

USF System    USF    USFSP    USFSM

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CONTENTS:	PAGE
I. <u>PURPOSE AND INTENT/STATEMENT OF REGULATION</u> .....	1
II. <u>AUTHORITY</u> .....	1
III. <u>DEFINITION OF TERMS</u> .....	3
IV. <u>PROCESS STEPS</u> .....	10
A. Rules of Conduct .....	10
B. Stages of Conduct Process .....	17
C. General Principles of Conduct Process .....	26
D. Rights of Charged Students and Complainants .....	27
E. Additional Rights of Charged Students and Complainants in Cases of Alleged Violent Conduct and Sexual Harassment .....	31
F. Sanctions .....	35
G. Parental Notifications .....	37
H. Discipline Records and Retention .....	38
I. Member Institutions .....	40
J. Review of Student Code of Conduct .....	40

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

- A. The Office of Student Rights and Responsibilities (OSRR) 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”). Through the conduct process, OSRR engages students in personal and social responsibility.
- B. OSRR’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.
- C. The University supports student learning and development through outreach: faculty training on student classroom conduct and managing the classroom. This prepares our faculty and students to deal with conflicts and mutually agreed upon community standards.

**II. AUTHORITY:**

- A. The University values a community based on the principles of inclusivity, ethics, and civility. As such, the University community expects students to behave in a manner that supports this purpose. This Student Code of Conduct is a document which describes behavior that is counteractive to this purpose and how the University will hold students accountable for those inappropriate behaviors. Student organizations are also disciplined

under this Student Code of Conduct. Failure of a student or student organization to comply with federal or state laws or University regulations and policies may subject the student or student organization to appropriate civil and criminal authorities. If the student is suspended or expelled, a record of a violation of University regulations and/or policies will be maintained in the student's or student organization's disciplinary file in the OSRR and may be maintained in the Office of the Registrar.

- B.** University jurisdiction and discipline extends to conduct which occurs on University premises or which adversely affects the University community and/or the pursuit of its mission. Specifically, University officials may initiate disciplinary charges for conduct off campus when the behavior relates to the good name of the University; the integrity of the educational process; or the safety and welfare of the University community, either in its public personality or in respect to individuals within it; or violates state or federal law.
- C.** Students are responsible for compliance with all public laws as well as University rules, policies and regulations. Students are responsible for their guests' compliance as well.
- D.** Students are responsible for knowing the information, policies, and procedures outlined in this Student Code of Conduct. The University reserves the right to make changes to the Code as necessary. Students are encouraged to check online at [generalcounsel.usf.edu](http://generalcounsel.usf.edu) for the most updated versions of all policies and regulations.
- E.** The University strongly encourages Complainants of sexual harassment 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 this Student Code of Conduct and/or in [Policy 0-004 Sexual Misconduct/Sexual Harassment \(Including Sexual Violence\)](#).

- F. Any individual may refer a student for an alleged violation of this Student Code of Conduct by filing a written referral with OSRR. OSRR also reserves the right to initiate or follow up any investigative leads where there is reasonable belief of possible violations of this Student Code of Conduct.
- G. The conduct process may be initiated against a student charged with conduct that 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 OSRR. Determinations made or sanction(s) imposed as a result of this Student Code of Conduct process shall not be subject to change because criminal charges arising out of the same facts giving rise to violation(s) of University policies 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 institutional standards. Student shall not be forced to present self-incriminating evidence; 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 Hold” refers to a restrictive hold being 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.

- B.** “Administrative Hearing Officer” is a University faculty or staff member designated by the Director of OSRR or the Dean of Students, or the designated University official, who will hear the case, hearing both the student explanation of events and the information presented by OSRR during the Formal Hearing.
- C.** “Advisor” refers to any one person chosen by the Referred Student, Charged Student, Complainants, or a witness 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 may be used to reflect a person that alleges any personal harm or injury from an alleged violation of this Student Code of Conduct depending on the specific facts of a case. At times, to avoid duplication or wordiness, the term victim may be used to refer to an alleged victim.
- E.** “Charged Student” means the student against whom the Initial Review Officer has filed official charges.
- 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 OSRR.
- G.** “Conduct Process” refers to the entire process outlined in this Student Code of Conduct, including Initial Review, Emergency Provisional Suspension Review, the Formal Hearing, and Appeal process.

- H.** “Days” in terms of process is defined as the normal business day and will not include Saturdays, Sundays, or legal holidays/University administrative holidays when the campus is closed for business.
- I.** “Dean of Students or designee” is the individual who will hear an appeal following a Formal Hearing.
- J.** “Deferred” is usually used in sanctioning in reference to suspension or cancellation of housing that is suspended or withheld for, or until, a certain time or event (usually at the end of a semester).
- K.** “Deferred Adjudication” refers to the process when a student is responsible for a violation but the circumstance would allow for an alternative resolution of the situation. The finding is deferred by the Initial Review Officer until the completion of all requirements (sanctions and/or restrictions). In order to receive deferred adjudication, the student must begin by accepting responsibility. At the completion of all requirements the student is adjudicated “not responsible” and the case is listed on a students’ record as a dismissal after the completion of deferred adjudication.
- L.** “Formal Hearing” or “Hearing” is the event elected by the Charged Student which can be conducted before an Administrative Hearing Officer or a University Conduct Board after charges have been filed by the Initial Review Officer.
- M.** “Final OSRR Decision” is the finding rendered either upon acceptance of responsibility by the Charged Student or as rendered at the conclusion of the Formal Hearing.
- N.** “Final University Decision” is the finding of the Dean of Students as issued in the Dean’s Decision on Appeal Letter.
- O.** “Impact Statement” is an oral or written statement provided by the Complainant in cases of violent misconduct or when requested by OSRR that states the impact the incident has

had on the Complainant's personal and educational experience at the University since the incident took place. This statement is reviewed during the sanctioning portion of the Formal Hearing if the Charged Student is found responsible for a violation of this Student Code of Conduct.

- P.** “Informational Conference” is a meeting where the OSRR Title IX Investigator can fully review the conduct process, provide an overview of a Title IX investigation, and discuss all available resolution options with students.
- Q.** “Initial Review Officer (IRO)” means a University official authorized to meet with students regarding referrals made for possible violations of this Student Code of Conduct. The meeting is known as the “Initial Review Meeting”. After the Initial Review Process, the Initial Review Officer provides a Charge Letter which is either that the Referral be dismissed or that the Referral be moved forward with specific charges referencing violation(s) of this Student Code of Conduct and educational sanctions.
- R.** “May” is used in the permissive sense.
- S.** “Member of the University community” includes any person who is a student, faculty member, University official, or any other person with an ongoing relationship or involved with or employed by the University.
- T.** “Notice” is the written communication either by correspondence or email 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 OSRR.
- U.** “Offense” means the action that represents a violation of this Student Code of Conduct.

V. “Office of Student Rights and Responsibilities (OSRR)” or designee is the person(s)/area designated by the USF System President to be responsible for the administration of this Student Code of Conduct. Refer to Section (IV)(I) for offices listed.

W. “OSRR Notices” (Initial Review Letter, Charge Letter, Hearing Decision Letter, and Dean’s Decision on Appeal Letter):

1. “Initial Review Letter” refers to notice from OSRR to a Referred Student, which states that a Referral has been made and informs the student of an opportunity for a meeting. If the student chooses not to attend, the Initial Review Officer reserves the right to have an In Absentia Review, at which point a Charge Letter will be sent to the student.
2. “Provisional Suspension Letter” refers to a letter sent to a Referred Student explaining that a Referral has been received and the circumstances explained in the Referral are severe enough to cause concern for the safety and well-being for the USF campus and community. This letter states that the Referred Student is immediately suspended from the University (the right to be on campus and attend in person or virtual classes) and/or from participating in official University functions, programs, intercollegiate competitions, and other student activities pending an emergency Formal Hearing. This Formal Hearing is held to determine if the Referred Student can return to campus and class while the conduct process continues.
3. “Charge Letter” refers to notice issued by the Initial Review Officer, stating that a referral has been dismissed or moved forward in the conduct process. In the case where the referral has been moved forward, the Letter will include the notice of the charges and recommended sanctions that may be accepted by the Charged



Student or reviewed in a Formal Hearing, which may result in a not responsible finding or a responsible finding, which could result in greater or lesser sanctions.

4. “Hearing Decision Letter” refers to the notice from the OSRR to a Charged Student stating the Formal Hearing outcomes and sanctions.
  5. “Dean’s Decision on Appeal Letter” refers to the notice from the Dean of Students, or designee, at the conclusion of the appeal process. The Dean’s Decision is considered the Final University Decision.
- X. “Policy” means the written and published policies or regulations of the University as found in, but not limited to, this 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.
- Y. “Referral” means the written documentation provided to OSRR alleging that a violation of this Student Code of Conduct may have occurred.
- Z. “Referred Student” is the person who has been named in the Referral provided to OSRR to have allegedly violated this Student Code of Conduct.
- AA. “Student” for the purposes of this Student Code of Conduct, includes all persons, registered student organizations, 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 after allegedly violating this Student Code of Conduct, or who are

not officially enrolled for a particular term but who have a continuing relationship with the University, or who have been notified of their acceptance for admission are considered students.

- BB.** “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, student sports clubs (recognized by Campus Recreation), and all other registered student organizations of the University.
- CC.** “University” means the University of South Florida System, including any member institution affiliated with the USF System.
- DD.** “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 this Student Code of Conduct. Students will make up at least one-half of the membership of any University Conduct Board Formal Hearing panel. The panel will adjudicate the conduct case, hearing both the student explanation of events and the information presented by OSRR.
- EE.** “University official,” for the purposes of this 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 this Student Code of Conduct, this definition includes student staff acting in accordance with their assigned duties.
- FF.** “University premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).

**GG.** “Victim” is a term that may refer to either (1) the person who alleges any personal harm or injury from a Referred Student who committed an alleged violation of this Student Code of Conduct or (2) a person that alleges suffering personal harm or injury from an alleged violation of this Student Code of Conduct depending on the facts of a case, and alternately known as an alleged victim.

**HH.** “Will” is used in the imperative sense.

**II.** “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. PROCESS STEPS:**

**A. Rules of Conduct:** Each student is expected to abide by these Rules of Conduct. These Rules of Conduct should be read broadly and are not designed to define prohibited conduct in exhaustive terms. Further, some of the below Rules of Conduct are a part of a larger University regulation or policy. When applicable, the University regulation or policy is the overarching document when referring to these Rules of Conduct. The commission, aiding, abetting, attempting, or inciting of any of the following actions constitutes an offense for which a student or a student organization may be subject to the student conduct process.

**(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. “Services” includes, but is not limited to, unauthorized copying of software and acts considered to be in violation of copyright laws.

- (4.02) Misuse of Property** - Destruction, damage, misuse, or defacing of, or unauthorized entry into or otherwise accessing University buildings or property, private property, and/or personal 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.
- (4.04) Weapons, Firearms, or Explosive Devices** - The illegal possession, storage, use or sale of any weapon (lethal or non-lethal), firearm, or any incendiary, explosive or destructive device. Refer to [Policy 6-009 Weapons on USF System Property](#).
- (4.05) Harassment** - Conduct which creates an unsafe, intimidating or hazardous situation that interferes with the ability of a University student or employee to study, work, or carry out University functions. Refer to [Policy 0-007 Diversity and Equal Opportunity: Discrimination and Harassment](#).
- (4.06) Stalking** - To follow another person 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 her, his or others safety or to suffer substantial emotional stress.
- (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. Refer to [USF6.0023 Prohibition of Hazing](#).

**(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:

1. Interference with freedom of movement or with the right to address an audience of any member or guest of the University;
2. 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;
3. Interference with academic freedom and freedom of speech of any member or guest at the University;
4. 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 OSRR.

**(4.10) False Alarm** - 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.

**(4.11) Threats of Violence** - An intentional 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. Refer to [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, and that behavior does not otherwise constitute one of other sexual misconduct offenses.

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

- i. invasion of sexual privacy;
- ii. prostituting another student;
- iii. non-consensual video or audio-recording of sexual activity;
- iv. going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);

- v. engaging in voyeurism;
- vi. knowingly transmitting an STI or HIV to another student;
- vii. exposing one's genitals in non-consensual circumstances;
- viii. inducing another to expose their genitals;
- ix. sexually-based stalking and/or bullying may also be forms of sexual exploitation.

**(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** - Failure to abide by [Policy 0-610 Drug-Free Workplace](#). Possession, use, sale, or attempt to obtain any illegal drug. 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 and defined by the law. Further, the unauthorized possession or use of a regulated or controlled substance, including prescription drugs and paraphernalia used for drugs is a violation. 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.

**(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.
9. Attending class, an organizational meeting or other University event that is specific for an educational gain while under the influence of alcohol is a violation.

**(4.18) False Information** - Knowingly making a material false oral or written statement to any University official. This includes forgery, unauthorized alteration or misuse of any document, record, or instrument of identification. Also includes withholding material information from the university, misrepresenting the truth before a hearing or proceeding of the University, and making false statements to any university official.

**(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) from or in agreement with University officials acting in accordance with 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** - Failure to abide by the conditions of probation which resulted from previous behavior that was deemed unacceptable at the University level.

**(4.23) Complicity**- assisting or attempting to assist another person in any act of violating the student code of conduct.

**(4.24) Specific Acts of Violence** – An act which falls into any one of 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 Complainant’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 Complainant. 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 against any individual who, in good faith, has made any allegation of sexual harassment or who has testified, assisted, or participated in any way in any investigation, review, or Formal Hearing conducted under this Student Code of Conduct or any federal or state law.

**B. Stages of Conduct Process:**

**1. Receipt of Referral:** OSRR receives a Referral that is filed within a reasonable time following the discovery of the alleged violation and no later than six (6) months after the discovery, except in extraordinary cases. A Referral may be initiated by a student, faculty member, University Police personnel, staff member, office personnel, or interested party to the University. The Director of OSRR or designee may request

information concerning prior misconduct of the Referred Student from the University Police and other appropriate persons or offices. OSRR will then send the Referred Student notice of the Referral through either (1) an Initial Review Letter informing the Referred Student of the Initial Review Process, or (2) a Provisional Suspension Letter informing the Referred Student of the Provisional Suspension Process. This notice will be sent to the Referred Student's University email account on file with the Office of the Registrar. For student organizations, this notice will be sent to the University email account of the presiding officer of the organization (President).

**2. Initial Review Process:**

- a. If the University does not impose a Provisional Suspension, OSRR will notify the Referred Student that a Referral has been made by sending the Referred Student an Initial Review Letter. The Initial Review Letter will inform the Referred Student of an alleged incident that took place and will either request the Referred Student schedule a meeting or will inform the Referred Student that a meeting has already been scheduled. The Initial Review Letter will also include notice to the Referred Student of any interim temporary restriction or sanctions if appropriate. If the Referred Student(s) appear(s) for the Initial Review Meeting, an Initial Review as to the appropriate charges will be made by the Initial Review Officer. If the Referred Student(s) fails to appear for the Initial Review Meeting (or any step in this process), the Initial Review Officer will conduct an In Absentia Review (a review without the Referred Student present) and make a determination as to the appropriate charges to be filed and send the Charge Letter. The Initial Review Officer will conclude the Initial Review Process within six (6) weeks of

Receipt of Referral, unless an extension is necessary as determined and documented by the Initial Review Officer.

**3. Conclusion of Initial Review Process:**

- a. At the conclusion of the Initial Review Meeting/In Absentia Review, the Initial Review Officer will issue a Charge Letter, which will indicate (1) the Referral has been dismissed or (2) the Referral is moved forward with the recommended charges and sanctions. At this point, if the Referral is not dismissed, the Referred Student (for purposes of this Student Code of Conduct) now becomes the Charged Student. The Charge Letter will indicate the choices available to the Charged Student, which are to accept responsibility or to request a Formal Hearing.

**4. Formal Hearing:**

- a. **Forums** - The Charged Student may elect a Formal Hearing to review the recommended charges found in the Charge Letter, understanding that the Formal Hearing may result in charges being upheld or dismissed and sanctions that are more severe or less severe than the sanctions provided by the Initial Review Officer. The University provides two (2) choices of forum for the Formal Hearing: (a) a Formal Hearing before an Administrative Hearing Officer, which includes a specific waiver of a Formal Hearing before a University Conduct Board or (b) a Formal Hearing before a University Conduct Board, which would then include a specific waiver of a Formal Hearing before an Administrative Hearing Officer. This choice must be made and submitted in writing within five (5) days of the date of the Charge Letter. In the event the Charged Student fails to notify the IRO of the election of either 1) accepting responsibility (form to be provided by OSRR) and agreeing to the terms and sanctions imposed by the

Charge Letter or 2) selecting a choice of forum for the Formal Hearing, the recommended charges and sanctions in the Charge Letter will become a Final OSRR Decision. At the discretion of the OSRR, any Formal Hearing may be postponed pending the gathering of additional evidence or the outcome of a related proceeding. In cases of sexual harassment or at the discretion of the University, the University reserves the right to designate that the Formal Hearing be conducted by an Administrative Hearing Officer. The two choices of forum for the Formal Hearing are as follows:

- 1) **Administrative Hearing Officer Formal Hearing** - If the Charged Student elects a Formal Hearing before an Administrative Hearing Officer, OSRR will assign an Administrative Hearing Officer to conduct the Formal Hearing. The Charged Student (and the Complainant in cases of sexual harassment and specific acts of violence as defined in Section 4.24 of this Student Code of Conduct) shall be notified of the person appointed to be the Administrative Hearing Officer.
- 2) **University Conduct Board Formal Hearing** - If the Charged Student elects a Formal Hearing before a University Conduct Board, OSRR will assign a panel where students will make up at least one-half of the membership, except in cases of sexual harassment (See Section (IV)(E)). The Board members will be selected from a bank of faculty/staff and students. Any Board member assigned to hear the case, but who is not present for the presentation of information at the Formal Hearing may not further participate. However, the Charged Student has the right to choose to proceed or to request that the Formal Hearing be rescheduled if the University Conduct Board present does

not have at least one-half of the membership made up of students. After the Formal Hearing, the Board will reach its decision in executive session. A simple majority of the quorum is required for decision.

- b. Guidelines** - When the OSRR receives a timely request (within five (5) days from the date of the Charge Letter) for a Formal Hearing, the Formal Hearing will be scheduled to take place within six (6) weeks from the date of the Charge Letter, except in circumstances which may be identified by the OSRR, which may include holidays or University scheduling conflicts. The OSRR will provide the Charged Student with guidelines and information including the rights of the Charged Student to contact OSRR and schedule a time to review the documents in the file that may be used in the Formal Hearing no less than three (3) days before the Formal Hearing, except in cases of a Provisional Suspension Review or if waived by the Charged Student. The Administrative Hearing Officer and/or University Conduct Board will have five (5) days to reach an outcome. The outcomes of the Formal Hearing held by the Administrative Hearing Officer or the University Conduct Board are recommendations to the Director of OSRR or designee. The Director of OSRR or designee will render a Final OSRR Decision within five (5) days of the receipt of the recommendations. Any differences between the recommendation and the Final OSRR Decision, and the reasons, will be presented to the Charged Student in writing.
- 5. Appeal Process:** The Charged Student, or the Complainant in specific cases as provided in this Student Code of Conduct, may appeal in writing the Final OSRR Decision within five (5) days of the date of the letter describing the decision, except in cases where the Charged Student has accepted responsibility or the Charged

Student has failed to notify the OSRR of the choice of forum for the Formal Hearing. The appeal must be written to the Dean of Students or appropriate designee at the member institution or separately accredited institution. If an appeal is granted, the burden of proof rests with the Charged Student or the Complainant to show, by a preponderance of the evidence presented, that the grounds for an appeal have been made. The Dean of Students may adopt, modify, or reject the Final OSRR Decision and/or sanctions from the Final OSRR Decision. The record of the Formal Hearing may be considered on appeal as well as any new information from the Charged Student and/or Complainant that comes to the attention of the Dean of Students. The Dean of Students is authorized to contact any participants in the Formal Hearing for clarification and the Charged Student is entitled to review the record of the Formal Hearing at the University by requesting a review time.

**a. Basis of Appeal** - Except as required to explain the basis of new information, the Dean shall limit the review of the verbatim record of the Formal Hearing and supporting documents for one or more of the following purposes:

- 1) To determine if there were due process errors involving the University's failure to provide the Charged Student or organization with notice or an opportunity be heard.
- 2) To determine whether the sanction(s) imposed was extraordinarily disproportionate for the violation of the Student Code of Conduct, which the Charged Student was found to be responsible.
- 3) 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.

- b.** When the appeal is submitted, the Charged Student 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. 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.
  - c.** 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. The decision made by the Dean of Students is to be rendered in the Dean's Decision on Appeal Letter and the Dean's Decision is considered the Final University Decision. If an appeal is not upheld, 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 as provided in Section (IV)(D) below.
- 6. Provisional Suspension Review Process:** The Provisional Suspension may be imposed by the President or OSRR upon Receipt of Referral. In certain circumstances, the University may immediately impose a Provisional Suspension at any time during the Conduct Process. The President of the University or OSRR or their designee, will have the authority to immediately suspend a student from the University or from participating in official University functions, programs,



intercollegiate competitions, and other student activities (“Provisional Suspension”) by issuing a Provisional Suspension Letter. A Provisional Suspension may be imposed to ensure the safety and well-being of members of the University community or preservation of University property; to ensure the physical or emotional safety and well-being of the members of the University community; or when the student’s continued presence or use of privilege at the University is likely to pose an ongoing threat of disruption or interference with the normal operation of the University. Students issued a Provisional Suspension from the University will be provided an Emergency Provisional Suspension Review Meeting with the Director of OSRR, or designee, within five (5) days from the date of the Provisional Suspension Letter. Absent an election by the Referred Student to accept full responsibility of the alleged violation (form to be provided by OSRR), the Director of OSRR, or designee, will conduct the Emergency Provisional Suspension Review Meeting to determine whether to lift the Provisional Suspension and/or to schedule a Formal Hearing before an Administrative Hearing Officer. The decision of the Director of OSRR, or designee, will be communicated to the Referred Student via a Charge Letter. If the Director of OSRR, or designee, decides to lift the Provisional Suspension, the Referred Student may be allowed to resume certain activities on campus which may include the return to classes or university housing, if applicable. If the Referred Student fails to appear for the Emergency Provisional Suspension Review Meeting and fails to accept full responsibility in writing via the OSRR form, the Director of OSRR, or designee, will review the Provisional Suspension in the Referred Student’s absence.

## **7. Conclusion of Provisional Suspension Review Process - Conclusion of**

**Provisional Suspension Review Process:** At the conclusion of the Emergency Provisional Suspension Review Meeting, the Director of OSRR, or designee, will issue a Charge Letter, which will indicate (1) the Referral and the Provisional Suspension have been dismissed and/or lifted; (2) the Provisional Suspension is lifted and the Referral is moved forward with the recommended charges and sanctions; or (3) the Provisional Suspension is continued and the Referral is moved forward with the recommended charges and sanctions. For purposes of this Student Code of Conduct, if the Referral is not dismissed, the Referred Student now becomes the “Charged Student.” If possible, the Charge Letter will include a tentative Formal Hearing date (set no sooner than three (3) days or longer than six (6) weeks from the Emergency Provisional Suspension Review Meeting, unless the Charged Student waives the review period and the Director of OSRR, or designee, is able to schedule the Formal Hearing sooner or more time is needed as determined by the Director of OSRR, or designee, with notice to the Charged Student before the end of the six (6) weeks). At any time in the Provisional Suspension Review Process, a student may elect to accept responsibility (form to be provided by OSRR) and agree to the terms and sanctions imposed by the Charge Letter. If the Charged Student accepts responsibility following the Emergency Provisional Suspension Review Meeting, the Charged Student is electing to waive all rights to a Formal Hearing and is requesting the Director of OSRR, or designee, make a Final OSRR Decision with regard to the substantive charges, and is accepting that determination as a Final OSRR Decision with a waiver of appeal rights except to the severity of the sanction, which the Charged Student may appeal. If the Charged Student does not elect to accept

responsibility, a Formal Hearing to review the recommended charges found in the Charge Letter will take place with an Administrative Hearing Officer, unless the Charged Student elects a University Conduct Board.

**C. General Principles of Conduct Process:**

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

- a. All proceedings will be closed to spectators.
- b. No irrelevant information should be discussed or considered in the Formal Hearing.
- c. This document provides the process and evidentiary guidelines for this internal University process. Civil and Criminal rules of evidence and procedure do not apply.
- d. The Administrative Hearing Officer or Chairperson of the University Conduct Board has the discretion to allocate time allotments for the Formal Hearing and testimony time.
- e. At the conclusion of the appeals process, the decision of the Dean of Students or the appropriate designee is a Final University Decision and there are no further internal University appeals.
- f. After the Final University Decision, a student may seek 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 person 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.

- g.** Charged Students and Complainants may have an advisor of their choice present; however, University employees who have a potential conflict of interest are not to serve. The advisor may be present to speak with and advise the Charged Student/Complainant, but may not speak on behalf of, act as attorney, present the case for, nor otherwise participate directly in the Initial Review or in the Formal Hearing. It is the Charged Student's/Complainant's responsibility to make appropriate arrangements for travel, costs, and attendance for the advisor. The Initial Review or the Formal Hearing shall not be delayed due to scheduling conflicts of the chosen advisor.

**D. Rights of Charged Students and Complainants:**

**1. Rights of the Charged Student:**

- a. Provision of Proof** - The provision of proof shall be the duty of the OSRR. The level of proof for a decision shall be "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. 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. A Charged Student and the Charged Student's Advisor may not record any proceeding.
- c. Review of Information** - The Charged Student may review the evidence in the possession of the University that will be presented against the Charged Student at the University under the direction of OSRR. 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 by the Initial Review Officer or Formal Hearing forum.

**d. Presentation of Information** - The Charged Student may present evidence on the Charged Student's own behalf.

**e. Question Witnesses (Applicable to Formal Hearing)** - The Charged Student may hear and submit questions to be used to question adverse witnesses who testify 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 for the Formal Hearing three (3) days before the Formal Hearing to OSRR. The Administrative Hearing Officer or Chairperson 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 adverse witnesses who testify at the Formal Hearing and submit questions to be asked of those witnesses. In the event a scheduled witness does not appear, a written statement may be submitted at least three (3) days before the Formal Hearing. However, if the written statement is submitted in less than three (3) days before the Formal Hearing, once notified of the written statement, the Charged Student may request a continuation to permit the three (3) day review of the newly provided evidence or may affirmatively waive the three (3) day review requirement. The Charged Student must be provided an opportunity to respond to the statement.

**f. Right to Challenge Impartiality of:**

**1) Administrative Hearing Officer** - The Charged Student and the Complainant in certain circumstances have the right to challenge the impartiality of the Administrative Hearing Officer in writing to OSRR within three (3) days of notification (or in cases of an emergency nature within twenty-four (24) hours of the scheduled Formal Hearing). An Administrative Hearing Officer whose impartiality is challenged by reasonable rationale will be excused.

Indiscriminate impartiality challenges shall entitle the OSRR to proceed without regard to the challenge. If an Administrative Hearing Officer is excused, at the discretion of the OSRR, a new Administrative Hearing Officer will be assigned if time permits. Otherwise, the Formal Hearing will be rescheduled. No students may contact, directly or indirectly, any Administrative Hearing Officer regarding this process before, during, or after the Formal Hearing and a violation of this restriction may be considered a violation of this Student Code of Conduct.

**2) University Conduct Board Member** – The Charged Student and the Complainant in certain circumstances have the right to challenge the impartiality of any Board member in writing to OSRR within three (3) days of notification (or in cases of an emergency nature within twenty-four (24) hours of the scheduled Formal Hearing). A Board member whose impartiality is challenged by reasonable rationale will be excused. Indiscriminate impartiality challenges shall entitle the panel to proceed without regard to the challenge. If a Board member is excused, at the discretion of the OSRR, the Formal Hearing will continue as scheduled, provided there is at least one

student and one faculty/staff member on the panel. No students may contact, directly or indirectly, any Board member regarding this process before, during, or after the Formal Hearing and a violation of this restriction may be considered a violation of this Student Code of Conduct.

- g. Response to Presented Information** - The Charged Student shall not be forced to present testimony or respond to questions.
- h. Decision Based on Presented Information** - Decisions of the University Conduct Board or Administrative Hearing Officer shall be based solely on the evidence presented, including any file referencing prior misconduct or meetings with the Charged Student in the custody of the OSRR.
- i. Decision in Writing** - Decisions of the University Conduct Board or Administrative Hearing Officer, including findings of fact and a determination of sanction, if any, shall be presented to the Charged Student in writing within ten (10) days following the Hearing in a Hearing Decision Letter.
- j. Enrollment Status** - The Charged Student's enrollment status will remain unchanged pending the Final OSRR decision, except in cases of Provisional Suspension. The Final OSRR Decision will reflect how the enrollment status of the Charged Student will be treated between the Final OSRR Decision and a possible appeal to the Dean and the Dean's Decision. A Charged Student shall remain eligible to attend classes and University activities pending the Final OSRR Decision, 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.

**k. Failure to Appear** - If a Charged Student fails to appear for any Hearing, the matter may be resolved in the Charged Student's absence.

**2. Rights of the Complainant:**

**a. Formal Hearing Questions** - The Complainant shall have the right to submit a list of questions to OSRR for use during the Formal Hearing. The OSRR shall ask the Charged Student the questions provided the OSRR determines the questions relate to the alleged incident and are appropriate to be presented at the Formal Hearing.

**E. Additional Rights of Charged Students and Complainants in Cases of Alleged**

**Violent Conduct and Sexual Harassment:** In cases of sexual harassment (as defined in Section 4.14 of this Student Code of Conduct) and specific acts of violence (as defined in



Section 4.24 of this Student Code of Conduct), the Charged Student and the Complainant, shall be notified of the persons selected to hear the case during the Formal Hearing.

Additionally:

- 1. 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 Complainant:
  - a.** The Complainant shall be notified of the available assistance within the University.
  - b.** The Complainant shall be notified of additional offices that may be contacted to request a change in residence hall, academic assignments, reassignments, no contact orders, counseling or other interim accommodations that may be available to address specific immediate concerns.
  - c.** The Complainant shall have the right to submit an impact statement to the OSRR for use during the sanctioning portion of the conduct process.
  - d.** The Complainant shall have the right to be present during all fact-gathering aspects of the Formal Hearing, notwithstanding the fact that the Complainant is to be called as a witness. In extraordinary cases, alternate arrangements may be made for the Complainant to participate in the Formal Hearing without being present in the same room.
  - e.** Upon written request from the Complainant, the OSRR will inform the Complainant 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

Complainant 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 Complainant.

**2. Sexual Harassment Cases:** In cases of sexual harassment (as defined in Section 4.14 of this Student Code of Conduct and including sexual misconduct, gender based discrimination, sexual harassment, sexual assault, dating violence, domestic violence and stalking), the Complainant and the Charged Student's rights include the following additional guidelines:

**a. Informational Conference** - The Charged Student and the Complainant 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 Complainant.

**b. Informational Conference Materials** - The Complainant shall be provided by OSRR or the Title IX Office, information regarding efforts to address sexual harassment on campus, the alternative forms of reporting available and the name and address of the University Title IX Officer and resources available.

**c. Formal Hearing Forums** - If a Formal Hearing before a University Conduct Board is requested by the Charged Student and no objection is raised by the Complainant, the University may provide such Formal Hearing. If the Complainant requests a Formal Hearing without student representation, the forum will be an Administrative Hearing Officer Formal Hearing.

- d. Participation in Formal Hearing** - If the matter is referred as a conduct violation and the matter moves to a Formal Hearing, the Complainant may also 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 adviser, the ability to present information and witnesses in the Formal Hearing, and the right to avoid self-incrimination.
- e. Evidence at the Formal Hearing** - The Complainant, Charged Student or other individuals providing evidence for the Formal Hearing shall be provided an opportunity to provide information or present evidence 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 Hearing. Depending on the type of Formal Hearing, this may be a written statement, a verbal representation or active participation in a Formal Hearing.
- f. Interim Accommodations** - The Complainant may have interim immediate accommodations as noted in Section (IV)(E)(1)(b) above as deemed appropriate.
- g. Impact Statement** - In the event the Charged Student accepts responsibility or is found responsible, any Impact Statement provided by the Complainant will be considered by the Administrative Hearing Officer and/or University Conduct Board members in recommending or issuing the disciplinary 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, should be considered by the University

official(s) involved in recommending or determining the appropriate sanction(s).

**h. Notice to the Complainant and Right of Complainant to Appeal - The**

Complainant 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, and the Complainant may appeal the decision of the Formal Hearing through the established appeal process in this Student Code of Conduct. The Complainant shall be notified of any subsequent changes to the Final University Decision.

- i. Right to Elect a Review or Appeal of Final University Decision -** In sexual harassment cases the Complainant may have the right to elect a review or appeal of the Final University Decision; and the appeal process granted to the Charged Student as set forth in the Appeal Process Section (IV)(B)(5) of this Student Code of Conduct will be provided to the Complainant at that time.

**F. Sanctions:** Any of the following sanctions may be imposed on a student or a student organization:

- 1. Warning Letter:** An official notice that states that if there is a repeated violation of University policy, rules or regulations, the student can expect additional conduct sanctions.
- 2. Restrictions:** Conditions imposed on a student 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 Complainant. 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.
3. **Restitution:** A payment for injury or damage.
  4. **Financial Aid Impacts:** A restriction on or revocation of financial aid where appropriate pursuant to law or NCAA policy.
  5. **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.
  6. **Other Appropriate Sanctions:** Such as mandated community service, fines, educational programs (payment of associated fees), and written assignments.
  7. **Conduct Probation:** An official sanction that places the student's enrollment dependent upon the maintenance of satisfactory citizenship during the period of probation. When probation is imposed as a sanction, the student should be advised of the consequences of violation of probation. Any student placed on conduct probation may be restricted from participating in certain University activities as specified by the Director of OSRR or designee or as regulated by other University departments.
  8. **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 are not included in this restriction). The Charged Student will be responsible for any fees associated with the cancellation of the housing contract.
  9. **Deferred Housing Cancellation:** A cancellation of a student's housing contract imposed at a definite future date or time. Upon the termination of the contract, the Charged Student is restricted from all USF residential facilities (dining halls are not

included in this restriction). The Charged Student will be responsible for any fees associated with the cancellation of the housing contract.

**10. 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 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).

**11. Deferred Suspension:** Suspension imposed at a definite future date or time.

**12. Expulsion:** Permanent termination of a student's privilege to attend the University. This may include a restrictive 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).

**G. Parental Notification:**

1. 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 process. 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](#).

2. In non-emergency situations, parents of dependent students, under the age of 21, may be notified in writing, at the discretion of the OSRR. However, in emergency situations, parents may be notified by an immediate phone call from a University Official. These guidelines do not preclude Parental Notification for other University policy violations that may endanger the health, safety and wellbeing of a student or

other individuals in the University community. In addition, Parental Notification may occur in health and safety emergencies, regardless of the student's age or dependent status.

3. 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.

**H. Discipline Records and Retention Policy:** The following applies to individual student disciplinary records.

**1. Maintenance of Records:**

- a. Student discipline records are maintained in the OSRR.
- b. All discipline records in all formats (paper, computer, audio, etc.) will be destroyed in accordance with this current Discipline Records and Retention policy/Section (IV)(H).
- c. OSRR maintains all student discipline records in accordance with the Family Education Rights and Privacy Act (FERPA). OSRR will abide by all laws requiring privacy with regard to the student conduct process. This privacy extends to all OSRR staff, including the University Conduct Board and individual Initial Review Officers. In cases involving alleged violent misconduct or injurious behavior, OSRR will inform the Complainant, whenever appropriate, of the outcome of the Hearing.
- d. A student may choose to sign a release form granting OSRR 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 OSRR. Although this form may provide access to information to a third party, the student remains the

primary responsible party for compliance. As the audio records of a Formal Hearing may include multiple student names and/or Complainant information, the audio file may need to be transferred and redacted by the University with all related costs the responsibility of the student.

- e. 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.

## **2. Destruction of Records:**

- a. Records resulting in a discipline sanction of expulsion or suspension from the University will be permanently maintained in the OSRR.
- b. All other discipline records are maintained for one (1) year from graduation. In the event that a student matriculates, but does not graduate, the OSRR will retain the record for five (5) years from the last date of attendance.
- c. 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.
- d. 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.



**I. 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 affairs office 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://usfsm.edu/student-engagement/student-rights-and-responsibilities/>

**J. 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 Affairs and Student Success, or designee, shall periodically evaluate this 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 (BOT approval) 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 (technical), 1-6-14 (technical), 6-23-14 (technical), 5-14-15 (technical), 8-19-16 (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.*