required by law to do so, if the conduct arises from University activities, or if the conduct

poses a significant threat to the safety or security of the University community, or if the conduct poses a significant threat of undermining the University's educational process.

(3) VIOLATIONS OF THE STUDENT HONOR CODE.

(a) Plagiarism. A student shall 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. Quoting oral or written materials including but not limited to those found on the internet, whether published or unpublished, without proper attribution.

2. Submitting a document or assignment which in whole or in part is identical or substantially identical to a document or assignment not authored by the student.

(b) Unauthorized Use of Materials or Resources ("Cheating"). A student shall not use unauthorized materials or resources in an academic activity. Unauthorized materials or resources shall include:

1. Any paper or project authored by the student and presented by the student for the satisfaction of any academic requirement if the student previously submitted or simultaneously submits substantially the same paper or project to satisfy another academic requirement and did not receive express authorization to resubmit or simultaneously submit the paper or project.

2. Any materials or resources prepared by another student and used without the other student's express consent or without proper attribution to the other student.

3. Any materials or resources which the faculty member has notified the student or the class are prohibited.

4. Use of a cheat sheet when not authorized to do so or use of any other resources or materials during an examination, quiz, or other academic activity without the express permission

of the faculty member, whether access to such resource or materials is through a cell phone, PDA, other electronic device, or any other means.

(c) Prohibited Collaboration or Consultation. A student shall not collaborate or consult with another person on any academic activity unless the student has the express authorization from the faculty member.

1. Prohibited collaboration or consultation shall include but is not limited to:

a. Collaborating when not authorized to do so on an examination, take-home test, writing project, assignment, or course work.

b. Collaborating or consulting in any other academic or co-curricular activity after receiving notice that such conduct is prohibited.

c. Looking at another student's examination or quiz during the time an examination or quiz is given. Communication by any means during that time, including but not limited to communication through text messaging, telephone, e-mail, other writing or verbally, is prohibited unless expressly authorized.

2. It is the responsibility of the student to seek clarification on whether or not use of materials or collaboration or consultation with another person is authorized prior to engaging in any act of such use, collaboration or consultation. If a faculty member has authorized a student to use materials or to collaborate or consult with another person in limited circumstances, the student shall not exceed that authority. If the student wishes to use any materials or collaborate or consult with another person in circumstances to which the authority does not plainly extend, the student shall first ascertain with the faculty member whether the use of materials, collaboration or consultation is authorized.

(d) False or Misleading Statement Relating to a Student Honor Code Violation. In reporting an alleged Student Honor Code violation, a student shall not intentionally or in bad faith make a false or misleading statement. During the course of a Student Honor Code proceeding, or on final appeal following such a proceeding, a student shall not at any time make a false or misleading statement to any person charged with investigating or deciding the responsibility of the accused, reviewing a finding of responsibility, or determining or reviewing the appropriateness of the sanction or sanctions to be recommended or imposed.

(e) False or Misleading Statement for the Purpose of Procuring an Academic Advantage. A student shall not intentionally or in bad faith make a false or misleading statement for the purpose of procuring from the person to whom the statement is made an academic advantage for any student.

(f) Use of Fabricated or Falsified Information. A student shall not use or present invented or fabricated information, falsified research, or other finding if the student knows or in the exercise of ordinary care should be aware that the information, research, or other finding has been fabricated or falsified.

(g) Interference with or Sabotage of Academic Activity. A student shall not do any act or take any material for the purpose of interfering with or sabotaging an academic activity. Sabotage includes, but is not limited to:

1. Removing, concealing, damaging, destroying, or stealing materials or resources that are necessary to complete or to perform the academic activity.
2. Tampering with another student's work.

3. Stealing from another student materials or resources for the purpose of interfering with the other student's successful completion or performance of the academic activity or of enhancing the offending student's own completion or performance.

(h) Unauthorized Taking or Receipt of Materials or Resources to Gain an Academic Advantage. A student shall not without express authorization take or receive materials or resources from a faculty member for the purpose of gaining academic advantage.

(i) Unauthorized Recordings. A student shall not without express authorization from the faculty member and, if required by law, from other participants, make or receive any recording, including but not limited to audio and video recordings, of any class, co-curricular meeting, organizational meeting, or meeting with a faculty member.

(j) Bribery. A student shall not offer, give, receive, or solicit a bribe of money, materials, goods, services or anything of value for the purpose of procuring or providing an academic advantage.

(k) Submission of Paper or Academic Work Purchased or Obtained from an Outside Source. A student shall not submit as his or her own work a paper or other academic work in any form that was purchased or otherwise obtained from an outside source. An outside source includes but is not limited to a commercial vendor of research papers, a file of research papers or tests maintained by a student organization or other body or person, or any other source of papers or of academic work.

(l) Conspiracy to Commit Academic Dishonesty. A student shall not conspire with any other person to commit an act that violates the Student Honor Code.

(4) VIOLATIONS OF THE STUDENT CONDUCT CODE.

(a) Causing Physical or Other Harm to any Person.

1. Conduct causing physical injury or endangering another's health or safety, which includes, but is not limited to, acts of physical violence, assault, and relationship or domestic violence.

2. Actions causing physical injury or that actually cause (and would cause a reasonable person) severe emotional distress, or endangering one's own health or safety. Also refer to University of Florida Regulation 4.036.

(b) Sexual Assault and Sexual Misconduct.

1. Sexual assault. Any sexual act or attempt to engage in any sexual act with another person without the consent of the other person or in circumstances in which the person is unable, due to age, disability, or alcohol/chemical or other impairment, to give consent.

2. Sexual misconduct. Any intentional intimate touching of another without the consent of the other person or in circumstances in which the person is unable, due to age, disability, or alcohol/chemical or other impairment, to give consent.

3. It is the responsibility of the person initiating sexual activity to make sure the other person is capable of consenting to that activity. Consent is given by an affirmative verbal response or acts that are unmistakable in their meaning. Consent to one form of sexual activity does not mean consent is given to another type of activity.

(c) Harassment.

1. Harassment or threats. Verbal or written threats, coercion or any other conduct that by design, intent or recklessness places another individual in reasonable fear of physical harm through words or actions directed at that person, or creates a hostile environment in which others are unable reasonably to conduct or participate in work, education, research, living, or other activities, including but not limited to stalking, cyber-stalking, and racial harassment.

2. Sexual harassment. Unwelcome sexual advances, requests for favors, and/or other verbal or physical conduct of a sexual nature when:

a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or status in a university activity, or

b. Submission to, or rejection of, such conduct by an individual is used as the basis for employment or decisions affecting such individual's employment or status in a University activity, or

c. Such conduct has the purpose or effect of interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive employment or academic environment; or

d. Such conduct is otherwise unlawful.

(d) Obscene Behavior. Conduct or behavior that the student knows or should know is reasonably likely to be considered obscene under the standards of the local community. Such behavior includes but is not limited to public exposure of one's own sexual organs and voyeurism, including but not limited to video voyeurism. Video voyeurism means recording, or using, disclosing or distributing a recording of others in a location or situation where there is a reasonable expectation of privacy (including, but not limited to, a residence hall room, locker room, or bathroom), without knowledge and consent of all individuals involved.

(e) Hazing. Any action or situation that recklessly, by design, or intentionally endangers the mental or physical health or safety of a student for any purpose including but not limited to initiation or admission into or affiliation with any student group or organization. In such an instance, hazing occurs if an individual 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 which presents a threat to the student's health or safety, which shall include but not be limited to any brutality of a physical nature, 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 or physical and mental health or safety of the student, and any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced sexual conduct, and forced exclusion from social contact.

2. Engages in an action or activity which has a tendency to or which is intended to demean, disgrace, humiliate, or degrade a student, which shall include but not be limited to, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student.

3. Conduct that by design, intent or recklessness causes a student to be unable reasonably to pursue, or 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 to violate any provision of University of Florida regulations.

In response to allegations of hazing under this regulation it is not a defense that:

- a. The victim 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.

(f) Firearms or Other Weapons Violations. Possession, use, sale, or distribution of any firearm, ammunition, weapon or similar device not explicitly permitted under University of Florida Regulation 2.001. Prohibited devices include, but are not limited to, stun guns, pellet guns, BB guns, paintball guns, slingshots, archery equipment, any dangerous chemical or biological agent, or any object or material, including but not limited to knives, capable of causing, and used by the offending person to cause, or to threaten physical harm.

(g) Fire Safety Violations.

1. Causing a fire or explosion. Conduct that causes or attempts to cause a fire or explosion, or falsely reporting a fire, explosion, or an explosive device.

2. Tampering with fire safety equipment. Tampering with fire safety equipment, or failure to evacuate during a fire alarm on the University campus, University facility or at any University activity.

3. Fireworks. Possession and/or use of fireworks, including but not limited to sparklers, or explosives of any kind on the University campus, at a University facility or at any University activity.

(h) Drug Violations.

1. Use, possession, manufacturing, distribution, or sale of marijuana, heroin, narcotics, or any other controlled substance which is prohibited by law. Intentionally or recklessly inhaling or ingesting substances (e.g., nitrous oxide, glue, paint, etc.) that will alter a student's mental state is also prohibited.

2. Use of a prescription drug if the prescription was not issued to the student, or the distribution or sale of a prescription drug to a person to whom the prescription was not originally issued.

3. Possession of drug paraphernalia including but not limited to bongos or glass pipes.

(i) Alcohol Beverages Violations.

1. Under-age possession or consumption. Possession or consumption of alcoholic beverages by a student before his or her twenty-first birthday.

2. Public intoxication. Appearing at a University activity or on the University campus in a state of intoxication.

3. Driving under the influence of alcohol or other substance. Operation of a motor vehicle while impaired or with a blood alcohol or breath alcohol level at or above the applicable legal limit (which is .08 or above as of July 1, 2008).

4. Distribution or sale of alcoholic beverage. Distribution or sale of an alcoholic beverage to any person before his or her twenty-first birthday.

5. Possession of common source containers. Unless explicitly approved by the Division of Student Affairs for a particular occasion, possession or use of kegs, mini kegs, beer balls 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.

6. Excessive rapid consumption. Regardless of 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. Examples of such prohibited extreme activities include, without limitation, keg standing, alcohol luges, and drinking games.

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

(j) Conduct Disruptive to the University Community. Conduct that is disruptive to the University's educational objectives, to its operations, or to its officials, staff, and faculty in the performance of their work, or to any other aspect of its mission. Disruptive conduct includes, but is not limited to:

1. Disruption of a University activity.

a. In accordance with First Amendment speech rights within a designated public forum, when the University chooses to open its campus for such an event that is open to the public for speech, disruption by an attendee who is not staffing or acting on behalf of the University at the event does not include the use of rude or offensive language alone, if it is spoken at the designated time and place by a person whose turn it is to speak under the event's protocol. Members of the University community are encouraged to communicate effectively. This is often (but not always) fostered by respectful conduct and speech. However, the language used by the featured speaker or an attendee at such an open public event is a personal choice, pursuant to First Amendment speech rights within designated public fora. This provision does not protect speech that, alone or in combination with any conduct, is obscene or constitutes or is likely to provoke or incite violence, an unsafe condition, an illegal action, or conduct that violates another provision of the University's regulations. Graduation and other University ceremonies, class or curricular activities, and other activities that do not constitute designated public fora (where the University does not intend to open a public forum for free public speech) are not covered by this paragraph.

2. 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) the ability of other students to benefit from the instructional program.

3. Any other violation of University of Florida Regulation 1.008.

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

5. Conduct which is disorderly or a breach of the peace under law.

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

1. Theft. 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 an individual or group.

3. Misuse of identification card. 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.

(l) 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. A violation of copyright law including but not limited to unauthorized downloading or facilitating others to download copyrighted music and films without authorization.

3. Any other violation of the Policies on Information Technology, 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 law or University regulation or Board of Governors' regulation.

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

(n) 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 which are material to the purpose for which the information is submitted.

(o) Invasion of Privacy and Unauthorized Electronic or Digital 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 law or University regulation. 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, and any use, disclosure, or distribution of any such recording. To obtain the required authorization, the student or student organization must obtain express authority from the University official, faculty member, student organization, University personnel, or other University representative in charge of the class, meeting, or activity. A student or student organization accused of violating this section has the burden of showing such express authority. It shall not be a violation of this provision to make any recording authorized by the Florida Sunshine Law or any other law or University regulation.

3. Any notice, consent, or other requirement under applicable law and/or University regulation must be fulfilled in connection with authorizing, making, using, disclosing or distributing any recording.

4. Refer also to University Regulation 1.006(4) which governs all University personnel including students.

(p) 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. Applicable policies include but are not limited to the University of Florida Department of Housing and Residence Education Community Standards, available in the Department of Housing and Residence Education, and the Gator Fan's Code of Conduct, available at the University Athletic Association.

(q) 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. Such violation includes but is not limited to urination in public, electronic stalking, and any other violation of law, regulation or governmental requirement.

(r) Obstruction of the University Conduct Process. Interference with or obstruction of the student conduct process, including without limitation failure to appear at a hearing, failure to testify at a hearing, violating and/or failure to complete conduct sanctions.

(s) Failure to Comply with Directive. Failure to comply with a directive of law enforcement or a University official.

(t) Complicity in Violating the Student Conduct Code. Attempting, aiding, encouraging, facilitating, abetting, conspiring, hiring, or being an accessory to any act prohibited by this code. This violation is included in each other violation and need not be separately cited in a charge.

(5) Intoxication or impairment because of alcohol, drugs, chemicals or other substances is not a defense to a violation of the Student Honor Code or Student Conduct Code.

Authority: BOG Regulation 1.001.

History: New 9-24-08. Formerly 6C1-4.016, 6C1-4.017, 6C1-4.041, Amended 3-16-10, 12-10-10.

REGULATIONS OF THE
UNIVERSITY OF FLORIDA

4.042 Student Honor Code and Student Conduct Code: Resolution Options, Procedures for Reviews and Hearings.

(1) Student Honor Code: Resolution Options.

(a) For students charged with violations of the Student Honor Code, the following are the options available to resolve the matter:

1. Regardless of college, the Faculty/Student Honor Code Resolution Process, paragraph (1)(b) below, if the student is admitting responsibility, it is a first violation of the Student Honor Code and the faculty member determines the conduct alleged would not warrant suspension or expulsion.

2. Health Science Center Student Conduct Committee, University of Florida Regulation 4.0433, for students who are enrolled in the Health Science Center colleges.

3. College of Law Student Honor Committee, University of Florida Regulation 4.0434, for students enrolled in the Levin College of Law.

4. Student Conduct Committee, University of Florida Regulation 4.0431, for all other cases involving the Student Honor Code.

(b) Faculty/Student Honor Code Resolution Process.

1. When a student is alleged to have violated the Student Honor Code, the faculty member involved shall confirm with the Dean of Students Office that the violation would be a first violation and no circumstances require the imposition of a sanction other than a reduced or

failing grade, an educational requirement specified in University of Florida Regulation 4.047, and/or a reprimand.

2. The faculty member will meet with the student and determine if a conduct proceeding is warranted. The faculty member may request that the department chair or other appropriate University official attend this meeting as a witness. The faculty member may impose a sanction of a written reprimand, a grade penalty on the assignment in question, a grade penalty for the course and/or an appropriate educational requirement as specified in University of Florida Regulation 4.047. If a sanction is imposed, the matter is resolved when the student and faculty member reach agreement as to the sanction.

3. The student's agreement to a sanction shall constitute a waiver of all other available adjudicatory procedures or appeals.

4. The faculty member shall forward a copy of the agreement with the student's signature to the Director of Student Conduct and Conflict Resolution or designee.

5. The faculty member involved shall refer the matter to the Director of Student Conduct and Conflict Resolution or designee rather than take action if disciplinary action may be warranted and it appears that:

a. The violation would not be a first offense;

b. A sanction such as probation, suspension, or expulsion would be warranted; or

c. The student does not agree to the sanction proposed by the faculty member involved.

(c) A student who is charged with a Student Honor Code violation by a faculty member and who does not agree to accept the faculty member's sanction or for whom the faculty resolution process is not appropriate, as stated above, shall be informed by the Director of

Student Conduct and Conflict Resolution of which hearing body will hear the case: the Student Conduct Committee, the Health Science Center Student Conduct Committee or the College of Law Student Honor Committee. The Director of Student Conduct and Conflict Resolution or designee may hear the case if the student accepts responsibility and the student chooses to have the Director or designee hear the case. If a hearing body is unable to conduct a hearing within the time provided under this Regulation, the Director of Student Conduct and Conflict Resolution or designee may reassign the matter to another hearing body or person pursuant to subsection (10) below.

(d) A student shall not be permitted to drop or withdraw from the course once informed of an alleged Student Honor Code violation. Any course that is dropped or from which the student has withdrawn in violation of this restriction shall be reinstated until the charges are resolved. If the student is found not responsible for a Student Honor Code violation, the student is free to withdraw from the course as long as the case was initiated prior to the published deadline to withdraw. A student found responsible but receiving only a penalty for the assignment in question may drop or withdraw from the course if the case was initiated prior to the deadline to withdraw from the course. A student who receives a course grade penalty is not permitted to withdraw from the course.

(2) Student Conduct Code: Resolution Options.

(a) For students charged with violations of the Student Conduct Code, the following are the options available to resolve the case:

1. Health Science Center Student Conduct Committee for cases involving violations of the Health Insurance Portability and Accountability Act (HIPAA) or any other applicable

patient confidentiality laws under University of Florida Regulation 4.0433. Where the student conduct case also involves other conduct, subsection (5) below shall apply.

2. For cases alleging violations of the Student Conduct Code involving the Department of Housing and Residence Education Community Standards or cases alleging violations of the Student Conduct Code occurring within University housing, the options set forth in University of Florida Regulation 4.0432 shall apply. Where the student conduct case also involves other conduct, subsection (5) below shall apply.

3. For other cases, the following options apply:

a. Administrative review or hearing by an administrator from the Office of Student Conduct and Conflict Resolution, or

b. Student Conduct Committee, or that Committee's Chairperson or designee, under University of Florida Regulation 4.0431.

(b) Except as provided in paragraph (2)(c) below, students charged with less serious violations may choose administrative review or an administrator or conduct committee hearing and students charged with more serious violations will choose between an administrator or conduct committee hearing. Students who do not dispute the allegations of a more serious violation may also choose administrative review. Less serious violations are those violations which, if proven, would not result in removal from housing, suspension, or expulsion in the opinion of the Director of Student Conduct and Conflict Resolution or designee.

(c) A student who has pled guilty, been adjudicated guilty, been convicted or who has otherwise received a verdict of guilt in a criminal court of law regarding, in whole or in part, the same conduct for which the student is charged under the Student Conduct Code, may be found in violation of paragraph (3)(q) of University of Florida Regulation 4.041 and/or may be found

responsible for other applicable violations on the basis of that plea, guilty verdict, adjudication of guilt and/or conviction. Any such student shall be afforded the opportunity to participate in an administrative review by an administrator in the office of Student Conduct and Conflict Resolution in accordance with subparagraph (2)(a)3.a above. Paragraphs (6)(a), (6)(b)1, (6)(b)2, (6)(b)4, and (6)(b)5, (8), (9) and (10) below shall apply. Notwithstanding any other provision of this regulation, this administrative review shall be the only applicable process to resolve such Student Conduct Code case unless the case also involves other conduct, in which event subsection (5) below shall apply.

During the administrative review, the charged student's prior plea, plea agreement, adjudication of guilt and/or conviction may be regarded by the administrator as substantial evidence of the charged student's responsibility for the alleged violation of the Student Conduct Code; however the student will also be allowed to present any mitigating facts or circumstances to the reviewing administrator who shall determine how such facts and circumstances may be presented and the weight they should be accorded. The administrator shall consider the information presented by the student in determining the student's responsibility for the alleged violation and in imposing sanctions.

(3) Expedited Hearings. Notwithstanding anything contained in this regulation to the contrary (other than paragraph (2)(c) above which shall govern applicable cases), in the event a student is charged with a violation of the Student Honor Code or Student Conduct Code, which, if proven, would not warrant a penalty in excess of two (2) semesters probation or a failing grade in the opinion of the Director of Student Conduct and Conflict Resolution or designee, and the student does not waive his or her right to a hearing before the appropriate administrator or hearing body as provided in this regulation, the hearing may be held before the chairperson of the

appropriate committee, the Assistant Director of Student Conduct and Conflict Resolution, or the Director of Student Conduct and Conflict Resolution rather than before the full committee panel provided that the accused student does not object in writing to such person hearing the matter. The objection must be given to the Director of Student Conduct and Conflict Resolution on or before the deadline in the notice to the student.

(4) Student Organizations: Resolution Options.

(a) A student may be held accountable as an individual under the Student Honor Code or the Student Conduct Code for his or her conduct, whether the student is acting in an individual capacity or the student is acting as a member of a student organization or non-University group. The fact that a student organization or group requires or encourages a student's conduct is not an excuse for the student's violation of the Student Honor Code or Student Conduct Code. See paragraph (4)(c) below for when a student organization is accountable for individual students' conduct.

(b) For a student organization charged with a violation of the Student Honor Code or the Student Conduct Code, the following are options available to resolve the case:

1. Hearing before the Greek Conduct Committee for all cases involving a fraternity or sorority chapter that is a member of the Inter-fraternity Council, the Panhellenic Council, the National Pan-Hellenic Council or the Multicultural Greek Council, under University of Florida Regulation 4.0435.

2. All other student organizations will be referred to the Student Conduct Committee for a hearing.

3. Notwithstanding any other provision of this regulation, student organizations that do not dispute the charges may request administrative review by the Director of Student Conduct

and Conflict Resolution or designee, and such administrative review will be available if the Director and student organization agree.

(c) The following criteria will be used to determine if a student organization is to be held collectively responsible for the actions or omissions of individuals when the actions or omissions result in a violation of the Student Honor Code or the Student Conduct Code by those associated with the student organization:

1. The action or omission resulting in the violation has received the tacit or overt consent or encouragement of the student organization or any leader of an area or function of the student organization or any officer of the student organization;

2. The student organization or any such leader or officer of the student organization failed to take reasonable precautions against the action or omission resulting in the conduct violation; or

3. The student organization overtly places or tacitly allows members of the student organization or other persons to be in a position to act (and these persons do reasonably appear to be acting) on behalf or with authority of the organization.

4. "Tacit consent or encouragement" and "tacitly allows" means consent or encouragement that is implied because the student organization, officer or leader knows or intentionally acts to avoid knowledge (or under the facts and circumstances should know) that a violation will occur or is occurring, and fails to take reasonable steps to prevent or stop the violation from occurring or continuing.

(5) Conflict of jurisdiction. In the event that a matter involving student or student organization conduct may be within the jurisdiction of more than one (1) review or hearing

authority or body and/or process, the Director of Student Conduct and Conflict Resolution or designee shall determine which review or hearing authority shall hear or review the matter.

(6) Nature of Conduct Proceedings and Basic Rights.

(a) The purpose and context of the student conduct process and sanctions imposed, including but not limited to reviews and hearings hereunder, are educational and not adversarial in nature. Thus, staff involved in student conduct proceedings, whether involving individual students or student organizations, may perform various functions in the proceedings. For example, without limitation, the Director of Student Conduct and Conflict Resolution or designee may provide the notice of charges, provide information to a hearing body, and act as the administrative liaison and procedure, regulation and policy advisor to the hearing body during the hearing and deliberations, but shall not be a member of the committee or vote on the committee's recommendation.

(b) The basic rights accorded to students and student organizations in conduct proceedings, whether through an administrative review or a hearing conducted by an administrator or a hearing body (i.e., administrator, Student Conduct Committee, Greek Conduct Committee, Health Science Center Conduct Committee, College of Law Student Honor Committee, or Chair of a Committee), are:

1. To be given notice of the charges. A student or student organization who is charged with a Student Honor Code violation to be heard by the Student Conduct Committee or the Health Science Center Student Conduct Committee or College of Law Student Honor Committee or the Greek Conduct Committee or is charged with a Student Conduct Code violation shall be given notice of charges and procedures for requesting a hearing or review, as applicable. Any notice under this regulation is deemed given if it is hand delivered to the

student, sent to the student's local address in the Registrar's records or permanent address if no local address is listed, or sent to the student's official University of Florida email address. For student organizations, the notice shall be deemed given if it is hand delivered to the student who is the last known president of the organization as reflected in the Office of Student Activities and Involvement records, sent to the local address of the student who is the last known president of the organization as that address is reflected in the Registrar's records or permanent address if no local address is listed, or sent to the student's official University email address. The student or student organization shall be given an opportunity to schedule an informational meeting with the Director of Student Conduct and Conflict Resolution or designee at a time and place feasible to and determined by the Director. Failure of the student or student organization to take this opportunity to meet shall not require a delay or affect the validity of the proceeding which, in such event, shall be arranged and the type of proceeding shall be determined by the Director or designee.

a. The notice shall be issued at least seven (7) business days prior to the date of the review or hearing unless the notice period is waived in writing by the charged student or student organization.

b. In the event the student or student organization fails to appear at the review or hearing pursuant to the notice issued, such failure shall not require a delay or affect the validity of the proceeding. In such event, the administrator designated to review or hear the case or the hearing body shall conduct the proceeding in the student's or student organization's absence, and the reviewing or hearing administrator or body will make a decision based on the information made available at the proceeding.

2. To be given the opportunity to review the materials, information and other evidence against the student or student organization at a time and place feasible to and determined by the Director of Student Conduct and Conflict Resolution or designee. The student or student organization has the responsibility to check the relevant file in the Office of the Director of Student Conduct and Conflict Resolution or the Coordinator of Residential Judicial Programs, (through seven (7) business days) before the hearing or review. The failure of the student or student organization to review such materials, information and other evidence when given such opportunity shall not require a delay or affect the validity of the proceedings. Information that is not made available at least seven (7) days before the hearing or review without bad faith may be presented for the first time at the hearing or review. In such event, if the student or student organization or the University requests a suspension, the proceeding will be suspended for a minimum of seven days or a shorter suspension period if the party requesting suspension agrees.

3. To be given the opportunity to be heard and present materials relevant to the student's or student organization's position at a time and place feasible to and determined by the Director of Student Conduct and Conflict Resolution or designee. The failure of the student or student organization to take advantage of such opportunity shall not require a delay or affect the validity of the proceedings.

4. To be free from compulsory self-incrimination in connection with conduct that is, or could be under applicable law, the subject of criminal charges. The student's or student organization's choice not to speak or present evidence shall not require a delay or affect the validity of the proceedings.

5. To be allowed to have an advisor present at an administrative review or hearing at the student's or student organization's own expense and initiative. It is the student's or organization's responsibility to identify an advisor and make appropriate arrangements for him or her to attend the proceeding. The advisor may advise the student or student organization but shall not speak for or present the case for the student or student organization or otherwise participate directly in the proceeding. An advisor's attempt to participate in a review or hearing by speaking, presenting information or otherwise intervening in the proceeding is grounds for the advisor being required to leave. In such event, the hearing or review will continue without the advisor present, and the advisor's absence shall not require a delay or affect the validity of the proceedings. Failure of the advisor to attend a review or hearing also shall not require a delay or affect the validity of the proceedings.

(7) Additional Procedures for Hearings.

(a) The charged student or student organization may arrange at its expense and initiative to have witnesses at a hearing. The failure to call a witness or the failure of any witness to appear shall not require a delay or affect the validity of the proceedings. Information provided by a witness who is not called or does not appear at the hearing may be considered in the process if the administrator or hearing body determines the information to be reliable as provided in subsection (8) below. The charged student or student organization shall have the right (i) to address any information provided in the hearing record by any witness who is present or not present at the hearing (ii) to provide information on the veracity of a witness who is present or whose information is presented at the hearing, and (iii) to present questions to be asked of any witness who is present at the hearing by the administrator conducting the hearing or the chair of the hearing body. University of Florida Regulation 4.051 shall also apply.

(b) Hearings before hearing bodies will be recorded. However, recording failures that occur notwithstanding good faith attempts shall not require a delay or affect the validity of the proceedings, but in such event the hearing body chair or designee will prepare a written summary of the hearing.

(c) A conduct hearing is an opportunity for a student to challenge the content of the student's educational record and is closed unless the charged student requests an open hearing a minimum of five (5) business days before the hearing and all student witnesses agree in writing.

(8) Decisions in student conduct proceedings, whether under the Student Honor Code or Student Conduct Code shall be based upon a preponderance of the evidence (more likely than not) standard. The rules of evidence and procedure that apply in a court proceeding do not apply to student conduct proceedings. Information (including hearsay) that supports factual findings required for the ultimate decision in a student conduct proceeding shall be the kind of information upon which reasonable, prudent persons would rely in the conduct of their affairs. Subsection (9) below applies to the ultimate decision.

(9) In reviews and hearings conducted by administrators, the administrator will determine whether the student or student organization is responsible and shall determine which sanction or sanctions should be imposed in accordance with University of Florida Regulation 4.047. In hearings conducted by a committee, the hearing body will recommend a decision and any appropriate sanction or sanctions to the Dean of Students or designee who will make the decision. Although the rules of evidence do not apply, the ultimate decision in a student conduct matter will not be based exclusively on hearsay that would not be admissible in a civil court proceeding. Written notice of the decision and any sanction(s) to be imposed shall be provided by the Dean of Students or designee to the charged student or student organization.

(10) The general guideline for the timing for conducting a review or hearing in student or student organization Student Honor Code or Student Conduct Code cases is sixty (60) business days from the date the case is referred to the hearing or reviewing body or person. If the sixty (60) days has not expired at the conclusion of the fall or spring semester or the process begins by notice of the allegation given during a summer term, and any primary individual in the case (including without limitation the charged student, any victim, or any witness) is unavailable for a review or hearing, the running of the sixty (60) day period may be tolled by the Director of the Student Conduct and Conflict Resolution or designee until the first day of class for the following fall or spring semester. In the event the hearing or reviewing committee or administrator is unable to conduct the hearing or review within this time frame, then, if the Director of Student Conduct and Conflict Resolution or designee deems it reasonable and feasible to reassign the case after consulting with the hearing or reviewing committee or administrator, the Director or designee may reassign the case to a different hearing body or hearing or reviewing administrator for a timely resolution. The Director or designee shall notify the student in writing whether or not the case will be reassigned, provided that any decision to reassign is subject to the consent of the charged student or student organization. If the Director or designee decides not to reassign the case, the charged student or student organization may appeal the Director's or designee's decision not to reassign the case, in writing, to the Dean of Students or designee within five (5) business days after being notified of the decision. The decision of the Dean of Students or designee shall be final.

Authority: BOG Regulation 1.001.

History: New 9-24-08. Formerly 6C1-4.013, 6C1-4.016, 6C1-4.017, 6C1-4.022, 6C1-

4.042, Amended 3-17-11.

REGULATIONS OF
UNIVERSITY OF FLORIDA

6C1-4.0431 Student Honor Code and Student Conduct Code: Student Conduct Committee.

(1) The Student Conduct Committee, composed of students, faculty and staff, is appointed by the Vice President of Student Affairs for the purpose of hearing cases concerning alleged violations of the Student Honor Code and Student Conduct Code. Members serve for a period of one year and may be reappointed. Recommendations for the appointment of members are made by the President of the Student Body, faculty members, administrators, and others to the Vice President for Student Affairs.

(2) A hearing panel is comprised of seven (7) members. Five (5) members constitute a quorum. One member of the hearing panel must be a faculty or staff member, and a majority of the panel must be student members. Staff of the Office of Student Conduct and Conflict Resolution will not serve on a hearing panel. The Director of Student Conduct and Conflict Resolution or designee will serve as an administrative liaison to the panel and shall not be a member of the panel. The administrative liaison will convene members of the committee to serve as a hearing panel, provide relevant information to the panel, and advise the panel throughout the hearing process.

(3) The Student Conduct Committee shall hear the case and submit a written report to the Dean of Students or designee. The written report will contain findings of facts and recommended sanctions, if any. If the student is found responsible for the violation or violations, the committee shall recommend one or more sanctions as provided in Regulation 6C1-4.047. The Dean of Students or designee may adopt, reject or modify the Board's findings and recommendations.

Specific Authority: BOG Resolution dated January 7, 2003.

History: New 9-24-08. Formerly 6C1-4.019.

REGULATION OF
UNIVERSITY OF FLORIDA

6C1-4.0432 Student Honor Code and Student Conduct Code: Violations in University Housing.

(1) The Coordinator of Residential Judicial Programs, in consultation with the Director of Student Conduct and Conflict Resolution, shall determine who hears cases as well as the sanctioning authority of the various housing staff members not to include the authority to impose any sanction more serious than a transfer within University Housing. These persons shall be listed in the Department of Housing and Resident Education Community Standards, which are available on-line at the Department of Housing and Residence Education website.

(2) A student accused of a violation of any Department of Housing and Residence Education Community Standard and/or a violation of the Student Conduct Code occurring in University housing, who, in the opinion of the Director of Student Conduct and Conflict Resolution or designee, if found responsible, would not receive a sanction more severe than reprimand, conduct probation, transfer from one residence area to another in University Housing, restitution, or other appropriate educational sanctions commensurate with the offense, or any combination of the above, may choose:

(a) an administrative review before the Coordinator of Residential Judicial Programs or designee; or

(b) an administrative hearing before the Coordinator of Residential Judicial Programs or designee; or

(c) a hearing before the Student Conduct Committee

(3) A student accused of a violation of any Department of Housing and Residence

Education Community Standard who, in the opinion of the Director of Student Conduct and Conflict Resolution or designee, if found responsible, may receive sanctions up to probation and removal from University Housing, shall choose between:

(a) an administrative hearing before the Coordinator of Residential Judicial Programs or designee or the Director of Student Conduct and Conflict Resolution or designee, or

(b) a hearing before the Student Conduct Committee; or

(c) At the discretion of the Coordinator, Director, or respective designee(s), an administrative review before the Coordinator of Residential Judicial Programs or designee or the Director of Student Conduct and Conflict Resolution or designee.

(4) Cases which may warrant a sanction of suspension or expulsion shall be forwarded to the Dean of Students Office for an administrative hearing or a hearing before the Student Conduct Committee or, if the student accepts responsibility, an administrative review.

Specific Authority: BOG Resolution dated January 7, 2003.

History: New 9-24-08. Formerly 6C1-4.021.

REGULATIONS OF
UNIVERSITY OF FLORIDA

6C1-4.0433 Student Honor Code and Student Conduct Code: Health Science Center Student Conduct Committee.

(1) The purpose of the Health Science Center Student Conduct Committee is to resolve alleged violations of the Student Honor Code and violations of the Health Insurance Portability and Accountability Act (HIPAA) or any other applicable law concerning patient privacy within the Health Science Center colleges. The Vice President for Student Affairs shall appoint four faculty members and two student members from each of the six Health Science Center colleges as members of the committee. Faculty appointed to this committee shall serve for two years. Students appointed to this committee shall serve for one year.

(2) A hearing panel will be composed of the following: two faculty members and one student member from the college of the charged student, and one faculty member and one student from another Health Science Center college. A quorum for the hearing panel is reached when there are three panel members present for a hearing: two members from the college of the accused student and one member from another Health Science Center college. The Director of Student Conduct and Conflict Resolution or designee will serve as an administrative liaison to the panel. The administrative liaison will convene members of the committee to serve as a hearing panel, provide information to the panel, and advise the panel throughout the hearing process.

(3) If the student is determined responsible for the violation or violations, the panel shall recommend one or more sanctions as provided in Regulation 6C1-4.047, to the Dean of Students or designee. The Dean or designee may adopt, reject or modify the panel's findings and

recommendations. See Regulation 6C1-4.048 regarding appeals.

Specific Authority: BOG Resolution dated January 7, 2003.

History: New 9-24-08. Formerly 6C1-4.0211.

REGULATIONS OF
UNIVERSITY OF FLORIDA

6C1-4.0435 Student Honor Code and Student Conduct Code: Greek Conduct Committee.

(1) The Greek Conduct Committee is convened for the purpose of hearing cases involving an organization that is a member of the Inter-fraternity Council (IFC), the Panhellenic Council (PC), the National Pan-Hellenic Council (NPHC) or the Multicultural Greek Council (MCGC) that is accused of a violation or violations of the Student Conduct Code. The members of the Greek Conduct Committee consist of students, faculty and staff who are appointed by the Vice President for Student Affairs or designee. A hearing panel is comprised of seven members and is chaired by the Executive Vice President from the council of which the accused chapter is a member. A hearing panel will include at least one faculty or staff member, three members from the accused chapter's council and a member from two of the three other councils and a majority of the members will be students. The Director of Student Conduct and Conflict Resolution or designee will serve as an administrative liaison to the panel. The administrative liaison will convene members of the committee to serve as a hearing panel, provide information to the panel, and advise the panel throughout the hearing process.

(2) The Greek Conduct Committee hearing panel shall hear the case and submit a written report to the Dean of Students or designee containing findings of facts and recommended sanctions, if any. If the fraternity or sorority is found responsible for a violation or violations, the panel shall recommend one or more sanctions as provided in Regulation 6C1-4.047. The Dean of Students or designee may adopt, reject or modify the panel's findings and recommendations. See Regulation 6C1-4.048 regarding appeals.

Specific Authority: BOG Resolution dated January 7, 2003.

History: New 9-24-2008, Formerly 6C1-4.013.

REGULATIONS OF
UNIVERSITY OF FLORIDA

6C1-4.0436 Student Honor Code and Student Conduct Code: Waiver of Right to a Hearing by a Committee or Administrator.

In the event a student or student organization charged with a violation or violations of the Student Honor Code or the Student Conduct Code, accepts responsibility for the violation(s) and desires to waive the right to a committee or administrative hearing by the appropriate official or hearing body designated in Regulation 6C1-4.042, and the student or student organization so indicates in writing, the Director of Student Conduct and Conflict Resolution or the Coordinator of Residential Judicial Programs, or his or her designee, may make a determination of fact in an administrative review and take appropriate action concerning the alleged violation. The Director of Student Conduct and Conflict Resolution and the Coordinator of Residential Judicial Programs may choose to deny the request and forward the case to the appropriate hearing body.

Specific Authority: BOG Resolution dated January 7, 2003.

History: New 9-24-08, Formerly 6C1-4.023.

REGULATIONS OF THE
UNIVERSITY OF FLORIDA

4.044 Student Honor Code and Student Conduct Code: Interim Suspension Pending Investigation and Hearing.

(1) The Dean of Students or designee has the authority to determine if an alleged violation of the Student Conduct Code warrants the interim suspension of a student or student organization, or of a student or student organization's privileges pending the completion of an investigation and hearing regarding the alleged violation. The criteria to be used by the Dean of Students or designee in making this determination are:

(a) whether the student or student organization poses a danger of serious physical harm to himself/herself/themselves or others at the University; or

(b) whether interim suspension is otherwise necessary to protect the health, safety or, welfare, or property of the student, members of the student organization, others at the University, or members of the public.

(2) Upon determining that an interim suspension is warranted, the Dean of Students, with approval of the Vice President for Student Affairs, will suspend the student or student organization pending (a) completion of all investigations of the matter by the University and/or any outside entity or entities having jurisdiction over the matter, and (b) completion of a hearing conducted in accordance with University regulations, unless the Dean of Students determines prior to such time that interim suspension of the student or student organization is no longer necessary under the criteria set forth in subsection (1) above.

(3) Interim suspensions pending investigation and hearing will be immediately noted

on the suspended student's university transcript in accordance with University of Florida Regulation 4.050.

(4) Generally, hearings conducted pursuant to this regulation will be scheduled after all investigations have been completed.

(5) No student or student organization may be removed from on-campus housing until the completion of the appropriate hearing unless it is determined by the Dean of Students that such removal is necessary to protect the health, safety and welfare of individuals, property or the public.

(6) Students or student organizations may appeal the interim suspension or loss of privileges decision of the Dean of Students by requesting a meeting after receiving notice of the decision, or upon new information or a substantial change in circumstances that removes the threat or danger under the criteria in subsection (1). This meeting is an opportunity for the student or student organization to articulate why there is not a threat or danger under the criteria in subsection (1). The decision of the Dean of Students in this meeting is final.

Authority: BOG Regulation 1.001.

History: New 9-24-08, Formerly 6C1-4.0162, 6C1-4.044, Amended 3-17-11.

REGULATIONS OF
UNIVERSITY OF FLORIDA

6C1-4.045 Student Honor Code and Student Conduct Code: Postponement of Conduct Hearing Due to Pending or Possible Criminal or Civil Charges.

If the student charged with a violation of the Student Conduct Code wishes to have the hearing postponed because there is pending or possible, civil or criminal litigation which he or she feels might be prejudiced by the findings of the hearing, such postponement may be granted provided the student agrees to accept conduct probation or suspension, depending upon the gravity of the offense. Such probation or suspension will be determined and activated by the Director of Student Conduct and Conflict Resolution or designee and will remain in force until the hearing is completed. The student shall be informed whether he or she would be placed on probation or suspended prior to making a decision to postpone the hearing. The deadline to request a hearing postponement is five (5) business days from the date of the first informational meeting. Following the approval of a hearing postponement, the student is allowed 30 calendar days to complete their hearing.

Specific Authority: BOG Resolution dated January 7, 2003.

History: New 9-24-08. Formerly 6C1-4.022.

REGULATIONS OF
UNIVERSITY OF FLORIDA

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

(1) Consistent with the primary educational mission of the Student Conduct Code, including to establish community standards and procedures that promote an environment conducive to learning by upholding academic standards and by respecting community members, alternative dispute resolution provides an opportunity for individuals or organizations affected by violations or alleged violations of the Student Conduct Code to resolve disciplinary matters among themselves at the discretion of the Director of Student Conduct and Conflict Resolution, or the Coordinator of Residential Judicial Programs, or his or her designee. Alternative Dispute Resolution may be used in the conduct process in the following ways:

(a) Mediation. In situations where there is a student or student organization versus student or student organization conflict that involves a Student Conduct Code violation or violations, the administrator hearing the case may at any time recommend the parties participate in a mediation. If as a result of the mediation, the parties reach an agreement and the agreement is fulfilled, the administrator may decide to forego the conduct process.

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

Resolution or the Coordinator of Residential Judicial Programs or his or her designee determines it is appropriate.

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

1. The offender describes his or her behavior and what he or she was thinking at the time of the behavior;

2. Harmed parties/community members describe how they were affected or harmed by the offender's behavior; and

3. The parties involved come together and agree on a way for the offender to repair any harm done and reintegrate into the community.

4. If an agreement is reached and complied with, students or student organizations may be eligible to have their conduct records expunged within one year of completing their agreement provided there are no further violations of the Student Conduct Code during this time.

(d) If the parties participating in alternative dispute resolution do not reach agreement on a resolution or the agreement is not complied with, the matter will be referred back to the appropriate regular conduct process.

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

alternative dispute resolution.

Specific Authority: BOG Resolution dated January 7, 2003.

History: New 9-24-08.

REGULATIONS OF THE
UNIVERSITY OF FLORIDA

4.047 Student Honor Code and Student Conduct Code: Sanctions.

(1) Sanctions. A student found responsible for a violation or violations under the Student Honor Code or the Student Conduct Code shall be subject to sanctions commensurate with the offense with consideration given to any aggravating and mitigating circumstances, including but not limited to the student's conduct record. It is the student's responsibility to review his or her conduct record, and the student will be deemed to have knowledge of his or her record of previous conduct violations and sanctions, whether or not the student chooses to review the record. Sanctions include one or more of the following penalties, unless otherwise expressly provided:

(2) Student Honor Code Sanctions. For a violation or violations of the Honor Code, a student may receive any of the sanctions that can be imposed for Student Conduct Code violations, including but not limited to conduct probation, suspension and expulsion as well as any educational sanctions. In addition, students may receive the following:

(a) Assignment grade penalty. The student is assigned a grade penalty on an assignment including but not limited to a zero.

(b) Course grade penalty. The student is assigned a grade penalty in the entire course including but not limited to an "E".

(3) Student Conduct Code Sanctions.

(a) Reprimand: The student is given formal written notice and official recognition that the behavior has violated the Student Conduct Code.

(b) **Loss of University Privileges:** Loss of University privileges comprises the denial of specific University privileges including but not limited to attendance at athletic functions, unrestricted library use, parking privileges, university computer usage, and residence hall visitation for a designated period of time.

(c) **Conduct Probation without Restrictions:** The student is deemed not in good standing with the University. The duration of any probation period or any conditions or sanctions imposed for the violation shall be in proportion to the seriousness of the violation and imposed on an individual basis by the sanctioning authority. Individuals placed on conduct probation are subject to suspension or expulsion should they violate the conditions of probation or any University regulations or policies while on conduct probation.

(d) **Conduct Probation with Restrictions:** The student is deemed not in good standing with the University. Students on conduct probation may receive any of the following restrictions: cannot represent the University on any athletic team other than intramurals, hold an office in any student organization registered with the University, represent the University in any extracurricular activity or official function or participate in any study abroad program. The duration of any probation period or any conditions or sanctions imposed for the violation shall be in proportion to the seriousness of the violation and imposed on an individual basis by the sanctioning authority. Individuals placed on conduct probation are subject to suspension or expulsion should they violate the conditions of probation or any University regulations or policies while on conduct probation.

(e) **Deferred Suspension:** The student will be officially suspended from the University, but the suspension will be deferred. The suspension will automatically be enforced for any subsequent violation of the Student Honor Code or Student Conduct Code, as applicable.

The hearing authority will specify when issuing a deferred suspension which violations will automatically trigger the enforcement of the deferred suspension. If a student commits a violation of the Student Honor Code or Student Conduct Code, as applicable, while on deferred suspension and is found responsible, then, unless the Director of Student Conduct and Conflict Resolution determines otherwise in exceptional circumstances, the student is automatically suspended in addition to the other sanctions imposed for the subsequent violation. Suspensions can be deferred for a semester or indefinitely.

(f) Suspension: The student is required to leave the University for a given or indefinite period of time, the determination of which shall depend upon specified acts of the student's own volition related to mitigation of the offense committed. The student must comply with all conditions imposed prior to re-enrolling unless told otherwise by the hearing authority. Students who are suspended for more than one (1) semester will need to apply for readmission.

(g) Expulsion: The student is permanently deprived of his or her opportunity to continue at the University in any status.

(h) Restitution: The student is required to pay for loss of or damages to property, provided that such payment shall be limited to the actual cost of repair or replacement of such property.

(i) Repair of Harm through Community/University Service Work Hours: A student is required to complete a specified number of hours of service to the campus or general community.

(j) Educational Requirements: A student is required to complete a specified educational sanction related to the violation committed. Such educational requirements include completion of a seminar, report, paper, project, alcohol or drug consultation, counseling

consultation or psychological evaluation.

(k) **Residence Hall Transfer or Removal:** A student is required to transfer residence halls or leave the residence halls for a specified or indefinite period of time.

(l) **No Contact Order:** A no contact order is a directive to refrain from any intentional contact, direct or indirect, with one or more designated persons or group(s) through any means, including personal contact, e-mail, telephone, or third parties.

(4) **Organizational sanctions.** A student organization found responsible for a violation or violations under the Student Honor Code or Student Conduct Code shall be subject to sanctions commensurate with the offense with consideration given to any aggravating or mitigating circumstances, including but not limited to the organization's conduct record. It is the organization's responsibility to review its conduct record, and the organization will be deemed to have knowledge of its record of previous conduct violations and sanctions, whether or not it chooses to review its record.

(a) **Written Reprimand:** The student organization is given formal written notice and official recognition that the behavior has violated the Student Conduct Code.

(b) **Loss of University Privileges:** Loss of University privileges comprises the denial of specific University privileges including, but not limited to loss of social activities, inability to host a party or philanthropy, loss of ability to participate in intramurals, loss of ability to represent the University and any travel in connection with such representation, loss of recruitment/pledge class, loss of membership or representation of the organization on the governing council, loss of ability to reserve space for meetings/events on campus, loss of block seating, loss of ability to participate in competitions, and loss of or ineligibility to receive future institutional funding.

(c) Conduct Probation without Restrictions: The student organization is deemed not in good standing with the University. The duration of any probation period or any conditions or sanctions imposed for the violation shall be in proportion to the seriousness of the violation and imposed on an individual basis by the sanctioning authority. Student organizations placed on conduct probation are subject to suspension or expulsion should they violate the conditions of probation or any University regulations or policies while on conduct probation.

(d) Conduct Probation with Restrictions: The student organization is deemed not in good standing with the University. Organizations on conduct probation may not represent the University in any official capacity, and restrictions on an organization on conduct probation include loss of block seating and loss of ability to participate in intramural sports or other intercollegiate competitions. The duration of any probation period or any conditions or sanctions imposed for the violation shall be in proportion to the seriousness of the violation and imposed on an individual basis by the sanctioning authority. Conduct probation includes the loss of privileges listed above and any additional privileges as appropriate. Organizations placed on conduct probation are subject to suspension or expulsion should they violate policies while on conduct probation.

(e) Deferred Suspension: The organization will be officially suspended from the University, but the suspension will be deferred. The suspension will be automatically enforced upon any subsequent violation of the Student Honor Code or Student Conduct Code, as applicable. The sanctioning authority will specify when issuing a deferred suspension, which violations will automatically trigger the enforcement of the deferred suspension. If an organization commits a violation of the Student Honor Code or Student Conduct Code, as applicable, while on deferred suspension and is found responsible, the organization is

automatically suspended in addition to the other sanctions imposed for the subsequent violation.

(f) Suspension: The student organization loses its University recognition or registration for a given or indefinite period of time, the termination of which shall depend upon specified acts of the organization's own volition related to mitigation of the offense committed. The organization must comply with all sanctions prior to being registered or recognized again. While an organization is suspended, it may not use University resources.

(g) Expulsion: The organization has permanently lost its University recognition or registration and is ineligible to utilize any campus resources such as meeting spaces, funding or be in any way be affiliated with the University.

(h) Restitution: The organization is required to pay for loss of or damages to property, provided that such payment shall be limited to the actual cost of repair or replacement of such property.

(i) Repair of Harm through Community/University Service Work Hours: An organization is required to complete a specified number of hours of service to the university or general community.

(j) Educational Requirements: An organization is required to complete a specified educational sanction related to the violation committed. Such educational requirements include but are not limited to completion of a seminar, report, educational programs or educational speakers.

(k) No Contact Order: A no contact order is a directive to refrain from any intentional contact, direct or indirect, with one or more designated persons or group(s) through any means, including personal contact, e-mail, telephone, or third parties.

Authority: BOG Regulation 1.001.

History: New 9-24-08. Formerly 6C1-4.016, 6C1-4.047, Amended 3-22-13.

REGULATIONS OF
UNIVERSITY OF FLORIDA

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 University of Florida Regulation 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. After a decision has been made and in accordance with the criteria and procedures set forth in University of Florida Regulations 4.031-4.035 and 4.042, each and every accused student, accused student organization, and alleged victim that participated in an administrative review, administrative hearing, or committee hearing may submit one appeal request to the appropriate University reviewing authority as outlined below.

(a) Appeals shall be directed to the appropriate reviewing authority as follows:

1. Appeals of decisions made by Housing and Residence Education professional staff and graduate hall directors should be directed to the Assistant Director of Residence Life and Education for Conduct and Community Standards or designee.

2. Appeals of decisions made by the Assistant Director of Residence Life and Education for Conduct and Community Standards or designee should be directed to the Assistant Dean of Students and Director of Student Conduct and Conflict Resolution or designee.

3. Appeals of decisions made by the Assistant Dean of Students and Director of Student Conduct and Conflict Resolution or designee should be directed to the Dean of Students or designee.

4. Appeals of 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 should be directed to the Vice President for Student Affairs or designee.

(b) All appeals must be in writing and submitted to the appropriate reviewing authority within ten (10) business days from the date of the decision letter.

(c) The reviewing authority may decide the appeal on the written submission alone, or, if the reviewing authority believes additional information is necessary, the reviewing authority may request a meeting with the person making the appeal. When the reviewing authority requests a meeting in conduct cases involving both an accused student (or student organization) and an alleged victim, the reviewing authority shall provide an opportunity for both participants to meet individually with the reviewing authority. During the meeting(s), the accused student, student organization and alleged victim may have one support person present, but that support person may not speak on behalf of the accused student, student organization or alleged victim. The failure or refusal to meet with the reviewing authority upon the authority's request or invitation shall not affect or constrain the ability of the reviewing authority to issue a decision. Participants who fail to respond to a request or invitation to meet within five (5) business days after the reviewing authority makes the request or invitation shall be deemed to have refused the request or invitation and the decision may be rendered by the reviewing authority without further delay. Similarly, the reviewing authority need not delay the decision if a participant fails to attend a meeting at its scheduled time.

(d) The basis for filing an appeal 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 evidence or information has been provided that could not have been discovered at the time of the hearing. This basis for appeal is not available when a student fails to attend a hearing after receiving proper notice.

3. The information presented did not support the decision by a preponderance of the evidence (more likely than not) standard. In cases where an accused student (or student organization) is found not responsible and the alleged victim participated in the underlying case, that alleged victim may appeal on the grounds that the preponderance standard was met.

4. The sanction(s) imposed were not appropriate for the violation, taking into account both prior misconduct and mitigating circumstances.

(e) If the underlying case involved an alleged victim, the accused student or accused student organization's appeal will be shared with the alleged victim. The victim is given the opportunity to write a response, which will be considered by the reviewing authority. If the alleged victim submits the appeal, it is shared with the accused and the accused has the opportunity to write a response, which will be considered by the reviewing authority.

(f) The decision on the appeal should be made within ten (10) business days following receipt of all written submissions and completion of any meetings, except in exceptional circumstances. The decision of the reviewing authority shall be the final decision of the University and no further appeals are allowed. The reviewing authority may remand the case for a new hearing or may accept, modify, or reject/vacate the decision or sanction imposed, and shall state the reasons.

(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 Regulation 1.001.

History: New 9-24-08. Formerly, 6C1-4.016, Amended 3-22-13.

REGULATIONS OF
UNIVERSITY OF FLORIDA

6C1-4.049 Student Honor Code and Student Conduct Code; Withholding Degrees Pending Resolution of Violation(s), Withdrawing and Revoking Degrees.

(1) Withholding a degree.

(a) In accordance with the conditions set forth below, no degree will be conferred upon a student against whom charges have been filed involving an alleged violation of either the Student Honor Code or Student Conduct Code, provided the student has received notice of charges, notice of hearing or notice of sanctions to be imposed. No degree will be conferred until:

1. the action is resolved, including completion of any sanctions imposed, and
2. all degree requirements are fulfilled.

(b) If in the opinion of the Director of Student Conduct and Conflict Resolution, the sanction imposed is likely to be a written reprimand, the degree may be conferred at the Director's discretion.

(2) Withdrawing a degree.

(a) A degree may be withdrawn when a student has graduated and an incident occurred before graduation and:

1. the student has a pending conduct hearing that was scheduled prior to or as the student graduated, or
2. 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 Honor Code that took place before the student graduated or received a degree from the University; or

3. within two years 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 that took place before the student graduated or received the degree from the University.

(b) The student shall 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.

(3) Revoking a degree. A former student may have his or her degree revoked under the provisions of (2)(b) above, which shall include but not be limited to a determination through the Student Honor Code process that a significant Student Honor Code violation took place, or upon a finding of research misconduct under Regulation 6C1-1.0101, provided that the relevant dean and the provost will be consulted prior to making this decision and the Vice President for Student Affairs shall concur in such decision.

Specific Authority: BOG Resolution dated January 7, 2003.

History: New 9-24-08. Formerly 6C1-4.014.

REGULATIONS OF
UNIVERSITY OF FLORIDA

6C1-4.050 Student Honor Code and Student Conduct Code: Records, Holds, Issuance of Transcripts, and Retention of Records in Cases of Disciplinary Action.

(1) The transcripts and future registration records of students subject to disciplinary action are placed on hold in accordance with the following guidelines:

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

1. a student has committed Student Honor Code and/or Student Conduct Code violation culminating in suspension and/or expulsion;

2. a student has been placed on interim suspension pending investigation and hearing in accordance with Regulation 6C1-4.044;

3. a student has failed to appear before the Director of Student Conduct and Conflict Resolution or designee, the Coordinator of Residential Judicial Programs or designee, the Health Science Center Student Conduct Committee, the Greek Conduct Committee, the Student Conduct Committee or the College of Law Honor Committee when notified as to his or her involvement in disciplinary matters;

4. when a student fails to complete required sanctions by the assigned deadline; or

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 his or her record is to be made prior to re-enrollment.

(2) When a student requests issuance of his or her transcript to another educational institution, outside agency or individual, such transcript shall be issued subject to the following guidelines:

(a) If the Dean of Students Office has placed a hold on the transcript of a student in accordance with paragraphs (1)(a)1, 2, 3, or 4 above, the transcript will be issued with an overlay which states that the student is not in good standing with the University.

(b) If the Dean of Students Office has placed a hold on the transcript of a student in accordance with paragraph (1)(a)5 above, the Dean of Students or designee will review the record to determine and decide whether the transcript will be issued with an overlay which states that the student currently is not in good standing with the University and to contact the Dean of Students Office for additional information.

(3) The Dean of Students Office has adopted the following Retention of Records Policy: 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. In cases where a student goes directly from an undergraduate status to a graduate or professional status, the record will be maintained until completion of the graduate or professional degree. Student conduct records shall be retained for longer periods of time or permanently if the student was expelled, suspended 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.

(4) The student conduct file of an accused student shall be destroyed within one calendar year if the student is found not responsible for violating the Student Conduct Code.

(5) Notwithstanding the foregoing, if during the year of the student's graduation, the student requests in writing that his or her conduct record be destroyed, and that student can demonstrate that he or she has applied to graduate, that record will be evaluated. The record will be destroyed provided the student committed only one Student Conduct Code violation 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) violate the firearm, explosives, dangerous chemicals, ammunition or weaponry

regulations of the University; or

- (g) rise to the level of magnitude, or impact of violations described in (a)-(f) above.

The decision of the Dean of Students or designee on whether or not to destroy a disciplinary record under this section (5) is final and is not appealable.

Specific Authority: BOG Resolution dated January 7, 2003.

History: New 9-24-08. Formerly 6C1-4.026.

REGULATIONS OF THE
UNIVERSITY OF FLORIDA

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.

Authority: BOG Regulation 1.001.

History: New 9-24-08. Formerly 6C1-4.0163, 6C1-4.051, Amended 3-22-13.