



Title: Student Code of Conduct

Table of Contents

| | | |
|---------------|---------------------------------------|----|
| Article I. | General Policy and Philosophy_____ | 1 |
| Article II. | Definitions_____ | 3 |
| Article III. | University Authority_____ | 7 |
| Article IV. | Violations_____ | 10 |
| Article V. | Procedure for Non-Title IX Cases_____ | 17 |
| Article VI. | Procedure for Title IX Cases_____ | 25 |
| Article VII. | Sanctions_____ | 32 |
| Article VIII. | Appeal for Non-Title IX Cases_____ | 34 |
| Article IX. | Appeal for Title IX Cases_____ | 35 |
| Article X. | Records_____ | 36 |
| Article XI. | Transcript Notations_____ | 37 |

Article I. General Policy and Philosophy

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

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

Article II. Definitions

1. **Advisor:** any support person, advocate, or legal representation that the student chooses at their own expense and initiative.
2. **Charged Student/Respondent:** any student alleged to have violated this Student Code of Conduct. For the purposes of this regulation, “charged student” may also include a student organization/group alleged to have violated this Student Code of Conduct.
3. **Complainant:** any person who alleges that a student violated this Student Code of Conduct and may include any student who submits allegations of a violation under Title IX.
4. **Conduct Officer:** a University Official authorized by the Vice President of Academic Engagement

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

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

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

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

Article III. University Authority

1. **Off-campus conduct:** the University may take disciplinary action against a student or student organization/group for violations committed off-campus where one of the following applies:
 - a. the off-campus conduct demonstrates that the continued presence of the student or organization/group on campus presents a danger to the health, safety, or welfare of the University community;
 - b. the off-campus conduct is disruptive to the orderly processes and functions of the University;
 - c. the off-campus conduct is intimidating or threatening to the University community or an individual within the University community;
 - d. the off-campus conduct is of such a serious nature that it adversely affects the student's suitability to remain a part of the University community; or,
 - e. the off-campus conduct is such that it could constitute a violation of the law.
2. **Court or Administrative Proceedings Outside of the University:** charges by public authorities will not prevent the University from charging a student with violations of this Student Code of Conduct. If a student is charged by the outside authorities with an act that is also a violation of a University regulation or policy or of the Student Code of Conduct, the University may, but is not required to, delay its proceedings pending the outcome of the off-campus proceeding. The University reserves the right to amend its charges based on information obtained through an outside proceeding where that information is relevant to activity adversely affecting the University community. If the outside charges have been dismissed, are not prosecuted, are not heard, or if adjudication of guilt is withheld, such action will have no bearing on the University charges.
3. **Cease and Desist:** University Officials and faculty may, under appropriate circumstances, order a student to cease and desist from an activity considered to be disruptive to the University.
4. **No Contact Directive/Order:** University Officials may, under appropriate circumstances, order a student to cease and desist from having any direct and/or indirect contact (including notes, email, text, social media, phone calls or contact made through a third party) with another student(s).
 - a. **Interim Measures:** Interim measures may be taken by the University at any time if it is determined that a student or student organization's/group's continued presence on campus may adversely affect the health, safety or welfare of the University community.

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

- i. **Interim Suspension:** the Dean of Students may temporarily suspend a student from the University. A student who is suspended is required to leave the University premises. During the interim suspension period the student may not visit or come onto any UWF campus without the written permission of the Dean of Students.
- ii. **Restrictions on Activity:** the Dean of Students may restrict a student or student organization's/group's activities.

Article IV. Violations

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

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

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

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

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

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

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

- a.** Conduct which is disorderly and/or disruptive or in any way interferes

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

a. Prohibited Uses of Drugs

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

b. Prohibited Uses of Alcohol:

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

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

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

Article V. Procedure for Non-Title IX Cases

1. Determination of Charges

- a. Alleged violations of the Student Code of Conduct may be reported to the Dean of Students Office by anyone, including but not limited to: (a) University Police or other University departments; (b) faculty, staff, or students; or (c) third parties.
- b. The Dean of Students Office will review the information to determine if a student will be charged with violating the Student Code of Conduct.
- c. The Dean of Students Office may not charge a student with a violation of the Student Code of Conduct more than one year after the date the conduct occurred or was discovered; whichever is later. University Officials; however, may exercise professional discretion when applying the time provision to account for circumstances that warrant an extension of the one-year time limit from the date of discovery. Circumstances that may warrant an extension include, but are not limited to, when a student or student organization's/group's continued presence on campus is necessary for the health, safety, or welfare of the University community.

5. Educational Conference

- a. The Educational Conference is not a hearing. The purpose of the Educational Conference is for the Conduct Officer to review with the charged student the allegations and charges, the Student Code of Conduct, the hearing options, the conduct process, possible sanctions, and to answer questions.
- b. During the Educational Conference the charged student will be given the opportunity to accept responsibility, not accept responsibility for the charges, or request to postpone their decision for up to 2 business days.
- c. If the charged student accepts responsibility for the charges:
 - i. The charged student will be asked to sign the Educational

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

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

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

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

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

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

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

4. **Educational Conference**

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

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

5. Hearing Options

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

6. Hearing Procedures

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

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

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

Complainant will be given an opportunity to provide relevant information and question witnesses at the hearing. The Respondent and the Complainant will also be given an opportunity to review all relevant information to be used in the student conduct hearing at least 5 business days prior to the hearing. Relevant information may include, but is

property of the University and will be considered part of the charged student's disciplinary record. The Respondent may submit a written request for a copy of the recording which will be provided after receipt of the hearing decision letter.

- n. **Standard of Proof:** The Respondent has a right to a presumption that no violation occurred. The burden to prove disciplinary cases rests with the University and not with the Respondent. The standard of proof shall be the preponderance of the evidence. This means that the information presented supports the finding that it was more likely than not that the violation occurred.
- o. **Multiple Students Charged:** in cases involving multiple Respondents from the same incident, information obtained at one hearing may be used at another hearing provided that each Respondent involved has the opportunity to review and respond to the information at that Respondent's hearing.
- p. **Deliberations:** are closed and the decision making shall include only the Hearing Administrator or the Student Conduct Hearing Board members.
- q. **Determination of Responsibility:** the Hearing Administrator or Student Conduct Hearing Board (by majority vote) shall determine whether the Respondent has violated the Student Code of Conduct. A finding of "responsible" or "not responsible" shall be made for each charge.
- r.

simultaneously to the parties, and include the following elements:

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

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

Article VII. Sanctions

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

1. **Expulsion:** a student who is expelled is permanently deprived of that individual's privilege to continue at the University in any capacity. The student may not visit or come onto any UWF campus without specific written permission of the Vice President of Enrollment and Student Affairs. Expelled students are not in good standing.
2. **Suspension:** a student who is suspended is required to leave the University for a specified period of time. The student must comply with all sanctions and complete all requirements prior to re-admission. During the suspension period the student may not visit or come onto any UWF campus without specific written permission of the Vice President of Enrollment and Student Affairs. While serving a suspension a student is not in good standing.
3. **Disciplinary probation:** a written disciplinary sanction notifying a student or student organization that the behavior is in serious violation of University standards. Any additional violations occurring during a probationary period may result in more serious sanctions. In addition, restrictions may be placed on a student's or student organization's activities. Restrictions that may be imposed during a probationary period may include, but are not limited to, restriction of the privilege to: (a) participate in student activities or in student organizations; (b) represent the University on athletic teams, or in other leadership positions; (c) have access to University housing facilities or other areas on campus; (d) have use of University resources and/or equipment; (e) have contact with specified person(s). When on disciplinary

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

7. **Restitution:** the student is required to pay for damages and/or loss of an individual's or University property. Payment is limited to the actual cost of repair or replacement of such property.
8. **Community/University service:** a student is required to complete a

Article VIII. Appeal for Non-Title IX Cases

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

Article IX. Appeal for Title IX Cases

1. Both the Complainant and the Respondent may appeal the decision and or sanction(s) in writing to the Vice President of Academic Engagement and Student Affairs or designee. The appeal must be received within 10 business days of the date of the decision letter. The Vice President of Academic

Article X. Records

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

Article XI. Transcript Notations

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

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

Hon 6.0105.