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I. PURPOSE AND INTENT/STATEMENT OF REGULATION:

- A.** Student Rights and Responsibilities (SRR) supports the mission, goals, values and vision of the University of South Florida System (“University” or “USF”) by promoting a community that values individual responsibility and the adherence to community standards as embodied in this Regulation (“Student Code of Conduct” or “Code”). Through the Conduct Process, SRR engages Students and Student Organizations in personal and social responsibility.
- B.** SRR’s goal is to encourage and develop standards of behavior and critical thinking that will create a community of leaders and citizens and enhance the USF environment for community members living, studying and working within the University. By engaging Students in one-on-one interactions with staff trained in Student development and through group interactions with the University Conduct Board, USF Students are challenged to assess and reassess their framework of principles and behavioral norms that support a healthy community.

II. AUTHORITY:

- A.** The Student Code of Conduct is a document that describes prohibited behavior that is counteractive to the goals and mission of USF and how the University will hold Students and Student Organizations accountable. Students and Student Organizations are responsible for their guest’s compliance as well.
- B.** The University of South Florida’s jurisdiction for the Student conduct process extends to the conduct of any Student or Student Organization, regardless of the location, which adversely affects the University community and/or the pursuit of its mission; when the behavior relates to the good name of the University; the integrity of the educational process; the safety and welfare of the University community; and/or the conduct violates state or federal law.
- C.** Students are responsible for knowing the information, policies, and procedures outlined in the Student Code of Conduct. The University reserves the right to make changes to the Code as necessary. Students are encouraged to check online at <http://regulationspolicies.usf.edu> for the most updated versions of all policies and regulations.

- D. The University strongly encourages of sexual harassment and sexual misconduct to file a complaint and note that for some persons the filing of a complaint may be compulsory. Complaints may be filed with the designated offices detailed in Policy 0-004 Sexual Misconduct/Sexual Harassment (Including Sexual Violence).
- E. Any individual may refer a Student or Student Organization for alleged violation/s of the Student Code of Conduct by filing a written referral with SRR. SRR reserves the right to initiate or follow up any investigative leads where there is reasonable belief of possible violations of the Student Code of Conduct.
- F. The conduct process may be initiated for a Student or Student Organization whose alleged conduct potentially violates both the criminal law and/or the Student Code of Conduct without regard to the pending civil or criminal litigation in court or criminal arrest and prosecution. The conduct process under this Regulation may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of SRR. Determinations made or sanction(s) imposed as a result of the conduct process shall not be subject to change because criminal charges were dismissed, reduced, or resolved in favor of or against the criminal law defendant. Members of the University community, who commit offenses against the laws of municipalities, states, or the United States, are subject to prosecution by those authorities and may be subject to disciplinary action under University rules when their conduct violates the Student Code of Conduct. Students shall not be forced to present self-incriminating information; however, the University is not required to postpone the conduct process pending the outcome of any civil or criminal case.

III. DEFINITION OF TERMS:

- A. “Administrative Hearing Officer” is a University faculty or staff member designated by the Director of SRR, or the designated University Official, who will adjudicate the case, hearing the Student, the complainant and/or the University’s explanation of events during the formal hearing.
- B. “Administrative Hold” refers to a restrictive hold placed on a Student’s record at any point in the conduct process to assure compliance with sanctions or pending the resolution of conduct matters. When terms and conditions of sanctions have been satisfied and/or pending conduct matters have been resolved, the hold may be removed.

- C. “Advisor” refers to any one person chosen by the Student to assist them throughout the conduct process. While an advisor may assist a Student, the advisor may not speak on the Student’s behalf or otherwise take an active role in the conduct process.
- D. “Alleged Victim” is a term that refers to the person who alleges any personal harm or injury from another person. At times, to avoid duplication or wordiness, the term victim may be used to refer to an alleged victim.
- E. “Charge Letter” is the letter sent to the Student or Student Organization after the Initial Review Meeting. The letter states the disposition of ‘responsible or not responsible’, and includes the charges, educational sanctions, and the option for the Student to request a Formal Hearing if applicable.
- F. “Complainant” is a term used in this Regulation to refer to the person who submits a referral alleging that a Student or Organization violated the Student Code of Conduct. In specific cases, the Complainant may not be the actual victim or the alleged victim. Recognizing that the law provides victims and alleged victims specific rights and non-victim complainants may not have the same rights or protections, this Code will use “Complainant” as a general term and the Code will be applied to fit the particular circumstances at the discretion of SRR.
- G. “Charged Student” is a Student who has been charged with violation/s of the Student Code of Conduct that are moving forward to a formal hearing.
- H. “Conduct Process” refers to the entire process outlined in the Student Code of Conduct, including the Initial Review, the Formal Hearing, and the Appeal process. This also includes the Provisional Suspension Process.
- I. “Day/s” in terms of process is defined as the normal business day and will not include Saturdays, Sundays, or legal holidays/University administrative holidays or when the campus is closed for business.
- J. “Dean of Students or designee” is the individual who will hear an appeal following a Formal Hearing.
- K. “Deferred Adjudication” refers to the process when a Student is responsible for a violation but the finding is held so the Student can complete certain requirements in an allotted timeframe. In order to receive Deferred Adjudication, the Student must begin by accepting responsibility. At the

completion of all requirements, the Student will be adjudicated “not responsible.” This may only be used for specific non-violent first time offenses.

- L.** “Formal Hearing” or “Hearing” is the proceeding elected by the charged Student which can be conducted by an Administrative Hearing Officer or a University Conduct Board after charges have been moved forward by the Initial Review Officer.
- M.** “Hearing Outcome Letter” is the finding rendered at the conclusion of the formal hearing.
- N.** “Final University Decision” is the finding of the Dean of Students, or designee, as issued in the Dean’s Decision on Appeal Letter.
- O.** “Good Disciplinary Standing” refers to a Student who is free from disciplinary probation, disciplinary holds, and it not currently involved in the conduct process.
- P.** “Guest” refers to any individual (Student or non-Student) who is not assigned to live in a particular room in an on-campus residence; is on the premises where the alleged violation occurred; and/or refers to any person visiting the University who is not affiliated with the University. Students may be held responsible for the actions of their guests.
- Q.** “Impact Statement” is an oral or written statement provided by the alleged victim in cases of violent misconduct, or when requested by SRR. The statement explains how the incident has affected the personal and educational experience of the alleged victim. This statement is reviewed during the sanctioning portion of the Formal Hearing if the Charged Student is found responsible for a violation of the Student Code of Conduct
- R.** “Initial Review Officer (IRO)” is a University official authorized to meet with Students regarding referrals made for possible violations of the Student Code of Conduct.
- S.** “Initial Review Meeting” is a meeting for the Student to learn about their rights in the conduct process, and review the referral and any other applicable information related to the violation(s).
- T.** “Intimate Partner” refers to persons who are or who have been dating, cohabitating, married, separated, or divorced and may be of the same or opposite sex.

- U. “May” is used in the permissive sense.
- V. “Member of the University Community” includes any person who is a Student, faculty member, University Official, or any other person with an ongoing relationship, involved with, or employed by the University.
- W. “Notice” is the written communication either by mail or E-mail correspondence that provides information to a Student. Notice is conclusively presumed to be final when such communication is sent to the Student by official University email, and/or mailed to the address appearing on either the Student’s current local address or permanent address on record with the University at the discretion of SRR.
- X. “Student Rights and Responsibilities (SRR)” or designee is the person(s)/area designated by the USF System President to be responsible for the administration of the Student Code of Conduct.
- Y. “Policy” means the written and published policy or regulation of the University as found in, but not limited to, the Student Code of Conduct, the residence halls, the library, parking, regulations governing the use of technology and information systems, those regarding the Student Identification Card, and Graduate/Undergraduate Catalogs concerning Students and Student Organizations. Other policies include those related to building and classroom use, to dining services, to campus recreation, and to any regulation of the Board of Trustees.
- Z. “Preponderance of the Evidence” means that from the evidence/information submitted, it is more likely than not that the charged Student did commit the violation(s) for which the Student has been charged, and shall not be the strict criminal law standard of proof beyond a reasonable doubt. This is the standard used in adjudicating all disciplinary cases through the Student Code of Conduct.
- AA. “Record” a Student’s SRR file is considered an educational record at the University and is the property of the University. A file may include documentation and/or the audio recording of a formal hearing (only audio recording by the University is permitted). Deliberations are not recorded. To the extent the University maintains records, the Family Educational Rights and Privacy Act (FERPA) may prohibit or restrict their disclosure.

- BB.** “Referral” means the written documentation provided to SRR alleging that a violation of the Student Code of Conduct may have occurred.
- CC.** “Referred Student” is the person who has been named in the referral provided to SRR to have allegedly violated this Student Code of Conduct.
- DD.** “Responsible” in the context of a hearing outcome decision means the information presented in the Student’s charge letter and all information reviewed at any hearing as a whole indicates that it is more likely than not that the Student committed the violation.
- EE.** “Student”* for the purposes of the Student Code of Conduct, includes all admitted persons, or a person who has an active application for admission, housing, or any other service provided by the University, which requires Student status. The term “Student” includes all persons taking University courses, either full-time or part-time, pursuing undergraduate, graduate, non-degree seeking, or professional studies. Persons who withdraw or who are academically dismissed after allegedly violating the Student Code of Conduct, or who are not officially enrolled for a particular term but who are eligible to enroll or have a continuing relationship with the University, or who have been notified of their acceptance for admission are considered Students.
- FF.** “Student Organization”* means any group of Students who have complied with the requirements for registration and are officially recognized by the University as a registered Organization. These include, but are not limited to, political groups, fraternities and sororities, and Student sports clubs. Student Organizations are subject to every element of the Student Code of Conduct. *In specific instances the terms Student/Student Organization may include a reference to both.
- GG.** “Temporary Restrictions” are actions that SRR may take prior to or during the investigation of an incident. These may include, but are not limited to, a removal from on campus housing; no contact orders; restrictions from clubs, events, and Organizational activities; and/or restrictions from specific areas on the University premises. When a temporary restriction is imposed, SRR will attempt to expedite the conduct process.

- HH.** “Transcript Overlay” means a notation on a Student’s academic transcript that states the Student is not in “good disciplinary standing” due to a disciplinary suspension or expulsion.
- II.** “University” means the University of South Florida System, including any member institution affiliated with the USF System.
- JJ.** “University Activity” or “University Program” refers to any function or event, which is hosted, sponsored or organized by any University member, group or Organization, including but not limited to, Student Organizations. Such activities or programs include but are not limited to coursework and other academic activities, education abroad, field trips, retreats, social events, philanthropies, and community service events.
- KK.** “University Conduct Board” is a panel of faculty, staff, and Students who have been trained to hear conduct cases and make decisions related to reported violations of the Student Code of Conduct. The UCB panel must have representation of at least 50% Student membership. The panel will adjudicate the conduct case, hearing both the Student explanation of events and the information presented by SRR, witnesses, and reporting parties.
- LL.** “University Official” for the purposes of the Student Code of Conduct, means any representative of a USF System direct service Organization, USF System board, committee, office, or member of the USF System faculty, administration, or staff. According to the Student Code of Conduct, this definition includes Student staff acting in accordance with their assigned duties.
- MM.** “University Premises” includes all land, buildings, facilities, recreational fields, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).
- NN.** “Will” is used in the imperative sense.
- OO.** “Witness” is used to define an individual who is in the proximity of an incident and viewed the actions of said incident or who has relevant information about a given incident or actions related to a specific incident.

IV. SPECIFIC PROVISIONS:

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

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

C. Violations:

(4.01) Theft - The unauthorized taking, misappropriation or possession of any real, personal, or intellectual property or services provided, owned or maintained by the University or by any person.

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

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

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

(4.03) Misuse of Materials - Unauthorized accessing, removing, duplicating, photographing, and/or forging, counterfeiting, altering or misusing of any University material (including University intellectual property), file document or record, computer records, software, data files and similar entities owned or maintained by any member of the University faculty, administration, staff, or Student body. This also includes the unauthorized usage of the official University mark, monogram, seal, or other graphic identity symbol.

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

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

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

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

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

- Forced or coerced consumption of food, alcohol, beverage, drugs, or other substances,
- Paddling, hitting, slapping, branding, and/or physical brutality in any form,
- Creation of unnecessary fatigue,
- Personal servitude,
- Physical and/or psychological shocks,
- Wearing of apparel which is conspicuous and not normally in good taste,
- Degrading or humiliating games or activities,
- Sleep, food, or beverage deprivation,
- Isolation and exclusion from social contact,
- Calisthenics,
- Unreasonable exposure to the elements,
- Kidnapping or abandonment,

- Line-ups and berating behaviors,
- Undue interference with academic pursuits,
- Pressuring or coercing involvement in activities that are illegal, lewd, or in violation of University Policy

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

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

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

(4.10) False Alarm & Fire Safety -

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

(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 – occurs when a Student takes non-consensual or abusive sexual advantage of another for the Student’s own advantage or benefit, or to benefit or advantage anyone other than the one being exploited.

Examples of sexual exploitation, include but are not limited to:

- 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 from 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;

- Exposing another person to a sexually transmitted infection or virus without the other's knowledge;
- Exposing one's genitals in non-consensual circumstances;
- Inducing another to expose their genitals; or
- Sexually-based stalking and/or bullying.

(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 system stimulant, hallucinogenic drug, barbiturate, or any other substance treated as such. The unauthorized possession or use of a regulated or controlled substance, including one's own or another's prescription drugs and paraphernalia used for drugs (e.g. bong, glass pipes, etc.) is a violation. Further, the un-prescribed use, inhalation, or ingestion of a substance (e.g. nitrous oxide, glue, paint, etc.) that could/will alter a Student's mental state is also prohibited. Attending class, an Organizational meeting or other University event that is specific for an educational purpose while under the influence of drugs, as noted in

this section, is a violation. Further, if medical assistance is sought for a Student in need who has consumed drugs, the Student may qualify for Medical Amnesty as defined in the 30-004 Medical Amnesty (Student Reporting) Policy. See also Policy 0-610 Drug-Free Workplace.

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

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

1. The sale of, or intent to sell, alcohol without a proper license;
2. Providing alcohol to any person who is not of legal age to possess or consume alcohol;
3. Possession or consumption of alcohol by persons not of legal age;
4. The operation of a motor vehicle by a person under the age of 21 while having a blood alcohol level of .02 or higher;
5. The operation of a motor vehicle, by an individual of any age, under the influence of alcohol;
6. The consumption of alcohol on streets, according to local ordinance;
7. Public intoxication;
8. Conducting an open house party which can include, but is not limited to, an event at which minors may possess or consume alcohol. An open house party is defined as an event at a residence where hosts, owners, or other in control of the event fail to take reasonable steps to ensure legal compliance, reduce the risk of harm, and ensure the safety of guests (including but not limited to, removing those in violation or requesting law enforcement to assist) if alcoholic beverages are known to have been consumed at the residence by person(s) under the age of twenty-one and/or illegal drugs or controlled substances are unlawfully possessed, distributed or used;
9. Attending class, an Organizational meeting or other University event that is specific for an educational gain while under the influence of alcohol.

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

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

Additionally, this includes deliberately and purposefully providing false or misleading verbal or written information about another person.

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

Finally, this includes falsification or admission or re-admission documentation to the University.

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

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

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

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

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

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

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

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

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

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

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

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

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

D. Stages of Conduct Process:

1. Referral: Any person may refer a Student’s conduct for review as a possible Student Code of Conduct violation. This referral should be made within a reasonable time

following the discovery of the alleged Student code violation and no later than six (6) months after the discovery, except in extraordinary cases.

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

Conclusion of Initial Review Process:

At the conclusion of the Initial Review meeting, the Initial Review Officer will either dismiss the referral or will issue a Charge Letter (for the purposes of the Student Code of Conduct, the Referred Student now becomes the Charged Student). Outcomes of the charge letter will include the recommended charges and sanctions and the choices available to the charged Student which are (1) accept responsibility and sanctions or (2) request a formal hearing.

Failure of Charged Student to Respond: If the charged Student fails to respond to the charge letter within the allotted time, the charges and sanctions will become finalize and the charged Student will be found responsible and may have a limited right to appeal.

3. Formal Hearing: Within five (5) days of the date of the charge letter, the charged Student may elect to have a formal hearing either by an Administrative Hearing

Officer or the University Conduct Board. In cases where the charged Student is being charged with sexual harassment or sexual misconduct, the alleged victim can request an administrative hearing and that request will be honored over the charged Student's request for a University Conduct Board hearing. Hearings may result in charges being upheld or dismissed and sanctions that are more or less severe than the sanctions recommended by the Initial Review Officer. Notification of formal hearing will occur no later than five (5) days prior to the date of hearing. If the charged Student wishes to have the hearing earlier, they waive the right to their review period. At the conclusion of the formal hearing process, the charged Student will receive a Hearing Outcome Letter with determinations regarding responsibility for charges and any subsequent sanctions. If the charged Student fails to attend the formal hearing, the case will be adjudicated in absentia.

a. Details of Formal Hearing Options:

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

ii). University Conduct Board: If a charged Student elects a formal hearing before a University Conduct Board, the charged Student waives the right to review by an Administrative Hearing Officer. SRR will appoint a University Conduct Board with membership of at least 50% Student. Board members must be present for the presentation of information at the formal hearing and a quorum for the formal hearing shall consist of a simple majority of the Board. In the event the quorum does not consist of the appropriate balance of membership, the charged Student may elect to proceed or request the formal hearing be rescheduled. After the formal hearing, the Board will reach its decision in executive session by simple majority of the quorum.

b. Appeal Process: The charged Student (or the alleged victim in specific cases as provided in the Student Code of Conduct) may appeal in writing the outcome of a formal hearing within five (5) days of the date of the Hearing Outcome

Letter. The appeal must be written to the Dean of Students, or appropriate designee, at the member institution or separately accredited institution. The burden of proof rests with the charged Student or the alleged victim to show, by a preponderance of the evidence presented, that the grounds for an appeal have been met. The Dean of Students, or designee, may adopt, modify, or reject charges and/or sanctions from the Hearing Outcome Letter. The Dean of Students, or designee, may request the case be remanded for a new formal hearing forum. The record of the formal hearing may be considered on appeal as well as any new information from the charged Student and/or alleged victim that comes to the attention of the Dean of Students or designee. The Dean of Students, or designee, is authorized to contact any participants in the formal hearing for clarification or request additional information as necessary to render a decision.

- c. Basis of Appeal: Except as required to explain the basis of new information, the Dean of Students, or designee, shall limit the review to the verbatim record of the formal hearing and supporting documents for one or more of the following purposes:
 - i. To determine if there were due process errors involving the University's failure to provide the charged Student or Student Organization with notice or an opportunity be heard.
 - ii. To determine whether the sanction(s) imposed was extraordinarily disproportionate for the violation of the Student Code of Conduct, which the charged Student or Student Organization was found to be responsible.
 - iii. To consider new information, sufficient to alter a decision or other relevant facts not brought out in the formal hearing, because such information and/or facts were not known to the person appealing at the time of the formal hearing. Outcomes of criminal or civil cases have no bearing in any aspect of the process, including the appeal.
- d. When the appeal is submitted, the charged Student (and in specific cases, the complainant) must state the reason(s) for the appeal and must supply the supporting facts and the recommended solution. This is not a re-hearing of the conduct case. An appeal will not be accepted simply because a Student is

dissatisfied with the decision from the formal hearing. Failure to describe the nature of the information in full detail and/or failure to list and explain at least one (1) of the three (3) bases of acceptable appeals will result in the denial of the appeal.

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

4. Provisional Suspension or Temporary Restrictions:

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

- a. The safety and well-being of members of the USF System community or preservation of USF System property;
- b. To ensure the physical or emotional safety and well-being of members of the USF system community; or
- c. The Student's continued presence or Student Organization's continued activities, or use of privilege at the USF System, is likely to pose an ongoing threat of disruption or interference with the normal operation of the USF System.

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

- Acceptance of Responsibility: Except in cases of potential sexual harassment or sexual misconduct, the Student may take full responsibility

in writing (form to be provided by SRR) indicating that the Student is electing to waive all rights to a formal hearing and is requesting the Hearing Officer make a final determination with regard to the provisional suspension and the substantive charges at the time of the emergency hearing and is accepting that determination as final with a waiver of appeal rights except as to the severity of the sanction which the Student may appeal. This will be considered the Hearing Outcome Decision.

- Absent Acceptance of Responsibility or in cases of potential sexual harassment or sexual misconduct: The Hearing Officer will conduct an emergency hearing to consider ONLY whether the provisional suspension should be continued and any change to the initial charges. A formal hearing before an Administrative Officer or the University Conduct Board will be automatically scheduled.
- If a Student fails to appear for the emergency hearing, the Hearing Officer will consider that failure to appear to be a waiver of participation in both the emergency hearing and formal hearing process. The Hearing Office will adjudicate the entire case in absentia. The Hearing Officer will issue a hearing outcome letter.

V. GENERAL PRINCIPLES OF CONDUCT PROCESS:

General Principles. Unless otherwise specified:

- A.** All pending disciplinary matters that may result in suspension or expulsion must be resolved prior to the awarding of any degree or certificate.
- B.** All proceedings will be closed to spectators.
- C.** No irrelevant information, including character statements, should be discussed or considered in the Formal Hearing.
- D.** The Student Code of Conduct provides the structure and evidentiary guidelines for this internal University process. Civil and Criminal rules of evidence and procedure do not apply.
- E.** The Administrative Hearing Officer or Chair of the University Conduct Board has the discretion to allocate time allotments for the Formal Hearing and time to provide information.

- F. At the conclusion of the appeal process, the decision of the Dean of Students or the appropriate designee is the Final University Decision and there are no further internal University appeals.
- G. After a Final University Decision that results in suspension or restriction from the University, a Student may seek outside judicial review pursuant to Florida Rule of Appellate Procedure 9.190(b)(3) by filing a petition for certiorari review with the appropriate circuit court within thirty (30) days of the Final University Decision. If a Student seeks review with the court, a copy of the petition must also be officially served to the University of South Florida Office of the General Counsel at University of South Florida, CGS 301, 4202 E. Fowler Avenue, Tampa, Florida 33620-4301.
- H. Record: A formal hearing shall be recorded by audio tape or video. Deliberations shall not be recorded. The record will be the property of the University. Only the University may record any proceeding.
- I. Students may have an advisor of their choice present; with the following guidelines:
- The advisor cannot have a potential conflict of interest between the University and/or the case.
 - The advisor may not speak on behalf of, act as attorney, present the case for, nor otherwise participate directly in the conduct process.
 - The advisor may be dismissed from the conduct process for failure to adhere to the parameters of their role. This dismissal will not affect the process and all proceedings will continue.
 - The charged Student/alleged victim is responsible for making appropriate arrangements for travel, costs, and attendance for the advisor.
 - The conduct process shall not be delayed due to scheduling conflicts of the chosen advisor.
 - The advisor may not serve as a witness.

VI. RIGHTS OF CHARGED STUDENTS IN THE CONDUCT PROCESS:

Rights of the Charged Students:

- A. Provision of Proof: The provision of proof shall be the duty of Student Rights and Responsibilities. “Preponderance of the Evidence,” that is from the evidence/information submitted, it is more likely than not that the Charged Student did commit the violation(s)

for which the Student has been charged, and shall not be the strict criminal law standard of proof beyond a reasonable doubt.

- B. Review of Information:** the charged Student may review the evidence in the possession of the University that may be considered to support a violation of the Student Code of Conduct under the direction of SRR. In cases of the formal hearing, the University has the right to request to review any information the charged Student intends to present at least three (3) days (excluding legal holidays) before the formal hearing. Pertinent records, exhibits, and written statements may be accepted as information for consideration during the conduct process.
- C. Presentation of Information:** The charged Student is not required, but may present information on the charged Student's own behalf.
- D. Question Witnesses (Applicable to Formal Hearing):** The charged Student may submit questions to be used to question witnesses who speak at the formal hearing, except in the certain cases of violent or sexual misconduct, which may require specific protocols to be followed. The charged Student may submit questions to SRR for the formal hearing no later than three (3) days before the formal hearing. The Administrative Hearing Officer or Chair of the University Conduct Board will determine if the questions relate to the alleged incident and are appropriate to be presented at the formal hearing before presenting them to the witnesses. The charged Student may hear witnesses who speak at the formal hearing and at the discretion of the Administrative Hearing officer or Chair of the Conduct Board; the charged Student may be permitted to ask additional questions at the formal hearing.
- E. Witness Statements:** In the event a scheduled witness does not appear, a written statement by the witness may be submitted at least three (3) days before the formal hearing. Late witness statements will not be considered. The charged Student must be provided an opportunity to respond to the statement. The inability of the charged Student to question a witness who has provided a written statement is not a violation of the charged Student's due process rights. The charged Student has the opportunity to review and respond to the written statement and may offer information to rebut the witness statement and other information presented at the formal hearing. Witness statements are entitled to be given the same weight by the hearing entity as a witness who is present. Witness statements need not be sworn or in affidavit form.
- F. Impartiality in Formal Hearing:** SRR will advise the charged Student (and possible victim in certain circumstances) of the identity of the person(s) assigned as an Administrative

Hearing Officer or Conduct Board member and the right to challenge, in writing, the impartiality of the Administrative Hearing Officer or Conduct Board member within three (3) business days (or in cases of emergency, within twenty-four (24) hours of the scheduled hearing) of notification. A challenge based on reasonable rationale will be accommodated and indiscriminate challenges will be denied. In cases of a Board, the formal hearing will proceed provided there are at least three members that meet the requirements previously set forth.

- G. Response to Presented Information:** The charged Student shall not be forced to present information or respond to questions during the conduct process.
- H. Decision Based on Presented Information:** Decisions made during the conduct process shall be based solely on the information presented. Any file referencing prior misconduct, including meetings with the charged Student in the possession of the SRR will only be considered in determining appropriate sanctions. Decisions will be sent to the Charged Student in writing.
- I. Enrollment Status:** The charged Student's enrollment status will remain unchanged pending the Hearing Outcome Letter decision, except in cases of Provisional Suspension. The Hearing Outcome Letter will reflect how the enrollment status of the charged Student will be treated between the Hearing Outcome decision, and a possible appeal to the Dean of Student's, or designee, and the Dean's Decision. A charged Student shall remain eligible to attend classes and University activities pending the Hearing Outcome Letter, which shall indicate if recommended sanctions are to be imposed immediately (in case of suspension or expulsion or to protect the health or safety of the University) or deferred until after the appeal is concluded. In cases where the President or President's designee determines that the health, safety, or welfare of the charged Student or the University community is involved, a charged Student's privileges within the University, including the ability to attend classes or engage in University activities, may be suspended on an interim basis. If a charged Student's privileges are temporarily revoked as described in this paragraph, but the charged Student is subsequently found not responsible for the violation, the University must:
 1. Correct any record of the change in enrollment status in the charged Student's permanent records and reports in a manner compliant with state and federal laws; and

2. Refund to the charged Student: a pro rata portion of any charges for tuition and out-of-state fees, as appropriate, if the temporary revocation or suspension of the charged Student's ability to attend classes lasts for more than ten (10) days.
- J. Failure to Appear: Charged Students have the right to choose if they want to participate in the formal hearing process. If a charged Student fails to appear or fully participate for any formal hearing, the matter may be resolved in the charged Student's absence.

K. Rights of the Alleged Victim:

1. Formal Hearing Questions - The alleged victim shall have the right to submit a list of questions to SRR for use during the formal hearing. The Administrative Hearing Officer or University Conduct Board shall ask the charged Student the questions, provided that the Administrative Hearing Office or University Conduct Board determines the questions related to the alleged incident are appropriate to be presented at the formal hearing.
2. Question Witnesses (applicable to formal hearing) - The alleged victim may submit questions to be used to question witnesses who speak at the formal hearing, except in the certain cases of violent or sexual misconduct, which may require specific protocols to be followed. The complainant may submit questions to SRR for the formal hearing no later than three (3) days before the formal hearing. The Administrative Hearing Officer or Chair of the University Conduct Board will determine if the questions relate to the alleged incident and are appropriate to be presented at the formal hearing before presenting them to the witnesses. The alleged victim may hear witnesses who speak at the formal hearing and at the discretion of the Administrative Hearing officer or Chair of the Conduct Board; the Student may be permitted to ask additional questions at the hearing.
3. Witness Statements - In the event a scheduled witness does not appear, a written statement by the witness may be submitted at least three (3) days before the formal hearing. Late witness statements will not be considered.
4. Impartiality in Formal Hearing - In certain circumstances, SRR will advise the complainant of the identity of the person(s) assigned as an Administrative Hearing Officer or Conduct Board member and the right to challenge, in writing, the impartiality of the Administrative Hearing Officer or Conduct Board member within three (3) business days (or in cases of emergency, within twenty-four (24) hours of the

scheduled hearing) of notification. A challenge based on reasonable rationale will be accommodated and indiscriminate challenges will be denied. In cases of a University Conduct Board, the hearing will proceed provided there are at least three members that meet the requirements previously set forth.

5. Failure to Appear – A complainant has the right to choose if they want to participate in the formal hearing. If a complainant fails to appear or fully participate for any hearing, the matter may be resolved in their absence.

VII. ADDITIONAL RIGHTS OF CHARGED STUDENTS AND ALLEGED VICTIMS IN CASES OF ALLEGED VIOLENT CONDUCT AND SEXUAL HARASSMENT AND SEXUAL MISCONDUCT:

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

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

1. Be notified of the available assistance within the University;
2. Be notified of additional offices that may be contacted to request a change in on-campus residence, academic assignments, no contact orders, counseling, or other interim accommodations that may be available to address specific immediate concerns;
3. In cases that move to formal hearing, to submit an impact statement to SRR for use during the sanctioning portion of the conduct process.
4. To be present during the fact-gathering stages of the formal hearing, notwithstanding the fact that the alleged victim is to be called as a witness. In extraordinary cases, alternate arrangements may be made for the alleged victim to participate in the formal hearing without being present in the same room. The alleged victim may not have their past conduct, including sexual history, considered when the Administrative Hearing Officer or the University Conduct Board is making a determination of the charged Student or Student Organization as to being responsible or not responsible for an alleged violation of the Student Code of Conduct.

5. To be notified of hearing outcomes. SRR will inform the alleged victim in writing of the outcome of the formal hearing within ten (10) days from the conclusion of the formal hearing/appeal process (Final University Decision) unless extraordinary circumstances exist. In the event the alleged victim is deceased as a result of the crime of offense, the information shall be provided, upon request, to the next of kin of the alleged victim.
- B. Sexual Harassment Cases:** In cases of sexual harassment (as defined in section 4.14 of the Student Code of Conduct and including sexual misconduct, gender based discrimination, sexual harassment, sexual assault, dating violence, domestic violence and stalking), the alleged victim and the charged Student's rights include the following additional guidelines:
1. Informational Conference — Charged Student and the alleged victim may each participate individually in a voluntary informational conference. The purpose of the informational conference is to provide an opportunity for representatives of the University to review any allegations, charge(s), and possible sanctions, and explain both the Title IX and Conduct Processes and any alternate forms of dispute resolution that may be available to the charged Student and the alleged victim.
 2. Formal Hearing Forums - If the charged Student requests a formal hearing before a University Conduct Board, the University will provide an opportunity for the alleged victim to object to Students being included as Board members before the hearing is convened. In the event the alleged victim objects to Student participation on the Conduct Board, the forum will be an Administrative Hearing.
 3. Participation in Formal Hearing - If the matter is referred as a conduct violation and the matter moves to a formal hearing, the alleged victim may be permitted to participate in the formal hearing to the extent allowed by state and federal privacy laws. Such participation may include the presence of an advisor, the ability to present information and witnesses in the formal hearing, the ability to provide questions to be asked of the charged Student and witnesses and the right to avoid self-incrimination. If an Alleged Victim fails to appear or fully participate in any hearing, the matter may be resolved in their absence.
 4. Presentation of Information at the Formal Hearing - The alleged victim, charged Student, and other individuals providing information for the formal hearing shall be provided an opportunity to share information during the formal hearing to be considered in determinations and sanctions in a manner that avoids direct contact with

the other individuals participating in the formal hearing. Depending on the type of formal hearing or at the discretion of SRR, this may be a written statement, a verbal representation, or active participation in a formal hearing.

5. Interim Accommodations - The alleged victim may have interim immediate accommodations as noted in section (VII)(A)(2) above as deemed appropriate.
6. Impact Statement - In the event the charged Student accepts responsibility or is found responsible, the Administrative Hearing Officer or University Conduct Board may read the complainant's impact statement. The Administrative Hearing Officer or University Conduct Board members may consider the impact statement when recommending or issuing sanction(s). While the impact statement is not binding, the impact described in the statement together with the totality of the circumstances including the charged Student's conduct record may be considered by the University Official(s) involved in recommending or determining the appropriate sanction(s).
7. Notice to the Alleged Victim of Right to Appeal – the alleged victim shall be notified in writing of the outcome of the formal hearing within ten (10) days (unless there are extraordinary circumstances that delay notice) of the determination. The alleged victim may appeal the decision of the formal hearing through the established appeal process in the Student Code of Conduct. The alleged victim shall be notified of the final university decision.

VIII. SANCTIONS:

Any of the following sanctions may be imposed on a Student or a Student Organization:

- A. Educational Sanctions: Classes/seminars, community service, reflective/research papers, interviews, etc. that allows Students to reflect on their decisions, the impact of those decisions and how to make appropriate decisions in the future. These sanctions may stand alone or be placed in conjunction with a sanction listed below. If a Student has any outstanding educational requirements at the conclusion of conduct probation or suspension status a hold will remain in effect pending the completion of the educational requirements.
- B. Academic Penalties: Withholding of diplomas or transcripts pending completion of any Student Conduct or Academic Process including any Sanction, payment of fines or penalties or other condition imposed by the University
- C. Warning Letter: An official notice that states that if there is a repeated violation of University policy, rules or regulations, Student conduct sanctions can be expected. This

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

- D. Restrictions:** Conditions imposed that would specifically dictate and limit future presence on campus and participation in University activities. The restrictions involved will be clearly identified and may include but are not limited to a University order forbidding the charged Student from all contact with the alleged victim. Restrictions may also apply to denial of operating a motorized vehicle (including golf carts) on campus, access and use of University services, and presence in certain buildings or locations on campus. These restrictions can include the inability to hold leadership positions whether or not as a part of a University Organization.
- E. Restitution or Fines:** A payment for injury or damage or as a penalty.
- F. Alcohol and/or Substance Use Educational Sanctions:** These educational sanctions may be comprised of online educational modules, in person assessments and follow-up meetings, or external assessments.
- G. Conduct Probation:** An official sanction that places the Student's enrollment or Student Organization recognition dependent upon the maintenance of satisfactory citizenship during the period of probation. When conduct probation is imposed as a sanction, the Student or Student Organization should be advised of the consequences of violation of probation. Under conduct probation, a Student may continue to attend classes and a Student Organization may or may not be able to operate or remain active and with an opportunity to demonstrate a capability and a willingness to live in accordance with University rules. Any Student or Student Organization placed on conduct probation may be restricted from participating in certain University activities as specified by the Director of SRR, or designee, or as regulated by other University departments. For the duration of the conduct probation, the Student or Student Organization is not considered in "good disciplinary standing" with the University.
- H. Housing Cancellation:** The immediate cancellation of a charged Student's housing contract. Upon the termination of the contract, the charged Student is restricted from all USF residential facilities (dining halls may or may not be included in this restriction). The charged Student will be responsible for any fees associated with the cancellation of the housing contract.
- I. Suspension:** Termination of a Student's privilege to attend the University for a specified period of time. This may include a restrictive order that would exclude the Student or

Student Organization from campus. In cases where the Student or Student Organization resides on campus, the Student will be given reasonable time to vacate the residence halls (i.e. 24 to 48 hours). A transcript overlay will be placed on the academic transcript during the period of suspension. Further, while on suspension, a hold will be placed on a Student's registration ability until all sanctions are complete. The record of suspension will be maintained in a permanent file in SRR.

- J. Deferred Suspension: Suspension that will be imposed at a defined future date or time unless sanctions are completed as described by the hearing officer and there are no further policy violations.
- K. Expulsion: Permanent termination of a Student's privilege to attend the University, without the possibility of re-admission. This may include a restrictive or no trespass order that would exclude the person from campus. In cases where the Student resides on campus, the Student will be given reasonable time to vacate the residence halls (i.e. 24 to 48 hours). A transcript overlay will be placed on a Student's academic transcript. Further, a hold will be permanently placed on the Student's ability to register for classes. The record of expulsion will be maintained in a permanent conduct file in SRR. In cases of Student Organizations, a sanction may be permanent and prevent the Student Organization from returning to campus.
- L. *Note: Student's affected by a sanction will normally forfeit tuition, housing rent and fees, and other University fees if found responsible for a Student Code of Conduct violation resulting in suspension or expulsion. A Student may also forfeit academic credit accordingly. Students who are excluded from living in University Housing must contact Housing and Residential Education to determine the financial impact of the cancelled contract.

IX. PARENTAL NOTIFICATION:

The University is committed to the success of its Students both inside and outside of the classroom. Therefore, it is the University's goal to maximize Students' learning and development, and promote Student health, safety and welfare. In this regard, the University has implemented a Parental Notification Policy 30-020. Parental Notification permits the University the right to inform parents or guardians when their dependent Student, under the age of 21, has been found in violation of Policy 30-023 Alcohol Policy and/or Policy 0-610 Drug-Free Workplace at the discretion of SRR, Students, whose parents are to be notified under these guidelines, will be

informed before such notification occurs and given an opportunity to initiate contact with their parents, if and when possible.

X. CONDUCT RECORDS AND RETENTION PROCEDURE:

The following applies to individual Student disciplinary records.

Maintenance of Records:

- A.** Student and Student Organization discipline records are maintained in SRR.
- B.** All Student conduct records in all formats (paper, computer, audio, etc.) will be will be kept in compliance with General Records Schedule GS5, but not for less than seven (7) years from the date of the last incident that the charged Student or Student Organization was involved in that resulted in Student Code of Conduct charges.
- C.** If a Student is suspended or expelled, a record of a violation of University regulations and/or policies will be permanently maintained in the Student's or Student Organization's disciplinary file in SRR and may be maintained in the Office of the Registrar.
- D.** SRR maintains all Student discipline records in accordance with the Family Education Rights and Privacy Act (FERPA). SRR will abide by all laws requiring privacy with regard to the Student conduct process. This privacy extends to all SRR staff, including the University Conduct Board and individual Initial Review Officers. In cases involving alleged violent misconduct or injurious behavior, SRR will inform the Alleged Victim, whenever appropriate, of the outcome of the hearing. In addition, as FERPA does not protect the names of students found responsible for crimes of violence, including forcible sex offenses, or an alleged perpetrator of a non-forcible sex offense when the allegations support a finding that a student has committed a violation of the University's rules or policies, the University may be required to release that information upon a Chapter 119 public record request.

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

E.F. _____ Any educational institution requesting conduct information about a current or former University Student is required to submit the request in writing. If a non-educational agency is requesting information, those requests must include the signature of the Student granting the release of information related to the Student's disciplinary record.

F.G. Transcripts of recorded hearings will not be prepared or provided by the University.

In cases of external legal review that may require a transcript of a recorded hearing, the Student or advisor may contact the Office of the General Counsel to arrange for the preparation of the written transcript by a court reporting service on the Student's behalf and at the expense of the requestor. The court reporting service will provide the transcript to the Office of the General Counsel, which will perform a confidentiality review of the transcript and redact any confidential or exempt information pursuant to state or federal law. The requestor shall bear the cost of the transcript preparation and confidentiality review.

G.H. Destruction of Records:

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

XI. RECORD EXPUNGEMENT PROCESS

- A.** Record Expungement: Record expungement allows a Student conduct record on file with the University to be sealed. This includes all information related to the individual's documentation, investigation, hearing, and disposition. Any person meeting the eligibility requirements of the University may petition to the Dean of Students to request a record expungement..
- B.** Sealed: In general, background check inquiries, and expunged records will not be reported as an incident where the Student was found responsible. The Student will not need to report the record based on the language/definitions of the requesting institution or agency in a background check that the incident ever occurred. The record will still be used for federal, state and local University reporting requirements but will not be associated with the Student name or Student ID.
- C.** Eligibility: The expungement request will only be accepted and/or considered provided that the Student's violation of the Student Conduct Code did not:
 1. Cause personal injury;
 2. Cause significant property damage;

3. Include a drug violation that could qualify as a felony charge in the legal system;
4. Disrupt the orderly operation of the University;
5. Violate the firearm, explosives, dangerous chemicals, and ammunition or weaponry regulations of the University;
6. Violate the Sexual Misconduct/Sexual Harassment policy;
7. Result in a suspension or expulsion;
8. Occur within the last 30 calendar days;
9. Is still outstanding or pending resolution;

D. Petition Requirements: Petitions must be submitted to deanofStudents@usf.edu:

1. The Petition must be a typed statement signed by the Student explaining the justification for the request and must include the date, name of the Student, U#, email address, phone number, a description of what occurred in the conduct incident, and what the Student has learned from the incident.
2. The petition must include a copy of the application for graduation or a signed letter from the academic advisor stating the intent to graduate and listing all remaining coursework.

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

XII. MEMBER INSTITUTIONS:

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

- **USF (Tampa):** <http://www.sa.usf.edu/srr/page.asp?id=69>
- **USFSP:** <http://www.usfsp.edu/dos/sc/>
- **USFSM:** <http://www.usfsm.edu/campus-life/Student-engagement/Student-rights-and-responsibilities.aspx>

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

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

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, 9-27-05, 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 (technical), 5-14-15 (technical), 8-19-16 (technical), 9-28-18, 4-12-19 effective 5-6-19 (technical), 5-16-19 (technical), 8-26-19 (technical).

Certification: The USF System certifies that it has followed the Florida Board of Governors Regulation Development Procedure and has a record of written notices, comments, summaries and responses as required.