



Number: E-USF6.0021
Title: Student Code of Conduct
Responsible Office: Student Success

Date of Origin: 9-23-85 Date Last Amended: 8-14-20 (Amended) Date Last Reviewed: 8-14-20

Effective Date and Changes to the Regulation: This Regulation E-USF6.0021 has been adopted as an Emergency Regulation under the Board of Governors Guidelines for Emergency Regulations (BOG Regulation and Development Procedures) to comply with recent Florida Statute, Chapter No. 2021-159.

The Regulation E-USF6.0021 will replace USF6.0021 and will be effective July 1, 2021 for up to 90 days pending final adoption at the conclusion of the full promulgation period. The Regulation will remain in effect until repealed or amended to respond to comments, new information and changing conditions. Substantive amendments to the Regulation will be communicated through the University's established promulgation process. (Policy 0-001 Regulation and Policy Development).

I. PURPOSE AND INTENT

Student Conduct and Ethical Development (further referred to as "SCED" (formerly SRR) supports the goals, mission, values, and visions of the University of South Florida ("University" or "USF") by promoting responsibility and adherence to the standards of behavior outlined in this Regulation ("Student Code of Conduct" or "Code").

SCED collaborates with the USF community to advocate for a safe environment that promotes personal accountability and supports student success. SCED facilitates educational opportunities through meaningful interactions with students to encourage their academic, emotional, and professional development. The goal of SCED is to create environments that empower students to engage as ethical citizens in a diverse global society.

II. STATEMENT OF REGULATION

The USF President has designated SCED, or designee, to administer and maintain this Regulation ("Student Code of Conduct" or "Code"). The Student Code of Conduct describes standards of behaviors that are counteractive to the goals and mission of the University and the process for how the University will

31 hold students and student organizations accountable to these standards of behavior.
32

33 **III. STANDARDS OF BEHAVIOR**

34
35 Students and student organizations are responsible for knowing the information, policies, and
36 procedures outlined in the Code. There is an expectation that students and student organizations adhere
37 to the following standards of behavior.
38

39 40 **Commitment to Honor**

41 The Code supports and seeks to put into practice the USF Commitment to Honor. As an ethical
42 community, USF is dedicated to the ideals of excellence in student development, academic learning,
43 scholarship, and research. Each member of this community is expected to accept and live these
44 commitments:

- 45 1. I resolve to maintain honor and integrity of the university community in pursuit of student
46 development, academic learning, scholarship and research.
- 47 2. I resolve to respect the dignity and intrinsic value of all persons.
- 48 3. I resolve to contribute to the progress and greater good of the community.
- 49 4. I resolve to strive for excellence and discovery for myself, others, and the University.
50

51 **Academic Disruption**

52 Disruptive students in the academic setting hinder the educational process. Instructors have the primary
53 responsibility for managing the classroom environment whether in person or online in accordance with
54 [USF 3.025 Disruption of Academic Process](#). The Disruption of Academic Process Regulation provides
55 the steps an instructor may take to immediately address a student disrupting a class or academic setting
56 including restricting a student from class. If a student disrupts the classroom or academic setting, the
57 instructor should submit a report in writing using the [Student Conduct and Ethical Development
58 Referral Form](#). References to “instructor” include course instructors, faculty, administrators, and staff.
59

60 **Amnesty**

61 *Medical*

62 The University encourages students to seek emergency medical assistance when faced with an alcohol
63 and/or drug-related emergency and in any situation where a reasonable person believes medical
64 treatment to be appropriate. Students who seek or receive emergency medical assistance for themselves
65 or students who seek assistance for another student experiencing an emergency related to the
66 consumption of alcohol and/or drugs may qualify for amnesty. Any student who qualifies for amnesty
67 under the [USF 30-004 Medical Amnesty \(Student Reporting\) Policy](#), may not be charged with violations
68 of the Student Code of Conduct as those conduct violations relate to the consumption and/or use of

69 alcohol and/or drugs. Although students who qualify for amnesty may be exempt from the Student
70 Conduct Process, they may be required to complete educational measures.

71
72 *Hazing*

73 A student may not be charged with a violation of the Code if the student establishes that, before medical
74 assistance or law enforcement arrived on the scene of the hazing event, the student rendered aid to the
75 hazing victim(s) and establishes all of the following:

- 76 1. The student was present at an event where, as a result of hazing, an individual appeared to need
77 immediate medical assistance.
- 78 2. The student was the first individual to call 911 or USF Police to report the need for immediate
79 medical assistance.
- 80 3. The student provided their own name, the address where the immediate medical assistance was
81 needed, and a description of the medical issue to the 911 or USF Police dispatcher at the time
82 of the call.
- 83 4. The student remained at the scene with the individual in need of immediate medical assistance
84 until such medical assistance or law enforcement arrived and that the student cooperated with
85 such personnel at the scene of the incident.

86 For more information about hazing and hazing amnesty, reference [6.0023 Prohibition of Hazing](#)
87 [Regulation](#).

88
89 **IV. APPLICABILITY & AUTHORITY**

90
91 The University of South Florida is one institution with branch campuses. An incident will be referred to
92 the campus where the incident occurred or as designated by the director of SCED, or designee.

93
94 Students and student organizations are responsible for having read and abiding by the standards of
95 behaviors of the Code. The University reserves the right to make changes to the Code as necessary. The
96 most updated version of all USF policies and regulations can be found at
97 <http://regulationspolicies.usf.edu>.

98
99 The Code and Student Conduct Process apply to the behaviors of any student and student organization
100 regardless of location or forum that are inconsistent to the goals and mission of USF. This includes (1)
101 conduct that may present a danger or threat to the health and/or safety of students or others, (2) conduct
102 that adversely affects the University community and/or the pursuit of its mission, (3) and/or conduct
103 that violates state or federal laws. Students and student organizations are responsible for their guests and
104 may be held accountable for their guests' behavior.

105
106 The Student Conduct Process is educational and designed to address student and student organization
107 behavior; therefore, the University will address any alleged violations of the Code independently of any

108 criminal or civil court process. The Student Conduct Process may be carried out prior to, concurrently
109 with, or following civil or criminal proceedings. Determinations made or sanctions(s) imposed as a result
110 of the Student Conduct Process will not be subject to change because criminal charges were dismissed,
111 reduced, or resolved in favor of the charged student. The University is not required to postpone the
112 Student Conduct Process pending the outcome of any civil or criminal case. Student conduct cases that
113 may result in suspension or expulsion must be resolved prior to the awarding of any degree or certificate.

114 **V. DEFINITION OF TERMS**

115

116 **Administrative Hold** – A restrictive hold placed on a student’s record at any point in the Student
117 Conduct Process to assure compliance with sanctions or pending the resolution of conduct matters.
118 This hold may impact the ability of a student to register for courses, request academic transcripts, and
119 receive a degree and diploma.
120

121 **Advisor** – Any individual chosen by the charged student, student organization, and complainant to
122 accompany the party to meetings related to the Student Conduct Process. ~~and to advise the party on the~~
123 ~~process. For cases under the jurisdiction of Policy 0-004, an advisor will conduct cross-examination for~~
124 ~~the party at the Formal Hearing; further, the University will appoint an advisor to a party for the purpose~~
125 ~~of cross-examination if one is not chosen by the party.~~
126

127 **Charge(s)** – Alleged violation(s) of the Student Code of Conduct.
128

129 **Charged Student** – Any student who has allegedly violated the Student Code of Conduct. This term may
130 also refer to a student identified as a respondent as defined in USF Policy 0-004.
131

132 **Complainant** – Any individual who may have been the subject of sexual harassment, stalking, or
133 violence by the charged student. This may not be the individual who reported the violation(s). This term
134 may also refer to a student identified as a complainant as defined in USF Policy 0-004.
135

136 **Conduct Standing** – A student’s status related to University conduct.
137

138 **Day** – A day when the University is open for regular business operations. This excludes Saturday,
139 Sunday, legal/University administrative holidays or when the campus is closed for business. For emailed
140 correspondence, the day of delivery is not included in a designated time period.
141

142 **Hearing Officer** – University official, as determined by the Director of SCED, or designee, authorized
143 to make decisions about alleged violations of the Student Code of Conduct.
144

145 **Impact Statement** – A written statement provided by the charged student and complainant that
146 explains how the incident has impacted their personal and educational experiences. These statements

147 may be considered in cases of alleged sexual harassment, stalking, and violence.

148

149 **Interim Suspension** – An immediate temporary separation from the University. Conditions may
150 include restriction from University premises and participation in academic endeavors, and/or other and
151 University-related activities. Interim suspensions will be expedited through the Student Conduct Process.

152

153 **May** – Is used in the permissive sense.

154

155 **Member of the University Community** – Any individual who currently employed by the University,
156 any student of the University, and any third party working on University premises or any participant in
157 a University-sponsored program or activity regardless of the location of the program or activity.

158

159 **Policy** – All written and published policies and regulations of the University. Reference [USF Regulations](#)
160 [and Policies](#) for specific policies and regulations.

161

162 **Preponderance of the Evidence** – The evidence/information presented supports the finding that it is
163 more likely than not that the conduct violation occurred. This standard is used in adjudicating all cases
164 through the Student Conduct Process.

165

166 **Student** – Student is an individual admitted, enrolled, or registered for any University course or program,
167 regardless of the medium of the course or program, or degree-seeking status, or when not enrolled or
168 registered for a particular term, who is eligible to enroll in future terms without seeking readmission. A
169 student who withdraws, is academically dismissed after allegedly violating the Student Code of Conduct,
170 or has a continuing relationship with the University is still considered a student. For the purpose of this
171 Regulation, the term “student” may be interchangeable with “student organization” when the term
172 “student organization” is not directly specified.

173

174 **Student Organization** – A student group that is officially registered or recognized by the University,
175 including, but not limited to, political groups, social groups, honor and professional societies, fraternities
176 and sororities, and sport clubs.

177

178 **Temporary Restrictions** – Actions that SCED may take upon receipt of an incident report or during the
179 Student Conduct Process. These actions may include, but are not limited to, interim suspension, a
180 removal from on-campus housing, no contact orders, restrictions from clubs, events, and organizational
181 activities, and/or restrictions from specific areas on University premises. Temporary restrictions may be
182 amended or lifted throughout the Student Conduct process.

183

184 **Transcript Overlay** – Notation on a student’s academic transcript that states the student is not in good
185 conduct standing resulting from suspension or expulsion.

186

187 **University** –All campuses of the University of South Florida.
188

189 **University Activity or University Program** - Any function or event that is hosted, sponsored, or
190 organized by any University member when acting in their official capacity, group, or organization,
191 including but not limited to, student organizations. This includes, but is not limited to, coursework and
192 other academic activities, education abroad, field trips, retreats, social events, philanthropies, and
193 community service events.
194

195 **University Conduct Board** - A panel of faculty, staff, and students who have been trained to participate
196 in the adjudication of student conduct cases.
197

198 **University Official** – Any individual the University employs, contracts, or appoints to perform assigned
199 teaching, research, administrative, professional, or other responsibilities (e.g. faculty, staff,
200 administrators, student staff, USF Police).
201

202 **University Premises** – Any building or property owned or controlled by the University within the same
203 reasonably contiguous geographic area and used by the University in direct support of, or in a manner
204 related to, the University’s educational purposes, including residence halls; and any building or property
205 that is within or reasonably contiguous to that previously described in this paragraph that is owned by
206 the University, but that is controlled by another individual, is frequently used by students, and supports
207 University purposes (e.g., a food or other retail vendor).
208

209 **Will** – Is used in the imperative sense.
210

211 **Witness** – An individual with direct knowledge about or involvement in an alleged violation of the
212 Student Code of Conduct.
213

214 **Written Notice** –Communication regarding the student conduct process sent to the charged student or
215 student organization, and in specific cases the complainant, by e-mail to their official University of South
216 Florida e-mail address, which will be SCED’s primary means of communication with students. The
217 delivery of written notice through the official University email will constitute full and adequate notice
218 under the Code. Students are responsible for all communications delivered to their University email
219 address. Written notice to student organizations will be sent to the email address on file with the
220 University. If the student is under 18 years of age, written notice will be sent to the student’s parent or
221 guardian.
222

223 **VI. CONDUCT VIOLATIONS**

224

225 The behaviors outlined below are prohibited by this Regulation. The following conduct violations are
226 broadly defined and are not exhaustive in terms.

227

228 **Aiding and Abetting** - The prompting, facilitating or encouraging of others to violate standards of
229 behavior.

230

231

Alcohol

232

1. Possession or consumption of alcohol when under the legal drinking age as defined by Florida
233 law.

234

2. Unlawful sale, distribution, and/or manufacturing of alcohol.

235

3. Public consumption and/or intoxication according to local ordinance.

236

4. Hosting or sponsoring a gathering at which the underage consumption of alcohol may or has
237 occurred.

238

5. Control or operation of any mode of transportation while impaired by alcohol.

239

6. Use and/or possession of devices with the intent to use for rapid or excessive consumption of
240 alcohol, including but not limited to funnels, ice luges, and beer bong.

241

7. Possession and/or use of kegs, coolers, party balls and/or other common source containers.

242

8. Reporting to class, an organizational meeting or other University event that is specific to the
243 educational mission while under the influence of alcohol.

244

9. Failure to abide by [30-023 Alcohol Policy](#) and all University protocols, state, and federal laws
245 regarding alcohol.

246

247 **Bribery** – Offering or accepting a bribe or inducement that would impinge upon or compromise the
248 integrity of academic work, student performance, or the unbiased and professional duty of faculty, staff,
249 or students of the University.

250

251 **Complicity** – To be associated with a violation of any University policy or regulation including, but not
252 limited to, failure to remove oneself from the area or incident where a violation is being committed or
253 attempted.

254

255 **Damage to Property** - Destruction or vandalism of University buildings or property, private property,
256 and/or personal property.

257

258 **Dating Violence** – Violence, on the basis of sex, committed by a person, who is in or has been in a
259 social relationship of a romantic or intimate nature with the complainant. The existence of such a
260 relationship shall be determined based on the complainant's statement and with consideration of the
261 length of the relationship, the type of relationship, and the frequency of interaction between the persons
262 involved in the relationship. For the purposes of this definition, dating violence includes, but is not
263 limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts
264 covered under the definition of domestic violence.

265

266

Disruptive Conduct

|

- 267 1. Actions and/or behaviors that disrupt, disturb, impair, or interfere with the processes and/or
268 functions of the University or the rights of members of the University community.
- 269 2. Actions and/or behaviors that disrupt, disturb, impair, or interfere with the academic
270 environment, and/or failure to abide by [USF 3.025 Disruption of Academic Process](#).
- 271 3. Actions and/or behaviors that disrupt, disturb, impair, or interfere with the freedom of
272 movement and speech, and/or academic freedom of any member or guest of the University
273 community.
- 274 4. Actions and/or behaviors that disrupt, disturb, impair, or interfere with the student conduct
275 process.
- 276 5. Actions and/or behaviors that are disorderly, unruly, and/or disturb the peace.
- 277

278 **Domestic Violence** – Violence, on the basis of sex, committed by a current or former spouse or
279 intimate partner of the complainant, by a person with whom the complainant shares a child in common,
280 or by a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate
281 partner, or by a person similarly situated to a spouse of the complainant under the domestic or family
282 violence laws of the state of Florida, or by any other person against an adult or youth complainant who
283 is protected from that person’s acts under the domestic or family violence laws of the state of Florida.
284 To categorize an incident as domestic violence, the relationship between the respondent and complainant
285 must be more than just two people living together as roommates. The people cohabitating must be
286 current or former spouses or have an intimate relationship.

287

288 **Drugs** -Includes, but is not limited to, any narcotic, central nervous system stimulant, hallucinogenic,
289 barbiturate, or other substance treated as such.

- 290 1. Misuse or illegal possession of a regulated or controlled substance.
- 291 2. Manufacturing, distributing, selling, or attempting to obtain any controlled substance that is
292 prohibited by law.
- 293 3. Un-prescribed use, possession, distribution, selling, or attempting to obtain any prescription
294 drug (one’s own or another’s) that is prohibited by laws.
- 295 4. Possession of paraphernalia used for the consumption and/or use of drugs that may include, but
296 not limited to bongs, hookahs, rolling papers, baggies, scales, and pipes.
- 297 5. Knowingly inhaling or ingesting a substance (e.g. nitrous oxide, glue, paint, etc.) that may alter
298 a student’s mental state.
- 299 6. Control or operation of any mode of transportation while impaired by a regulated or controlled
300 substance.
- 301 7. Reporting to class, an organizational meeting or other University event that is specific to the
302 educational mission while under the influence of drugs.
- 303 8. Failure to abide by [0-610 Drug-Free Workplace Policy](#) and all University protocols, state, and
304 federal laws regarding drugs.

305 **Failure to Comply** – Failure to comply with an official request or directive of a University Official
306 acting within the scope of their assigned duties. Failure to identify oneself or produce USF identification
307 upon request by a University Official.
308

309 **False Information**

- 310 1. Knowingly withholding related information or making a false or misleading oral or written
311 statement to the University and/or any University Official.
- 312 2. Unauthorized alteration, possession, purchase, forgery, or misuse of any document, record, or
313 instrument to be used as identification or as part of a request for support or excuse from
314 academic assignment or other University service. The University has the right to authenticate or
315 research the reliability of any document provided by a student.
- 316 3. Knowingly providing false or misleading information during proceedings under the Student
317 Code of Conduct, including knowingly submitting a false complaint for any University process.
- 318 4. Failure to provide complete and accurate responses to the prior conduct section of the
319 admissions application.

320 **Fire and Safety**

- 321 1. Inappropriate activation of any emergency warning equipment or the false reporting of any
322 emergency.
- 323 2. Removing, damaging, interfering, or tampering with any fire safety equipment (e.g. smoke
324 detectors, sprinklers, fire alarms).
- 325 3. Failure to evacuate during a fire alarm in any University facility or at any University event.
- 326 4. Engaging in action(s) that cause or attempt to cause a fire or explosion including but not limited
327 to the release of chemicals or substances that can cause harm to another individual's health.

329 **Gambling** – Engaging in or offering games of chance for the exchange of money or other gain that may
330 be in violation of Florida laws.

332 **Harassment** – Conduct that creates an unsafe, intimidating, or hazardous situation that interferes with
333 the ability of a student or employee to study, work, or carry out University functions and are not
334 protected by freedom of expression.

- 335 1. Repeated and/or severe aggressive behaviors, including bullying/cyber-bullying, that intimidate
336 or intentionally harm or control another individual physically or emotionally.
- 337 2. Failure to abide by [0-007 Diversity and Equal Opportunity: Discrimination and Harassment](#)
338 Policy and all University protocols and federal/state laws regarding discrimination.

339 **Hazing** - Any action or situation that recklessly or intentionally endangers the mental or physical health
340 or safety of an individual(s) for purposes of initiation and/or admission into, or association with and/or
341 the perpetuation or furtherance of a tradition or ritual of any recognized student organization or non-
342 affiliated organization. The consent or permission of the individual(s) does not eliminate responsibility.

- 343 1. Hazing includes, but is not limited to pressuring or coercing an individual(s) into violating state
344 or federal laws; any brutality of a physical nature, such as whipping, beating, branding, exposure
345 to the elements, forced consumption of any food, liquor, drug, or other substance, or other
346 forced physical activity that could adversely affect the physical health or safety of an individual(s);
347 or any activity that would subject an individual(s) to extreme mental stress, such as sleep
348 deprivation, forced exclusion from social contact, forced conduct that could result in extreme
349 embarrassment, or other forced activity that could adversely affect the mental health or dignity
350 of an individual(s). Additionally, any hazing that results in permanent and/or serious bodily injury
351 or death.
- 352 2. Soliciting an individual(s) to commit or is actively involved in the planning of any act of hazing.
- 353 3. Failure to abide by [6.0023 Prohibition and Prevention of Hazing Regulation](#) and all University
354 protocols, state, and federal laws regarding hazing.

355 **Health and Safety** – Conduct non-compliant with University policies, guidelines, or directives related to
356 the health and safety of the University community.

357 **Physical Violence**

- 358 1. Intentional touching or striking of an individual(s) against their will, or any action causing or
359 attempting to cause potential damage, injury, or harm. This includes, but is not limited to,
360 punching, slapping, scratching, or striking with one’s body or with any object.
- 361 2. Unintentional touching or striking of an individual(s) against their will, or any action causing or
362 attempting to cause potential damage, injury, or harm that is with conscious disregard for
363 consequences.

364 **Residence Hall Policies** – Failure to abide by any policy or regulation governing University Housing
365 (e.g. rental agreement, Resident Handbook).

366

367 **Retaliation** – Words or action(s) taken against an individual because of the individual’s participation in
368 a protected activity that would discourage a reasonable person from engaging in a protected activity.
369 Retaliation may include intimidation, threats, coercion, physical harm and/or adverse employment or
370 educational actions. Protected activity includes an individual’s participation in the reporting, investigation,
371 and/or resolution of an alleged violation of the Student Code of Conduct. Additionally, protected activity
372 includes an individual’s opposition to policies, practices and/or actions that the individual reasonably
373 believes are in violation of the Student Code of Code. Retaliation may be found even when an underlying
374 report made in good faith was not substantiated. Retaliation may be committed by the charged student,
375 the complainant, or any other individual or group of individuals.

376

377 **Sexual Assault (defined as Sex Offenses, Forcible)** – Any sexual act directed against another individual,
378 without the consent of the complainant, including instances in which the complainant is incapable of giving
379 consent.

380 ~~Any sexual act directed against another individual, without the consent of the complainant,~~
381 ~~including instances in which the complainant is incapable of giving consent.~~

- 382 1. Forcible Rape: Penetration, no matter how slight, of the vagina or anus with any body part or
383 object, or oral penetration by a sex organ of another person forcibly or against that person's will
384 (non-consensually) or in instances in which the Complainant is incapable of giving consent.
- 385 2. Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly or against
386 that person's will (non-consensually) or in instances in which the Complainant is incapable of
387 giving consent.
- 388 3. Sexual Assault with an Object: The use of an object or instrument to penetrate, however
389 slightly, the genital or anal opening of the body of another person forcibly or against that
390 person's will or in instances in which the Complainant is incapable of giving consent.
- 391 4. Forcible Fondling: The touching of the private body parts of another person (buttocks, groin,
392 breasts), for the purpose of sexual gratification, forcibly, or against that person's will (non-
393 consensually), or when the Complainant is incapable of giving consent.
- 394
- 395 ~~1. Incest—non forcible sexual intercourse, between individuals who are related to each other, within~~
396 ~~the degrees wherein marriage is prohibited by Florida law.~~
- 397 ~~2. Statutory rape—non forcible sexual intercourse, with an individual who is under the statutory~~
398 ~~age of consent as defined by Florida law.~~
- 399

400 **Sexual Exploitation** – Taking non-consensual or abusive sexual advantage of an individual for their
401 own benefit or for the benefit of anyone other than the individual being exploited, and that the conduct
402 does not otherwise constitute sexual harassment under this policy. Examples of sexual exploitation
403 include, but are not limited to:

- 404 1. Sexual voyeurism (such as observing or allowing others to observe an individual undressing or
405 using the bathroom or engaging in sexual acts, without the consent of the individual being
406 observed).
- 407 2. Invasion of sexual privacy.
- 408 3. Taking pictures, videos, or audio recording of another in a sexual act, or in any other sexually-
409 related activity when there is a reasonable expectation of privacy during the activity, without the
410 consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing
411 another individual to hide in a closet and observe sexual activity, or disseminating sexual pictures
412 without the photographed individual's consent), including the making or posting of revenge
413 pornography.
- 414 4. Prostituting another individual.
- 415 5. Engaging in sexual activity with another individual while knowingly infected with human
416 immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI),
417 without informing the other individual of the infection.
- 418 6. Causing or attempting to cause the incapacitation of another individual (through alcohol, drugs,
419 or any other means) for the purpose of compromising that individual's ability to give consent to
420 sexual activity, or for the purpose of making that individual vulnerable to non-consensual sexual
421 activity.
- 422 7. Misappropriation of another individual's identity on apps, websites, or other venues designed for
423 dating or sexual connections.

8. Forcing an individual to take an action against their will by threatening to show, post, or share information, video, audio, or an image that depicts the individual's nudity or sexual activity.
9. Knowingly ~~solicitation~~ soliciting a minor for sexual activity.
10. Engaging in sex trafficking,
11. Creation, possession, or dissemination of child pornography.

Sexual Harassment – Conduct on the basis of sex/gender or that is sexual that satisfies one or more of the following:

1. Quid Pro Quo: A USF employee, conditions the provision of an aid, benefit, or service of the University, on an individual's participation in unwelcome sexual conduct. Refer to Policy [0-004 Sexual Misconduct/Sexual Harassment](#).
2. Unwelcome conduct, determined by a reasonable individual, to be so severe, and pervasive, and objectively offensive, that it effectively denies an individual equal access to the University's education program or activity.

Sex Offenses, Non-Forcible

1. Incest - non-forcible sexual intercourse, between individuals who are related to each other, within the degrees wherein marriage is prohibited by Florida law.
2. Statutory Rape– non-forcible sexual intercourse, with an individual who is under the statutory age of consent as defined by Florida law.

Stalking- Engaging in a course of conduct directed at a specific individual that would cause a reasonable individual to fear for the individual's safety, or the safety of others; or suffer substantial emotional distress. For the purposes of this definition, course of conduct means two or more acts, including, but not limited to, acts in which the charged student directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about an individual, or interferes with an individual's property. Reasonable person means a reasonable person under similar circumstances and similar identities to the complainant. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Student Organization Misconduct – Failure to abide by any University and/or department policy or protocol governing the operation of student organizations, sport clubs, teams, etc.

Technology – Improper use of technology hardware or software including but not limited to computers, e-mail, cell phones, video cameras, and drones.

1. Unauthorized downloading or facilitating others to download copyrighted music, films, and other documents without authorization.
2. Non-consensual recording of wire, oral, or electronic communication acquired by any device when such communication is uttered by an individual exhibiting an expectation that such

- 463 communication is not subject to interception under circumstances justifying such expectation
464 (i.e. an individual has a reasonable expectation of privacy).
465 3. Failure to abide by [Policy 0-502 Appropriate Use of Information Technology Resources](#).
466 4. Failure to abide by [Policy 6-036 Unmanned Aircraft \(Drone\) Operations](#).
467

468 **Theft** – Taking, attempting to take, or keeping in its possession property or services not belonging to the
469 individual.

470
471 **Threats of Violence** - A threat by word or act to do violence to an individual(s).
472

473 **Unauthorized Access and/or Use**

- 474 1. Unauthorized access or entry to University facilities or any property of any member of the
475 University community without permission.
476 2. Duplication or use of University keys or access cards without permission.
477 ~~3~~—Accessing, duplicating, photographing, altering, disseminating, and/or misusing any University
478 material (including University intellectual property), files document or record, computer records,
479 software, data files, and similar entities owned or maintained by any member of the University
480 faculty, administration, staff or student body.
481 ~~4~~—Misuse of the official University brand to include, but not limited to the logo, mark, monogram,
482 seal, or other graphic identity symbol.
483

484 **University Policy and/or Local Ordinance, State, or Federal Law (as determined by the**
485 **University)** – Failure to adhere or abide by policies, including but not limited to, local ordinance, state
486 law or federal law. Adjudicating by an outside entity is not a prerequisite to a determination of
487 responsibility by the University.

488 **Weapons, Firearms, or Explosive Devices** – The illegal possession, storage, use or sale of any
489 weapon (lethal or non-lethal), firearm, ammunition, or any incendiary, explosive or destructive device.
490 This includes, but is not limited to, fireworks, switchblade knives, air soft guns, dangerous chemicals,
491 corrosive and/or biological chemicals or agents as restricted by University policies and/or protocols.
492 This also covers any item used as a weapon to cause actual physical harm or threaten physical harm.
493 Reference [Policy 6-009 Weapons on USF Property](#).
494

495 **VII. STUDENT CONDUCT PROCESS**

496 **Filing an Incident Report**

497
498 A student and student organization’s conduct may be reported to SCED by any individual or entity for
499 review of a potential conduct violation(s). A report may be submitted in writing using the designated
500 referral form. Currently the form is the [Student Conduct and Ethical Development Referral Form](#).
501 Incident reports must be submitted within six (6) months following the incident or obtaining knowledge
502 about the incident, whichever is later. Exceptions to this filing time include, but are not limited to, cases
|

503 involving sexual harassment, dating violence, domestic violence, and stalking and may include other
504 extraordinary cases, as determined by the Director of SCED, or designee.

505

506 All reported information will be reviewed by the Director of SCED, or designee, to determine
507 appropriate next steps to include, but are not limited to, further fact gathering, issuance of charges,
508 referral to another department, or an information meeting to determine resolution of the report and
509 potential conduct violations.

510

511 **Temporary Restrictions**

512 Temporary restrictions may be issued to ensure a safe environment that promotes personal
513 accountability and supports student success. SCED can issue temporary restrictions to any student and
514 student organization involved in an incident, regardless of whether a determination of potential
515 violations has been made. These may include, but are not limited to, interim suspension, removal from
516 on-campus housing, no contact orders, restrictions from clubs, events, and organizational activities,
517 and/or restrictions from specific areas on University premises. The student and student organization
518 will receive written notice detailing the issued temporary restrictions.

519

520 The charged student's enrollment status will remain unchanged pending the outcome of a Formal
521 Hearing, except in cases of interim suspension. The hearing outcome will indicate if enrollment status
522 will be changed between written notice of outcome of a Formal Hearing and the conclusion of an
523 Appeal, if applicable.

524

525 **Issuance of Charges**

526 The Director of SCED, or designee, will review the incident report to determine if further fact gathering
527 is necessary or if sufficient information exists for the issuance of charges of violations of the Code. In
528 general circumstances, a review of the incident report will be completed to make a determination to issue
529 charges ~~or to conduct further fact gathering, if necessary,~~ within fifteen (15) days of receipt of the
530 incident report unless further fact gathering is determined necessary by the Director of SCED, or
531 designee.

532

533 If sufficient information exists, the student and student organization will receive written notice of
534 charges. The written notice will include date, time, and location of the Informational Meeting, as well as
535 the specific charges of violations of the Code, a brief description of the allegation(s), an invitation to
536 attend an informational meeting, and any other detail to prepare for the Student Conduct Process.

537

538 **Informational Meeting**

539 The charged student or student organization, and in specific cases, complainant will be invited to attend
540 an Informational Meeting with a Hearing Officer. An informational meeting is an opportunity for the
541 Hearing Officer to explain the Student Conduct Process, due process rights, allegations and charges, and
542 review all available information supporting the charges of violations of the Code. Following the

|

543 Informational Meeting, the Hearing Officer may collect additional relevant information regarding the
544 incident. The charged student or student organization, and in specific cases, complainant will receive
545 written notice of and be provided the reasonable opportunity to review any relevant information
546 gathered after the Informational Meeting prior to ~~resolution. a Resolution Agreement or Formal Hearing.~~
547 This is a private meeting and will be closed to spectators, unless otherwise specified (e.g. advisor).
548

549 A student or student organization, and in specific cases, complainant has up to three (3) days after the
550 Informational Meeting to choose a resolution option. If the charged student or student organization fails
551 to select a resolution option, SCED will proceed with scheduling a Formal Hearing. The type of Formal
552 Hearing forum will be determined by the Director of SCED, or designee, based on the severity of
553 charges, information gathered, and/or possible sanctions (e.g. suspension/expulsion).
554

555 If the charged student or student organization, and in specific cases, complainant fails to attend or re-
556 schedule an informational meeting, they will have waived their opportunity to participate in an
557 Informational Mmeeting, and SCED will proceed with scheduling a Formal Hearing. The type of Formal
558 Hearing forum will be determined by the Director of SCED, or designee, based on the severity of charges
559 and/or possible sanctions (e.g. suspension or expulsion).
560

561 **Due Process Rights**

562 *Charged Student/ Student Organization*

564 The charged student and student organization has the following rights during the Student Conduct
565 Process:

- 566 1. Written notice of the charges and allegations
- 567 2. A fair and impartial hearing.
- 568 3. The right to presumption that no violation occurred. The burden of proof is on the
569 University, and the standard of proof is the preponderance of the evidence.
- 570 4. To be accompanied by an advisor of their choice and expense throughout the Student
571 Conduct Process. For cases under the jurisdiction of Title IX of the Education
572 Amendments of 1972, the University will appoint an advisor for the purpose of cross-
573 examination during a Formal Hearing, if one is not chosen.
- 574 5. The opportunity to review all available information supporting the charges of violations of
575 the Code, including all known witnesses who have or may provide information prior to
576 resolution.
- 577 6. The opportunity to present relevant information and witnesses at the Formal Hearing.
- 578 7. To not provide self-incriminating testimony. Invoking the right against self-incrimination
579 will not be considered as a negative factor in the decision of the Hearing Officer or Hearing
580 Body.
- 581 8. The opportunity to question witnesses and in specific cases, complainants in accordance
582 with the Formal Hearing procedure.

- 583 9. To receive written notice of the outcome of the Formal Hearing within five (5) days of the
584 hearing.
585 10. To submit a written appeal (*See Appeal*).
586

587 *In addition to the above, a charged student has the following rights in cases of alleged sexual harassment, stalking, and*
588 *violence:*

- 589 1. The ability to request alternate arrangements for participation in the Formal Hearing via audio or
590 live-video from another location, and/or to participate in a manner that avoids direct contact
591 with the complainant as long as such participation does not infringe on the charged student's
592 right to question the complainant during the Formal Hearing or infringe on the implementation
593 of Formal Hearing procedure.
594 2. To submit a written impact statement in advance of the Formal Hearing.
595 3. To not have prior sexual history considered, except for the testimony offered by the complainant
596 or respondent about their shared sexual history that the panel deems relevant, when determining
597 if a conduct violation has occurred.

598 *Complainant*

599 A complainant has the following rights during the Student Conduct Process:

- 600 1. Written notice of the charge(s) and allegations.
601 2. A fair and impartial hearing.
602 3. To be accompanied by an advisor of their choice and expense throughout the Student Conduct
603 Process. For cases under the jurisdiction of [Title IX of the Education Amendments of 1972 Policy](#)
604 [0-004](#), the University will appoint an advisor for the purpose of cross-examination during a Formal
605 Hearing, if one is not chosen.
606 4. The opportunity to review all available information supporting the charges of violations of the
607 Code, [including all known witnesses who have or may provide information](#) prior to resolution.
608 5. The opportunity to present relevant information and witnesses at the Formal Hearing.
609 6. To not provide self-incriminating testimony. Invoking the right against self-incrimination will
610 not be considered as a negative factor in the decision of the Hearing Officer or Hearing Body.
611 7. The opportunity to question witnesses and the charged student in accordance to the Formal
612 Hearing procedure.
613 8. To receive written notice of the outcome of the Formal Hearing within five (5) days of the
614 hearing.
615 9. To submit a written appeal (*See Appeals*).
616 10. The ability to request alternate arrangements for participation in the Formal Hearing via audio or
617 live-video from another location, and/or participate in a manner that avoids direct contact with
618 the charged student as long as such participation does not infringe on the complainant's right to
619 question the charged student during the Formal Hearing or infringe on the implementation of
620 Formal Hearing procedure.
621 11. To submit a written impact statement in advance of the Formal Hearing.

- 622 12. To not have prior sexual history considered, except for the testimony offered by the complainant
623 or respondent about their shared sexual history that the panel deems relevant, when determining
624 if a conduct violation has occurred.

625 *Advisor*

626 The charged student, student organization, and in specific cases, complainant (unless the conduct
627 violation is under the jurisdiction of [Title IX of the Education Amendments of 1972, Policy 0-004](#)) may be
628 accompanied by an advisor of their choice and expense throughout the Student Conduct Process with the
629 following guidelines:

- 630
- 631 1. The advisor cannot have a potential conflict of interest between the University and/or the case
632 or create an unreasonable conflict with the fair administration of the Student Conduct Process.
633 [For example, the advisor cannot serve in any other role, including as a witness, an investigator,](#)
634 [decider of fact, hearing officer, member of a committee or panel convened to hear or decide the](#)
635 [charge or any appeal.](#)
 - 636 2. The advisor may [be present to advise the student and may participate in all aspects of the](#)
637 [proceeding but shall not testify for the student. not speak on behalf of, present the case for,](#)
638 [serve as a witness, or otherwise participate directly in the Student Conduct Process.](#) If the advisor
639 is [an attorney, an advocate or legal representative](#), they must adhere to the same guidelines as any
640 other advisor.
 - 641 3. It is the student, student organization, and complainant's responsibility to make appropriate
642 arrangements for their advisor to accompany them throughout the Student Conduct Process.
643 The conduct process will not be delayed due to scheduling conflicts of the chosen advisor.
 - 644 4. The advisor may be dismissed from the Student Conduct Process for failure to adhere to the
645 parameters of their role. This dismissal will not affect the process and all proceedings will
646 continue.

647

648 In cases under the jurisdiction of [Title IX of the Education Amendments of 1972, Policy 0-004](#), the
649 charged student, student organization, and complainant may be accompanied by an advisor of their
650 choice* throughout the Student Conduct Process. The following pertains to the role of the advisor in
651 these specific cases.

652

653 The advisor must conduct cross-examination of the charged student, student organization, complainant,
654 and witness(es). If the charged student, student organization, or complainant does not have an advisor
655 of their choosing present at the Formal Hearing, the University shall appoint an advisor of the
656 University's choosing for the sole purpose of conducting cross-examination. The University cannot
657 guarantee the appointed advisor will be equal to the chosen advisor of the charge student, student
658 organization, or complainant. Specifically, should the charge student, student organization, or
659 complainant's chosen advisor be an attorney, the University is not obligated to appoint an advisor who
660 is an attorney. A party may reject the University's appointment of an advisor, but they may not proceed
661 without an advisor.

662

663 If the party's advisor will not conduct the cross-examination , the University will appoint an advisor who
664 will do so thoroughly, regardless of the participation or non-participation of the advised party in the
665 hearing itself.

666

667 **Choosing an advisor who is also a witness in the Student Conduct Process creates potential for bias and conflict of interest.*
668 *A charge student, student organization, or complainant who chooses an advisor who is also a witness can anticipate the*
669 *issues of potential bias will be explored by the Hearing Officer/Hearing Body.*

670

Resolution Options

671

672 A student or student organization has the right to a resolution of any alleged violation of the Code
673 through the Student Conduct Process unless waived as outlined below. The Student Conduct Process
674 provides two resolution options. Cases involving allegations of sexual harassment, stalking, and violence
675 will be resolved by a Formal Hearing ~~conducted by the University Conduct Board~~, consistent with state
676 and federal guidelines.

676

677

Resolution Agreement

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687

(except in cases that could result in separation from the University) Available when the charged student
or student organization waives their right to a Formal Hearing and appeal, and requests that the Hearing
Officer, conducting the Informational Meeting, determine the findings and applicable sanctions. The
Hearing Officer reserves the right to collect additional relevant information to make an informed decision.
The meeting will not be audio-recorded, and the written outcome will serve as the official record of the
Resolution Agreement. The student or student organization will receive written notice of the Resolution
Agreement within five (5) days, except in the case of extraordinary circumstances. Written notice of the
Resolution Agreement will include the determination regarding responsibility for conduct violations and
applicable sanctions.

688

Formal Hearing

689

690

691

Formal Hearings include two types of forums 1) Administrative Hearing and 2) University Conduct
Board.

692

693

694

695

Administrative Hearing - Conducted by a single Hearing Officer who serves as the Hearing Body. If the
charged student elects an Administrative Hearing, the charged student waives their right to the University
Conduct Board.

696

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700

University Conduct Board (UCB) – Conducted by a panel which serves as the Hearing Body. The
UCB consists of two (2) students and one (1) faculty or staff member. A non-voting Hearing Officer
will moderate the hearing and be excluded from deliberations. If the charged student elects a University
Conduct Board, the charged student waives their right to an Administrative Hearing.

The panel is selected from a pool of trained students, faculty, and staff who are members of the UCB.

701 UCB members go through a formal recruitment, selection, and training process facilitated by SCED.
702

703 **VIII. FORMAL HEARING PROCEDURES**

704

705 **Scheduling**

706 SCED will make a good-faith effort to schedule Formal Hearings around academic class schedules
707 considering the availability of individuals involved in the hearing procedures and the normal operations
708 of SCED.
709

710 **Hearing Notice**

711 The charged student or student organization will receive written notice no later than ten (10) days prior to
712 the date of the Formal Hearing. The written notice will include date, time, and location of the hearing,
713 as well as the specific charges of violations of the Code, a brief description of the allegation(s), names of
714 witnesses to be called by the University, a list of [available](#) information to be used in the hearing, an outline
715 of the Formal Hearing proceeding, and the name(s) of the Hearing Officer and Hearing Body. [In cases
716 involving sexual harassment, stalking, and violence, or under the jurisdiction of Title IX of the Education
717 Amendments of 1972, the charged student or student organization, and complainant](#) A complainant will
718 receive similar written notice [no later than fifteen \(15\) days prior to the date of the Formal Hearing.](#), as
719 [applicable.](#)
720

721 **Witnesses and Relevant Information**

722 The charged student or student organization can request the participation of additional witness to
723 provide relevant information during a Formal Hearing. The charged student or student organization
724 must provide the names of additional witnesses at least ~~three-five (5)~~ days prior to the hearing to the
725 Hearing Officer. Acceptance or denial of additional witnesses is at the discretion of the Hearing
726 Officer. Character witnesses or witnesses who cannot provide relevant information regarding the
727 specific incident will not be permitted to participate in the Formal Hearing.
728

729 The charged student or student organization, and in specific cases, complainant is responsible for
730 contacting and notifying additional witnesses they request to participate in the Formal Hearing. The
731 Formal Hearing shall not be delayed due to a scheduling conflict of the witness.
732

733 In the event a witness is unable to participate in the scheduled Formal Hearing, the witness may submit a
734 written statement at least ~~three-five (5)~~ days prior to the hearing to the Hearing Officer for
735 consideration. A late witness statement submission will not be considered. ~~The charged student or
736 student organization has the opportunity to review and respond to the written statement and may offer
737 information to rebut the witness statement and other information presented at the Formal Hearing. The
738 charged student or student organization must be provided an opportunity to respond to the written
739 witness statement.~~ The inability of the charged student or student organization to question a witness
740 who has provided a written statement is not a violation of the charged student or student organization's

741 due process rights. ~~The charged student or student organization has the opportunity to review and~~
742 ~~respond to the written statement and may offer information to rebut the witness statement and other~~
743 ~~information presented at the Formal Hearing.~~ If a submitted statement is deemed relevant, it will be
744 considered, however may not be solely relied upon for determining responsibility by the Hearing
745 Officer/Hearing Body. ~~witness fails to attend the Formal Hearing, their written statement, should one~~
746 ~~exist, will be considered by the Hearing Body.~~ Additionally, for cases under the jurisdiction of Title IX
747 of the Education Amendments of 1972, Policy 0.004, ~~if a witness(es) fails to appear at the Formal~~
748 ~~Hearing, the hearing may be held in their absence, anyand the~~ witness's statements given prior to the
749 Formal Hearing will not be solely relied upon for determining responsibility by the Hearing
750 Officer/HearingBody.

751
752 The charged student, student organization, or in specific cases, complainant has the opportunity to review
753 all relevant information to be used in the Formal Hearing supporting the charges of violations of the
754 Code at least ten (10) days prior to the hearing. Relevant records, exhibits, and written statements may
755 be submitted by the charged student or student organization for review and acceptance to the Hearing
756 Officer. Acceptance or denial of information is at the discretion of the Hearing Officer. Any information
757 the charged student, student organization, or in specific cases the complainant intends to use must be
758 submitted to SCED at least five (5) days prior the Formal Hearing, except in cases under the jurisdiction
759 of Title IX of the Education Amendments of 1972, Policy 0.004, in which the information must be
760 submitted at least ten (10) days prior to the FormalHearing.

761

762 **Challenging Impartiality in a Formal Hearing**

763 The charged student or student organization may challenge the inclusion of any member of the Hearing
764 Body. The challenge must be submitted in writing to the Director of SCED and must detail an actual
765 bias (such as conflict of interest) that would significantly impact their right to a fair and impartial hearing.
766 The challenge must be submitted at least five (5) days prior to the Formal Hearing. The Director of SCED,
767 or designee, will review the challenge and make a final decision that is not appealable.

768

769 **Postponements**

770 Any request to postpone a Formal Hearing must be submitted in writing to the Director of SCED as
771 least five (5) days prior to the hearing. The request must state the reason(s) for the postponement. The
772 Director of SCED, or designee, will review the request and make a final decision. The University is not
773 required to postpone the Student Conduct Process pending the outcome of any civil or criminal case.

774 **Failure to Attend**

775 If a charged student, student organization and in specific cases, complainant fails to attend a scheduled
776 Formal Hearing, the hearing will occur, and an outcome will be made in their absence.

777

778 If a witness(es)/Complainant fail to appear, statements given prior to the Formal Hearing may be reviewed
779 at the Hearing in their absence; however, the statements may not be sufficient to determine a finding of

780 responsibility.

781

782 **General Principles of Formal Hearings**

783 The following general principles apply to all Formal Hearings regardless of hearing forum. The charged
784 student or student organization and in specific cases, complainant will receive information that outlines
785 the Formal Hearing proceeding prior to the hearing.

- 786 1. Formal Hearings are private and will be closed to spectators, unless otherwise specified (e.g.
787 advisor).
- 788 2. The burden of proof in a Formal Hearing is on the University. The standard of proof is the
789 preponderance of the evidence. The finding of responsible or not responsible on the charges is
790 solely based on the information presented at a Formal Hearing.
- 791 3. Formal Hearings, excluding deliberations, will be recorded by audio or video. The Formal
792 Hearing may only be recorded by the University and the recording will be the property of the
793 University.
- 794 4. Formal Hearings are not subject to the formal rules of evidence and procedures governing
795 criminal and civil court proceedings.
- 796 5. A charged student or student organization and in specific cases, complainant have the
797 opportunity to present relevant information.
- 798 6. No irrelevant information, including character statements, should be discussed or considered in
799 the Formal Hearing.
- 800 7. The Hearing Officer has the discretion to limit the number of witnesses whose testimony may be
801 redundant or not in dispute.
- 802 8. The Hearing Officer may limit the length of testimony and may provide advice regarding the
803 scope, direction or tone of questioning.
- 804 9. For cases under the jurisdiction of [Title IX of the Education Amendments of 1972 Policy 0.004](#),
805 all cross-examination of the charged student, student organization, complainant, and witnesses
806 must be conducted directly and orally by the individual's advisor. At the Formal Hearing, before
807 the charged student, student organization, complainant, or witness can respond to a question
808 posed by an advisor, the decision-maker(s) must first determine whether the question is relevant,
809 and if not, explain the basis for disallowing the question.
- 810 10. Prior student conduct may only be considered in determining appropriate sanctions.
- 811 11. In cases involving multiple charged students, information presented at a Formal Hearing may be
812 used in a related case as long as all Formal Hearing procedures contained within the Code are
813 satisfied.
- 814 12. The Hearing Body will make a recommendation of the decision and sanctions to the Hearing
815 Officer. The Hearing Officer may adopt or modify the recommendation of the Hearing Body. If
816 the recommendation is not adopted, the Hearing Officer will include the reason for modifying
817 the recommendation in the Formal Hearing outcome letter.
- 818 13. The charged student or student organization and in specific cases, complainant will receive
819 written notice of the formal hearing outcome within five (5) days of the Formal Hearing. The

|

820 formal hearing outcome will include the determination regarding responsibility for conduct
821 violations and applicable sanctions.

822 **Interim Suspension**

823 An interim suspension is an immediate temporary separation from the University. Conditions may
824 include restriction from University premises, participation in academic endeavors, and University-
825 related activities. Interim suspensions will be expedited through the Student Conduct Process.

826 An interim suspension may be imposed at the discretion of the Vice President for Student Success, or
827 designee, to ensure one or all of the following:

- 828 1. The safety and well-being of members of the USF community or preservation of USF
829 property;
- 830 2. The student's continued presence or the student organization's continued activities, or use of
831 privileges, is likely to pose an ongoing threat, disruption or interference with the normal
832 operation of USF.

833
834 When an interim suspension is imposed, the charged student or student organization will receive written
835 notice to attend a scheduled Informational Meeting with a Hearing Officer. The written notice will include
836 date, time, and location of the meeting, as well as the specific charges of violations of the Code, a brief
837 description of the allegation(s), the conditions of interim suspension, and any other detail to prepare for
838 the Student Conduct Process.

839
840 An Informational Meeting will occur (see Informational Meeting) and the Hearing Officer will review
841 available information to determine if the interim suspension will remain, be modified, or lifted. The
842 charged student or student organization will receive written notice within two (2) days after the
843 Informational Meeting regarding the status of interim suspension.

844
845 If the charged student or student organization fails to attend the Informational Meeting, they will have
846 waived their opportunity to participate in the Informational Meeting, and SCED will proceed with
847 scheduling a Formal Hearing. The type of Formal Hearing forum will be determined based on the
848 severity of charges and/or possible sanctions (e.g. suspension or expulsion).

849
850 If a charged student is placed on an interim suspension, but the charged student is subsequently found
851 not responsible for the conduct violation, the University must:

- 852 1. Correct any record of the change in enrollment status in the charged student's permanent
853 records, and report in a manner compliant with state and federal laws, and
- 854 2. Refund the charged student: a pro rata portion of any charges for tuition and out-of-state fees, as
855 appropriate, if the temporary revocation or suspension of the charged student's ability to attend
856 classes lasts for more than ten (10) days.

857
858 In cases where the President determines that the health, safety, or welfare of the charged student or the

859 University community is involved, a charged student's privileges within the University, including the
860 ability to attend classes or engage in University activities, may be suspended on an interim basis.

861

862 **IX. BASIS FOR APPEAL AND APPEAL PROCESS**

863

864 The charged student or student organization and in specific cases, complainant may appeal in writing the
865 outcome of a Formal Hearing within five (5) days of the date of the Formal Hearing outcome letter. The
866 appeal must be in writing to the Dean of Students, or designee, and the burden of proof rests with the
867 individual or organization appealing to clearly demonstrate the basis for appeal.

868 **Basis for Appeal**

869 The basis for appeal includes:

870

871 1. A violation of due process rights or failure of the University to follow the Student Conduct
872 Process established in this Code that substantially affected the outcome.

873 2. The introduction of new information that was not available and could not be presented at the
874 time of the Formal Hearing. The individual appealing must demonstrate how the new
875 information could have substantially affected the outcome. The outcomes of a criminal or civil
876 case is not considered new information for the purpose of an appeal.

877 3. The severity of sanction(s) imposed was disproportionate to the responsible conduct violations.
878 Additionally, for cases under the jurisdiction of [Title IX of the Education Amendments of](#)
879 [1972 Policy 0.004](#):

880 The Title IX Coordinator, investigators, or Hearing Officer/Hearing Body had a conflict of
881 interest or bias for or against charged students or complainants generally or the specific charged
882 student, student organization, or complainant that affected the outcome.

883

884 An appeal is not a rehearing of the conduct case and will not be accepted simply because the individual is
885 dissatisfied with the outcome of the Formal Hearing.

886

887 **Appeal Process**

888 The Dean of Students, or designee, will serve as the Appellate Officer for all appeals of the Student
889 Conduct Process. The Appellate Officer will determine if there is sufficient information to substantiate
890 the basis for appeal. If so, the Appellate Officer may either deny the appeal, therefore upholding the
891 original outcome of the Formal Hearing, or do one of the following:

892

893 If the basis of the appeal is that there was a violation of due process rights or failure to follow the Student
894 Conduct Process which would have substantially affected the outcome, and the Appellate Officer accepts
895 the appeal, the Appellate Officer may request the case be remanded for a new Formal Hearing.

896

897 If the basis of the appeal is new information that could not be presented at the time of the Formal Hearing
898 which would have substantially affected the outcome, and the Appellate Officer accepts the appeal, the

|

899 Appellate Officer may request that the case be remanded for a new Formal Hearing.
900

901 If the basis of the appeal is the severity of sanction(s) imposed was disproportionate to the responsible
902 conduct violations, and the Appellate Officer accepts the appeal, the Appellate Officer may modify the
903 sanction(s).
904

905 For cases of sexual harassment, stalking, and violence, if the basis of the appeal is the Title IX
906 Coordinator, investigators, or Hearing Officer/Hearing Body had a conflict of interest or bias for or
907 against charged students or complainants generally or the specific charged student, student
908 organization, or complainant that affected the outcome, and the Appellate Officer accepts the appeal, the
909 charged student, student organization, or complainant, and in specific cases, the Title IX Coordinator,
910 investigators, and Hearing Officer/Hearing Body will be provided a copy of the submitted appeal and
911 permitted up to five (5) days to submit a response to the Appellate Officer, if applicable. The Appellate
912 Officer may request that the case be remanded for a new investigation, Formal Hearing, or modify the
913 sanction(s).
914

915 Except as required to explain the basis of new information, the review of an appeal is limited to the record
916 of the Formal Hearing and supporting documents.
917

918 The charged student or student organization or in specific cases, complainant will receive a written notice of
919 their appeal outcome within ten (10) days of receipt of the appeal, except in extraordinary circumstance
920 as determined by the Dean of Students, or designee. The appeal outcome is the final University decision
921 and there are no further internal University appeals.
922

923 A student may seek outside judicial review pursuant to Florida Rule of Appellate Procedure 9.190(b)(3) of a
924 final University decision. If a student seeks a review with the court, a copy of the petition must also be
925 officially served to the University of South Florida Office of the General Counsel at 4202 E. Fowler
926 Avenue, CGS 301, Tampa, Florida 33620-4301.
927

928 **X. SANCTIONS**

929

930 Students and student organizations found responsible for conduct violations will be assigned sanctions.
931 Sanctions will be commensurate with the responsible conduct violations considering any mitigating
932 circumstances, including but not limited to the charged student or student organization's prior conduct
933 record. Assigned sanctions may include, but are not limited to:
934

935 **Alcohol and/or Substance Use Education Sanctions** - Online educational modules, assessments,
936 and/or meeting with a staff member. The charged student or student organization is responsible for any
937 associated fee(s).
938

939 **Assignments/Seminar/Workshops:** Requirement to attend, present, and/or participate in an in-
940 person or online, workshop, module, and/or seminar. Written research assignments, behavioral
941 reflection papers, or other educational activities may also be a requirement. These sanctions are intended
942 to provide a student with opportunities that achieve specific learning objectives such as engaging in
943 meaningful reflection on their behavior and the impact on others. The charged student or student
944 organization is responsible for any associated fee.

945
946 **Conduct Probation:** A specified period of time when the charged student or student organization is
947 considered not in good conduct standing with the University. Conduct probation may result in
948 restrictions of privileges and/or activities which may include, but are not limited to, being prohibited
949 from participating in study abroad, serving in specific student leadership roles (e.g. resident assistant,
950 student government). Conduct probation is a period of reflection on behavior and an opportunity to
951 demonstrate satisfactory citizenship. Further conduct violations while on conduct probation may impact
952 the severity of future sanctions.

953
954 **Deferred Suspension:** A specified period of time in which suspension is temporarily withheld pending
955 completion of other sanctions by a specified deadline and the demonstration of satisfactory citizenship.
956 A student or student organization on deferred suspension is considered not in good conduct standing
957 with the University. If the charged student or student organization fails to comply with assigned
958 sanctions, the student or student organization will no longer be on deferred suspension and will be
959 immediately suspended with no further appeal.

960
961 **Expulsion:** Permanent separation from the University. The student or student organization is
962 considered not in good conduct standing permanently with the University. The charged student and
963 student organization will not have the ability to return as a student or student organization at any point in
964 time. Expulsion may include a restrictive or no trespass order for all University premises. A transcript
965 overlay will be placed on the charged student's academic transcript and an administrative hold will be
966 permanently placed on the student's account. A record of expulsion will be maintained in the student's
967 permanent conduct file in Student Conduct and Ethical Development.

968 A student assigned this sanction may forfeit tuition, housing rent and fees, and other University fees. A
969 student will be withdrawn from classes and forfeit academic credit accordingly. Students living in
970 University Housing must contact Housing and Residential Education to determine the financial impact
971 of the cancelled contract.

972
973 **Housing Restriction:** A specified period of time in which a student is restricted from living in and/or
974 visiting all USF residential facilities (which may include dining halls), including the Greek Village. If
975 applicable, a student may be financially liable for any costs associated with the restriction from living in
976 on-campus housing as outlined in the Cancellation section of the University Student Housing Agreement
977 or Greek Housing Agreement.

978

979 **No Contact Order:** Official directive requesting a student refrain from making contact with another
980 individual(s). Contact may include communication by telephone, in writing, electronically, by third party,
981 or in person both on and off campus.
982

983 **Restrictions:** Specific loss of privileges that may limit participation in student activities and University
984 events or access and use of University premises (e.g. athletic teams, leadership positions, certain buildings
985 and/or locations).
986

987 **Restitution:** Requirement to reimburse the University and/or an individual for the damage, destruction,
988 or vandalism of University buildings or property, private property, and/or personal property. Restitution
989 will be limited to the actual cost of repair or replacement.
990

991 **Suspension:** Separation from the University for a specified period of time. The student or student
992 organization is considered not in good conduct standing during the period of suspension with the
993 University. The student or student organization will not have the ability to return as a student or student
994 organization until the end of the suspension. Suspension may include a restrictive or no trespass order
995 for all University premises. A transcript overlay will be placed on the student's academic transcript, and
996 an administrative hold will be placed on the student's account during the period of
997 suspension. A record of suspension will be maintained in the student's permanent conduct file in
998 Student Conduct and Ethical Development.
999

1000 A student affected by this sanction may forfeit tuition, housing rent and fees, and other University fees.
1001 A student will be withdrawn from classes and forfeit academic credit accordingly. Students living in
1002 University Housing must contact Housing and Residential Education to determine the financial impact
1003 of the cancelled contract.
1004

1005 **Written Reprimand** – An official notice of conduct that is not in accordance with the University's
1006 standards of behavior. Further conduct violations may impact the severity of future sanctions.
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1009 **XI. AUXILIARY AIDS AND SERVICES**

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1011 Students may request reasonable accommodations as required in Section 504 of the Rehabilitation Act
1012 and the Americans with Disabilities Act. The student must be registered with the USF Student
1013 ~~Accessibility Services~~ ~~s with Disabilities Services office~~ and notify SCED in writing a minimum of three
1014 (3) days prior to a meeting or hearing.
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1016 **XII. PARENTAL NOTIFICATION**

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1018 The University considers the student the primary contact for University communications and may
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1019 restrict communication to the student only. SCED has the discretion to inform any parent or legal
1020 guardian of a dependent student under the age of 21 (as provided in [Parental Notification Policy 30-](#)
1021 [020](#)) when their student has been found responsible for a conduct violation in regard to the use or
1022 possession of alcohol or a controlled substance. A student whose parents or legal guardian are to be
1023 notified will be informed prior to such notification and given the opportunity to initiate contact with
1024 their parents, if and when possible.

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1026 **XIII. CONDUCT RECORD MAINTENANCE AND RETENTION**

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1028 **Maintenance**

- 1029 1. Student and student organization conduct records are maintained in SCED.
- 1030 2. All student conduct records in all formats (paper, computer, audio, etc.) resulting in formal
1031 charges will be kept in compliance with [General Records Schedule GS5](#), but not for less than
1032 seven (7) years from the date of the last incident that the charged student or student organization
1033 was involved in that resulted in conduct charges.
- 1034 3. If a student is suspended or expelled, a record of a violation of University regulations and/or
1035 policies will be permanently maintained in the student's or student organization's conduct file in
1036 SCED and a record of separation may be maintained in the Office of the Registrar.
- 1037 4. SCED maintains all student conduct records in accordance with the Family Education Rights
1038 and Privacy Act (FERPA). SCED will abide by all laws requiring privacy with regard to the
1039 Student Conduct Process. In addition, as FERPA does not protect the names of students
1040 found responsible for crimes of violence, including forcible sex offenses, or an alleged
1041 perpetrator of a non-forcible sex offense when the allegations support a finding that a student
1042 has committed a violation of the University's rules or policies, the University may be required to
1043 release that information upon a Chapter 119 public record request.
- 1044 5. A student may choose to sign a release form granting SCED staff permission to discuss
1045 information related to the Student's disciplinary file with any individual that the student
1046 designates. This form is available in SCED. Although this form may provide access to
1047 information to a third party, the student remains the primary responsible party for compliance.
- 1048 6. Any educational institution requesting conduct information about a current or former University
1049 student is required to submit the request in writing. If a non-educational agency is requesting
1050 information, those requests must include the signature of the student granting the release of
1051 information related to the student's conduct record.
- 1052 7. Transcripts of recorded hearings will not be prepared or provided by the University. In cases of
1053 external legal review that may require a transcript of a recorded hearing, the student or advisor
1054 may contact the Office of the General Counsel to arrange for the preparation of the written
1055 transcript by a court reporting service on the student's behalf and at the expense of the requestor.
1056 The court reporting service will provide the transcript to the Office of the General Counsel,
1057 which will perform a confidentiality review of the transcript and redact any confidential or
1058 exempt information pursuant to state or federal law. The requestor will be responsible for the

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1059 cost of the transcript preparation and confidentiality review.

1060 **Retention**

- 1061 1. Records resulting in an educational sanction of expulsion or suspension from the University will
1062 be permanently maintained in SCED.
- 1063 2. No personally identifiable record(s) will be kept after a record has been designated for
1064 destruction. Statistical data will be maintained but all information that would identify an
1065 individual is removed.
- 1066 3. All paper records will be destroyed by shredding or other similar process. Computer files will be
1067 modified in a manner so that only statistical data that cannot identify an individual is kept. Non-
1068 paper information (i.e. audio recordings) will be destroyed in a manner that will ensure that the
1069 information cannot be traced to any individual or any disciplinary case.

1070 **Record Expungement**

1071 Record expungement allows a student conduct record on file with SCED to be sealed. This includes all
1072 information related to the student's documentation, investigation, hearing, and disposition. In general,
1073 when completing background check inquiries, expunged records will not be reported as an incident when
1074 the student was found responsible. The student will not need to report the record based on the
1075 language/definitions of the requesting institution or agency in a background check that the incident ever
1076 occurred. The record will still be used for federal, state, and local University reporting requirements but
1077 will not be associated with the student name or student ID.

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1079 *Eligibility*

1080 If the student has only had one disciplinary incident during their enrollment, Aa request for expungement
1081 will be available for consideration:

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- 1083 1. One year after the resolution of a conduct case or in the last term of enrollment,
1084 2. All assigned sanctions have been successfully completed,
1085 3. An expungement has not previously granted, and
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1087 The conduct violation(s) did not:

- 1088 1. Cause personal injury.
1089 2. Cause significant property damage.
1090 3. Include a drug violation that could qualify as a felony charge in the legal system.
1091 4. Disrupt the orderly operation of the University.
1092 5. Violate the firearm, explosives, dangerous chemicals, and ammunition or weaponry regulations
1093 of the University.
1094 6. Involve behavior prohibited under Title IX of the Education Amendments of 1972, or any behavior
1095 related to sexual assault, sexual harassment, stalking, and/or sexual exploitation, no matter the
1096 location of incident ~~Violate the Sexual Misconduct/Sexual Harassment policy.~~

1097 7. Result in a suspension or expulsion.

1098 7.8. Occur within the last 30 calendar days.

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Petition Requirements

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A student meeting the eligibility requirements must submit their petition to the Dean of Students, or designee. The student must submit a signed statement explaining the justification for the request, a description of what occurred in the conduct incident, and what they learned from the incident. The statement must also include:

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1. Student's name

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2. University identification number (U number)

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3. E-mail address

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4. Phone number

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5. Date of incident

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6. Incident report number

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6.7. Documentation of an application to graduate or a signed letter from the student's academic advisor stating the intent to graduate and a list of all remaining coursework.

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Process

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The Dean of Students, or designee, will review the statement, the conduct record, and any other pertinent information they choose to request and/or consider. The decision is at the discretion of the Dean of Students, or designee. The student will receive written notice regarding their petition within ten (10) days of receipt of petition. The decision of the Dean of Students, or designee, regarding the expungement of the conduct record is final and not appealable.

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XIV. INTERPRETATION AND REVISION

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This Regulation applies to all campuses of the University of South Florida; however, non-substantive procedural modifications to reflect the particular circumstances of each campus are permitted. Any questions about the interpretation of the Code should be directed to any of the following SCED offices:

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[https://www.usf.edu/student-affairs/student-conduct-ethical-development/about-](https://www.usf.edu/student-affairs/student-conduct-ethical-development/about-us/contacts.aspx)

1128

[us/contacts.aspx](https://www.usf.edu/student-affairs/student-conduct-ethical-development/about-us/contacts.aspx) ~~Tampa campus:-~~

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~~<https://www.usf.edu/student-affairs/student-conduct-ethical-development/index.aspx>~~

1130

~~St. Petersburg campus:-~~

1131

~~<https://www.stpetersburg.usf.edu/student-life/student-success-center/index.aspx>~~

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~~Sarasota Manatee campus:-~~

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~~<https://www.sarasotamanatee.usf.edu/campus-life/student-engagement/index.aspx>~~

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The University reserves the right to make changes to the Student Code of Conduct as necessary. The Code shall be reviewed periodically by a committee which shall include student representation under the

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1137 direction of the Director of SCED.

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1141 *History—New 9-23-85, Formerly 6C4-6.021, Amended 5-27-92, 7-26-92, 12-2-92, 12-29-94, 4-11-99, 9-27-*
1142 *05, Formerly 6C4-6.0021 F.A.C., Amended 6-5-08, 6-25-09, 9-22-11, 12-02-13, 1-6-14 (technical), 6-23-14*
1143 *(technical), 5-14-15 (technical), 8-19-16 (technical), 9-28-18, 4-12-19 effective 5-6-19 (technical), 5-16-19*
1144 *(technical), 8-26-19 (technical), 6-2-20 (Amended), 8-14-20 (Amended)*

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1146 *Consolidation Amendments Effective: 7-1-20*

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1148 *Certification: USF certifies that it has followed the Florida Board of Governors Regulation Development Procedure and has*
1149 *a record of written notices, comments, summaries and responses as required.*

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