

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: November 7, 2023

REGULATION TITLE:
Parking

REGULATION NO.:
3.006

SUMMARY: The Office of Business Affairs proposes to amend Regulation 3.006 to raise the base rate for all student parking permits from \$160 to \$180 and introduce a 3-tiered parking option for students living on campus based on proximity and price at \$60, \$180, and \$360.

AUTHORITY: BOG Regulation 1.001

COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION AMENDMENT IS: Courtney Brown, Legal Assistant II, 123 Tigert Hall, Post Office Box 113125, University of Florida, Gainesville, Florida 32611, 352-392-1358 office, 352-392-4387 facsimile, regulations@ufl.edu.

NAME OF PERSON WHO APPROVED THE PROPOSED REGULATION AMENDMENT: Dave Kratzer, Senior Vice President for Construction, Facilities, and Auxiliary Operations

THE FULL TEXT OF THE PROPOSED REGULATION AMENDMENT IS ATTACHED TO THIS NOTICE.

REGULATIONS OF
THE UNIVERSITY OF FLORIDA

3.006 Parking.

(1) This Regulation sets forth the parking restrictions and requirements for the UF campus. UF does not guarantee parking, nor can it guarantee the safety and security of vehicles, property, and persons within the campus parking facilities. UF charges fees for the use of its parking spaces in order to pay for the operation and maintenance of campus parking facilities and support the transportation infrastructure. All persons holding a valid operator's license may use properly registered motor vehicles, motorcycles, motor scooters, bicycles, and other UF approved vehicles in accordance with the terms of UF regulations, Transportation and Parking Services (TAPS) policies and procedures and applicable Florida Statute.

(2) Definitions:

(a) "Abandoned Vehicle" means a Vehicle that is left on UF campus for more than three (3) consecutive days without a valid Permit.

(b) "Back-in Parking" means parking a Vehicle with the front of the Vehicle facing the drive lanes and rear facing license plate is not visible.

(c) "Commercial Entity" means any person or company that has entered into a contract with UF to provide a service, regardless of the length of the contract, including but not limited to vendors and contractors.

(d) "Disabled Parking" means designated parking spaces for anyone legally qualified to use disabled parking.

(e) "Employee" means (i) a UF employee including Academic Personnel, TEAMS, USPS, LEO and OPS (non-student), and (ii) any (non-student) employee of a UF direct support

organization and other affiliates.

(f) “False Registration” means applying for, receiving, or displaying a Permit by providing false information or by other fraudulent means, including reproducing, altering, or defacing a Permit or any other document used for registration.

(g) “Head-in Parking” means parking a Vehicle with the front of the Vehicle facing into the front of the parking space and with the rear license plate visible and facing ~~into~~ the drive lanes.

(h) “Holidays” means official UF holidays only. Academic breaks and weekends are not holidays.

(i) “Impound/Impoundment” means to tow a Vehicle away from the place it is parked, ~~or~~ to boot a Vehicle by use of an immobilization device, or to seize and hold legal custody of a Vehicle.

(j) “Inoperable Vehicle” means a Vehicle in a state of disrepair or incapable of being moved under its own power. Inoperable Vehicles include any vehicle abandoned, wrecked, dismantled, scrapped, junked, or in a partially dismantled condition, including uninflated tires, no wheels, or lacking other parts necessary for the normal operation, regardless of displaying a valid Permit.

(k) “LPR” means License Plate Recognition, an online system integrated with digital cameras that use optic character recognition software to convert a digital image of a license plate into text. The license plate data is then sent to a database where it is compared in real-time to a list of plate numbers that are associated with a Virtual Permit.

(l) “Parking” means the act of stopping or standing of a vehicle anywhere on campus, whether occupied or not and whether the vehicle’s motor is running or not.

(m) “Permit” means a non-transferable UF parking permit, decal, hangtag, virtual permit,

dashboard permit or metered parking receipt issued by TAPS.

(n) “Reserved Space” means an individually marked space, reserved for the specified user twenty-four (24) hours a day, seven (7) days a week or as otherwise displayed on the applicable signage.

(o) “Restricted Area” means an area where a Vehicle may be parked only if it bears the appropriate Permit for that area.

(p) “Service Drive Area” means parking areas reserved for Vehicles for delivery, service, emergency, and other Vehicles with Service Drive Permits.

(q) “Shands Employee” means a (non-student) employee of UF Health Shands Hospital.

(r) “Student” means an individual who is enrolled at UF 5, full- time or part-time, regardless of the number of hours or days attending classes.

(s) “Transportation and Parking Services (TAPS)” means the UF unit that is: (a) responsible for (i) issuing Permits, (ii) collecting parking fees, (iii) assessing parking fines; and (iv) enforcing parking rules on campus; and (b) vested with the authority to store, dispose, 2 or transfer the title of Abandoned Vehicles.

(t) “Vehicle” means appropriately registered cars, motorcycles, motor scooters and other means of motorized transportation intended for and in current condition to be operated on public highways. Bicycles, mopeds, Segways, or micromobility devices are not Vehicles.

(u) “Virtual Permit” means a non-physical Permit that uses virtual verification by LPR.

(v) “Visitor” means a person who is not a Student, Employee, Shands Employee or Commercial Entity or other member of the UF community coming on to campus to attend to UF business or related activities; to participate in a UF related or sponsored event, class, activity, or program; or to further the UF educational mission.

(3) General Guidelines for Permits and Registration

(a) TAPS, the University of Florida Police Department (UFPD), appropriate law enforcement, and specifically designated personnel are authorized to issue citations for parking and registration violations in accordance with UF regulations and TAPS policies and procedures.

(b) Students, Employees and Shands Employees must register their Vehicle(s) and license plate(s) with TAPS in order to purchase a Permit and must display a valid appropriate Permit (or be properly registered for a Virtual Permit) during hours of Permit restriction as established on applicable signage at each parking facility.

(c) All registrants are responsible for providing TAPS with current and accurate information regarding Vehicle registration, ownership and tag number, as well as changes in address, enrollment and employment status.

(d) There is no grace period for registration of Vehicles and acquisition of Permits. ~~New Employees may contact TAPS to obtain a temporary Permit for fourteen (14) business days from the start date of their employment at no cost. Proof of employment status is required.~~

(e) Parking spaces at UF are not intended for Vehicles altered for purposes other than transportation or in violation of UF policy and regulations, ~~nor for~~ bicycles, mopeds, Segways, or aircraft with or without a Permit

(f) Permanently marked Commercial Entity Vehicles (~~identified as~~ clearly and conspicuously marked with non-removable non-transferable painted or vinyl lettering or company logos on both sides of the Vehicle) may park without a Permit in non-reserved, Permit restricted parking spaces, and in Service Drive Areas. They may not park in gated areas, carpool zones, reserved spaces, bicycle lanes, on the grass, on sidewalks, in no-parking zones, and other

prohibited areas at any time. A commercial representative in a Commercial Entity Vehicle using a permanently marked delivery truck, service vehicle, rideshare vehicle or bus making brief stops in the appropriate spaces or zones at one or more points on campus is not considered Parking and are not required to pay a Parking fee or display a Permit.

(g) A Commercial Entity may purchase a Commercial Permit for an unmarked Vehicle upon presenting a letter from the Commercial Entity, UF project manager or department substantiating the need to park on campus. At the request of the UF project manager, TAPS may issue no-cost Permits for Parking in approved, fenced construction compounds and lay-down areas, or in the remote contractor lot for contractor Parking.

(h) Commercial solicitation is not permitted on UF campus without prior approval and Permits shall not be issued (and will be considered invalid) if used for a purpose prohibited by UF regulations and policies.

(i) Disabled Parking:

i. Students and Employees with a State-issued “Disabled Persons Parking Permit” or license plate must purchase a Permit in order to park on campus.

ii. Visitors with a State-issued “Disabled Persons Parking Permit” or license plate may use designated disabled spaces and in non-reserved decal restricted spaces in order to park on campus.

(j) Daily/Temporary Parking:

i. Visitors may obtain a temporary Permit from TAPS; or utilize daily and hourly pay parking facilities or metered spaces upon payment of the required fee.

ii. All vendors must be registered with UF, as visitor parking spaces may not be used for commercial purposes without prior approval.

iii. UF departments or colleges sponsoring an event on campus shall schedule and reserve event parking with TAPS a minimum of two (2) weeks in advance of the event. TAPS will determine the assignment of event parking based on availability.

(k) Permit Regulation:

i. Physical Permits must be properly displayed on the inside of the Vehicle windshield, passenger side, lower corner. The Permit must be clearly visible from the exterior of the Vehicle while parked on campus or a citation may be issued.

ii. Physical Permits may be transferred between Vehicles registered to permit holders, or to family members residing in the same household, but only one Vehicle per Permit may be parked on campus at any time.

~~iii. —Adhesive Permits are required for all two or three wheeled motor vehicles and must be displayed on the front or rear fender or front fork of the Vehicle unless otherwise approved by TAPS.~~

~~iv.iii.~~ Drivers of two or three-wheeled motor vehicles must park in motorcycle/scooter parking zones as designated on campus. They may not park in an automobile space, except for metered spaces upon payment of the required fee.

~~v.iv.~~ The Permit holder is responsible for assuring that the Vehicle is parked in compliance with the rules and regulations regardless of who drives it, and for knowing when the issued Permit expires.

~~vi.v.~~ The Permit holder is responsible for all citations issued to any Vehicle associated with a Permit holder.

~~vii.vi.~~ A lost Permit must be reported to TAPS, and a stolen Permit must be reported to UFPD. TAPS will issue a replacement Permit for a \$25 fee. Permits reported lost or stolen will

immediately become invalid; and use of a Permit previously reported lost or stolen is considered to be False Registration and subject to fine and penalty. Any Vehicle bearing a Permit reported as lost or stolen is subject to immediate immobilization and tow, even if the Vehicle bearing the Permit is owned by the person who has reported the Permit as lost or stolen.

~~viii~~vii. Any Vehicle parked on campus is parked at the risk of the operator. UF assumes no liability for damage to Vehicles operated or parked on campus.

(l) Payment:

- i. All Student Permit charges will be charged to the Student's UF account.
- ii. Employees may pay for their Permits through payroll deduction.
- iii. The Permit price may be pro-rated on a bi-weekly basis over the term of the Permit.

The prorated price will be determined at the time of purchase.

(m) Refunds:

i. TAPS may provide a full refund on annual and semester Permits when the refund is requested less than fifteen (15) calendar days from the date of purchase or effective date. Monthly, weekly and daily Permits are non-refundable.

ii. Employees may receive a refund of one twenty-fourth (1/24) of the annual price for each unused pay period on an annual Permit, based on when the Permit is returned.

iii. No refunds will be issued unless and until the Permit is returned to TAPS.

(n) Retired and Emeritus: Retired faculty and staff are eligible to register and purchase Permits. Retired faculty and staff designated as "Emeritus" shall be issued a complimentary "Official Business" Permit.

(4) Designated Parking Spaces and Areas.

(a) Parking is permitted only within marked spaces. The absence of "No Parking" signs,

curb markings or other indicators does not mean that parking is allowed.

(b) All Vehicles must abide by a Head-in Parking rule to ensure that the license plate is facing the drive lane and can be read by LPR. Exceptions to this rule are as follow:

- i. Vehicles with ADA requirements.
- ii. Electric Vehicles requiring Back-in Parking to actively charge at a charging station.
- iii. Vehicles displaying an official State-issued front license plate.
- iv. Vehicles displaying an optional front tag purchased from TAPS

(c) Where parallel or angled parking is permitted, Vehicles must be parked facing [in the direction of](#) the flow of traffic.

(d) Vehicles shall not be parked in such a manner as to obstruct vehicular/bicycle/pedestrian traffic, wheelchair ramps, interfere with normal operational activities, or create a hazard.

(e) Parking on grass, unpaved surfaces, sidewalks, crosswalks, Service Drive Areas without a proper Permit, loading zones, truck spaces, or on streets (except where specifically marked for parking) is prohibited.

(f) Use of parking spaces requires either a Permit or a receipt for paid parking during restricted hours as defined by signage.

(g) No parking space may be used for commercial solicitation purposes.

(h) Unauthorized parking in Reserved Spaces or Restricted Areas is prohibited.

(i) A Vehicle parked overtime at any time limited parking space (meters, time restricted loading zones and Service Drive Areas, etc.) may receive a citation at the time the violation is identified and may receive another citation in the same day if the Vehicle remains in the same space more than two (2) hours from the time of issuance of the first citation.

(j) Vehicles may park according to Permit type in the appropriate lots and spaces as identified on the TAPS parking map and parking lot signage.

(k) All Vehicle operators using a parking space controlled by a meter must pay to occupy the space in accordance with the instructions on the meter.

(l) Only authorized Vehicles may park in disabled spaces.

(m) Oversized Vehicles such as trucks, trailers, motor homes, or any Vehicle that occupies more than one (1) standard car space or extends beyond the space shall be parked in an area designated by TAPS with appropriate Permit.

(n) Special Events/Maintenance: TAPS has authority to close streets, lots, and parking spaces to facilitate special events, and to perform necessary maintenance. Contact TAPS when planning a special event on campus to receive proper parking permits and assignments. No department has the authority to close any lots without first obtaining [permission approval](#) from TAPS.

(5) Impounding Vehicles.

(a) Vehicles are subject to being Impounded at the operator's or owner's expense under any of the following conditions:

i. Unauthorized parking in Reserved Spaces, Restricted Areas, Service Drive Areas, no-parking zones, disabled spaces, or any other place in violation of this Regulation.

ii. Inoperable Vehicles and Abandoned Vehicles must be attended to promptly with immediate notification made to TAPS, Monday – Friday between 8:00 am and 5:00 pm, and the UFPD after 5:00 pm on weekdays and on weekends and Holidays. These vehicles are subject to tow after three (3) consecutive days.

iii. Parking in such a way as to interfere with campus operational activities or in violation

of any UF regulation or policy.

- iv. Accumulation of three (3) unpaid delinquent parking citations in an academic year.
- v. Parking on campus after the suspension of parking privileges.

(b) Vehicles are Impounded at the owner's/department's expense. Subject to any applicable appeal process, the owner/department is required to pay for the outstanding citations, the Impoundment fee, and any additional applicable charges in full prior to claiming their Vehicle. The fact that a previously Impounded Vehicle has been removed from the area without authorization from TAPS shall be prima facie evidence that the registered owner has tampered with the Impounded Vehicle. Owners of Impounded Vehicles may make restitution online at the TAPS website or during office hours at the TAPS office.

(6) Parking Violations, Penalties and Payment.

(a) Violations and Suspension of Parking Privileges: Vehicle operators are subject to the parking fines in accordance with the schedule of violation charges as provided in this Regulation. TAPS reserves the right to restrict the ability of an individual or UF unit to purchase a Permit if they:

- i. Falsify or misrepresent information to TAPS;
- ii. Lend their Permit to another person when the latter is not entitled to driving or parking privileges;
- iii. Fails to respond to and resolve citations;
- iv. Demonstrates actions that show a willful disregard for public safety or property, or engages in other types of disruptive behavior with another member of the UF community;
- v. Owes a delinquent parking debt to UF;
- vi. Displays a counterfeit, stolen, altered, lost, or revoked Permit; or
- vii. Issues fraudulent payments to TAPS for services or fines.

(b) Delinquency:

i. Parking citations not paid within fifteen (15) days of issuance, or not under appeal, are subject to an additional fee (late fee) as outlined in this Regulation.

ii. An Employee may not purchase a new Permit if there are ~~any~~ outstanding citations on their account. Any violations or debts which are still outstanding after forty-five (45) days may be recovered by UF pursuant to UF Regulation 3.0421 <https://regulations.ufl.edu/wp-content/uploads/2012/09/30421.pdf>.

iii. Outstanding student accounts ~~will also~~may result in student records and registration being placed on hold until the debt is settled.

iv. More than three (3) outstanding citations ~~will~~may result in the Vehicle being Impounded.

v. More than ten (10) outstanding citations ~~will~~may result in suspension of parking privileges.

vi. Unless otherwise specified, all fines may be paid via the TAPS website, to the TAPS office in person, or via mail.

(7) Appeal Process for Citations, Suspensions and Impoundments.

(a) Citation, Suspension and Impoundment appeals: The University Hearing Authority (Student Traffic Court and Faculty/Staff Adjudicators) has jurisdiction over the disposition of appeals of parking violations.

i. Persons wishing to contest a citation, suspension or Impoundment must complete an online statement of appeal on the TAPS website within fifteen (15) calendar days from the date of issuance, or otherwise forfeit the right to appeal.

ii. Persons with an unfavorable appeal judgment (not suspensions or Impoundments),

may file a second appeal by completing an online second level appeal on the TAPS website within fifteen (15) calendar days from the date of the first appeal judgment.

iii. Decisions of the University Hearing Authority on appeals, suspensions and Impoundments are final.

(8) Parking Rates and Fines.

(a) Parking Rates (20241-20252):

<u>Student Red 1 Permit – Annual</u>	<u>\$360.00</u>
<u>Student Red 1 Permit – Semester</u>	<u>\$180.00</u>
<u>Student Red 1 Permit - Monthly</u>	<u>\$75.00</u>
<u>Student Red 1 Permit - Weekly</u>	<u>\$30.00</u>
<u>Student Red 3 Permit – Annual</u>	<u>\$60.00</u>
<u>Student Red 3 Permit – Semester</u>	<u>\$30.00</u>
<u>Student Red 3 Permit – Monthly</u>	<u>\$15.00</u>
<u>Student Red 3 Permit - Weekly</u>	<u>\$5.00</u>
<u>All other Student Permits (Red 2; Green; Brown 2; Brown 3; Park & Ride; Motorcycle/Scooter; Disabled) – Annual</u>	<u>\$1860.00</u>
<u>All other Student Permits (Red 2; Green; Brown 2; Brown 3; Park & Ride; Motorcycle/Scooter; Disabled) Student Permit – Semester</u>	<u>\$980.00</u>
<u>All other Student Permits (Red 2; Green; Brown 2; Brown 3; Park & Ride; Motorcycle/Scooter; Disabled) Student Permit – Monthly</u>	<u>\$35.00</u>
<u>All other Student Permits (Red 2; Green; Brown 2; Brown 3; Park & Ride; Motorcycle/Scooter; Disabled) Student Permit – Weekly</u>	<u>\$15.00</u>
Employee (Gold Permit) – Annual	\$1,512.00
Employee (Gold Permit) – Semester	\$504.00
Employee (Silver Permit) – Annual	\$1,350.00
Employee (Silver Permit) – Semester	\$450.00
Shands Employee (Gold Permit) – Annual	\$1,512.00
Shands Employee (Gold Permit) – Semester	\$504.00
Shands Employee (Silver Permit) – Annual	\$1,350.00
Shands Employee (Silver Permit) – Semester	\$450.00
Employee (Official Business Permit) – Annual	\$570.00
Employee (Official Business Permit) – Semester	\$190.00
Employee (Orange Permit) – Annual	\$420.00
Employee (Orange Permit) – Semester	\$140.00
Employee (Orange Permit) – Monthly	\$60.00
Employee (Orange Permit) – Weekly	\$25.00
Employee (Orange Permit) – Daily	\$5.00
Employee (Blue Permit) – Annual	\$420.00
Employee (Blue Permit) – Semester	\$140.00

Employee (Blue Permit) – Monthly	\$60.00
Employee (Blue Permit) – Weekly	\$25.00
Employee (Blue Permit) – Daily	\$5.00
Employee (Medical Resident) – Annual	\$588.00
Employee (Medical Resident) – Semester	\$186.00
Employee (Medical Resident) – Monthly	\$70.00
Employee (Shands South 1) – Annual	\$420.00
Employee (Shands South 1) – Semester	\$140.00
Employee (Staff Commuter) – Annual	\$216.00
Employee (Staff Commuter) – Semester	\$72.00
Employee (Staff Commuter) – Monthly	\$35.00
Employee (Staff Commuter) – Weekly	\$15.00
Employee (Staff Commuter) – Daily	\$3.00
Employee (Disabled) – Annual	\$420.00
Employee (Disabled) – Semester	\$140.00
Employee (Disabled) – Monthly	\$60.00
Employee (Disabled) – Weekly	\$25.00
Employee (Disabled) – Daily	\$5.00
Employee (Carpool) – Annual	\$198.00
Student/Employee (Motorcycle/Scooter) – Annual	\$210.00
Student/Employee (Motorcycle/Scooter) – Semester	\$70.00
Commercial – Annual	\$576.00
Commercial – Semester	\$192.00
Commercial – Monthly	\$75.00
Commercial – Daily	\$7.00

(b) Parking Fines (202~~41~~-202~~52~~):

No or expired permit	\$35.00
Parking out of assigned area	\$35.00
Parking in a restricted area	\$40.00
Parking in a reserved parking space	\$40.00
Overtime Parking	\$20.00
Parking over lines	\$20.00
Parking on grass	\$35.00
Parking facing traffic	\$30.00
Parking on sidewalk	\$35.00
Parking obstructing traffic	\$40.00
Parking illegally in a Service Drive Area	\$40.00
Parking in a No Parking Zone	\$35.00
Permit improperly attached or displayed	\$15.00
False Registration	\$150.00, plus cost of equivalent permit

Use of an unauthorized duplicate or lost or stolen permit	\$150.00, plus the cost of equivalent permit
Unauthorized use of permit	\$35.00
Driving/parking on campus while eligibility is suspended	\$100.00
Failure to pay parking lot fee	\$35.00
Unauthorized operation of a vehicle in a restricted area	\$50.00
Backed into parking spaces where prohibited	\$35.00
Parking without a permit in a parking garage-space reserved for persons with disabilities	\$250.00
Bicycles parked out of assigned areas	\$10.00
Tampering with or unauthorized removal of an immobilizing device	\$200.00, plus replacement price of device if not returned to UF undamaged
Motorcycle/Scooter not parked in direction of pavement-marked arrows	\$20.00
Unsafe or improper operation of a micro-mobility device or a bicycle	\$50.00
Failure to pay fine within 15 days	\$10.00, plus fine

Authority: BOG Regulation 1.001

History:

3.006 Definitions: New 9-29-75, Amended 8-15-78, 8-19-79, 8-26-81, 8-12-82, 3-6-85, Formerly 6C-3.06, Amended 5-14-87, 4-27-88, 4-23-89, 4-17-90, 5-7-92, 5-19-93, 4-30-95, 5-1-96, 6-7-00, 5-22-01, 3-31-06 (technical changes only), 3-30-07 (technical changes only), 3-14-08 (technical changes only), 3-17-09, Formerly 6C1-3.006, Amended 3-17-11, 3-28-14 (technical changes only), Amended 3-26-20, Consolidated and Amended 4-22-22, ~~Amended 12- -23-~~

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: November 7, 2023

REGULATION TITLE:

REGULATION NO.:

Procurement

3.020

SUMMARY: This proposed regulation amendment implements the recent update to BOG Regulation 18.001 related to the increase in the competitive solicitation threshold for UF's purchase of commodities or contractual services.

AUTHORITY: BOG Regulations 1.001 and 18.001

COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION AMENDMENT IS: Courtney Brown, Legal Assistant II, 123 Tigert Hall, Post Office Box 113125, University of Florida, Gainesville, Florida 32611, 352-392-1358 office, 352-392-4387 facsimile, regulations@ufl.edu.

NAME OF PERSON WHO APPROVED THE PROPOSED REGULATION AMENDMENT: Taylor Jantz, Interim Senior Vice President and Chief Financial Officer

THE FULL TEXT OF THE PROPOSED REGULATION AMENDMENT IS ATTACHED TO THIS NOTICE.

REGULATIONS OF THE
UNIVERSITY OF FLORIDA

3.020 Procurement.

(1) Statement of Intent. It is the intent of the University to acquire quality goods and services within reasonable or required time frames, while promoting fair and open competition in the public procurement process. Responsible purchasing officials shall be protected from improper pressures of external political or business interests. The process shall reduce the appearance and opportunity for favoritism, ensure that contracts are awarded equitably and economically, and establish effective management oversight in the acquisition of commodities and contractual services, in order to preserve the integrity of public purchasing and contracting. The opportunity to bid on University contracts is a privilege, not a right.

(2) Definitions.

(a) Artistic Services -- Services provided by an individual or group of individuals who profess and practice a skill in the area of music, dance, drama, folk art, creative writing, painting, sculpture, photography, graphic arts, web design, craft arts, industrial design, costume design, fashion design, motion pictures, television, radio or tape and sound recording or in any other related field.

(b) Commodity -- Any of the various supplies, materials, goods, merchandise, food, equipment or other personal property, including a mobile home, trailer or other portable structure, which are purchased, leased, lease-purchased or otherwise contracted for by the University. "Commodity" also includes interest on deferred-payment contracts entered into by the University for the purchase of other commodities.

(c) Competitive Bid/Proposal -- The response submitted to an Invitation to Bid,

Invitation to Negotiate, or a Request for Proposal by responsive and qualified bidders or offerors.

(d) Competitive Negotiation -- The establishment of a contract through deliberation, discussion or conference on the specifications, terms and conditions of a proposed agreement.

(e) Competitive Solicitation -- An Invitation to Bid, Request for Proposal or Invitation to Negotiate to competitively select a contractor.

(f) Contractor/Vendor -- A person or firm who contracts to sell commodities or contractual services to the University.

(g) Contractual Service -- The rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors. "Contractual service" does not include labor or materials or selection of professional services for the construction, renovation, repair or demolition of facilities.

(h) Extension -- An increase in the time allowed for the contract period.

(i) Independent Contractor -- A person or firm who provides a service to the University, but does not have any employment or other relationship or connection with that University, except as provided in Section 112.313, Fla. Stat.

(j) Invitation to Bid -- A written solicitation for competitive bids with the title, date, and hour of the public bid opening designated and the commodity, group of commodities or services defined, for which bids are sought.

(k) Invitation to Negotiate -- An invitation extended to prospective contractors by the University, whether by advertisement, written solicitation, electronic media or any other form of communication, to define the specifications, terms and conditions of a contract for commodities

or contractual services. Cost may or may not be a consideration in the initial stages of negotiating.

(l) President -- The chief executive officer of the University, responsible for its operation and administration.

(m) Public Entity Crime -- A violation of any state or federal law by a person in the transaction of business with any public entity of any state or with the United States government involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy or material misrepresentation.

(n) Purchase -- An acquisition of commodities services obtained by purchase order or contract whether by rent, lease, installment- or lease-purchase, outright purchase, or license.

(o) Purchases for Resale -- The purchase of commodities or contractual services acquired for the purpose of selling them for the benefit of the University.

(p) Renewal -- Contracting with the same contractor for an additional period of time after the initial contract term, provided the original terms of the agreement specify an option to renew.

(q) Request for Proposal -- A written solicitation for competitive proposals for commodities or contractual services with the title, date, and hour of the public opening designated. The request for proposal may be used when the scope of work is not clearly defined.

(r) Responsive and Qualified Bidder or Offeror -- A contractor/vendor who has submitted a bid or proposal that conforms in all material respects to a competitive solicitation.

(s) Term Contract -- An indefinite-quantity contract for the purchase of commodities or contractual services during a prescribed period of time.

(3) The University Board of Trustees has authority to establish a system of

coordinated procurement policies, procedures, and practices to be used in acquiring commodities and contractual services required by the University. Procurement Services has the duty to:

(a) Canvass sources of supply and contracting for the purchase or lease of all commodities and contractual services for the University, in any manner, including purchase by installment- or lease-purchase contracts. Installment- or lease-purchase contracts may provide for the payment of interest on unpaid portions of the purchase price.

(b) Remove any contractor from the University's competitive vendor list that fails to fulfill any of its duties specified in a contract with the University and to reinstate any such contractor when satisfied that further instances of default will not occur.

(c) Plan and coordinate purchases in volume and negotiate and execute agreements and contracts for commodities and contractual services under which the University may make purchases.

(d) Develop an Annual Certification List to serve as a waiver of the competitive solicitation requirement for commodities/services that are frequently purchased and are available from a single source.

(e) Evaluate, approve, and utilize contracts that are entered into after a public and open competitive solicitation by any State of Florida agency or department, the Federal Government, other states, political subdivisions, cooperatives or consortia, or any independent college or university for the procurement of commodities and contractual services, when it is determined to be cost-effective and in the best interest of the University to make purchases under contracts let by such other entities.

(f) Award contracts for commodities and contractual services to multiple suppliers, if it is determined to be in the best interest of the University. Such awards may be on a university,

regional or State University System-wide basis and the contracts may be for multiple years.

(g) Reject or cancel any or all competitive solicitations when determined to be in the best interest of the University.

(4) Competitive Solicitations Required.

(a) Unless otherwise provided herein, All contracts for the purchase of commodities or contractual services ~~exceeding~~ in excess of the dollar amount established by Florida Board of Governors Regulation 18.001(2) (“Bid Threshold”), \$75,000 shall be awarded pursuant to a competitive solicitation process, unless otherwise authorized herein.

(b) When only one (1) response is received to a competitive solicitation for commodities or contractual services exceeding ~~\$75,000~~ the Bid Threshold, the University may review the solicitation to determine if a second call for a competitive solicitation is in the best interest of the University. If it is determined that a second call would not serve a useful purpose, the University may proceed with the acquisition.

(c) When a University awards a contract to purchase personal property by competitive solicitation, a preference shall be provided to vendors with a principal place of business in Florida in accordance with Florida Board of Governors Regulation 18.001(3). When multiple responses that are equal in all respects are received to a competitive solicitation, including after all applicable preferences have been applied, Procurement Services will determine the contract award using the toss of a coin.

(d) The purchase of commodities and contractual services shall not be divided to avoid the requirement of competitive solicitation.

(e) Advertisement. All competitive solicitations shall be advertised on the website of Procurement Services. The Procurement Director, or a designee, shall determine if any additional advertising or the direct solicitation of relevant vendors should be used based on the

nature and quantity of the commodities, contractual services and the availability and extent of competitive solicitation lists.

(f) In the case of extension errors, the unit price will prevail.

(g) Withdrawal. A vendor may withdraw his or her bid or proposal in writing if done within seventy-two (72) hours of the bid or proposal opening if the bid or proposal is clearly erroneous and it is withdrawn prior to final award or the purchase order being issued.

(5) Purchase of Commodities or Contractual Services.

(a) Purchase of Private Attorney Services. Written approval from the Attorney General is not required for private attorney services acquired by the University.

(b) Purchase of Insurance. The University has the authority to purchase insurance as deemed necessary and appropriate for the operation and educational mission of the University.

Examples of insurance coverage that may be acquired by the University include:

1. Physical damage on vehicles and boats;
2. Inland marine on property owned, leased, or loaned to or by the University;
3. Building and property damage;
4. Equipment losses due to theft;
5. Equipment subject to transportation;
6. Loss of rental income;
7. Commercial general liability insurance for scientific equipment;
8. Excess general liability coverage;
9. Camps insurance.

(c) Purchases from small and disadvantaged business enterprises. The University is an equal opportunity institution and encourages procurement contracting with small and

disadvantaged businesses which includes minority business enterprises.

(d) Purchases from Contractors Convicted of Public Entity Crimes. The University shall not accept a competitive solicitation from, or purchase commodities or contractual services from, a person or affiliate who has been convicted of a public entity crime and has been placed on the State of Florida's convicted vendor list for a period of thirty-six (36) months from the date of being added to the convicted vendor list. No federal funds may be used to pay any party who is listed on the federal excluded parties list system.

(e) Purchasing actions that are not subject to the competitive solicitation process include:

1. Emergency Purchases. When the President or President's designee determines in writing, that a delay due to the competitive solicitation process is an immediate danger to the public health or safety or the welfare of the University, including tangible and/or intangible assets; or would otherwise cause significant injury or harm not in the best interest of the University, the University may proceed with the procurement of commodities or contractual services without a competitive solicitation. The emergency purchase shall be limited to the purchase of only the type of items and quantities or for a time period sufficient to meet the immediate danger and shall not be used to meet long-term requirements.

2. Sole Source Purchases. Commodities or contractual services available from a single source may be exempted from the competitive solicitation process. The sole source document shall be publicly posted by Procurement Services for three (3) days.

3. Purchases from Contracts and Negotiated Annual Price Agreements established by the State, other governmental entities, other universities in the State University System, or independent colleges and universities are not subject to further competitive solicitation.

4. Construction Direct Purchase Program. Commodities to be incorporated into any public work (as that term is defined in Fla. Admin. Code R. 12A-1.094) which are procured by the University in accordance with the requirements of the University's direct purchase program are not subject to any further competitive solicitation.

(f) Commodities and contractual services that are not subject to the competitive solicitation process include:

1. Artistic services;
2. Academic reviews;
3. Lectures;
4. Auditing services;
5. Legal services, including attorney, paralegal, expert witness, appraisal, arbitrator or mediator services;
6. Health services involving examination, diagnosis, treatment, prevention, medical consultation or administration. Prescriptive assistive devices for medical, developmental or vocational rehabilitation including, but not limited to prosthetics, orthotics, wheelchairs, and other related equipment and supplies provided they are purchased on the basis of an established fee schedule or by a method that ensures the best price, taking into consideration the needs of the client.
7. Services provided to persons with mental or physical disabilities by not-for-profit corporations organized under the provisions of s. 501(c)(3) of the Internal Revenue Code or services governed by the provisions of the Office of Management and Budget Circular A-122.
8. Medicaid services delivered to an eligible Medicaid recipient by a health care provider who has not previously applied for and received a Medicaid provider number from the

Department of Children and Family Services. This exception will be valid for a period not to exceed ninety (90) days after the date of delivery to the Medicaid recipient and shall not be renewed;

9. Family placement services;
10. Training and education services;
11. Advertising, except for media placement services
12. Services or commodities provided by governmental agencies, another university in the State University System, direct support organizations of the University, political subdivisions or other independent colleges and universities;
13. Programs, conferences, workshops, continuing education events or other University programs that are offered to the general public for which fees are collected to pay all expenses associated with the program or event;
14. Purchases from firms or individuals that are prescribed by state or federal law or specified by a granting agency;
15. Regulated utilities and government-franchised services;
16. Regulated public communications, except long-distance telecommunication services or facilities;
17. Purchases from the Annual Certification List developed by the University;
18. Purchases for resale;
19. Accounting services;
20. Contracts or services provided by not-for-profit support and affiliate organizations of the University, including Shands Teaching Hospitals and Clinics, Inc., direct support organizations, health support organizations and faculty practice plans;

21. Implementation/programming/training services available from owner of copyrighted software or its contracted vendor; and

22. Purchases of materials, supplies, equipment, or services for instructional or sponsored research purposes when a director of sponsored research or designee certifies that, in a particular instance, it is necessary for the efficient or expeditious prosecution of a research project in accordance with sponsored research procedures or to attain the instructional objective.

(g) Vendors Excluded from Competition.

1. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, invitations for bids and/or requests for proposals shall be excluded from competing for such procurements.

2. All persons taking part in the development or selection of criteria for evaluation, the evaluation process, and the contract award process in any purchase shall follow all relevant portions of the State of Florida Code of Ethics for Public Employees, Chapter 112, Part 3, Fla. Stat., and the University's regulation on outside activities, University of Florida Regulation 1.011.

(h) A notice of decision or intended decision concerning a solicitation, contract award, or sole source purchase shall be electronically posted.

(6) Bonds.

(a) Payment and Performance Bonds. The University may require any contractor contracting with the University to provide commodities, services or commodities which include installation, to furnish a payment and performance bond, with good and sufficient securities, to the University prior to the issuance of the contract when the total contract amount is greater than

\$200,000. The bond must be in an amount equal to 100% of the response submitted to the competitive solicitation.

(b) Solicitation Protest Bond. Any entity that files an action protesting a decision or intended decision pertaining to a solicitation, shall at the time of filing of the formal protest, post with the University, a bond payable to the University in an amount equal to the lesser of: (1) ten percent (10%) of the estimated value of the protestor's bid or proposal; (2) ten percent (10%) of the estimated expenditure during the contract term; or (3) \$10,000. The bond shall be conditioned upon the payment of all costs which may be adjudged against the entity filing the protest action. In lieu of a bond, the University may accept a cashier's check or money order in the amount of the bond. Failure of the protesting contractor to file the required bond, cashier's check or money order at the time of filing the formal protest shall result in the denial of the protest.

(7) Contracts.

(a) Contracts for commodities or contractual services or licenses shall consist of a purchase order or bilateral agreement signed by the President or designee prior to or within thirty (30) days of the goods or services being rendered by the contractor.

(b) If a contract for the purchase of services or tangible personal property requires funds appropriated by the state and is for a period in excess of one (1) fiscal year, the contract shall include the following statement: "The State of Florida and the University's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature."

(c) If a commodity or contractual service is purchased as a result of a competitive solicitation, the contract may be extended, without an additional competitive solicitation, for up

to twelve (12) months or until completion of the competitive solicitation and award or protest, whichever is longer.

(d) A contract may contain provisions for renewal. If the commodity or contractual service is purchased as a result of a competitive solicitation, and the contract contains a provision allowing for a renewal, the contract may be renewed, without an additional competitive solicitation, for a period that may not exceed five (5) years or twice the term of the original contract, whichever is longer. This provision is not intended to apply retroactively; existing contracts entered into prior to January 1, 2017, including any specified renewal period(s) may continue in accordance with the existing contract terms. The cost of any contemplated renewal must be included in the initial competitive solicitation. All contract renewals are subject to sufficient annual appropriations.

(e) The President shall have the authority to enter into deferred payment agreements utilizing the State of Florida Controller's Consolidated Equipment Financing Program. No agreement shall establish a debt of the State or shall be applied to the faith and credit of the State; nor shall any agreement be a liability or obligation of the State except from appropriated funds.

(f) In order to promote cost-effective procurement of commodities and contractual services, the University may enter into contracts that limit the liability of a vendor consistent with Section 672.719, Fla. Stat.

(g) The total value of the contract shall be the purchase price for the initial term plus all renewal costs.

(8) Standard of Conduct. It shall be a breach of ethical standards for any employee of the University to accept, solicit, or agree to accept a gratuity of any kind, form or type in

connection with any contract for commodities or services. It shall also be a breach of ethical standards for any potential contractor to offer an employee of the University a gratuity of any kind, form or type to influence the development of a contract or potential contract for commodities or services.

(9) Purchase of Motor Vehicles.

(a) The term “motor vehicle” includes any automobile, truck, watercraft or other vehicle designed primarily for transporting persons, and construction vehicles or farm equipment.

(b) The University has authority to:

1. Establish standard classes of motor vehicles to be leased, purchased or used by University personnel;

2. Obtain the most effective and efficient use of motor vehicles for state purposes;

3. Establish and operate facilities for the acquisition, disposal, operation, maintenance, repair, storage, control and regulation of University-owned motor vehicles. Acquisition may be by purchase, lease, installment-purchase, loan or by any other legal means and may include a trade-in. All motor vehicles purchased or leased shall be of a class that will safely transport University personnel and adequately meet the requirements of the University;

4. Contract for specialized maintenance services.

(c) Motor vehicles owned, leased or operated by the University shall be available for official University business only.

Authority: BOG Regulation 1.001; BOG Regulation 18.001

History: New 1-8-80, Amended 3-26-80, 8-6-81, 2-11-82, Formerly 6C1-3.20, Amended 5-18-92, 7-11-94, 4-30-95, 5-23-96, 6-28-98, 4-30-00, 7-25-02, 2-5-03, 3-30-07 (technical changes only), 06-13-08, Formerly 6C1-3.020, Amended 4-3-15 (technical changes only),

Amended 3-17-17. _____.

REGULATIONS OF THE
UNIVERSITY OF FLORIDA

4.040 Student Honor Code and Student Conduct Code-

Contents

(1) Principles and Scope.....	2
(2) Definitions	4
(3) Violations of the Student Honor Code.....	12
(4) Violations of the Student Conduct Code	15
(5) Student Rights	25
(6) Process.....	31
(7) Sanctions.....	45
(8) Withdrawing or Revoking a Degree.....	49
(9) Appeals	49
(10) Records	52
(11) Interim Restrictions for Students.....	54
(12) Interim Restrictions for Student Organizations	57
(13) Conflict Resolution.....	58
(14) Title IX Sexual Harassment.....	58

(1) Principles and Scope. Our educational mission is to enable our Students to lead and to influence the next generation and beyond for economic, cultural, and societal benefit. The University strives to protect and to guide the educational community by establishing a Student Honor Code, a Student Conduct Code, and a Student conduct system. These codes and systems promote individual and social responsibility and are enforced through University Regulations. By becoming a member of the University of Florida community, a Student agrees to adhere to its Student Honor Code and its Student Conduct Code. Students acting as individuals or as members of Student Organizations are expected to follow all applicable Laws and Regulations. University Regulations have been designed to promote the safety of people and the campus community, to create an environment conducive to learning, and to achieve the mission of the Institution.

(a) Principles. The University principles address our respect for people and property, for fairness, for Laws and Regulations, and for academic integrity. Nothing in this Regulation shall be interpreted to limit the constitutional or statutory rights of any Student, including but not limited to expressive rights protected by the First Amendment.

1. Respect for people and property. Students are encouraged both to conduct themselves in a manner that exemplifies respect for all people and property and to adhere to their personal values without imposing those on others.

2. Respect for fairness. Rules and established procedures are intended to ensure both fundamental fairness and an educational experience for Students and Student Organizations.

3. Respect for Laws and Regulations. Students and Student Organizations are expected to follow all applicable Laws and Regulations.

4. Respect for academic integrity. Academic honesty and integrity are fundamental values of the University. Students commit to holding themselves and their peers to the high

standard of honor required by the Student Honor Code. Any Student who becomes aware of a violation of the Student Honor Code is encouraged to report the violation to the appropriate University Official.

(b) Scope. Each Student and every Student Organization is required to abide by the Student Honor Code and the Student Conduct Code when on University-controlled property, at University sponsored events, or off campus in accordance with sections 3 and 4 of this Regulation.

The University conduct process is educational and designed to address Student behavior; therefore, the University will address any alleged violations of its Student Honor Code or its Student Conduct Code independently of any criminal or civil court process.

Unless otherwise noted, use of the term “Student” in this document applies both to the Student as an individual and to a Student Organization as a single entity, as applicable. The officers or the leaders of a particular Student Organization usually will be expected to represent the organization during the Student Conduct Process. A Student may be held responsible for their actions as an individual and as a member of a Student Organization.

Any question about how to interpret or apply the Student Conduct Code or Student Honor Code should be directed to the Dean of Students or designee.

(c) Off-Campus Conduct. The University may apply the Student Conduct Code and Student Honor Code to Students whose conduct may have an adverse impact on the health, safety, or welfare of people, property, the University Community, or the pursuit of its objectives, regardless of where such conduct occurs, even if off campus.

(2) Definitions. The following definitions are used solely for the purpose of this Regulation.

Accused Student	A Student who has been accused of a violation of the Student Conduct Code or the Student Honor Code.
Advisor	Any one person chosen by an Accused Student or a Reporting Person to serve as an Advisor, advocate, or legal representative to assist them throughout the Student Conduct Process. Any Advisor serves at the Student's own expense and initiative. The Advisor cannot serve in any other role, including as a witness, investigator, Student Conduct Administrator, Appeal Authority, Conduct Committee Advisor, or Hearing Body. The University is not responsible for selecting an Advisor for any Student navigating the Student Conduct Process. It is the Student's responsibility to make appropriate arrangements for their Advisor to attend meetings, which will not be delayed due to scheduling conflicts of the chosen Advisor. The Advisor may be present to advise the Accused Student or Reporting Person in any meeting and may participate in all aspects of a Disciplinary Proceeding, but shall not testify for the Accused Student or Reporting Person or be present absent the Accused Student or Reporting Person.
Appeal Authority	Any person or people authorized by the Student Conduct Code or Student Honor Code to determine the outcome of an appeal. No person may hear or decide an appeal if they conducted or participated in the disciplinary proceeding being reviewed on appeal.
Chair	The member of the Conduct Committee who acts as the chairperson of the Hearing and leads Hearing deliberations. The Conduct Committee Advisor selects the Chair from the Hearing Body.
Charge(s)	A potential violation of the Student Conduct Code or the Student Honor Code.
Class Days	Any weekday the University of Florida is in operation and holding classes. Class Days do not include University holidays, closures, breaks, or other business days when classes are not in session.
Class Lecture	An educational presentation delivered by Faculty or guest lecturer, as part of a University of Florida course, intended to inform or teach enrolled students about a particular subject. Class Lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving student participation, assessments (quizzes, test, exams), field trips, private conversations between Students in the class or between a Student and the Faculty or guest lecturer during a class session.

Coercion	<p>Measured by a reasonable person standard, an attempt to cause another person to act or to think in a certain way by use of force, threats, or intimidation. Examples of Coercion include but are not limited to:</p> <ul style="list-style-type: none"> • Causing the deliberate Incapacitation of another person; • Requiring a person to submit to sexual acts to receive an academic benefit or an employment advantage; • Threatening to harm oneself if the other person does not perform a specific act; and • Threatening to disclose a person’s sexual orientation, gender identity, or other sensitive, personal information if the person does not submit to the requestor’s will.
Collaborative Resolution	<p>A Student Conduct Process that may be offered to registered Student Organizations to resolve alleged violations of the Student Honor Code and Student Conduct Code by partnering with a Student Conduct Administrator in the investigation and sanction determination. The Student Conduct Administrator will determine, at their discretion, if a Student Organization may be offered participation in Collaborative Resolution, as outlined in section 6 of this Regulation. At any point during the Collaborative Resolution process, the Student Conduct Administrator may cease Collaborative Resolution and refer the case to a Greek Conduct Committee for resolution.</p>
Conduct Committee Advisor	<p>The Director of Student Conduct and Conflict Resolution or designee may convene a Conduct Committee and advise the Conduct Committee throughout the Hearing process on procedure, questioning, relevant information, policy, and Regulation. The Conduct Committee Advisor will review all information, Witnesses, and questions to advise the Conduct Committee on relevancy determinations. The Conduct Committee Advisor will make relevancy determinations, prior to the Hearing, on documents, exhibits, and Witnesses allowable in a Hearing. A Student Conduct Administrator may make a charging decision and serve as the Conduct Committee Advisor for the same case. The Conduct Committee Advisor is present during committee deliberations to advise the committee on Regulations, policy and procedure but is not a member of the Conduct Committee and does not vote.</p>
Conflict Resolution	<p>Conflict Resolution services and education are <u>and restorative practices are</u> available to Students both to aid them in resolving conflict productively and to <u>in</u> developing their abilities to handle conflict effectively <u>and productively, employ informal and formal strategies and processes to encourage authentic communication and support collaborative conflict resolution.</u></p>

Consent	Consent is an act or statement that is knowing, freely given, and mutually understood to communicate a willingness to
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Consent	<p><u>Consent is an act or statement that is knowing, freely given, and mutually understood to communicate a willingness to engage in the activity.</u> It is the responsibility of each person involved in any sexual act to ensure that they have the Consent of the other(s).</p> <ul style="list-style-type: none"> • The existence of a dating or sexual relationship between the people involved, or the existence of a past sexual encounter, is not by itself an indication of Consent for any current or future sexual encounter. • Consent cannot be obtained by force, threat, Coercion, or by causing a reasonable fear of imminent injury. • For sexual activity to be consensual, Consent must be ongoing throughout the sexual encounter. A person may withdraw Consent at any time. Consent to one sexual act does not automatically constitute Consent to another sexual act. • A person withdraws Consent by clearly communicating withdrawal through words or actions. • Consent to engage in sexual activity with one person does not automatically constitute Consent to engage in sexual activity with another person. • Lack of protest or resistance, alone, is not Consent. • A person who is Incapacitated cannot give Consent.
Correspondence	Written or electronic communication from the University sent to a Student. The University may use either the Student’s UFL email address, if the Student is a current Student, or the physical address on file with the Registrar. Correspondence includes but is not limited to written or electronic communication from the Student through the Student’s UFL email address.
Disciplinary Proceeding	Disciplinary Proceedings are limited to the following: <ul style="list-style-type: none"> • Administrative Reviews • Collaborative Resolutions • Hearings
Educational Conversation About Behavior (“ECaB”)	A required meeting related to reported information, which is not investigatory in nature and does not result in Charges. This meeting is intended to address reported information that does not support initiating a formal Student Conduct Process but does require an educational discussion about the content of the Student Conduct Code and the expectations of the University community.

<u>Entity</u>	<u>This includes but is not limited to generative artificial intelligence, large language models, content generation bots, or other non-human intelligence or digital tools.</u>
Faculty	Any person hired or appointed by the University to conduct classroom, teaching, or research activities; the individual with grading responsibility for a course. For the purpose of this Regulation, Faculty are responsible for submission of reports and supporting information for alleged Student Honor and Conduct Code violations, and participation in <u>Hearings to provide direct knowledge about any alleged Student Honor and Conduct Code violation.</u>

	Hearings to provide direct knowledge about any alleged Student Honor and Conduct Code violation.
Hearing	A proceeding through which a Hearing Body determines whether a Student is responsible or not responsible for Charges and imposes Sanctions if appropriate. A Hearing Body conducts Hearings in accordance with the Student Conduct Code or the Student Honor Code.
Hearing Body	Any person or people authorized in the Student Conduct Code or the Student Honor Code to conduct Hearings, to make relevancy determinations during Hearings, to make findings after Hearings about whether a Student has violated the Student Conduct Code or the Student Honor Code, and to recommend or to issue Sanctions if appropriate.
Impaired	Impaired means a person's normal faculties are diminished in some material respect. Normal faculties include but are not limited to the ability to see, hear, walk, talk, judge distances, drive an automobile, make judgments, act in emergencies and, in general, to normally perform the many mental and physical acts of daily life.
Incapacitation/ Incapacitated	Incapacitation is a temporary or permanent state in which a person is physically or mentally unable to communicate a willful, voluntary, and knowing decision. A person can be incapacitated because of age, alcohol or drug consumption, being unconscious or asleep, a disability, or any other circumstance that prevents a Student from having the capacity to give Consent. For a person to be rendered Incapacitated by alcohol or drugs, the person must be so Impaired that they are unable to give Consent. This level of impairment must be obvious to a Reasonable person; it is not enough for a person to be merely under the influence of, or to have impaired judgment because of, alcohol or drugs.

Incident Review Committee (“IRC”)	<p>The Director of Student Conduct and Conflict Resolution or designee may convene a committee to review a reported organizational incident or an allegation originating from one of the four Greek councils: the Interfraternity Council (IFC), the Multicultural Greek Council (MGC), the National Pan-Hellenic Council (NPHC), or the Panhellenic Council (PC). This committee gives perspective on whether sufficient information exists for a Reasonable Hearing Body to determine if an accused Student Organization violated the Student Conduct Code. If such information exists, the Director of Student Conduct and Conflict Resolution or designee may issue Charges.</p> <p><u>Informed by the perspective of the IRC, the Director of Student Conduct and Conflict Resolution or designee will decide if an organizational Charge is appropriate.</u></p>
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	<p>Informed by the perspective of the IRC, the Director of Student Conduct and Conflict Resolution or designee will decide if an organizational Charge is appropriate.</p>
Information Meeting	<p>A meeting between an Accused Student and a Student Conduct Administrator after a Notice of Charges has been sent. The meeting includes reviewing a Student’s rights in the Student Conduct Process, reviewing the Charges, and reviewing potential outcomes. The Information Meeting is not a Disciplinary Proceeding. The Information Meeting determines the next course of action in the Student Conduct Process.</p>
Intake Meeting	<p>A meeting between a Student Conduct Administrator and any person with whom the Student Conduct Administrator needs to discuss the details of a received report to decide which resolution options are appropriate. An Intake Meeting may occur at any point before or during the Student Conduct Process at the discretion of the Student Conduct Administrator.</p>
Investigation	<p>The gathering of information related to a reported incident or allegation. Investigations may be conducted by Student Conduct and Conflict Resolution or by other investigatory units.</p>
Investigation Meeting	<p>A meeting that includes the opportunity for the Director of Student Conduct and Conflict Resolution or designee to interview people who may have information relevant to a potential Charge, to explain the Student Conduct Process, to explain the rights of Students, and to review of the nature of the allegation.</p>

Laws	All applicable Laws, Regulations, codes and ordinances, including the applicable Laws of the state or country where the alleged violation occurred.
Mutual Agreement	An informal resolution whereby the Reporting Person (or designee if reporting as a University Official), Accused Student and University all agree to resolve the allegations through a written contract. Allegations may be resolved through Mutual Agreement at any time before or during a Student Conduct Process.
Notices of Charges	Written notice sent in Correspondence to a Student that includes specific Student Conduct Code or Student Honor Code Charges, brief description of the allegation, where to review the Student Rights and an invitation to attend an Information Meeting.
Preponderance of the Information	The University’s burden of proof for any disciplinary proceeding is preponderance of the evidence, but for the purpose of this Regulation it will be referred to as “Preponderance of the Information”. <u>“Preponderance of the Information” means that the information presented by the University, as a whole, supports the finding that it is more likely than not that the charged violation occurred. To satisfy this burden, the University must present some information that would not be deemed inadmissible hearsay in a court of Law. This standard shall be used in resolving all Student Conduct or Student Honor Code cases under this Regulation.</u>

	Information” means that the information presented by the University, as a whole, supports the finding that it is more likely than not that the charged violation occurred. To satisfy this burden, the University must present some information that would not be deemed inadmissible hearsay in a court of Law. This standard shall be used in resolving all Student Conduct or Student Honor Code cases under this Regulation.
Publish	Share, transmit, circulate, distribute or provide access to a Recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a Recording, or transcript of the Recording, is considered to be Published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, website, book, magazine, newspaper or leaflet.
Reasonable	A term used as an objective standard for evaluating appropriateness. Having sound judgment; rational and sensible; not extreme or excessive. Referenced throughout section 4. Violations of the Student Conduct Code as “Reasonable person”, “Reasonable fear” and “Reasonable expectation of privacy”. This definition does not apply to reasonable accommodations.

Recording	Any recording in any medium using any technology. This includes but is not limited to visual recordings, such as photographs and videos, and audio recordings.
Regulations	University of Florida Regulations, policies, or rules.
Relationship Violence	Relationship Violence encompasses both dating and domestic violence. Dating violence is violence or a threat of harm between people who have or have had a relationship of a romantic or intimate nature, not living together in the same household. Domestic violence is violence or a threat of harm between family members or individuals living in the same household.
Reporting Person	The alleged victim of or person harmed by another's violation of the Student Code of Conduct.
Sanction	A mandatory requirement established by the University, given to a Student who has accepted responsibility for, or whom a Hearing Body has found responsible for, a violation of the Student Conduct Code or the Student Honor Code. <u>May also be interchangeable with the term "outcomes" in an Administrative Review, Collaborative Resolution, or Restorative Dialogue.</u>
Semester	A period of instruction. The University has three Semesters: Fall, Spring, and Summer.
Separation/Disaffiliation	A type of Sanction for a Student or a Student Organization that includes suspension, expulsion, or disaffiliation.
Service Indicator	Formerly known as a "hold". A Service Indicator prevents access to some University processes, such as class <u>registration and graduation, until it is removed by the originating office.</u>
	<u>registration and graduation, until it is removed by the originating office.</u>

Student	Any person currently admitted, enrolled, or registered for any University Program, regardless of the medium of the program, or degree-seeking status, or when not enrolled or registered for a particular Semester, who is eligible to enroll in future terms without seeking readmission. For the purpose of this Regulation, the term “Student” may also refer to a person previously admitted, enrolled, or registered for any University Program where the University receives an allegation that the Student violated the Student Honor Code or Student Conduct Code while they were admitted, enrolled, or registered for any University Program, and the term “Student” is interchangeable with “Student Organization” when the term “Student Organization” is not directly specified.
Student Conduct Administrator	A person or administrative unit whose duties include the administration of the Student Conduct Code or the Student Honor Code process. Student Conduct Administrators are designated by the Dean of Students and may include, but are not limited to, the Director of Student Conduct and Conflict Resolution, staff members in Student Conduct and Conflict Resolution, and staff members in Housing and Residence Life.
Student Conduct Process	The processes outlined in this Regulation to resolve alleged violations of the Student Conduct Code and the Student Honor Code.
Student Organization	An association or group of persons that has complied with the formal requirements for University recognition or is in the formal process of obtaining recognition. For the purpose of this Regulation, the term “Student” is interchangeable with “Student Organization” when the term “Student Organization” is not directly specified.
Support Person	<p>Any one person chosen to provide comfort and emotional support to an Accused Student or a Reporting Person throughout the Student Conduct Process. Any Support Person serves at the Student’s own expense and initiative. A person may not serve in this capacity if the Director of Student Conduct and Conflict Resolution or designee determines that their service would unreasonably conflict with the fair administration of the Student Conduct Process.</p> <p>The University is not responsible for providing a Support Person for anyone navigating the Student Conduct Process. It is the Student’s responsibility to make appropriate <u>arrangements for their Support Person to attend meetings, which will not be delayed due to scheduling conflicts of the chosen Support Person. The Support Person may not serve as a secondary Advisor or a Witness, nor can the Support Person perform any other function except for providing comfort and emotional support to the Accused Student or the</u></p>

	<u>Reporting Person. The Support Person cannot speak for a Student, present the Student's case, or otherwise participate directly in any meeting or Hearing.</u>
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	arrangements for their Support Person to attend meetings, which will not be delayed due to scheduling conflicts of the chosen Support Person. The Support Person may not serve as a secondary Advisor or a Witness, nor can the Support Person perform any other function except for providing comfort and emotional support to the Accused Student or the Reporting Person. The Support Person cannot speak for a Student, present the Student's case, or otherwise participate directly in any meeting or Hearing.
University/Institution	The University of Florida.
University Activity or University Program	Any event, program, or activity that is hosted, sponsored, or organized by any University group, office, or organization. This definition applies only to this Regulation and not in any other context.
University Campus/Premises	All land, buildings, facilities, and other property the University possesses, owns, leases, operates, supervises, or controls, including adjacent streets and sidewalks.
University Community	University Officials, Faculty, other employees, Students, and other people who or entities that participate in any University Activity or University Program.
University Official	Any person the University employs, contracts, or appoints to perform assigned teaching, research, administrative, professional, or other responsibilities.
Witness	A Relevant Witness is a person with direct knowledge about or involvement in a reported incident or allegation. Relevant Witnesses may participate in person during the Student Conduct Process. Other Witnesses, including character Witnesses, may not participate in person during the Student Conduct Process but may submit statements pursuant to the submission guidelines outlined in the Student Rights section of this Regulation.

(3) Violations of the Student Honor Code. Every University Student is subject to the

following Honor Pledge:

We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honesty and integrity by abiding by the Student Honor Code. On all work submitted for credit by Students at the University of Florida, the following pledge is either required or implied: “On my honor, I have neither given nor received unauthorized aid in doing this assignment.”

(a) Cheating. A Student shall not use or attempt to use unauthorized materials or resources in any academic activity for academic advantage or benefit. Cheating includes but is not limited to:

1. Using any materials or resources prepared by another person or Student Entity without the other person or EntityStudent's express Consent or without proper attribution to the other person or EntityStudent.

2. Using any materials or resources, through any medium, which the Faculty has not given express permission to use and that may confer an academic benefit to a the Student.

3. Using additional time, or failing to stop working when instructed, on any time-bound academic activity.

4. Failing to follow the directions of a proctor of any academic activity, when such conduct could lead to an academic advantage or benefit.

5. Collaborating with another person or person Entity, through any medium, on any academic activity, when Faculty has expressly prohibited collaboration.

6. Commissioning or seeking to commission another person or person Entity, with or without compensation, to produce or complete academic work or to impersonate a student in any academic activity.

7. Impersonating another person in any academic activity or providing an unfair academic advantage to another person by producing or completing academic work or activities on behalf of another person, with or without compensation.

(b) Complicity in Violating the Student Honor Code. Attempting, aiding, encouraging, facilitating, abetting, conspiring to commit, hiring someone else to commit, giving or receiving bribes to secure, or being a participant (by act or omission) in any act prohibited by this Regulation.

(c) False or Misleading Information.

1. A Student must not make a false or misleading statement during the Investigation or resolution of an alleged Student Honor Code violation.

2. A Student must not make a false or misleading statement for the purpose of procuring an improper academic advantage for any Student.

3. A Student must not use or present fabricated information, falsified research, or other findings if the Student knows or reasonably should be aware that the information, research, or other finding is fabricated or falsified.

(d) Interference with an Academic Activity.

1. A Student must not take any action or take any material for the purpose of interfering with an academic activity, through any means over any medium.

2. A Student must not be disruptive to the testing environment or other academic activity.

(e) Plagiarism. A Student must not represent as the Student's own work all or any portion of the work of another person or Entity. Plagiarism includes but is not limited to:

1. Stealing, misquoting, insufficiently paraphrasing, or patch-writing.

2. Self-plagiarism, which is the reuse of the Student's own submitted work, or the simultaneous submission of the Student's own work, without the full and clear acknowledgment and permission of the Faculty to whom it is submitted.

3. Submitting materials from any source without proper attribution.

4. Submitting a document, assignment, or material that, in whole or in part, is identical or substantially identical to a document or assignment the Student did not author.

(f) Submission of Academic Work Purchased or Obtained from an Outside Source. A Student must not submit as their own work any academic work in any form that the Student purchased or otherwise obtained from an outside source, including but not limited to: academic work in any form generated by an Entity; academic materials in any form prepared by a commercial or individual vendor of academic materials; a collection of research papers, tests, or academic materials maintained by a Student Organization or other entity or person, or any other sources of academic work.

(g) Unauthorized Recordings.

1. A Student shall not make a video or audio Recording in class unless the Recording is limited to the Class Lecture and made for the following reasons: their own personal education use, in connection with a complaint to the University, or as evidence in or in preparation for a criminal or civil proceeding.

2. A Recording must not be Published without the prior express written consent of the Faculty or guest lecturer.

3. A Student shall not make any Recording in class, through any means over any medium, of anything other than a Class Lecture, including but not limited to the Recording of any assessment, clinical activity, lab, or student presentation. The Recording of any meeting or conversation in class between Students or between Students and Faculty or guest lecturer is strictly prohibited.

(h) Unauthorized Taking or Receipt of Materials or Resources to Gain or Provide an Improper Academic Advantage. A Student, independently or with another person-person or Entity or other people people or Entities, must not without express written authorization take, give, possess, Publish, post, ~~or~~ submit, transmit, or receive materials, information, or resources in any manner, through any medium, for the purpose of gaining or providing an improper academic advantage to any Student.

(4) Violations of the Student Conduct Code.

(a) Alcoholic Beverages Violations.

1. Under-age possession or consumption. Possession or consumption of alcoholic beverages by a Student under twenty-one (21) years old.

2. Distribution or sale of alcoholic beverages. Distribution or sale of an alcoholic beverage to any person under twenty-one (21) years old.

3. Possession of common source containers. Unless explicitly approved in advance in writing by the Division of Student Life or Business Affairs for a particular occasion, a Student or Student Organization cannot possess or use of kegs, mini kegs, or other common source containers of alcoholic beverages, such as trash cans, tubs, or similar containers of alcohol, when such possession or use occurs on campus, in the housing of any University of Florida organization or group, or in connection with a University Activity.

4. Alcohol abuse. Regardless of the age of those involved, facilitating, arranging, or participating in any extreme alcohol consumption activity that constitutes, facilitates, or encourages competitive, rapid, or excessive consumption of alcohol when such activity occurs on campus, in the housing of any University of Florida organization or group, or in connection with a University Activity.

5. Any other violation of the Alcoholic Beverages Regulation, University of Florida Regulation 2.019.

(b) Complicity in Violating the Student Conduct Code. Attempting, aiding, encouraging, facilitating, abetting, conspiring to commit, hiring someone else to commit, giving or receiving bribes to secure, or being an accessory to any act prohibited by this Regulation.

(c) Disruptive Conduct. Conduct that is materially or substantially disruptive to the normal operations of the University, or that incites others to do so, in any of the following activities: teaching, [learning](#), research, administrative functions, disciplinary proceedings, other University Activities whether on or off campus, and other authorized activities that take place on campus. In evaluating whether conduct is materially or substantially disruptive, the University may consider the totality of factors, including but not limited to whether there was an intent to prevent the activity or event from continuing to completion and whether the conduct was a sustained and continuous disruption. Disruptive conduct does not include any conduct protected by the First Amendment. Examples of Disruptive Conduct include but are not limited to:

1. Disruption of University Officials in the performance of their work.
2. Disruption of a University Activity or event.
3. Disruption of a class or curricular activity. Classroom or other academic

workplace behavior that interferes with either:

- a. The instructor's authority or ability to conduct the class or
- b. Other Students' ability to benefit from the instructional program.
4. Conduct that is disorderly or a breach of the peace under Law.
5. Public intoxication, which is disrupting a University Activity while under the

influence of alcohol or another mind-altering substance.

6. Interference with the rights of others to carry out their activities or duties at or on behalf of the University.

7. Violation of the Disruptive Behavior Regulation, University of Florida Regulation 1.008.

8. Violation of the Campus Demonstration Regulation, University of Florida Regulation 2.002.

(d) Driving under the Influence. Driving under the influence of alcohol, drugs, or other mind-altering substance. Operation of a motor vehicle while Impaired by drugs, alcohol, or other mind-altering substance or while having an unlawful blood or breath alcohol level.

(e) Drug Violations.

1. Use, possession, manufacturing, distribution, or sale of a controlled substance that is prohibited by Law. Knowingly inhaling or ingesting substances that will alter a Student's mental state. Use of legal medication outside the parameters of the medical authorization. Possession or use of prescription medications not prescribed to the user.

2. Possession of drug paraphernalia.

(f) Endangering Behavior.

1. Unwanted physical contact causing physical injury. Other conduct, including but not limited to Relationship Violence, which does or could endanger the health, safety, or welfare of any person or people, including oneself.

2. Interference with the freedom of movement of any member or guest of the University.

3. Stalking/cyberstalking, which is a course of conduct committed with the intent to kill, injure, harass or intimidate another person that either places the person in Reasonable fear of the death of, or serious bodily injury to, that person, an immediate family member, a spouse or an intimate partner of that person; or causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to a person listed above.

3.4. Providing any substance that may impair a person's normal faculties, including but not limited to alcohol and drugs, which does or could endanger the health, safety, or welfare of any person or people.

(g) Failure to Comply with Directive. Failure to comply with a lawful directive of law enforcement or a University Official.

(h) Dangerous Chemicals. Possession of dangerous chemicals or use of any such items in a manner that harms, threatens, or reasonably causes fear to others, on University Property or at University sponsored events, with limited exceptions, is prohibited. Exceptions to this prohibition:

1. A sworn law enforcement officer may carry chemical spray.

2. Any person may carry chemical spray that is used solely for self-defense and is in a compact vessel that contains no more than two ounces of chemical.

(i) Fire Safety Violations.

1. Conduct that causes or attempts to cause a fire or explosion or possession or use of fireworks unless authorized by the University in advance in writing.

2. Tampering with fire safety equipment or failure to evacuate during a fire alarm on the University Premises or at any University Activity.

(j) False Information.

1. Furnishing false or misleading information to the University or to any University Official. This includes but is not limited to forging documents or other data or omitting facts that are material to the purpose for which the information is submitted.

2. Falsifying documents or University communications, falsifying signatures of University Officials, impersonating University Officials, utilizing documents or other records in any medium that purport to be from the University or one of its employees without express written permission from the University or the employee, or unauthorized alteration of documents or communication of the University.

(k) Harassment. Threats, intimidation, Coercion, or any other conduct that places a Reasonable person in fear of physical harm, through words or actions, or objectively disrupts a person's daily activities, including education and employment. Harassment does not include conduct protected by the First Amendment.

(l) Hazing. Any action or series of actions that recklessly or intentionally endangers the mental health, physical health or safety of a Student for any purpose, including but not limited to initiation into, admission into, affiliation with, or the perpetuation or furtherance of a tradition or ritual of any Student group or Organization. Hazing occurs if a person or group:

1. Causes or attempts to cause physical injury or other harm to a Student, including but not limited to emotional distress, or engages in any conduct that presents a threat to the Student's health or safety. Hazing includes but is not limited to any physical brutality, such as whipping; beating; branding; exposure to the elements; forced consumption of any food, alcohol, drug or other substance; or other forced physical activity that could adversely affect the physical health, mental health or safety of any Student and any activity that would subject the Student to extreme mental stress, such as sleep deprivation, forced sexual conduct or forced exclusion from social contact.

2. Engages in an action or activity that has a tendency to or is intended to demean, disgrace, humiliate or degrade a Student. This includes, but is not limited to, forced conduct that could result in extreme embarrassment, requiring servitude, or other forced activity that is considered hazing under Florida law and could adversely affect the mental health or dignity of the Student.

3. Conduct that by design, intent or recklessness causes a Student to be reasonably unable to pursue, interferes with, or attempts to interfere with a Student's academic schedule or performance; or

4. Causes, induces, pressures, coerces or requires a Student to violate the Law or any University of Florida Regulation.

5. In response to allegations of hazing under this Regulation, it is not a defense that:

a. The affected person gave Consent.

b. The conduct was not part of an official organizational event or sanctioned or approved by the organization.

c. The conduct was not done as a condition of membership in the organization.

(m) Invasion of Privacy and Unauthorized Recording.

1. Making, using, Publishing or distributing a Recording of a person in a location or situation in which that person has a Reasonable expectation of privacy and is unaware of the Recording or does not Consent to it; and any other conduct that constitutes an invasion of the privacy of another person under applicable Laws and Regulations. Such conduct includes, without limitation, unauthorized Recording of private conversations, images, meetings or activities.

2. Unauthorized Recording in class, or of an organizational or University meeting where there exists a legal expectation of privacy, and any use, disclosure, or Publishing of any such Recording. Students may make a Recording of Class Lectures for three (3) lawful reasons: for their own personal educational use, in connection with a complaint to the University, or as evidence in or preparation for a criminal or civil proceeding. A Recorded Class Lecture may not be Published without the prior express written consent of the Faculty or guest lecturer.

3. Engaging in acts of voyeurism, peeping, spying, or Recording another in any location where a Reasonable expectation of privacy exists.

4. Any notice, Consent or other requirement under applicable Laws and Regulations must be fulfilled in connection with authorizing, making, using, disclosing or distributing any Recording, where there is a legal expectation of privacy.

5. Refer also to University Regulation 1.006(4) Non-Discrimination/Harassment/ Invasion of Privacy Regulation which governs all University personnel including Students.

(n) Misuse or Unauthorized Possession or Use of Public or Private Property.

1. Theft, misuse, taking or unauthorized use or possession of public or private property or unauthorized use or acquisition of services.

2. Destroying, damaging or littering of any property. Conduct that destroys, damages or litters any property of the University or any property of a person or group.

3. Misuse of the identification number or ~~card~~University credential issued to a Student through alteration, forgery or duplication, or through use of an ~~identification-~~
~~card~~University credential that has not been issued to the user. It is also a violation to grant or authorize use by a third party of one's own identification number or ~~card~~University credential for any purpose except to obtain Student block seating in accordance with University Athletic Association procedures for Student block seating.

4. Unauthorized sale of Student tickets. Unauthorized sale or purchase of Student tickets on University Campus to any University of Florida function or event.

5. Use or possession of fake identification materials, including the use of another person's government issued identification.

6. Unauthorized transfer of registered access. Unauthorized sale/barter/or compensation in exchange for reserved seat(s), registration-based access, or otherwise limited access to functions, events, academic course registration, or services of the University.

(o) Misuse or Unauthorized Use of University Computer Resources.

1. Any action without authorization from the University that does, or causes a person to, access, use, modify, destroy, disclose or take data, programs or supporting documentation residing in or relating in any way to a University of Florida computer, computer system or computer network or causes the denial of computer system services to an authorized user of such system.

2. Unauthorized downloading or facilitating others to download copyrighted music and films without authorization.

3. Any other violation of the Policies on Information Technology and Security Regulation, University of Florida Regulation 1.0102 or any policy referenced through that Regulation.

4. The use of the University's computer resources to violate any Laws, ~~or~~ Regulations, policies of the University of Florida, or Board of Governors' Regulation.

(p) Obstruction of the Student Conduct Process. Interference with or obstruction of the Student Conduct Process, by any means and through any medium, including but not limited to the following:

1. Knowingly filing a false report that a violation was committed.

2. Falsification, distortion or misrepresentation of information before a Hearing Body or a Student Conduct Administrator.

3. Disruption or interference with the orderly conduct of a Hearing or meeting as outlined in this Regulation.

4. Attempting to influence the impartiality of a Hearing Body prior to, or during, a Student Conduct Process.

5. Harassment or intimidation of a Hearing Body, and/or participant, prior to, during or after a Hearing or meeting as outlined in this Regulation.

6. Influencing or attempting to influence another person to commit an obstruction of the Student Conduct Process.

7. Preventing or attempting to prevent another person, through words or actions, from reporting a violation of the Student Conduct Code.

8. Failure to complete or violation of conditions for assigned sanctions

(q) Public indecency. Examples include but are not limited to public urination and exposure of sexual organs. Breastfeeding a child is not public indecency and does not violate this Regulation.

(r) Sexual Misconduct.

1. Sexual violence: any sexual act perpetrated against a person's will, including but not limited to the use of physical force or threats, or in circumstances in which the person is unable, due to Incapacitation, to give Consent. Acts falling into the category of sexual violence include but are not limited to nonconsensual sexual intercourse.

2. Nonconsensual intimate touching: any unwelcome intentional intimate touching of another, which does not constitute sexual violence, without the Consent of the other person or in circumstances in which the person is unable, due to Incapacitation, to give Consent.

3. Sexual harassment: unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature directed at a person that places another person in Reasonable fear of physical harm, or objectively disrupts employment, education, research, living or other activities.

(s) Unauthorized Entry to University Facilities. Unauthorized access or entry to University property, buildings, structures or facilities. Unauthorized possession, duplication or use of keys or access cards for any such University property.

(t) Violation of Law. Any behavior that allegedly violates any municipal or county ordinance, any Law, Regulation, or requirement of the State of Florida, the United States or, when in another state or country, that state or country. Including, but not limited to:

1. Florida Statute 790.115 Possessing or discharging weapons or firearms at a school-sponsored event or on school property prohibited; penalties; exceptions.

2. Florida Statute 1004.097 Free expression on campus.

(u) Violation of University Policy. Violation of any Regulation or policy of the University of Florida, the Florida Board of Governors or the State of Florida including, but not limited to the University of Florida, Department of Housing and Residence Life Education Community Standards, Use of Private Spaces -Policy.

(5) Student Rights.

(a) Accused Student Rights. Any Accused Student or Student Organization will be afforded the following rights throughout the Student Conduct Process. Any Student may also be given the opportunity to waive specific rights, in writing, to expedite the resolution process if

appropriate as determined by the Director of Student Conduct and Conflict Resolution or designee. Accused Students have the right to:

1. Access and review all relevant University policies and procedures related to the Student Honor Code or Student Conduct Code.
2. Notice of Charges resulting from an alleged violation of the Student Honor Code or the Student Conduct Code.
3. Privacy of their student education records, except to the extent disclosure is permitted or required by Law.
4. Have an Advisor and/or Support Person present during any Hearing or meeting with a Student Conduct Administrator or Hearing Body. A Student who chooses to have an Advisor and/or Support Person present during any Hearing or meeting, must provide the identity of the person(s) to the Director of Student Conduct and Conflict Resolution or designee at least two (2) Class Days in advance and must provide the appropriate executed privacy waiver(s) during this notification and notify their Advisor and/or Support Person of their obligation to follow all University regulations, rules, policies and procedures throughout the Student Conduct Process. Failure to comply with the requirements of this section may result in the Advisor and/or Support Person not being permitted to attend the Hearing or meeting.
5. A Hearing to determine responsibility of any alleged violations of the Student Honor Code or the Student Conduct Code. A single postponement request for the Hearing for up to thirty (30) calendar days may be submitted by the Student to Student Conduct and Conflict Resolution if a legal case resulting from the same incident is pending.
6. Decline to answer any questions or provide self-incriminating information to the Hearing Body at any point during the resolution process. Accused Students may also elect not to

participate in a Hearing with the understanding that a decision, including any appropriate Sanctions, will be made using the information available at the time of the Hearing in their absence.

7. An opportunity to ask staff member(s) in Student Conduct and Conflict Resolution questions regarding the Student Conduct Process, and have those questions answered to the extent that staff is permitted and able.

8. Review all known information in the University's possession related to the allegations, both inculpatory and exculpatory, including any potential Witnesses that could be used in the decision-making process. Provide relevant additional information related to the allegations, including Witnesses.

a. All information must be provided to Student Conduct and Conflict Resolution by 5:00 p.m. at least six (6) Class Days before the scheduled Hearing. No new information, including potential Witnesses, will be accepted for consideration after this date, absent the express written permission of the Director of SCCR or designee.

b. An Accused Student and their Advisor, if any, have the right to inspect the case file at least five (5) Class Days before the scheduled Hearing.

9. Have all information, including any potential Witnesses, that could be used in the decision-making process reviewed preliminarily for relevance by Student Conduct and Conflict Resolution prior to the Hearing. The determination of relevance will rest with the Director of Student Conduct and Conflict Resolution or designee. Relevance decisions will be communicated directly with the Accused Student, with rationale, in writing prior to the Hearing. Relevancy determinations regarding information directly related to the Reporting Person's character or prior conduct will also be communicated directly with the Reporting Person in the

same manner. Relevancy determinations may be reversed or modified through an appeal to the Dean of Students or designee.

10. Participate in a Hearing, including provide information, listen to Witnesses and ask questions, through the Hearing Body, of Witnesses providing information during a Hearing.

11. Have a decision made based on the Preponderance of the Information standard.

12. Request reasonable accommodations in the Student Conduct Process, if the Accused Student has a disability. At any point during the Student Conduct Process a student may contact the Disability Resource Center (DRC) to discuss their access needs.

13. Appeal a decision of a Hearing Body, in writing and in accordance with section (9) Appeals of this Regulation.

14. Request permission to participate via audio or live-video from another location, and/or participate in a manner that avoids direct contact with Reporting Persons and/or Witnesses as long as such participation does not infringe on the Accused Student's right to question the Reporting Person or Witnesses during the Hearing or infringe on the University's implementation of the Student Conduct Process.

15. Provide a written impact statement to the Conduct Committee Advisor before the start of a Hearing to be considered if Sanctions are to be issued.

16. Have any University status remain unchanged pending a final outcome through the Student Conduct Process; except in cases where interim restrictions are in place, as outlined in sections (11) Interim Restrictions for Students and (12) Interim Restrictions for Student Organizations of this Regulation.

17. Be notified of the final outcome of the case.

18. To select a Hearing Body as outlined in section (6)(g)2c Process. In cases involving Sexual Misconduct violations, if the Reporting Person and Accused Student disagree on the type of Hearing Body, the Hearing Body will be a University Officials Board.

(b) Reporting Person's Rights. Any Reporting Person will be afforded the following rights throughout the Student Conduct Process. Reporting Persons have the right to:

1. Participate individually in an Intake Meeting with a Student Conduct Administrator to review the allegations, the Charges, possible Sanctions, Reporting Person rights and explain the Student Conduct Process, and any available forms of resolution. Reasonable efforts will be made to hold this Intake Meeting at least seven (7) Class Days before any scheduled Hearing.

2. Ask staff member(s) in Student Conduct and Conflict Resolution questions regarding the conduct process, and have those questions answered to the extent that staff is permitted and able.

3. Provide relevant information, including any potential Witnesses that could be used in the decision-making process to Student Conduct and Conflict Resolution.

a. All information must be provided to Student Conduct and Conflict Resolution by 5:00 p.m. at least six (6) Class Days prior to the scheduled Hearing. No new information, including potential Witnesses, will be accepted for consideration after this date, absent the express written permission of the Director of SCCR or designee.

b. Reporting Person and their Advisor have the right to review the Reporting Person's own written statement, and their own submitted information at least five (5) Class Days prior the scheduled Hearing. A Reporting Person will not have access to review the entire case file.

c. Have all information directly related to the Reporting Person's character or prior conduct, including any potential Witnesses, that could be used in the decision-making process reviewed preliminarily for relevance by Student Conduct and Conflict Resolution before the Hearing. Relevance decisions will be communicated directly to the Reporting Person and Accused Student, with rationale, in writing before the Hearing. Relevancy determinations may be reversed or modified through an appeal to the Dean of Students or designee.

4. To participate in a Hearing and have an Advisor and/or Support Person present during any Hearing or meeting. Participation may include providing information, providing Witnesses to present relevant information and/or submitting questions to be asked of the Accused Student and Witnesses, by the Hearing Body. A Student who chooses to have an Advisor and/or Support Person present during any Hearing or meeting, must provide the identity of the person(s) to the Director of Student Conduct and Conflict Resolution or designee at least two (2) Class Days in advance, and must provide the appropriate executed privacy waiver(s) during this notification and must notify their Advisor and/or Support Person of their obligation to follow all University regulations, rules, policies and procedures during the Student Conduct Process. Failure to comply with the requirements of this section may result in the Advisor and/or Support Person not being permitted to attend the hearing or meeting.

5. To be notified of the final outcome of the case.

6. To appeal on the same grounds as the Accused Student, as outlined in section (9) Appeals of this Regulation.

7. To review the Hearing Body selection of the Accused Student as outlined in section (6)(g)2c Process. In cases involving Sexual Misconduct violations, if the Reporting

Person does not agree with the Hearing Body selected by the Accused Student, the Hearing Body will be a University Officials Board.

8. To request permission to participate via audio or live-video from another location, and/or participate in a manner that avoids direct contact with the Accused Student and/or Witnesses as long as such participation does not infringe on the Accused Student's right to question the Reporting Person or Witnesses during the Hearing or infringe on the University's implementation of the Student Conduct Process.

9. Decline to answer any questions or provide self-incriminating information to the Hearing Body at any point during the resolution process.

10. To provide a written impact statement to the Conduct Committee Advisor before the start of a Hearing. In the event that the Accused Student accepts responsibility, or is recommended or found responsible, the impact statement would then be provided to the Hearing Body to be considered in recommending or issuing Sanctions.

11. Request reasonable accommodations in the Student Conduct Process, if the Reporting Person has a disability. At any point during the Student Conduct Process, a student may contact the Disability Resource Center (DRC) to discuss their access needs.

(6) Process.

(a) Hearing Bodies. Any specific procedures used by Hearing Bodies will comply with the requirements of the Student Conduct Code and Student Honor Code. Hearing Bodies are selected annually, with the approval of the Vice President for Student Life and receive training from the Office of Student Conduct and Conflict Resolution.

1. The Director of Student Conduct and Conflict Resolution (and designee(s)) may conduct Hearings.

2. Individual Hearing Officers (IHO) or Individual Honor Hearing Officers (HHO) designated by the Dean of Students may conduct Hearings.

3. The Dean of Students may appoint an IHO or HHO who is not an employee of the University, with the approval of the Vice President for Student Life. This is an administrative decision of the University and not a specific choice a Student may select during an Information Meeting.

4. The Dean of Students and Associate Dean(s) of Students may conduct Hearings.

5. The Student Conduct Committee (SCC) may conduct Hearings. Student Conduct Committees are composed of three (3) or five (5) members, consisting of Faculty/University Officials, and Students. Student Conduct Committees are selected by the Director of Student Conduct and Conflict Resolution or designee and at least one-half of the committee must be Students regardless of committee size. The Director of Student Conduct and Conflict Resolution will designate a Conduct Committee Advisor for each Hearing.

6. A University Officials Board (UOB) may conduct Hearings. A UOB is composed of three (3) Faculty/University Officials selected by the Director of Student Conduct and Conflict Resolution or designee. The Director of Student Conduct and Conflict Resolution will designate a Conduct Committee Advisor for each Hearing.

7. Health Science Conduct Committee (HSCC) may conduct Hearings. HSCCs will resolve alleged violations of the Student Honor Code and violations of the Health Insurance Portability and Accountability (HIPAA) or any other applicable Law concerning patient privacy within the Health Science Center colleges where the alleged violation occurs in a Health Science Center college course and the Accused Student is majoring in a Health Sciences Program. Health Science Conduct Committees are composed of three (3) or five (5) members, with one (1)

member being a Faculty/University Official/Student from a Health Science college. Student Conduct Committees are selected by the Director of Student Conduct and Conflict Resolution or designee, who will determine which cases will be heard by a HSCC. This decision is final. At least one-half (1/2) of the committee must be comprised of Students, regardless of committee size, and the remaining committee comprised of Faculty/University Officials, with at least one (1) Faculty/University Official/Student from a Health Science college. The Director of Student Conduct and Conflict Resolution will designate a Conduct Committee Advisor for each Hearing.

8. Greek Conduct Committee may conduct Hearings. Greek Conduct Committees are convened for the purpose of Hearing cases involving an organization that is a member of the Interfraternity Council (IFC), the Multicultural Greek Council (MGC), the National Pan-Hellenic Council (NPHC), or the Panhellenic Council (PC). Greek Conduct Committees are composed of three (3) or five (5) members and must include the Executive Vice President or President from the council of which the accused chapter is a member, a Student from any of the four (4) councils, and a Faculty/University Official. Any additional committee members must be students. If a conflict of interest exists among the committee membership listed above as determined by the Director of Student Conduct and Conflict Resolution, the Director of Student Conduct and Conflict Resolution or designee will determine the composition of the Greek Conduct Committee. The Director of Student Conduct and Conflict Resolution will designate a Conduct Committee Advisor for each Hearing.

9. Law School Honor Committee may conduct Hearings only as outlined in Regulation 4.041. The Law School Honor System is separate from the resolution procedures outlined herein, and only applies to Student Honor Code violations within the Levin College of Law as outlined in Regulation 4.041.

10. Housing and Residence Life staff members may serve as Student Conduct Administrators, Conduct Committee members, University Officials Board members, and Individual Hearing Officers, as designees of the Dean of Students. Housing and Residence Life will designate these Student Conduct Administrators and Individual Hearing Officers annually.

(b) Reporting.

1. ~~Any person or entity may submit it~~ Information may be submitted in the following ways:

a. Filing a police report with the University of Florida Police Department or by requesting another law enforcement agency police report be sent to the University of Florida Police Department and forwarded to Student Conduct and Conflict Resolution.

b. Providing a written narrative to Student Conduct and Conflict Resolution or the Office of Conduct and Community Standards in Housing and Residence Life Education or providing a written statement through a secure University reporting function.

c. Reporting information directly to the Office of Accessibility and Gender Equity and selecting to have a final report from the Office of Accessibility and Gender Equity sent to Student Conduct and Conflict Resolution for review.

(c) Time Limits.

1. Student Conduct Code:

a. No Student may be Charged with a violation of the Student Conduct Code if the incident was reported to the University more than one (1) year after the alleged violation occurred, absent extenuating circumstances.

b. In extenuating circumstances, the Dean of Students or designee has the sole discretion to extend this time period.

2. Student Honor Code:

a. Reports must be made to Student Conduct and Conflict Resolution before submission of a final grade for the course.

b. In extenuating circumstances, the Dean of Students or designee has sole discretion to extend this time period.

b. (d) Investigation. Investigations may be conducted as needed and within the following guidelines:

1. In any case involving alleged sexual misconduct, relationship violence or stalking, an Investigation may be conducted by the Office of Accessibility and Gender Equity at the direction of the Assistant Vice President for Accessibility and Gender Equity/Title IX Coordinator.

2. The Director of Student Conduct and Conflict Resolution or designee may conduct an Investigation or convene a group of one or more ~~campus partners~~University Officials to conduct an Investigation. Correspondence will be sent to a Student(s)/Student Organization requesting participation in an Investigation Meeting(s). An Investigation may be conducted with others as related to the incident or report.

3. Housing and Residence Life may conduct Investigations for incidents that occur within housing or may conduct other Investigations at the designation of the Director of Student Conduct and Conflict Resolution. Correspondence will be sent to a Student requesting participation in an Investigation Meeting(s). An Investigation may be conducted with others as related to the incident or report.

4. The Director of Student Conduct and Conflict Resolution or designee may request the University of Florida Police Department conduct an Investigation of a Student Organization.

~~(d)~~(e) Charging. After reviewing the information reported and/or gathered during an Investigation, the Director of Student Conduct and Conflict Resolution or designee will

determine if sufficient information exists for a reasonable Hearing Body to conclude a violation(s) of the Student Honor Code or Student Conduct Code was committed by the accused Student, using the preponderance of the information standard. If sufficient information exists, then Charges may be issued.

The Director of Student Conduct and Conflict Resolution or designee may convene, at their discretion, a committee, including, but not limited to the Incident Review Committee, for evaluation of the information before making a charging decision related to allegations involving Student Organizations.

Nothing in this Regulation prevents the disposition of an allegation through educational meeting, Collaborative Resolution, Conflict Resolution, or by Mutual Agreement. Such disposition, if utilized, must be consistent with all Laws. Such disposition is at the discretion of the Director of Student Conduct and Conflict Resolution or designee and is final.

If an allegation is not handled through other appropriate channels, is not dismissed, or is not resolved informally as described above, then the Director of Student Conduct and Conflict Resolution or designee may issue a Notice of Charges to the Accused Student(s) through Correspondence.

~~(e)(f)~~ Notice.

1. Written notice sent in Correspondence to a Student will include: Notice of Charges. Notice of Charges will be sent via Correspondence and will include specific Student Conduct Code or Student Honor Code Charges; brief description of the allegation; where to review the Student Rights; and an invitation to attend an Information Meeting. A Student issued a Notice of Charges for an alleged Student Honor Code violation will not be permitted to drop or

withdraw from the course at issue and will have a temporary grade of “Incomplete/No Grade” issued until the final resolution of the case.

- a. A Student issued a Notice of Charges for alleged violations of both the Student Conduct Code and Student Honor Code will have one resolution process; the available resolution processes will be determined by the Director of Student Conduct and Conflict Resolution or designee.
- b. A Student issued a Notice of Charges after the last day of classes for any Semester will be required to have an Information Meeting by the end of their next enrolled Semester. A Student may request to have this meeting occur earlier. The Information Meeting will be scheduled at the discretion of the Director of Student Conduct and Conflict Resolution or designee.
- c. A Student issued a Notice of Charges who does not attend the Information Meeting or respond in a timely manner to correspondence from University Officials will not delay resolution of the alleged incident. The University may move forward with the Student Conduct Process in the absence of the Accused Student, including but not limited to, selecting a relevant Hearing Body and scheduling a Hearing, or placing a Service Indicator.

2. Notice of Hearing. The Office of Student Conduct and Conflict Resolution will use reasonable efforts to provide the Notice of Hearing seven (7) Class Days before the scheduled Hearing, absent emergency circumstances as determined by the Director of Student Conduct and Conflict Resolution or waiver by an Accused Student on forms provided by the Office of Student Conduct and Conflict Resolution. This notice will include finalized Student Conduct Code or Student Honor Code Charges, a brief description of the allegation, where to

review the Student Rights, and the date, time and location for a Hearing. Hearings will be scheduled at the convenience of the Hearing Body.

~~(f)~~(g) Resolution Processes.

1. Student Honor Code.

a. Information meeting. This is an individual meeting between a Student and a Student Conduct Administrator after a Notice of Charges has been sent. The meeting consists of reviewing a Student's rights in the Student Conduct Process, reviewing the Charges, and affording the Student the opportunity to choose "Responsible" or "Not Responsible" to the Charges, ~~and "Agree" or "Do Not Agree" to the Sanctions proposed by the Faculty member. These decisions,~~ which will determine the next course of action in the Student Conduct Process; resolution choices will be made during the Information Meeting. Charges may be adjusted or withdrawn by a Student Conduct Administrator during this meeting, prior to a Student selecting "Responsible" or "Not Responsible."

b. Administrative Review. If an individual Student has accepted responsibility for the Charges and the potential outcome would not be Separation, then a Student may be offered the option of an administrative review with a Student Conduct Administrator. This meeting is educational in nature, allows the Student to share their perspective of the incident, discuss circumstances of the case, as well as engage in an educational dialogue to provide support and resources for the student to reengage in the academic community. This meeting informs the Student Conduct Administrator's sanctioning decision, which will be communicated in Correspondence. Witnesses are not called, but a Student Conduct Administrator may seek additional information as needed.

c. Restorative Dialogue. If an individual Student has accepted responsibility for the Charges and the potential outcome would not be Separation, then a Student may be offered the option of a restorative dialogue with a Student Conduct Administrator, the

faculty member, and relevant academic community representative(s). This meeting is restorative practices based and aims to effectively and productively engage in authentic communication, discuss academic community impacts, learning goals, harm repair, and discuss desired outcomes of each engaged participant. This informs the final outcome which is discussed and communicated in Correspondence following the dialogue. All participants must willingly volunteer for this option to be offered.

a. ~~Restorative Dialogue. If an individual Student has accepted responsibility for the Charges and the potential outcome would not be Separation, then a Student may be offered the option of a restorative dialogue with a Student Conduct Administrator, the faculty member, and relevant academic community representative(s). This meeting is restorative practices based and aims to effectively and productively engage in authentic communication, discuss academic community impacts, learning goals, harm repair, and discuss desired outcomes of each engaged participant. This informs the final outcome which is discussed and communicated in Correspondence following the dialogue. All participants must willingly volunteer for this option to be offered.~~

b.d. Hearing.

1) ~~If an Accused Student chooses “Not Responsible” to Charges or “Do Not Agree” with proposed Sanctions on a first time Student Honor Code allegation, a Hearing is required. If the allegation is a second Student Honor Code violation, the case must be resolved by Hearing, even if the Student is willing to accept responsibility for the Charges and accept the proposed Sanctions. If an Accused Student chooses “Not Responsible” to Charges, or regardless of accepting or denying responsibility for Charges, if Separation is a potential outcome, a Hearing~~

4) is required. The Director of Student Conduct and Conflict Resolution or designee determines whether a case could result in The Separation. The Faculty member involved has the ability to view the case file prior to the hearing and may choose to participate in either the entirety of the Hearing or in a portion of the Hearing as a Witness.

2) Student Honor Code allegations being resolved by a Hearing:

a) Cases that will not result in Separation will be heard by one of the following, as selected by the Student:

- i) An Individual Honor Hearing Officer Hearing, or
- ii) A Student Conduct Committee/Health Science Conduct Committee Hearing

b) Cases that may result in Separation, will be heard by one of the following, as selected by the Accused Student:

i) A University Officials Board, or

b)ii) ~~Cases that could result in Separation will be heard by a~~ Student Conduct Committee/Health Science Conduct Committee Hearing.

2. Student Conduct Code.

a. Information meeting.

1) This is an individual meeting between an Accused Student and a Student Conduct Administrator after a Notice of Charges has been sent. The meeting consists of reviewing a Student's rights in the Student Conduct Process, reviewing the Charges, potential outcomes (including possible Sanctions), and affords the Student the opportunity to choose "Responsible" or "Not Responsible" to the Charges, which determines the next course of action in the Student Conduct Process. Charges may be adjusted or withdrawn by a Student Conduct Administrator during this meeting, prior to a Student selecting "Responsible" or "Not Responsible."

~~1)~~

2) A Reporting Person may be invited to an individual Intake Meeting with a Student Conduct Administrator. This meeting may consist of reviewing a Student's rights in the Student Conduct Process, reviewing the Charges, potential outcomes (including possible Sanctions), and any forms of resolution available.

b. Administrative review/Collaborative Resolution.

1) If an individual Student has accepted responsibility for the Charges and the potential outcome would not be Separation, then a Student may be offered the option of an

administrative review with a Student Conduct Administrator. This meeting is educational in

nature, allows the Student to share their perspective of the incident, discuss circumstances of the case, as well as educating the Student on ways to repair any harm and return to good standing in the University Community. This meeting informs the Student Conduct Administrator's sanctioning decision, which will be communicated in Correspondence. Witnesses are not called, but a Student Conduct Administrator may seek additional information as needed.

2) Restorative Dialogue. If an individual Student has accepted responsibility for the Charges and the potential outcome would not be Separation, then a Student may be offered the option of an restorative dialogue with a Student Conduct Administrator, impacted persons, and relevant community representative(s). This meeting is restorative practices based and aims to effectively and productively engage in authentic communication, discuss community impacts, learning goals, harm repair, and discuss desired outcomes of each engaged participant. This informs the final outcome which is discussed and communicated in Correspondence following the dialogue. All participants must willingly volunteer for this option to be offered.

2)3) For Student Organizations, Collaborative Resolution may be offered if a Student Organization has accepted responsibility for the alleged behavior and the potential outcome would not result in the organization's Separation from the Institution. Additionally, to be eligible, at least two full academic Semesters must have concluded, since the end of a Semester where a Collaborative Resolution was issued.

a)a. This meeting is educational in nature and is a way of supporting an organization's internal accountability, collaboration between multiple vested entities, and shared responsibility for the success of our University Community.

b)b. Organizations participating in Collaborative Resolution will be asked to complete a full internal Investigation, provide documentation showcasing action steps that have been taken to respond to the incident, and the plans the organization has to implement longer term education to avoid similar incidents in the future, which will be provided to the Student Conduct Administrator.

e)c. This information informs the Student Conduct Administrator's issued outcomes and potential Sanctions which will be communicated in Correspondence.

c. Hearings.

- 1) If an Accused Student chooses “Not Responsible” to Charges, or regardless of accepting or denying responsibility for Charges, if Separation is a potential outcome, a Hearing

is required. The Director of Student Conduct and Conflict Resolution or designee determines whether a case could result in Separation.

a) Cases that will not result in Separation, will be heard by one of the following, as selected by the Accused Student:

- i. An Individual Hearing Officer Hearing, or
- ii. A Student Conduct Committee Hearing

b) Cases that may result in Separation, will be heard by one of the following, as selected by the Accused Student:

- i. A University Officials Board, or
- ii. A Student Conduct Committee Hearing

c) Cases originating from one of the four Greek councils (IFC, MGC, NPHC, PC): If the organization is not eligible, as defined above, for a Collaborative Resolution, the case will be resolved through the Greek Conduct Committee.

(h) Hearing Guidelines.

1. All Hearings will be decided by a majority vote, using the Preponderance of the Information standard.

2. The Accused Student has the right to a presumption that no violation occurred. The University, not the Accused Student, has the burden of proof in a Student Conduct Process. The burden of proof is the Preponderance of the Information. The Hearing Body will evaluate the weight given to information and the credibility of Witnesses.

3. The formal rules of evidence governing criminal and civil litigation are not applied in Student Conduct Code and Student Honor Code proceedings.

4. The facts of the case will be determined during deliberation after the close of the Hearing, by the Hearing Body. The decision of responsible or not responsible on the Charges will be based solely on the information presented at a Hearing.

5. Pertinent records, reports, exhibits and/or written statements may be accepted as information for consideration in the disciplinary proceeding. Any records, reports, exhibits and/or written statements will be reviewed for relevance by the Conduct Committee Advisor and outlined in section (5) Student Rights. Any of the above information that was preliminarily excluded as not relevant by the Conduct Committee Advisor may be resubmitted for consideration through an appeal as outlined in section (5) Student Rights. The Conduct Committee will consider all relevant information during the Hearing.

6. Hearings will be audio recorded. This is the only Recording allowed and is the sole property of the University. Recording failures will not require a delay or affect the validity of a Hearing. In the instance of a recording failure, the Conduct Committee Advisor may provide a written summary of the Hearing to the Appeal Authority upon their request.

7. Only relevant past behavior of a Student will be allowed at the Hearing.

8. In instances of alleged sexual misconduct, past sexual history of the Reporting Person and Accused Student is not allowed, unless deemed relevant by the Conduct Committee Advisor or through an appeal as outlined in section (5) Student Rights.

9. An Accused Student and Reporting Person will have the opportunity to present relevant information.

10. Witnesses.

a. In addition to Witnesses invited by the University, if any, Reporting Persons and Accused Students participating in the Hearing may arrange for Witnesses to voluntarily present

relevant information during the Hearing. The Chair of the Conduct Committee will facilitate the questioning of Witnesses. Witnesses at Hearings will not be sworn in. Each Witness will be told that they are required to tell the truth. A Student giving untrue testimony at a Hearing may be subject to Student conduct Charges. Questions will be reviewed and may be disallowed by the Hearing Body, or Conduct Committee Advisor preliminarily, if deemed not relevant.

b. Failure of a Witness to participate in a Hearing, does not invalidate the Hearing. The inability of the Accused Student or Reporting Person to question a Witness who has provided only a written statement, is not a violation of rights under this Regulation when, during the hearing, both the Accused Student and the Reporting Person have the opportunity to ~~hear~~ review and respond to written statements ~~read-aloud~~ and may offer information to rebut Witness statements and other information presented at the Hearing. During the Hearing, all Witness statements considered by the Hearing Body will ~~be read into the~~ be available in the written record and the Reporting Person and Accused Student will have an opportunity to respond.

(c) Faculty may choose to participate throughout the entirety of the Honor Code Hearing of a case they reported, or may choose to participate as a Witness during a portion of the Honor Code Hearing. Failure of a Faculty to participate in a Hearing does not invalidate the Hearing. The inability of the Accused Student to question a Faculty who has provided only a written statement, is not a violation of rights under this Regulation when, during the hearing, the Accused Student has the opportunity to review and respond to written statements and may offer information to rebut Faculty statements and other information presented at the Hearing. During the Hearing, all Faculty statements considered by the Hearing Body will be available in the written record and the Accused Student will have an opportunity to respond.

~~11.~~ 11. A Student or Witness may choose not to answer any and all questions posed by a Hearing Body.

12. An Accused Student or Reporting Person may submit a challenge to the impartiality of an Individual Hearing Officer or Individual Honor Hearing Officer, in writing with the basis of the challenge, to the Dean of Students or designee within three (3) Class Days of notification. If a challenge is not received within the allotted three (3) Class Days, the assigned Individual Hearing Officer or Individual Honor Hearing Officer will remain as scheduled. Decisions on challenges by the Dean of Students or designee are final and not subject to appeal.

13. All Hearings will be conducted in private. Hearing Bodies in training, or other University employees may be permitted to observe a Hearing at the discretion of the Director of Student Conduct and Conflict Resolution or designee.

14. The following is a guide to the format of a Hearing. The Hearing Body may question the Reporting Person, Accused Student and Witnesses directly. This format may be altered at the discretion of the Hearing Body or the Conduct Committee Advisor.

a.c. Review Hearing procedures.

b.d. Review of the Charges.

e.e. Introductory statement(s) of Accused Student and Reporting Person as applicable.

d.f. Presentation of information by and questioning of Witnesses.

e.g. Presentation of information by the Reporting Person and questioning of the Reporting Person (as applicable).

f.h. Presentation of information by the Accused Student and questioning of the Accused Student.

g.i. Closing statements.

h.j. Deliberation (not recorded).

i.k. The Hearing Body may, at their discretion, share verbally to the Accused Student(s), Reporting Person, or Faculty member its recommendations or findings as applicable. Recommendations and final outcome are shared in writing as outlined in section 5.

15. Prior records of Student conduct action and impact statements are considered by the Hearing Body only in the Sanctioning phase of deliberations and will not be shared prior to or used in determining responsibility.

16. In cases involving multiple Students Charged, information provided at one Hearing may be used in the related case(s), so long as all other procedural requirements contained within this Regulation are satisfied.

(i) Hearing Decisions.

1. Individual Hearing Officers and Individual Honor Hearing Officers make a decision on responsibility for each Student Conduct or Honor Code Charge as well as determine Sanctions as applicable. The outcome of an Individual Hearing Officer Hearing will be communicated in writing, through Correspondence, to the Accused Student and the Reporting Person as applicable, within a reasonable period of time and will include applicable appeal information.

2. ~~Individual Honor Hearing Officers,~~ University Officials Boards, and Conduct Committees make a recommendation of “responsible” or “not responsible” for each separate Charge and recommend Sanctions as applicable to the Dean of Students or designee.

a. The Dean of Students or designee will review the recommendations of the applicable Hearing Body and make a decision as to the Charges(s) in question which may consist of adopting or rejecting the recommendation of “responsible” or “not responsible”, remanding the matter for rehearing to a new Hearing Body, or reconvening the same Hearing Body with directions for additional fact finding.

b. The Dean of Students or designee will review the recommended Sanctions, as applicable, and will then make a decision which may consist of adopting, modifying or rejecting the recommended Sanctions of the Hearing Body.

c. Any differences between the recommendation arising out of the Hearing Body and the Dean of Students or designee’s decision will be communicated in the outcome with rationale.

d. The outcome of a Hearing will be communicated in writing, through Correspondence, to the Accused Student and the Reporting Person or Faculty Member, as applicable, within a reasonable period of time and will include applicable appeal information for the Accused Student and Reporting Person.

(7) Sanctions. Students/Student Organizations found responsible for violating the Student Honor Code or the Student Conduct Code will be subject to Sanctions appropriate for the violation(s), with consideration of any mitigating circumstances; including but not limited to the Student's/Student Organization's previous conduct record. Sanctions include any combination of the following outcomes dependent on the violation itself:

For a violation(s) of the Student Honor Code, a Student/Student Organization ~~will~~may receive one or more of the following academic Sanctions, in addition to any appropriate status and educational Sanctions. For a violation(s) of the Student Conduct Code, a Student/Student Organization ~~will~~may receive one or more of the following appropriate status and educational Sanctions:

(a) Academic Sanctions~~ss~~: outcomes that impact official University of Florida ~~assignment, course, program, or other~~ grades where violation(s) under the Student Honor Code have occurred.

1. ~~Assignment grade penalty with resubmission: Grade Adjustment: A point/grade reduction on the assignment/assessment in question, and with the permission of the Faculty member, an opportunity to resubmit the assignment/assessment with the addition of the implemented point/grade reduction. The Faculty for the course will release an adjusted grade once notified of final resolution of the case by Student Conduct and Conflict Resolution.~~

~~Assignment grade penalty~~Drop Restriction: The student will be restricted from dropping or withdrawing from the course for any reason.
~~A point/grade reduction on the assignment/assessment in question.~~

~~2. — Course grade penalty with drop: A point/grade reduction for the entire course. However, the Student will be permitted to drop or withdraw the course with approval from the Director of Student Conduct and Conflict Resolution or designee. Requests for drop consideration must be submitted in writing with rationale to the Director of Student Conduct and Conflict Resolution or designee, where the final approval rests and is not eligible for independent appeal outside of the formal conduct appeal process.~~

~~3. — Course grade penalty without drop: A point/grade reduction for the entire course. There will be no ability to drop or withdraw from the course for any reason.~~

(b) Status Sanctions: outcomes that impact a Student's/Student Organization's standing with the University of Florida, including any privileges associated with being a University of Florida Student/Student Organization, which could also include the ability to be a University of Florida Student/Student Organization.

1. Written reprimand: Official notice and recognition that the behavior of a Student/Student Organization has violated the Student Honor Code and/or the Student Conduct Code.

2. Conduct review: An official notice that the Student/Student Organization conduct has violated the Student Honor Code and/or the Student Conduct Code, but is not sufficiently serious to warrant expulsion, suspension or probation. A Student/Student Organization on conduct review shall have their conduct under review for a specified period of time. This Sanction may require regular meetings with an appropriate official to ascertain and evaluate compliance with rules. Additional restrictions or conditions also may be imposed, depending on the nature and seriousness of the misconduct. Students/Student Organizations placed on this Sanction remain in good standing with the University. If there is a finding of responsibility for

subsequent violations of the rules during this period of time, more severe Sanctions may be administered.

3. Probation: A period of time where a Student/Student Organization is deemed not in good standing with the University of Florida. Should the Student/Student Organization be found responsible for any additional violations of University policy or fail to complete any assigned Sanctions by the assigned deadline(s), they will be subject to additional Sanctions; including but not limited to increased status Sanctions. Probation may also include the loss of specific University privileges as deemed appropriate by the Hearing authority. Determination of whether a Student may represent the University as a Student athlete will be made by the University Athletic Association.

4. Loss of University privileges: Loss of University privileges may include but is not limited to: Attendance at athletic functions, holding leadership positions within Student Organizations as defined by Student Activities and Involvement or individual Student Organization by-Laws/constitutions, representing the University in any extracurricular activity or official function, study abroad, unrestricted University facility use, parking privileges, University computer usage, loss of social/philanthropy activities, ability to participate in intramurals, ability to reserve space for meetings/events on-campus, loss of block seating, ineligibility to receive future Institutional funding.

5. Deferred suspension: Deferred suspension from the University of Florida is a period of review where the Student/Student Organization is not in good standing with the University and must demonstrate an ability to comply with University rules, Regulations, and all other stipulated requirements; which includes a loss of University privileges. If, during the period of the deferred suspension, the Student/Student Organization is found responsible for any

6. additional violations of University policy or fails to complete any assigned Sanctions by the assigned deadline(s), the Student/Student Organization may be immediately suspended from the University for a minimum of one Semester and until any outstanding Sanctions are complete.

Determination of whether a Student may represent the University as a Student athlete will be made by the University Athletic Association.

6.7. Suspension: The Student/Student Organization will be separated from the University for a specified period of time and/or until certain conditions are met.

7.8. Expulsion: The Student/Student Organization will be permanently separated from the University and will not have the ability to return as a Student/Student Organization at any point in time.

(c) Educational Sanctions: outcomes that provide a Student/Student Organization with opportunities to repair the harm of their actions and to engage in meaningful developmental experiences that will help the Student/Student Organization in avoiding future violations of University policy.

1. Educational Sanctions may include but are not limited to completion of a seminar, assignment, substance consultation/evaluation, ~~psychological consultation/evaluation~~, restitution and community service.

2. Residence hall transfer or removal: A requirement to transfer residence halls or leave the residence halls for a specified or indefinite period of time.

3. No contact directive: which will prohibit, for a period of time, both (all) parties from communicating directly or indirectly with one another, or through intermediaries.

(8) Withdrawing or Revoking a Degree.

(a) Withdrawing. A degree may be withdrawn after a Student has graduated where a violation of Student Conduct Code or Student Honor Code occurred before graduation in the

following circumstances:

1. The Student had a pending Student Conduct Code or Student Honor Code allegation or charge that was not resolved prior to the Student's graduation.

2. The University becomes aware of an alleged violation of the Student Conduct Code or Student Honor Code that took place before the Student graduated or received a degree from the University.

The Student will receive the degree once the matter is resolved and any Sanctions (where appropriate) are completed unless the Sanction is expulsion, in which case the degree may be revoked.

(b) Revoking. A former Student may have their degree revoked under the provisions above, which include but are not limited to a determination through the Student Honor Code or the Student Conduct Code process that a violation occurred and resulted in expulsion, or upon a finding of research misconduct under Regulation 1.0101.

(9) Appeals. Any decision reached through Administrative Review or Hearing by a Hearing Body, is eligible for appeal. All appeals must be in writing and submitted to the appropriate office within ten (10) Class Days from the date of the decision letter. No person may hear or decide an appeal if they conducted or participated in the disciplinary proceeding being reviewed on appeal.

(a) Administrative Review/Collaborative Resolution Appeals. The basis for filing an appeal arising from an Administrative Review/Collaborative Resolution is limited to the following grounds: The Sanction(s) imposed were not appropriate for the violation, taking into account both prior Student Conduct Code violations and mitigating circumstances.

(b) Administrative Review/Collaborative Resolution Appeal Authorities are as follows:

1. Appeals of decisions originally made by Housing and Residence Life Student Conduct Administrators should be directed to the Director of Student Conduct and Conflict Resolution or designee.

2. Appeals of decisions originally made by ~~Student Conduct and Conflict Resolution~~ all other Student Conduct Administrators-staff should be directed to the Dean of Students or designee.

3. Appeals of decisions originally made by the Dean of Students or designee should be directed to the Vice President of Student Life or designee.

(c) Hearing Appeals. Except as required to explain the basis of new information, appeals are limited to a review of the record of the Hearing and supporting documents. In the instance of a recording failure, the Conduct Committee Advisor may provide a written summary of the Hearing to the Appeal Authority upon their request. The basis for filing an appeal on all other Student conduct proceedings is limited to one or more of the following grounds:

1. The Student's or Student Organization's rights were violated in the Hearing process in a manner which materially affected the outcome of the case.

2. New relevant material or information has been provided that could be sufficient to alter a decision and was unknown by the person making the appeal at the time of the Hearing.

3. The Sanction(s) imposed were not appropriate for the violation, taking into account both prior misconduct and mitigating circumstances.

(d) Hearing Appeal Authorities:

1. Appeals of decisions that did not result in Separation or did not originate from a Sexual Misconduct based allegation will be reviewed by the Vice President of Student Life or designee.

2. Appeals of decisions that resulted in Separation or originated from a Hearing of a Sexual Misconduct based allegation, will be reviewed by an appeal panel designated by the Vice

President of Student Life. Appeal panel members will be selected and trained annually. The Vice President for Student Life will designate an advisor to the appeal panel. Each panel will be comprised as follows:

- a. One (1) Student
- b. Two (2) Faculty or staff members
- (e) Procedure.
 1. If the underlying case involves a Reporting Person and Accused Student, any appeal by one will be shared with the other, and the non-appealing person will be provided an opportunity to submit a written response within a designated period of time.
 2. The decision on an appeal should be made and communicated in Correspondence within a reasonable period of time. The decision of the Appeal Authority is the final decision of the University and no further appeals within the University are allowed.
 3. If the appeal is granted, the Appeal Authority may modify the Sanctions imposed or may remand the case for a rehearing with a new Hearing Body or reconvene the same Hearing Body with direction. The Appeal Authority may overturn a finding of responsible when it determines the University failed to meet its burden of proof. The Appeal Authority must state the rationale in the appeal decision Correspondence.
 4. A Student remains eligible to attend classes and University activities pending the Hearing Body's decision and until any appeal is concluded, except as set forth below:
 - a. In cases where the Vice President of Student Life or designee determines that the health, safety, or welfare of the Student or a member of the University Community is at risk, the Student may be restricted on an interim basis as outlined in this Regulation.

b. In cases where the Sanction(s) determined by the Hearing Body include Separation, the Student's privileges at the University, including the ability to attend classes and engage in University activities may be immediately revoked.

(10) Records. An accurate and complete record of each Student Conduct Code and Student Honor Code case will be made and preserved as outlined below and is subject to the General Records Schedule GS5 for Public Universities and Colleges.

(a) Students subject to Student Conduct Code action may have a Service Indicator placed on their records at the discretion of the Dean of Students, or designee, in certain scenarios including but not limited to the following:

1. A Student was found responsible for a Student Honor Code or Student Conduct Code violation resulting in Separation.

2. A Student was issued a limited activity directive or interim suspension as outlined under Restrictions in this Regulation.

3. A Student has been charged with a violation of this Regulation.

4. A Student failed to appear before a Student Conduct Administrator or Hearing Body after notification of a required meeting.

5. A Student failed to complete required Sanctions by the assigned deadline.

6. A Student had a degree revoked or withdrawn pending final resolution of an allegation(s) and completion of any issued sanctions.

(b) When a Student requests issuance of their transcript to another educational institution, outside agency or person, such transcript will be issued subject to the following guidelines:

1. If the Dean of Students Office has placed a Service Indicator on the transcript of a Student, the Dean of Students or designee will review the record to determine whether the transcript will be issued.

2. If the transcript is issued, the transcript will have an overlay which states that the Student is not in good standing with the University and to contact the Dean of Students Office for additional information.

(c) Records Retention and Release of Records.

1. Student conduct records will be maintained in the Dean of Students Office for a minimum of seven (7) years from the date of the final outcome of the case.

2. Student conduct records may be maintained for longer than seven (7) years if a Student was blocked from enrollment, if a student was separated from the University, if a student has a Service Indicator or a transcript overlay, or where litigation is imminent or ongoing.

3. Upon receipt of a request from a college or university, other than the University of Florida, professional school, graduate program, employer, accrediting body, or other third party for the student conduct records of a Student, after the Student provides any applicable privacy waiver, the Dean of Students or designee will provide information from records only when (1) violations resulted in a sanction of deferred suspension, suspension, or expulsion; (2) a Student has an Interim Restriction in place. In addition, the Dean of Students or designee will release records as required by Law.

4. Accused Students have the right to an accurate and complete record of every Disciplinary Proceeding relating to the charged violation of this Regulation, including any record of appeal, to be made, preserved as outline in this Regulation, and available following final

outcome for copying upon request by the charged Student or Student Organization. Copies of case records requested will be redacted as required by Law.

(11) Interim Restrictions for Students. The Dean of Students or designee determines if restrictions are warranted of a Student's privileges, based upon an assessment of the safety of the University Community. There are three (3) categories of restrictions:

(a) No contact directive -- which will prohibit, for a period of time or indefinitely, both (all) parties from communicating directly or indirectly with one another, or through intermediaries. Criteria includes:

1. A reasonable belief that further contact between two or more persons involved in the alleged interactions could result in perpetuation or escalation of undesirable behavior.

2. When used alone, a reasonable belief that no further restrictions are appropriate for the circumstances.

3. When used in conjunction with a limited access/activity directive or with an interim suspension, a reasonable belief that further restrictions are appropriate for the circumstances.

(To utilize either of the next two levels of response, there must be allegations of conduct that could reasonably cause harm to members of the University Community or property.)

(b) Limited access/activity directive -- which will restrict, for a period of time, one, both, or all parties from being in specific buildings, specific locations, or from participating in specific activities, and/or restricting movement on campus and/or requiring the traveling of specific routes into and from campus locations. This will allow access to classes and instruction and other educational support while limiting when and/or where access is granted. Criteria includes:

1. Allegations of conduct that could reasonably cause harm to members of the University Community or property.
 2. A reasonable belief that further contact between two or more persons involved in the alleged interactions could result in perpetuation or escalation of behavior.
 3. A reasonable belief that a Student's continued unlimited access to campus or campus activities could endanger one or more other person's health, safety, or property and that limited access will ameliorate safety for the University Community.
 4. A reasonable belief that access to classes and instruction and other educational support is within the best interests of the University and the Student.
 5. A reasonable belief that no further restrictions are appropriate for the circumstances.
 6. An opportunity to appeal to the Vice President for Student Life (VPSL) or designee within three (3) Class Days to request modification or nullification.
- (c) Interim suspension – which will prohibit access to campus and may preclude access to classes, instruction, and other educational support. Criteria includes:
1. Allegations of conduct that could reasonably cause harm to members of the University Community or property.
 2. A reasonable belief that a Student's continued access to campus or campus activities could endanger one or more other person's health, safety, or property and that prohibiting access will ameliorate safety for the University Community.
 3. A reasonable belief that further contact between two or more persons involved in the alleged interactions could result in perpetuation or escalation of behavior.

4. A reasonable belief that limited access is not a viable option under the circumstances.
5. A requirement of a Student conduct Hearing as soon as practicable.
6. Recommendation to, and final approval, by the ~~Associate Vice President for Student Life (Assoc. VPSL)~~ Dean of Students or Designee.
7. An opportunity to appeal to the VPSLA or designee within three (3) Class Days to request modification or nullification.
8. If a Student is placed on interim suspension and the Student is subsequently found not responsible for the violation, the University will:
 - a. Correct any record of the change in enrollment status in the Student's permanent records and reports in a manner compliant with Laws and Regulations; and
 - b. Refund to the Student a pro rata portion of any charges for tuition and out-of-state fees, as appropriate, if the interim suspension of the Student's ability to attend classes lasts for more than ten (10) Class Days.
- (d) **Monitoring of Interim Restrictions.** The Dean of Students or designee will monitor any interim restriction placed upon a Student, and if information comes to light during an Investigation or Student Conduct Process that warrants a different interim restriction or the removal of an interim restriction, that action shall be taken as soon as is reasonably possible.
- (12) **Interim Restrictions for Student Organizations.** The Dean of Students or designee determines if interim restrictions are warranted of a Student Organization's privileges, in their sole discretion, based on prior conduct history and the nature of the allegation. Student Organizations subject to interim restrictions will have an opportunity to appeal to the VPSL or

designee within three (3) Class Days to request modification or nullification. There are three (3) categories of restrictions:

(a) No contact directive – which will prohibit, for a period of time or indefinitely, specific parties from communicating directly or indirectly with one another, or through intermediaries.

(b) Limited access/activity directive – which may include a loss of certain privileges and access to certain campus resources and services, for a period of time, including, but not limited to, the use of University space, participation in University programs, activities, events and services, and registration of gatherings and events.

(c) Interim suspension – which will include a loss of all privileges and access to all campus resources and services, for a period of time, including, but not limited, to the use of University space, participation in University programs, activities, events and services, and registration of gatherings and events.

(d) Monitoring of Interim Restrictions. The Dean of Students or designee will monitor any interim restriction placed upon a Student Organization, and if information comes to light during an Investigation or Student Conduct Process that warrants a different interim restriction or the removal of an interim restrictions, that action shall be taken as soon as is reasonably possible.

(13) Conflict Resolution. Consistent with the University's educational mission, formal and informal Conflict Resolution services are available to help Students manage and resolve peer conflicts and alleged Student Conduct Code violations. While not all cases are appropriate for Conflict Resolution, the Director of Student Conduct and Conflict Resolution or designee at their discretion, may refer Students to Conflict Resolution services.

Students may also request Conflict Resolution services if they think their case has the potential to be resolved through this method. Before any incident may be referred to Conflict Resolution services at a Student's request, a Student Conduct Administrator will determine the following: (a) whether all people personally involved in the conflict or allegations agree to Conflict Resolution; (b) whether the Director of Student Conduct and Conflict Resolution or designee has determined that the case is appropriate for Conflict Resolution; and (c) whether the case is likely to resolve through Conflict Resolution. Participation in Conflict Resolution services is voluntary and may not result in resolution. If Conflict Resolution services do result in resolution, that resolution is final and cannot be appealed.

(14) Title IX Sexual Harassment. The University complies with the Department of Education Regulation 34 C.F.R. § 106, Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, as amended and effective August 14, 2020, also known as Title IX, 20 U.S.C. §§1681-1688 (2020). The University will respond to allegations of sexual harassment consistent with Title IX's prohibition against sex discrimination in education programs and activities, as outlined in the University of Florida's Gender Equity Policy. Alleged incidents of Title IX Sexual Harassment will be addressed through the procedures outlined in the University's Gender Equity Policy. Alleged incidents of sexual misconduct that do not meet the conditions of Title IX Sexual Harassment outlined in the University's Gender Equity Policy are subject to the Student Conduct Process outlined in this Regulation.

A committee created by the Vice President for Student Life or designee, which must include Student representatives, will review this Regulation at least every three (3) years.

Authority: BOG Regulation 1.001 and 6.0105

History: New 6-07-18, Amended 8-27-20, 12-4-20, 7-1-21, 12-3-21.



DIVISION OF STUDENT LIFE

UNIVERSITY OF FLORIDA

SUMMARY OF PROPOSED CHANGES TO REGULATION 4.040

Regulation 4.040 is reviewed minimally every three years by a committee designated by the Vice President for Student Life. The group is comprised of faculty, staff, and students.

2023 REGULATION REVIEW PROCESS

- Convened in May 2023 and received charge
- Committee provided code update suggestions in-between meetings in Teams
- Group met monthly to review and discuss update suggestions
- August 2023 – Redlined changes finalized by committee to move forward for approval
- Committee Adjournment scheduled for end of August 2023

2023 REGULATION REVIEW COMMITTEE

- Pamela Malyk: Assistant Dean of Students & Director of SCCR
- Dr. Katie Vogel-Anderson: Clinical Associate Professor, UF College of Pharmacy, Former Chair of the Faculty Senate (2018-2019)
- Dr. Alexandra Bitton-Bailey: Director, Center for Teaching Excellence
- Ronald Anderson: UF Ombuds
- Brande Smith: Senior Counsel, Office of the Vice President and General Counsel
- Ryan Rodriguez: Undergraduate Student & Student Conduct Committee Member
- Robbie Belcher: Undergraduate Student & Student Government Representative
- Aimee Peeples: Associate Director, SCCR
- Jemima Francique: Program Manager, Dean of Students Office

Focus Areas for Updates Beneficial to Faculty

SPEED OF PROCESS

Current Regulation:

- Allows for a student to request a hearing if they do not agree with the proposed academic sanction(s)/grade as well as accept or deny responsibility for the alleged violation of the Honor Code
- All Honor Code hearings regardless of hearing type required a review and final decision by the Dean of Students or their designee
- *Result:* 73 of 206 of Honor Code hearings were for sanctions only, occupying valuable hearing slots

Proposed Regulation Change:

- Honor Code Process will now mirror Student Conduct Process
- Upon receipt of report, information will be assessed for severity and mitigating factors, and potential for separability determined, prior to student being offered resolution options.
- Student would accept or deny responsibility for the alleged violation
- Hearings would only occur if student denied responsibility for the alleged violation, student would not be able to initiate a hearing due to disagreeing with the proposed academic sanction(s)/grade
- Individual Hearing Officers would make direct decisions and issue sanctions, Conduct Committees would continue to make recommendations to the Dean of Students for a final decision.
- Anticipated Result: 64% of current hearings would likely occur

TIME COMMITMENT OF FACULTY

Current Regulation:

- Language is unclear that Faculty have a choice of their length of participation in a hearing. They can choose to sit through the entire hearing or to participate in a small section as a witness
- Honor Code has no process for faculty to be involved in any educational and restorative conversation with an accused student in a non-hearing setting

Proposed Regulation Change:

- Explicit description added of Faculty choice of participation throughout the entire hearing or during a small portion of time giving information as a witness only
- Introduction of restorative practices as a choice for faculty to participate in
 - If a student accepts responsibility for a violation of the Honor Code, the Faculty, student, and a staff member in Student Conduct may opt in to a restorative dialogue to help determine sanctions and provide an educational opportunity for the student to learn about their role in the academic community
- Reduction in hearings to only those where students deny responsibility for violations. This is anticipated to significantly reduce the time spent in hearing processes for faculty

Focus Areas for Updates Beneficial to Faculty

GRADING AUTONOMY

Current Regulation:

- Faculty reporting alleged violations of the Honor Code, submit proposed academic sanction(s)/grade with their report
- Student accepts or denies responsibility for the violation AND agrees or disagrees with academic sanction(s)/grade, a hearing makes the final decision on all sanctions, including the academic sanction/grade
- Result: Diminished control on course grading

Proposed Regulation Change:

- Reporting: Faculty would now propose only if the student should be allowed to drop the course when submitting a report of an alleged violation of the Honor Code
- Sanctions:
 - SCCR Staff would determine educational sanctions based on their knowledge and expertise of campus resources, Faculty no longer bear the burden of determining what educational opportunities to propose.
 - If the student accepts responsibility or is found responsible, the academic sanction will now be listed as "Grade Adjustment", and the faculty member will be notified that the case is resolved and they would release the grade they deem appropriate for the student at that time.
- Result: Increased grading autonomy in the process

ARTIFICIAL INTELLIGENCE

Current Regulation:

- Person specific language in Honor Code violations, such as "student" or "person". Does not capture the lack of human interaction in the use of generative artificial intelligence.

Proposed Regulation Change:

- Creation of the defined term "Entity: This includes but is not limited to generative artificial intelligence, large language models, content generation bots, or other non-human human intelligence or digital tools."
- Entity has been added to the following relevant Honor Code violations:
 - Cheating: 3(a)1, 3(a)5, 3(a)6
 - Plagiarism: 3(e)
 - Submission of Academic Work Purchased or Obtained from an Outside Source: 3(f)
 - Unauthorized Taking or Receipt of Materials or Resources to Gain or Provide an Improper Academic Advantage. (3h)

General Focus Areas for Updates

Proposed Regulation Changes:

- Addition of a violation to address food and drink spiking with mind altering substances
- Change to term “University credential” to reflect UF’s move away from physical ID cards
- Expansion of restorative practices in educational and conflict resolution options
- Correction of formatting in the required Regulation format document, such as consolidation of orphan table boxes, continuity of numbering, page breaks, etc.

PARTNERSHIPS FOR ACADEMIC INTEGRITY

- Recommendations from 2017–18 Academic Integrity Taskforce
 - A standing workgroup on Academic Integrity with leadership from the Provost
 - Result the Provost Important Issues Group (PIIG), Lead by Andy McCollough
- The PIIG explored issues with Honorlock, the need for faculty support, and scholarly research on academic integrity at UF
 - Result – 2 new positions in the Center for Teaching Excellence (CTE) to assist with academic integrity education/support for faculty and artificial intelligence
 - Result – CTE implementation of the (International Center for Academic Integrity) ICAI survey for students and faculty.
- SCCR and CTE have partnered on development of educational modules to support faculty in the Honor Code process. This is currently in development with staff and instructional designers.
- SCCR and CTE have decided to partner on development of a UF specific academic integrity educational series that will be available enterprise-wide in Canvas for students, and cover multiple disciplines and educational levels. Ideation and roadmap development of this tool, which replaces a decade old tool, is slated to begin in the fall.