



**Board of Trustees**  
UNIVERSITY of WEST FLORIDA

**Student Affairs Committee Meeting**  
**Thursday, February 15, 2023**  
**Zoom Webinar**

[Zoom Webinar](#) | Passcode: 368116

**Agenda**

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|---|----------------------|
| <b>I. Call to Order</b>   | Alonzie Scott, Chair |
| <b>II. Roll Call</b>  | Anna Lochas          |
| <b>III. Greeting</b>  | Alonzie Scott, Chair |
| <b>IV. Public Comment</b>   | Anna Lochas          |
| <b>V. Approval of Minutes</b>   | Alonzie Scott, Chair |
| a. <a href="#">November 16, 2023</a> : Committee Meeting Minutes                |                      |
| <b>VI. New Business</b>   | Alonzie Scott, Chair |
| a. Action Item  |                      |
| i. <a href="#">STU-1</a> : Revised UWF Regulation 3.010 Student Code of Conduct |                      |
| b. Information Item   |                      |
| i. <a href="#">INFO-1</a> : Civil Discourse Update                              |                      |
| <b>VII. Announcements</b>   | Alonzie Scott, Chair |
| <b>VIII. Adjournment</b>  | Alonzie Scott, Chair |

**Student Affairs Committee  
November 16, 2023  
Zoom Webinar  
DRAFT Minutes**

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**Committee Meeting**

**9:48 a.m.**

The public was provided with information to join this virtual public meeting on the UWF Board of Trustees website.

**I. Call to Order**

A. The meeting of the UWF Board of Trustees Student Affairs Committee was called to order at 9:48 a.m. by committee Chair Alonzie Scott.

**II. Roll Call**

A. Chair Scott asked Anna Lochas to conduct roll call. Trustees Alonzie Scott, Dick Baker, and Ariauna Range were in attendance.

B. Other Trustees in attendance included:

1. Suzanne Lewis, Stephanie White, Jill Singer, Paul Hsu, Bob Sires, and Susan James.

C. Others in attendance included:

1. Martha Saunders, President; Gary Liguori, Provost & Senior Vice President; Gregory Tomso, Vice President of Academic Engagement & Student Affairs; Howard Reddy, Vice President of University Advancement; Betsy Bowers, Vice President of Finance and Administration; Dave Scott, Associate Vice President for Athletics; Jamie Sprague, Chief Human Resource Officer; Susan Woolf, General Counsel; Anamarie Mixson, Assistant Vice President for the Office of the President; Cindy Talbert, Chief Audit Executive; Matt Packard, Chief Compliance Officer; Michelle Williams, Vice Provost; Dan Lucas, Associate Vice President for Advancement; Jeffrey Djerlek, Associate Vice President of Finance and Controller; Christophe Lizen, Director of Institutional Research; Michael Wyatt, Assistant General Counsel; Aurora Osborn, Interim Director, Campus Culture and Access; Brittany Sherwood, Director of Strategic and Presidential Communication; Dacia Larin Assistant Vice President of Continuing Education; Dallas Snider, Chair, Department of Information Technology; Geissler Golding, Executive Director of ITS and CISO; James Adams, Director, Business and Auxiliary Services; Lauren Alidor, Internal Auditor; Mary Anderson, Dean of Students; Sandra Thomson, Director of IT Operations; Allan Pierce, Lead Help Desk Analyst; and Anna Lochas, BOT Liaison.

### III. Greeting

- A. Chair Scott welcomed everyone to the meeting and noted that there was one action item and one information item on the Student Affairs Committee agenda.

### IV. Public Comment

- A. Chair Scott opened the floor for public comment. There was none.

### V. Approval of Minutes

- A. Chair Scott reminded the committee members that they had been given the opportunity ahead of time to review the minutes of the August 17, 2023, Student Affairs Committee Meeting. Chair Scott asked for a motion to approve the minutes as presented if there were no changes or corrections.
  1. Motion by: Trustee Baker
  2. Seconded by: Trustee Range
  3. Motion passed unanimously.

## VI. New Business

### A. Action Item

#### 1. STU-1: Endorsement of the SUS Statement of Free Expression

- a. Chair Scott moved to the action item, which was presented by Aurora Osborn, Interim Director of the Office of Campus Culture and Access.
- b. Ms. Osborn explained that in 2019, the Board of Governors (BOG) and the twelve institutions comprising the State University System (SUS) adopted a statement of free expression which promotes full, open and civil discourse. Ms. Osborn further explained that in 2022, the BOG published its Civil Discourse Final Report, which reviewed best practices and presented seven recommendations to the SUS. Ms. Osborn identified that Recommendation III states that the leadership of each University Board of Trustees, Faculty Senate, and Student Government Association annually review and endorse the Board of Governors' Statement of Free Expression and commit to the principles of civil discourse.
- c. Chair Scott asked for motion to approve the endorsement of the State University System of Florida's Free Expression Statement?
  - i. Motion by: Trustee Range
  - ii. Seconded by: Trustee Baker
  - iii. Motion passed unanimously.

### B. Information Item

#### 1. INFO-1: Student Health and Wellbeing Update from the Dean of Students

- a. Chair Scott called on Dr. Mary Anderson, Associate Vice President and Dean of Students to present the information item. Dr. Anderson provided and update on student health and wellbeing.

## VII. Announcements

- A. Chair Scott identified that all agenda items had been discussed. Chair Scott asked if the committee members had any additional business to discuss. No other business was discussed.

## VIII. Adjournment

**10:03 a.m.**

- A. Chair Scott thanked those in attendance for their participation. With no other business to discuss, Chair Scott adjourned the meeting at 10:03 a.m.

**Board of Trustees  
Student Affairs Committee  
February 15, 2024**

Revised UWF Regulation 3.010 Student Code of Conduct

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**Recommended Action:**

Conditionally approve revisions to UWF-REG 3.010 Student Code of Conduct, contingent upon no substantive revisions being needed after the posting period ends.

**Background Information:**

To comply with s.553.865, Florida Statute, which prohibits individuals from willfully entering a restroom designated for the opposite sex on the premises of an educational institution. The Florida Board of Governors enacted BOG REG 14.010 which requires a university to update and maintain the student code of conduct to comply with the statute. Therefore, the necessary changes to UWF REG-3.010 are included in these revisions. In addition, subjective language related to civil discourse and free expression was revised to more clearly explain prohibited conduct related to the infringement on others' rights. Finally, necessary edits to improve the overall clarity and formatting were also made.

**Implementation Plan:**

The revised regulation is currently posted for public comment. Upon approval by the Board of Trustees Student Affairs Committee, and no need for any substantive revisions following the posting period, the recommended action will be placed on the full BOT agenda for the meeting scheduled on March 7, 2024. BOG Regulation 14.010 requires documentation to be submitted to the Board of Governors confirming compliance with this regulation by April 1, 2024.

**Fiscal Implications:**

N/A

**Relevant Authority:**

Section 553.865, Florida Statutes  
Board of Governors Regulation 14.010

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**Supporting Documents:**

1. UWF REG-3.010 Student Code of Conduct - Redline
2. UWF REG-3.010 Student Code of Conduct - Clean

**Prepared by:**

Dr. Mary Anderson, Associate Vice President & Dean of Students, x2382, manderson1@uwf.edu

**Presenter:**

Dr. Mary Anderson, Associate Vice President and Dean of Students



# Regulations

**Number:** UWF/REG-3.010  
**Title:** Student Code of Conduct  
**Responsible**  
**Department:** Dean of Students Office

## **I. General Statement:**

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, and 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 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 (“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, and how the Code is administered.

University Students and student organizations are expected to uphold appropriate standards of behavior and to respect the rights and privileges of others. This Code applies to individual Students and student organizations. All Students and student organizations are expected to conduct themselves in accordance with all federal, state, and local laws, Board of Governors regulations, 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 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 Code sets forth rights and procedures for Title IX cases and Non-Title IX cases.

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

The Code applies to all UWF campuses, UWF sponsored programs, including international and exchange programs, and to off-campus conduct.

The University President delegates administration of the Code to the Vice President of Academic Engagement and Student Affairs, who delegates portions of the administration of the Code 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 Code also refer to that individual's designee(s).

The Code shall be reviewed periodically under the direction of the Vice President of Academic Engagement and Student Affairs by a committee including student representation appointed by the President of the SGA.

## **II. Definitions**

- Advisor – Any support person, advocate, or legal representative that the Student chooses at their own expense and initiative to advise the Student before, during, or after a hearing.
- Charged Respondent – any Student alleged to have violated this Code . For the purposes of this regulation, “Charged Respondent” may also include a student organization alleged to have violated this Code.
- Complainant – any person who alleges that a Student violated this Code and this term includes any Student who submits allegations of a violation under Title IX.
- 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.
- DAESA – Department of Academic Engagement and Student Affairs.
- Dean of Students Office – the department designated by the University with responsibility for administering the Code.
- Force – physical violence, threat, intimidation, or coercion.
- Good Standing – a conduct status describing a Student who is not on conduct-related probation and does not have pending, incomplete, or overdue misconduct sanctions. Students adversely affected by their standing within the University (e.g., a Student wishing to run for an SGA Office) may submit a request for an expedited student conduct hearing to the VP-DAESA.

- Hearing Administrator – a University official authorized by the Vice President of Academic Engagement and Student Affairs to administer student conduct proceedings, including administrative hearings, to determine if the UWF Code or Title IX policy has been violated, and to recommend applicable sanctions.
- Incapacitation – a temporary or permanent state in which a person cannot make informed, rational judgments because the person lacks the physical or mental capacity to understand the nature or consequences of their words or conduct, or the person is unable to physically or verbally communicate Consent.
- May – the term “may” is used in the permissive sense.
- Office of Student Rights and Responsibilities (“OSRR”) – a unit within the Dean of Students Office.
- Sexual Harassment – unwelcome conduct based on sex, gender, sexual orientation, or gender identity, that is sufficiently severe or pervasive so that it alters the terms and conditions of the Complainant’s employment or educational environment. For Title IX cases, “Sexual Harassment” is as defined in University Policy P-14, Sexual Harassment and Misconduct, as it may be amended.
- SGA – Student Government Association.
- Shall – the term “shall” is used in the imperative sense.
- Staff – any person who is a University employee who is not a faculty member, including executive, administrative, workforce, and OPS (other personnel services) employees.
- Stalking – engaging in a course of conduct over a period of time, however short, directed at a specific person that would cause a reasonable person to fear for their safety, the safety of others, or suffer substantial emotional distress and serves no legitimate purpose.
- 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” also includes a student organization, which includes all student clubs and organizations recognized by the University pursuant to SA-22, Student Organizations, as it may be amended. The executive officer of a student organization will serve as the representative of the organization throughout any conduct proceeding.
- Student Conduct Hearing Board – consists of faculty and Staff representatives appointed by the VP-DAESA and Student representatives appointed by the President of the SGA. 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. The Student Conduct Hearing Board is assigned on a case-by-case basis to administer student conduct hearings. The Student Conduct Hearing Board will determine whether the Code or Title IX policy has 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. University Community – includes any person who is a Student, faculty member, or employee of the University. University Official – includes any person



employed by the University performing assigned administrative or professional responsibilities.

- University Premises –all land, facilities, and other property in the possession of, owned by, or controlled by the University, including property at which University-sponsored events are held for the duration of the event. This term includes University online classrooms and other online settings when they are under the control of the University.
- Victim – any individual who has allegedly suffered 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 and Privacy Act, a Victim who has been subject to any of the following violations or attempted violations is entitled to be notified of his or her rights and of the outcome of the disciplinary process: Arson, Assault, Burglary, Criminal Homicide, Destruction/damage/vandalism of property, Kidnapping, Robbery, Forcible Sex Offences, and Non-forcible sex offenses (incest or statutory rape). For all 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.
- VP-DAESA – the Vice President of DAESA. This term includes any vice president presiding over DAESA or designee, regardless of a variation of the vice president’s title (e.g., Associate Vice President).

### **III. University Authority**

#### **A. Off-Campus Conduct**

The University may take disciplinary action against a Student for violations committed off-campus where one of the following applies:

1. The off-campus conduct demonstrates that the continued presence of the Student on campus presents a danger to the health, safety, or welfare of the University Community;
2. The off-campus conduct is disruptive to the orderly processes and functions of the University;
3. The off-campus conduct is intimidating or threatening to the University Community or an individual within the University Community;
4. 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
5. The off-campus conduct is such that it could constitute a violation of the law.

## B. 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 Code. 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 Code, 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.

## C. 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.

## D. 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).

### 1. Interim Measures

Interim measures may be taken by the University at any time if it is determined that a Student'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 in writing. Interim measures may include, but are not limited to:

#### a. 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 or participate in any University activity without the written permission of the Dean of Students.

#### b. Restrictions on Activity

The Dean of Students may restrict a Student'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; or participating in University activities, student organizations, or student activities.

c. 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.

2. Review of Interim Measures

The Student has the opportunity to submit a written request for a review to the VP-DAESA regarding the interim measures. If requested, the review will be conducted by the VP-DAESA 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.

3. 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's presence or activities no longer adversely affect the health, safety, or welfare of the University Community.

4. 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 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.

E. Interpretation and Application

Any question of interpretation or application of the Code shall be referred to the VP-DAESA. Where an individual is both an employee and a Student, the individual may face disciplinary action as a Student and as an employee.

## IV. Violations

The following conduct, whether completed or attempted (including aiding, assisting, abetting, conspiring, soliciting, inciting, or encouraging), violates the Code. Where applicable, behavior will be judged by a reasonable person standard.

### A. Deceit of Any Kind, including but not limited to:

1. Forgery, alteration, or misuse of identification, documents, records, keys, or access codes.
2. Failure to present proper identification upon request by University Officials, including law enforcement officers.
3. Furnishing false or misleading information to the University.
4. Unauthorized possession, duplication, or use of keys, access cards, or identification cards belonging to the University.
5. Impersonation, misrepresentation, or other actions taken to deceive University Officials, faculty, or Students with regards to one's identity.
6. Providing false information to a University Official or to a non-University law enforcement official, including student conduct hearing bodies.

### B. Harm to Individuals, including but not limited to:

1. 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.
2. Intentional physical unpermitted touching or injury to another person including, but 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.
3. Sexual abuse or threat of such abuse.
4. 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.
5. 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; engaging in voyeurism; or knowingly or recklessly exposing another person to a significant risk of a sexually transmitted infection, including HIV.
6. Conduct which is lewd, lascivious, or voyeuristic.
  7. Stalking, , including cyberstalking.
  8. Endangering the health, safety or welfare of members or guests of the University which encompasses:
    - a. Physical violence towards another person or group;
    - b. Actions that interfere with the freedom of another person to move about in a lawful manner;
    - c. 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.
  9. Harassment based on any legally protected class. Harassment is defined as conduct that is sufficiently severe or pervasive so as to unreasonably interfere 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 according to University Policy P-14, Sexual Harassment and Misconduct, as it may be amended.
  10. Conduct not of a sexual nature and unrelated to the Victim's protected class, if any, including any gesture, written, verbal, or physical act, or any electronic communication (including text messages and postings on websites or social media), that places a reasonable person in fear of harm to their person or damage to their property, infringes upon rights of personal privacy, has the effect of substantially interfering with a reasonable person's academic performance or ability to participate in opportunities or benefits provided by the University, or has the effect of substantially interfering with the orderly operation of the University.
  11. Retaliation – An adverse action taken that may dissuade a reasonable person from making a complaint, cooperating in an investigation, or participating in a University administrative process.

12. 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.
- a. 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.
- b. Hazing also includes observation of hazing activities by bystanders, defined as individuals in a position to intervene, but who fail to intervene.
13. 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.
14. Failure to Render Aid – This section imposes a duty of reasonable assistance on any Student 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 the Code:

- a. Voluntarily abstaining from giving assistance to a Victim or person in danger of becoming a Victim of a sexual assault.
  - b. Failing to call for emergency assistance for signs of alcohol or drug poisoning.
  - c. Failing to call for emergency assistance when one knows that a person is in grave physical danger or has been exposed to bodily harm.
  - d. Failing to call for emergency assistance during a hazing incident.
  - e. Failing to inform University Officials of an emergency incident.
  - f. 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.
- C. Disorderly or Disruptive Conduct, including but not limited to:
1. Conduct that is disorderly, 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 applies to acts that occur both inside and outside the classroom setting and may include use of electronic or cellular equipment. This also applies to behavior off campus during a University sanctioned event or activity or an event where the Student serves as a representative of the University.
  2. Conduct that substantially disrupts or materially interferes with University activities or that reasonably leads University Officials to anticipate such disruption or interference.
  3. Failure to comply with a directive or lawful order of a University Official or any non-University law enforcement official.
  4. Commercial solicitation on campus without prior approval from University Officials, including, but not limited to, accessing University email information and sharing University email information with a third party for the purposes of commercial solicitation.
  5. Remote-controlled aircraft or vehicles, including but not limited to:
    - a. Unauthorized on-campus use of any remote-controlled aircraft or vehicle.
    - b. Failure to comply with established laws and guidelines for authorized use of remote-controlled aircraft or vehicles.

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

1. Participation in acts of vandalism individually or as a member of a group.
2. Unauthorized entrance into or occupancy of any administrative office, residence hall, classroom, or other University facility.
3. 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.
4. Posting of commercial advertising on University property or engaging in commercial activity on University property or in conjunction with University events without appropriate authorization.

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

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

1. Knowingly falsifying, distorting or misrepresenting information in a disciplinary proceeding or process.
2. Deliberately disrupting or interfering with the orderly conduct of a disciplinary proceeding or process.
3. Knowingly initiating a complaint or referral without cause.
4. 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.
5. Tampering with information to be used in a University disciplinary process.
6. Attempting to influence the impartiality of a member of the disciplinary process.
7. Violating and/or failing to comply with or fulfill disciplinary sanctions.

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

1. Unauthorized access, entry or use of a computer, computer system, network, software, password, account, or data belonging to the University or another individual.



2. Unauthorized alteration or degradation of computer equipment, software, network, data or system performance.
  3. Unauthorized copying or distribution of University data.
  4. Unauthorized use, duplication, sharing, or distribution of copyrighted materials or other intellectual property, including computer software or other medias such as music and videos.
  5. 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.
  6. Any unauthorized commercial use of University computer or computing resources.
  7. Any unauthorized use of electronic or other devices to make an audio or video recording.
  8. Use of computing facilities and resources to interfere with the work of another Student, faculty member, Staff member or University Official.
  9. Any other violation of SA-19, Student Communications Policy; IT-01, UWF Electronic Communications Policy; or other policies related to computer and data use on campus, as they may be amended.
- H. 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:
1. Prohibited Uses of Drugs
    - a. 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.
    - b. 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.
    - c. Sale or distribution of narcotics, prescription drugs, other controlled substances, or drug paraphernalia, as prohibited by Florida Law.
    - d. 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.

- e. Disorderly conduct while under the influence of a substance including, but not limited to, endangering one's own safety or that of another person, destruction of property, or causing a public disturbance.
  - f. Being under the influence of an illegal substance and endangering one's own safety or the safety of another person or property.
2. Prohibited Uses of Alcohol
- a. Any possession or consumption of alcohol that is in violation of UWF/REG 5.017, Alcoholic Beverages on Campus Property, or SA-24, Alcohol Policy for Student Organization Sponsored Events, as they may be amended.
  - b. Possessing, purchasing or consuming alcohol if under the legal age.
  - c. Misrepresenting one's age for the purposes of purchasing or consuming alcohol.
  - d. Purchasing, furnishing, or serving alcohol to any underage person.
  - e. Possessing, furnishing, or consuming alcohol in unauthorized areas of the University.
  - f. Possessing or using a common source of alcohol (i.e. kegs, beer bongs, or their equivalent) on University Premises.
  - g. Being intoxicated to the point at which an individual has lost normal control of his or her body or mental facilities or both.
  - h. Disorderly intoxication: being intoxicated and endangering the safety or another person or property; being intoxicated or drinking alcoholic beverages in a place on campus at which it is not permitted and causing a public disturbance.
  - i. Drinking games: participation in games that involve the consumption of alcoholic beverages on University Premises.
3. 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 person or to University property.

4. Actions that 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.
5. Obstruction of the free flow of pedestrian or vehicular traffic on University Premises or at University sponsored or supervised functions.
6. Cruelty to animals.
7. Willfully entering a campus restroom or changing facility designated for the opposite sex and refusing to depart when directed by a University Official with the exception of the following circumstances: (a) to accompany a person of the opposite sex for the purpose of assisting or chaperoning a child under the age of 12, an elderly person, a person with a disability, or a person with a developmental disability, as those terms are defined in section 553.865, Fla. Stat.; (b) for law enforcement or governmental regulatory purposes; (c) for the purpose of rendering emergency medical assistance or to intervene in any other emergency situation where the health or safety of another person is at risk; (d) for custodial, maintenance, or inspection purposes, provided that the restroom or changing facility is not in use; or (e) if the appropriate designated restroom or changing facility is out of order or under repair and the restroom or changing facility designated for the opposite sex contains no person of the opposite sex.
8. Violations of the UWF Housing and Residence Life Handbook.
9. Engaging in or offering games of chance for money or other gain in violation of the laws of the State of Florida.
10. Unauthorized Use of Recordings
  - a. 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.

- b. 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:
  - i. For their own personal educational use
  - ii. In connection with a complaint to the University
  - iii. 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.

## **V. Procedure for Non-Title IX Cases**

### **A. Determination of Charges**

1. Alleged violations of the Code may be reported to the Dean of Students Office by anyone, including but not limited to University Police or other University departments; faculty, Staff, or Students; or third parties.
2. The Dean of Students Office will review the information to determine if a Student will be charged with violating the Code.
3. The Dean of Students Office may not charge a Student with a violation of the Code 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's continued presence on campus may adversely affect the health, safety or welfare of the University Community.
4. 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 Charged Respondent will be notified via email.
5. 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. The VP-DAESA has the sole discretion to grant

immunity pursuant to SA-01, Medical Immunity, as it may be amended, which governs immunity to a Student who acts in accordance with this Code by rendering aid or seeking help. The VP-DAESA may choose to withdraw immunity once granted, at any time, and utilize the procedures outlined in this regulation if the requirements set forth in SA-01, Medical Immunity, are not completed by the Students to the sole satisfaction of the University.

#### B. Notice of Charges

1. The Dean of Students Office will provide the Charged Respondent written notice via email or other software utilized by the Dean of Students Office to the Charged Respondent's UWF email address of the charge(s) of the Code, citing the specific provision(s) of the Code at issue and the allegations upon which the charge(s) are based at least 7 business days before the educational conference.
2. 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 Respondent, the Charged Respondent must notify the Dean of Students Office within two business days of the issue date of the notice to reschedule.

#### C. Advisor Participation

A Charged Respondent has the right to be accompanied by an Advisor of their choice at the Charged Respondent's expense and initiative. A Student may bring an Advisor to an educational conference and/or hearing. The Advisor may be present to advise the Student and may participate in all aspects of the proceeding but shall not testify for the Student. University Officials will communicate directly with the Charged Respondent during the student conduct process (i.e., official correspondence, notice letters, educational conference, hearings, etc.). 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 educational conference or hearing. If the Advisor is an attorney, disclosure must be made at the time the name and role are provided, as a University attorney must also be present. 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 Administrator, or member of a Hearing Board convened to hear or decide the charge or any appeal.

#### D. Student Advocate

A student advocate is an individual appointed by the SGA President. The student advocate is available upon request to the OSRR by the Charged Respondent 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.

#### E. Educational Conference

1. The educational conference is not a hearing. The purpose of the educational conference is for the Hearing Administrator to review with the Charged Respondent the allegations and charges, the Code, the hearing options, the conduct process, possible sanctions, and to answer questions.
2. During the educational conference, the Charged Respondent 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.
3. If the Charged Respondent accepts responsibility for the charges:
  - a. The Charged Respondent 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.
  - b. A resolution agreement documenting the Charged Respondent's responsibility and the proposed sanctions will be sent to the Charged Respondent within ten business days from the Dean of Students Office. If the Charged Respondent agrees with the proposed sanctions, they will sign the resolution agreement and return it to the OSRR within 3 business days. If the Charged Respondent does not agree with the proposed sanctions, the Charged Respondent 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.
4. If the Charged Respondent does not accept responsibility for the charge(s):
  - a. The Charged Respondent will be asked to sign an educational conference form indicating that he or she does not accept responsibility for the charge(s) and will be asked to select a hearing option.
  - b. The Dean of Students Office will schedule the hearing and provide the Charged Respondent with a minimum of seven business days' notice.

5. If the Charged Respondent requests to postpone their decision, the Charged Respondent will be asked to sign and return an educational conference form to the OSRR within two business days following the educational conference.
6. If the Charged Respondent 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 Hearing Board.

#### F. Hearing Options

1. The Charged Respondent 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 four board members.
2. In the alternative, the Charged Respondent may choose to have an administrative hearing before a Hearing Administrator if the following conditions are met:
  - a. The Charged Respondent signs a waiver of the right to a hearing before the Student Conduct Hearing Board, and
  - b. An administrative hearing is permitted by the Dean of Students.
3. 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.

#### G. 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 technical rules of evidence such as are applied in criminal or civil court are not used in Code proceedings.

1. Hearing Notification

The University will notify the Charged Respondent via email or other software utilized by the Dean of Students Office to 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 Respondent of their rights in the student conduct process. If the time or date of the hearing is not convenient to the Charged Respondent, the Charged Respondent must submit a written request to reschedule to the OSRR within two business days of the date of the notice.

2. Charged Respondent Evidence

The Charged Respondent 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.

3. Victim Notification and Evidence

The University will notify the Victim via their UWF email account 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 their 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 Respondent. 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.

4. 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 Respondent, and all known information relating to the allegations, both inculpatory and exculpatory, to the Charged Respondent. The pre-hearing information will be available at least five business days in advance of the hearing.

5. Failure to Appear

If the Charged Respondent fails to appear, the hearing will proceed in the Charged Respondent's absence.



## 6. Closed Hearings

Hearings are closed to the public and only the Charged Respondent, Victim (where authorized), Advisors, and Staff from the Dean of Students Office may attend. Witnesses may not be present in the proceedings except to provide information when called upon.

## 7. Role of the Hearing Administrator or Student Conduct Hearing Board Chair

A Charged Respondent has a right to an impartial Hearing Administrator. 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:

- a. Accept information for consideration.
- b. Make determinations regarding requests for postponements.
- c. Make determinations as to procedural questions.
- d. Make procedural modifications for purposes of expediting a process or in the interest of fairness or safety.
- e. Exclude repetitious or irrelevant information.
- f. Dismiss any person who is disorderly, disruptive, or non-compliant.
- g. Take any other appropriate actions deemed necessary.

## 8. Self-Incriminating Statements

The Charged Respondent will not be compelled to make self-incriminating statements. Any information shared by the Charged Respondent during an educational conference may be presented during a hearing. Failure of the Charged Respondent 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 Code.

## 9. Information

The Dean of Students Office and the Charged Respondent will be given an opportunity to present relevant information and question witnesses at the hearing. The Charged Respondent will also be given an opportunity to review all relevant information to be used in the student conduct hearing at least five 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 Charged Respondent and all known information relating to the allegation(s), including inculpatory and exculpatory information.

## 10. Witnesses

The Dean of Students Office and the Charged Respondent 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 notarized written statement for consideration or participate via telephone or other electronic means. Witnesses will be permitted inside the hearing room (physically or virtually) only during their point of participation. Witnesses may be recalled by the Student Conduct Hearing Board or Hearing Administrator.

## 11. Questions

The Victim has the right to provide a list of questions that individual would like the Charged Respondent to be asked by the Hearing Administrator or chair of the Student Conduct Hearing Board at the disciplinary hearing.

## 12. Separation of Complainant, Victim, Witness, and/or Charged Respondent

The Victim or any witness may request that the individual be permitted to participate in a separate room from the Charged Respondent at the disciplinary hearing.

## 13. Past Behavior

A Victim's or Charged Respondent's past behavior shall be excluded from the disciplinary hearing. A Charged Respondent's misconduct history may only be presented after a finding of responsibility has been determined and only for the purpose of recommending sanctions.

#### 14. 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, is the property of the University, and will be considered part of the Charged Respondent's disciplinary record. The Charged Respondent may submit a written request for a copy of the audio recording that will be provided after receipt of the hearing decision letter.

#### 15. Standard of Proof

The Charged 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 Charged 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.

#### 16. 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 Respondent involved has the opportunity to review and respond to the information at his or her hearing.

#### 17. Deliberations

Deliberations are closed and the decision making shall include the Hearing Administrator or the Student Conduct Hearing Board members and the Dean of Students as appropriate.

#### 18. Determination of Responsibility

The Hearing Administrator or Student Conduct Hearing Board (by majority vote) shall determine whether the Charged Respondent has violated the Code. A finding of "responsible" or "not responsible" shall be made for each charge.

#### 19. Recommendation of Sanctions

The Hearing Administrator or Student Conduct Hearing Board will also, in consultation with OSRR, make recommendations for sanctions in those cases where the Charged Respondent is found responsible for violating the Code. 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:

- a. Adopt the recommended sanctions,
- b. Modify the recommended sanctions,
- c. Reject the recommended sanctions, or
- d. 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 Respondent with the reasons for not adopting the recommendations in writing.

## 20. Victim Impact Statement

If the Charged Respondent 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.

## 21. Hearing Decision Notification

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

## 22. Victim Hearing Decision Notification

Victims of certain offenses defined by FERPA 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 Charged Respondent, 2) the violation with which the Charged Respondent was charged, 3) whether the Charged Respondent was found “responsible” or “not responsible,” and 4) any sanctions imposed. (See 34 C.F.R. §§ 99.31 and 99.39)

#### H. 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.

#### I. 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 sanctions(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.

#### J. 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.

#### K. Accommodations for Students with Disabilities

Any Student with a disability may request reasonable accommodations during the disciplinary process. If accommodations are desired, the 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.

### **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 Charged 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, Procedure for Non-Title IX Cases. The University may not charge a Student with a Title IX violation more than one year after a

formal complaint is filed. University Officials may, however, 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's continued presence on campus may adversely affect the health, safety or welfare of the University Community.

#### A. Notice

1. The Dean of Students Office will notify the Complainant and Charged Respondent via email of an individual educational conference at least seven days prior to the conference.
2. 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 Charged Respondent's notice will include the charge(s) and the allegation(s) upon which the charge(s) is(are) based, citing the specific provision(s) of the Code at issue.

#### B. Title IX Advisor

At any point during the process, 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 Charged 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 Complainant 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 Administrator, member of a Student Conduct 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 or 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.

#### C. Student Advocate

A student advocate is an individual appointed by the SGA President. The student advocate is available upon request to assist Students with information regarding University policies, the student conduct process and appeal procedures.

#### D. Educational Conference

1. The educational conference is not a hearing. The purpose of the educational conference is to review the allegations and charges, the Code, the hearing forum options, the conduct process, and possible sanctions, and to answer questions.
2. During the Charged Respondent's educational conference, the Charged 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 two business days.
3. If the Respondent accepts responsibility for the charges:
  - a. The Charged 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.
  - b. An email documenting the Charged Respondent's responsibility and the sanctions will be sent simultaneously to the Charged Respondent as well as the Complainant within ten business days of the educational conference by the Dean of Students Office. If the Charged Respondent agrees with the proposed sanctions, they will sign the resolution agreement and return it to the OSRR within three business days. If the Charged Respondent does not agree with the proposed sanctions, the Charged Respondent 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.
4. If the Charged Respondent does not accept responsibility for the charges:
  - a. The Charged Respondent will be asked to sign an educational conference form indicating that the Charged Respondent does not accept responsibility for the charges.
  - b. The Dean of Students Office will schedule the hearing providing the Charged Respondent and the Complainant with a minimum notice of seven business days.
5. If the Charged Respondent requests to postpone their decision: The Charged Respondent will be asked to sign and return an educational conference form to the OSRR within two business days following their educational conference.
6. If the Charged Respondent fails to attend the educational conference or complete the educational conference form, the matter will be referred to the Student Conduct Hearing Board for hearing.

## E. 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.

## F. 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 Charged 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 Charged 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, Charged 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 applications 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.

### 1. 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.



## 2. 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 Respondent, 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.

## 3. Failure to Appear

If either the Charged Respondent or the Complainant fail to appear, the hearing will proceed in the absence of those persons.

## 4. Closed Hearings

Hearings are closed to the public and only the Charged Respondent, Complainant, and Advisors may attend. Witnesses may not be present in the proceedings except to provide information when called upon.

## 5. Role of the Hearing Administrator or Student Conduct Hearing Board Chair

A Charged Respondent has a right to an impartial Hearing Administrator. 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:

- a. Accept information for consideration.
- b. Make determinations regarding requests for postponements.
- c. Make determinations as to procedural questions.
- d. Make procedural modifications for purposes of expediting a process or in the interest of fairness or safety.
- e. Exclude repetitious or irrelevant information.
- f. Dismiss any person who is disorderly, disruptive, or non-compliant.
- g. Take any other appropriate action deemed necessary.

## 6. Self-Incriminating Statements

The Complainant and Charged Respondent will not be compelled to make self-incriminating statements. Any information shared by the Charged Respondent or Complainant during an educational conference may be presented during a hearing. Failure of the Charged Respondent or Complainant to make a statement or answer questions shall not be considered in the determination of whether or not a Charged Respondent is responsible for violating the Code.

## 7. Information

The Dean of Students Office, the Charged Respondent, and the Complainant will be given an opportunity to provide relevant information and question witnesses at the hearing. The Charged 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 five 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 Charged Respondent and all known information relating to the allegation(s), including inculpatory and exculpatory information.

## 8. 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.

## 9. Presentation of Information

Only relevant cross-examination and other questions may be asked of a party or witness. To ensure this, before a Complainant, Charged 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.

## 10. Separation of Complainant, Witness, and 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.

## 11. 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 Charged 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 Charged Respondent and are offered to prove Consent.

## 12. Recording of Hearing

Student Conduct Hearing Board hearings and administrative hearings will be recorded. There shall be a single recording of all hearings. This recording is the official record, is the property of the University, and will be considered part of the Charged Respondent's disciplinary record. The Charged Respondent may submit a written request for a copy of the recording which will be provided after receipt of the hearing decision letter.

## 13. Standard of Proof

The Charged 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 Charged 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.

## 14. Multiple Students Charged

In cases involving multiple Charged Respondents from the same incident, information obtained at one hearing may be used at another hearing provided that each Charged Respondent involved has the opportunity to review and respond to the information at that Charged Respondent's hearing.

## 15. Deliberations

Deliberations are closed and the decision making shall include only the Hearing Administrator or the Student Conduct Hearing Board members.

## 16. Determination of Responsibility

The Hearing Administrator or Student Conduct Hearing Board (by majority vote) shall determine whether the Respondent has violated the Code. A finding of “responsible” or “not responsible” shall be made for each charge.

## 17. Sanctions

The Hearing Administrator or Student Conduct Hearing Board will determine sanctions in those cases where the Charged Respondent is found responsible for violating the Code.

## 18. Impact Statement

If the Charged 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 Charged 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.

## 19. 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:

- a. Identification of the allegations potentially constituting Sexual Harassment.
- b. 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.
- c. Findings of fact.
- d. Conclusions regarding the application of the relevant policy or regulation to the facts.

- e. As to each allegation, a statement of, and rationale for, the determination of responsibility or substantiation.
- f. A description of any disciplinary sanctions imposed upon the Charged Respondent.
- g. A description of any remedies designed to restore or preserve equal access that will be provided to the Complainant.
- h. A statement of procedures and bases for appeal of the decision.

#### G. Student Withdrawal

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

#### H. Student Status

The Charged 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 Charged Respondent's privileges at the University, including the ability to attend classes and engage in University activities, may be revoked and the Charged Respondent'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.

#### I. Hold on Student's Records

The University may place a hold on the records or registration of any Charged 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 Charged Respondent'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.

#### J. 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 chair may postpone the hearing to provide reasonable accommodations.

## VII. Sanctions

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

### A. 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 VP-DAESA. Expelled Students are not in Good Standing.

### B. 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 VP-DAESA. While serving a suspension a Student is not in Good Standing.

### C. Disciplinary Probation

A written disciplinary sanction will notify a Student 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 activities. Restrictions that may be imposed during a probationary period may include, but are not limited to, restriction of the privilege to:

1. Participate in student activities or in student organizations
2. Represent the University on athletic teams or in other leadership positions
3. Have access to University housing facilities or other areas on campus
4. Have use of University resources or equipment

5. Have contact with specified person(s)

When on disciplinary probation a Student is not in Good Standing.

#### D. 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.

#### E. 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, or residence hall or other visitation.

#### F. Deactivation of Recognized Student Organization Status

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

#### G. Restitution

The Student is required to pay for damages and/or loss of the property belonging to an individual or the University. Payment is limited to the actual cost of repair or replacement of such property.

#### H. Community/University Service

A Student is required to complete a specified number of hours of service to the campus or general community.

#### I. 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, or counseling.

#### J. Fines

Monetary fines established by the Dean of Students Office, subject to the approval of the Board of Trustees, will be published on the OSRR website at [uwf.edu/osrrfines](http://uwf.edu/osrrfines).

K. 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.

L. No Contact Order

A directive informing the Charged Respondent that he or she is not to have any contact, direct or indirect, with one or more designated person(s) or group(s) through any means, including but not limited to personal contact, e-mail, telephone, text messaging, social media, or via third parties.

M. 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.

N. 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.

O. 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 Code, including the completion of all imposed sanctions.

**VIII. Appeal for Non-Title IX Cases**

- A. A Student found responsible for violating the Code may appeal the decision and or sanctions by submitting an appeal in writing to the VP-DAESA within ten business days of the date of the decision letter. The VP-DAESA's designee must serve at the level of "director" or above. The VP-DAESA may not have directly participated in any other proceeding related to the charged violation.
- B. The VP-DAESA will review the appeal. Grounds for appeal are limited to the following:
1. The Charged Respondent's rights, as outlined in this regulation, were violated in the hearing process;



2. New information is discovered that was not available at the time of the hearing;
  3. The information presented does not support the decision; or
  4. The sanctions imposed were not appropriate for the violation.
- C. The VP-DAESA may uphold the decision or sanctions, modify the decision or sanctions, remand the case to the same Hearing Administrator or Student Conduct Hearing Board for reconsideration of the decision or sanctions, or remand the case to a new Hearing Administrator or 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.
- D. A copy of the decision of the VP-DAESA shall be forwarded to the Charged Respondent, the Victim (where permitted by law), and to the Dean of Students Office for filing and for distribution to the appropriate parties.
- E. If the final decision of the University is a sanction of suspension or expulsion, a Charged 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 thirty (30) days of the final decision of the University. If the Charged Respondent seeks review with the court, that individual must also provide a copy of the petition for certiorari review to the VP-DAESA, University of West Florida, Bldg. 11, 11000 University Parkway, Pensacola, FL 32514.

## **IX. Appeal for Title IX Cases**

- A. Both the Complainant and the Charged Respondent may appeal the decision and or sanctions(s) in writing to the VP-DAESA. The appeal must be received within ten business days of the date of the decision letter. The VP-DAESA designee must serve at the level of “director” or above. The VP-DAESA may not have directly participated in any other proceeding related to the charged violation.
- B. If either the Complainant or Charged Respondent submits an appeal, the other individual will be notified and provided with a copy of the appeal and will be given ten business days to respond to the appeal in writing. The Title IX Coordinator will also be provided with a copy of the appeal. VP-DAESA will review the appeal, including all information provided by all parties. Grounds for appeal are limited to the following:
1. Procedural irregularity that affected the outcome of the matter;

2. 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
  3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Charged Respondents generally or the individual Complainant or Charged Respondent that affected the outcome of the matter.
- C. The VP-DAESA may uphold the decision or sanctions, modify the decision or sanctions, remand the case to the same Hearing Administrator or Student Conduct Hearing Board for reconsideration of the decision or sanctions, or remand the case to a new Hearing Administrator or 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.
- D. A copy of the decision of the VP-DAESA shall be simultaneously forwarded to both Complainant and Charged Respondent, to the Title IX Coordinator, and to the Dean of Students Office for filing and for distribution to the appropriate parties.
- E. If the final decision of the University is a sanction of suspension or expulsion, the Charged 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 VP-DAESA, University of West Florida, Bldg. 11, 11000 University Parkway, Pensacola, FL 32514.

## **X. Records**

- A. Records of disciplinary actions shall be maintained by the Dean of Students Office.
- B. 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.
- C. Students found “not responsible” for a charge or charges or 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, Florida Statutes and with applicable record retention laws.
- D. The Charged Respondent 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.

## **XI. Transcript Notations**

- A. A permanent notation will be placed on the Charged Respondent's transcript indicating any period of disciplinary suspension.
- B. A permanent notation will be placed on the Charged Respondent's transcript indicating an expulsion.

**Effective Date:** [date]

**Authority:** Sections 1006.60, 1006.61, 1006.62, 1006.63, Florida Statutes  
Board of Governors Regulation 6.0105

**History:** Formerly FAC Rule 6C6-3.010 adopted October 1975, amended October 1979, December 1980, August 1981, August 1983; October 1986, April 1991; Converted to UWF/REG 3.010 July 2007, amended August 2006, August 2007, June 2010, August 2010, March 2013, September 2014, June 2016, October 2018, April 2020, October 2020, December 2021, and [date]

**Last review:** [date]



**Number:** UWF/REG-3.010  
**Title:** Student Code of Conduct  
**Responsible**  
**Department:** Dean of Students Office

## I. General Statement:

A critical mission of the University of West Florida (“UWF” or the “University”) is to promote a vibrant academic atmosphere in which ~~s~~Students not only receive a well-rounded education, but learn to become productive and ethical members of society. University ~~s~~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~~and treat others in a manner in which they wish to be treated. In addition, ~~s~~Students have a duty to care for others in the University ~~e~~Community, on or off campus, by rendering aid and seeking help from appropriate medical, emergency, or University ~~s~~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 ~~s~~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, ~~s~~Students are informed of their required roles and responsibilities, the rights that pertain to them, ~~as well as~~and how the ~~Student~~ Code ~~of Conduct~~ is administered.

University ~~s~~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 ~~s~~Students ~~as well as~~and student organizations/~~groups~~. All ~~s~~Students and student organizations/~~groups~~ are expected to conduct themselves in accordance with all federal, state, and local laws, ~~and~~ Board of Governors ~~regulations~~, and University regulations, and policies.

The University is committed to ensuring that all ~~s~~Students, faculty, and ~~s~~Staff are treated with dignity and respect. UWF affirms its desire to maintain a learning and living environment for all ~~s~~Students that is free from all forms of unlawful discrimination, harassment, and retaliation. All members of the University ~~e~~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 ~~e~~Community, educating ~~s~~Students and student organizations/~~groups~~ about the seriousness of their action(s), and promoting civility and positive growth, while maintaining the safety and integrity of the University ~~e~~Community.

The ~~Student Code of Conduct~~ applies to all UWF campuses, UWF ~~S~~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 ~~s~~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 periodically, 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 including student representation appointed by the President of the ~~UWF Student Government Association~~SGA.

## II. Definitions

- Advisor – Any support person, advocate, or legal ~~representation~~ representative that the ~~s~~Student chooses at their own expense and initiative to advise the Student before, during, or after a hearing.
- Charged ~~Student/Respondent~~ – any ~~s~~Student alleged to have violated this ~~Student Code of Conduct~~. For the purposes of this regulation, “~~e~~Charged ~~student~~Respondent” may also include a student organization/~~group~~ alleged to have violated this ~~Student Code of Conduct~~.
- Complainant – any person who alleges that a ~~s~~Student violated this ~~Student Code of Conduct~~ and this term may includes any ~~s~~Student who submits allegations of a violation under Title IX.
- ~~Conduct Officer~~ – ~~a University Official authorized by the Vice President of Academic Engagement and Student Affairs to administer the Student Code of Conduct.~~
- Consent – an affirmative act or statement by each person that is informed, freely given, and mutually understood. Consent cannot be gained by ~~f~~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.

- ~~DAESA – Department of Academic Engagement and Student Affairs. 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.~~
- ~~Dean of Students—the individual designated by the University with responsibility for administering the Student Code of Conduct.~~
- 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.~~
- ~~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.~~
- ~~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.~~
- ~~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.~~
- Force – physical violence, threat, intimidation, or coercion.
- ~~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.~~
- Good Standing – ~~is~~ a conduct status describing a ~~s~~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.g., a ~~s~~Student wishing to run for an ~~n~~ Student Government Association Office) may submit a request for an expedited student conduct hearing to the ~~Vice President of Academic Engagement and Student Affairs~~ VP-DAESA.
- Hearing Administrator – a University ~~O~~fficial authorized by the Vice President of Academic Engagement and Student Affairs to administer student conduct proceedings, including administrative hearings, to determine if the UWF ~~Student Code of Conduct~~ or Title IX policy have has 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.~~

- Incapacitation – a temporary or permanent state in which a person cannot make informed, rational judgments 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 ~~e~~Consent.
- May – the term “may” is used in the permissive sense.
- Office of Student Rights and Responsibilities (“OSRR”) – a unit within the Dean of Students Office.
- ~~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.~~
- ~~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.~~
- ~~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.~~
- 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.
- ~~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.~~
- Sexual Harassment – unwelcome conduct, based on sex, /gender, sexual orientation, or gender identity, 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. For Title IX cases, see the definition of “Sexual Harassment” is as defined in the University’s Title IX

~~Policy~~ University Policy P-14, Sexual Harassment and Misconduct, as it may be amended. ~~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.~~

- SGA – Student Government Association.
- Shall – the term “shall” is used in the imperative sense.
- 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~~ who is a University employee who is not a faculty member, including executive, administrative, workforce, and OPS (other personnel services) employees.
- Stalking – engaging in a course of conduct over a period of time, however short, directed at a specific person that would cause a reasonable person to fear for ~~that individual’s~~ their safety, ~~or the safety of others,~~ or suffer substantial emotional distress and serves no legitimate purpose. ~~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.~~
- 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 ~~s~~Students who have been suspended from UWF and do not require readmission to the University, and ~~s~~Students admitted but not yet enrolled at the University. For the purposes of this regulation, “~~s~~Student” ~~may~~ also include s a student organization/~~group,~~ -which includes all student clubs and organizations recognized by the University pursuant to SA-22, Student Organizations, as it may be amended. The executive officer of a student organization will serve as the representative of the organization throughout any conduct proceeding.
- ~~Student Conduct Hearing Board – consists of faculty and sStaff representatives appointed by the Vice President of Academic Engagement and Student Affairs VP-DAESA and sStudent representatives appointed by the President of the Student Government Association. The Student Conduct Hearing Board assigned to adjudicate a particular case must consist of at least 50% sStudents. The chair of the Student Conduct Hearing Board shall be a faculty or sStaff representative. The board~~ Student Conduct Hearing 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~~ has 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.~~
- ~~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.~~

- ~~• University means all locations of the University of West Florida including the online campus.~~
- ~~• University Community – includes any person who is a sStudent, faculty members, or employee of the University. A person’s status in a particular situation shall be determined by the Dean of Students.~~
- University Official – includes any person employed by the University performing assigned administrative or professional responsibilities.
- University Premises ~~– for the purposes of this policy, includes~~ all land, facilities, and other property in the possession of, owned by, 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. This term includes University online classrooms and other online settings when they are under the control of the University.
- ~~• 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.~~
- Victim – for the purposes of this policy, a victim is any individual who has allegedly suffered injury or harm by a UWF sStudent. 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~~ and Privacy Policy Act ~~(See 34 C.F.R. §99.31 and 99.39)~~, a vVictim who has been subject to any of the following violations or attempted violations is entitled to be notified of his or her rights and of the outcome of the disciplinary process: Arson, Assault, Burglary, Criminal Homicide, Destruction/damage/vandalism of property, Kidnapping, Robbery, Forcible Sex Offences, and 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 vVictim rights articulated in this regulation apply to all vVictims.
- VP-DAESA – the Vice President of DAESA. This term includes any vice president presiding over DAESA or designee, regardless of a variation of the vice president’s title (e.g., Associate Vice President).

### III. University Authority

#### A. Off-Campus Conduct

†The University may take disciplinary action against a sStudent ~~or student organization/group~~ for violations committed off-campus where one of the following applies:

1. The off-campus conduct demonstrates that the continued presence of the sStudent ~~or organization/group~~ on campus presents a danger to the health, safety, or welfare of the University eCommunity;
2. The off-campus conduct is disruptive to the orderly processes and functions of the University;
3. The off-campus conduct is intimidating or threatening to the University eCommunity or an individual within the University eCommunity;
4. The off-campus conduct is of such a serious nature that it adversely affects the sStudent's suitability to remain a part of the University eCommunity; or
5. The off-campus conduct is such that it could constitute a violation of the law.

B. Court or Administrative Proceedings Outside of the University

Charges by public authorities will not prevent the University from charging a sStudent with violations of this ~~Student Code of Conduct~~. If a sStudent 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 eCommunity. 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.

C. Cease and Desist

University Officials and faculty may, under appropriate circumstances, order a sStudent to cease and desist from an activity considered to be disruptive to the University.

D. No Contact Directive/Order

University Officials may, under appropriate circumstances, order a sStudent 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 sStudent(s).

1. Interim Measures

Interim measures may be taken by the University at any time if it is determined that a ~~sStudent's or student organization's/group's~~ continued presence on campus may adversely affect the health, safety, or welfare of the University ~~eCommunity~~. Notice of interim measures shall be provided to the ~~sStudent or student organization/group~~ in writing. Interim measures may include, but are not limited to:

a. Interim Suspension

~~€~~The Dean of Students may temporarily suspend a ~~sStudent~~ from the University. A ~~sStudent~~ who is suspended is required to leave the University ~~pPremises~~. During the interim suspension period the ~~sStudent~~ may not visit or come onto any UWF campus or participate in any University activity without the written permission of the Dean of Students.

b. Restrictions on Activity

~~€~~The Dean of Students may restrict a ~~sStudent's 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; or participating in University activities, student organizations/groups, or student activities.

c. 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 ~~sStudent~~ from University housing and/or administratively reassign a ~~sStudent~~ within University housing.

2. Review of Interim Measures

The ~~sStudent 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~~VP-DAESA regarding the interim measures. If requested, the review will be conducted by the ~~Vice President of Academic Engagement and Student Affairs~~VP-DAESA within five business days of the receipt of the written request. During the review, the ~~sStudent~~ 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 ~~sStudent's~~ presence or continuation of activities adversely affects the health, safety, or welfare of the University ~~eCommunity~~.

3. 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 ~~s~~Student ~~or student organization's/group's~~ presence or activities no longer adversely affect the health, safety, or welfare of the University ~~e~~Community.

#### 4. Student Enrollment Status

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

~~R~~efund to the ~~s~~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.

#### E. 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~~ VP-DAESA. Where an individual is both an employee and a ~~s~~Student, ~~that the individual may face disciplinary action as a Student and as an employee~~ individual's status in a given situation shall be determined the Vice President of Academic Engagement and Student Affairs.

## IV. Violations

The following conduct, whether completed, or attempted, ~~or the~~ (including 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.

#### A. Deceit of Any Kind, including but not limited to:

1. Forgery, alteration, or misuse of identification, documents, records, keys, or access codes.
2. Failure to present proper identification upon request by University Officials, including law enforcement officers.
3. Furnishing false or misleading information to the University.
4. Unauthorized possession, duplication, or use of keys, access cards, or identification cards belonging to the University.

5. Impersonation, misrepresentation, or other actions taken to deceive University Officials, faculty, or students with regards to one's identity.
6. Providing false information to a University Official or to a non-University law enforcement official, including student conduct hearing bodies.

B. Harm to Individuals, including but not limited to:

1. 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.
2. 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.
3. Sexual abuse or threat of such abuse.
4. Performing sexual acts and/or sexual touching on or with another individual without the eConsent of the individual, when the individual is unable to give eConsent, or after the individual has withdrawn eConsent.
5. 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 eConsent; engaging in voyeurism; and/or knowingly or recklessly exposing another person to a significant risk of a sexually transmitted infection, including HIV.
6. Conduct which is lewd, lascivious, or voyeuristic.
7. Stalking, ~~following or otherwise contacting another person repeatedly, so as to put that person in fear for his or her safety, including cyberstalking.~~
8. Endangering the health, safety or welfare of members or guests of the University which encompasses:
  - a. Physical violence towards another person or group;
  - b. Actions that interfere with the freedom of another person to move about in a lawful manner;
  - c. 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.

9. Harassment based on any ~~legally protected class 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 as to~~ 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, sStalking, 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 ~~sSexual hHarassment~~ will be addressed ~~through the University's Title IX policy~~ according to University Policy P-14, Sexual Harassment and Misconduct, as it may be amended.
- ~~10. 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, not of a sexual nature and unrelated to the Victim's protected class, if any, including any gesture, written, verbal, or physical act, or any electronic communication (including text messages and postings on websites or social media), that places a reasonable person in fear of harm to their person or damage to their property, infringes upon rights of personal privacy, has the effect of substantially interfering with a reasonable person's academic performance or ability to participate in opportunities or benefits provided by the University, or has the effect of substantially interfering with the orderly operation of the University.~~
- ~~10.11. Retaliation – An adverse action taken that may dissuade a reasonable person from making a complaint, cooperating in an investigation, or participating in a University administrative process.~~
- ~~11.12. Hazing will not be tolerated at the University of West Florida~~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.
- ~~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.~~
- a. 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 ~~s~~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 ~~s~~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 ~~s~~Student; and also includes any activity that would subject the ~~s~~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 ~~s~~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.

- b. Hazing also includes observation of hazing activities by ~~B~~bystanders, defined as individuals in a position to intervene, but who fail to intervene.

~~12.13.~~ 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.

~~13.14.~~ Failure to Render Aid – This section imposes a duty of reasonable assistance on any ~~s~~Student ~~or student organization/group~~ who knows that another individual faces grave physical danger; if assistance can be rendered without peril to the responding ~~s~~Student(s). The following instances constitute a failure to render aid and violate(~~s~~) the ~~Student Code of Conduct~~:

- a. Voluntarily abstaining from giving assistance to a Victim or person in danger of ~~or~~ becoming a ~~v~~Victim of a sexual assault.
- b. Failing to call for emergency assistance for signs of alcohol or drug poisoning.
- c. Failing to call for emergency assistance when one knows that a person is in grave physical danger or has been exposed to bodily harm.

- d. Failing to call for emergency assistance during a hazing incident.
- e. Failing to inform University Officials of an emergency incident.
- f. 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.

C. Disorderly, ~~or~~ Disruptive Conduct, including but not limited to:

1. Conduct ~~which-that~~ 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 ~~e~~Community, or interferes with the rights of others to carry out their activities or duties. This ~~includes-applies to~~ acts that occur both inside and outside the classroom setting and may ~~involve-include~~ use of electronic or cellular equipment. This also ~~includes~~ ~~applies to~~ behavior off campus during a University sanctioned event or activity or an event where the ~~s~~Student serves as a representative of the University.
2. Conduct that substantially disrupts or materially interferes with University activities or that reasonably leads University Officials to ~~forecast-anticipate~~ such disruption or interference.
3. Failure to comply with a directive or lawful order of a University ~~e~~Official or any non-University law enforcement official.
4. Commercial solicitation on campus without prior approval from University ~~e~~Officials, ~~this-includesing,~~ but ~~is~~-not limited to, accessing University email information and sharing University email information with a third party for the purposes of commercial solicitation.
5. Remote-~~controlled~~ aircraft or vehicles, including but not limited to:
  - a. Unauthorized on-campus use of any remote-~~controlled~~ aircraft or vehicle.
  - b. Failure to comply with established laws and guidelines for authorized use of remote-~~controlled~~ aircraft or vehicles.

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

1. Participation in acts of vandalism individually or as a member of a group.
2. Unauthorized entrance into or occupancy of any administrative office, residence hall, classroom, or other University facility.



3. 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.
  4. Posting of commercial advertising on University property or engaging in commercial activity on University property or in conjunction with University events without appropriate authorization.
- E. Facilitating Student Conduct – Aiding, assisting, abetting, conspiring, soliciting, inciting, or encouraging others to engage in conduct which violates this ~~Student Code of Conduct~~.
- F. Obstruction of Disciplinary Process – Acts that disrupt or interfere with the University disciplinary process, including but not limited to:
1. Knowingly falsifying, distorting or misrepresenting information in a disciplinary proceeding or process.
  2. Deliberately disrupting or interfering with the orderly conduct of a disciplinary proceeding or process.
  3. Knowingly initiating a complaint or referral without cause.
  4. 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.
  5. Tampering with information to be used in a University disciplinary process.
  6. Attempting to influence the impartiality of a member of the disciplinary process.
  7. Violating and/or failing to comply with or fulfill disciplinary sanctions.
- G. Computer, Network, and/or Data Misuse including, but not limited to:
1. Unauthorized access, entry or use of a ~~University's or another's~~ computer, computer system, network, software, password, account, or data belonging to the University or another individual.
  2. Unauthorized alteration or degradation of computer equipment, software, network, data or system performance.
  3. Unauthorized copying or distribution of University data.

4. Unauthorized use, duplication, sharing, or distribution of copyrighted materials or other intellectual property, including computer software or other medias such as music and videos.
5. 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.
6. Any unauthorized commercial use of University computer or computing resources.
7. Any unauthorized use of electronic or other devices to make an audio or video recording.
8. Use of computing facilities and resources to interfere with the work of another ~~s~~Student, faculty member, ~~s~~Staff member or University ~~e~~Official.
- ~~9. Use of University computing facilities or resources to send obscene or abusive material.~~
- ~~10.9. Any other violation of the University Computer Use Policy, SA-19, Student Communications Policy; IT-01, UWF Electronic Communications Policy; or other policies related to computer and data use on campus, as they may be amended.~~

H. 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:

1. Prohibited Uses of Drugs
  - a. 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.
  - b. 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.
  - c. 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.
  - d. 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.

- e. Disorderly conduct while under the influence of a substance including, but not limited to, endangering ~~the safety of himself/herself or, one's own safety or that of~~ another person, destruction of property, or causing a public disturbance.
  - f. Being under the influence of an illegal substance and endangering ~~his or her~~one's own safety or the safety of another person or property.
2. Prohibited Uses of Alcohol:
- a. Any possession or consumption of alcohol that is in violation of ~~the University's Alcohol policy~~UWF/REG 5.017, Alcoholic Beverages on Campus Property, or SA-24, Alcohol Policy for Student Organization Sponsored Events, as they may be amended.
  - b. Possessing, purchasing or consuming alcohol if under the legal age.
  - c. Misrepresenting one's age for the purposes of purchasing or consuming alcohol.
  - d. Purchasing, furnishing, or serving alcohol to any underage person.
  - e. Possessing, furnishing, or consuming alcohol in unauthorized areas of the University.
  - f. Possessing or using a common source of alcohol (i.e. kegs, beer bongs, or their equivalent) on University Premises.
  - g. Being intoxicated to the point at which an individual has lost normal control of his or her body or mental faculties or both.
  - h. Disorderly intoxication: being intoxicated and endangering the safety or 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.
  - i. Drinking games: participation in games ~~which~~that involve the consumption of alcoholic beverages on University Premises.
3. 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; person or to University property.

4. Actions ~~which that~~ 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.
5. Obstruction of the free flow of pedestrian or vehicular traffic on University ~~p~~Premises or at University sponsored or supervised functions.

6. Cruelty to animals.

~~6.7.~~ Willfully entering a campus restroom or changing facility designated for the opposite sex and refusing to depart when directed by a University Official with the exception of the following circumstances: (a) to accompany a person of the opposite sex for the purpose of assisting or chaperoning a child under the age of 12, an elderly person, a person with a disability, or a person with a developmental disability, as those terms are defined in section 553.865, Fla. Stat.; (b) for law enforcement or governmental regulatory purposes; (c) for the purpose of rendering emergency medical assistance or to intervene in any other emergency situation where the health or safety of another person is at risk; (d) for custodial, maintenance, or inspection purposes, provided that the restroom or changing facility is not in use; or (e) if the appropriate designated restroom or changing facility is out of order or under repair and the restroom or changing facility designated for the opposite sex contains no person of the opposite sex.

~~7.8.~~ Violations of the UWF Housing and Residence Life Handbook ~~residential standards of community living, contract, handbook, and/or policies and regulations.~~

~~8.9.~~ Engagesing in or offersing games of chance for money or other gain in violation of the laws of the State of Florida.

9.10. Unauthorized Use of Recordings

- a. 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 ~~e~~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.
- b. 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:

- i. For their own personal educational use
- ii. In connection with a complaint to the University
- iii. As evidence in or preparation for a criminal or civil proceeding.

A recorded class lecture may not be published without the prior express written eConsent of the faculty or guest lecturer.

~~I. 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.~~

## V. Procedure for Non-Title IX Cases

### A. Determination of Charges

1. 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, sStaff, or sStudents; or ~~(c)~~ third parties.
2. The Dean of Students Office will review the information to determine if a sStudent will be charged with violating the ~~Student Code of Conduct~~.
3. The Dean of Students Office may not charge a sStudent 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 sStudent ~~or student organization's/group's~~ continued presence on campus may adversely affect the health, safety or welfare of the University eCommunity.
4. 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~~ Charged Respondent will be notified via email.
5. 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 sStudents 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 VP-DAESA or designee~~ has the sole discretion to grant immunity pursuant to University Policy SA-01.02-04/20 (Medical Immunity), as it may be amended, which governs immunity to a sStudent(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 VP-DAESA~~ 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 SA-01, Medical Immunity~~, are not completed by the sStudent(s), ~~and~~ to the sole satisfaction of the University.

## B. Notice of Charges

1. The Dean of Students Office will provide the Charged Respondent written notice via email or other software utilized by the Dean of Students Office to the Charged Respondent's UWF email address of the charge(s) 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.
2. The notice will include scheduling information for the Educational Conference. If the time or date of the Educational Conference is not convenient to the eCharged student Respondent, the eCharged student Respondent must notify the Dean of Students Office within two business days of the issue date of the notice to reschedule.

## C. Advisor Participation (~~Non Title IX Cases~~):

A eCharged student Respondent has the right to be accompanied by an aAdvisor of their choice at the eCharged student's Respondent's expense and initiative. A sStudent may bring an aAdvisor to ~~the an~~ educational conference and/or hearing. The aAdvisor may be present to advise the charged sStudent and may participate in all aspects of the proceeding but shall not testify for the Student. the presentation of relevant information and questioning of witnesses.—University officials will communicate directly with the eCharged student Respondent during the student conduct process (i.e., official correspondence, notice letters, Educational Conference, hearings, 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 aAdvisor must be provided to the Dean of Students Office in writing at least three business days prior to the scheduled meeting educational conference or hearing. If the aAdvisor is

an attorney, ~~this must be disclosed at that time~~ disclosure must be made at the time the name and role are provided, 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 ~~a~~Advisor. Advisors may not serve in any other role in the conduct process, including as an investigator, decider of fact, ~~h~~Hearing ~~officer~~ Administrator, or member of a Hearing Board convened to hear or decide the charge, or any appeal.

#### D. Student Advocate:

A student advocate is an individual appointed by the ~~Student Government Association~~ President. The student advocate is available upon request to the OSRR by the Charged Respondent to assist ~~s~~Students with information regarding University policies, the student conduct process, and appeal procedures. The ~~S~~student ~~A~~advocate shall not serve as the ~~a~~Advisor during any hearing.

#### E. Educational Conference

1. The ~~e~~Educational ~~c~~Conference is not a hearing. The purpose of the ~~E~~educational ~~c~~Conference is for the ~~Conduct Officer~~Hearing Administrator to review with the ~~e~~Charged ~~student~~ Respondent the allegations and charges, the ~~Student Code of Conduct~~, the hearing options, the conduct process, possible sanctions, and to answer questions.
2. During the ~~e~~Educational ~~c~~Conference, the ~~e~~Charged ~~student~~ Respondent 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.
3. If the ~~C~~eharged ~~student~~ Respondent accepts responsibility for the charges:
  - a. The ~~C~~eharged ~~student~~ Respondent will be asked to sign the ~~E~~educational ~~c~~Conference ~~F~~form indicating that individual's acceptance of responsibility and that the individual is waiving that individual's right to a hearing.
  - b. A resolution agreement documenting the ~~e~~Charged ~~student's~~ Respondent's responsibility and the proposed sanctions will be sent to the ~~e~~Charged ~~student~~ Respondent within ten business days from the Dean of Students Office. If the ~~e~~Charged ~~student~~ Respondent agrees with the proposed sanctions, they will sign the resolution agreement and return it to the ~~Office for Student Rights and Responsibilities~~OSRR within 3 business days. If the ~~e~~Charged ~~student~~ Respondent does not agree with the proposed sanctions, the ~~student~~ Charged Respondent 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.

4. If the eCharged student-Respondent does not accept responsibility for the charge(s):
  - a. The eCharged student-Respondent will be asked to sign an Educational Conference Form indicating that he or she does not accept responsibility for the charge(s) and will be asked to select a hearing option.
  - b. The Dean of Students Office will schedule the hearing and provide the eCharged student-Respondent with a minimum of seven business days' notice.
5. If the eCharged student-Respondent requests to postpone their decision, the eCharged student-Respondent will be asked to sign and return an Educational Conference form to the Office of Student Rights and Responsibilities OSRR within two business days following their Educational Conference.
6. If the eCharged student-Respondent 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 Hearing Board.

#### F. Hearing Options

1. The eCharged student-Respondent 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 four Board members.
2. In the alternative, the eCharged student-Respondent may choose to have an Administrative Hearing before a Hearing Administrator if the following conditions are met:
  - a. The eCharged student-Respondent signs a waiver of the right to a hearing before the Student Conduct Hearing Board, and
  - b. An Administrative Hearing is permitted by the Dean of Students.
3. 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 ~~s~~Students comprise at least 50% of the membership of the Student Conduct Hearing Board.

## G. Hearing Procedures

The Student Conduct Hearing Board hearing and the ~~A~~administrative ~~H~~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.

### 1. Hearing ~~N~~Notification

~~the~~The University will notify the ~~e~~Charged ~~student~~ Respondent via email or other software utilized by the Dean of Students Office to 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 ~~e~~Charged ~~student~~ Respondent of ~~that individual's~~their rights in the student conduct process. If the time or date of the ~~H~~hearing is not convenient to the ~~e~~Charged ~~student~~ Respondent, the ~~e~~Charged ~~student~~ Respondent must submit a written request to reschedule ~~the hearing~~ to the ~~Dean of Students Office OSRR~~ within two business days of the date of the notice.

### 2. Charged Respondent Evidence

The Charged Respondent 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.

### 3. Victim ~~Hearing~~ ~~N~~Notification and Evidence

~~the~~The University will notify the ~~v~~Victim via their UWF email account 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 ~~v~~Victim of ~~that individual's~~their rights in the student conduct process, including, but not limited to, the right to submit a list of questions; the right to submit a ~~v~~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 ~~e~~Charged ~~student~~ Respondent. The ~~v~~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.

### 4. Pre-Hearing Information

~~the~~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 eCharged student Respondent, and all known information relating to the allegations, ~~including both~~ inculpatory and exculpatory ~~information~~, to the eCharged student Respondent. 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.~~

#### 5. Failure to Appear

~~i~~If the eCharged student Respondent fails to appear, the hearing will proceed in the eCharged student's Respondent's absence.

#### 6. Closed Hearings

~~h~~Hearings are closed to the public and only the eCharged student Respondent, ~~v~~Victim (where authorized), ~~and a~~Advisors, ~~and Staff from the Dean of Students Office~~ may attend. Witnesses may not be present in the proceedings except to provide information when called upon.

#### 7. Role of the Hearing Administrator or Student Conduct Hearing Board Chair

A eCharged student Respondent has a right to an impartial ~~h~~Hearing ~~officer~~ Administrator. The Hearing Administrator or Student Conduct Hearing Board ~~C~~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 ~~C~~chair may:

- a. Accept information for consideration.
- b. Make determinations regarding requests for postponements.
- c. Make determinations as to procedural questions.
- d. Make procedural modifications for purposes of expediting a process or in the interest of fairness or safety.
- e. Exclude repetitious or irrelevant information.

- f. Dismiss any person who is disorderly, disruptive, or non-compliant.
  - g. Take any other appropriate actions deemed necessary.
8. Self-Incriminating Statements

~~The~~ eCharged student-Respondent will not be compelled to make self-incriminating statements. Any information shared by the eCharged student-Respondent during an educational conference may be presented during a hearing. Failure of the eCharged student-Respondent to make a statement or to answer questions shall not be considered in the determination of whether or not a sStudent is responsible for violating the Student Code-of-Conduct.

9. Information

~~the~~The Dean of Students Office and the eCharged student-Respondent will be given an opportunity to present relevant information and question witnesses at the hearing. The eCharged student-Respondent will also be given an opportunity to review all relevant information to be used in the student conduct hearing at least five 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 studentCharged Respondent and all known information relating to the allegation(s), including inculpatory and exculpatory information.

10. Witnesses

The Dean of Students Office and the eCharged student-Respondent 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 notarized written statement for consideration as long as the witness' signature is notarized or participate via telephone or other 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 Student Conduct Hearing Board and/or Hearing Administrator.

11. Questions

The vVictim has the right to provide a list of questions that individual would like the eCharged student-Respondent to be asked by the Hearing Administrator or Cchair of the Student Conduct Hearing Board at the disciplinary hearing.

#### 12. Separation of Complainant, vVictim, Witness, and/or Charged-Student Respondent

The vVictim ~~and~~ or any witness may request that the individual be permitted to participate in a separate room from the eCharged student-Respondent at the disciplinary hearing.

#### 13. Past Behavior

A vVictim's or eCharged student's-Respondent's past behavior shall be excluded from the disciplinary hearing. A eCharged student's-Respondent's misconduct history may only be presented after a finding of responsibility has been determined and only for the purpose of recommending sanctions.

#### 14. Audio Recording of Hearing

Student Conduct Hearing Board Hhearings and Aadministrative Hhearings 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 eCharged student's-Respondent's disciplinary record. The eCharged student Respondent may submit a written request for a copy of the audio recording ~~which that~~ will be provided after receipt of the hearing decision letter.

#### 15. Standard of Proof

The eCharged student-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 eCharged-student 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.

#### 16. Multiple Students Charged

~~i~~In cases involving multiple sStudents charged from the same incident, information obtained at one hearing may be used at another hearing provided that each eCharged student-Respondent involved has the opportunity to review and respond to the information at his or her hearing.

## 17. Deliberations

Deliberations are closed and the decision making shall include ~~on~~ the Hearing Administrator or the Student Conduct Hearing Board members and the Dean of Students as appropriate.

## 18. Determination of Responsibility

~~the~~The Hearing Administrator or Student Conduct Hearing Board (by majority vote) shall determine whether the eCharged student-Respondent has violated the Student Code-of-Conduct. A finding of “responsible” or “not responsible” shall be made for each charge.

## 19. Recommendation of Sanctions

~~the~~The Hearing Administrator or Student Conduct Hearing Board will also, in consultation with ~~the Dean of Students~~OSRR, make recommendations for sanctions in those cases where the eCharged student-Respondent 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:

- a. Adopt the recommended sanctions,
- b. Modify the recommended sanctions,
- c. Reject the recommended sanctions, or
- d. 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 eCharged student-Respondent with the reasons for not adopting the recommendations in writing.

## 20. Victim Impact Statement

If the eCharged student-Respondent is found responsible, the vVictim has a right to submit a vVictim 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 vVictim 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.

## 21. Hearing Decision Notification

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

## 22. 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 ~~v~~Victim within ten business days following the close of the hearing. This time may be extended for deliberations when necessary and the ~~v~~Victim shall be notified of any such extensions. The hearing decision notification provided to the ~~v~~Victim may only include 1) the name of the ~~student Charged Respondent~~, 2) the violation with which the ~~student-Charged Respondent~~ was charged, 3) whether the ~~e~~Charged ~~student-Respondent~~ was found “responsible” or “not responsible,” and 4) any sanctions imposed. (See 34 C.F.R. ~~Sections §§~~ 99.31 and 99.39)

## H. Student Withdrawal

If a ~~s~~Student withdraws from the University with misconduct charges pending against the individual, the conduct process will continue with or without that individual’s participation.

## I. Student Status

~~T~~he ~~s~~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 sanctions(s) determined by the University in the disciplinary decision include either suspension or expulsion, the ~~s~~Student’s privileges at the University, including the ability to attend classes and engage in University activities, may be revoked and the ~~s~~Student’s permanent status on campus will change.

## J. Hold on Student’s Records

~~the~~The University may place a hold on the records or registration of any ~~s~~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 ~~s~~Student's enrollment in a subsequent semester, transfer, or graduation. All pending disciplinary matters must be resolved prior to a ~~s~~Student's graduation, transfer from, or continued education at the University ~~of West Florida~~.

#### K. Accommodations for Students with Disabilities

~~a~~Any ~~s~~Student with a disability may request reasonable accommodations during the disciplinary process. If accommodations are desired, ~~this-the~~ 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.

### VI. Procedure for Title IX Cases

The University has established an alternative hearing procedure to address and adjudicate alleged ~~s~~Sexual ~~h~~Harassment violations under Title IX where the ~~Charged~~ Respondent is a University ~~s~~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 ~~s~~Sexual ~~h~~Harassment allegations will meet Title IX's definition of ~~s~~Sexual ~~h~~Harassment. Those cases that do not meet Title IX's threshold will follow the procedures in Article V, ~~Procedure for Non-Title IX Cases of this document~~. The University may not charge a ~~s~~Student with a Title IX violation more than one year after a formal complaint is filed. University Officials; ~~however,~~ may, ~~however,~~ 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 ~~s~~Student's ~~or student organization's/group's~~ continued presence on campus may adversely affect the health, safety or welfare of the University ~~e~~Community.

#### A. Notice

1. The Dean of Students Office will notify the Complainant and ~~Charged~~ Respondent via email of an individual ~~E~~ducational ~~C~~onference at least ~~7seven~~ days prior to the conference.
2. The notice will include scheduling information for the ~~E~~ducational ~~C~~onference. If the time or date of the ~~E~~ducational ~~C~~onference is not convenient, the ~~s~~Student must notify the Dean of Students Office within two business days of the date of the notice to reschedule. The ~~Charged R~~espondent's notice will include the charge(s) and the allegation(s) upon which the charge(s) ~~is(are)~~ based, citing the specific provision(s) of the ~~Student Code of Conduct~~ at issue.

#### B. Title IX Advisor

At any point during the process, the parties may use an ~~a~~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 aAdvisor for either the Complainant or Charged Respondent in any meeting or hearing. Any aAdvisor serves at the requestor's own expense and initiative, except that if a party does not have an aAdvisor 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 aAdvisors must follow appropriate rules of decorum. The aAdvisor may be present to advise the individual or the ~~reporting person~~ Complainant and may participate in the presentation of relevant information and questioning of witnesses. The Aadvisor may not serve in any other role in the process, including as an investigator, decider of fact, ~~h~~ Hearing-officer Administrator, member of a Student Conduct Hearing Board convened to hear or decide the charge, or any appeal. The name and role of the aAdvisor 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 aAdvisor is an attorney, this must be disclosed at that time, as the University attorney must also be present at the meeting/hearing.

### C. Student Advocate

A student advocate is an individual appointed by the Student Government Association SGA President. The ~~S~~ student ~~A~~ advocate is available upon request to assist ~~s~~ students with information regarding University policies, the student conduct process and appeal procedures.

### D. Educational Conference

1. The ~~E~~ educational ~~C~~ conference is not a hearing. The purpose of the ~~E~~ educational ~~C~~ 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.
2. During the Charged Respondent's ~~E~~ educational ~~C~~ conference, the Charged 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~~ two business days.
3. If the Respondent accepts responsibility for the charges:
  - a. The Charged Respondent will be asked to sign the ~~E~~ educational ~~c~~ Conference ~~F~~ form indicating the individual's acceptance of responsibility and that the individual is waiving the individual's right to a hearing.
  - b. An email documenting the Charged Respondent's responsibility and the sanctions will be sent simultaneously to the Charged Respondent as well as the Complainant within ten business days of the ~~E~~ educational ~~C~~ conference by the Dean of Students Office. If the ~~e~~ Charged ~~student~~ Respondent agrees with the proposed sanctions, they will sign the resolution agreement and return it to the Office for Student Rights and Responsibilities OSRR within ~~3~~ three business days. If the ~~e~~ Charged ~~student~~ Respondent does not agree with the proposed sanctions, the ~~student~~ Charged



Respondent 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.

4. If the Charged Respondent does not accept responsibility for the charges:
  - a. The Charged Respondent will be asked to sign an Educational Conference Form indicating that the Charged Respondent does not accept responsibility for the charges.
  - b. The Dean of Students Office will schedule the hearing providing the Charged Respondent and the Complainant with a minimum notice of seven business days.
5. If the Charged student Respondent requests to postpone their decision: The Charged student Respondent will be asked to sign and return an Educational Conference form to the Office of Student Rights and Responsibilities OSRR within 2-two business days following their Educational Conference.
6. If the Charged 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 for hearing.

#### E. 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.

#### F. 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 Charged 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 Charged 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, Charged 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 ~~A~~administrative ~~H~~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 applications of the privilege.

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

1. Hearing Notification

~~the~~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.

2. Pre-Hearing Information

~~the~~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 ~~e~~Charged–student Respondent, 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.

3. Failure to ~~A~~appear

If either the Charged Respondent or the Complainant fail to appear, the hearing will proceed in the absence of those persons.

4. Closed Hearings

~~h~~Hearings are closed to the public and only the Charged Respondent, Complainant, and ~~a~~Aadvisors may attend. Witnesses may not be present in the proceedings except to provide information when called upon.

5. Role of the Hearing Administrator or Student Conduct Hearing Board Chair

~~a~~A Charged Respondent has a right to an impartial ~~h~~Hearing ~~officer~~ Administrator. The Hearing Administrator or Student Conduct Hearing Board ~~C~~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 ~~C~~chair may:

- a. Accept information for consideration.
- b. Make determinations regarding requests for postponements.
- c. Make determinations as to procedural questions.
- d. Make procedural modifications for purposes of expediting a process or in the interest of fairness or safety.
- ~~e~~. Exclude repetitious or irrelevant information.
- ~~e~~.f. Dismiss any person who is disorderly, disruptive, or non-compliant.
- ~~f~~.g. Take any other appropriate action deemed necessary.

#### 6. Self-Incriminating Statements

~~the~~The Complainant and Charged Respondent will not be compelled to make self-incriminating statements. Any information shared by the Charged Respondent or Complainant during an educational conference may be presented during a hearing. Failure of the Charged Respondent or Complainant to make a statement or answer questions shall not be considered in the determination of whether or not a Charged Respondent is responsible for violating the ~~Student Code of Conduct~~.

#### 7. Information

The Dean of Students Office, ~~and~~ the Charged Respondent, and the Complainant will be given an opportunity to provide relevant information and question witnesses at the hearing. The Charged 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~~-five 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~~-Charged Respondent and all known information relating to the allegation(s), including inculpatory and exculpatory information.

#### 8. 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.

#### 9. Presentation of Information

Only relevant cross-examination and other questions may be asked of a party or witness. To ensure this, before a Complainant, Charged Respondent, or witness answers a cross-examination or other question, the Student Conduct Hearing Board ~~C~~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 ~~a~~Advisor present at the hearing, the University will provide one, without fee or charge. Each party's ~~a~~Advisor will be allowed to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.

#### 10. 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.

#### 11. 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 Charged 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 Charged Respondent and are offered to prove Consent.

#### 12. Recording of Hearing

Student Conduct Hearing Board ~~H~~hearings and ~~A~~administrative ~~H~~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 ~~e~~Charged ~~student's~~ Respondent's disciplinary record. The Charged Respondent may submit a written request for a copy of the recording which will be provided after receipt of the hearing decision letter.

### 13. Standard of Proof

The Charged 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 Charged 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.

### 14. Multiple Students Charged

In cases involving multiple Charged Respondents from the same incident, information obtained at one hearing may be used at another hearing provided that each Charged Respondent involved has the opportunity to review and respond to the information at that Charged Respondent's hearing.

### 15. Deliberations

Deliberations are closed and the decision making shall include only the Hearing Administrator or the Student Conduct Hearing Board members.

### 16. Determination of Responsibility

~~the~~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.

### 17. Sanctions

~~the~~The Hearing Administrator or Student Conduct Hearing Board will determine sanctions in those cases where the Charged Respondent is found responsible for violating the Student Code of Conduct/applicable.

### 18. Impact Statement

If the Charged Respondent is found responsible, the Complainant has a right to submit an impact statement to the Hearing Administrator or ~~C~~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 Charged 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.

#### 19. 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:

- a. Identification of the allegations potentially constituting ~~s~~Sexual ~~h~~Harassment.
- b. 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.
- c. Findings of fact.
- d. Conclusions regarding the application of the relevant policy or regulation to the facts.
- e. As to each allegation, a statement of, and rationale for, the determination of responsibility or substantiation.
- f. A description of any disciplinary sanctions imposed upon the Charged ~~R~~espondent.
- g. A description of any remedies designed to restore or preserve equal access that will be provided to the ~~e~~Complainant.
- h. A statement of procedures and bases for appeal of the decision.

#### G. Student Withdrawal

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

#### H. Student Status

The Charged 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~~ Charged Respondent's privileges at the University, including the ability to attend classes and engage in University activities, may be revoked

and the ~~student's~~ Charged Respondent'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.

#### I. Hold on Student's Records

The University may place a hold on the records or registration of any Charged 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~~ Charged Respondent'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.

#### J. Accommodations for Students with Disabilities

Any ~~s~~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-Administrator~~ or Student Conduct Hearing Board ~~C~~chair may postpone the hearing to provide reasonable accommodations.

### VII. Sanctions

A ~~e~~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 ~~/or~~ 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 ~~e~~Charged ~~student~~ Respondent and ~~v~~Victim with the reasons for not adopting the recommendations in writing. In Title IX cases, the Hearing Administrator ~~or~~ Student Conduct Hearing Board will determine sanctions when the Charged Respondent is found responsible. One or more of the following sanctions may be imposed for any single violation.

#### A. Expulsion

~~A~~ ~~s~~Student who is expelled is permanently deprived of that individual's privilege to continue at the University in any capacity. The ~~s~~Student may not visit or come onto any UWF campus without specific written permission of the ~~Vice President of Enrollment and Student Affairs~~ VP-DAESA. Expelled ~~s~~Students are not in ~~g~~Good ~~s~~Standing.

#### B. Suspension

~~A~~ ~~s~~Student who is suspended is required to leave the University for a specified period of time. The ~~s~~Student must comply with all sanctions and complete all requirements prior to re-admission. During the suspension period, the ~~s~~Student may not visit or come onto any UWF campus without specific written permission of the ~~Vice President of Enrollment and Student Affairs~~ VP-DAESA. While serving a suspension a ~~s~~Student is not in ~~g~~Good ~~s~~Standing.

### C. Disciplinary Probation

~~A~~ written disciplinary sanction will notifying a ~~s~~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 ~~s~~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:

1. Participate in student activities or in student organizations
2. Represent the University on athletic teams, or in other leadership positions
3. Have access to University housing facilities or other areas on campus
4. Have use of University resources ~~and/or~~ equipment
5. Have contact with specified person(s)

When on disciplinary probation a ~~s~~Student is not in ~~g~~Good ~~s~~Standing.

### D. Disciplinary Reprimand

~~A~~ written disciplinary sanction notifying a ~~s~~Student that the behavior did not meet University standards. All disciplinary reprimands will be taken into consideration if further violations occur.

### E. Loss of University Privileges

~~T~~emporary 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.

### F. Deactivation of Recognized Student Organization/~~Group~~-Status

~~T~~emporary or permanent loss of all privileges, including University recognition.



G. Restitution

The sStudent is required to pay for damages and/or loss of the property belonging to an individual's or the University property. Payment is limited to the actual cost of repair or replacement of such property.

H. Community/University Service

Aa sStudent is required to complete a specified number of hours of service to the campus or general community.

I. Education Requirements

Aa sStudent 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.

J. 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 OSRR website ~~(<https://uwf.edu/academic-engagement-and-student-affairs/departments/dean-of-students/>)~~ at [uwf.edu/osrrfines](https://uwf.edu/osrrfines).

K. University Housing Assignment Change or Removal

Aa sStudent 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.

L. No Contact Order

Aa directive informing the student-Charged Respondent that he or she is not to have any contact, direct or indirect, with one or more designated person(s) or group(s) through any means, including but not limited to personal contact, e-mail, telephone, text messaging, social media, or via third parties.

M. 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 sStudent 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.

#### N. Denial or Revocation of Academic Credit

~~D~~egrees 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.

#### O. Withholding Degrees

~~the~~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.

### VIII. Appeal for Non-Title IX Cases

- A. A ~~s~~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 VP-DAESA or designee~~ within ~~10~~ten business days of the date of the decision letter. The ~~Vice President of Academic Engagement and Student Affairs' VP-DAESA's~~ designee must serve at the level of "director" or above. The ~~Vice President of Academic Engagement and Student Affairs VP-DAESA or designee~~ may not have directly participated in any other proceeding related to the charged violation.
- B. The ~~Vice President of Academic Engagement and Student Affairs VP-DAESA~~ will review the appeal. Grounds for appeal are limited to the following:
1. The ~~student's Charged Respondent's~~ rights, as outlined in this regulation, were violated in the hearing process;
  2. New information is discovered that was not available at the time of the hearing;
  3. The information presented does not support the decision; or
  4. The sanctions imposed were not appropriate for the violation.
- C. The ~~Vice President of Academic Engagement and Student Affairs VP-DAESA~~ may uphold the decision ~~and/or~~ sanctions, modify the decision ~~and/or~~ sanctions, remand the case to the same Hearing Administrator ~~/ or~~ Student Conduct Hearing Board ~~e~~ for reconsideration of the decision ~~and/or~~ sanctions, or remand the case to a new Hearing Administrator ~~/ or~~ 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.
- D. A copy of the decision of the ~~Vice President of Academic Engagement and Student Affairs VP-DAESA~~ shall be forwarded to the ~~e~~Charged ~~student~~ Respondent, the ~~v~~Victim

(where permitted by law), and to the Dean of Students Office for filing and for distribution to the appropriate parties.

- E. If the final decision of the University is a sanction of suspension or expulsion, a ~~e~~Charged student 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 ~~e~~Circuit eCourt for Escambia County within thirty (30) days of the final decision of the University. If the ~~student-Charged Respondent~~ 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~~VP-DAESA, University of West Florida, Bldg. 11, 11000 University Parkway, Pensacola, FL 32514.

## IX. Appeal for Title IX Cases

- A. Both the Complainant and the Charged Respondent may appeal the decision and or sanctions(s) in writing to the ~~Vice President of Academic Engagement and Student Affairs~~VP-DAESA ~~or designee~~. The appeal must be received within ~~10~~ten business days of the date of the decision letter. The ~~Vice President of Academic Engagement and Student Affairs~~VP-DAESA designee must serve at the level of “director” or above. The ~~Vice President of Academic Engagement and Student Affairs~~ ~~or designee~~VP-DAESA may not have directly participated in any other proceeding related to the charged violation.
- B. If either the Complainant or Charged Respondent submits an appeal, the other individual will be notified and provided with a copy of the appeal and will be given ~~10~~ten 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~~VP-DAESA will review the appeal, including all information provided by all parties. Grounds for appeal are limited to the following:
1. Procedural irregularity that affected the outcome of the matter; ~~or~~
  2. 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
  3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Charged Respondents generally or the individual Complainant or Charged Respondent that affected the outcome of the matter.
- C. The ~~Vice President of Academic Engagement and Student Affairs~~VP-DAESA may uphold the decision or sanctions, modify the decision or sanctions, remand the case to the same Hearing Administrator ~~/ or~~ Student Conduct Hearing Board for reconsideration of the decision or sanctions, or remand the case to a new Hearing Administrator ~~or~~ /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.

- D. A copy of the decision of the ~~Vice President of Academic Engagement and Student Affairs VP-DAESA~~ shall be simultaneously forwarded to both Complainant and Charged Respondent, to the Title IX Coordinator, and to the Dean of Students Office for filing and for distribution to the appropriate parties.
- E. If the final decision of the University is a sanction of suspension or expulsion, the Charged 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 Ceircuit Ceourt 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 VP-DAESA~~, University of West Florida, Bldg. 11, 11000 University Parkway, Pensacola, FL 32514.

## X. Records

- A. Records of disciplinary actions shall be maintained by the Dean of Students Office.
- B. 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~~.
- C. 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-lorida S-tatutes~~ and with applicable ~~State~~ record retention laws.
- D. The ~~e~~Charged student Respondent 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.

## XI. Transcript Notations

- A. A permanent notation will be placed on the ~~student's~~ Charged Respondent's transcript indicating any period of disciplinary suspension.
- B. A permanent notation will be placed on the ~~student's~~ Charged Respondent's transcript indicating an expulsion.

|

**Effective Date:** [date]

**Authority:** Sections 1006.60, 1006.61, 1006.62, 1006.63, Florida Statutes  
Board of Governors Regulation 6.0105

**History:** Formerly FAC Rule 6C6-3.010 adopted October 1975, amended October 1979, December 1980, August 1981, August 1983; October 1986, April 1991; Converted to UWF/REG 3.010 July 2007, amended August 2006, August 2007, June 2010, August 2010, March 2013, September 2014, June 2016, October 2018, April 2020, October 2020, December 2021, and [date]

**Last review:** [date]

**Board of Trustees  
Student Affairs Committee  
February 15, 2024**

## Civil Discourse Update

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**Recommended Action:**

None

**Background Information:**

In 2019, the Board of Governors and the twelve institutions comprising the State University System of Florida adopted a statement of free expression which promotes full, open and civil discourse. In 2022, the BOG published its Civil Discourse Final Report, which reviews current best practices, presents seven recommendations to the SUS, and requires each institution to develop a civil discourse plan. UWF developed its Civil Discourse Plan in 2022 and provided subsequent updates to the BOT and BOG thereafter. This information item serves as one such update to the BOT.

**Implementation Plan:**

N/A

**Fiscal Implications:**

None

**Relevant Authority:**

2022 Civil Discourse Final Report

[https://www.flbog.edu/wp-content/uploads/2022/01/SPC\\_09\\_Civil-Discourse\\_Final\\_CE.pdf](https://www.flbog.edu/wp-content/uploads/2022/01/SPC_09_Civil-Discourse_Final_CE.pdf)

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**Supporting Documents:**

1. PowerPoint Presentation
2. Board of Governor's 2022 Civil Discourse Final Report
3. UWF 2022 Civil Discourse Plan

**Prepared by:**

Aurora Osborn, Interim Director, Office of Campus Culture and Access, Division of Academic Engagement and Student Affairs, 850-474-2914, aosborn@uwf.edu

**Presenter:**

Aurora Osborn, Interim Director of the Office of Campus Culture and Access

February 15, 2024

# UWF Civil Discourse Update



Office of Campus  
Culture and Access  
UNIVERSITY *of* WEST FLORIDA



Division of Academic  
Engagement and  
Student Affairs  
UNIVERSITY *of* WEST FLORIDA

# 2023-2024

**Campus Conversation**  
Navigating the Complexities of  
the Israeli-Palestinian Conflict

Join us for a panel discussion about Navigating  
the Complexities of the Israeli-Palestinian Conflict

**Civil Discourse**  
Engaging Differences through Constructive Dialogue

Aurora Osborn, Interim Director

WF | Office of Campus  
Culture and Access

**Say What!**  
How Far is too Far?

Should extremist speakers be allowed  
on University and College campus

**Electoral  
College Debate**

**Holocaust  
Remembrance  
Event**

- Strategic Priority 7
- Civil Discourse Workgroup
- Endorsements of the BOG's Statement of Free Expression
- UWF's Implementation of BOG's Recommendations
- Faculty Community of Practice
- Trainings and Events
- Review of programs, codes, policies and procedures



# Student Code of Conduct – REG 3.010

Recommendations following FIRE\* review:

- Implemented: Add specific language about expectation of free speech and civil discourse.
- Implemented: Remove subjective language.

\*Foundation for Individual Rights and Expression



# Employee Policies and Procedures

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## **Implementation is Complete:**

- Conduct review of HR-22.00-2004/07
- Include UWF's commitment to Civil Discourse and Free Speech new staff onboarding and HR website

## **Implementation is Ongoing:**

- Remove or further define subjective language
- Include UWF's commitment to Civil Discourse and Free Speech in professional development courses

# Looking ahead . . .

**Culture of Respect®**  
Ending Campus Sexual Violence  
A NASPA Initiative

Seligman First Amendment Lecture Series



The Seligman First Amendment Lecture Series fosters dialogue about First Amendment issues and is made possible by a generous gift from the Jane G. and Fred K. Seligman Endowment.



- Culture of Respect Collective
- Global Block Party 2024
- Seligman First Amendment Lecture Series
- OPPE Event Spring 2024 – UWF Speech and Debate
- Assess Civil Discourse Plan Progress
- Fall 2024 – Annual Endorsements of BOG’s Statement of Free Expression
- 2024-2025 Orientation Series

# Thank You

Any questions?

 Building 21

 850.474.2914

 [uwf.edu/OCCA](http://uwf.edu/OCCA)

 [occa@uwf.edu](mailto:occa@uwf.edu)



Office of Campus  
Culture and Access  
UNIVERSITY *of* WEST FLORIDA



Division of Academic  
Engagement and  
Student Affairs  
UNIVERSITY *of* WEST FLORIDA

# 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





**Board of Governors**  
**State University System of Florida**

325 West Gaines Street, Suite 1614

Tallahassee, Florida 32399

Phone: (850) 245-0466

*[www.flbog.edu](http://www.flbog.edu)*





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.