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

III. STANDARDS OF BEHAVIOR
Students and student organizations are responsible for knowing the information, policies, and procedures outlined in the Code. There is an expectation that students and student organizations adhere to the following standards of behavior.

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

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

**Academic Disruption**

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

**Amnesty**

**Medical**

The University encourages students to seek emergency medical assistance when faced with an alcohol and/or drug-related emergency and in any situation where a reasonable person believes medical treatment to be appropriate. Students who seek or receive emergency medical assistance for themselves or students who seek assistance for another student experiencing an emergency related to the consumption of alcohol and/or drugs may qualify for amnesty. Any student who qualifies for amnesty under the USF 30-004 Medical Amnesty (Student Reporting) Policy, may not be charged with violations of the Student Code of Conduct as those conduct violations relate to the consumption and/or use of alcohol and/or drugs. Although students who qualify for amnesty may be exempt from the Student Conduct Process, they may be required to complete educational measures.

**Hazing**

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

1. The student was present at an event where, as a result of hazing, an individual appeared to need immediate medical assistance.
2. The student was the first individual to call 911 or USF Police to report the need for immediate medical assistance.
3. The student provided their own name, the address where the immediate medical assistance was needed, and a description of the medical issue to the 911 or USF Police dispatcher at the time of the call.

4. The student remained at the scene with the individual in need of immediate medical assistance until such medical assistance or law enforcement arrived and that the student cooperated with such personnel at the scene of the incident.

For more information about hazing and hazing amnesty, reference 6.0023 Prohibition of Hazing Regulation.

IV. APPLICABILITY & AUTHORITY

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

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

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

The Student Conduct Process is educational and designed to address student and student organization behavior; therefore, the University will address any alleged violations of the Code independently of any criminal or civil court process. The Student Conduct Process may be carried out prior to, concurrently with, or following civil or criminal proceedings. Determinations made or sanctions(s) imposed as a result of the Student Conduct Process will not be subject to change because criminal charges were dismissed, reduced, or resolved in favor of the charged student. The University is not required to postpone the Student Conduct Process pending the outcome of any civil or criminal case. Student conduct cases that may result in suspension or expulsion must be resolved prior to the awarding of any degree or certificate.

V. DEFINITION OF TERMS
**Administrative Hearing Officer** - A faculty or staff member who has been trained to participate in the adjudication of student conduct cases.

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

**Advisor** – Any individual chosen by the charged student, student organization, and complainant to advise them throughout the Student Conduct Process. An individual may not serve in this capacity if their service would unreasonably conflict with the fair administration of the Student Conduct Process.

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

**Charged Student** – Any student who has allegedly violated the Student Code of Conduct.

**Complainant** – Any individual who may have been the subject of sexual harassment, stalking, or violence by the charged student. This may not be the individual who reported the violation(s).

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

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

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

**Impact Statement** – A written statement provided by the charged student and complainant that explains how the incident has impacted their personal and educational experiences. These statements may be considered in cases of alleged sexual harassment, stalking, and violence.

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

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

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

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

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

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

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

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

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

**University Activity or University Program** - Any function or event that is hosted, sponsored, or organized by any University member when acting in their official capacity, group, or organization, including but not limited to, student organizations. This includes, but is not limited to, coursework and other academic activities, education abroad, field trips, retreats, social events, philanthropies, and community service events.
University Conduct Board - A panel of faculty, staff, and students who have been trained to participate in the adjudication of student conduct cases.

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

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

Will – Is used in the imperative sense.

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

Written Notice – The communication of charge(s) sent to the charged student or student organization by e-mail to their official University of South Florida e-mail address, which will be SCED’s primary means of communication with students. This form of communication also includes written notice to a complainant, in specific cases, to their official University e-mail address. The delivery of written notice through the official University email will constitute full and adequate notice under the Code. Students are responsible for all communications delivered to their University email address. Written notice to student organizations will be sent to the email address on file with the University.

VI. CONDUCT VIOLATIONS

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

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

Alcohol

1. Possession or consumption of alcohol when under the legal drinking age as defined by Florida law.
2. Unlawful sale, distribution, and/or manufacturing of alcohol.
3. Public consumption and/or intoxication according to local ordinance.
4. Hosting or sponsoring a gathering at which the underage consumption of alcohol may or has occurred.

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

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

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

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

9. Failure to abide by 30-023 Alcohol Policy and all University protocols, state, and federal laws regarding alcohol.

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

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

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

**Dating Violence** – Violence committed by an individual who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the complainant’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the individuals involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

**Disruptive Conduct**

1. Actions and/or behaviors that disrupt, disturb, impair, or interfere with the processes and/or functions of the University or the rights of members of the University community.

2. Actions and/or behaviors that disrupt, disturb, impair, or interfere with the academic environment, and/or failure to abide by USF 3.025 Disruption of Academic Process.

3. Actions and/or behaviors that disrupt, disturb, impair, or interfere with the freedom of movement and speech, and/or academic freedom of any member or guest of the University community.

4. Actions and/or behaviors that disrupt, disturb, impair, or interfere with the student conduct process.

5. Actions and/or behaviors that are disorderly, unruly, and/or disturb the peace.
**Domestic Violence** – Conduct that includes asserted violent misdemeanor or felony offenses committed by the complainant’s current or former spouse, current or former cohabitant, an individual similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

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

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

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

**False Information**

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

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

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

Harassment – Conduct that creates an unsafe, intimidating, or hazardous situation that interferes with the ability of a student or employee to study, work, or carry out University functions.

1. Repeated and/or severe aggressive behaviors, including bullying/cyber-bullying, that intimidate or intentionally harm or control another individual physically or emotionally and are not protected by freedom of expression.
2. Failure to abide by 0.007 Diversity and Equal Opportunity: Discrimination and Harassment Policy and all University protocols, and federal/state laws regarding discrimination.

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

1. Hazing includes, but is not limited to pressuring or coercing an individual(s) into violating state or federal laws; 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 an individual(s); or any activity that would subject an individual(s) 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 an individual(s). Additionally, any hazing that results in permanent and/or serious bodily injury or death.
2. Soliciting an individual(s) to commit or is actively involved in the planning of any act of hazing.
3. Failure to abide by 6.0023 Prohibition of Hazing Regulation and all University protocols, state, and federal laws regarding hazing.

Physical Violence
1. Intentional touching or striking of an individual(s) against their will, or any action causing or attempting to cause potential damage, injury, or harm. This includes, but is not limited to, punching, slapping, scratching, or striking with one’s body or with any object.

2. Unintentional touching or striking of an individual(s) against their will, or any action causing or attempting to cause potential damage, injury, or harm that is with conscious disregard for consequences.

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

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

**Sexual Harassment** - Sexual advances, requests for sexual favors, or other verbal, nonverbal or physical conduct of a sexual nature, including sexual violence, intimate partner violence, and stalking. Sexual harassment also includes unwelcome conduct directed at an individual based on the individual’s actual or perceived gender or sexual orientation or gender expression that is so sufficiently severe, persistent, or pervasive that it unreasonably interferes with, denies, or limits someone’s ability to participate in or benefit from the college's educational program and/or activities. Refer to Policy 0-004 Sexual Misconduct/Sexual Harassment.

1. **Hostile Environment** - Discriminatory harassment that is so severe or pervasive that it unreasonably interferes with, limits, deprives, or alters the terms or conditions of education (e.g., admission, academic standing, grades, assignment); employment (e.g., hiring, advancement, assignment); or participation in a University program or activity (e.g., campus housing), when viewed from both a subjective and objective perspective. A hostile environment can be created by pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. An isolated incident, unless sufficiently serious, does not amount to Hostile Environment Harassment.

2. **Non-consensual Sexual Contact** - Any intentional sexual touching, however slight, with any object, by an individual upon another individual that is without consent and/or by force. Sexual contact may include, but is not limited to intentional contact with the breasts, buttocks,
groin, or genitals, or touching another with any of these body parts or making another touch
you or themselves with or on any of these body parts; any intentional bodily contact in a sexual
manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth, or
other orifice.

3. **Non-consensual Sexual Intercourse** - Any sexual penetration, however slight, with any
object, by any individual upon another individual that is without consent and/or by force.
Intercourse includes vaginal penetration by a penis, object, tongue, or finger; anal penetration
by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital
to mouth contact), no matter how slight the penetration or contact.

4. **Quid Pro Quo** - Discriminatory harassment where submission to or rejection of unwelcome
conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual’s
education (e.g., admission, academic standing, grades, assignment), employment (e.g., hiring,
advancement, assignment), or participation in a university program or activity (e.g., campus
housing), or is based on power differentials.

5. **Sexual Exploitation** - Attempting or purposely/knowingly taking non-consensual or abusive
sexual advantage of another for an individual’s own advantage or benefit, or to benefit or
advantage anyone other than the one being exploited. Examples of sexual exploitation, include
but are not limited to:

   a. Causing the incapacitation of another individual (through alcohol, drugs, or any other
      means) for the purpose of compromising that individual’s ability to give affirmative
      consent to sexual activity.

   b. Allowing third parties to observe private sexual activity from a hidden location (e.g.,
      closet) or through electronic means (e.g., Skype, Zoom, or livestreaming of images).

   c. Engaging in voyeurism (e.g., watching private sexual activity without the consent of
      the participants or viewing another individual’s intimate parts (including genitalia,
      groin, breast or buttocks) in a place where that individual would have a reasonable
      expectation of privacy).

   d. Recording or photographing private sexual activity and/or an individual’s intimate
      parts (including genitalia, groin, breasts, or buttocks) without consent.

   e. Disseminating or posting images of private sexual activity and/or an individual’s
      intimate parts (including genitalia, groin, breasts or buttocks) without consent.

   f. Prostituting another individual.

   g. Knowingly exposing another individual to a sexually transmitted infection or virus
      without the other’s knowledge.

   h. Exposing one’s genitals in non-consensual circumstances.

   i. Inducing another to expose their genitals.

   j. Sexually based stalking and/or bullying.
6. **Unwanted or Unwelcome Sexually Oriented Attention** - Unwanted or unwelcome sexually-oriented remarks or behaviors, that are so sufficiently severe, persistent, or pervasive, on the part of an individual who knows or ought reasonably to know that such remarks or behavior unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the University’s educational program and/or activities.

**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 communication is not subject to interception under circumstances justifying such expectation (i.e. an individual has a reasonable expectation of privacy).
3. Failure to abide by Policy 0-502 Appropriate Use of Information Technology Resources.
4. Failure to abide by Policy 6-036 Unmanned Aircraft System (Drone) Operations.

**Stalking** - Engaging in a course of conduct directed at a specific individual that would cause a reasonable individual to fear for the individual’s or the safety of others or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker 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. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. A reasonable individual is a person(s) under similar circumstances and with similar identities to the complainant.

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

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

**Unauthorized Access and/or Use**

1. Unauthorized access or entry to University facilities or any property of any member of the University community without permission.
2. Duplication or use of University keys or access cards without permission.
3. Accessing, duplicating, photographing, altering, and/or misusing any University material (including University intellectual property), files document or record, computer records,
software, data files, and similar entities owned or maintained by any member of the University faculty, administration, staff or student body.

4. Misuse of the official University brand to include, but not limited to the logo, mark, monogram, seal, or other graphic identity symbol.

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

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

**VII. STUDENT CONDUCT PROCESS**

**Filing an Incident Report**

A student and student organization’s conduct may be reported to SCED by any individual or entity for review of a potential conduct violation(s). A report may be submitted in writing using the designated referral form. Currently the form is the Student Conduct and Ethical Development Referral form.

Incident reports must be submitted within six (6) months following the incident or obtaining knowledge about the incident, whichever is later. Exceptions to this filing time include, but are not limited to, cases involving sexual harassment, dating violence, domestic violence, and stalking and may include other extraordinary cases, as determined by the Director of SCED, or designee.

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

**Temporary Restrictions**

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

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

**Issuance of Charges**

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

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

**Informational Meeting**

The charged student or student organization will be invited to attend an Informational Meeting with a Hearing Officer. An informational meeting is an opportunity for the Hearing Officer to explain the Student Conduct Process, due process rights, allegations and charges, and review all available information supporting the charges of violations of the Code. Following the Informational Meeting, the Hearing Officer may collect additional relevant information regarding the incident. The charged student or student organization will receive written notice of and be provided the reasonable opportunity to review any relevant information gathered after the Informational Meeting prior to a Resolution Agreement or Formal Hearing. This is a private meeting and will be closed to spectators, unless otherwise specified (e.g. advisor).

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

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

Due Process Rights

Charged Student/Student Organization

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

1. Written notice of the Code charge(s) and allegations.
2. A fair and impartial hearing.
3. To be accompanied by an advisor of their choice and expense throughout the Student Conduct Process.
4. The opportunity to review all available information supporting the charges of violations of the Code prior to resolution.
5. The opportunity to present relevant information and witnesses at the Formal Hearing.
6. To not provide self-incriminating testimony. (This right is not applicable to student organizations). Invoking the right against self-incrimination will not be considered as a negative factor in the decision of the Hearing Officer or Hearing Body.
7. The opportunity to question witnesses and complainants, in specific cases outlined in the Code, in accordance with the Formal Hearing procedure.
8. To receive written notice of the outcome of the Formal Hearing within five (5) days of the hearing.
9. To appeal the decision through the process detailed in the Code (See Appeal).

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

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

Complainant

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

1. Written notice of the Code charge(s) and allegations.
2. A fair and impartial hearing.
3. To be accompanied by an advisor of their choice and expense throughout the Student Conduct Process.

4. The opportunity to review all available information supporting the charges of violations of the Code prior to resolution.

5. The opportunity to present relevant information and witnesses at the Formal Hearing.

6. To not provide self-incriminating testimony. (This right is not applicable to student organizations). Invoking the right against self-incrimination will not be considered as a negative factor in the decision of the Hearing Officer or Hearing Body.

7. The opportunity to question witnesses and the charged student, in specific cases outlined in the Code, in accordance to the Formal Hearing procedure.

8. To receive written notice of the outcome of the Formal Hearing within five (5) days of the hearing.

9. To appeal the decision through the process detailed in the Code (See Appeals).

10. The ability to request alternate arrangements for participation in the Formal Hearing via audio or live-video from another location, and/or participate in a manner that avoids direct contact with the charged student as long as such participation does not infringe on the complainant’s right to question the charged student during the Formal Hearing or infringe on the implementation of Formal Hearing procedure.

11. To submit a written impact statement.

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

**Advisor**

The charged student, student organization, and complainant may be accompanied by an advisor of their choice and expense throughout the Student Conduct Process with the following guidelines:

1. The advisor cannot have a potential conflict of interest between the University and/or the case or create an unreasonable conflict with the fair administration of the Student Conduct Process.

2. The advisor may not speak on behalf of, present the case for, serve as a witness, or otherwise participate directly in the Student Conduct Process. If the advisor is an attorney, they must adhere to the same guidelines as any other advisor.

3. It is the student, student organization, and complainant’s responsibility to make appropriate arrangements for their advisor to accompany them throughout the Student Conduct Process. The conduct process will not be delayed due to scheduling conflicts of the chosen advisor.

4. The advisor may be dismissed from the Student Conduct Process for failure to adhere to the parameters of their role. This dismissal will not affect the process and all proceedings will continue.

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

Resolution Agreement (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.

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

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.

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

VIII. FORMAL HEARING PROCEDURES

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

Hearing Notice
The charged student or student organization will receive written notice no later than five (5) days prior to the date of the Formal Hearing. The written notice will include date, time, and location of the hearing, as well as the specific charges of violations of the Code, a brief description of the allegation(s), names of witnesses to be called by the University, a list of information to be used in the hearing, an outline of the Formal Hearing proceeding, and the name(s) of the Hearing Officer and Hearing Body.

A complainant will receive similar written notice, as applicable.

**Witnesses and Relevant Information**

The charged student or student organization can request the participation of additional witnesses to provide relevant information during a Formal Hearing. The charged student or student organization must provide the names of additional witnesses at least three (3) days prior to the hearing to the Hearing Officer. Acceptance or denial of additional witnesses is at the discretion of the Hearing Officer. Character witnesses or witnesses who cannot provide information regarding the specific incident will not be permitted to participate in the Formal Hearing.

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

In the event a witness is unable to participate in the scheduled Formal Hearing, the witness may submit a written statement at least three (3) days prior to the hearing to the Hearing Officer for consideration. A late witness statement submission will not be considered. The charged student or student organization must be provided an opportunity to respond to the written witness statement. The inability of the charged student or student organization to question a witness who has provided a written statement is not a violation of the charged student or student organization’s due process rights. The charged student or student organization has the opportunity to review and respond to the written statement and may offer information to rebut the witness statement and other information presented at the Formal Hearing. If a witness fails to attend the Formal Hearing, their written statement, should one exist, will be considered by the Hearing Body.

The charged student or student organization has the opportunity to review all relevant information to be used in the Formal Hearing supporting the charges of violations of the Code at least three (3) days prior to the hearing. Relevant records, exhibits, and written statements may be submitted by the charged student or student organization for review and acceptance to the Hearing Officer. Acceptance or denial of information is at the discretion of the Hearing Officer. The University has the right to review any information the student or student organization intends to use at least three (3) days prior the Formal Hearing.

**Challenging Impartiality in a Formal Hearing**

The charged student or student organization may challenge the inclusion of any member of the Hearing Body. The challenge must be submitted in writing to the Director of SCED and must detail an actual bias (such as conflict of interest) that would significantly impact their right to a fair and
impartial hearing. The challenge must be submitted at least three (3) days prior to the Formal Hearing. The Director of SCED, or designee, will review the challenge and make a final decision that is not appealable.

**Postponements**

Any request to postpone a Formal Hearing must be submitted in writing to the Director of SCED at least three (3) days prior to the hearing. The request must state the reason(s) for the postponement. The Director of SCED, or designee, will review the request and make a final decision. The University is not required to postpone the Student Conduct Process pending the outcome of any civil or criminal case.

**Failure to Attend**

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

**General Principles of Formal Hearings**

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

1. Formal Hearings are private and will be closed to spectators, unless otherwise specified (e.g. advisor).
2. The burden of proof in a Formal Hearing is on the University. The standard of proof is the preponderance of the evidence. The finding of responsible or not responsible on the charges is solely based on the information presented at a Formal Hearing.
3. Formal Hearings, excluding deliberations, will be recorded by audio or video. The Formal Hearing may only be recorded by the University and the recording will be the property of the University.
4. Formal Hearings are not subject to the formal rules of evidence and procedures governing criminal and civil court proceedings.
5. A charged student or student organization and complainant, in specific cases, have the opportunity to present relevant information.
6. No irrelevant information, including character statements, should be discussed or considered in the Formal Hearing.
7. The Hearing Officer has the discretion to limit the number of witnesses whose testimony may be redundant or not in dispute.
8. The Hearing Officer may limit the length of testimony and may provide advice regarding the scope, direction or tone of questioning.
9. Prior student conduct may only be considered in determining appropriate sanctions.
10. In cases involving multiple charged students, information presented at a Formal Hearing may be used in a related case as long as all Formal Hearing procedures contained within the Code are satisfied.
11. The Hearing Body will make a recommendation of the decision and sanctions to the Hearing Officer. The Hearing Officer may adopt or modify the recommendation of the Hearing Body. If the recommendation is not adopted, the Hearing Officer will include the reason for modifying the recommendation in the Formal Hearing outcome letter.

12. The charged student or student organization and complainant, in specific cases, will receive written notice of the formal hearing outcome within five (5) days of the Formal Hearing. The formal hearing outcome will include the determination regarding responsibility for conduct violations and applicable sanctions.

**Interim Suspension**

An interim suspension is an immediate temporary separation from the University. Conditions may include restriction from University premises, participation in academic endeavors, and University-related activities. Interim suspensions will be expedited through the Student Conduct Process. An interim suspension may be imposed at the discretion of the Vice President for Student Success, or designee, to ensure one or all of the following:

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

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

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

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

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

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

In cases where the President determines that the health, safety, or welfare of the charged student or the University community is involved, a charged student’s privileges within the University, including the ability to attend classes or engage in University activities, may be suspended on an interim basis.

IX. BASIS FOR APPEAL AND APPEAL PROCESS

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

Basis for Appeal

The basis for appeal includes:

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

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

3. The severity of sanction(s) imposed was disproportionate to the responsible conduct violations.

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

Appeal Process

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

If the basis of the appeal is that there was a violation of due process rights or failure to follow the Student Conduct Process which would have substantially affected the outcome, and the Appellate Officer accepts the appeal, the Appellate Officer may request the case be remanded for a new Formal Hearing.
If the basis of the appeal is new information that could not be presented at the time of the Formal Hearing which would have substantially affected the outcome, and the Appellate Officer accepts the appeal, the Appellate Officer may request that the case be remanded for a new Formal Hearing.

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

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

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

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

X. SANCTIONS

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

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

Assignments/Seminar/Workshops: Requirement to attend, present, and/or participate in an in-person or online, workshop, module, and/or seminar. Written research assignments, behavioral reflection papers, or other educational activities may also be a requirement. These sanctions are intended to provide a student with opportunities that achieve specific learning objectives such as engaging in meaningful reflection on their behavior and the impact on others. The charged student or student organization is responsible for any associated fee.
Conduct Probation: A specified period of time when the charged student or student organization is considered not in good conduct standing with the University. Conduct probation may result in restrictions of privileges and/or activities which may include, but are not limited to, being prohibited from participating in study abroad, serving in specific student leadership roles (e.g. resident assistant, student government). Conduct probation is a period of reflection on behavior and an opportunity to demonstrate satisfactory citizenship. Further conduct violations while on conduct probation may impact the severity of future sanctions.

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

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

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

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

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

Restrictions: Specific loss of privileges that may limit participation in student activities and University events or access and use of University premises (e.g. athletic teams, leadership positions, certain buildings and/or locations).
Restitution: Requirement to reimburse the University and/or an individual for the damage, destruction, or vandalism of University buildings or property, private property, and/or personal property. Restitution will be limited to the actual cost of repair or replacement.

Suspension: Separation from the University for a specified period of time. The student or student organization is considered not in good conduct standing during the period of suspension with the University. The student or student organization will not have the ability to return as a student or student organization until the end of the suspension. Suspension may include a restrictive or no trespass order for all University premises. A transcript overlay will be placed on the student’s academic transcript, and an administrative hold will be placed on the student’s account during the period of suspension. A record of suspension will be maintained in the student’s permanent conduct file in Student Conduct and Ethical Development. A student affected by this sanction may forfeit tuition, housing rent and fees, and other University fees. A student will be withdrawn from classes and forfeit academic credit accordingly. Students living in University Housing must contact Housing and Residential Education to determine the financial impact of the cancelled contract.

Written Reprimand – An official notice of conduct that is not in accordance with the University’s standards of behavior. Further conduct violations may impact the severity of future sanctions.

XI. AUXILIARY AIDS AND SERVICES

Students may request reasonable accommodations as required in Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. The student must be registered with the USF Students with Disabilities Services office and notify SCED in writing a minimum of three (3) days prior to a meeting or hearing.

XII. PARENTAL NOTIFICATION

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

XIII. CONDUCT RECORD MAINTENANCE AND RETENTION

Maintenance

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

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

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

Eligibility

A request for expungement will be available for consideration:

1. One year after the resolution of a conduct case,
2. All assigned sanctions have been successfully completed,
3. An expungement has not previously granted, and
4. The conduct violation(s) did not:
   4.1 Cause personal injury.
   4.2 Cause significant property damage.
   4.3 Include a drug violation that could qualify as a felony charge in the legal system.
   4.4 Disrupt the orderly operation of the University.
   4.5 Violate the firearm, explosives, dangerous chemicals, and ammunition or weaponry regulations of the University.
   4.6 Violate the Sexual Misconduct/Sexual Harassment policy.
   4.7 Result in a suspension or expulsion.

Petition Requirements

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:

1. Student’s name
2. University identification number (U number)
3. E-mail address
4. Phone number
5. Date of incident
6. Incident report number

Process

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.

XIV. INTERPRETATION AND REVISION

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:

- Tampa: http://www.usf.edu/srr/page.asp?id=69
- St. Petersburg: http://www.usfsp.edu/dos/sc/

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 direction of the Director of SCED.


Certification: The USF System certifies that it has followed the Florida Board of Governors Regulation Development Procedure and has a record of written notices, comments, summaries and responses as required.
I. PURPOSE AND INTENT/STATEMENT OF REGULATION:

A. Student Rights and Responsibilities (SRR) supports the mission, goals, values and vision of the University of South Florida System (“University” or “USF”) by promoting a community that values individual responsibility and the adherence to community standards as embodied in this Regulation (“Student Code of Conduct” or “Code”). Through the Conduct Process, SRR engages Students and Student Organizations in personal and social responsibility.

B. SRR’s goal is to encourage and develop standards of behavior and critical thinking that will create a community of leaders and citizens and enhance the USF environment for community members living, studying and working within the University. By engaging Students in one-on-one interactions with staff trained in Student development and through group interactions with the University Conduct Board, USF Students are challenged to assess and reassess their framework of principles and behavioral norms that support a healthy community.

II. AUTHORITY:

A. The Student Code of Conduct is a document that describes prohibited behavior that is counteractive to the goals and mission of USF and how the University will hold Students
Students and Student Organizations are accountable. Students and Student Organizations are responsible for their guest’s compliance as well.

B. The University of South Florida’s jurisdiction for the Student conduct process extends to the conduct of any Student or Student Organization, regardless of the location, which adversely affects the University community and/or the pursuit of its mission; when the behavior relates to the good name of the University; the integrity of the educational process; the safety and welfare of the University community; and/or the conduct violates state or federal law.

C. Students are responsible for knowing the information, policies, and procedures outlined in the Student Code of Conduct. The University reserves the right to make changes to the Code as necessary. Students are encouraged to check online at http://regulationspolicies.usf.edu for the most updated versions of all policies and regulations.

D. The University strongly encourages of sexual harassment and sexual misconduct to file a complaint and note that for some persons the filing of a complaint may be compulsory. Complaints may be filed with the designated offices detailed in Policy 0-004 Sexual Misconduct/Sexual Harassment (Including Sexual Violence).

E. Any individual may refer a Student or Student Organization for alleged violation/s of the Student Code of Conduct by filing a written referral with SRR. SRR reserves the right to initiate or follow up any investigative leads where there is reasonable belief of possible violations of the Student Code of Conduct.

F. The conduct process may be initiated for a Student or Student Organization whose alleged conduct potentially violates both the criminal law and/or the Student Code of Conduct without regard to the pending civil or criminal litigation in court or criminal arrest and prosecution. The conduct process under this Regulation may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of SRR. Determinations made or sanction(s) imposed as a result of the conduct process shall not be subject to change because criminal charges were dismissed, reduced, or resolved in favor of or against the criminal law defendant. Members of the University community, who commit offenses against the laws of municipalities, states, or the United States, are subject to prosecution by those authorities and may be subject to disciplinary action under University rules when their conduct violates the Student Code.
of Conduct. Students shall not be forced to present self-incriminating information; however, the University is not required to postpone the conduct process pending the outcome of any civil or criminal case.

III. DEFINITION OF TERMS:

A. “Administrative Hearing Officer” is a University faculty or staff member designated by the Director of SRR, or the designated University Official, who will adjudicate the case, hearing the Student, the complainant and/or the University’s explanation of events during the formal hearing.

B. “Administrative Hold” refers to a restrictive hold placed on a Student’s record at any point in the conduct process to assure compliance with sanctions or pending the resolution of conduct matters. When terms and conditions of sanctions have been satisfied and/or pending conduct matters have been resolved, the hold may be removed.

C. “Advisor” refers to any one person chosen by the Student to assist them throughout the conduct process. While an advisor may assist a Student, the advisor may not speak on the Student’s behalf or otherwise take an active role in the conduct process.

D. “Alleged Victim” is a term that refers to the person who alleges any personal harm or injury from another person. At times, to avoid duplication or wordiness, the term victim may be used to refer to an alleged victim.

E. “Charge Letter” is the letter sent to the Student or Student Organization after the Initial Review Meeting. The letter states the disposition of ‘responsible or not responsible’, and includes the charges, educational sanctions, and the option for the Student to request a Formal Hearing if applicable.

F. “Complainant” is a term used in this Regulation to refer to the person who submits a referral alleging that a Student or Organization violated the Student Code of Conduct. In specific cases, the Complainant may not be the actual victim or the alleged victim. Recognizing that the law provides victims and alleged victims specific rights and non-victim complainants may not have the same rights or protections, this Code will use “Complainant” as a general term and the Code will be applied to fit the particular circumstances at the discretion of SRR.
G. “Charged Student” is a Student who has been charged with violation/s of the Student Code of Conduct that are moving forward to a formal hearing.

H. “Conduct Process” refers to the entire process outlined in the Student Code of Conduct, including the Initial Review, the Formal Hearing, and the Appeal process. This also includes the Provisional Suspension Process.

I. “Day/s” in terms of process is defined as the normal business day and will not include Saturdays, Sundays, or legal holidays/University administrative holidays or when the campus is closed for business.

J. “Dean of Students or designee” is the individual who will hear an appeal following a Formal Hearing.

K. “Deferred Adjudication” refers to the process when a Student is responsible for a violation but the finding is held so the Student can complete certain requirements in an allotted timeframe. In order to receive Deferred Adjudication, the Student must begin by accepting responsibility. At the completion of all requirements, the Student will be adjudicated “not responsible.” This may only be used for specific non-violent first time offenses.

L. “Formal Hearing” or “Hearing” is the proceeding elected by the charged Student which can be conducted by an Administrative Hearing Officer or a University Conduct Board after charges have been moved forward by the Initial Review Officer.

M. “Hearing Outcome Letter” is the finding rendered at the conclusion of the formal hearing.

N. “Final University Decision” is the finding of the Dean of Students, or designee, as issued in the Dean’s Decision on Appeal Letter.

O. “Good Disciplinary Standing” refers to a Student who is free from disciplinary probation, disciplinary holds, and not currently involved in the conduct process.

P. “Guest” refers to any individual (Student or non-Student) who is not assigned to live in a particular room in an on-campus residence; is on the premises where the alleged violation occurred, and/or refers to any person visiting the University who is not affiliated with the University. Students may be held responsible for the actions of their guests.
Q. — “Impact Statement” is an oral or written statement provided by the alleged victim in cases of violent misconduct, or when requested by SRR. The statement explains how the incident has affected the personal and educational experience of the alleged victim. This statement is reviewed during the sanctioning portion of the Formal Hearing if the Charged Student is found responsible for a violation of the Student Code of Conduct.

R. — “Initial Review Officer (IRO)” is a University official authorized to meet with Students regarding referrals made for possible violations of the Student Code of Conduct.

S. — “Initial Review Meeting” is a meeting for the Student to learn about their rights in the conduct process, and review the referral and any other applicable information related to the violation(s).

T. — “Intimate Partner” refers to persons who are or who have been dating, cohabitating, married, separated, or divorced and may be of the same or opposite sex.

U. — “May” is used in the permissive sense.

V. — “Member of the University Community” includes any person who is a Student, faculty member, University Official, or any other person with an ongoing relationship, involved with, or employed by the University.

W. — “Notice” is the written communication either by mail or E-mail correspondence that provides information to a Student. Notice is conclusively presumed to be final when such communication is sent to the Student by official University email, and/or mailed to the address appearing on either the Student’s current local address or permanent address on record with the University at the discretion of SRR.

X. — “Student Rights and Responsibilities (SRR)” or designee is the person(s)/area designated by the USF System President to be responsible for the administration of the Student Code of Conduct.

Y. — “Policy” means the written and published policy or regulation of the University as found in, but not limited to, the Student Code of Conduct, the residence halls, the library, parking regulations governing the use of technology and information systems, those regarding the Student Identification Card, and
Graduate/Undergraduate Catalogs concerning Students and Student Organizations. Other policies include those related to building and classroom use, to dining services, to campus recreation, and to any regulation of the Board of Trustees.

Z. “Preponderance of the Evidence” means that from the evidence/information submitted, it is more likely than not that the charged Student did commit the violation(s) for which the Student has been charged, and shall not be the strict criminal law standard of proof beyond a reasonable doubt. This is the standard used in adjudicating all disciplinary cases through the Student Code of Conduct.

AA. “Record” a Student’s SRR file is considered an educational record at the University and is the property of the University. A file may include documentation and/or the audio recording of a formal hearing (only audio recording by the University is permitted). Deliberations are not recorded. To the extent the University maintains records, the Family Educational Rights and Privacy Act (FERPA) may prohibit or restrict their disclosure.

BB. “Referral” means the written documentation provided to SRR alleging that a violation of the Student Code of Conduct may have occurred.

CC. “Referred Student” is the person who has been named in the referral provided to SRR to have allegedly violated this Student Code of Conduct.

DD. “Responsible” in the context of a hearing outcome decision means the information presented in the Student’s charge letter and all information reviewed at any hearing as a whole indicates that it is more likely than not that the Student committed the violation.

EE. “Student” for the purposes of the Student Code of Conduct, includes all admitted persons, or a person who has an active application for admission, housing, or any other service provided by the University, which requires Student status. The term “Student” includes all persons taking University courses, either full-time or part-time, pursuing undergraduate, graduate, non-degree seeking, or professional studies. Persons who withdraw or who are academically dismissed after allegedly violating the Student Code of Conduct, or who are not officially enrolled for a particular term but who are eligible to
enroll or have a continuing relationship with the University, or who have been notified of their acceptance for admission are considered Students.

**FF.** “Student Organization”** means any group of Students who have complied with the requirements for registration and are officially recognized by the University as a registered Organization. These include, but are not limited to, political groups, fraternities and sororities, and Student sports clubs. Student Organizations are subject to every element of the Student Code of Conduct.

*In specific instances the terms Student/Student Organization may include a reference to both.

**GG.** “Temporary Restrictions” are actions that SRR may take prior to or during the investigation of an incident. These may include, but are not limited to, a removal from on campus housing; no contact orders; restrictions from clubs, events, and Organizational activities; and/or restrictions from specific areas on the University premises. When a temporary restriction is imposed, SRR will attempt to expedite the conduct process.

**HH.** “Transcript Overlay” means a notation on a Student’s academic transcript that states the Student is not in “good disciplinary standing” due to a disciplinary suspension or expulsion.

**II.** “University” means the University of South Florida System, including any member institution affiliated with the USF System.

**JJ.** “University Activity” or “University Program” refers to any function or event, which is hosted, sponsored or organized by any University member, group or Organization, including but not limited to, Student Organizations. Such activities or programs include but are not limited to coursework and other academic activities, education abroad, field trips, retreats, social events, philanthropies, and community service events.

**KK.** “University Conduct Board” is a panel of faculty, staff, and Students who have been trained to hear conduct cases and make decisions related to reported violations of the Student Code of Conduct. The UCB panel must have representation of at least 50% Student membership. The panel will adjudicate the conduct case, hearing both the Student explanation of events and the information presented by SRR, witnesses, and reporting parties.
**IV. SPECIFIC PROVISIONS:**

**A. General:** Each Student is expected to abide by the Student Code of Conduct (“Code”). The following violations are broadly defined and are not exhaustive in terms.

**B. Standards for Behavior in the Classroom:** Faculty members have the primary responsibility of managing the classroom environment whether in person or online in accordance with USF3.025 – Disruption of Academic Process. Faculty members may remove a Student from the classroom environment for disruption on the day that it occurs or faculty members may remove a Student permanently from the class. If the Student disrupts the classroom environment, the faculty member should make a referral to Student Rights and Responsibilities.

**C. Violations:**

- **(4.01) Theft** – The unauthorized taking, misappropriation or possession of any real, personal, or intellectual property or services provided, owned or maintained by the University or by any person.

- **(4.02) Misuse of Property** – Destruction, damage, misuse, or defacing of University buildings or property, private property, and/or personal property and includes
  
  (a) unauthorized access or entry to University property, buildings, structures, or facilities, or the residence facilities or property of any member of the University community and/or and
(b) unauthorized possession, duplication, or use of keys or access cards for any such property.

4.03 Misuse of Materials — Unauthorized accessing, removing, duplicating, photographing, and/or forging, counterfeiting, altering or misusing of any University material (including University intellectual property), file document or record, computer records, software, data files and similar entities owned or maintained by any member of the University faculty, administration, staff, or Student body. This also includes the unauthorized usage of the official University mark, monogram, seal, or other graphic identity symbol.

4.04 Weapons, Firearms, or Explosive Devices — The illegal possession, storage, use or sale of any weapon (lethal or non-lethal), firearm, ammunition, or any incendiary, explosive or destructive device. This further includes, but is not limited to switchblade knives, air soft guns, dangerous chemicals, corrosive and/or biological chemicals or agents as restricted by University policies and/or protocols. This also covers any item used as a weapon to cause actual physical harm or threaten physical harm. For additional information, reference Policy 6.009 Weapons on USF System Property and the USF Housing Resident Handbook.

4.05 Harassment — Conduct which creates an unsafe, intimidating or hazardous situation that interferes with the ability of a Student or employee to study, work, or carry out University functions. For additional information, reference Policy 0.007 Diversity and Equal Opportunity: Discrimination and Harassment. Bullying is included in this violation and refers to repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression.

4.06 Stalking — To follow another person and/or repeatedly interact with a person so as to harass that person, or a course of conduct directed at a specific person that would cause a reasonable person to fear for one’s or others’ safety or to suffer substantial emotional stress. This includes “cyber-stalking,” a particular form of stalking with a person who uses electronic media, such as the internet, social media networks, blogs, cell phones, text messages, or other similar devices or forms of contact.

4.07 Hazing — Hazing means any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a Student for the purpose of initiation
to, admission into, or affiliation with, an Organization. Any University community
member who has knowledge of or has reason to believe that hazing has taken place is
required to report. For additional information, reference USF6.0023 Prohibition of
Hazing. Actions and situations that may constitute hazing include, but are not limited to
the following:

- Forced or coerced consumption of food, alcohol, beverage, drugs, or other substances,
- Paddling, hitting, slapping, branding, and/or physical brutality in any form,
- Creation of unnecessary fatigue,
- Personal servitude,
- Physical and/or psychological shocks,
- Wearing of apparel which is conspicuous and not normally in good taste,
- Degrading or humiliating games or activities,
- Sleep, food, or beverage deprivation,
- Isolation and exclusion from social contact,
- Calisthenics,
- Unreasonable exposure to the elements,
- Kidnapping or abandonment,
- Line-ups and berating behaviors,
- Undue interference with academic pursuits,
- Pressuring or coercing involvement in activities that are illegal, lewd, or in violation of
  University Policy
(4.08) Disorderly Conduct—Breach of peace, such as causing a disturbance or being unruly.
(4.09) Disruptive Conduct—Actions that impair, interfere with or obstruct the orderly
conduct, processes and/or functions of the University. Disruptive conduct shall include,
but not be limited to, the following:

- Interference with freedom of movement or with the right to address an audience of
  any member or guest of the University;
- Impeding or interference with the rights of others to enter, use or leave any University
  facility, service or scheduled activity, or carry out their normal functions or duties;
Interference with academic freedom and freedom of speech of any member or guest at the University;

Actions that disrupt, endanger, or disturb the normal functions of the University or the safety of a person or persons. This includes interfering with an investigation, in any way, of SRR.

(4.10) False Alarm & Fire Safety

Issuing a bomb threat or other warning of impending disaster without cause;

Intentional misuse, disabling, or tampering with any fire alarm or fire safety equipment;

Causing a fire or explosion: Conduct that causes or attempts to cause a fire or explosion, or falsely reporting a fire, explosion, or an explosive device;

Tampering with fire safety equipment: Tampering with fire safety equipment, or failure to evacuate during a fire alarm on the University campus, University facility, or at any University activity;

Fireworks: Possession and/or use of fireworks, including but not limited to sparklers, or explosives of any kind on the University campus, at a University facility, or at any University activity.

(4.11) Threats of Violence

A threat by word or act to do violence to a person or persons.

(4.12) Injurious Behavior

When one person actually and intentionally touches or strikes a person or persons against their will, or intentionally causes bodily harm.

(4.13) Reckless Injurious Behavior

Conduct that may be unintentional, but is with conscious disregard for its consequences to person(s) or property and results in actual or potential damage, injury, or harm.

(4.14) Sexual Harassment

Unwelcome conduct directed at a person based on the person’s gender or sexual orientation that is so sufficiently severe, persistent, or pervasive that it unreasonably interferes with, denies, or limits someone’s ability to participate in or benefit from the college’s educational program and/or activities, and is based on power differentials (quid pro quo), the creation of a hostile environment or retaliation, which includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. The prohibited conduct may include actions, which meet the definition provided by criminal statutes such as battery or assault.
For additional information, reference Policy 0.004 Sexual Misconduct/Sexual Harassment (Including Sexual Violence).

Sexual harassment includes, but is not limited to:

(4.14)(a) Sexual Exploitation—occurs when a Student takes non-consensual or abusive sexual advantage of another for the Student’s own advantage or benefit, or to benefit or advantage anyone other than the one being exploited.

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

• Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person’s ability to give affirmative consent to sexual activity;

• Allowing third parties to observe private sexual activity form a hidden location (e.g., closet) or through electronic means (e.g., Skype or livestreaming of images);

• Engaging in voyeurism (e.g., watching private sexual activity without the consent of the participants or viewing another person’s intimate parts (including genitalia, groin, breast or buttocks) in a place where that person would have a reasonable expectation of privacy);

• Recording or photographing private sexual activity and/or a person’s intimate parts (including genitalia, groin, breasts or buttocks) without consent;

• Disseminating or posting images of private sexual activity and/or a person’s intimate parts (including genitalia, groin, breasts or buttocks) without consent;

• Prostituting another person;

• Exposing another person to a sexually transmitted infection or virus without the other’s knowledge;

• Exposing one’s genitals in non-consensual circumstances;

• Inducing another to expose their genitals; or

• Sexually-based stalking and/or bullying.

(4.14)(b) Non-Consensual Sexual Intercourse—Any sexual intercourse however slight, with any object, by any individual upon another individual that is without consent and/or by force. Intercourse includes vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.
(4.14)(c) Non-Consensual Sexual Contact—Any intentional sexual touching, however slight, with any object, by an individual upon another individual, that is without consent and/or by force. Sexual Contact includes intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth, or other orifice.

(4.14)(d) Unwanted or Unwelcome Sexually Oriented Attention—Unwanted or unwelcome sexually oriented remarks or behaviors, that are so sufficiently severe, persistent, or pervasive, on the part of a person who knows or ought reasonably to know that such remarks or behavior unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the college's educational program and/or activities.

(4.15) Misuse or Possession of Illegal Drugs—Using, possessing, manufacturing, distributing, selling, or attempting to obtain any controlled substance which is prohibited by law. The term “drugs” includes, but is not limited to, any narcotic drug, central nervous system stimulant, hallucinogenic drug, barbiturate, or any other substance treated as such.

The unauthorized possession or use of a regulated or controlled substance, including one's own or another's prescription drugs and paraphernalia used for drugs (e.g. bongs, glass pipes, etc.) is a violation. Further, the un-prescribed use, inhalation, or ingestion of a substance (e.g. nitrous oxide, glue, paint, etc.) that could/will alter a Student's mental state is also prohibited. Attending class, an Organizational meeting or other University event that is specific for an educational purpose while under the influence of drugs, as noted in this section, is a violation. Further, if medical assistance is sought for a Student in need who has consumed drugs, the Student may qualify for Medical Amnesty as defined in the 30-004 Medical Amnesty (Student Reporting) Policy. See also Policy 0-610 Drug Free Workplace.

(4.16) Gambling—Conducting or organizing any form of games of chance.

(4.17) Misuse of Alcohol—Failure to abide by Policy 30-023 Alcohol Policy and all University protocols and policies and state and federal law regarding alcohol. Specific Student Code of Conduct standards include, but are not limited to:

1. The sale of, or intent to sell, alcohol without a proper license;
2. Providing alcohol to any person who is not of legal age to possess or consume alcohol;

3. Possession or consumption of alcohol by persons not of legal age;

4. The operation of a motor vehicle by a person under the age of 21 while having a blood alcohol level of .02 or higher;

5. The operation of a motor vehicle, by an individual of any age, under the influence of alcohol;

6. The consumption of alcohol on streets, according to local ordinance;

7. Public intoxication;

8. Conducting an open house party which can include, but is not limited to, an event at which minors may possess or consume alcohol. An open house party is defined as an event at a residence where hosts, owners, or other in control of the event fail to take reasonable steps to ensure legal compliance, reduce the risk of harm, and ensure the safety of guests (including but not limited to, removing those in violation or requesting law enforcement to assist) if alcoholic beverages are known to have been consumed at the residence by person(s) under the age of twenty-one and/or illegal drugs or controlled substances are unlawfully possessed, distributed or used;

9. Attending class, an Organizational meeting or other University event that is specific for an educational gain while under the influence of alcohol.

Further, if a medical assistance is sought for a Student in need who has consumed alcohol, the Student may qualify for Medical Amnesty as defined in the 30-004 Medical Amnesty (Student Reporting) Policy. See also Policy 30-023 Alcohol Policy.

(4.18) False Information—Knowingly withholding related information or making a false or misleading oral or written statement to the University and/or any University Official. This includes forgery, unauthorized alteration, possession, or misuse of any document, record, or instrument of identification.

Additionally, this includes deliberately and purposefully providing false or misleading verbal or written information about another person.

Furthermore, this also includes falsifying, distorting, or misrepresenting the truth during proceedings under the Student Code of Conduct, including knowingly submitting a false complaint.
Finally, this includes falsification or admission or re-admission documentation to the University.

(4.19) Bribery—Offering or accepting a bribe or inducement that would impinge upon or compromise the integrity of academic work product, student performance, or the unbiased and professional duty of faculty and staff or student of the University.

(4.20) Failure to Respond to Instructions—Failure to comply with authorized official requests (oral or in writing): failure to produce identification for or in agreement with University Officials acting in accordance with their assigned duties. This also includes failure to comply with a directive of a University Official acting within the scope of their assigned duties.

(4.21) Violation of University Policy and/or Local Ordinance, State, or Federal Law (as determined by the University)—Failure to adhere or abide by policies including, but not limited to, local ordinance, state law or federal law. Adjudication by an outside entity is not a prerequisite to a determination of responsibility by the University.

(4.22) Violation of Probation or Restriction—Failure to abide by the conditions of probation, or other restriction that was assigned based on previous behavior that was deemed unacceptable at the University level.

(4.23) Complicity—To be associated with, not removing oneself from the situation or to be present during the commission of any act by another that constitutes a violation of University policy or if the behavior is considered to constitute a violation of University policy or if the behavior is considered to constitute permission, to contribute to, or to condone a violation of a University regulation or policy.

(4.24) Specific Acts of Violence—An act that falls into any one of the sections listed below as 4.24(a) and 4.24(b):

(4.24)(a) Domestic Violence—Conduct that includes asserted violent misdemeanor and felony offenses committed by the alleged victim’s current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

(4.24)(b) Dating Violence—Conduct that includes violence by a person who has been in a romantic or intimate relationship with the alleged victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.
(4.25) Retaliation—Violence, threats or adverse action taken by a Student or Student Organization against any individual who, in good faith, has made any allegation of misconduct; or who has provided information, assisted, or participated in any investigation, review, or formal hearing conducted under the Student Code of Conduct; or any local, state or federal proceeding.

(4.26) Information Technology—Improper use of technology hardware or software including but not limited to computers, e-mail, cell phones, video cameras, and drones. See also Policy 0 502 Appropriate Use of Informational Technology Resources and Policy 6 036 Unmanned Aircraft System (Drone) Operations.

• Unauthorized downloading or facilitating others to download copyrighted music, films, and other documents without authorization.

Recording of Oral Communication without Consent—Acquires, by listening or by recording using any device, any wire, oral, or electronic communication, when such communication is uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation (i.e. in a situation in which the person has a reasonable expectation of privacy), and the person has not given consent to the acquisition or recording of the communication.

(4.27) Residence Hall Policy Violation—Violations of any policy or regulation governing University Housing, as well as, the University Housing rental agreement and the Resident Handbook. See also Regulation USF6.013.

D. Stages of Conduct Process:

1. Referral: Any person may refer a Student’s conduct for review as a possible Student Code of Conduct violation. This referral should be made within a reasonable time following the discovery of the alleged Student code violation and no later than six (6) months after the discovery, except in extraordinary cases.

2. Initial Review: If the referral includes enough information for SRR to accept the referral, SRR will assign an Initial Review Officer (IRO). Written notice will be sent to the referred Student requesting them to schedule an initial review meeting. This meeting between the Initial Review officer and the referred Student is an opportunity for the Initial Review Officer to explain the allegations, the Student’s rights and answer any questions the referred Student may have. The referred
Student may choose to discuss the incident during this meeting and may be provided an opportunity to accept responsibility for violations of the Code of Conduct. If the referred Student is provided an opportunity to accept responsibility, the Student wishes to accept that opportunity, and the Initial Review Officer and the referred Student may identify mutually agreed upon charges and sanctions, the referred Student may accept the charges and sanctions thus waiving their right to appeal. If the referred Student does not want to accept responsibility of charges and/or sanctions cannot be agreed upon, the referred Student will be sent a Charge Letter with the options for electing a Formal Hearing. If the referred Student fails to schedule or attend the Initial Review Meeting, the Initial Review Officer will review the referral in absentia and make a determination as to the appropriate charges and educational sanctions to move forward.

Conclusion of Initial Review Process:
At the conclusion of the Initial Review meeting, the Initial Review Officer will either dismiss the referral or will issue a Charge Letter (for the purposes of the Student Code of Conduct, the Referred Student now becomes the Charged Student). Outcomes of the charge letter will include the recommended charges and sanctions and the choices available to the charged Student which are (1) accept responsibility and sanctions or (2) request a formal hearing.

Failure of Charged Student to Respond: If the charged Student fails to respond to the charge letter within the allotted time, the charges and sanctions will become finalize and the charged Student will be found responsible and may have a limited right to appeal.

3. Formal Hearing: Within five (5) days of the date of the charge letter, the charged Student may elect to have a formal hearing either by an Administrative Hearing Officer or the University Conduct Board. In cases where the charged Student is being charged with sexual harassment or sexual misconduct, the alleged victim can request an administrative hearing and that request will be honored over the charged Student’s request for a University Conduct Board hearing. Hearings may result in charges being upheld or dismissed and sanctions that are more or less severe than the sanctions recommended by the Initial Review Officer. Notification of formal hearing will occur no later than five (5) days prior to the date of hearing.
If the charged Student wishes to have the hearing earlier, they waive the right to their review period. At the conclusion of the formal hearing process, the charged Student will receive a Hearing Outcome Letter with determinations regarding responsibility for charges and any subsequent sanctions. If the charged Student fails to attend the formal hearing, the case will be adjudicated in absentia.

### a. Details of Formal Hearing Options:

i). Administrative Hearing Officer: If a charged Student elects a formal hearing before an Administrative Hearing Officer, the charged Student waives the right to a review by a University Conduct Board. SRR will move forward by assigning an Administrative Hearing Officer to adjudicate the case.

ii). University Conduct Board: If a charged Student elects a formal hearing before a University Conduct Board, the charged Student waives the right to review by an Administrative Hearing Officer. SRR will appoint a University Conduct Board with membership of at least 50% Student. Board members must be present for the presentation of information at the formal hearing and a quorum for the formal hearing shall consist of a simple majority of the Board. In the event the quorum does not consist of the appropriate balance of membership, the charged Student may elect to proceed or request the formal hearing be rescheduled. After the formal hearing, the Board will reach its decision in executive session by simple majority of the quorum.

### b. Appeal Process: The charged Student (or the alleged victim in specific cases as provided in the Student Code of Conduct) may appeal in writing the outcome of a formal hearing within five (5) days of the date of the Hearing Outcome Letter. The appeal must be written to the Dean of Students, or appropriate designee, at the member institution or separately accredited institution. The burden of proof rests with the charged Student or the alleged victim to show, by a preponderance of the evidence presented, that the grounds for an appeal have been met. The Dean of Students, or designee, may adopt, modify, or reject charges and/or sanctions from the Hearing Outcome Letter. The Dean of Students, or designee, may request the case be remanded for a new formal
hearing forum. The record of the formal hearing may be considered on appeal as well as any new information from the charged Student and/or alleged victim that comes to the attention of the Dean of Students or designee. The Dean of Students, or designee, is authorized to contact any participants in the formal hearing for clarification or request additional information as necessary to render a decision.

c. Basis of Appeal: Except as required to explain the basis of new information, the Dean of Students, or designee, shall limit the review to the verbatim record of the formal hearing and supporting documents for one or more of the following purposes:

i. To determine if there were due process errors involving the University’s failure to provide the charged Student or Student Organization with notice or an opportunity be heard.

ii. To determine whether the sanction(s) imposed was extraordinarily disproportionate for the violation of the Student Code of Conduct, which the charged Student or Student Organization was found to be responsible.

iii. To consider new information, sufficient to alter a decision or other relevant facts not brought out in the formal hearing, because such information and/or facts were not known to the person appealing at the time of the formal hearing. Outcomes of criminal or civil cases have no bearing in any aspect of the process, including the appeal.

d. When the appeal is submitted, the charged Student (and in specific cases, the complainant) must state the reason(s) for the appeal and must supply the supporting facts and the recommended solution. This is not a re-hearing of the conduct case. An appeal will not be accepted simply because a Student is dissatisfied with the decision from the formal hearing. Failure to describe the nature of the information in full detail and/or failure to list and explain at least one (1) of the three (3) bases of acceptable appeals will result in the denial of the appeal.

e. The Dean’s Decision on Appeal Letter will be rendered within ten (10) days of receipt of the appeal, except in extraordinary cases as determined by the Dean of Students, or designee. The decision made by the Dean of Students,
or designee, is to be rendered in the Dean’s Decision on Appeal Letter and the
decision of the Dean of Students, or designee, is considered the final university
decision. If an appeal is not upheld, the initial decision will stand, and the
matter shall be considered final and binding upon all involved. If the final
appellate decision results in a suspension or expulsion of a charged Student,
the charged Student will be notified in writing that the decision may be
appealed by the Student to an external judicial forum.

4. Provisional Suspension or Temporary Restrictions:

A provisional suspension or temporary restrictions may be imposed at the
discretion of the University to ensure one or all of the following:

a. The safety and well-being of members of the USF System community or
   preservation of USF System property;

b. To ensure the physical or emotional safety and well-being of members of the
   USF System community;

c. The Student’s continued presence or Student Organization’s continued
   activities, or use of privilege at the USF System, is likely to pose an ongoing
   threat of disruption or interference with the normal operation of the USF
   System.

Emergency Hearing to Review Provisional Suspension: Students and Student
Organizations issued a provisional suspension from the USF System will be
provided an emergency hearing within five (5) days from the date of
suspension with the appropriate Hearing Officer. The emergency hearing may
be conducted in one of the following three ways at the choice of the Student:

• Acceptance of Responsibility: Except in cases of potential sexual
  harassment or sexual misconduct, the Student may take full responsibility
  in writing (form to be provided by SRR) indicating that the Student is
  electing to waive all rights to a formal hearing and is requesting the Hearing
  Officer make a final determination with regard to the provisional
  suspension and the substantive charges at the time of the emergency
  hearing and is accepting that determination as final with a waiver of appeal
  rights except as to the severity of the sanction which the Student may
  appeal. This will be considered the Hearing Outcome Decision.
**V. GENERAL PRINCIPLES OF CONDUCT PROCESS:**

**General Principles.** Unless otherwise specified:

A. All pending disciplinary matters that may result in suspension or expulsion must be resolved prior to the awarding of any degree or certificate.

B. All proceedings will be closed to spectators.

C. No irrelevant information, including character statements, should be discussed or considered in the Formal Hearing.

D. The Student Code of Conduct provides the structure and evidentiary guidelines for this internal University process. Civil and Criminal rules of evidence and procedure do not apply.

E. The Administrative Hearing Officer or Chair of the University Conduct Board has the discretion to allocate time allotments for the Formal Hearing and time to provide information.

F. At the conclusion of the appeal process, the decision of the Dean of Students or the appropriate designee is the Final University Decision and there are no further internal University appeals.

G. After a Final University Decision that results in suspension or restriction from the University, a Student may seek outside judicial review pursuant to Florida Rule of Appellate Procedure 9.190(b)(3) by filing a petition for certiorari review with the appropriate circuit court within thirty (30) days of the Final University Decision. If a Student seeks review with the court, a copy of the petition must also be officially served.
H. Record: A formal hearing shall be recorded by audio tape or video. Deliberations shall not be recorded. The record will be the property of the University. Only the University may record any proceeding.

I. Students may have an advisor of their choice present, with the following guidelines:

- The advisor cannot have a potential conflict of interest between the University and/or the case.
- The advisor may not speak on behalf of, act as attorney, present the case for, nor otherwise participate directly in the conduct process.
- The advisor may be dismissed from the conduct process for failure to adhere to the parameters of their role. This dismissal will not affect the process and all proceedings will continue.
- The charged Student/alleged victim is responsible for making appropriate arrangements for travel, costs, and attendance for the advisor.
- The conduct process shall not be delayed due to scheduling conflicts of the chosen advisor.
- The advisor may not serve as a witness.

VI. RIGHTS OF CHARGED STUDENTS IN THE CONDUCT PROCESS:

Rights of the Charged Students:

A. Provision of Proof: The provision of proof shall be the duty of Student Rights and Responsibilities. “Preponderance of the Evidence,” that is from the evidence/information submitted, it is more likely than not that the Charged Student did commit the violation(s) for which the Student has been charged, and shall not be the strict criminal law standard of proof beyond a reasonable doubt.

B. Review of Information: the charged Student may review the evidence in the possession of the University that may be considered to support a violation of the Student Code of Conduct under the direction of SRR. In cases of the formal hearing, the University has the right to request to review any information the charged Student intends to present at least three (3) days (excluding legal holidays) before the formal hearing. Pertinent records,
C. Presentation of Information: The charged Student is not required, but may present information on the charged Student’s own behalf.

D. Question Witnesses (Applicable to Formal Hearing): The charged Student may submit questions to be used to question witnesses who speak at the formal hearing, except in the certain cases of violent or sexual misconduct, which may require specific protocols to be followed. The charged Student may submit questions to SRR for the formal hearing no later than three (3) days before the formal hearing. The Administrative Hearing Officer or Chair of the University Conduct Board will determine if the questions relate to the alleged incident and are appropriate to be presented at the formal hearing before presenting them to the witnesses. The charged Student may hear witnesses who speak at the formal hearing and at the discretion of the Administrative Hearing Officer or Chair of the Conduct Board; the charged Student may be permitted to ask additional questions at the formal hearing.

E. Witness Statements: In the event a scheduled witness does not appear, a written statement by the witness may be submitted at least three (3) days before the formal hearing. Late witness statements will not be considered. The charged Student must be provided an opportunity to respond to the statement. The inability of the charged Student to question a witness who has provided a written statement is not a violation of the charged Student’s due process rights. The charged Student has the opportunity to review and respond to the written statement and may offer information to rebut the witness statement and other information presented at the formal hearing. Witness statements are entitled to be given the same weight by the hearing entity as a witness who is present. Witness statements need not be sworn or in affidavit form.

F. Impartiality in Formal Hearing: SRR will advise the charged Student (and possible victim in certain circumstances) of the identity of the person(s) assigned as an Administrative Hearing Officer or Conduct Board member and the right to challenge, in writing, the impartiality of the Administrative Hearing Officer or Conduct Board member within three (3) business days (or in cases of emergency, within twenty-four (24) hours of the scheduled hearing) of notification. A challenge based on reasonable rationale will be accommodated and indiscriminate challenges will be denied. In cases of a Board, the formal hearing will
proceed provided there are at least three members that meet the requirements previously set forth.

G. Response to Presented Information: The charged Student shall not be forced to present information or respond to questions during the conduct process.

H. Decision Based on Presented Information: Decisions made during the conduct process shall be based solely on the information presented. Any file referencing prior misconduct, including meetings with the charged Student in the possession of the SRR will only be considered in determining appropriate sanctions. Decisions will be sent to the Charged Student in writing.

I. Enrollment Status: The charged Student’s enrollment status will remain unchanged pending the Hearing Outcome Letter decision, except in cases of Provisional Suspension. The Hearing Outcome Letter will reflect how the enrollment status of the charged Student will be treated between the Hearing Outcome decision, and a possible appeal to the Dean of Student’s, or designee, and the Dean’s Decision. A charged Student shall remain eligible to attend classes and University activities pending the Hearing Outcome Letter, which shall indicate if recommended sanctions are to be imposed immediately (in case of suspension or expulsion or to protect the health or safety of the University) or deferred until after the appeal is concluded. In cases where the President or President’s designee determines that the health, safety, or welfare of the charged Student or the University community is involved, a charged Student’s privileges within the University, including the ability to attend classes or engage in University activities, may be suspended on an interim basis. If a charged Student’s privileges are temporarily revoked as described in this paragraph, but the charged Student is subsequently found not responsible for the violation, the University must:

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

J. Failure to Appear: Charged Students have the right to choose if they want to participate in the formal hearing process. If a charged Student fails to appear or fully participate for any formal hearing, the matter may be resolved in the charged Student’s absence.
K. Rights of the Alleged Victim:

1. Formal Hearing Questions – The alleged victim shall have the right to submit a list of questions to SRR for use during the formal hearing. The Administrative Hearing Officer or University Conduct Board shall ask the charged Student the questions, provided that the Administrative Hearing Office or University Conduct Board determines the questions related to the alleged incident are appropriate to be presented at the formal hearing.

2. Question Witnesses (applicable to formal hearing) – The alleged victim may submit questions to be used to question witnesses who speak at the formal hearing, except in the certain cases of violent or sexual misconduct, which may require specific protocols to be followed. The complainant may submit questions to SRR for the formal hearing no later than three (3) days before the formal hearing. The Administrative Hearing Officer or Chair of the University Conduct Board will determine if the questions relate to the alleged incident and are appropriate to be presented at the formal hearing before presenting them to the witnesses. The alleged victim may hear witnesses who speak at the formal hearing and at the discretion of the Administrative Hearing officer or Chair of the Conduct Board; the Student may be permitted to ask additional questions at the hearing.

3. Witness Statements – In the event a scheduled witness does not appear, a written statement by the witness may be submitted at least three (3) days before the formal hearing. Late witness statements will not be considered.

4. Impartiality in Formal Hearing – In certain circumstances, SRR will advise the complainant of the identity of the person(s) assigned as an Administrative Hearing Officer or Conduct Board member and the right to challenge, in writing, the impartiality of the Administrative Hearing Officer or Conduct Board member within three (3) business days (or in cases of emergency, within twenty-four (24) hours of the scheduled hearing) of notification. A challenge based on reasonable rationale will be accommodated and indiscriminate challenges will be denied. In cases of a University Conduct Board, the hearing will proceed provided there are at least three members that meet the requirements previously set forth.
5. Failure to Appear—A complainant has the right to choose if they want to participate in the formal hearing. If a complainant fails to appear or fully participate for any hearing, the matter may be resolved in their absence.

VII. ADDITIONAL RIGHTS OF CHARGED STUDENTS AND ALLEGED VICTIMS IN CASES OF ALLEGED VIOLENT CONDUCT AND SEXUAL HARASSMENT AND SEXUAL MISCONDUCT:

In cases of sexual harassment (as defined in section 4.14 of the Student Code of Conduct), stalking (as defined in Section 4.06 of the Student Code of Conduct) and specific acts of violence (as defined in section 4.24 of the Student Code of Conduct), the charged Student and the alleged victim shall be notified of the persons selected to hear the case during the formal hearing. Additionally:

A. Violent Conduct Cases: In cases of alleged violent conduct, injurious behavior, and in specific cases of sexual harassment, the following additional rights shall be provided to the Alleged Victim:

1. Be notified of the available assistance within the University;
2. Be notified of additional offices that may be contacted to request a change in on-campus residence, academic assignments, no contact orders, counseling, or other interim accommodations that may be available to address specific immediate concerns;
3. In cases that move to formal hearing, to submit an impact statement to SRR for use during the sanctioning portion of the conduct process;
4. To be present during the fact gathering stages of the formal hearing, notwithstanding the fact that the alleged victim is to be called as a witness. In extraordinary cases, alternate arrangements may be made for the alleged victim to participate in the formal hearing without being present in the same room. The alleged victim may not have their past conduct, including sexual history, considered when the Administrative Hearing Officer or the University Conduct Board is making a determination of the charged Student or Student Organization as to being responsible or not responsible for an alleged violation of the Student Code of Conduct.
5. To be notified of hearing outcomes. SRR will inform the alleged victim in writing of the outcome of the formal hearing within ten (10) days from the conclusion of the formal hearing/appeal process (Final University Decision) unless extraordinary circumstances exist. In the event the alleged victim is deceased as a result of the crime
of offense, the information shall be provided, upon request, to the next of kin of the alleged victim.

B. **Sexual Harassment Cases:** In cases of sexual harassment (as defined in section 4.14 of the Student Code of Conduct and including sexual misconduct, gender based discrimination, sexual harassment, sexual assault, dating violence, domestic violence and stalking), the alleged victim and the charged Student’s rights include the following additional guidelines:

1. **Informational Conference** — Charged Student and the alleged victim may each participate individually in a voluntary informational conference. The purpose of the informational conference is to provide an opportunity for representatives of the University to review any allegations, charge(s), and possible sanctions, and explain both the Title IX and Conduct Processes and any alternate forms of dispute resolution that may be available to the charged Student and the alleged victim.

2. **Formal Hearing Forums** — If the charged Student requests a formal hearing before a University Conduct Board, the University will provide an opportunity for the alleged victim to object to Students being included as Board members before the hearing is convened. In the event the alleged victim objects to Student participation on the Conduct Board, the forum will be an Administrative Hearing.

3. **Participation in Formal Hearing** — If the matter is referred as a conduct violation and the matter moves to a formal hearing, the alleged victim may be permitted to participate in the formal hearing to the extent allowed by state and federal privacy laws. Such participation may include the presence of an advisor, the ability to present information and witnesses in the formal hearing, the ability to provide questions to be asked of the charged Student and witnesses and the right to avoid self-incrimination. If an Alleged Victim fails to appear or fully participate in any hearing, the matter may be resolved in their absence.

4. **Presentation of Information at the Formal Hearing** — The alleged victim, charged Student, and other individuals providing information for the formal hearing shall be provided an opportunity to share information during the formal hearing to be considered in determinations and sanctions in a manner that avoids direct contact with the other individuals participating in the formal hearing. Depending on the type of formal hearing or at the discretion of SRR, this may be a written statement, a verbal representation, or active participation in a formal hearing.
5. Interim Accommodations — The alleged victim may have interim immediate accommodations as noted in section (VII)(A)(2) above as deemed appropriate.

6. Impact Statement — In the event the charged Student accepts responsibility or is found responsible, the Administrative Hearing Officer or University Conduct Board may read the complainant’s impact statement. The Administrative Hearing Officer or University Conduct Board members may consider the impact statement when recommending or issuing sanction(s). While the impact statement is not binding, the impact described in the statement together with the totality of the circumstances including the charged Student’s conduct record may be considered by the University Official(s) involved in recommending or determining the appropriate sanction(s).

7. Notice to the Alleged Victim of Right to Appeal — the alleged victim shall be notified in writing of the outcome of the formal hearing within ten (10) days (unless there are extraordinary circumstances that delay notice) of the determination. The alleged victim may appeal the decision of the formal hearing through the established appeal process in the Student Code of Conduct. The alleged victim shall be notified of the final university decision.

VIII. SANCTIONS:

Any of the following sanctions may be imposed on a Student or a Student Organization:

A. Educational Sanctions: Classes/seminars, community service, reflective/research papers, interviews, etc. that allows Students to reflect on their decisions, the impact of those decisions and how to make appropriate decisions in the future. These sanctions may stand alone or be placed in conjunction with a sanction listed below. If a Student has any outstanding educational requirements at the conclusion of conduct probation or suspension status a hold will remain in effect pending the completion of the educational requirements.

B. Academic Penalties: Withholding of diplomas or transcripts pending completion of any Student Conduct or Academic Process including any Sanction, payment of fines or penalties or other condition imposed by the University.

C. Warning Letter: An official notice that states that if there is a repeated violation of University policy, rules or regulations, Student conduct sanctions can be expected. This letter may be issued as part of the Student conduct process review or as a mechanism for SRR to use to highlight concerns before a Student process is initiated.
D. Restrictions: Conditions imposed that would specifically dictate and limit future presence on campus and participation in University activities. The restrictions involved will be clearly identified and may include but are not limited to a University order forbidding the charged Student from all contact with the alleged victim. Restrictions may also apply to denial of operating a motorized vehicle (including golf carts) on campus, access and use of University services, and presence in certain buildings or locations on campus. These restrictions can include the inability to hold leadership positions whether or not as a part of a University Organization.

E. Restitution or Fines: A payment for injury or damage or as a penalty.

F. Alcohol and/or Substance Use Educational Sanctions: These educational sanctions may be comprised of online educational modules, in person assessments and follow-up meetings, or external assessments.

G. Conduct Probation: An official sanction that places the Student’s enrollment or Student Organization recognition dependent upon the maintenance of satisfactory citizenship during the period of probation. When conduct probation is imposed as a sanction, the Student or Student Organization should be advised of the consequences of violation of probation. Under conduct probation, a Student may continue to attend classes and a Student Organization may or may not be able to operate or remain active and with an opportunity to demonstrate a capability and a willingness to live in accordance with University rules. Any Student or Student Organization placed on conduct probation may be restricted from participating in certain University activities as specified by the Director of SRR, or designee, or as regulated by other University departments. For the duration of the conduct probation, the Student or Student Organization is not considered in “good disciplinary standing” with the University.

H. Housing Cancellation: The immediate cancellation of a charged Student’s housing contract. Upon the termination of the contract, the charged Student is restricted from all USF residential facilities (dining halls may or may not be included in this restriction). The charged Student will be responsible for any fees associated with the cancellation of the housing contract.

I. Suspension: Termination of a Student’s privilege to attend the University for a specified period of time. This may include a restrictive order that would exclude the Student or Student Organization from campus. In cases where the Student or Student Organization
resides on campus, the Student will be given reasonable time to vacate the residence halls (i.e. 24 to 48 hours). A transcript overlay will be placed on the academic transcript during the period of suspension. Further, while on suspension, a hold will be placed on a Student's registration ability until all sanctions are complete. The record of suspension will be maintained in a permanent file in SRR.

J. Deferred Suspension: Suspension that will be imposed at a defined future date or time unless sanctions are completed as described by the hearing officer and there are no further policy violations.

K. Expulsion: Permanent termination of a Student's privilege to attend the University, without the possibility of re-admission. This may include a restrictive or no trespass order that would exclude the person from campus. In cases where the Student resides on campus, the Student will be given reasonable time to vacate the residence halls (i.e. 24 to 48 hours). A transcript overlay will be placed on a Student’s academic transcript. Further, a hold will be permanently placed on the Student’s ability to register for classes. The record of expulsion will be maintained in a permanent conduct file in SRR. In cases of Student Organizations, a sanction may be permanent and prevent the Student Organization from returning to campus.

L. *Note: Student’s affected by a sanction will normally forfeit tuition, housing rent and fees, and other University fees if found responsible for a Student Code of Conduct violation resulting in suspension or expulsion. A Student may also forfeit academic credit accordingly. Students who are excluded from living in University Housing must contact Housing and Residential Education to determine the financial impact of the cancelled contract.

IX. PARENTAL NOTIFICATION:

The University is committed to the success of its Students both inside and outside of the classroom. Therefore, it is the University’s goal to maximize Students’ learning and development, and promote Student health, safety and welfare. In this regard, the University has implemented a Parental Notification Policy 30.020. Parental Notification permits the University the right to inform parents or guardians when their dependent Student, under the age of 21, has been found in violation of Policy 30.023 Alcohol Policy and/or Policy 0.610 Drug Free Workplace at the discretion of SRR, Students, whose parents are to be notified under these guidelines, will be
informed before such notification occurs and given an opportunity to initiate contact with their parents, if and when possible.

X. CONDUCT RECORDS AND RETENTION PROCEDURE:

The following applies to individual Student disciplinary records.

Maintenance of Records:

A. Student and Student Organization discipline records are maintained in SRR.

B. All Student conduct records in all formats (paper, computer, audio, etc.) will be kept in compliance with General Records Schedule GS5, but not for less than seven (7) years from the date of the last incident that the charged Student or Student Organization was involved in that resulted in Student Code of Conduct charges.

C. If a Student is suspended or expelled, a record of a violation of University regulations and/or policies will be permanently maintained in the Student’s or Student Organization’s disciplinary file in SRR and may be maintained in the Office of the Registrar.

D. SRR maintains all Student discipline records in accordance with the Family Education Rights and Privacy Act (FERPA). SRR will abide by all laws requiring privacy with regard to the Student conduct process. This privacy extends to all SRR staff, including the University Conduct Board and individual Initial Review Officers. In cases involving alleged violent misconduct or injurious behavior, SRR will inform the Alleged Victim, whenever appropriate, of the outcome of the hearing. In addition, as FERPA does not protect the names of students found responsible for crimes of violence, including forcible sex offenses, or an alleged perpetrator of a non-forcible sex offense when the allegations support a finding that a student has committed a violation of the University’s rules or policies, the University may be required to release that information upon a Chapter 119 public record request.

E. A Student may choose to sign a release form granting SRR staff permission to discuss information related to the Student’s disciplinary file with any individual that the Student designates. This form is available in the SRR. Although this form may provide access to information to a third party, the Student remains the primary responsible party for compliance.

F. Any educational institution requesting conduct information about a current or former University Student is required to submit the request in writing. If a non-educational agency is requesting information, those requests must include the signature of the Student granting the release of information related to the Student’s disciplinary record.
G. Transcripts of recorded hearings will not be prepared or provided by the University. In cases of external legal review that may require a transcript of a recorded hearing, the Student or advisor may contact the Office of the General Counsel to arrange for the preparation of the written transcript by a court reporting service on the Student’s behalf and at the expense of the requestor. The court reporting service will provide the transcript to the Office of the General Counsel, which will perform a confidentiality review of the transcript and redact any confidential or exempt information pursuant to state or federal law. The requestor shall bear the cost of the transcript preparation and confidentiality review.

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

XI. RECORD EXPUNGEMENT PROCESS
A. Record Expungement: Record expungement allows a Student conduct record on file with the University to be sealed. This includes all information related to the individual’s documentation, investigation, hearing, and disposition. Any person meeting the eligibility requirements of the University may petition to the Dean of Students to request a record expungement.

B. Sealed: In general, background check inquiries, and expunged records will not be reported as an incident where the Student was found responsible. The Student will not need to report the record based on the language/definitions of the requesting institution or agency in a background check that the incident ever occurred. The record will still be used for federal, state and local University reporting requirements but will not be associated with the Student name or Student ID.

C. Eligibility: The expungement request will only be accepted and/or considered provided that the Student’s violation of the Student Conduct Code did not:
1. Cause personal injury;
2. Cause significant property damage;
3. Include a drug violation that could qualify as a felony charge in the legal system;
4. Disrupt the orderly operation of the University;
5. Violate the firearm, explosives, dangerous chemicals, and ammunition or weaponry regulations of the University;
6. Violate the Sexual Misconduct/Sexual Harassment policy;
7. Result in a suspension or expulsion;
8. Occur within the last 30 calendar days;
9. Is still outstanding or pending resolution;

D. Petition Requirements: Petitions must be submitted to deansofStudents@usf.edu:
1. The Petition must be a typed statement signed by the Student explaining the justification for the request and must include the date, name of the Student, U#, email address, phone number, a description of what occurred in the conduct incident, and what the Student has learned from the incident.
2. The petition must include a copy of the application for graduation or a signed letter from the academic advisor stating the intent to graduate and listing all remaining coursework.

E. The Dean of Students will review the statement, the conduct record, and any other pertinent items the Dean of Students chooses to request and/or consider. The Dean’s decision is discretionary and will be sent by email. The decision of the Dean of Students or designee on whether or not to approve the expungement of the conduct record is final and not appealable.

XII. MEMBER INSTITUTIONS:
The foregoing applies to all three member institutions of the University; however, non-substantive procedural modifications to reflect the particular circumstances of each member institution are permitted. Information concerning these procedures is available through the Student conduct at those member institutions. For more information regarding the procedures of each member institution, please refer to the following websites:
- USF (Tampa): http://www.sa.usf.edu/srr/page.asp?id=69
- USFSP: http://www.usfsp.edu/dos/se/
Review of Student Code of Conduct: A Student conduct advisory group, a committee consisting of faculty/staff and Students appointed by the Vice President for Student Success, or designee, shall periodically evaluate the Student Code of Conduct.