



AGENDA

THE UNIVERSITY OF WEST FLORIDA BOARD OF TRUSTEES

Student Affairs Committee Meeting Via Zoom Webinar

May 18, 2023

9:00 a.m. CT

**University of West Florida
11000 University Pkwy. Pensacola, FL
Bldg. 10, Room 224**

*The public may join this virtual Board of Trustees Meeting via Zoom Webinar at
<https://uwf.zoom.us/j/89952476419?pwd=SitDVFZoMkQ5WTZidjZsUVpHcTFXZz09> Passcode: 315532*

Call to Order/Roll Call

Alonzie Scott, Chair

Chair's Greeting

Alonzie Scott

Action Items:

1. Approval of Amendment to UWF Regulation 3.042 Admission of International Students

Information Items:

1. SGA Platform & Goals 2023/34
2. UWF Civil Discourse Plan Update

Other Business

Adjournment

**UWF Board of Trustees
Student Affairs Committee Meeting
May 18, 2023**

Issue/Agenda Recommendation: UWF/REG-3.042 Admission of International Students

Proposed Action: Approve amendment to UWF/REG- 3.042 Admission of International Students

Background Information: Board of Governors Regulation 6.009 requires each university in the state university system to adopt a regulation governing the admission of international students. The proposed amendments to this regulation include: identifying responsible department, clarifying required scores are in accordance with regulations as of the date of application, removing references to required scores and add links to reference current score requirements online, clarifying requirements for applicants whose native language is not English , clarifying requirements for graduate applicants, clarifying requirements for transcripts that are not in English, clarifying requirements for transfer students, updating additional grammatical and stylistic edits for readability.

Implementation Plan: This regulation is a select regulation because it concerns admissions. Select regulations must be approved by the Florida Board of Governors before they are effective. This regulation will be forwarded to the BOG for approval upon BOT action.

Fiscal Implications: None noted

Supporting documents:

- 1) BOG REG 6.009 Admission of International Students to SUS Institutions.
- 2) UWF/REG 3.042 Admission of International Students with proposed amendments

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Facilitator/Presenter: Ethan Henley
Rachel Hendrix (primary)
Dr. Melissa Webb

6.009 Admission of International Students to State University System (SUS) Institutions.

(1) Within enrollment, space, and fiscal limitations, eligible international students may be accepted for admission at the appropriate level to an institution in the State University System (SUS). Each university board of trustees shall develop regulations for admission of international students that are consistent with Board of Governors regulations. At a minimum, such regulations shall require that:

- (a) International students are obligated to follow the laws and regulations set by the United States Citizenship and Immigration Services of the United States Department of Homeland Security and the United States Department of State;
- (b) An international applicant must be academically eligible for admission to the program at the level of entrance requested by the applicant. An international student must demonstrate the required level of academic preparation as evidenced by official copies of any academic records needed to ascertain the comparability of the level and quality of the student's previous education and achievement to that required for other students. Universities may choose to use departmental examinations to validate students' claims when official documents are unavailable or insufficient. Academic documents must be translated into English and evaluated by a reputable credential evaluator;
- (c) An international applicant's proficiency in English must be adequate. International students whose first language is not English must demonstrate English language proficiency, as determined by the university. Universities may utilize various methods to determine English language proficiency, such that the method utilized to evaluate an individual student is sufficient to ensure a reasonable chance of academic success. All methods for determining English language proficiency shall be clearly outlined and included in university regulation. For those students demonstrating English language proficiency as measured by the Test of English as a Foreign Language (TOEFL), minimum scores acceptable for admission to an SUS university are 500 on the paper-based test, 173 on the computer-based test, or 61 on the iBT Internet-based test. Universities may set higher minimum TOEFL scores for admission;
- (d) In order for an appropriate official at the university to issue a Certificate of Eligibility (Form I-20 or a DS 2019) to an international applicant, the student must provide documentation showing sufficient resources to cover tuition, fees, books, room and board, health insurance, and other living expenses while enrolled at the university; and
- (e) Each international applicant determined to be academically and financially eligible for admission must submit a health history form including proof of immunizations as required by the university prior to enrollment at the university.

(2) No international student in F or J non-immigrant status shall be permitted to register, or to continue enrollment, at a university without demonstrating that the student, and in the case of J visa holders, that their accompanying spouse and dependents have adequate medical insurance coverage for illness or accidental injury and which includes the following minimum requirements:

- (a) Coverage Period: Policies must provide, at a minimum, continuous coverage for the entire period the insured is enrolled as an eligible student, including annual breaks during that period. Payment of benefits must be renewable;
- (b) Basic Benefits: Room, board, hospital services, physician fees, surgeon fees, ambulance, outpatient services, and outpatient customary fees must be paid at 80% or more of usual, customary, reasonable charge per accident or illness, after deductible is met, for in-network, and 60% or more of usual, customary, and reasonable charge for out-of-network providers per accident or illness;
- (c) Inpatient Mental Health Care: Must be paid at 80% in-network or 60% out-of-network of the usual and customary fees with a minimum 30-day cap per benefit period;
- (d) Outpatient Mental Health Care: Must be paid at 80% in-network or 60% out-of-network of the usual and customary fees for a minimum of 30 (preferably 40) sessions per year;
- (e) Maternity Benefits: Must be treated as any other temporary medical condition and paid at no less than 80% of usual and customary fees in-network or 60% out-of-network;
- (f) Repatriation: \$25,000 (coverage to return the student's remains to his/her native country);
- (g) Medical Evacuation: \$50,000 (to permit the patient to be transported to his/her home country and to be accompanied by a provider or escort, if directed by the physician in charge);
- (h) Deductible: Maximum of \$50 per occurrence if treatment or services are rendered at the Student Health Center; maximum of \$100 per occurrence if treatment or services are rendered at an off-campus ambulatory care or hospital emergency department facility;
- (i) Minimum coverage: \$100,000 for covered injuries/illnesses per accident or illness per policy year;
- (j) Insurance Carrier must, at a minimum, meet the rating requirements specified in Part 62.14(d) of Title 22 of the Code of Federal Regulations;
- (k) Policy must not unreasonably exclude coverage for perils inherent to the student's program of study;
- (l) Claims must be paid in U.S. dollars payable on a U.S. financial institution;
- (m) Policy provisions must be available from the insurer in English.

(3) Changes in status that may affect an international student's visa classification as a nonresident alien for tax purposes may alter minimum insurance requirements as provided in this regulation and may require compliance with the Patient Protection and Affordable Care Act codified in 42 U.S.C. section 18001 et seq. To ensure continued satisfaction of minimum insurance requirements, a student should consult with a qualified tax professional if a change in status may affect classification as a nonresident alien for tax purposes and promptly notify the appropriate university official of any changes in their insurance plan.

Authority: Section 7(d), Art. IX, Fla. Const., History—Adopted 7-6-72, 12-17-74, Amended 6-21-83, 8-11-85, Formerly 6C-6.09, Amended 12-9-91, 9-27-07, Amended and Renumbered 1-29-09, Amended 6-23-16.



Number: UWF/REG-3.042
Title: Admission of International Students
Responsible
Department: Office of International Affairs

I. General Statement:

Admission of International Students to the University of West Florida (“UWF” or “University”) is governed by UWF Regulations 3.001, 3.002, 3.004, and 3.032; Florida Board of Governors Regulations 6.001, 6.002, 6.003, 6.004, and 6.009; and the requirements herein.

UWF does not discriminate in the admission process based upon age, color, disability, gender (sex or gender identity), marital status, national origin, race, religion, sexual orientation, or veteran status.

This regulation outlines minimum eligibility requirements for International Students seeking admission to a degree program at UWF. International Students enrolled as non-degree seeking students are not subject to this regulation; however, International Students seeking admission at the graduate level will be required to submit evidence of English proficiency as described in Section III below.

II. International Students

For purposes of this regulation, applicants to UWF will be considered “International Students” if they are not United States citizens and they require a student visa to remain in the United States. Applicants who are permanent residents of the United States are not considered International Students. International Students are obligated to follow the laws and regulations set by the United States, including the Department of Homeland Security and the Department of State.

III. Application and Admission Requirements

The admission requirements stated in the Board of Governors and UWF regulations are minimum requirements. Satisfaction of minimum requirements does not guarantee admission into the University. The maximum scores stated below are subject to revision as regulations or standardized testing score ranges may be revised; the required score is in accordance with the regulations and any revisions thereto as of the date of application. Preference for admission in any term will be given to those applicants whose credentials indicate the greatest promise of academic success.

Applicants must meet the following criteria and submit the required documentation to receive consideration for admission to the University:

- A. An applicant whose native language is not English must provide evidence of English language proficiency. The English requirement (proficiency in written and spoken English) may be fulfilled by establishing one of the following:
1. That the student is from a country where English is the official language;
 2. That the student's prior associate's, bachelor's, master's, or doctoral degree was earned from a regionally accredited college or university in the United States;
 3. That the student's prior bachelor's, master's, or doctoral degree was earned from a country where English is the official language, or from a university at which English is the official language of instruction;
 4. That the student achieved a qualifying score on the ACT relevant sections and SAT relevant sections. Acceptable minimum score requirements can be found in the UWF catalog. (This option applies to undergraduate applicants only.);
 5. That the student successfully completed the University of West Florida's Intensive English Program ("IEP") and received a letter of recommendation for admission from an IEP Administrator;
 6. That the student achieved a minimum qualifying score on an accepted English proficiency exam. All accepted exams and score requirements can be found in the UWF catalog.
 7. That International Students seeking enrollment at UWF under the J-1 Exchange Visitor Visa program must possess sufficient proficiency in the English language, which must be verified by the UWF Office of International Affairs, via signed documentation from an academic institution, pursuant to 22 CFR Sec. 62.10(a).

Required scores, where applicable, are posted in the UWF Catalog for undergraduate students at <http://uwf.edu/undergradintl admissions> and for graduate students at <http://uwf.edu/gradintl admissions>.

- B. Graduate applicants must possess an earned bachelor's degree from a post-secondary institution accredited by an agency recognized by the United States Department of Education, or a comparable degree from an international institution with a minimum institutional grade point average (GPA) of 3.0 on a 4-point scale or a 3.0 on a 4-point scale on the last 60 hours of coursework in the baccalaureate degree.

- C. Applicants must submit transcripts evidencing all prior academic course work including post-secondary education. Transcripts that are not in English must be accompanied by a certified English translation. Transcripts from educational institutions outside the United States must be accompanied by an official credential evaluation – specifically a course-by-course evaluation for undergraduate applicants – whether completed by an approved credentialing agency or internally by UWF staff deemed qualified to evaluate credentials. (All academic credentials become property of the University and will not be returned or forwarded to a third party.) The University requires an official copy of all academic credentials.
- D. Applicants must submit a non-refundable application fee payable in U.S. Dollars.
- E. Applicants will not be considered for admission until the University has received all required materials. International Student applications, along with all other records required for admission must be received by the program deadline or university application deadline, whichever is earlier, unless the deadline is waived by the University in writing. Applicants who have provided all required materials and who meet all admission requirements except the English proficiency requirement may be considered for Conditional Admission to the University. Applicants who receive a Conditional Admission letter who desire to attend UWF must enroll in the Intensive English Program at UWF. If such students seek to enroll in a degree program, they must meet the requirements set forth in Section III. A above.
- F. In addition to the admission requirements herein, International Students must meet the following requirements to enroll at the University of West Florida or Register for classes:
1. Applicants must complete, sign, and submit a Mandatory Immunization Health History form in accordance with University Policy AC-28, Health Requirements for International Applicants, as it may be amended.
 2. F-1 and J-1 applicants must provide proof of medical insurance that complies with the requirement of University policy, AC-06, Medical Insurance Coverage for F-1 and J-1 Visa Holders and F-2 and J-2 Dependents and Spouses, as it may be amended.
 3. F-1 and J-1 applicants must follow the financial documentation process provided by the Office of International Affairs before the Certificate of Eligibility (Form I-20 or DS-2019) will be issued by the University. Applicants will be required to show adequate funding resources to provide for their support while studying. Funding resources must be verified by the student's or sponsor's bank by submitting a Certification of Financial Resources Form with approval by a financial institution. The total funds available to the student for the first academic year (or semester if J-1) must at least equal the total estimate of institutional costs and living expenses, including tuition, fees, books, room and board health insurance, and other living expenses while enrolled at the University.

4. For transfer students: F-1 applicants must verify their eligibility to transfer to UWF in F-1 status with the institution that holds the applicant's SEVIS record. F-1 students must transfer in accordance with 8 CFR 214.2(f)(8)(i).

Effective Date: [date]

Authority: UWF Regulations 3.001, 3.002, 3.004, and 3.032; Florida Board of Governors Regulations 6.001, 6.002, 6.003, 6.004, and 6.009

History: Created 3/25/2011; amended 1/13/2015, 12/10/2020, [date]

Last review: [date]



Number: UWF/REG-3.042
Title: Admission of International Students
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I. General Statement:

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UWF does not discriminate in the admission process based upon age, color, disability, gender (sex or gender identity), marital status, national origin, race, religion, sexual orientation, or veteran status.

This regulation outlines minimum eligibility requirements for International Students seeking admission to a degree program at UWF. International Students enrolled as non-degree seeking students are not subject to this regulation; however, International Students seeking admission at the graduate level will be required to submit evidence of English proficiency as described in Section III below.

II. International Students

For purposes of this regulation, applicants to ~~the University of West Florida~~ UWF will be considered “International Students” if they are not ~~U.S. United States~~ citizens and ~~if~~ they require a student visa to remain in the United States. Applicants who are permanent residents of the United States are not considered International Students. International Students are obligated to follow the laws and regulations set by the United States, including the Department of Homeland Security and the Department of State.

III. Application and Admission Requirements

The admission requirements stated in the Board of Governors and UWF regulations are minimum requirements. Satisfaction of minimum requirements does not guarantee admission into the University. The maximum scores stated below are subject to revision as regulations or standardized testing score ranges may be revised; the required score is in accordance with the regulations and any revisions thereto as of the date of application. Preference for admission in any

term will be given to those applicants whose credentials indicate the greatest promise of academic success.

Applicants must meet the following criteria and submit the required documentation to receive consideration for admission to the University:

A. An applicant whose native language is not English must provide evidence of English language proficiency. The English requirement (proficiency in written and spoken English) may be fulfilled by establishing one of the following:

1. That ~~he or she~~ the student is from a country where English is the official language; ~~or~~
2. That ~~the student's his or her~~ prior associate's, bachelor's, master's, or doctoral degree was earned from a regionally accredited college or university in the United States; ~~or~~
3. That ~~the student's his or her~~ prior bachelor's, master's, or doctoral degree was earned from a country where English is the official language, or from a university at which English is the official language of instruction; ~~or~~
4. That ~~the student he or she~~ achieved a ~~score of 19+ on ACT Reading and a score of 17+ on ACT English~~ qualifying score on the ACT relevant sections and SAT relevant sections. Acceptable minimum score requirements can be found in the UWF catalog. (This option applies to undergraduate applicants only.); ~~or~~
 5. ~~That he or she achieved a score of 24+ on SAT Reading and a score of 25+ on SAT Writing and Language; or~~
 6.
 7. ~~That the student he or she~~ successfully completed the University of West Florida's Intensive English Program ("IEP") and received a letter of recommendation for admission from an IEP Administrator; ~~or~~
5.

~~B.~~

1. ~~That the student he or she~~ achieved a ~~qualifying score on the~~ minimum qualifying score on an accepted English proficiency exam. All accepted exams and score requirements can be found in the UWF catalog. Test of English as a Foreign Language (TOEFL), International English Language Testing System (IELTS), the Common European Framework of Reference for Languages (CEFR), Duolingo English Test (DET), Pearson Test of English (PTE), Cambridge English Language Assessment (CELA), and Oxford Placement Test.
 2. ~~6. Qualifying scores for applicants are either a TOEFL internet based score of 71, and IELTS score of 6.0, a CEFR score of B2, a DET score of 95, PTE score of 50, CELA score of 170, or an Oxford Online Placement Test score of B2.~~

7. That International Students seeking enrollment at UWF under the J-1 Exchange Visitor Visa program must possess sufficient proficiency in the English language, which must be verified by the UWF Office of International Affairs, via signed documentation from an academic institution, pursuant to 22 CFR Sec. 62.10(a).

Required scores, where applicable, are posted in the UWF Catalog for undergraduate students at <http://uwf.edu/undergradintladmissions> and for graduate students at <http://uwf.edu/gradintladmissions>.

~~C.B. Graduate applicants must have a GPA of at least 3.0 on a 4-point scale or equivalent as calculated by the UWF Graduate School. An earned bachelor's degree from a post-secondary institution accredited by an agency recognized by the United States Department of Education, or a comparable degree from an international institution with a minimum institutional grade point average (GPA) of 3.0 or a 4-point scale or a 3.0 on a 4-point scale on the last 60 hours of coursework in the baccalaureate degree.~~

~~C. Applicants must submit transcripts evidencing all prior academic course work including post-secondary education. Transcripts that are not in English must be accompanied by a certified English translation. Transcripts from educational institutions outside the United States must be ~~evaluated~~ accompanied by an official credential evaluation ~~service~~ specifically a course-by-course evaluation for undergraduate applicants, whether completed by a recognized credential agency service or internally by UWF staff deemed qualified to evaluate credentials ~~as specified on the international application~~. (All academic credentials become property of the University and ~~They~~ will not be returned or forwarded to a third party.) The University requires an official copy of all academic credentials. ~~If the credentialing agency can attest an official copy was sent with the request for translation and evaluation, the University will accept this as the official transcripts when sent with the credential evaluation.~~ Transcripts that are not in English must be accompanied by a certified English translation.~~

D. Applicants must submit a non-refundable application fee payable in U.S. Dollars.

E. Applicants will not be considered for admission until the University has received all required materials. International Student applications, ~~undergraduate and graduate~~, along with all other records required for admission must be received by the program deadline or university ~~international~~ application deadline, whichever is earlier, unless the deadline is waived by the University in writing. Applicants who have provided all required materials and who meet all admission requirements except the English proficiency requirement may be considered for Conditional Admission to the University. Applicants who receive a Conditional Admission letter who desire to attend UWF must enroll in the Intensive English Program at UWF. If such students seek to enroll in a degree program, they must meet the requirements set forth in ~~paragraph Section III. A1~~ above.

- F. In addition to the admission requirements herein, International Students must meet the following requirements to enroll at the University of West Florida or Register for classes:
1. Applicants must complete, sign, and submit a Mandatory Immunization Health History form in accordance with University Policy AC-28-02-07/14, Health Requirements for International Applicants, as it may be amended.
 2. F-1 and J-1 Applicants must provide proof of medical insurance that complies with the requirement of University policy, AC-06-02-11/15, “Medical Insurance Coverage for Enrolled International Students F-1 and J-1 Visa Holders and F-2 and J-2 Dependents and Spouses” for all applicants on F-1 or J-1 visas, as it may be amended.
 3. F-1 and J-1 Applicants must provide a Proof of Identity and Financial Support Form before the Certificate of Eligibility (Form I-20 or DS-2019) will be issued by the University. Applicants will be required to show adequate funding resources to provide for their support while studying. Funding resources must be verified by the student’s or sponsor’s bank by submitting a Certification of Financial Resources Form with approval by a financial institution. The total funds available to the student for the first academic year (or semester if J-1) must at least equal the total estimate of institutional costs and living expenses, including tuition, fees, books, room and board health insurance, and other living expenses while enrolled at the University.
 4. For transfer students: a completed International Student Transfer Form is required for F-1 applicants to verify their eligibility to transfer to UWF in F-1 status. F-1 applicants must verify their eligibility to transfer to UWF in F-1 status with the institution that holds the applicant’s SEVIS record. F-1 students must transfer in accordance with 8 CFR 214.2(f)(8)(i).

Effective Date: [date]

Authority: UWF Regulations 3.001, 3.002, 3.004, and 3.032; Florida Board of Governors Regulations 6.001, 6.002, 6.003, 6.004, and 6.009~~BOG Regulation 6.009~~

History: Created 3/25/2011; amended 1/13/2015, 12/10/2020, [date]

Last review: [date]

**UWF Board of Trustees Meeting
Student Affairs Committee
May 18, 2023**

Issue/Agenda Recommendation: SGA President Range and SGA Vice President Montoya Platform

Proposed Action: Inform BOT of the Range/Montoya Platform and goals for 2023-2024

Background Information: On Friday, April 7th, Student Government Association President Ariauna Range and Student Government Association Vice President Kyanna Mai Montoya were sworn into their respective positions following being elected by the student body. The Range/Montoya ticket ran with the H.O.P.E. platform, which stands for Health, Opportunities, Pride, and Experiences. Throughout their administration, they intend to prioritize initiatives that support each of these dimensions.

Implementation Plan: 2023-2024 academic term

Fiscal Implications: N/A

Supporting documents: PowerPoint Presentation

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UNIVERSITY *of*
WEST FLORIDA

**Range-Montoya
H.O.P.E Platform**

Trustee Ariauna Range

Introduction

- **Major:** Legal Studies and Political Science Pre-Law
- **Hometown:** Tallahassee, Florida
- **UWF Involvement:**
 - SGA Senate Pro Tempore and Freshman Committee Vice Chair
 - Campus Activity Board Event Director
 - Alpha Kappa Alpha Sorority, Inc.
 - African American Student Association Secretary
 - Kugelman Honors Program



H: Health

- **Mental Health:** Gathering information of local practices that accept student's insurance plans; working with the Counseling Center on promoting their resources
- **Safety:** Improving education on Title IX and reports to Care Services
- **Physical/Sexual Health:** Promotion and increased partnership with HLS, Peer Educators, and their programs
- **Accessibility:** Promoting resources for students with varying needs

O: Opportunities

- UWF SGA: Creating weekly "Teacher Talks", time dedicated for students to discuss their concerns with Range-Montoya; hosting regular Town Hall meetings; having a suggestion box in SGA office
- UWF Community: Creating Student Activities calendar that all RSO presidents can share events
- Local Pensacola Community: Creating partnerships with local Pensacola businesses to come to campus and inviting alumni to speak and connect with students

P: Pride

- **Appreciating Cultures:** Collaborating with International Affairs on creating Mini-Global Block parties to highlight each culture individually; connecting and partnering more with International Student population
- **Student Entrepreneurship:** Promoting minority-owned students' businesses on campus by having small business fairs
- **Student Org Collaborations:** Continue partnerships and advocating with identity-based clubs such as AASA, SAGE, HSA, AASU, and others

E: Experiences

- Argo Rally: Implement a pep rally hosted in the Commons parking lot the night before a big rivalry game on campus to increase morale and support Athletics
- Trolley Service: Increase accessibility to games by having the UWF trolleys drive students to Pen Air Field and Field House
- Blue and Green Squad: Create student spirit committee to lead the student section during games; Help create more Argo Pride traditions; Implement watch parties for rival away games
- ArgoPulse: Increase usage as the primary resource for information on student experience related activities
- Argo Pride Groups: Recruit and support Argo Athletic Band, Argonettes, and UWF Cheerleaders

We hope to implement these plans and deliver H.O.P.E. to students throughout the 2023-2024 academic year!

Questions?

**UWF Board of Trustees
Student Affairs Committee
May 18, 2023**

Issue/Agenda Recommendation: UWF Civil Discourse Plan Updates

Proposed Action: Informational

Background Information: UWF’s Civil Discourse Plan was adopted by the Board of Trustees in fall 2022. The plan includes the implementation of the recommendations set forth in the Board of Governor's Civil Discourse Final Report. In alignment to the plan, the UWF Civil Discourse and Free Expression Workgroup has reviewed the Student Code of Conduct-UWF REG 3.010 and Employee Policies and Procedures to ensure they contain clear and unambiguous support for the Board's Statement of Free Expression, the principles of free speech and civil discourse, and that they are in compliance with section 1004.097, Florida Statutes. The results of these reviews, UWF’s current activities and initiatives, and proposed implementation plan will be presented.

Implementation Plan: [UWF Civil Discourse Plan](#)

Fiscal Implications: N/A

Supporting documents: [Civil Discourse Plan Update May 2023](#)
[UWF Civil Discourse Plan](#)
[Board of Governors Civil Discourse Final Report](#)
[Board of Governors Statement of Free Expression](#)
[UWF REG 3.010-Student Code of Conduct](#)
[HR-22.00-2004/07-Standards of Conduct](#)

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Facilitator/Presenter: Dr. Greg Tomso
 Vice President
 Division of Academic Engagement and Student Affairs

Civil Discourse Final Report 2022



CIVIL DISCOURSE INITIATIVES in the STATE UNIVERSITY SYSTEM

INTRODUCTION

As members of many different societal groups and communities, people thrive on the personal interactions that occur every minute of every day. These ongoing interactions provide the foundation for learning, discovery, and growth in a university setting. More specifically, open-minded, tolerant, and respectful discourse among campus community members is critical to enabling students to learn and pursue their educational goals, faculty to effectively teach, and staff to pursue fulfilling work.

To promote civil discourse in the State University System, the Board of Governors, the presidents of Florida's twelve public universities, adopted a "Statement of Free Expression" in 2019. The Board's statement directly aligns with the well-established "Chicago Principles" that originated at the University of Chicago in 2014 to articulate the university's overarching commitment to free, robust, and uninhibited debate. Universities have widely adopted the Chicago Principles throughout the U.S.

The Board's Statement of Free Expression was endorsed by the twelve state universities as a vehicle to establish, maintain, and support a full and open discourse and the robust exchange of ideas and perspectives on all university campuses (See Appendix A). The statement reinforces that a critical purpose of a higher education institution is "to provide a learning environment where divergent ideas, opinions, and philosophies, new and old, can be rigorously debated and critically evaluated."

Board of Governors Chair Syd Kitson established the Board's Civil Discourse Initiative during his January 2021 "State of the System" address. Chair Kitson expressed concern regarding the steady decline in respectful discourse among those with differing viewpoints. He stated that the university setting could provide a foundation for understanding, learning, and growth in this area. Chair Kitson tasked Governor Tim Cerio to lead the initiative through the Strategic Planning Committee. Governor Cerio has stated that "Civil discourse, conducted civilly without fear of reprisal, is critical to free speech and ensuring academic and intellectual freedom – not just on our university campuses, but throughout our country."

The 2018 Legislature established the Campus Free Expression Act in section 1004.097, Florida Statutes. This statute provides direction and relevance to the Board's initiative as it codifies an individual's right to engage in free-speech activities at public higher education institutions. It also prohibits a public institution from shielding students, faculty, or staff from expressive activities while authorizing a public institution to create and enforce reasonable restrictions under specified conditions.

CIVIL DISCOURSE: BEST PRACTICES

The State University System

The state universities provided information on activities and initiatives promoting and supporting civil discourse in their campus communities. Best practices gleaned from a review of their submissions were highlighted within the following four categories.

1. Workshops & Professional Development: Presentations, lectures, workshops, or training designed to provide opportunities for faculty, staff, students, and campus partners to learn how to engage in and facilitate dialogue respectfully.
2. Speakers, Dialogue & Debate: Events or programs that provide opportunities for faculty, staff, and students to engage in, observe, or facilitate conversations and encourage civil discourse.
3. Outreach (on and off-campus): Programs, workshops, and or campaigns with external partners help cultivate a campus culture of civil discourse.
4. Research and Academic Affairs: Research-based initiatives, web tools, and courses designed to provide opportunities for students, faculty, and staff to engage in and learn about issues related to civil discourse in a formal setting.

Additionally, the committee researched established national programs addressing civil discourse and interviewed prominent authorities in this area. Interviews were conducted with Dr. Robert George, McCormick Professor of Jurisprudence & Director, James Madison Program at Princeton University; Dr. Lynn Pasquerella, President of the Association of American Colleges and Universities; Dr. Diana Hess, Dean, University of Wisconsin School of Education; Ms. Liz Joyner, Founder & C.E.O., the Village Square; Dr. Bill Mattox, Director, James Madison Institute's Marshall Center for Educational Options; Dr. Tim Chapin, Dean, FSU College of Social Sciences and Public Policy, and Dr. Jonathan Haidt, founder of the Heterodox Academy.

National Models

A review of the national postsecondary system and institutional civil discourse programs identified a number of highly regarded initiatives and strategies that promote and support civil discourse. Examples include the following.

- The Center for Peace and Conflict Resolution, Brigham Young University: The Center's primary focus is conflict resolution. Through mediation, arbitration, training workshops, research, conferences, academic courses, and consultations, the Center assists both the university and the community in building skills and promoting understanding of peace, negotiation, communication, and conflict resolution.
- Heterodox Academy: Heterodox Academy is a nonpartisan international collaborative of professors, administrators, and students committed to enhancing the quality of research and education by promoting open inquiry, viewpoint diversity, and constructive disagreement in institutions of higher learning. The

Heterodox Academy was founded in 2015 by scholar Jonathan Haidt. He was prompted by his views on the negative impact that the lack of ideological diversity has had on the quality of research within the Academy.

The Academy collaboratively engages with universities throughout the U.S. to promote rigorous, open, and responsible interactions across lines of difference as essential to separating good ideas from bad and making good ideas better. Heterodox scholars view the university as a place of collaborative truth-seeking, where diverse scholars and students approach problems and questions from different points of view in pursuit of knowledge, discovery, and growth.

- The Institute for Civic Discourse and Democracy, Kansas State University: The Institute pursues theories and practice in civic discourse that are identified to advance improvements in all campus and community interactions. The Institute supports public conversation to elevate specific qualities of civic discourse, including inclusiveness, equality, reciprocity, reflection, reason-giving, and shared decision-making. The Institute offers certificates and degrees through the university's communication studies department; and offers workshops, facilitator training, and research opportunities through the Kansas Civic Life Project.
- The James Madison Program in American Ideals and Institutions: The James Madison Program is a scholarly institute within the Department of Politics at Princeton University and is dedicated to exploring enduring questions of American constitutional law and Western political thought. The James Madison Program was founded in 2000 by Dr. Robert George, McCormick Professor of Jurisprudence at Princeton University, and follows the University of Chicago's principles on freedom of expression.

The James Madison Program promotes teaching and scholarship in constitutional law and political thought and provides a forum for free expression and robust civil dialogue and debate. The Program hosts visiting postdoctoral and undergraduate fellows and offers various activities, courses, summer programs, and other related activities promoting free expression.

RECOMMENDATIONS

All 12 universities in the State University System have voiced a commitment to civil discourse and have provided numerous examples of programs and policies to establish, maintain, and support civil discourse throughout their living, learning, and working environment.

In recent years, there have been incidents of unacceptable behaviors and violations of codes of conduct and personnel policies relating to civil discourse by administrators, faculty, and students in the system. When such incidents occur, universities must respond to grievances with rapid response, thorough review, and adjudication according to their established policies. This process is most valuable when the conflict is resolved,

the impacted individuals are redressed, and all involved can learn and grow from the experience.

Moreover, programming restricting participation based on race or ethnicity, and in violation of existing university policies, has occurred with more frequency on Florida campuses. Although perhaps well-intentioned, often the effect of these programs is to further divide and disenfranchise, rather than promote understanding through civil discourse.

The Board of Governors as Advocate

The Board of Governors, responsible for the management and operation of the State University System, is unequivocal in its support of civil discourse throughout its 12 campus communities. The Board believes that each campus community member has a unique and critical role in the adherence to civil discourse and the ongoing support of the establishment, maintenance, and evaluation of civil discourse initiatives.

The Board of Governors' "Statement of Free Expression" remains an integral part of the Board's three-pronged mission for state universities: to deliver a high-quality academic experience for students, to engage in meaningful and productive research, and to provide a valuable public service for the benefit of local communities, metropolitan regions, and the state.

- I. **The Board of Governors expects that the leadership at each university will operationalize the Board's commitment to open-minded and tolerant civil discourse by promoting, supporting, and regularly evaluating adherence to the principles set forth in the Board's Statement of Free Expression and cultivating a culture of civil discourse in all campus interactions, including academic, administrative, extracurricular, and social dealings.**

University Planning

In its 2025 Strategic Plan, the Board of Governors sets forth its mission for the State University System and further states that the state universities will "*support students' development of the knowledge, skills, and aptitudes needed for success in the global society and marketplace.*" The Board strongly believes that the state universities are well-positioned to provide the foundation for civil discourse learning, understanding, and growth for all campus community members.

Each university's Accountability Plan is an annual report of specific accountability measures and strategic plans.

- II. **The Board of Governors recommends that each university's Accountability Plan and Strategic Plan include a specific endorsement of the Board's Statement of Free Expression, as well as a clear expectation for open-minded and tolerant civil discourse throughout the campus community. The Board of Governors will include similar statements and principles in its Strategic Plan for the State University System.**

University Leadership

State university boards of trustees have the powers and duties necessary for each university's operation, management, and accountability. University civil discourse policies, programs, and initiatives should be viewed as strategic priorities by each board of trustees. The Board of Governors also believes that university faculty senates and student governments have a vital role and should participate early and often in the development, implementation, evaluation, and support of civil discourse programs and initiatives.

- III. **The Board of Governors recommends that the leadership of each university board of trustees, faculty senate, and student government annually review and endorse the Board's Statement of Free Expression and commit to the principles of civil discourse.**
- IV. **The Board of Governors recommends that each board of trustees conducts a thorough review of current student orientation programs, student codes of conduct, and employee policies and procedures to ensure consistency with the Board of Governors Statement of Free Expression, the principles of free speech and civil discourse, and compliance with section 1004.097, Florida Statutes.**

The University President

The university president has primary responsibility for establishing the campus culture and setting the day-to-day living, learning, and working environment for all university community members. The president directs and monitors these efforts and is ultimately accountable for the civil discourse climate in the campus community.

Board of Governors Regulation 1.001, University Board of Trustees Powers and Duties, states that the annual evaluation for university presidents addresses "responsiveness to the Board of Governors' strategic goals and priorities."

- V. **Beginning in the 2022 presidential evaluation and contract renewal cycle, as a part of a president's evaluation, the Chair of the Board of Governors will consult with the board of trustees chair to review the university's campus free speech climate, including adherence to the principles set forth in the Board's Statement of Free Expression, the occurrence and the resolution of any issues related to the university's compliance with substantiated violations of section 1004.097, Florida Statutes, and the implementation of best practices promoting civil discourse.**

Academic, Student, and Administrative Affairs

Board of Governors Regulation 1.001, University Boards of Trustees Powers & Duties, directs each board of trustees to adopt regulations or policies for a student code of conduct and establish a personnel program for all university employees. These policies are required to include standards for performance and conduct as well as disciplinary actions, complaints, appeals, and grievance procedures.

A university's personnel policies, orientation programs, and student code of conduct are critical to setting the tone for a climate of open-mindedness and tolerance for civil discourse. More specifically, all university campus areas, including classrooms, lecture halls, offices, and extracurricular, residential, and social locales, offer opportunities for learning, tolerance, and growth. Academic deans and directors, student affairs administrators, faculty, and students share responsibility for establishing and reinforcing tolerant, open-minded, and respectful discourse on a university campus.

- VI. **The Board of Governors recommends that university academic, student affairs, and administrative leaders review student orientation programming, student codes of conduct, and employee personnel policies and procedures to ensure that they contain clear and unambiguous support for the Board's Statement of Free Expression, and the principles of free speech and civil discourse, and that they are in compliance with section 1004.097, Florida Statutes.**

Best Practices for Civil Discourse

- VII. **The Board of Governors recommends implementing the following best practices based on its review of university programs and initiatives that effectively promote and support civil discourse.**

- **Instill the importance of civil discourse, academic freedom, and free speech from day one**, utilizing student and employee orientation sessions, public assemblies, and official university documents and communications.
- **Schedule and host ongoing, campus-wide forums, dialogues, and debates** on various issues and perspectives to promote open discussion, understanding, and learning opportunities.
- **Foster intellectual diversity** by encouraging university leadership to: (1) promote viewpoint diversity and open-minded discussion and debate, and (2) highlight and enforce policies that prohibit programming that excludes participation based on race or ethnicity.
- **Avoid disinvitations** by developing clear, viewpoint-neutral policies and procedures governing the invitation and accommodation of campus speakers.
- **Provide targeted educational and professional development opportunities** for university administrative employees to reinforce free expression and open-minded debate norms.
- **Encourage faculty to establish and maintain a learning environment in their classrooms and offices that supports open dialogue and the free expression of all viewpoints and create processes to evaluate the strength of such environments.**

Appendix A

State University System of Florida

Statement of Free Expression

April 15, 2019

The State University System of Florida and its twelve public postsecondary institutions adopt this Statement on Free Expression to support and encourage a full and open discourse and the robust exchange of ideas and perspectives on our respective campuses. The principles of freedom of speech and freedom of expression in the United States and Florida Constitutions, in addition to being legal rights, are an integral part of our three-part university mission to deliver a high-quality academic experience for our students, engage in meaningful and productive research, and provide valuable public service for the benefit of our local communities and the state. The purpose of this statement is to affirm our dedication to these principles and to seek our campus communities' commitment to maintaining our campuses as places where the open exchange of knowledge and ideas furthers our mission.

A fundamental purpose of an institution of higher education is to provide a learning environment where divergent ideas, opinions, and philosophies, new and old, can be rigorously debated and critically evaluated. Through this process, often referred to as the marketplace of ideas, individuals are free to express any ideas and opinions they wish, even if others may disagree with them or find those ideas and opinions to be offensive or otherwise antithetical to their own worldview. The very process of debating divergent ideas and challenging others' opinions develops the intellectual skills necessary to respectfully argue through civil discourse. Development of such skills leads to personal and scholarly growth and is an essential component of each of our institutions' academic and research missions.

It is equally important not to stifle the dissemination of any ideas, even if other members of our community may find those ideas abhorrent. Individuals wishing to express ideas with which others may disagree must be free to do so without fear of being bullied, threatened, or silenced. This does not mean that such ideas should go unchallenged, as that is part of the learning process. And though we believe all members of our campus communities have a role to play in promoting civility and mutual respect in that type of discourse, we must not let concerns over civility or respect be used as a reason to silence expression. We should empower and enable one another to speak and listen, rather than interfere with or silence the open expression of ideas.

Each member of our campus communities must also recognize that institutions may restrict unlawful expression, such as true threats or defamation. Because universities and colleges are first and foremost places where people go to engage in scholarly endeavors, it is necessary to the efficient and effective operations of each institution for there to be reasonable limitations on the time, place, and manner in which these rights are exercised. Each institution has adopted regulations that align with Florida's Campus

Free Expression Act, section 1004.097, Florida Statutes, and the United States and Florida Constitutions and the legal opinions interpreting those provisions. These limitations are narrowly drawn and content-neutral and serve to ensure that all members of our campus communities have an equal ability to express their ideas and opinions while preserving campus order and security.



STATE UNIVERSITY SYSTEM OF FLORIDA





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State University System of Florida

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UNIVERSITY *of* WEST FLORIDA

Civil Discourse Plan

2022

Recommendation 1: Leadership at each university will operationalize the Board's commitment to open-minded and tolerant civil discourse.

Leadership at the University of West Florida has long promoted the principles of civil discourse both in and outside the classroom. The tenants of such are entwined in professional development, programs, services, and activities offered across campus.

During the spring 2022 semester, a central [webpage](#) devoted to Civil Discourse and free expression was created that highlights the University's commitment and outlines standards of practice.

UWF has also recently convened its first Civil Discourse campus-wide stakeholder meeting. The meeting included representatives from: the Provost's office, the office of Equity and Diversity, Student Engagement, the Dean of Students (including the office of Student Rights and Responsibilities, Student Case Management, and Student Government Association), Student Ombuds, Undergraduate Admissions (including Orientation programs), the Center for Teaching, Learning, and Assessment, Institutional Communications, Faculty Senate, and Human Resources.

Beyond discussing activities and initiatives already in practice, these representatives will also serve as an ongoing Civil Discourse and Freedom of Expression working group. The work group exists to foster a meaningful learning environment on campus through the promotion of civil discourse and the freedom of expression. This working group recognizes the inherent value of civil discourse and free expression in creating a robust exchange of ideas and perspectives on campus. As such, the working group is dedicated to providing resources and guidance to the campus community to promote a strong and inclusive "marketplace of ideas" for all. The work group began meeting summer 2022 and will provide oversight of respective initiatives, the implementation of activities contained within the UWF Civil Discourse plan, and assess the degree to which civil discourse and free expression are built into the campus culture.

Recommendation 3: Leadership of each university board of trustees, faculty senate, and student government annually review and endorse the Board's Statement of Free Expression and commit to the principles of civil discourse.

At its June meeting, the UWF Board of Trustees approved the proposed 2022-2027 Strategic Plan. The Strategic Plan includes the addition of a strategic direction focused on creating a culture of Inclusion and Civility. This strategic direction includes the goal for ensuring a commitment to open-minded and tolerant civil discourse. A stated indicator of success is the endorsement of the Board of Governors' Statement of Free Expression by the University's boards and leadership.

During the fall 2022 semester, the Board's Statement of Free Expression will be brought before UWF's Board of Trustees, Faculty Senate, and Student Government Association for review and endorsement. This presentation will set the foundation for an annual review and endorsement of the Statement. Information regarding the review and endorsement and a link to UWF's Civil Discourse and Free Expression webpage will appear on each respective Board's website. Members of the Civil Discourse and Free Expression work group will provide regular updates to each governing board regarding respective initiatives and the implementation of new activities.

Recommendation 4: Each board of trustees conducts a thorough review of current student orientation programs, student codes of conduct, and employee policies and procedures to ensure consistency with the Board of Governors Statement of Free Expression, the principles of free speech and civil discourse, and compliance with section 1004.097, Florida Statutes.

At its June meeting, the UWF Board of Trustees approved the proposed 2022-2027 Strategic Plan. The Strategic Plan includes the addition of a strategic direction focused on creating a culture of Inclusion and Civility. This strategic direction includes the goal for ensuring a commitment to open-minded and tolerant civil discourse. Indicators of success include annual reviews of student orientation programs, codes of conduct and employee policies and procedures to ensure consistency with the Board's Statement of Free Expression, consistency with the principles of free speech and civil discourse, and compliance with section 1004.097, Florida Statutes.

Beginning with the 2022-2023 academic year, a thorough review of student orientation programs, the Student Code of Conduct and pertinent employee policies and procedures will be presented to the UWF Board of Trustees by members of the Civil Discourse and Free Expression working group.

Recommendation 6: University academic, student affairs, and administrative leaders review student orientation programming, student codes of conduct, and employee personnel policies and procedures to ensure that they contain clear and unambiguous support for the Board's Statement of Free Expression, and the principles of free speech and civil discourse, and that they are in compliance with section 1004.097, Florida Statutes.

At its June meeting, the UWF Board of Trustees approved the proposed 2022-2027 Strategic Plan. The Strategic Plan includes the addition of a strategic direction focused on creating a culture of Inclusion and Civility. This strategic direction includes the goal for ensuring a commitment to open-minded and tolerant civil discourse. Indicators of success include annual reviews of student orientation programs, codes of conduct and employee policies and procedures to ensure consistency with the Board's Statement of Free Expression, consistency with the principles of free speech and civil discourse, and compliance with section 1004.097, Florida Statutes.

University academic, student affairs, and administrative leaders regularly review student orientation programming, student codes of conduct, and employee personnel policies and procedures. Throughout the 2022-2023 academic year, the Civil Discourse and Free Expression work group will formalize these actions and conduct a systematic review of student orientation programming, student codes of conduct, and employee personnel policies and procedures to ensure that they contain clear and unambiguous support for the Board's Statement of Free Expression, and the principles of free speech and civil discourse. The work group will commit to an annual review of these and other respective activities and initiatives.

Recommendation 7: Implementing best practices that effectively promote and support civil discourse.

An environmental scan of current practices was conducted summer 2022. Throughout the 2022-2023 academic year, the Civil Discourse and Free Expression work group will continue to create opportunities to promote and support civil discourse. These initiatives include:

- Creating a syllabus statement supporting Civil Discourse and Free Expression on campus
- Creating an incident response plan and process
- Identifying additional best practices from peer and aspirant institutions

Best Practice 1:

- Student orientation programs include the principles of civil discourse and free expression as campus community standards. The summer 2022 virtual new student orientation program includes direct reference to the Board’s Statement of Free Expression.
- The Office of Human Resources will enhance the new employee Onboarding Portal to include UWF’s endorsement of the Board’s Statement of Free Expression and a link to the UWF Civil Discourse web page. Expected implementation is November 2022.
- Training for student staff in various campus departments includes the principles of civil discourse. For example, Resident Assistant training offered through the office of Housing and Residence Life includes sessions regarding facilitating Conflict Resolution and “Courageous Conversations.” These practices will be expanded to other student staff training programs. Expected implementation is fall 2022.

Best Practice 2: The environmental scan identified many ongoing programs and activities that promote open discussion, understanding, and learning opportunities. Attendance at these activities include students, staff, faculty, University leadership, and community members. Some examples include:

- Campus Conversations series
- The Seligman First Amendment lecture series
- The Pace Lecture Series
- The Experience Downtown Lecture series

Best Practice 3: Several University policies and regulations include the University’s commitment to diversity, equal opportunity, and free expression. They promote viewpoint diversity, open-minded discussion, and prohibit programming that excludes participation based on race or ethnicity. For example, University policy P-13.09-02/20 Prohibition of Discrimination, Harrassment, and Retaliation clearly states UWF’s commitment to ensuring each member of the University is permitted to work and study in an environment free from discrimination and harrassment based on race or ethnicity.

Best Practice 4: Policies and procedures governing the invitation and accommodation of campus speakers will be reviewed by University academic and student affairs administrators throughout the 2022-2023 academic year.

Best Practice 5: The Civil Discourse and Free Expression work group will continue to review educational and training opportunities throughout 2022-2023. Starting fall 2022, those already identified will be promoted through the Civil Discourse webpage.

Best Practice 6: This is currently accomplished through hallmark faculty training opportunities such as “New Chairs” and “All Chairs” programs and in utilizing faculty mentors as teaching partners. An Administrative Fellow in the Division of Academic Affairs also provides support for faculty development. Throughout 2022-2023, a faculty advisory group led by the Center for Teaching Learning and Technology will guide efforts to enhance respective training and aid in assessing the effectiveness of creating the environments described.

Appendix A

State University System of Florida

Statement of Free Expression

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It is equally important not to stifle the dissemination of any ideas, even if other members of our community may find those ideas abhorrent. Individuals wishing to express ideas with which others may disagree must be free to do so without fear of being bullied, threatened, or silenced. This does not mean that such ideas should go unchallenged, as that is part of the learning process. And though we believe all members of our campus communities have a role to play in promoting civility and mutual respect in that type of discourse, we must not let concerns over civility or respect be used as a reason to silence expression. We should empower and enable one another to speak and listen, rather than interfere with or silence the open expression of ideas.

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Regulations

Number: UWF/REG – 3.010
Title: Student Code of Conduct

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Article I. General Policy and Philosophy

A critical mission of the University of West Florida (“UWF” or the “University”) is to promote a vibrant academic atmosphere in which students not only receive a well-rounded education, but learn to become productive and ethical members of society. University students are encouraged to think critically about issues that affect us all, carry themselves with integrity, develop a sense of ethical responsibility as well as treat others in a manner in which they wish to be treated. In addition, students have a duty to care for others in the University community, on or off campus, by rendering aid and seeking help from appropriate medical, emergency, or University staff members during a moment of need. The University of West Florida represents a community that values the basic tenets of: responsibility, integrity, scholarship, creativity, diversity, excellence, and care. It is hoped that after students graduate, they apply the knowledge acquired during their tenure at UWF into their professional and personal lives. To help accomplish these objectives, UWF has a Student Code of Conduct (“Conduct Code”) that is structured so that, as members of the UWF community, students are informed of their required roles and responsibilities, the rights that pertain to them, as well as how the Student Code of Conduct is administered.

University students and student organizations/groups are expected to uphold appropriate standards of behavior and to respect the rights and privileges of others. This Student Code of Conduct applies to individual students as well as student organizations/groups. All students and student organizations/groups are expected to conduct themselves in accordance with all federal, state and local laws, and Board of Governors and University regulations, and policies.

The University is committed to ensuring that all students, faculty, and staff are treated with dignity and respect. UWF affirms its desire to maintain a learning and living environment for all students that is free from all forms of unlawful discrimination, harassment and retaliation. All members of the University community are responsible for ensuring that their conduct does not discriminate, harass or retaliate against others, and are to cooperate in maintaining a climate where discrimination, harassment and retaliation are not tolerated, while respecting the First Amendment rights of others.

As a recipient of Federal funds, the University is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 et seq. (“Title IX”), which prohibits discrimination on the basis of sex in education programs or activities. This Student Code of Conduct sets forth rights and procedures for Title IX cases and Non-Title IX cases. For sexual harassment and discrimination cases referred for adjudication to the Dean of Students Office by a Title IX investigation report, the Title IX procedures listed in Article VI will apply. For all other cases Article V in this document will apply.

In keeping with the UWF’s values, any sanctions imposed are for the purposes of restoring the standards of the University community, educating students and student organizations/groups about the seriousness of their action(s), promoting civility and positive growth, while maintaining the safety and integrity of the University community.

The Student Code of Conduct applies to all UWF campuses, UWF Sponsored programs, including international and exchange programs, and to off-campus conduct.

The University of West Florida President delegates administration of the Student Code of Conduct to the Vice President of Academic Engagement and Student Affairs, who delegates portions of the administration of the Student Code of Conduct to the Dean of Students, who may further delegate these responsibilities to other appropriate staff. All references to the Vice President of Academic Engagement and Student Affairs or Dean of Students in this Conduct Code also refer to that individual's designee(s).

The Student Code of Conduct shall be reviewed, at minimum, every three years under the direction of the Vice President of Academic Engagement and Student Affairs by a committee composed of at least 50% students appointed by the President of the UWF Student Government Association.

Article II. Definitions

1. **Advisor:** any support person, advocate, or legal representation that the student chooses at their own expense and initiative.
2. **Charged Student/Respondent:** any student alleged to have violated this Student Code of Conduct. For the purposes of this regulation, “charged student” may also include a student organization/group alleged to have violated this Student Code of Conduct.
3. **Complainant:** any person who alleges that a student violated this Student Code of Conduct and may include any student who submits allegations of a violation under Title IX.
4. **Conduct Officer:** a University Official authorized by the Vice President of Academic Engagement and Student Affairs to administer the Student Code of Conduct.
5. **Consent:** an affirmative act or statement by each person that is informed, freely given and mutually understood. Consent cannot be gained by force, by intimidation, through threats, by ignoring or acting in spite of the objections of another, by coercion, through manipulation or assumption, or from an individual who is incapacitated.
6. **Dating Violence:** violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors: length of relationship, type of relationship, and frequency of interaction between the persons involved in the relationship.
7. **Dean of Students:** the individual designated by the University with responsibility for administering the Student Code of Conduct.
8. **Dean of Students Office:** the department designated by the University with responsibility for administering the Student Code of Conduct. The Office of Student Rights and Responsibilities (OSRR) is included within the Dean of Students Office.
9. **Domestic Violence:** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Florida or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence law of Florida.
10. **Endangerment:** means engaging in conduct that jeopardizes the health, safety or welfare of any person, or causes a reasonable person to fear for his/her safety or the safety of another. Endangerment also encompasses the failure to act if the health or safety of a person is in danger including, but not limited to, the duty to act if someone is in peril from sexual assault, hazing, alcohol consumption or the use of other substances.
11. **Faculty Member:** means any person hired by the University to conduct

classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.

12. **Force:** physical violence, threat, intimidation or coercion.
13. **Sex-Based Discrimination:** differential treatment taken because of an individual's sex/gender, sexual orientation, or gender identity, unless the conduct is based on an educational requirement. Some examples are: disparity of treatment in educational programs, activities and related services, and limitations on an individual's participation in University activities.
14. **Good Standing:** is a conduct status describing a student who is not on conduct related probation, and/or does not have pending, incomplete or overdue misconduct sanctions. Students adversely affected by their standing within the University (i.e. a student wishing to run for a Student Government Association Office) may submit a request for an expedited student conduct hearing to the Vice President of Academic Engagement and Student Affairs.
15. **Hearing Administrator:** a University Official authorized by the Vice President of Academic Engagement and Student Affairs to administer student conduct administrative hearings, to determine if the UWF Student Code of Conduct or Title IX policy have been violated, and to recommend applicable sanctions to the Dean of Students for non-Title IX cases. For Title IX cases, the Hearing Administrator will determine the applicable sanctions. This individual will serve as the decision maker for applicable Title IX cases.
16. **Incapacitation:** a temporary or permanent state in which a person cannot make informed, rational judgements because the person lacks the physical or mental capacity to understand the nature or consequences of their words and/or conduct, and/or the person is unable to physically or verbally communicate consent.
17. **May:** the term "may" is used in the permissive sense.
18. **Preponderance of the Evidence** : refers to the standard of proof used in student conduct hearings. Hearing Administrators and Student Conduct Boards will determine student responsibility by a preponderance of the evidence, or a determination of whether it is more likely than not that the charged student violated the Student Code of Conduct.
19. **Non-Consensual Contact or Non-Consensual Sexual Intercourse:** sexual contact or intercourse that occurs without consent (may be referred to as Rape, or Sexual Assault). Sexual assault is the deliberate touching (including anal or vaginal penetration with an object) of a person's intimate parts (including genitalia, groin, breast or buttocks or clothing covering any of those areas), or using Force to cause a person to touch his or her own or another person's intimate parts. For Title IX cases, see the definition of sexual assault in the University's Title IX Policy.
20. **Retaliation:** materially adverse actions, including intimidation, threats, and harassment, taken against a complainant, a witness or individual because an individual engaged in a protected activity.
21. **Sexual Exploitation:** involves taking sexual advantage of another person without consent, which includes, but is not limited to, causing or

attempting to cause the incapacitation of another person so as to gain or facilitate a sexual advantage over such other person; causing the prostitution of another person; recording, photographing or transmitting identifiable images of sexual activity or intimate parts of another person without that person's consent; allowing third parties to observe sexual acts without the consent of all participants; engaging in voyeurism; exposing one's genitals to another without consent; and/or knowingly or recklessly exposing other persons to a significant risk of a sexually transmitted infection, including HIV.

22. **Sexual Harassment:** unwelcome conduct, based on sex/gender, sexual orientation or gender identify, that is sufficiently severe or pervasive so that it alters the terms and conditions of the Complainant's employment or educational environment. Sexual harassment may include, for example, unwanted sexual advances, requests for sexual favors or other physical or verbal conduct of sexual nature. Sexual Intercourse – oral, anal, or vaginal penetration by, or union with, the sexual organ of another. For Title IX cases, see the definition of sexual harassment in the University's Title IX Policy.
23. **Shall:** the term "shall" is used in the imperative sense.
24. **Staff:** means any person hired by the University to conduct administrative/professional work or who is otherwise considered by the University to be a member of its staff.
25. **Stalking:** engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for that individual's safety or the safety of others or suffer substantial emotional distress. Examples include, willfully, maliciously, and repeatedly following, harassing, or cyberstalking another person where the victim was targeted due to that individual's sex/gender, sexual orientation or gender identity.
26. **Student:** includes all persons enrolled at UWF, either full-time or part-time, degree seeking or non-degree seeking, and persons who are not officially registered for courses for a particular term but who are expected to have a continuing relationship with the University, including students who have been suspended from UWF and do not require readmission to the University, and students admitted but not yet enrolled at the University. For the purposes of this regulation, "student" may also include a student organization/group.
27. **Student Conduct Hearing Board:** consists of faculty and staff representatives appointed by the Vice President of Academic Engagement and Student Affairs and student representatives appointed by the President of the Student Government Association. The board is assigned on a case-by-case basis to administer student conduct hearings. . The Student Conduct Hearing Board will determine whether the Student Code of Conduct or Title IX policy have been violated. For non-Title IX cases, the Student Conduct Hearing Board will recommend applicable sanctions to the Dean of Students. For Title IX cases, the Student Conduct Hearing Board will determine the applicable sanctions. The Student

Conduct Hearing Board assigned to adjudicate a particular case must consist of at least 50% students. The chair of the Student Conduct Hearing Board shall be a faculty or staff representative. These individuals will serve as the decision makers for Title IX cases.

28. **Student Organization/Group:** means any number of persons who make up a registered student organization/group, including sports clubs, athletic teams, and other student groups. The student organization's executive officer will serve as the representative for the organization/group during the conduct process unless the student organization/group designates in writing to the Dean of Students Office another student member to represent the organization/group during the conduct process.
29. **University:** means all locations of the University of West Florida including the online campus.
30. **University Community:** includes any person who is a student, faculty member, or employee of the University. A person's status in a particular situation shall be determined by the Dean of Students.
31. **University Official:** includes any person employed by the University performing assigned administrative or professional responsibilities.
32. **University Premises:** for the purposes of this policy, includes all land, facilities, and other property in the possession of, owned, or controlled by the University (including adjacent streets and sidewalks), including property at which University-sponsored events are held for the duration of the event.
33. **University Rules, Regulations and Policies:** UWF students must comply with all applicable University regulations and policies. University regulations can be found at <http://uwf.edu/trustees/regulations/>. University policies can be found at <http://www.uwf.edu/president/policies/>. Some select regulations and policies applicable to students are also contained in the UWF Student Handbook.
34. **Victim:** for the purposes of this policy, a victim is any individual who has alleged injury or harm by a UWF student. Victims are entitled to varying levels of participation in the student conduct process, depending on the nature of the allegations. As articulated in the Family Educational Rights to Privacy Act (See 34 C.F.R. § 99.31 and 99.39) a victim who has been subject to any of the following violations or attempted violations: Arson, Assault, Burglary, Criminal Homicide, Destruction/damage/vandalism of property, Kidnapping, Robbery, Forcible Sex Offences, Non-forcible sex offenses (incest or statutory rape) is entitled to be notified of his or her rights and of the outcome of the disciplinary process. For all cases processed under Article VI of this regulation (Title IX cases), Complainants and Respondents have the right to participate fully in the investigation and proceedings. All other victim rights articulated in this regulation apply to all victims.

Article III. University Authority

1. **Off-campus conduct:** the University may take disciplinary action against a student or student organization/group for violations committed off-campus where one of the following applies:
 - a. the off-campus conduct demonstrates that the continued presence of the student or organization/group on campus presents a danger to the health, safety, or welfare of the University community;
 - b. the off-campus conduct is disruptive to the orderly processes and functions of the University;
 - c. the off-campus conduct is intimidating or threatening to the University community or an individual within the University community;
 - d. the off-campus conduct is of such a serious nature that it adversely affects the student's suitability to remain a part of the University community; or,
 - e. the off-campus conduct is such that it could constitute a violation of the law.

2. **Court or Administrative Proceedings Outside of the University:** charges by public authorities will not prevent the University from charging a student with violations of this Student Code of Conduct. If a student is charged by the outside authorities with an act that is also a violation of a University regulation or policy or of the Student Code of Conduct, the University may, but is not required to, delay its proceedings pending the outcome of the off-campus proceeding. The University reserves the right to amend its charges based on information obtained through an outside proceeding where that information is relevant to activity adversely affecting the University community. If the outside charges have been dismissed, are not prosecuted, are not heard, or if adjudication of guilt is withheld, such action will have no bearing on the University charges.

3. **Cease and Desist:** University Officials and faculty may, under appropriate circumstances, order a student to cease and desist from an activity considered to be disruptive to the University.

4. **No Contact Directive/Order:** University Officials may, under appropriate circumstances, order a student to cease and desist from having any direct and/or indirect contact (including notes, email, text, social media, phone calls or contact made through a third party) with another student(s).
 - a. **Interim Measures:** Interim measures may be taken by the University at any time if it is determined that a student or student organization's/group's continued presence on campus may adversely affect the health, safety or welfare of the University community.

Notice of interim measures shall be provided to the student or student organization/group in writing. Interim measures may include, but are not limited to:

- i. **Interim Suspension:** the Dean of Students may temporarily suspend a student from the University. A student who is suspended is required to leave the University premises. During the interim suspension period the student may not visit or come onto any UWF campus without the written permission of the Dean of Students.
 - ii. **Restrictions on Activity:** the Dean of Students may restrict a student or student organization's/group's activities. Restrictions on activities may include, but are not limited to: registering for or attending class; accessing or contacting certain individuals (no contact directive/order); accessing University property, facilities, resources or equipment; participating in University activities, student organizations/groups or student activities.
 - iii. **Interim Removal from Housing and/or Administrative Housing Reassignment:** The Dean of Students or the Director of Housing and Residence Life may temporarily remove a student from University housing and/or administratively reassign a student within University housing.
- b. **Review of Interim Measures:** The student or student organization/group has the opportunity to submit a written request for a review to the Vice President of Academic Engagement and Student Affairs regarding the interim measures. If requested, the review will be conducted by the Vice President of Academic Engagement and Student Affairs within five business days of the receipt of the written request. During the review the student will be provided with the opportunity to explain that individual's perspective related to the basis and continued need for the interim measures. The scope of this review is limited solely to the determination of whether that student's presence or continuation of activities adversely affects the health, safety or welfare of the University community.
 - c. **Termination of Interim Measures:** Interim measures may be lifted at the conclusion of the interim measure review process or at the conclusion of the disciplinary hearing. Interim measures will be lifted when the University determines that a student or student organization's/group's presence or activities no longer adversely affect the health, safety or welfare of the University community.
- i. **Student Enrollment Status:** If a student's enrollment status

is changed as a result of an interim measure, but the student is subsequently found not responsible for the violation, the University shall: Correct any record of the change in enrollment status in the student's records and other reports in a manner compliant with State and Federal laws and;

- ii. Refund to the student, at a minimum, a pro rata portion of any tuition/fees and other University specific fees and charges as appropriate due to the temporary change in enrollment status and in a manner consistent with University policy and procedures.

- 5. **Interpretation and Application:** Any question of interpretation or application of the Student Code of Conduct shall be referred to the Vice President of Academic Engagement and Student Affairs. Where an individual is both an employee and a student, that individual's status in a given situation shall be determined by the Vice President of Academic Engagement and Student Affairs.

Article IV. Violations

The following conduct whether completed, or attempted, or the aiding, assisting, abetting, conspiring, soliciting, inciting, or encouraging of, these behaviors violates the Student Code of Conduct. Where applicable behavior will be judged by a reasonable person standard.

1. **Deceit of Any Kind, including but not limited to:**
 - a. Forgery, alteration, or misuse of identification, documents, records, keys, or access codes.
 - b. Failure to present proper identification upon request by University Officials, including law enforcement officers.
 - c. Furnishing false or misleading information to the University.
 - d. Unauthorized possession, duplication or use of keys, access cards, or identification cards belonging to the University.
 - e. Impersonation, misrepresentation or other actions taken to deceive University Officials, faculty, or students with regards to one's identity.
 - f. Providing false information to a University Official or to a non-University law enforcement official, including student conduct hearing bodies.

2. **Harm to Individuals, including but not limited to:**
 - a. Physical and/or psychological abuse or threat of such abuse or harm. Abuse is defined as any action taken with the intention of harming or injuring another person.
 - b. Intentional physical unpermitted touching or injury to another person including, but is not limited to hitting, slapping, punching, kicking, shoving or otherwise touching in an injurious or threatening manner, or the brandishing or use of a weapon or other object intended to injure or cause physical harm.
 - c. Sexual abuse or threat of such abuse.
 - d. Performing sexual acts and/or sexual touching on or with another individual without the consent of the individual, when the individual is unable to give consent or after the individual has withdrawn consent.
 - e. Taking sexual advantage of another person, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person; causing the prostitution of another person; recording, photographing or transmitting identifiable images of private sexual activity or intimate parts of another person without that person's consent; allowing third parties to observe private sexual acts without the other person's consent; engaging in voyeurism; and/or knowingly or recklessly exposing another person to a significant risk of a sexually transmitted infection, including HIV.

- f.** Conduct which is lewd, lascivious, or voyeuristic.
- g.** Stalking, following or otherwise contacting another person repeatedly, so as to put that person in fear for his or her safety.
- h.** Endangering the health, safety or welfare of members or guests of the University which encompasses:
 - i. physical violence towards another person or group;
 - ii. actions that interfere with the freedom of another person to move about in a lawful manner;
 - iii. voluntarily abstaining from rendering aid to a person in danger, including but not limited to someone who is present at a sexual assault but fails to intervene; failing to call for emergency medical assistance at a hazing event; failing to call for emergency medical assistance for signs of alcohol poisoning or the use of other substances for someone in need of medical help.
- i.** Harassment based on any of the following protected classes: gender (including gender identity and sex), race, color religion, anti-Semitism, national origin, age, disability, marital status, veteran status or sexual orientation. Harassment is defined as conduct that is sufficiently severe or pervasive so that it unreasonably interferes with an individual's academic or employment status or performance (Harassment on the basis of these protected classes may include threatened or actual physical harm or abuse, stalking, or other intimidating conduct directed against the individual based on his or her protected class.). Conduct that would meet the threshold for Title IX's definition of sexual harassment will be addressed through the University's Title IX policy.
- j.** Conduct that creates an intimidating, intolerable, or offensive campus, educational or working environment for another person, unrelated to the victim's protected class, if any.
- k.** Hazing will not be tolerated at the University of West Florida.
 - a. The University prohibits any form of hazing of its students, including hazing by students or other persons associated with any student, organization, or group, at any time, and at any location.
 - b. Hazing means any action or situation, which occurs on or off university property, that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes including, but not limited to:
 - i. Initiation into any organization operating under the sanction of a postsecondary institution;
 - ii. Admission into any organization operating under the sanction of a postsecondary institution;

- iii. Affiliation with any organization operating under the sanction of a postsecondary institution; or
- iv. The perpetuation or furtherance of a tradition or ritual of any organization operating under the sanction of a postsecondary institution.

Hazing includes, but is not limited to, pressuring or coercing the student into violating state or federal law; any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance; or other forced physical activity that could adversely affect the physical health or safety of the student; and also includes any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student. Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

- c. Hazing also includes observation of hazing activities by Bystanders, defined as individuals in a position to intervene, but who fail to intervene.
- l. Actions which are committed without regard for the possible harm to self, other individuals, a group, or which may result in injury or damage to an individual or group.
- m. Failure to Render Aid - This section imposes a duty of reasonable assistance on any student or student organization/group who knows that another individual faces grave physical danger, if assistance can be rendered without peril to the responding student(s). The following instances constitute a failure to render aid and violate(s) the Student Code of Conduct:
 - i. Voluntarily abstaining from giving assistance to a person in danger of or a victim of a sexual assault.
 - ii. Failing to call for emergency assistance for signs of alcohol or drug poisoning.
 - iii. Failing to call for emergency assistance when one knows that a person is in grave physical danger or exposed to bodily harm.
 - iv. Failing to call for emergency assistance during a hazing incident.
 - v. Failing to inform University Officials of an emergency incident.
 - vi. Failing to make an effort to prevent persons who have abused alcohol or other drugs from harming themselves or others, especially while driving a motor vehicle.

3. **Disorderly, Disruptive Conduct, including but not limited to:**

- a. Conduct which is disorderly and/or disruptive or in any way interferes with or obstructs the orderly conduct, processes, administration or functions of the University, interferes with the freedom of movement of members or guests of the University community, or interferes with the rights of others to carry out their activities or duties. This includes acts that occur both inside and outside the classroom setting and may involve use of electronic or cellular equipment. This also includes behavior off campus during a University sanctioned event or activity or an event where the student serves as a representative of the University.
- b. Conduct that substantially disrupts or materially interferes with University activities or that reasonably leads University Officials to forecast such disruption or interference.
- c. Failure to comply with a directive or lawful order of a University official or any non-University law enforcement official.
- d. Commercial solicitation on campus without prior approval from University officials, this includes but is not limited to, accessing University email information and sharing University email information with a third party for the purposes of commercial solicitation.
- e. Remote controlled aircraft or vehicles, including but not limited to:
 - i. Unauthorized on-campus use of any remote controlled aircraft or vehicle.
 - ii. Failure to comply with established guidelines for authorized use of remote controlled aircraft or vehicles.

4. Harm to Property, including but not limited to:

- a. Participation in acts of vandalism individually or as a member of a group.
- b. Unauthorized entrance into or occupancy of any administrative office, residence hall, classroom, or other University facility.
- c. Theft, the unauthorized use, unauthorized possession or unauthorized destruction of University resources or property of others; or acts committed with disregard for such resources or property.
- d. Posting of commercial advertising on University property or engaging in commercial activity on University property or in conjunction with University events without appropriate authorization.

5. Facilitating Student Conduct - Aiding, assisting, abetting, conspiring, soliciting, inciting, or encouraging others to engage in conduct which violates this Student Code of Conduct.

6. Obstruction of Disciplinary Process - Acts that disrupt or interfere with the University disciplinary process, including but not limited to:

- a. Knowingly falsifying, distorting or misrepresenting information in a

- disciplinary proceeding or process.
- b. Deliberately disrupting or interfering with the orderly conduct of a disciplinary proceeding or process.
- c. Knowingly initiating a complaint or referral without cause.
- d. Use of threats, coercion, intimidation, or harassment to discourage participation in or the use of the disciplinary process, or to alter the decision or outcome of a disciplinary proceeding or process.
- e. Tampering with information to be used in a University disciplinary process.
- f. Attempting to influence the impartiality of a member of the disciplinary process.
- g. Violating and/or failing to comply with or fulfill disciplinary sanctions.

7. Computer, Network, and/or Data Misuse including but not limited to:

- a. Unauthorized access, entry or use of a University's or another's computer, computer system, network, software, password, account or data.
- b. Unauthorized alteration or degradation of computer equipment, software, network, data or system performance.
- c. Unauthorized copying or distribution of University data.
- d. Unauthorized use, duplication, sharing, or distribution of copyrighted materials or other intellectual property, including computer software or other media such as music and videos.
- e. Use of a computer or computer system in the commission of a crime to violate or facilitate the violation of laws, Board of Governors or University regulations or policies.
- f. Any unauthorized commercial use of University computer or computing resources.
- g. Any unauthorized use of electronic or other devices to make an audio or video recording.
- h. Use of computing facilities and resources to interfere with the work of another student, faculty member, staff member or University official.
- i. Use of University computing facilities or resources to send obscene or abusive material.
- j. Any other violation of the University Computer Use Policy, Student Communications Policy, UWF Electronic Communications Policy or other policies related to computer and data use on campus.

8. Violations (or conduct which could constitute a violation) of Federal, State, Local Laws, County or Municipal Ordinances, Board of Governors or University Regulations, or Policies including, but not limited to:

a. Prohibited Uses of Drugs

- i. Possessing or using narcotics, prescription drugs (without a valid prescription or in an unauthorized manner), or other controlled substances, or possessing drug paraphernalia, as prohibited by Florida Law.
- ii. Using non-controlled substances not intended for human consumption (i.e. spice, bath salts, rubbing alcohol) or not in compliance with manufacturer specifications for the purposes of reaching an altered or intoxicated state.
- iii. Sale or distribution of narcotics, prescription drugs (without a valid prescription or in an unauthorized manner), other controlled substances, or drug paraphernalia, as prohibited by Florida Law.
- iv. Being under the influence of any substance to the point at which an individual has lost normal control of his or her body or mental facilities or both.
- v. Disorderly conduct while under the influence of a substance including but not limited to endangering the safety of himself/herself or, another person, destruction of property, or causing a public disturbance.
- vi. Being under the influence of an illegal substance and endangering his or her own safety or the safety of another person or property.

b. Prohibited Uses of Alcohol:

- i. Any possession or consumption of alcohol that is in violation of the University's Alcohol policy.
- ii. Possessing, purchasing or consuming alcohol if under the legal age.
- iii. Misrepresenting one's age for the purposes of purchasing or consuming alcohol.
- iv. Purchasing, furnishing or serving alcohol to any underage person.
- v. Possessing, furnishing or consuming alcohol in unauthorized areas of the University

- vi. Possessing or using a common source of alcohol (i.e. kegs, beer bongs, or their equivalent) on University Premises.
 - vii. Being intoxicated to the point at which an individual has lost normal control of his or her body or mental facilities or both.
 - viii. Disorderly intoxication: being intoxicated and endangering the safety of another person or property or being intoxicated or drinking alcoholic beverages in a place on campus at which it is not permitted and causing a public disturbance.
 - ix. Drinking games: participation in games which involve the consumption of alcoholic beverages on University Premises.
- c.** Illegal or unauthorized possession or use of firearms, explosives, ammunition, fireworks, weapons (such as metallic knuckles, slingshots, bows and arrows, and knives), or other deadly weapons or dangerous chemicals, likely to cause harm to another, or to University property.
 - d.** Actions which cause or attempt to cause a fire or explosion, falsely reporting a fire, explosion or an explosive device, tampering with fire safety equipment or failure to evacuate University buildings during a fire alarm.
 - e.** Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.
 - f.** Cruelty to animals.
 - g.** Violations of the UWF Housing and Residence Life residential standards of community living, contract, handbook, and/or policies and regulations.
 - h.** Engages in or offers games of chance for money or other gain in violation of the laws of the State of Florida.
 - i.** Unauthorized Use of Recordings
 - i. Making, using, publishing or distributing a recording of a person in a location or situation in which that person has a reasonable expectation of privacy and is unaware of the recording or does not consent to it; and any other conduct that constitutes an invasion of the privacy of another person under applicable laws and regulations. Such conduct includes, without limitation, unauthorized recording of private conversations, images, meetings or activities.
 - ii. Unauthorized recording in class, or of an organizational or University meeting where there exists a legal expectation of privacy, and any use, disclosure, or publishing of any such recording. Students may make a recording of class

lectures for three lawful reasons: (1) for their own personal educational use, (2) in connection with a complaint to the University, or (3) as evidence in or preparation for a criminal or civil proceeding. A recorded class lecture may not be published without the prior express written consent of the faculty or guest lecturer.

- 9. Any other violation (or conduct which could constitute a violation) of the federal, state, local laws, County or municipal ordinances, Board of Governors or University regulations, or policies.**

Article V. Procedure for Non-Title IX Cases

1. Determination of Charges

- a. Alleged violations of the Student Code of Conduct may be reported to the Dean of Students Office by anyone, including but not limited to: (a) University Police or other University departments; (b) faculty, staff, or students; or (c) third parties.
- b. The Dean of Students Office will review the information to determine if a student will be charged with violating the Student Code of Conduct.
- c. The Dean of Students Office may not charge a student with a violation of the Student Code of Conduct more than one year after the date the conduct occurred or was discovered; whichever is later. University Officials; however, may exercise professional discretion when applying the time provision to account for circumstances that warrant an extension of the one-year time limit from the date of discovery. Circumstances that may warrant an extension include, but are not limited to, when a student or student organization's/group's continued presence on campus may adversely affect the health, safety or welfare of the University community.
- d. If at any time during the course of the conduct process the Dean of Students Office determines that either charges are not warranted or that insufficient evidence exists to continue, then the charges may be withdrawn, and the student will be notified via email.
- e. The University recognizes that there may be emergency situations related to hazing, sexual misconduct, alcohol consumption or the use of other substances in which fear of student conduct or disciplinary action may deter students from rendering aid or seeking help for themselves or others. Therefore, as part of Article V.1.b., the Vice President of Academic Engagement and Student Affairs or designee has the sole discretion to grant immunity pursuant to University Policy SA-01.02-04/20 (Medical Immunity) which governs immunity to a student(s) who act(s) in accordance with this Student Code of Conduct by rendering aid or seeking help. The Vice President of Academic Engagement and Student Affairs or designee may choose to withdraw immunity once granted, at any time, and utilize the procedures outlined in this regulation, if the requirements set forth in the University policy governing immunity are not completed by the student(s), and to the sole satisfaction of the University.

2. Notice of Charges

- a. The Dean of Students Office will provide written notice of the charges of the Student Code of Conduct, citing the specific provision(s) of the Student Code of Conduct at issue and the allegations upon which the charge(s) are based, at least 7

- business days before the Educational Conference.
- b. The notice will include scheduling information for the Educational Conference. If the time or date of the Educational Conference is not convenient to the charged student, the charged student must notify the Dean of Students Office within two business days of the date of the notice to reschedule.
3. **Advisor Participation (Non-Title IX Cases):** a charged student has the right to be accompanied by an advisor of their choice at the charged student's expense and initiative. A student may bring an advisor to the educational conference and/or hearing. The advisor may be present to advise the charged student and may participate in the presentation of relevant information and questioning of witnesses. University officials will communicate directly with the charged student during the student conduct process (i.e., official correspondence, notice letters, Educational Conferences, etc.) and hearing processes. Advisor participation must take place in a manner that does not disrupt the educational conference or hearing. Advisors that do not maintain professional decorum may be asked to leave the educational conference or hearing. The name and role of the advisor must be provided to the Dean of Students Office in writing at least three business days prior to the scheduled meeting or hearing. If the advisor is an attorney, this must be disclosed at that time, as a University attorney must also be present at the educational conference or hearing. The process will not be delayed due to scheduling conflicts of the chosen advisor. Advisors may not serve in any other role in the conduct process, including as an investigator, decider of fact, hearing officer, member of a Hearing Board convened to hear or decide the charge, or any appeal.
 4. **Student Advocate:** a student advocate is an individual appointed by the Student Government Association President. The student advocate is available upon request to assist students with information regarding University policies, the student conduct process and appeal procedures. The Student Advocate shall not serve as the advisor during any hearing.

5. Educational Conference

- a. The Educational Conference is not a hearing. The purpose of the Educational Conference is for the Conduct Officer to review with the charged student the allegations and charges, the Student Code of Conduct, the hearing options, the conduct process, possible sanctions, and to answer questions.
- b. During the Educational Conference the charged student will be given the opportunity to accept responsibility, not accept responsibility for the charges, or request to postpone their decision for up to 2 business days.
- c. If the charged student accepts responsibility for the charges:
 - i. The charged student will be asked to sign the Educational Conference Form indicating that individual's acceptance of responsibility and that the individual is waiving that individual's right to a hearing.
 - ii. A resolution agreement documenting the charged student's responsibility and the proposed sanctions will be sent to the charged student within ten business days from the Dean of Students Office. If the charged student agrees with the proposed sanctions, they will sign the resolution agreement and return it to the Office for Student Rights and Responsibilities within 3 business days. If the charged student does not agree with the proposed sanctions, the student will indicate this on the resolution agreement and request either an Administrative Hearing or Student Conduct Hearing Board for the sole purpose of determining sanctions.
- d. If the charged student does not accept responsibility for the charge(s):
 - i. The charged student will be asked to sign an Educational Conference Form indicating that he or she does not accept responsibility for the charges and will be asked to select a hearing option.
 - ii. The Dean of Students Office will schedule the hearing providing the charged student with a minimum of seven business days' notice.
- e. If the charged student requests to postpone their decision:
 - i. The charged student will be asked to sign and return an Educational Conference form to the Office of Student Rights and Responsibilities within 2 business days following their Educational Conference.
- f. If the charged student fails to attend the Educational Conference, fails to complete the Educational Conference Form, or fails to complete and return the resolution agreement, the matter will be referred for a hearing to the Student Conduct Board .

6. Hearing Options

- a. The charged student has the right to a hearing before a Student Conduct Hearing Board. This Board must be composed of at least 50% students, with a minimum of 4 Board members.
- b. In the alternative, the charged student may choose to have an Administrative Hearing before a Hearing Administrator if the following conditions are met:
 - i. The charged student signs a waiver of the right to a hearing before the Student Conduct Hearing Board, and,
 - ii. An Administrative Hearing is permitted by the Dean of Students.
- c. Conduct violations under Article IV of this Regulation that are sexual in nature follow this procedure for hearings: At the University's discretion, the decision-maker(s) at the hearing will be either a University official or designee; a Student Conduct Hearing Board comprised of only University officials or designees; or a Student Conduct Hearing Board where students comprise at least 50% of the membership of the Student Conduct Hearing Board .

7. Hearing Procedures

The Student Conduct Hearing Board hearing and the Administrative Hearing are educational processes and are not legal in nature. Formal rules of process, procedure and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Code of Conduct proceedings.

- a. **Hearing Notification:** the University will notify the charged student via their institutional email address of the date, time and location of the hearing no less than seven days in advance of the hearing. This notification will also advise the charged student of that individual's rights in the student conduct process. If the time or date of the Hearing is not convenient to the charged student, the charged student must submit a written request to reschedule the hearing to the Dean of Students Office within two business days of the date of the notice.
- b. **Victim Hearing Notification:** the University will notify the victim via email of the date, time and location of the hearing no less than seven days in advance of the hearing. This notification will also advise the victim of that individual's rights in the student conduct process, including but not limited to, the right to submit a list of questions, the right to submit a victim impact statement, the right to request a copy of their own record, and the right to provide information in a separate room from the charged student. The victim must provide the Dean of Students Office with a list of potential witnesses and copies of any records that he or she will present at the hearing at least seven business days in advance of the hearing.
- c. **Pre-Hearing Information:** the University will provide , pre-

- hearing information including a copy of the hearing procedures, a list of all known witnesses that have provided or will provide information against the charged student, and all known information relating to the allegations, including inculpatory and exculpatory information, to the charged student . The pre-hearing information will be available at least five business days in advance of the hearing at the Dean of Students Office. The charged student must provide the Dean of Students Office with a list of potential witnesses and copies of any records that he or she will present at the hearing at least seven business days in advance of the hearing.
- d. **Failure to appear:** if the charged student fails to appear, the hearing will proceed in the charged student's absence.
- e. **Closed Hearings:** hearings are closed to the public and only the charged student, victim where authorized, and advisors may attend. Witnesses may not be present in the proceedings except to provide information when called upon.
- f. **Role of the Hearing Administrator or Student Conduct Hearing Board Chair:** a charged student has a right to an impartial hearing officer. The Hearing Administrator or Student Conduct Hearing Board Chair will preside over the hearing, be responsible for the order and decorum of the hearing, and will ensure that the hearing procedures are followed. At their discretion, the Hearing Administrator or Student Conduct Hearing Board Chair may:
- i. Accept information for consideration.
 - ii. Make determinations regarding requests for postponements.
 - iii. Make determinations as to procedural questions.
 - iv. Make procedural modifications for purposes of expediting a process or in the interest of fairness or safety.
 - v. Exclude repetitious or irrelevant information.
 - vi. Dismiss any person who is disorderly, disruptive, or non-compliant.
 - vii. Take any other appropriate action deemed necessary.
- g. **Self-Incriminating statements:** the charged student will not be compelled to make self-incriminating statements. Any information shared by the charged student during an educational conference may be presented during a hearing. Failure of the charged student to make a statement or to answer questions shall not be considered in the determination of whether or not a student is responsible for violating the Student Code of Conduct.
- h. **Information:** the Dean of Students Office and the charged student will be given an opportunity to present relevant information and question witnesses at the hearing. The charged student will also be given an opportunity to review all relevant information to be used in the student conduct hearing at least 5 business days prior

to the hearing. Relevant information may include, but is not limited to, a list of all known witnesses that have provided or will provide information against the student and all known information relating to the allegation(s) including inculpatory and exculpatory information.

- i. **Witnesses:** The Dean of Students Office and the charged student may call witnesses. In order to preserve the educational atmosphere of the hearing and to avoid creation of an adversarial environment, all questions for witnesses will be directed through the Hearing Administrator or Student Conduct Hearing Board Chair. If a witness cannot appear, that individual may submit a written statement for consideration as long as the witness' signature is notarized or participate via telephone or electronic means. Witnesses will be permitted inside the hearing room (physically and/or virtually via electronic method) only during their point of participation. Witnesses may be recalled by the Hearing Board and/or Hearing Administrator.
- j. **Questions:** The victim has the right to provide a list of questions that individual would like the charged student to be asked by the Hearing Administrator or Chair of the Student Conduct Hearing Board at the disciplinary hearing.
- k. **Separation of Complainant/Victim, Witness, and/or Charged Student:** The victim and/or any witness may request that that individual be permitted to participate in a separate room from the charged student at the disciplinary hearing.
- l. **Past Behavior:** A victim's or charged student's past behavior shall be excluded from the disciplinary hearing. A charged student's misconduct history may only be presented after a finding of responsibility has been determined and only for the purpose of recommending sanctions.
- m. **Audio Recording of Hearing:** Student Conduct Hearing Board Hearings and Administrative Hearings will be audio recorded. There shall be a single audio record of all hearings. This audio record is the official record and is the property of the University and will be considered part of the charged student's disciplinary record. The charged student may submit a written request for a copy of the audio recording which will be provided after receipt of the hearing decision letter.
- n. **Standard of Proof:** The charged student has a right to a presumption that no violation occurred. The burden to prove disciplinary cases rests with the University and not with the charged student. The standard of proof shall be the preponderance of the evidence. This

means that the information presented supports the finding that it was more likely than not that the violation occurred.

- o. **Multiple Students Charged:** in cases involving multiple students charged from the same incident, information obtained at one hearing may be used at another hearing provided that each charged student involved has the opportunity to review and respond to the information at his or her hearing.
- p. **Deliberations:** are closed and the decision making shall include only the Hearing Administrator or the Student Conduct Hearing Board members and the Dean of Students as appropriate.
- q. **Determination of Responsibility:** the Hearing Administrator or Student Conduct Hearing Board (by majority vote) shall determine whether the charged student has violated the Student Code of Conduct. A finding of “responsible” or “not responsible” shall be made for each charge.
- r. **Recommendation of Sanctions:** the Hearing Administrator or Student Conduct Hearing Board will also, in consultation with the Dean of Students, make recommendations for sanctions in those cases where the charged student is found responsible for violating the Student Code of Conduct. The Dean of Students may take any of the following actions related to the sanctions recommended by the Student Conduct Hearing Board or Hearing Administrator:
 - i. Adopt the recommended sanctions,
 - ii. Modify the recommended sanctions,
 - iii. Reject the recommended sanctions, or
 - iv. Remand the matter for a rehearing.

Where the Student Conduct Hearing Board or Hearing Administrator’s recommended sanctions are not adopted by the Dean of Students, the Dean of Students shall provide the charged student with the reasons for not adopting the recommendations in writing.

- s. **Victim Impact Statement:** If the charged student is found responsible, the victim has a right to submit a victim impact statement to the Hearing Administrator or Chair of the Student Conduct Hearing Board for consideration at the sanctioning phase only. The statement may include a description of how the victim was impacted by the conduct violation and may include recommendations for sanctions, penalties or restitution. However, the Hearing Administrator or Student Conduct Hearing Board is not bound by those recommendations.
- t. **Hearing Decision Notification:** A written decision letter from the

Dean of Students Office will be provided to the charged student within ten business days following the close of the hearing. This time may be extended for deliberations when necessary and the student shall be notified of any such extensions. The decision letter shall contain a decision on each charge, any findings of fact and any sanctions.

- u. **Victim Hearing Decision Notification:** Victims of certain offenses defined by FERPA (see Article II. 34), have the right to be notified of the outcome of the proceedings. A written decision letter from the Dean of Students Office will be provided to the victim within ten business days following the close of the hearing. This time may be extended for deliberations when necessary and the victim shall be notified of any such extensions. The hearing decision notification provided to the victim may only include 1) the name of the student, 2) the violation with which the student was charged, 3) whether the charged student was found “responsible or “not responsible,” and 4) any sanctions imposed. (See 34 C.F.R. Sections 99.31 and 99.39)
8. **Student Withdrawal:** If a student withdraws from the University with misconduct charges pending against the individual, the conduct process will continue with or without that individual’s participation.
 9. **Student Status:** the student’s permanent status on campus will remain unchanged pending the final decision of the hearing process and/or any appeal. However, in cases where the sanction(s) determined by the University in the disciplinary decision include either suspension or expulsion, the student’s privileges at the University, including the ability to attend classes and engage in University activities may be revoked and the student’s permanent status on campus will change.
 10. **Hold on Student’s Records:** the University may place a hold on the records or registration of any student who fails to respond to a University disciplinary notice or fulfill any sanctions previously issued by the University. The University may take other action necessary for resolution of a case prior to the student’s enrollment in a subsequent semester, transfer or graduation. All pending disciplinary matters must be resolved prior to a student’s graduation, transfer from, or continued education at the University of West Florida.
 11. **Accommodations for Students with Disabilities:** any student with a disability may request reasonable accommodations during the disciplinary process. If accommodations are desired, this request must be made to Student Accessibility Resources at least three business days in advance of the hearing. If necessary, the Hearing Administrator or Student Conduct Hearing Board may postpone the hearing to provide reasonable

accommodations.

Article VI. Procedure for Title IX Cases

The University has established an alternative hearing procedure to address and adjudicate alleged sexual harassment violations under Title IX where the Respondent is a University student and the Complainant is an individual who is participating in, or attempting to participate in, a UWF program or activity at the time of filing a complaint. Not all sexual harassment allegations will meet Title IX's definition of sexual harassment. Those cases that do not meet Title IX's threshold will follow the procedures in Article V of this document. The University may not charge a student with a Title IX violation more than one year after a formal complaint is filed. University Officials; however, may exercise professional discretion when applying the time provision to account for circumstances that warrant an extension of the one-year time limit. Circumstances that may warrant an extension include, but are not limited to, when a student or student organization's/group's continued presence on campus may adversely affect the health, safety or welfare of the University community.

1. Notice

- a. The Dean of Students Office will notify the Complainant and Respondent via email of an individual Educational Conference at least 7 days prior to the conference.
- b. The notice will include scheduling information for the Educational Conference. If the time or date of the Educational Conference is not convenient, the student must notify the Dean of Students Office within two business days of the date of the notice to reschedule. The respondent's notice will include the charges and the allegations upon which the charge(s) are based, citing the specific provision(s) of the Student Code of Conduct at issue.

2. Title IX Advisor: At any point during the processes, the parties may use an advisor of their choice, who may be, but is not required to be, an attorney. The University will not limit the choice or presence of advisor for either the Complainant or Respondent in any meeting or hearing. Any advisor serves at the requestor's own expense and initiative, except that if a party does not have an advisor at a hearing, the University will provide one without fee or charge to the party for purposes of cross-examination and questioning of a party or witness. All advisors must follow appropriate rules of decorum. The advisor may be present to advise the individual or the reporting person and may participate in the presentation of relevant information and questioning of witnesses. The advisor may not serve in any other role in the process, including as an investigator, decider of fact, hearing officer, member of a Hearing Board convened to hear or decide the charge, or any appeal. The name and role of the advisor must be provided to the Dean of Students Office in writing at least three business days prior to the scheduled meeting/hearing. If the advisor is an attorney, this must be disclosed at that time, as the University attorney must also be present at the meeting/hearing.

3. Student Advocate: a student advocate is an individual appointed by the Student Government Association President. The Student Advocate is available upon request to assist students with information regarding University policies, the student conduct process and appeal procedures.

4. Educational Conference

- a. The Educational Conference is not a hearing. The purpose of the Educational Conference is to review the allegations and charges, the Student Code of Conduct, the hearing forum options, the conduct process, and possible sanctions, and to answer questions.
- b. During the Respondent's Educational Conference, the Respondent will be given the opportunity to accept responsibility or not accept responsibility for the charges, or request to postpone their decision for up to 2 business days.
- c. If the Respondent accepts responsibility for the charges:
 - i. The Respondent will be asked to sign the Educational Conference Form indicating the individual's acceptance of responsibility and that the individual is waiving the individual's right to a hearing.
 - ii. An email documenting the Respondent's responsibility and the sanctions will be sent simultaneously to the Respondent as well as the Complainant within ten business days of the Educational Conference by the Dean of Students Office. If the charged student agrees with the proposed sanctions, they will sign the resolution agreement and return it to the Office for Student Rights and Responsibilities within 3 business days. If the charged student does not agree with the proposed sanctions, the student will indicate this on the resolution agreement and request either an Administrative Hearing or Student Conduct Hearing Board for the sole purpose of determining sanctions.
- d. If the Respondent does not accept responsibility for the charges:
 - i. The Respondent will be asked to sign an Educational Conference Form indicating that the Respondent does not accept responsibility for the charges
 - ii. The Dean of Students Office will schedule the hearing providing the Respondent and the Complainant with a minimum notice of seven business days.

- e. If the charged student requests to postpone their decision:
 - i. The charged student will be asked to sign and return an Educational Conference form to the Office of Student Rights and Responsibilities within 2 business days following their Educational Conference.
- f. If the Respondent fails to attend the Educational Conference or complete the Educational Conference Form, the matter will be referred for hearing to the Student Conduct Hearing Board .

5. Hearing Options

At the University's discretion, the decision-maker(s) at the hearing will be either a University official or designee; a committee or panel comprised of only University officials or designees; or a committee or panel where students comprise at least 50% of the membership of such committee or panel.

6. Hearing Procedures

The hearing process shall be used to resolve Title IX matters that are not dismissed or resolved via the informal resolution process or via the Educational Conference as detailed above. Throughout the hearing process, Complainants and Respondents shall be treated equitably. Hearings are conducted to consider the totality of all evidence available, from all relevant sources. All information presented by the Complainant and Respondent must be objectively evaluated and the Student Conduct Hearing Board or Administrative Hearing Administrator must avoid credibility determinations based on an individual's status as a Complainant, Respondent, or witness. The parties will have an equal opportunity to present facts and evidence, including fact and expert witnesses and other inculpatory and exculpatory evidence. The University will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

Student Conduct Hearing Board hearings and the Administrative Hearing are educational processes and are not legal in nature. Formal rules of process, procedure and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in these proceedings. However, information protected under a privilege recognized by state or federal law cannot be disclosed, used, or relied upon unless the person who holds the right to exercise the privilege waives the application of the privilege.

At the discretion of the University, virtual participation via videoconference or other technology of parties, witnesses, advisors, or others is permitted, provided participants can simultaneously see and hear each other and the confidentiality of the proceedings is not compromised.

- a. **Hearing Notification:** the University will notify the parties via their institutional email address of the date, time and location of the hearing no less than seven days in advance of the hearing. This notification

- will also advise the parties of their rights in the student conduct process. If the time or date of the hearing is not convenient to the parties, the parties must submit a written request to reschedule the hearing to the Dean of Students Office within two business days of the date of the notice.
- b. **Pre-Hearing Information:** the University will provide parties pre-hearing information including a copy of the hearing procedures, a list of all known witnesses that have provided or will provide information against the charged student and all known information relating to the allegations, including inculpatory and exculpatory information. The pre-hearing information will be available at least five business days in advance of the hearing at the Dean of Students Office. The parties must provide the Dean of Students Office with a list of potential witnesses and copies of any records that individual will present at the hearing at least seven business days in advance of the hearing.
 - c. **Failure to appear:** if either the Respondent or the Complainant fail to appear, the hearing will proceed in the absence of those persons.
 - d. **Closed Hearings:** hearings are closed to the public and only the Respondent, Complainant, and advisors may attend. Witnesses may not be present in the proceedings except to provide information when called upon.
 - e.
 - f. **Role of the Hearing Administrator or Student Conduct Hearing Board Chair:** a Respondent has a right to an impartial hearing officer. The Hearing Administrator or Student Conduct Hearing Board Chair will preside over the hearing, be responsible for the order and decorum of the hearing, and will ensure that the hearing procedures are followed. At that individual's discretion, the Hearing Administrator or Student Conduct Hearing Board Chair may:
 - i. Accept information for consideration. Make determinations regarding requests for postponements.
 - ii. Make determinations as to procedural questions.
 - iii. Make procedural modifications for purposes of expediting a process or in the interest of fairness or safety.
 - iv. Exclude repetitious or irrelevant information.
 - v. Dismiss any person who is disorderly, disruptive, or non-compliant. Take any other appropriate action deemed necessary.
 - g. **Self-Incriminating Statements:** the Complainant and Respondent will not be compelled to make self-incriminating statements. Any information shared by the Respondent or Complainant during an educational conference may be presented during a hearing. Failure of the Respondent or Complainant to make a statement or to answer questions shall not be considered in the determination of whether or not a Respondent is responsible for violating the Student Code of Conduct.
 - h. **Information:** The Dean of Students Office and the Respondent and the

Complainant will be given an opportunity to provide relevant information and question witnesses at the hearing. The Respondent and the Complainant will also be given an opportunity to review all relevant information to be used in the student conduct hearing at least 5 business days prior to the hearing. Relevant information may include, but is not limited to, a list of all known witnesses that have provided or will provide information against the student and all known information relating to the allegation(s) including inculpatory and exculpatory information.

- i. **Questioning of the Parties and Witnesses:** All cross-examination of the parties and witnesses must be conducted directly and orally by a party's Title IX Advisor. If a party or witness does not submit to cross-examination at the hearing, the Student Conduct Hearing Board or Hearing Administrator will not rely on any statement of that party or witness in reaching a determination regarding responsibility. The Student Conduct Hearing Board or Hearing Administrator will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.
- j. **Presentation of Information:** Only relevant cross-examination and other questions may be asked of a party or witness. To ensure this, before a Complainant, Respondent, or witness answers a cross-examination or other question, the Student Conduct Hearing Board Chair or Hearing Administrator will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If a party does not have an advisor present at the hearing, the University will provide one, without fee or charge. Each party's advisor will be allowed to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.
- k. **Separation of Complainant, or Witness, and/or Respondent :** At the request of either party, the University will provide for the entire hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties and Student Conduct Hearing Board or Hearing Administrator to see and hear the party or witness answering questions.
- l. **Past Behavior:** Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- m. **Recording of Hearing:** Student Conduct Board Hearings and Administrative Hearings will be recorded. There shall be a single recording of all hearings. This recording is the official record and is the

- property of the University and will be considered part of the charged student's disciplinary record. The Respondent may submit a written request for a copy of the recording which will be provided after receipt of the hearing decision letter.
- n. **Standard of Proof:** The Respondent has a right to a presumption that no violation occurred. The burden to prove disciplinary cases rests with the University and not with the Respondent. The standard of proof shall be the preponderance of the evidence. This means that the information presented supports the finding that it was more likely than not that the violation occurred.
 - o. **Multiple Students Charged:** in cases involving multiple Respondents from the same incident, information obtained at one hearing may be used at another hearing provided that each Respondent involved has the opportunity to review and respond to the information at that Respondent's hearing.
 - p. **Deliberations:** are closed and the decision making shall include only the Hearing Administrator or the Student Conduct Hearing Board members.
 - q. **Determination of Responsibility:** the Hearing Administrator or Student Conduct Hearing Board (by majority vote) shall determine whether the Respondent has violated the Student Code of Conduct. A finding of "responsible" or "not responsible" shall be made for each charge.
 - r. **Sanctions:** the Hearing Administrator or Student Conduct Hearing Board will determine sanctions in those cases where the Respondent is found responsible for violating the Student Code of Conduct/applicable.
 - s. **Impact Statement:** If the Respondent is found responsible, the Complainant has a right to submit an impact statement to the Hearing Administrator or Chair of the Student Conduct Hearing Board for consideration at the sanctioning phase only. The statement may include a description of how the Complainant was impacted by the conduct violation and may include recommendations for sanctions, penalties or restitution. However, the Hearing Administrator or Student Conduct Hearing Board is not bound by those recommendations. The relevant portions of any impact statement provided by the Complainant, or the relevant portions of character statements or other evidence regarding mitigating circumstances provided by the Respondent, will be considered by the Student Conduct Hearing Board or Hearing Administrator in issuing sanctions, so long as such information has been subject to questioning and cross-examination during the hearing. While these statements are not binding, they, together with the totality of the circumstances, should be considered by the Student Conduct Hearing Board or Hearing Administrator involved in determining the appropriate sanctions.
 - t. **Hearing Decision Notification:** The determination of responsibility or whether allegations are substantiated shall be in writing, provided

simultaneously to the parties, and include the following elements:

- i. Identification of the allegations potentially constituting sexual harassment.
- ii. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including notifications to parties, interviews, gathering of evidence, and hearings held.
- iii. Findings of fact.
- iv. Conclusions regarding the application of the relevant policy or regulation to the facts.
- v. As to each allegation, a statement of, and rationale for, the determination of responsibility or substantiation.
- vi. A description of any disciplinary sanctions imposed upon the respondent.
- vii. A description of any remedies designed to restore or preserve equal access that will be provided to the complainant.
- viii. A statement of procedures and bases for appeal of the decision.

7. Student Withdrawal

If a Respondent withdraws from the University with misconduct charges pending against that individual, the conduct process may continue with or without that individual's participation.

8. Student Status

The Respondent's permanent status on campus will remain unchanged pending the final decision of the hearing process or any appeal. However, in cases where the sanction(s) determined by the University in the disciplinary decision include either suspension or expulsion, the student's privileges at the University, including the ability to attend classes and engage in University activities may be revoked and the student's permanent status on campus will change. Nothing in this section prevents the University from continuing to offer or implement supportive measures, including no-contact orders or emergency removal.

9. Hold on Student's Records

The University may place a hold on the records or registration of any Respondent who fails to respond to sanctions issued by the University. The University may take other action necessary for resolution of a case prior to the student's enrollment in a subsequent semester, transfer or graduation. All pending disciplinary matters must be resolved prior to a student's graduation, transfer from or continued education at the University of West Florida.

10. Accommodations for Students with Disabilities

Any student with a disability may request reasonable accommodations during the disciplinary process. If accommodations are desired, this request must be made to Student Accessibility Resources at least three business days in advance of the hearing. If necessary, the Hearing Officer or Student Conduct Hearing Board Chair may postpone the hearing to provide reasonable accommodations.

Article VII. Sanctions

A charged student/Respondent found responsible for violations shall be subject to sanctions commensurate with the offense. Consideration may be given to aggravating and mitigating circumstances, and prior student conduct record or admissions clearance restrictions, if applicable. In Non-Title IX Cases, the Hearing Administrator/Student Conduct Hearing Board will recommend sanctions to the Dean of Students, who will make a final determination of sanctions., and the final determination of sanctions is made by the Dean of Students. Recommended sanctions may be adopted, modified or rejected. Where the Student Conduct Hearing Board's or Hearing Administrator's recommended sanctions are not adopted by the Dean of Students, the Dean of Students shall provide the charged student and victim with the reasons for not adopting the recommendations in writing. In Title IX cases, the Hearing Administrator/Student Conduct Hearing Board will determine sanctions when the Respondent is found responsible. One or more of the following sanctions may be imposed for any single violation.

1. **Expulsion:** a student who is expelled is permanently deprived of that individual's privilege to continue at the University in any capacity. The student may not visit or come onto any UWF campus without specific written permission of the Vice President of Enrollment and Student Affairs. Expelled students are not in good standing.
2. **Suspension:** a student who is suspended is required to leave the University for a specified period of time. The student must comply with all sanctions and complete all requirements prior to re-admission. During the suspension period the student may not visit or come onto any UWF campus without specific written permission of the Vice President of Enrollment and Student Affairs. While serving a suspension a student is not in good standing.
3. **Disciplinary probation:** a written disciplinary sanction notifying a student or student organization that the behavior is in serious violation of University standards. Any additional violations occurring during a probationary period may result in more serious sanctions. In addition, restrictions may be placed on a student's or student organization's activities. Restrictions that may be imposed during a probationary period may include, but are not limited to, restriction of the privilege to: (a) participate in student activities or in student organizations; (b) represent the University on athletic teams, or in other leadership positions; (c) have access to University housing facilities or other areas on campus; (d) have use of University resources and/or equipment; (e) have contact with specified person(s). When on disciplinary probation a student is not in good standing.
4. **Disciplinary reprimand:** a written disciplinary sanction notifying a student that the behavior did not meet University standards. All disciplinary reprimands will be taken into consideration if further violations occur.
5. **Loss of University privileges:** temporary or permanent loss of University privileges may include use of University facilities, resources, equipment, attendance at athletic functions, University Commons access, library use, parking privileges, University computer usage, and/or residence hall or other visitation.
6. **Deactivation of recognized student organization/group status:**

temporary or permanent loss of all privileges, including University recognition.

7. **Restitution:** the student is required to pay for damages and/or loss of an individual's or University property. Payment is limited to the actual cost of repair or replacement of such property.
8. **Community/University service:** a student is required to complete a specified number of hours of service to the campus or general community.
9. **Education requirements:** a student is required to complete a specified educational sanction related to the violation committed. Such educational requirements may include, but are not limited to, completion of a seminar, report, alcohol or drug assessment, presentations, and/or counseling.
10. **Fines:** Monetary fines established by the Dean of Students Office, subject to the approval of the Board of Trustees, will be published on the Office of Student Rights and Responsibility website (<https://uwf.edu/academic-engagement-and-student-affairs/departments/dean-of-students/>)
11. **University Housing assignment change or removal:** a student is required to (a) relocate to a new University housing assignment; (b) leave University housing for a specified period of time; or (c) leave University housing permanently.
12. **No contact order:** a directive informing the student that he or she is not to have any contact, direct or indirect, with one or more designated persons or group(s) through any means, including but not limited to personal contact, e-mail, telephone, text messaging, social media or via third parties.
13. **Denial of further registration and/or credits:** further registration may be denied and/or credits and degrees may be invalidated or revoked for false, fraudulent or incomplete statements made by a student in their application for admission, residency affidavit, or accompanying documents or statements in connection with, or supplemental to, the application for admission to or graduation from the University.
14. **Denial or revocation of academic credit:** degrees and credit awarded by the University may be invalidated or revoked, credits may be denied and grades may be reduced for conduct involving violations of academic honesty rules, regulations, or policies.
15. **Withholding degrees:** the University may withhold issuing a degree, diploma or transcript pending compliance with University regulations, or policies or pending completion of the process set forth in this Student Code of Conduct, including the completion of all imposed sanctions.

Article VIII. Appeal for Non-Title IX Cases

1. A student found responsible for violating the Student Code of Conduct may appeal the decision and or sanctions by submitting an appeal in writing to the Vice President of Academic Engagement and Student Affairs or designee within 10 business days of the date of the decision letter. The Vice President of Academic Engagement and Student Affairs' designee must serve at the level of "director" or above. The Vice President of Academic Engagement and Student Affairs or designee may not have directly participated in any other proceeding related to the charged violation.
2. The Vice President of Academic Engagement and Student Affairs will review the appeal. Grounds for appeal are limited to the following:
 - a. the student's rights, as outlined in this regulation, were violated in the hearing process;
 - b. new information is discovered that was not available at the time of the hearing;
 - c. the information presented does not support the decision; or
 - d. the sanctions imposed were not appropriate for the violation.
3. The Vice President of Academic Engagement and Student Affairs may uphold the decision and/or sanctions, modify the decision and/or sanctions, remand the case to the same Hearing Administrator/Student Conduct Hearing Board e for reconsideration of the decision and/or sanctions, or remand the case to a new Hearing Administrator/Student Conduct Hearing Board for a new hearing. Unless the appeal decision is to remand the case, the appeal decision is considered the final decision of the University.
4. A copy of the decision of the Vice President of Academic Engagement and Student Affairs shall be forwarded to the charged student, the victim (where permitted by law) and to the Dean of Students Office for filing and for distribution to the appropriate parties.
5. If the final decision of the University is a sanction of suspension or expulsion, a charged student may seek judicial review of the final decision pursuant to Florida Rule of Appellate Procedure 9.190(b)(3), (which is applicable to review of quasi-judicial decisions of an administrative body not subject to the Administrative Procedure Act), by filing a petition for certiorari review with the circuit court for Escambia County within thirty (30) days of the final decision of the University. If the student seeks review with the court, that individual must also provide a copy of the petition for certiorari review to the Office of the Vice President of Academic Engagement and Student Affairs, University of West Florida, Bldg. 11, 11000 University Parkway, Pensacola, FL 32514.

Article IX. Appeal for Title IX Cases

1. Both the Complainant and the Respondent may appeal the decision and or sanction(s) in writing to the Vice President of Academic Engagement and Student Affairs or designee. The appeal must be received within 10 business days of the date of the decision letter. The Vice President of Academic Engagement and Student Affairs' designee must serve at the level of "director" or above. The Vice President of Academic Engagement and Student Affairs or designee may not have directly participated in any other proceeding related to the charged violation
2. If either the Complainant or Respondent submits an appeal, the other individual will be notified and provided with a copy of the appeal and will be given 10 business days to respond to the appeal in writing. The Title IX Coordinator will also be provided with a copy of the appeal. The Vice President of Academic Engagement and Student Affairs will review the appeal, including all information provided by all parties. Grounds for appeal are limited to the following:
 - a. Procedural irregularity that affected the outcome of the matter; or
 - b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
 - c. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.
3. The Vice President of Academic Engagement and Student Affairs may uphold the decision or sanctions, modify the decision or sanctions, remand the case to the same Hearing Administrator/Student Conduct Hearing Board for reconsideration of the decision or sanctions, or remand the case to a new Hearing Administrator/Student Conduct Hearing Board for a new hearing. Unless the appeal decision is to remand the case for a new hearing, the appeal decision is considered the final decision of the University.
4. A copy of the decision of the Vice President of Academic Engagement and Student Affairs shall be simultaneously forwarded to both Complainant and Respondent, to the Title IX Coordinator and to the Dean of Students Office for filing and for distribution to the appropriate parties.
5. If the final decision of the University is a sanction of suspension or expulsion, the Respondent may seek judicial review of the final decision pursuant to Florida Rule of Appellate Procedure 9.190(b)(3), (which is applicable to review of quasi-judicial decisions of an administrative body not subject to the Administrative Procedure Act), by filing a petition for certiorari review with the circuit court for Escambia County within 30 days of the final decision of the University. If a party seeks review with the court, that individual must also provide a copy of the petition certiorari review to the Office of the Vice President of Academic Engagement and Student Affairs, University of West Florida, Bldg. 11, 11000 University Parkway, Pensacola, FL 32514.

Article X. Records

1. Records of disciplinary actions shall be maintained by the Dean of Students Office.
2. Student files involving cases that do not result in suspensions or expulsions shall be expunged seven years after the final decision. Records of cases that result in suspensions or expulsions are kept permanently. Statistical and database information may be kept permanently at the University.
3. Students found “not responsible” for a charge or charges or students against whom charges have been withdrawn, are considered not to have a disciplinary record for those charges. However, the records will be maintained by the University in accordance with Section 1002.22, F.S. and with applicable State record retention laws.
4. The charged student has a right to an accurate and complete record of every disciplinary proceeding relating to the charged violation of this Code, including record of any appeal.

Article XI. Transcript Notations

1. A permanent notation will be placed on the student's transcript indicating any period of disciplinary suspension.
2. A permanent notation will be placed on the student's transcript indicating an expulsion.

Authority Sections 1006.60 FS, 1006.61, 1006.62, 1006.63, Florida Statutes, Board of Governors Regulation 6.0105.

History: *Formerly FAC Rule 6C6-3. 010 adopted 10/1/75, Amended 10-24-79, 12-29-80, 8-9-81, 8-30-83, Formerly 6C6-3. 10, Amended 10-26-86, 4-21-91. Converted to UWF/REG 3.010 7/21/07, amended 8/28/06, 8/27/07, 8/23/10, 6/4/10, 3/19/13, 9/9/14, 6/16/16, 10/12/18, 04/23/20, 11/02/20, 12/9/2021*



Policy

UNIVERSITY POLICY: HR-22.00-2004/07

TO: University of West Florida Community

FROM: Dr. John Cavanaugh, President

SUBJECT: Standards of Conduct

Responsible Office/Executive: Executive Vice President and Human Resources

Policy/Purpose: University of West Florida employees are expected to adhere to specified professional standards in the performance of their duties and comply with Federal and State laws and regulations, as well as UWF rules, policies, and procedures.

CONTENTS:

- (1) Conduct
- (2) Standards of Professional Conduct and Violations of Professional Conduct
- (3) Letter of Counseling
- (4) Standards for Disciplinary Actions
- (5) Alcoholism, Drug Addiction, and Alcohol and Drug Abuse
- (6) UWF Standards for Disciplinary Action Table

- (1) Conduct
 - (a) All UWF employees are expected to conduct themselves in a professional manner, adhere to the University's Code of Ethics and comply with the Standards of Professional Conduct as outlined in this Policy.
 - (b) Conduct which constitutes a violation of Standards of Professional Conduct are outlined in (2) below.
 - (c) The University of West Florida will take corrective action when an employee has violated Standards of Professional Conduct.

- (2) Standards of Professional Conduct and Violations of Professional Conduct
 - (a) Time Management, Work Effort, and Work Station
 1. Professional Standard - Employees shall manage their work time for maximum efficiency and effectiveness.
 2. Examples of Violations
 - a. Excessive Tardiness or Unexcused Tardiness - when an employee does not adhere to established and approved work hours and/or develops a pattern of tardiness that adversely affects an employee's work or the work of others or that is inconsistent with the position description, University rules, policies, or procedures.
 - b. Excessive Absenteeism - frequent absences from work, whether necessary or excusable. A pattern of absences by an employee such as recurring absences on the day preceding or following the employee's regular days off, or absences on the same day of

each week or month, shall be considered excessive.

c. Loafing, Dozing, or Sleeping While at Work - loafing includes wasting time, chatting, and horseplay as well as non-work related activities such as reading non-work related books and other materials, visiting non-work related internet sites, conducting personal business over the telephone or e-mail, completing unauthorized course work assignments, writing personal letters, or playing computer games during the employee's work hours.

d. Unauthorized Absence from Work Station or Duty Assignment - failure of the employee to obtain permission from the supervisor to leave or be away from the work station.

e. Unauthorized Leave - failure of the employee to obtain approval from the supervisor to take any kind of paid or unpaid leave.

f. Strike or Concerted Activity - as defined in Florida law.

g. Conduct Unbecoming a University Employee - an act (or acts) performed by the employee within/or outside the University that renders an employee ineffective and/or adversely affects the University.

(b) Performance of Duties

1. Professional Standard - employees shall perform the duties and responsibilities assigned by the supervisor.

2. Examples of Violations

a. Use of Poor Judgment - an employee's failure to consider the consequences of his or her actions and/or verbal and written communication.

b. Failure to Follow Instructions - includes failure to carry out oral or written work assignment or instructions within a reasonable time or by a specified deadline.

c. Negligence - carelessness, lack of care, caution or attention, diligence, or discretion.

d. Insubordination - including, but not limited to, deliberate refusal, failure, or delay in carrying out any proper order, work assignment, instruction, or policy; disrespectful conduct or language toward an authority.

e. Lying - statements, written or oral, that are deliberately misleading, inaccurate, or incorrect.

f. Falsification of Records - deliberate misrepresentation or fraud on official documents such as an employment application, travel records, leave records, or work records.

g. Use or Abuse of Alcohol or Reporting to Work under the Influence of Alcohol - reporting to work under influence of alcohol or use of alcohol on the job. Note: An employee reporting to work under the influence of alcohol or who uses alcohol on the job shall be sent home, placed on leave without pay, and appropriately disciplined.

h. Failure to Report Revocation or Suspension of Driver's License - failure to report the revocation or suspension of a driver's license where driving is a job-related function or the employee has access to University owned vehicles.

i. Divulging or Mishandling of Confidential Information - the act of divulging confidential information or disseminating, releasing, altering, defacing or removing any department record without proper authorization.

j. Conduct Unbecoming a University Employee - an act (or acts) performed by the employee within/or outside the University that renders an employee ineffective and/or adversely affects the University.

(c) Property Rights

1. Professional Standard - employees shall respect the rights of the University, and of others, in the use and benefits of property. Unauthorized use, misuse and abuse of University property are strictly prohibited.

2. Examples of Violations

a. Unauthorized Use of University Property - using a University boat for personal recreation, making personal long distance telephone calls charged to a department telephone, using University property such as copying machines, computers, or typewriters for personal business, or using a University vehicle for personal errands. University equipment may be used for official purposes off-campus. Forms are available from the Property Section, in the Financial Accounting Services Office, to obtain approval for such use.

b. Misuse or Abuse of University Property or Equipment - improper use of equipment, reckless driving or handling of a University motor vehicle or boat, using personal computer or the Internet/Intranet/E-mail in violation of law or University policies.

c. Theft - stealing property belonging to the University, co-workers, contractors, or others while at work or in work situations

d. Negligence Resulting in Damage - instances of carelessness, lack of care, attention, etc., which result in damage to equipment or property or expense to the University.

e. Conduct Unbecoming a University Employee - an act (or acts) performed by the employee within/or outside the University that renders an employee ineffective and/or adversely affects the University.

(d) Personal Rights

1. Professional Standard - employees shall respect the personal rights of others. Employees should refrain from discourteous language or actions directed toward any member of the University community or the public.

2. Examples of violations

a. Rudeness - impolite, offensive, or uncooperative language or actions toward the University community or the public.

b. Threatening or Abusive Language - defamation of character or remarks, offensive language, slander, insults, or threats toward others.

c. Threatening or Abusive Actions - fighting, physical abuse, incidents in which serious harm is threatened.

d. Threatening or Abusive Actions Involving a Weapon - fighting, physical abuse, or incidents in which harm is threatened with a weapon.

e. Discrimination or Sexual Harassment – violation of University policies prohibiting discrimination and harassment against protected classes.

f. Conduct Unbecoming a University Employee - an act (or acts) performed by the employee within/or outside the University that renders an employee ineffective and/or adversely affects the University.

(e) Safety Practices

1. Professional Standard - employees shall conduct themselves in a manner which protects people and property from unsafe actions. Employees shall adhere to applicable laws, rules, and policies regarding safety, as well as pertinent manufacturers' safety precautions.

2. Examples of Violations

a. Horseplay - rough or boisterous play or pranks which do or may cause injury or demean others or adversely affect productivity or morale.

b. Violation or Disregard of Safety Practices - careless operation or handling of equipment or deliberate disregard of operating procedures.

c. Possession of Weapons – all weapons are prohibited on University property or in work-related situations unless specifically authorized for the performance of work assignments.

d. Conduct Unbecoming a University Employee - an act (or acts) performed by the employee within/or outside the University that renders an employee ineffective and/or adversely affects the University.

(f) Upholding Laws, Rules, and Ordinances

1. Professional Standard - employees shall obey all Federal and State laws and municipal ordinances while conducting University related activities, using University vehicles (land, air, and water), or on University property. These standards may apply to non-work situations where the action adversely affects the employee's ability to continue to perform his or her assigned duties, or the University's ability to carry out its mission. Failure to do so subjects the employee to disciplinary action as well as penalties under the law.

2. Examples of Violations

a. Conviction of a Felony - as defined by Florida law.

b. Conviction of a Misdemeanor - as defined by Florida law .

c. Discrimination or Harassment with Respect to Employment - on the basis of race, color, gender, age, disability, religion, national origin.

d. Giving or Accepting a Bribe - for grades or services or other benefits.

e. Political Campaigning - during work hours, coercing employees to support or contribute to a political issue, candidate, or party

f. Other Statutory Prohibitions - such as embezzlement; gambling; possession, sale or distribution of illegal drugs; exceeding speed limits; violating local ordinances or Federal regulations.

g. Conflict of Interest - conflicting contractual relationships, solicitation or acceptance of gifts, or doing business with one's agency.

h. Misuse of Position - abuse of powers of authority that accompany the position for personal reasons, such as to assist friends or family for financial gain.

i. Conduct Unbecoming a University Employee - an act (or acts) performed by the employee within/or outside the University that renders an employee ineffective and/or adversely affects the University.

(g) Compliance with UWF Rules, Regulations, Policies, and Procedures

1. Professional Standard - employees shall know and follow the written rules, regulations, policies, and procedures which apply to an employee's area of responsibility, as well as all University rules, regulations, policies and procedures.

2. Examples of Violations

a. Use, possession, sale, distribution of drugs on campus or at University activities.

b. Failure to file a Report of Outside Activity.

c. Unauthorized distribution or solicitation.

d. Violation of University rules, regulations, policies or procedures.

e. Discrimination or Harassment - on the basis of race, color, gender, age, disability, religion, national origin, marital status, sexual orientation, or political affiliation.

f. Conduct Unbecoming a University Employee - an act (or acts) performed by the employee within/or outside the University that renders an employee ineffective and/or adversely affects the University.

(3) Letter of Counseling – Supervisor may as appropriate use corrective consultation, or a letter of counseling, to ensure that the subordinate understands rules and standards, assignments, policies, procedures. A Letter of Counseling is **not** considered disciplinary action and will not be placed in the employee’s official personnel file.

(4) Standards of Disciplinary Actions

(a) The University prescribes to a principle of progressive discipline, where appropriate, for violation of professional standards.

(b) The UWF Standards for Disciplinary Action Table, as set forth in (6), is a **guide** and is not intended to cover every possible offense. It is not all inclusive; it is representative.

1. Penalties for disciplinary offenses shall, in general, range from the minimum to the maximum indicated. Depending on mitigating or aggravating factors, a penalty outside the general range may be imposed.

2. The table lists first, second, and third offenses. Previously substantiated offenses can be considered when determining the severity of the penalty, and should be cited in any proposed action and described in sufficient detail. Any past offense may be considered in determining the penalty. When considering severity of penalties, factors for consideration may include:

a. The nature and seriousness of the offense and its relation to the employee's duties, position and responsibilities, including whether the offense was intentional, was committed maliciously or for gain, or has occurred before;

b. The employee's past disciplinary record;

c. The employee's past work record, such as length of service, performance on the job, dependability, character, etc;

d. The effect of the offense on the employee's ability to perform at a satisfactory level, its effect upon the supervisor's confidence in the employee's ability to perform assigned duties, and its impact on other employees in the work unit;

e. Consistency of the penalty with those imposed upon other employees;

f. Potential for the employee's rehabilitation.

(c) Types of Disciplinary Actions - the following types of disciplinary action shall be administered in accordance with this Policy:

1. Oral reprimand - this is the least severe type of disciplinary action. The purpose is to correct the employee’s inappropriate behavior after counseling has been unsuccessful or if counseling is inappropriate. The appropriate supervisory authority shall:

a. Investigate reported or observed violation.

b. Consult with the Director of Human Resources to determine if the severity of the violation warrants an oral reprimand.

c. Initiate disciplinary action or corrective action as soon as possible.

d. Make the employee aware that disciplinary action is being taken and why. It is the supervisor's duty to impress the seriousness of the offense upon the employee.

e. Ensure that oral reprimands are brief, but complete, and should be documented by using an Oral Reprimand Form and include the professional standard violated, the date of

reprimand, and all factual information/circumstances concerning the event. After issuance, a copy of the oral reprimand is provided to Human Resources and placed in the employee's official personnel file.

2. Written reprimand - this is more severe than an oral reprimand. The purpose is to warn the employee in writing of a specific offense or deficiency in performance standards. The appropriate supervisory authority shall:

- a. Investigate reported or observed violation.
- b. Consult with the Department Head and the Director of Human Resources to determine if the severity of the violation warrants a written reprimand.
- c. Initiate disciplinary action or corrective action as soon as possible.
- d. Make the employee aware that disciplinary action is being taken and why. It is the supervisor's duty to impress the seriousness of the offense upon the employee.
- e. Ensure that written reprimands are complete and include the professional standard violated, the date of reprimand, and all factual information/circumstances concerning the event. After issuance, a copy of the written reprimand is provided to Human Resources and placed in the employee's official personnel file.

3. Suspension - this is a severe form of discipline which shall be administered following one or more written reprimands, or for the first discipline for the commission of a serious offense. Suspension is defined as an action taken by the University to temporarily relieve the employee of duties and place the employee on leave without pay.

- a. The appropriate supervisory authority shall:
 - (I) Investigate reported infraction including interviewing witnesses and the employee. The employee may be placed on administrative leave by the Director of Human Resources pending the outcome of the investigation.
 - (II) Determine that the severity or frequency of the violation warrants a suspension and discuss the proposed action with the Department Head and appropriate Vice President.
 - (III) Recommend the proposed action to the Director of Human Resources, including the number of days of the suspension and the rationale behind the decision to suspend the employee.
- b. Predetermination - The Director of Human Resources begins the Predetermination Procedure by notifying the employee, in writing, of the proposed suspension. This Notice of Proposed Action shall be sent to the employee at employee's last known address at least 10 days prior to the date the action is to be taken. If the employee is available, the Notice of Proposed Action shall be hand-delivered to the employee and duly received by the employee. Otherwise, the Notice of Proposed Action shall be mailed to the employee by certified mail, return receipt requested. The mailed Notice shall constitute full and complete notice whether or not the employee refuses to accept or ignores the letter. If the mail is refused or ignored by the employee, such notice shall be deemed to be received two days after the date of mailing by the University.

(I) Contents of Notice - the Notice shall be signed by the Director of Human Resources or designee and shall include the following:

- (A) The effective date of the University's proposed action;
- (B) The specific charges or reasons for the action;
- (C) A copy of the documents upon which the charges are based.
- (D) A statement that the employee may, within five workdays of employee's receipt of the Notice, submit a written request for a conference at which the employee may make an oral

or written statement, or both, to refute or explain the charges or reasons for the action; and the name, address, and telephone number of the person to whom the request for a conference shall be directed;

(E) A statement that the requested conference must be held prior to the proposed effective date of the action, at a time and place to be determined by the Director of Human Resources or designee, normally during regular business hours and that the employee may bring one representative to advise and assist;

(F) A statement that the University desires to reduce the risk of error in taking the action against the employee and to avoid damaging the employee's reputation by untrue or erroneous charges, and therefore, the University is interested in receiving and considering the employee's response; and

(G) A copy or summary of the predetermination procedures shall be enclosed with the notice.

(II) Conference - if a conference is requested by the employee, it must be conducted by the Director of Human Resources or designee. The person(s) conducting the conference shall convene the conference at the time and place set by the University; identify all participants; and explain that the conference's purpose is to hear the employee's response to the charges, to afford the University an opportunity to re-evaluate its position after reviewing the information presented by the employee, and to thereafter affirm or alter the disciplinary action as may be warranted.

(A) The conference shall be informal and shall not be in the nature of an evidentiary hearing. The employee may bring one representative to assist or advise him/her, but discovery, cross-examination, and similar legal procedures are not permissible.

(B) The employee shall be permitted to submit relevant information, orally, in writing, or both, with the privilege being reserved to the University to give such information the weight it deems proper. The employee shall be informed that if he/she chooses to make no response, the University shall proceed with the suspension.

c. Decision - if the University determines after the conference that it shall proceed with the suspension of the employee, written notification of the suspension shall be sent to the employee at employee's last known address five calendar days in advance of the date of suspension, by personal delivery or by certified mail, return receipt requested.

d. Appeal - An employee's right to appeal will be processed pursuant to University rule.

e. During the period between the Notice of Proposed Action and the effective date of the action, one of the following options may be used by the University:

(I) Retain the employee in his/her usual duties;

(II) Temporarily assign the employee to other duties; or

(III) Place the employee on administrative leave with pay.

4. Dismissal - this is the final and most severe form of discipline that may be imposed on an employee and results in termination of the employee. An employee terminated under this Policy is not eligible for rehire by the University of West Florida.

a. The appropriate supervisory authority shall:

(I) Investigate reported infraction including interviewing witnesses and the employee. The employee may be placed on administrative leave by the Director of Human Resources pending the outcome of the investigation.

(II) Determine that the severity or frequency of the violation warrants a termination and discuss the proposed action with the Department Head and appropriate Vice President.

(III) Recommend the proposed action to the Director of Human Resources and the rationale behind the decision to dismiss the employee.

b. Predetermination - The Director of Human Resources begins the Predetermination Procedure by notifying the employee, in writing, of the proposed dismissal. This Notice of Proposed Action shall be sent to the employee at employee's last known address at least 10 days prior to the date the action is to be taken. If the employee is available, the Notice of Proposed Action shall be hand-delivered to the employee and duly received by the employee. Otherwise, the Notice of Proposed Action shall be mailed to the employee by certified mail, return receipt requested. The mailed Notice shall constitute full and complete notice whether or not the employee refuses to accept or ignores the letter. If the mail is refused or ignored by the employee, such notice shall be deemed to be received two days after the date of mailing by the University.

(I) Contents of Notice - the Notice shall be signed by the Director of Human Resources or designee and shall include the following:

(A) The effective date of the University's proposed action;

(B) The specific charges or reasons for the action;

(C) A copy of the documents upon which the charges are based.

(D) A statement that the employee may, within five workdays of employee's receipt of the Notice, submit a written request for a conference at which the employee may make an oral or written statement, or both, to refute or explain the charges or reasons for the action; and the name, address, and telephone number of the person to whom the request for a conference shall be directed;

(E) A statement that the requested conference must be held prior to the proposed effective date of the action, at a time and place to be determined by the Director of Human Resources or designee, normally during regular business hours and that the employee may bring one representative to advise and assist;

(F) A statement that the University desires to reduce the risk of error in taking the action against the employee and to avoid damaging the employee's reputation by untrue or erroneous charges, and therefore, the University is interested in receiving and considering the employee's response; and

(G) A copy or summary of the predetermination procedures shall be enclosed with the notice.

(II) Conference - if a conference is requested by the employee, it must be conducted by the Director of Human Resources or designee. The person(s) conducting the conference shall convene the conference at the time and place set by the University; identify all participants; and explain that the conference's purpose is to hear the employee's response to the charges, to afford the University an opportunity to re-evaluate its position after reviewing the information presented by the employee, and to thereafter affirm or alter the disciplinary action as may be warranted.

(A) The conference shall be informal and shall not be in the nature of an evidentiary hearing. The employee may bring one representative to assist or advise him/her, but discovery, cross-examination, and similar legal procedures are not permissible.

(B) The employee shall be permitted to submit relevant information, orally, in writing, or both, with the privilege being reserved to the University to give such information the

weight it deems proper. The employee shall be informed that if he/she chooses to make no response, the University shall proceed with the termination.

c. Decision - if the University determines after the conference that it shall proceed with the termination of the employee, written notification of the termination shall be sent to the employee at employee's last known address five calendar days in advance of the date of termination, by personal delivery or by certified mail, return receipt requested.

d. Appeal - An employee's right to appeal will be processed pursuant to University rule.

e. During the period between the Notice of Proposed Action and the effective date of the action, one of the following options may be used by the University:

- (I) Retain the employee in his/her usual duties;
- (II) Temporarily assign the employee to other duties; or
- (III) Place the employee on administrative leave with pay.

(5) Alcoholism, Drug Addiction, and Alcohol and Drug Abuse

(a) An employee's manifestation of alcoholism or habitual drunkenness will generally not be handled as a disciplinary problem unless the employee refuses to attempt to resolve the problem or efforts toward rehabilitation fail.

(b) Such an employee will be referred to the Employee Assistance Program (EAP), and the employee shall be asked to enroll in a treatment program. The employee may be placed on compulsory disability leave while in a treatment program if the employee has enough accrued leave credits; otherwise, the employee may be placed on leave without pay.

(c) If the employee refuses to attempt to resolve the problem, refuses to enroll in a treatment program, or the efforts fail, the employee shall be terminated from employment.

(6) UWF Standards for Disciplinary Action Table

		RECOMMENDED DISCIPLINARY ACTION			
Work Standards	Examples of Offenses	1 st Offense	2 nd Offense	3 rd Offense	4 th Offense
Time Mgmt., Work Effort, Work Station	Excessive Tardiness or Unexcused Tardiness	Oral Reprimand to Written Reprimand	Written Reprimand to Suspension	Suspension to Dismissal	Dismissal
	Excessive Absenteeism	Written Reprimand to Suspension	Suspension to Dismissal	Dismissal	
	Loafing, Dozing, or Sleeping while at Work	Written Reprimand to Suspension	Suspension to Dismissal	Dismissal	
	Unauthorized Absence from Work Station or Duty Assignment	Written Reprimand to Suspension	Suspension to Dismissal	Dismissal	

	Unauthorized Leave	Written Reprimand to Dismissal	Suspension to Dismissal	Dismissal	
	Strike or Concerted Activity	Dismissal			
	Conduct Unbecoming a University Employee	Written Reprimand to Dismissal	Dismissal		
Performance of Duties	Use of Poor Judgment	Oral Reprimand to Written Reprimand	Written Reprimand to Suspension	Suspension to Dismissal	Dismissal
	Failure to Follow Instructions	Oral Reprimand to Written Reprimand	Written Reprimand to Suspension	Suspension to Dismissal	Dismissal
	Negligence	Oral Reprimand to Written Reprimand	Written Reprimand to Suspension	Suspension to Dismissal	Dismissal
	Insubordination	Written Reprimand to Dismissal	Suspension to Dismissal	Dismissal	
	Lying	Suspension to Dismissal	Dismissal		
	Falsification of Records	Dismissal			
	Use or Abuse of Alcohol or Reporting to Work Under the Influence of Alcohol	Suspension to Dismissal	Dismissal		
	Failure to Report Revocation or Suspension of Driver's License	Dismissal			
	Divulging Confidential Information	Written Reprimand to Suspension	Suspension to Dismissal	Dismissal	
	Conduct Unbecoming a University Employee	Written Reprimand to Dismissal	Dismissal		
Property Rights	Unauthorized Use of University Property	Written Reprimand to Suspension	Suspension to Dismissal	Dismissal	

	Misuse or Abuse of University Property or Equipment	Suspension to Dismissal	Dismissal		
	Theft	Suspension to Dismissal	Dismissal		
	Negligence Resulting in Damage	Written Reprimand to Dismissal	Dismissal		
	Conduct Unbecoming a University Employee	Written Reprimand to Dismissal	Dismissal		
Personal Rights	Rudeness	Oral Reprimand to Written Reprimand	Written Reprimand to Suspension	Dismissal	
	Threatening or Abusive Language	Written Reprimand to Suspension	Suspension to Dismissal	Dismissal	
	Threatening or Abusive Actions	Written Reprimand to Suspension	Dismissal		
	Threatening or Abusive Actions Involving a Weapon	Dismissal			
	Discrimination or Sexual Harassment	Written Reprimand to Dismissal	Dismissal		
	Conduct Unbecoming a University Employee	Written Reprimand to Dismissal	Dismissal		
Safety Practices	Horseplay	Written Reprimand to Suspension	Suspension to Dismissal	Dismissal	
	Violation or Disregard of Safety Practices	Written Reprimand to Dismissal	Dismissal		
	Possession of Weapons	Suspension to Dismissal	Dismissal		
	Conduct Unbecoming a University Employee	Written Reprimand to Dismissal	Dismissal		
Upholding Laws, Rules, and	Conviction of a Felony	Dismissal			

Ordinances	Conviction of a Misdemeanor	Written Reprimand to Dismissal	Dismissal		
	Discrimination or Harassment with Respect to Employment	Written Reprimand to Dismissal	Dismissal		
	Giving or Accepting a Bribe	Dismissal			
	Political Campaigning During Work Hours	Dismissal			
	Other Statutory Prohibitions	Written Reprimand to Dismissal	Dismissal		
	Conflict of Interest	Written Reprimand to Dismissal	Dismissal		
	Misuse of Position	Suspension to Dismissal	Dismissal		
	Conduct Unbecoming a University Employee	Written Reprimand to Dismissal	Dismissal		
Violation of UWF Rules, Regulations, Policies or Procedures, or a Provision of Law (which includes statutes)	Use, Possession, Sale, Disbursement of Drugs on Campus or at University Activities	Dismissal			
	Failure to File a Report of Outside Activity	Written Reprimand to Suspension	Suspension to Dismissal	Dismissal	
	Unauthorized Distribution or Solicitation	Written Reprimand to Suspension	Suspension to Dismissal	Dismissal	
	Violation of University Rules, Regulations, Policies or Procedures	Written Reprimand to Dismissal	Dismissal		
	Discrimination or Harassment	Written Reprimand to Dismissal	Dismissal		

	Conduct Unbecoming a University Employee	Written Reprimand to Dismissal	Dismissal		
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REFERENCES: 1001.74 FS. and relevant Collective Bargaining Agreements.

Approved By: Dr. John Cavanaugh Date: 7/1/2004
Dr. John Cavanaugh, President