

USF System USF USFSP USFSM

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41 **I. PURPOSE AND INTENT/STATEMENT OF REGULATION:**

42 **A.** Student Rights and Responsibilities (SRR) supports the mission, goals, values and vision
43 of the University of South Florida System (“University” or “USF”) by promoting a
44 community that values individual responsibility and the adherence to community
45 standards as embodied in this Regulation (“Student Code of Conduct” or “Code”).
46 Through the Conduct Process, SRR engages students and student organizations in
47 personal and social responsibility.

48 **B.** SRR’s goal is to encourage and develop standards of behavior and critical thinking that
49 will create a community of leaders and citizens and enhance the USF environment for
50 community members living, studying and working within the University. By engaging
51 students in one-on-one interactions with staff trained in student development and through
52 group interactions with the University Conduct Board, USF students are challenged to
53 assess and reassess their framework of principles and behavioral norms that support a
54 healthy community.

55 **II. AUTHORITY:**

56 **A.** The Student Code of Conduct is a document that describes prohibited behavior that is
57 counteractive to the goals and mission of USF and how the University will hold students
58 and student organizations accountable. Students and student organizations are
59 responsible for their guests/guest’s compliance as well.

60 **B.** The University of South Florida’s jurisdiction for the Student conduct process extends to
61 the conduct of any Student or Student Organization, regardless of the location, which
62 adversely affects the University community and/or the pursuit of its mission; when the
63 behavior relates to the good name of the University; the integrity of the educational
64 process; the safety and welfare of the University community; and/or the conduct violates
65 state or federal law.

66 **C.** Students are responsible for knowing the information, policies, and procedures outlined
67 in the Student Code of Conduct. The University reserves the right to make changes to
68 the Code as necessary. Students are encouraged to check online at
69 <http://regulationspolicies.usf.edu> for the most updated versions of all policies and
70 regulations.

71 **D.** The University strongly encourages ~~complainants~~ of sexual ~~misconduct and sexual~~
72 harassment and sexual misconduct to file a complaint and note that for some persons the
73 filing of a complaint may be compulsory. Complaints may be filed with the designated

74 offices detailed ~~in the Student Code of Conduct and/or~~ in Policy 0-004 Sexual
75 Misconduct/Sexual Harassment (Including Sexual Violence).

76 E. Any individual may refer a student or student organization for alleged violation/s of the
77 Student Code of Conduct by filing a written referral with SRR. SRR reserves the right to
78 initiate or follow up any investigative leads where there is reasonable belief of possible
79 violations of the Student Code of Conduct.

80 F. The conduct process may be initiated for a student or student organization whose ~~charged~~
81 ~~with~~ alleged conduct potentially violates both the criminal law and/or the Student Code
82 of Conduct without regard to the pending civil or criminal litigation in court or criminal
83 arrest and prosecution. The conduct process under this Regulation may be carried out
84 prior to, simultaneously with, or following civil or criminal proceedings off campus at the
85 discretion of SRR. Determinations made or sanction(s) imposed as a result of the
86 conduct process shall not be subject to change because criminal charges were dismissed,
87 reduced, or resolved in favor of or against the criminal law defendant. Members of the
88 University community, who commit offenses against the laws of municipalities, states, or
89 the United States, are subject to prosecution by those authorities and may be subject to
90 disciplinary action under University rules when their conduct violates the Student Code
91 of Conduct. Students shall not be forced to present self-incriminating evidence
92 information; however, the University is not required to postpone the conduct process
93 pending the outcome of any civil or criminal case.

94 **III. DEFINITION OF TERMS:**

95 A. “Administrative Hearing Officer” is a University faculty or staff member
96 designated by the Director of SRR, ~~or the Dean of Students,~~ or the designated
97 University Official, who will hear-adjudicate the case, hearing the Student, the
98 complainant and/or the University’s explanation of events ~~and the information~~
99 ~~presented by OSRR~~ during the formal hearing.

100 B. “Administrative Hold” refers to a restrictive hold placed on a Student’s record
101 at any point in the conduct process to assure compliance with sanctions or
102 pending the resolution of conduct matters. When terms and conditions of
103 sanctions have been satisfied and/or pending conduct matters have been
104 resolved, the hold may be removed.

105 C. “Advisor” refers to any one person chosen by the Student to assist them
106 throughout the conduct process. While an advisor may assist a Student, the

107 advisor may not speak on the Student’s behalf or otherwise take an active role
108 in the conduct process.

109 **D.** “Alleged Victim” is a term that ~~may be used~~ refers to ~~reflect a the~~ person ~~that~~
110 ~~who~~ alleges any personal harm or injury from ~~an alleged violation of the Student~~
111 ~~Code of Conduct depending on the facts of a case~~ another person. At times, to
112 avoid duplication or wordiness, the term victim may be used to refer to an
113 alleged victim.

114 **E.** “Charge Letter” is the letter sent to the Student or Student Organization after
115 the Initial Review Meeting. The letter states the disposition of ‘responsible or
116 not responsible’, and includes the charges, educational sanctions, and the option
117 for the student to request a Formal Hearing if applicable.

118 **F.** “Complainant” is a term used in this Regulation to refer to the person who
119 submits a referral alleging that a student or organization violated the Student
120 Code of Conduct. In specific cases, the Complainant may not be the actual
121 victim or the alleged victim. Recognizing that the law provides victims and
122 alleged victims specific rights and non-victim complainants may not have
123 the same rights or protections, this Code will use “Complainant” as a general
124 term and the Code will be applied to fit the particular circumstances at the
125 discretion of SRR.

126 **E.G.** “Charged Student” is a Student who has been charged with violation/s of the
127 Student Code of Conduct that are moving forward to a formal hearing.

128 **F.H.** “Conduct Process” refers to the entire process outlined in the Student Code of
129 Conduct, including the Initial Review, the Formal Hearing, and the Appeal
130 process. This also includes the Provisional Suspension Process.

131 **G.I.** “Day/s” in terms of process is defined as the normal business day and will not
132 include Saturdays, Sundays, or legal holidays/University administrative holidays
133 or when the campus is closed for business.

134 **H.J.** “Dean of Students or designee” is the individual who will hear an appeal
135 following a Formal Hearing.

136 **I.K.** “Deferred Adjudication” refers to the process when a Student is responsible
137 for a violation but the finding is held so the Student can complete certain
138 requirements in an allotted timeframe. In order to receive Deferred

139 Adjudication, the Student must begin by accepting responsibility. At the
140 completion of all requirements, the Student will be adjudicated “not
141 responsible.” ~~is listed on a Students’ record as a dismissal after the completion~~
142 ~~of deferred adjudication~~ This may only be used for specific non-violent first
143 time offenses.

144 J.L. “Formal Hearing” or “Hearing” is the proceeding elected by the charged
145 student which can be conducted by an Administrative Hearing Officer or a
146 University Conduct Board after charges have been ~~filed~~ moved forward by the
147 Initial Review Officer.

148 K.M. ~~“Final OSRR Decision~~ “Hearing Outcome Letter” is the finding rendered at
149 the conclusion of the formal hearing.

150 L.N. “Final University Decision” is the finding of the Dean of Students, or designee,
151 as issued in the Dean’s Decision on Appeal Letter.

152 M.O. “Good Disciplinary Standing” refers to a student who is free from disciplinary
153 probation, disciplinary holds, and it not currently involved in the conduct
154 process.

155 N.P. “Guest” refers to any individual (Student or non-Student) who is not assigned
156 to live in a particular room in an on-campus residence; is on the premises where
157 the alleged violation occurred; and/or refers to any person visiting the
158 University who is not affiliated with the University. Students may be held
159 responsible for the actions of their guests.-

160 O.Q. “Impact Statement” is an oral or written statement provided by the alleged
161 victim in cases of violent misconduct, or when requested by SRR. The
162 statement explains how the incident has ~~effected~~ affected the personal and
163 educational experience of the ~~the victim or~~ alleged victim. This statement is
164 reviewed during the sanctioning portion of the Formal Hearing if the Charged
165 Student is found responsible for a violation of the Student Code of Conduct

166 P.R. “Initial Review Officer (IRO)” ~~means is~~ a University official authorized to meet
167 with Students regarding referrals made for possible violations of the Student
168 Code of Conduct.

169 Q.S. “Initial Review Meeting” is a meeting for the student to learn about their rights
170 in the conduct process, and review the referral and any other applicable
171 information related to the violation(s).

172 R.T. “Intimate Partner” refers to persons who are or who have been dating,
173 cohabitating, married, separated, or divorced and may be of the same or
174 opposite sex.

175 S.U. “May” is used in the permissive sense.

176 T.V. “Member of the University Community” includes any person who is a Student,
177 faculty member, University Official, or any other person with an ongoing
178 relationship, involved with, or employed by the University.

179 U.W. “Notice” is the written communication either by mail or E-mail
180 correspondence that provides information to a Student. Notice is conclusively
181 presumed to be final when such communication is sent to the Student by
182 official University email, and/or mailed to the address appearing on either the
183 student’s current local address or permanent address on record with the
184 University at the discretion of SRR.

185 V. ~~“Offense” means the action that represents a violation of this Student Code~~
186 ~~of Conduct.~~

187 W.X. “Student Rights and Responsibilities (SRR)” or designee is the person(s)/area
188 designated by the USF System President to be responsible for the
189 administration of the Student Code of Conduct. ~~Refer to section (IV)(K) for~~
190 ~~offices listed.~~

191 X.Y. “Policy” means the written and published ~~policies~~ or regulation of the
192 University as found in, but not limited to, the Student Code of Conduct, the
193 residence halls, the library, parking, regulations governing the use of technology
194 and information systems, those regarding the Student Identification Card, and
195 Graduate/Undergraduate Catalogs concerning students and student
196 organizations. Other policies include those related to building and classroom
197 use, to dining services, to campus recreation, and to any regulation of the Board
198 of Trustees.

199 Y.Z. “Preponderance of the Evidence” means that from the evidence/information
200 submitted, it is more likely than not that the charged student did commit the
201 violation(s) for which the student has been charged, and shall not be the strict
202 criminal law standard of proof beyond a reasonable doubt. This is the standard
203 used in adjudicating all disciplinary cases through the Student Code of Conduct.

204 ~~Z.AA.~~ “Record” ~~Is~~ a student’s SRR file is considered an educational record at the
205 University and is the property of the University. A file may include
206 documentation and/or the audio recording of a formal hearing (only audio
207 recording by the University is permitted). Deliberations are not recorded. ~~This~~
208 ~~file is protected by~~ To the extent the University maintains records, the Family
209 Educational Rights and Privacy Act (FERPA)-) may prohibit or restrict their
210 disclosure.

211 ~~AA.BB.~~ “Referral” means the written documentation provided to SRR alleging that a
212 violation of the Student Code of Conduct ~~the Student Code of Conduct~~ may
213 have occurred.

214 ~~BB.CC.~~ “Referred Student” is the person who has been named in the referral provided
215 to SRR to have allegedly violated this Student Code of Conduct.

216 ~~CC.DD.~~ “Responsible” in the context of a hearing outcome decision means the
217 information presented in the student’s charge letter and all information
218 reviewed at any hearing as a whole indicates that it is more likely than not that
219 the student committed the violation.

220 ~~DD.EE.~~ “Student” for the purposes of the Student Code of Conduct, includes
221 all admitted persons ~~and/or registered Student Organizations~~, or a person who
222 has an active application for admission, housing, or any other service provided
223 by the University, which requires Student status. The term “student” includes
224 all persons taking University courses, either full-time or part-time, pursuing
225 undergraduate, graduate, non-degree seeking, or professional studies. Persons
226 who withdraw or who are academically dismissed after allegedly violating the
227 Student Code of Conduct, or who are not officially enrolled for a particular
228 term but who are eligible to enroll or have a continuing relationship with the
229 University, or who have been notified of their acceptance for admission are
230 considered students.

231 ~~EE.FF.~~ “Student Organization” means any group of students who have complied with
232 the requirements for registration and are officially recognized by the University
233 as a registered organization. These include, but are not limited to, political
234 groups, fraternities and sororities, and student sports clubs. Student
235 organizations are subject to every element of the Student Code of Conduct.

236 **FF.GG.** “Temporary Restrictions” are actions that SRR may take prior to or during the
237 investigation of an incident. These may include, but are not limited to, a
238 removal from on campus housing; no contact orders; restrictions from clubs,
239 events, and organizational activities; and/or restrictions from specific areas on
240 the University premises. When a temporary restriction is imposed, SRR will
241 attempt to expedite the conduct process.

242 **GG.HH.** “Transcript Overlay” means a notation on a student’s academic
243 transcript that states the student is not in “good disciplinary standing” due to a
244 disciplinary suspension or expulsion.-

245 **HH.II.** “University” means the University of South Florida System, including any
246 member institution affiliated with the USF System.

247 **I.JJ.** “University Activity” or “University Program” refers to any function or event,
248 which is hosted, sponsored or organized by any University member, group or
249 organization, including but not limited to, student organizations. Such activities
250 or programs include but are not limited to coursework and other academic
251 activities, education abroad, field trips, retreats, social events, philanthropies,
252 and community service events.-

253 **JJ.KK.** “University Conduct Board” is a panel of faculty, staff, and students who have
254 been trained to hear conduct cases and make decisions related to reported
255 violations of the Student Code of Conduct. The UCB panel must have
256 representation by of at least 50% student membership. The panel will adjudicate
257 the conduct case, hearing both the student explanation of events and the
258 information presented by SRR, witnesses, and reporting parties.

259 **KK.LL.** “University Official,” for the purposes of the Student Code of Conduct, means
260 any representative of a USF System direct service organization, USF System
261 board, committee, office, or member of the USF System faculty, administration,
262 or staff. According to the Student Code of Conduct, this definition includes
263 student staff acting in accordance with their assigned duties.

264 **LL.MM.** “University Premises” includes all land, buildings, facilities,
265 recreational fields, and other property in the possession of or owned, used, or
266 controlled by the University (including adjacent streets and sidewalks).

267 ~~MM. — “Victim or Alleged Victim” is a term that refers to the person who alleges any~~
268 ~~personal harm or injury from another person. Alternately known as Alleged~~
269 ~~Victim.~~

270 NN. “Will” is used in the imperative sense.

271 OO. “Witness” is used to define an individual who is in the proximity of an incident
272 and viewed the actions of said incident or who has relevant information about
273 a given incident or actions related to a specific incident.

274 IV. Process Steps **SPECIFIC PROVISIONS:**

275 A. General: Each Student is expected to abide by the Student Code of Conduct (“Code”).
276 The following violations are broadly defined and are not exhaustive in terms.

277 B. Standards for Behavior in the Classroom: Faculty members have the primary responsibility
278 of managing the classroom environment whether in person or online in accordance with
279 USF3.025- Disruption of Academic Process. Faculty members may remove a Student
280 from the classroom environment for disruption on the day that it occurs or faculty
281 members may remove a Student permanently from the class. If the student disrupts the
282 classroom environment, the faculty member should make a referral to Student Rights and
283 Responsibilities.

284 C. Violations:

285 (4.01) Theft - The unauthorized taking, misappropriation or possession of any real,
286 personal, or intellectual property or services provided, owned or maintained by the
287 University or by any person. ~~“Services” includes, but is not limited to, unauthorized~~
288 ~~copying of software and acts considered to be in violation of copyright laws.~~

289 (4.02) Misuse of Property - Destruction, damage, misuse, or defacing of University
290 buildings or property, private property, and/or personal property. ~~Also~~ and includes

291 (a) unauthorized access or entry to University property, buildings, structures, or
292 facilities, or the residence facilities or property of any member of the University
293 community and/or and

294 (b) unauthorized possession, duplication, or use of keys or access cards for any such
295 property.-

296 (4.03) Misuse of Materials - Unauthorized accessing, removing, duplicating,
297 photographing, and/or forging, counterfeiting, altering or misusing of any University
298 material (including University intellectual property), file document or record, computer

299 records, software, data files and similar entities owned or maintained by any member of
300 the University faculty, administration, staff, or Student body. This also includes the
301 unauthorized usage of the official University mark, monogram, seal, or other graphic
302 identity symbol.

303 (4.04) Weapons, Firearms, or Explosive Devices - The illegal possession, storage, use or
304 sale of any weapon (lethal or non-lethal), firearm, ammunition, or any incendiary, explosive
305 or destructive device. This further includes, but is not limited to switchblade knives, air
306 soft guns, dangerous chemicals, corrosive and/or biological chemicals or agents as
307 restricted by University policies and/or protocols. This also covers any item used as a
308 weapon to cause actual physical harm or threaten physical harm. For additional
309 information, reference Policy 6-009 Weapons on USF System Property and the USF
310 Housing Resident Handbook.

311 (4.05) Harassment - Conduct which creates an unsafe, intimidating or hazardous situation
312 that interferes with the ability of a student or employee to study, work, or carry out
313 University functions. For additional information, reference Policy 0-007 Diversity and
314 Equal Opportunity: Discrimination and Harassment.

315 Bullying is included in this violation and refers to repeated and/or severe aggressive
316 behaviors that intimidate or intentionally harm or control another person physically or
317 emotionally, and are not protected by freedom of expression.

318 (4.06) Stalking - To follow another person and/or repeatedly interact with a person so as
319 to harass that person, or a course of conduct directed at a specific person that would cause
320 a reasonable person to fear for one's or others' safety or to suffer substantial emotional
321 stress. This includes "cyber-stalking" a particular form of stalking with a person who uses
322 electronic media, such as the internet, social media networks, blogs, cell phones, text
323 messages, or other similar devices or forms of contact.

324 (4.07) Hazing - Hazing means any action or situation that recklessly or intentionally
325 endangers the mental or physical health or safety of a Student for the purpose of initiation
326 to, admission into, or affiliation with, an organization. Any University community
327 member who has knowledge of or has reason to believe that hazing has taken place is
328 required to report. For additional information, reference USF6.0023 Prohibition of
329 Hazing. Actions and situations that may constitute hazing include, but are not limited to
330 the following:

- 331 • Forced or coerced consumption of food, alcohol, beverage, drugs, or other substances,
- 332 • Paddling, hitting, slapping, branding, and/or physical brutality in any form,
- 333 • Creation of unnecessary fatigue,
- 334 • Personal servitude,
- 335 • Physical and/or psychological shocks,
- 336 • Wearing of apparel which is conspicuous and not normally in good taste,
- 337 • Degrading or humiliating games or activities,
- 338 • Sleep, food, or beverage deprivation,
- 339 • Isolation and exclusion from social contact,
- 340 • Calisthenics,
- 341 • Unreasonable exposure to the elements,
- 342 • Kidnapping or abandonment,
- 343 • Line-ups and berating behaviors,
- 344 • Undue interference with academic pursuits,
- 345 • Pressuring or coercing involvement in activities that are illegal, lewd, or in violation of
- 346 University Policy

347 (4.08) Disorderly Conduct - Breach of peace, such as causing a disturbance or being unruly.

348 (4.09) Disruptive Conduct - Actions that impair, interfere with or obstruct the orderly
349 conduct, processes and/or functions of the University. Disruptive conduct shall include,
350 but not be limited to, the following:

- 351 • Interference with freedom of movement or with the right to address an audience of
352 any member or guest of the University;
- 353 • Impeding or interference with the rights of others to enter, use or leave any University
354 facility, service or scheduled activity, or carry out their normal functions or duties;
- 355 • Interference with academic freedom and freedom of speech of any member or guest
356 at the University;
- 357 • Actions that disrupt, endanger, or disturb the normal functions of the University or
358 the safety of a person or persons. This includes interfering with an investigation, in
359 any way, of SRR.

360 (4.10) False Alarm & Fire Safety -

- 361 • Issuing a bomb threat or other warning of impending disaster without cause;

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- Intentional misuse, disabling, or tampering with any fire alarm or fire safety equipment;
- 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;
- 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;
- 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.

(4.11) Threats of Violence - A threat by word or act to do violence to a person or persons.

(4.12) Injurious Behavior - When one person actually and intentionally touches or strikes a person or persons against their will, or intentionally causes bodily harm.

(4.13) Reckless Injurious Behavior - Conduct that may be unintentional, but is with conscious disregard for its consequences to person(s) or property and results in actual or potential damage, injury, or harm. ~~to a person(s).~~

(4.14) Sexual Harassment – unwelcome conduct directed at a person based on the person’s gender or sexual orientation that is so sufficiently severe, persistent, or pervasive that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the college's educational program and/or activities, and is based on power differentials (quid pro quo), the creation of a hostile environment or retaliation, which includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. The prohibited conduct may include actions, which meet the definition provided by criminal statutes such as battery or assault. For additional information, reference Policy 0-004 Sexual Misconduct/Sexual Harassment (Including Sexual Violence).

Sexual harassment includes, but is not limited to:

(4.14)(a) Sexual Exploitation purposely or knowingly doing any of the following:

- Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person’s ability to give affirmative consent to sexual activity;
- Allowing third parties to observe private sexual activity form a hidden location (e.g., closet) or through electronic means (e.g., Skype or livestreaming of images);

- Engaging in voyeurism (e.g., watching private sexual activity without the consent of the participants or viewing another person’s intimate parts (including genitalia, groin, breast or buttocks) in a place where that person would have a reasonable expectation of privacy);
- Recording or photographing private sexual activity and/or a person’s intimate parts (including genitalia, groin, breasts or buttocks) without consent;
- Disseminating or posting images of private sexual activity and/or a person’s intimate parts (including genitalia, groin, breasts or buttocks) without consent;
- Prostituting another person; or
Exposing another person to a sexually transmitted infection or virus without the other’s knowledge.

(4.14)(b) Non-Consensual Sexual Intercourse - Any sexual intercourse however slight, with any object, by any individual upon another individual that is without consent and/or by force. Intercourse includes vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

(4.14)(c) Non-Consensual Sexual Contact - Any intentional sexual touching, however slight, with any object, by an individual upon another individual, that is without consent and/or by force. Sexual Contact includes intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth, or other orifice.

(4.14)(d) Unwanted or Unwelcome Sexually Oriented Attention - Unwanted or unwelcome sexually-oriented remarks or behaviors, that are so sufficiently severe, persistent, or pervasive, on the part of a person who knows or ought reasonably to know that such remarks or behavior unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the college's educational program and/or activities.

(4.15) Misuse or Possession of Illegal Drugs - Using, possessing, manufacturing, distributing, selling, or attempting to obtain any controlled substance which is prohibited by law. The term “drugs” includes, but is not limited to, any narcotic drug, central nervous

426 system stimulant, hallucinogenic drug, barbiturate, or any other substance treated as such.
427 The unauthorized possession or use of a regulated or controlled substance, including one's
428 own or another's prescription drugs and paraphernalia used for drugs (e.g. bong, glass
429 pipes, etc.) is a violation. Further, the un-prescribed use, inhalation, or ingestion of a
430 substance (e.g. nitrous oxide, glue, paint, etc.) that could/will alter a student's mental state
431 is also prohibited. Attending class, an organizational meeting or other University event
432 that is specific for an educational purpose while under the influence of drugs, as noted in
433 this section, is a violation. Further, if medical assistance is sought for a student in need
434 who has consumed drugs, the student may qualify for Medical Amnesty as defined in the
435 30-004 Medical Amnesty (Student Reporting) Policy. See also Policy 0-610 Drug-Free
436 Workplace.

437 (4.16) Gambling - Conducting or organizing any form of games of chance.

438 (4.17) Misuse of Alcohol - Failure to abide by Policy 30-023 Alcohol Policy and all
439 University protocols and policies and state and federal law regarding alcohol. Specific
440 Student Code of Conduct standards include, but are not limited to:

- 441 1. The sale of, or intent to sell, alcohol without a proper license;
- 442 2. Providing alcohol to any person who is not of legal age to possess or consume
443 alcohol;
- 444 3. Possession or consumption of alcohol by persons not of legal age;
- 445 4. The operation of a motor vehicle by a person under the age of 21 while having a
446 blood alcohol level of .02 or higher;
- 447 5. The operation of a motor vehicle, by an individual of any age, under the influence
448 of alcohol;
- 449 6. The consumption of alcohol on streets, according to local ordinance;
- 450 7. Public intoxication;
- 451 8. Conducting an open house party which can include, but is not limited to, an event
452 at which minors may possess or consume alcohol. An open house party is defined
453 as an event at a residence where hosts, owners, or other in control of the event fail
454 to take reasonable steps to ensure legal compliance, reduce the risk of harm, and
455 ensure the safety of guests (including but not limited to, removing those in
456 violation or requesting law enforcement to assist) if alcoholic beverages are known
457 to have been consumed at the residence by person(s) under the age of twenty-one

458 and/or illegal drugs or controlled substances are unlawfully possessed, distributed
459 or used;

- 460 9. Attending class, an organizational meeting or other University event that is specific
461 for an educational gain while under the influence of alcohol.

462 Further, if a medical assistance is sought for a student in need who has consumed alcohol,
463 the student may qualify for Medical Amnesty as defined in the 30-004 Medical Amnesty
464 (Student Reporting) Policy. See also Policy 30-023 Alcohol Policy.

465 (4.18) False Information – Knowingly withholding related information or making a false
466 or misleading oral or written statement to the University and/or any University Official.
467 This includes forgery, unauthorized alteration, possession, or misuse of any document,
468 record, or instrument of identification.

469 ~~This also includes~~ Additionally, this includes deliberately and purposefully providing false
470 or misleading verbal or written information about another person.

471 Furthermore, this also includes falsifying, distorting, or misrepresenting the truth during
472 proceedings under the Student Code of Conduct, including knowingly submitting a false
473 complaint.

474 ~~Furthermore~~ Finally, this includes falsification or admission or re-admission
475 documentation to the University.-

476 (4.19) Bribery - Offering or accepting a bribe or inducement that would impinge upon or
477 compromise the integrity of academic work product, Student performance, or the
478 unbiased and professional duty of faculty and staff or Student of the University.

479 (4.20) Failure to Respond to Instructions - Failure to comply with authorized official
480 requests (oral or in writing): failure to produce identification for or in agreement with
481 University Officials acting in accordance with their assigned duties. This also includes
482 failure to comply with a directive of a University Official acting within the scope of their
483 assigned duties.

484 (4.21) Violation of University Policy and/or Local Ordinance, State, or Federal Law (as
485 determined by the University) - Failure to adhere or abide by policies including, but not
486 limited to, local ordinance, state law or federal law. Adjudication by an outside entity is not
487 a prerequisite to a determination of responsibility by the University.

488 (4.22) Violation of Probation or Restriction - Failure to abide by the conditions of
489 probation, or other restriction that was assigned based on previous behavior that was
490 deemed unacceptable at the University level.

491 (4.23) Complicity- To be associated with, not removing oneself from the situation or to
492 be present during the commission of any act by another that constitutes a violation of
493 University policy or if the behavior is considered to constitute a violation of University
494 policy or if the behavior is considered to constitute permission, to contribute to, or to
495 condone a violation of a University regulation or policy.

496 (4.24) Specific Acts of Violence – An act that falls into any one of the sections listed
497 below as 4.24(a) and 4.24(b):

498 (4.24)(a) Domestic Violence – Conduct that includes asserted violent misdemeanor and
499 felony offenses committed by the Complainant's alleged victim's current or former spouse,
500 current or former cohabitant, person similarly situated under domestic or family violence
501 law, or anyone else protected under domestic or family violence law.

502 (4.24)(b) Dating Violence – Conduct that includes violence by a person who has been in
503 a romantic or intimate relationship with the Complainant alleged victim. Whether there
504 was such relationship will be gauged by its length, type, and frequency of interaction.

505 (4.25) Retaliation – Violence, threats or adverse action taken by a student or student
506 organization against any individual who, in good faith, has made any allegation of sexual
507 harassment misconduct; or who has testified provided information, assisted, or
508 participated in any investigation, review, or formal hearing conducted under the Student
509 Code of Conduct; or any local, state or federal proceeding.

510 (4.26) Information Technology - Improper use of technology hardware or software
511 including but not limited to computers, e-mail, cell phones, video cameras, and drones.
512 See also Policy 0-502 Appropriate Use of Informational Technology Resources and Policy
513 6-036 Unmanned Aircraft System (Drone) Operations.

- 514 • Unauthorized downloading or facilitating others to download copyrighted music,
515 films, and other documents without authorization.

516 Recording of Oral Communication without Consent – Acquires, by listening or by
517 recording using any device, any wire, oral, or electronic communication, when such
518 communication is uttered by a person exhibiting an expectation that such
519 communication is not subject to interception under circumstances justifying such
520 expectation (i.e. in a situation in which the person has a reasonable expectation of
521 privacy), and the person has not given consent to the acquisition or recording of the
522 communication.

523 (4.27) Residence Hall Policy Violation – Violations of any policy or regulation
524 governing University Housing, as well as, the University Housing rental agreement and
525 the Resident Handbook. See also Regulation USF6.013.

526 **D. Stages of Conduct Process:**

527 1. Referral: Any person may refer a Student’s conduct for review as a possible Student
528 Code of Conduct violation. This referral should be made within a reasonable time
529 following the discovery of the alleged Student code violation and no later than six
530 (6) months after the discovery, except in extraordinary cases.

531 2. Initial Review: If the referral includes enough information for SRR to accept the
532 referral, SRR will assign an Initial Review Officer (IRO). Written notice will be
533 sent to the referred student requesting them to schedule an initial review meeting.
534 This meeting between the Initial Review officer and the referred student is an
535 opportunity for the Initial Review Officer to explain the allegations, the Student’s
536 rights and answer any questions the referred student may have. The referred
537 student may choose to discuss the incident during this meeting and may be
538 provided an opportunity to accept responsibility for violations of the Code of
539 Conduct. If the referred student student is provided an opportunity to accept
540 responsibility, the Student wishes to accept that opportunity, and the Initial Review
541 Officer and the ~~Charged~~referred student may identify mutually agreed upon
542 charges and sanctions ~~for~~, the ~~Charged~~referred student ~~to~~may accept the charges
543 and sanctions thus waiving their right to appeal. If the referred student does not
544 want to accept responsibility of charges and/or sanctions cannot be agreed upon,
545 the referred student will be sent a Charge Letter with the options for electing a
546 Formal Hearing. If the referred student fails to schedule or attend the Initial
547 Review Meeting, the Initial Review Officer will review the referral in absentia and
548 make a determination as to the appropriate charges and educational sanctions to
549 move forward.

550 Conclusion of Initial Review Process:

551 At the conclusion of the Initial Review meeting, the Initial Review Officer will
552 either dismiss the referral or will issue a Charge Letter (for the purposes of the
553 Student Code of Conduct, the Referred Student now becomes the Charged
554 Student). Outcomes of the charge letter ~~may will include include:~~ the
555 recommended charges and sanctions and the choices available to the charged

556 student which are (1) accept responsibility and sanctions or (2) request a formal
557 hearing.

558 Failure of Charged Student to Respond:

559 3. If the charged student fails to respond to the charge letter within the allotted time,
560 the charges and sanctions will become finalize and the charged student will be
561 found responsible and may have a limited right to appeal. Formal Hearing: Within
562 five (5) days of the date of the charge letter, the charged student may elect to have
563 a formal hearing either by an Administrative Hearing Officer or the University
564 Conduct Board. In cases where the charged student is being charged with sexual
565 harassment or sexual misconduct, the alleged victim can request an administrative
566 hearing and that request will be honored over the charged student's request for a
567 University Conduct Board hearing. Hearings may result in charges being upheld
568 or dismissed and sanctions that are more or less severe than the sanctions
569 recommended by the Initial Review Officer. Notification of formal hearing will
570 occur no later than five (5) days prior to the date of hearing. If the charged student
571 wishes to have the hearing earlier, they waive the right to their review period. At
572 the conclusion of the formal hearing process, the charged student will receive a
573 Hearing Outcome Letter with determinations regarding responsibility for charges
574 and any subsequent sanctions. If the charged student fails to attend the formal
575 hearing, the case will be adjudicated in absentia.

576 a. Details of Formal Hearing Options:

577 i). Administrative Hearing Officer: If a charged student elects a formal
578 hearing before an Administrative Hearing Officer, the charged student
579 waives the right to a review by a University Conduct Board. SRR will move
580 forward by assigning an Administrative Hearing Officer to adjudicate the
581 case.

582 ii). University Conduct Board: If a charged student elects a formal hearing
583 before a University Conduct Board, the charged student waives his the right
584 to review by an Administrative Hearing Officer. SRR will appoint a
585 University Conduct Board with membership of at least 50%
586 student student. Board members must be present for the presentation of
587 information at the formal hearing and a quorum for the formal hearing
588 shall consist of a simple majority of the Board. In the event the quorum

589 does not consist of the appropriate balance of membership, the charged
590 student may elect to proceed or request the formal hearing be rescheduled.
591 After the formal hearing, the Board will reach its decision in executive
592 session by simple majority of the quorum.

593 b. Appeal Process: The charged student (or the alleged victim in specific cases as
594 provided in the Student Code of Conduct) may appeal in writing the outcome
595 of a formal hearing within five (5) days of the date of the Hearing Outcome
596 Letter. The appeal must be written to the Dean of Students, or appropriate
597 designee, at the member institution or separately accredited institution. The
598 burden of proof rests with the charged student or the eComplainantalleged
599 victim to show, by a preponderance of the evidence presented, that the
600 grounds for an appeal have been met. The Dean of Students, or designee, may
601 adopt, modify, or reject charges and/or sanctions from the Hearing Outcome
602 Letter. The Dean of Students, or designee, may request the case be remanded
603 for a new formal hearing forum. The record of the formal hearing may be
604 considered on appeal as well as any new information from the charged student
605 and/or alleged victim that comes to the attention of the Dean of Students or
606 designee. The Dean of Students, or designee, is authorized to contact any
607 participants in the formal hearing for clarification or request additional
608 information as necessary to render a decision.

609 c. Basis of Appeal: Except as required to explain the basis of new information,
610 the Dean of Students, or designee, shall limit the review to the verbatim record
611 of the formal hearing and supporting documents for one or more of the
612 following purposes:

613 i. To determine if there were due process errors involving the University's
614 failure to provide the charged student or student organization with notice
615 or an opportunity be heard.

616 ii. To determine whether the sanction(s) imposed was extraordinarily
617 disproportionate for the violation of the Student Code of Conduct, which
618 the charged student or student organization was found to be responsible.

619 iii. To consider new information, sufficient to alter a decision or other
620 relevant facts not brought out in the formal hearing, because such

621 information and/or facts were not known to the person appealing at the
622 time of the formal hearing. Outcomes of criminal or civil cases have no
623 bearing in any aspect of the process, including the appeal.

624 d. When the appeal is submitted, the charged student (and in specific cases, the
625 complainant) must state the reason(s) for the appeal and must supply the
626 supporting facts and the recommended solution. This is not a re-hearing of
627 the conduct case. An appeal will not be accepted simply because a student is
628 dissatisfied with the decision from the formal hearing. Failure to describe the
629 nature of the information in full detail and/or failure to list and explain at least
630 one (1) of the three (3) bases of acceptable appeals will result in the denial of
631 the appeal.

632 e. The Dean's Decision on Appeal Letter will be rendered within ten (10) days
633 of receipt of the appeal, except in extraordinary cases as determined by the
634 Dean of Students, or designee. The decision made by the Dean of Students,
635 or designee, is to be rendered in the Dean's Decision on Appeal Letter and the
636 decision of the Dean of Students, or designee, is considered the final university
637 decision. If an appeal is not upheld, the initial decision will stand, and the
638 matter shall be considered final and binding upon all involved. If the final
639 appellate decision results in a suspension or expulsion of a charged student,
640 the charged student will be notified in writing that the decision may be
641 appealed by the student to an external judicial forum.

642 4. Provisional Suspension or Temporary Restrictions:

643 A provisional suspension or temporary restrictions may be imposed at the
644 discretion of the University to ensure one or all of the following:

645 a. The safety and well-being of members of the USF System community or
646 preservation of USF System property;

647 b. To ensure the physical or emotional safety and well-being of members of the
648 USF system community; or

649 c. The student's continued presence or student organization's continued
650 activities, or use of privilege at the USF System, is likely to pose an ongoing
651 threat of disruption or interference with the normal operation of the USF
652 System.

653 Emergency Hearing to Review Provisional Suspension: Students and student
654 organizations issued a provisional suspension from the USF System will be
655 provided an emergency hearing within five (5) days from the date of
656 suspension with the appropriate Hearing Officer. The emergency hearing may
657 be conducted in one of the following three ways at the choice of the student:

658 • Acceptance of Responsibility: Except in cases of potential sexual
659 harassment or sexual misconduct, the student may take full responsibility
660 in writing (form to be provided by SRR) indicating that the student is
661 electing to waive all rights to a formal hearing and is requesting ~~that~~ the
662 Hearing Officer make a final determination with regard to the provisional
663 suspension and the substantive charges at the time of the emergency
664 hearing and is accepting that determination as final with a waiver of appeal
665 rights except as to the severity of the sanction which the student may
666 appeal. This will be considered the Hearing Outcome Decision.

667 • Absent Acceptance of Responsibility or in cases of potential sexual
668 harassment or sexual misconduct: The Hearing Officer will conduct ~~the an~~
669 emergency hearing to consider ONLY ~~with regard to whether~~ the
670 provisional suspension should be continued and any change to the initial
671 charges. A formal hearing before an Administrative Officer or the
672 University Conduct Board will be automatically scheduled.

673 • If a student fails to appear for the emergency hearing, the Hearing Officer
674 will consider that failure to appear to be a waiver of participation in both
675 the emergency hearing and formal hearing process. The Hearing Office
676 will adjudicate the entire case in absentia. The Hearing Officer will issue a
677 hearing outcome letter.

678 V. **GENERAL PRINCIPLES OF CONDUCT PROCESS:**

679 **General Principles. Unless otherwise specified:**

680 A. All pending disciplinary matters that may result in suspension or expulsion must be
681 resolved prior to the awarding of any degree or certificate.

682 B. All proceedings will be closed to spectators.

683 C. No irrelevant information, including character statements, should be discussed or
684 considered in the Formal Hearing.

- 685 D. The Student Code of Conduct provides the structure and evidentiary guidelines for this
686 internal University process. Civil and Criminal rules of evidence and procedure do not
687 apply.
- 688 E. The Administrative Hearing Officer or Chair of the University Conduct Board has the
689 discretion to allocate time allotments for the Formal Hearing and time to provide
690 information.
- 691 F. At the conclusion of the appeal process, the decision of the Dean of Students or the
692 appropriate designee is the Final University Decision and there are no further internal
693 University appeals.
- 694 G. After ~~the a~~ Final University Decision that results in suspension or restriction from the
695 University, a student may seek outside judicial review pursuant to Florida Rule of Appellate
696 Procedure 9.190(b)(3) by filing a petition for certiorari review with the appropriate circuit
697 court within thirty (30) days of the Final University Decision. If a ~~person~~ student seeks
698 review with the court, a copy of the petition must also be officially served to the University
699 of South Florida Office of the General Counsel at University of South Florida, CGS 301,
700 4202 E. Fowler Avenue, Tampa, Florida 33620-4301.
- 701 H. Record: A formal hearing shall be recorded by audio tape or video. Deliberations shall not
702 be recorded. The record will be the property of the University. Only the University may
703 record any proceeding.
- 704 I. Students may have an advisor of their choice present; with the following guidelines:
- 705 • The advisor cannot have a potential conflict of interest between the University and/or
706 the case.
 - 707 • The advisor may not speak on behalf of, act as attorney, present the case for, nor
708 otherwise participate directly in the conduct process.
 - 709 • The advisor may be dismissed from the conduct process for failure to adhere to the
710 parameters of their role. This dismissal will not affect the process and all proceedings
711 will continue.
 - 712 • The charged student/~~eComplainant~~ alleged victim is responsible for making
713 appropriate arrangements for travel, costs, and attendance for the advisor.
 - 714 • The conduct process shall not be delayed due to scheduling conflicts of the chosen
715 advisor.
 - 716 • The advisor may not serve as a witness.

717 VI. **RIGHTS OF CHARGED STUDENTS IN THE CONDUCT PROCESS:**

718 **Rights of the Charged Students:**

- 719 A. Provision of Proof: The provision of proof shall be the duty of Student Rights and
720 Responsibilities. “Preponderance of the Evidence,” that is from the evidence/information
721 submitted, it is more likely than not that the Charged Student did commit the violation(s)
722 for which the Student has been charged, and shall not be the strict criminal law standard
723 of proof beyond a reasonable doubt.
- 724 B. Review of Information: the charged student may review the evidence in the possession of
725 the University that may be considered to support a violation of the Student Code of
726 Conduct under the direction of SRR. In cases of the formal hearing, the University has the
727 right to request to review any information the charged student intends to present at least
728 three (3) days (excluding legal holidays) before the formal hearing. Pertinent records,
729 exhibits, and written statements may be accepted as information for consideration during
730 the conduct process.
- 731 C. Presentation of Information: The charged student is not required, but may present
732 information on the charged student’s own behalf.
- 733 D. Question Witnesses (Applicable to Formal Hearing): The charged student may submit
734 questions to be used to question witnesses who speak at the formal hearing, except in the
735 certain cases of violent or sexual misconduct, which may require specific protocols to be
736 followed. The charged student may submit questions to SRR for the formal hearing no
737 later than three (3) days before the formal hearing. The Administrative Hearing Officer or
738 Chair of the University Conduct Board will determine if the questions relate to the alleged
739 incident and are appropriate to be presented at the formal hearing before presenting them
740 to the witnesses. The charged student may hear witnesses who speak at the formal hearing
741 and at the discretion of the Administrative Hearing officer or Chair of the Conduct Board;
742 the charged student may be permitted to ask additional questions at the formal hearing.
- 743 E. Witness Statements: In the event a scheduled witness does not appear, a written statement
744 by the witness may be submitted at least three (3) days before the formal hearing. Late
745 witness statements will not be considered. The charged student must be provided an
746 opportunity to respond to the statement. The inability of the charged student to question
747 a witness who has provided a written statement is not a violation of the charged student’s
748 due process rights. The charged student has the opportunity to review and respond to the
749 written statement and may offer information to rebut the witness statement and other

750 information presented at the formal hearing. Witness statements are entitled to be given
751 the same weight by the hearing entity as a witness who is present. Witness statements
752 need not be sworn or in affidavit form.

753 **F. Impartiality in Formal Hearing:** SRR will advise the charged student (and possible victim
754 in certain circumstances) of the identity of the person(s) assigned as an Administrative
755 Hearing Officer or Conduct Board member and the right to challenge, in writing, the
756 impartiality of the Administrative Hearing Officer or Conduct Board member within three
757 (3) business days (or in cases of emergency, within twenty-four (24) hours of the scheduled
758 hearing) of notification. A challenge based on reasonable rationale will be accommodated
759 and indiscriminate challenges will be denied. In cases of a Board, the formal hearing will
760 proceed provided there ~~is~~ ~~are~~ are at least three members that meet the requirements
761 previously set forth.

762 **G. Response to Presented Information:** The charged student shall not be forced to present
763 information or respond to questions during the conduct process.

764 **H. Decision Based on Presented Information:** Decisions made during the conduct process
765 shall be based solely on the information presented. Any file referencing prior misconduct,
766 including meetings with the charged student in the possession of the SRR will only be
767 considered in determining appropriate sanctions. Decisions will be sent to the Charged
768 Student in writing.

769 **I. Enrollment Status:** The charged student's enrollment status will remain unchanged
770 pending the Hearing Outcome Letter decision, except in cases of Provisional Suspension.
771 The Hearing Outcome Letter will reflect how the enrollment status of the charged student
772 will be treated between the Hearing Outcome decision, and a possible appeal to the Dean
773 of Student's, ~~or designee or designee,~~ and the Dean's Decision. A charged student shall
774 remain eligible to attend classes and University activities pending the Hearing Outcome
775 Letter, which shall indicate if recommended sanctions are to be imposed immediately (in
776 case of suspension or expulsion or to protect the health or safety of the University) or
777 deferred until after the appeal is concluded. In cases where the President or President's
778 designee determines that the health, safety, or welfare of the charged student or the
779 University community is involved, a charged student's privileges within the University,
780 including the ability to attend classes or engage in University activities, may be suspended
781 on an interim basis. If a charged student's privileges are temporarily revoked as described

782 in this paragraph, but the charged student is subsequently found not responsible for the
783 violation, the University must:

- 784 1. Correct any record of the change in enrollment status in the charged student's
785 permanent records and reports in a manner compliant with state and federal laws; and
- 786 2. Refund to the charged student: a pro rata portion of any charges for tuition and out-
787 of-state fees, as appropriate, if the temporary revocation or suspension of the charged
788 student's ability to attend classes lasts for more than ten (10) days.

789 J. Failure to Appear: Charged students have the right to choose if they want to participate in
790 the formal hearing process. If a charged student fails to appear or fully participate for any
791 formal hearing, the matter may be resolved in the charged student's absence.

792
793 K. Rights of the Alleged Victim:

794 1. Formal Hearing Questions - The complainant-alleged victim shall have the right to
795 submit a list of questions to SRR for use during the formal hearing. The Administrative
796 Hearing Officer or University Conduct Board shall ask the charged student the
797 questions, provided that the Administrative Hearing Officer or University Conduct
798 Board determines the questions related to the alleged incident are appropriate to be
799 presented at the formal hearing.

800 2. Question Witnesses (applicable to formal hearing) - The Complainant-alleged victim
801 may submit questions to be used to question witnesses who speak at the formal
802 hearing, except in the certain cases of violent or sexual misconduct, which may require
803 specific protocols to be followed. The complainant may submit questions to SRR for
804 the formal hearing no later than three (3) days before the formal hearing. The
805 Administrative Hearing Officer or Chair of the University Conduct Board will
806 determine if the questions relate to the alleged incident and are appropriate to be
807 presented at the formal hearing before presenting them to the witnesses. The
808 complainant-alleged victim may hear witnesses who speak at the formal hearing and at
809 the discretion of the Administrative Hearing officer or Chair of the Conduct Board;
810 the student may be permitted to ask additional questions at the hearing.

811 3. Witness Statements - In the event a scheduled witness does not appear, a written
812 statement by the witness may be submitted at least three (3) days before the formal
813 hearing. Late witness statements will not be considered.

- 814 4. Impartiality in Formal Hearing - In certain circumstances, SRR will advise the
815 complainant of the identity of the person(s) assigned as an Administrative Hearing
816 Officer or Conduct Board member and the right to challenge, in writing, the
817 impartiality of the Administrative Hearing Officer or Conduct Board member within
818 three (3) business days (or in cases of emergency, within twenty-four (24) hours of the
819 scheduled hearing) of notification. A challenge based on reasonable rationale will be
820 accommodated and indiscriminate challenges will be denied. In cases of a University
821 Conduct Board, the hearing will proceed provided there ~~is~~~~are~~are at least three
822 members that meet the requirements previously set forth.
- 823 5. Failure to Appear – A complainant has ~~have~~ the right to choose if they want to
824 participate in the formal hearing. If a complainant fails to appear or fully participate
825 for any hearing, the matter may be resolved in their absence.

826 **VII. ADDITIONAL RIGHTS OF CHARGED STUDENTS AND ALLEGED VICTIMS**
827 **IN CASES OF ALLEGED VIOLENT CONDUCT AND SEXUAL HARASSMENT**
828 **AND ~~TITLE IX~~SEXUAL MISCONDUCT:**

829 In cases of sexual harassment (as defined in section 4.14 of the Student Code of Conduct),
830 stalking (as defined in Section 4.06 of the Student Code of Conduct) and specific acts of
831 violence (as defined in section 4.24 of the Student Code of Conduct), the charged student and
832 the alleged victim shall be notified of the persons selected to hear the case during the formal
833 hearing. Additionally:

834 **A. Violent Conduct Cases:** In cases of alleged violent conduct, injurious behavior, and in
835 specific cases of sexual harassment, the following additional rights shall be provided to the
836 Alleged Victim:

- 837 1. Be notified of the available assistance within the University;
- 838 2. Be notified of additional offices that may be contacted to request a change in on-
839 campus residence~~hall~~, academic assignments,~~reassignments~~, no contact orders,
840 counseling, or other interim accommodations that may be available to address specific
841 immediate concerns;
- 842 3. ~~To~~In cases that move to formal hearing, to submit an impact statement to SRR for
843 use during the sanctioning portion of the conduct process.
- 844 4. To be present during ~~all~~~~the~~the fact-gathering ~~aspects~~~~stages~~stages of the formal hearing,
845 notwithstanding the fact that the ~~e~~Complainant ~~alleged victim~~alleged victim is to be
846 called as a witness. In extraordinary cases, alternate arrangements may be made for the

847 complainantalleged victim to participate in the formal hearing without being present
848 in the same room. The ~~complainant~~ alleged victim may not have ~~their~~~~their~~ past
849 conduct, including sexual history, considered when the Administrative Hearing
850 Officer or the University Conduct Board is making a determination of the charged
851 student or student organization as to being responsible or not responsible for an
852 alleged violation of the Student Code of Conduct.

- 853 5. To be notified of hearing outcomes. ~~Upon written request from the Alleged Victim,~~
854 ~~the OSRR~~ will inform the ~~Alleged Victim~~complainant alleged victim in writing of the
855 outcome of the formal hearing within ten (10) days from the conclusion of the formal
856 hearing/appeal process (Final University Decision) unless extraordinary circumstances
857 exist. In the event the complainantalleged victim is deceased as a result of the crime of
858 offense, the information shall be provided, upon request, to the next of kin of the
859 ~~Alleged Victim~~complainant alleged victim.

860 **B. Sexual Harassment Cases:** In cases of sexual harassment (as defined in section 4.14 of the
861 Student Code of Conduct and including sexual misconduct, gender based discrimination,
862 sexual harassment, sexual assault, dating violence, domestic violence and stalking), the
863 ~~complainant~~ alleged victim and the charged student's rights include the following
864 additional guidelines:

- 865 1. Informational Conference == Charged student and the alleged victim may each
866 participate individually in a voluntary informational conference. The purpose of the
867 informational conference is to provide an opportunity for representatives of the
868 University to review any allegations, charge(s), and possible sanctions, and explain
869 both the Title IX and Conduct Processes and any alternate forms of dispute resolution
870 that may be available to the charged student and the Complainantalleged victim.
- 871 2. Formal Hearing Forums - If the charged student requests a formal hearing before a
872 University Conduct Board, the University will provide an opportunity for the Alleged
873 Victimalleged victimcomplainant to object to students being included as Board
874 members before the hearing is convened. In the event the ~~complainant~~ alleged victim
875 objects to student participation on the Conduct Board, the forum will be an
876 Administrative Hearing.
- 877 3. Participation in Formal Hearing - If the matter is referred as a conduct violation and
878 the matter moves to a formal hearing, the alleged victim may be permitted to
879 participate in the formal hearing to the extent allowed by state and federal privacy laws.

880 Such participation may include the presence of an advisor, the ability to present
881 information and witnesses in the formal hearing, the ability to provide questions to be
882 asked of the charged student and witnesses and the right to avoid self-incrimination.
883 If an Alleged Victim fails to appear or fully participate ~~in~~ in any hearing, the matter
884 may be resolved in their absence.

- 885 4. Presentation of Information at the Formal Hearing - The alleged victim, charged
886 student, and other individuals providing information for the formal hearing shall be
887 provided an opportunity to ~~share~~ share information during the formal hearing to be
888 considered in determinations and sanctions in a manner that avoids direct contact with
889 the other individuals participating in the formal hearing. Depending on the type of
890 formal hearing or at the discretion of SRR, this may be a written statement, a verbal
891 representation, or active participation in a formal hearing.
- 892 5. Interim Accommodations - The alleged victim may have interim immediate
893 accommodations as noted in section (VII)(A)(2) above as deemed appropriate.
- 894 6. Impact Statement - In the event the charged student accepts responsibility or is found
895 responsible, the Administrative Hearing Officer or University Conduct Board may
896 read the complainant's impact statement. The Administrative Hearing Officer or
897 University Conduct Board members may consider the impact statement when
898 recommending or issuing sanction(s). While the impact statement is not binding, the
899 impact described in the statement together with the totality of the circumstances
900 including the charged student's conduct record, ~~should~~ may be considered by the
901 University Official(s) involved in recommending or determining the appropriate
902 sanction(s).
- 903 7. Notice to the Alleged Victim of Right ~~Complainant~~ to Appeal – the alleged victim
904 shall be notified in writing of the outcome of the formal hearing within ten (10) days
905 (unless there are extraordinary circumstances that delay notice) of the determination.
906 The alleged victim may appeal the decision of the formal hearing through the
907 established appeal process in the Student Code of Conduct. The alleged victim shall
908 be notified of the final university decision.

909 **VIII. SANCTIONS:**

910 Any of the following sanctions may be imposed on a student or a student organization:

- 911 **A. Educational Sanctions: Classes/seminars, community service, reflective/research papers,**
912 **interviews, etc. that allows Students to reflect on their decisions, the impact of those**

913 decisions and how to make appropriate decisions in the future. These sanctions may stand
914 alone or be placed in conjunction with a sanction listed below. If a Student has any
915 outstanding educational requirements at the conclusion of conduct probation or
916 suspension status a hold will remain in effect pending the completion of the educational
917 requirements.

918 **B. Warning Letter:** An official notice that states that if there is a repeated violation of
919 University policy, rules or regulations, the student can expect additional conduct sanctions.

920 This letter may be issued as part of the student conduct process review or as a mechanism
921 for SRR to use to highlight concerns before a Student process is initiated.

922 **C. Restrictions:** Conditions imposed on a student that would specifically dictate and limit
923 future presence on campus and participation in University activities. The restrictions
924 involved will be clearly identified and may include but are not limited to a University order
925 forbidding the charged student from all contact with the alleged victim. Restrictions may
926 also apply to denial of operating a motorized vehicle (including golf carts) on campus,
927 access and use of University services, and presence in certain buildings or locations on
928 campus. These restrictions can include the inability to hold leadership positions whether
929 or not as a part of a University organization.

930 **D. Restitution:** A payment for injury or damage.

931 **E. Alcohol and/or Substance Use Educational Sanctions:** These educational sanctions may
932 be comprised of online educational modules, in person assessments and follow-up
933 meetings, or external assessments.

934 **F. Conduct Probation:** An official sanction that places the student's enrollment dependent
935 upon the maintenance of satisfactory citizenship during the period of probation. When
936 conduct probation is imposed as a sanction, the student should be advised of the
937 consequences of violation of probation. Under conduct probation, the Student may
938 continue to attend classes and is given a chance to show a capability and a willingness to
939 live in accordance with University rules. Any student placed on conduct probation may be
940 restricted from participating in certain University activities as specified by the Director of
941 SRR, or designee, or as regulated by other University departments. For the duration of the
942 conduct probation, the student is not considered in "good disciplinary standing" with the
943 University.

944 **G. Housing Cancellation:** The immediate cancellation of a charged student's housing
945 contract. Upon the termination of the contract, the charged student is restricted from all

946 USF residential facilities (dining halls may or may -not be included in this restriction). The
947 charged student will be responsible for any fees associated with the cancellation of the
948 housing contract.

949 H. Deferred Housing Cancellation: A cancellation of a Student's housing contract imposed
950 at a definite future date or time. Upon the termination of the contract, the Charged Student
951 is restricted from all USF residential facilities (dining halls are not included in this
952 restriction). The Charged Student will be responsible for any fees associated with the
953 cancellation of the housing contract. Suspension: Termination of a student's privilege to

954 attend the University for a specified period of time. This may include a restrictive order
955 that would exclude the person from campus. In cases where the Student resides on
956 campus, the student will be given reasonable time to vacate the residence halls (i.e. 24 to
957 48 hours). A transcript overlay will be placed on the academic transcript during the period
958 of suspension. Further, while on suspension, a hold will be placed on a student's
959 registration ability until all sanctions are complete. The record of suspension will be
960 maintained in a permanent file in SRR.

961 I. Deferred Suspension: Suspension that ~~will be~~ will be imposed at a ~~defined~~ defined future
962 date or time unless sanctions are completed as described by the hearing officer and there
963 are no further policy violations.

964 J. Expulsion: Permanent termination of a student's privilege to attend the University,
965 without the possibility of re-admission. This may include a restrictive or no trespass order
966 that would exclude the person from campus. In cases where the student resides on
967 campus, the student will be given reasonable time to vacate the residence halls (i.e. 24 to
968 48 hours). A transcript overlay will be placed on a student's academic transcript. Further,
969 a hold will be permanently placed on the student's ability to register for classes. The record
970 of expulsion will be maintained in a permanent file in SRR.

971 H.K. *Note: Students will normally forfeit tuition, housing rent and fees, and other
972 University fees if found responsible for a Student Code of Conduct violation resulting in
973 suspension or expulsion. A student may also forfeit academic credit accordingly. Students
974 who are excluded from living in University Housing must contact Housing and Residential
975 Education to determine the financial impact of the cancelled contract.

976
977 **IX. PARENTAL NOTIFICATION:**

978 The University is committed to the success of its students both inside and outside of the
979 classroom. Therefore, it is the University's goal to maximize students' learning and development,
980 and promote student health, safety and welfare. In this regard, the University has implemented a
981 Parental Notification Policy 30-020. Parental Notification permits the University the right to
982 inform parents or guardians when their dependent Student, under the age of 21, has been found
983 in violation of Policy 30-023 Alcohol Policy and/or Policy 0-610 Drug-Free Workplace at the
984 discretion of SRR, students, whose parents are to be notified under these guidelines, will be
985 informed before such notification occurs and given an opportunity to initiate contact with their
986 parents, if and when possible.

987 **X. CONDUCT RECORDS AND RETENTION PROCEDURE:**

988 The following applies to individual Student disciplinary records.

989 **Maintenance of Records:**

990 **A.** Student and student organization discipline records are maintained in SRR.

991 **B.** All student conduct records in all formats (paper, computer, audio, etc.) will be kept in
992 compliance with General Records Schedule GS5, but not for less than seven (7) years from
993 the date of the last incident that the charged student or student organization was involved in
994 that resulted in Student Code of Conduct charges.

995 **C.** If a student is suspended or expelled, a record of a violation of University regulations and/or
996 policies will be permanently maintained in the student's or student organization's disciplinary
997 file in SRR and may be maintained in the Office of the Registrar.

998 **D.** SRR maintains all student discipline records in accordance with the Family Education Rights
999 and Privacy Act (FERPA). SRR will abide by all laws requiring privacy with regard to the
1000 student conduct process. This privacy extends to all SRR staff, including the University
1001 Conduct Board and individual Initial Review Officers. In cases involving alleged violent
1002 misconduct or injurious behavior, SRR will inform the Alleged Victim, whenever appropriate,
1003 of the outcome of the hearing.

1004 **E.** A student may choose to sign a release form granting SRR staff permission to discuss
1005 information related to the student's disciplinary file with any individual that the student
1006 designates. This form is available in the SRR. Although this form may provide access to
1007 information to a third party, the student remains the primary responsible party for compliance.

1008 **F.** Any educational institution requesting conduct information about a current or former
1009 University student is required to submit the request in writing. If a non-educational agency is

1010 requesting information, those requests must include the signature of the student granting the
1011 release of information related to the student's disciplinary record.

1012 G. Transcripts of recorded hearings will not be prepared or provided by the University. In cases
1013 of external legal review that may require a transcript of a recorded hearing, the student or
1014 advisor may contact the Office of the General Counsel to arrange for the preparation of the
1015 written transcript by a court reporting service on the student's behalf and at the expense of
1016 the requestor. The court reporting service will provide the transcript to the Office of the
1017 General Counsel, which will perform a confidentiality review of the transcript and redact any
1018 confidential or exempt information pursuant to state or federal law. The requestor shall bear
1019 the cost of the transcript preparation and confidentiality review.

1020 G.H. Destruction of Records:

- 1021 1. Records resulting in a discipline sanction of expulsion or suspension from the University
1022 will be permanently maintained in SRR.
- 1023 2. No personally identifiable record(s) will be kept after a record has been designated for
1024 destruction. Statistical data will be maintained but all information that would identify an
1025 individual is removed.
- 1026 3. All paper records will be destroyed by shredding or other similar process. Computer files
1027 will be modified in a manner so that only statistical data that cannot identify an individual
1028 is kept. Non-paper information (i.e. audio recordings) will be destroyed in a manner that
1029 will ensure that the information cannot be traced to any individual or any discipline case.

1030 **XI. RECORD EXPUNGEMENT PROCESS**

1031
1032 A. Record Expungement: Record expungement allows a student conduct record on file with the
1033 University to be sealed. This includes all information related to the individual's documentation,
1034 investigation, hearing, and disposition. Any person meeting the eligibility requirements of the
1035 University may petition to the Dean of Students to request a record expungement..

1036 B. Sealed: In general, background check inquiries, and expunged records will not be reported as
1037 an incident where the student was found responsible. The student will not need to report the
1038 record based on the language/definitions of the requesting institution or agency in a
1039 background check that the incident ever occurred. The record will still be used for federal,
1040 state and local University reporting requirements but will not be associated with the student
1041 name or student ID.

1042 C. Eligibility: The expungement request will only be accepted and/or considered provided that
1043 the Student's violation of the Student Conduct Code did not:

1044 1. Cause personal injury;

1045 2. Cause significant property damage;

1046 3. Include a drug violation that could qualify as a felony charge in the legal system;

1047 4. Disrupt the orderly operation of the University;

1048 5. Violate the firearm, explosives, dangerous chemicals, and ammunition or weaponry
1049 regulations of the University;

1050 6. Violate the Sexual Misconduct/Sexual Harassment policy;

1051 7. Result in a suspension or expulsion;

1052 ~~2.8.~~ Occur within the last 30 calendar days;

1053 ~~3.9.~~ Is still outstanding or pending resolution;

1054 Petition Requirements:

1055 Petitions must be submitted to deanofStudents@usf.edu:

1056 1. The Petition must be a typed statement signed by the student explaining the justification
1057 for the request and must include the date, name of the student, U#, email address, phone
1058 number, a description of what occurred in the conduct incident, and what the student has
1059 learned from the incident.

1060 2. The petition must include a copy of the application for graduation or a signed letter from
1061 the academic advisor stating the intent to graduate and listing all remaining coursework.

1062 E. The Dean of Students will review the statement, the conduct record, and any other pertinent
1063 items the Dean of Students chooses to request and/or consider. The Dean's decision is
1064 discretionary and will be sent by email. The decision of the Dean of Students or designee on
1065 whether or not to approve the expungement of the conduct record is final and not appealable.

1066 **XIII. MEMBER INSTITUTIONS:**

1067 The foregoing applies to all three member institutions of the University; however, non-
1068 substantive procedural modifications to reflect the particular circumstances of each member
1069 institution are permitted. Information concerning these procedures is available through the
1070 student conduct at those member institutions. For more information regarding the procedures
1071 of each member institution, please refer to the following websites:

1072 • **USF (Tampa):** <http://www.sa.usf.edu/srr/page.asp?id=69>

1073 • **USFSP:** <http://www.usfsp.edu/dos/sc/>

1074 • USFSM:<http://www.usfsm.edu/campus-life/Student-engagement/Student->
1075 [rights-and-responsibilities.aspx](http://www.usfsm.edu/campus-life/Student-engagement/Student-)

1076 **Review of Student Code of Conduct:** A student conduct advisory group, a committee
1077 consisting of faculty/staff and students appointed by the Vice President for Student Success,
1078 or designee, shall periodically evaluate the Student Code of Conduct.

1079

1080 *Authority: Art. IX, Sec. 7, Fla. Constitution. Fla. Board of Governors Regulations 1.001, 6.0105; Sections*
1081 *1006.50, 60, 61, 62, 63, Florida Statutes.*

1082

1083 *History—New 9-23-85, Formerly 6C4-6.021, Amended 5-27-92, 7-26-92, 12-2-92, 12-29-94, 4-11-99, 9-27-*
1084 *05, Formerly 6C4-6.0021 F.A.C., Amended 6-5-08, 6-25-09, 9-22-11, 12-02-13, 1-6-14 (technical), 6-23-14*
1085 *(technical), 5-14-15 (technical), 8-19-16 (technical), 9-28-18, 4-11-19 effective 5-6-19 (technical).*