

6.0105 Student Conduct and Discipline.

(1) In furtherance of the educational mission of the universities, each university board of trustees shall establish a student disciplinary system, including a code of conduct, which shall include, at a minimum:

- (a) A written description of the rights and responsibilities of students, standards of conduct expected by the university, a list of violations, appropriate penalties or sanctions, and procedures for initiating and conducting student disciplinary proceedings.
- (b) Definitions of terms used in the university's code of conduct, such as "student" and "university community."
- (c) A statement that the code of conduct shall govern student behavior both on and off the university's campus.
- (d) A description of the available university hearing or review forum which may consist of a university official or officials or a committee or panel. Where a committee or panel is the hearing forum, students shall make up at least one-half of the membership.
- (e) A written description of the general procedures to be followed in the disciplinary proceeding which shall include a description of each step of the disciplinary process and any assistance that may be available to the student at the university for preparing his or her response to the reported code of conduct violation.
- (f) A written procedure for the disposition of emergency cases that involve the health, safety, or welfare of the student or the university community.
- (g) A provision stating that the burden of proof in a disciplinary proceeding is not on the student subject to the disciplinary proceeding.
- (h) A provision stating that the burden of proof required in disciplinary proceedings shall, at a minimum, be a preponderance of the evidence. This means that the information presented supports the finding that it is more likely than not that the violation occurred.
- (i) A provision setting a time limit for charging a student with a violation of the university's code of conduct, and a description of those circumstances in which that time limit may be waived by university officials.
- (j) A provision requiring an accurate and complete record of each disciplinary proceeding to be made and preserved. Retention of the record is subject to the General Records Schedule GS5 for Universities and Community Colleges.

(2) Each university shall publish, at a minimum on its internet website, the regulations and policies comprising its student disciplinary system, including the code of conduct.

(3) Each university shall comply with 20 U.S.C. s. 1232g, the Family Educational Rights and Privacy Act of 1974, as amended and other requirements of state and federal law relating to the confidentiality of the records and reports of students.

(4) Each university shall incorporate the following minimum requirements in its student disciplinary system:

- (a) The student shall be provided with written notice of the charges against him or her in sufficient detail and in sufficient time to prepare for a hearing or review before the appropriate university official or officials. In no case shall the written notice of charges be provided to the student less than 5 regular business days (excluding legal holidays) prior to the hearing or review, except in cases of emergency as specified below or unless waived by the student. Written notice may be provided by electronic delivery to the student's officially designated university email address.
- (b) The student shall be entitled to a disciplinary hearing or review within timelines established by each university. The student's right to a disciplinary hearing conducted by a committee or panel, may only be waived where
 - (i) permitted by the university, and
 - (ii) requested by the student in writing on forms provided by the university which include an explanation of the effect of the waiver.
- (c) The student may have, at his or her own expense and initiative, an adviser present at the disciplinary hearing or review. It is the student's responsibility to make appropriate arrangements for the adviser to attend the hearing or review which shall not be delayed due to scheduling conflicts of the chosen adviser. The adviser may be present to advise the student but shall not speak for or present the case for the student or otherwise participate directly in the hearing or review.
- (d) The student and his or her adviser, if any, have the right to inspect all of the information that will be presented against the student at least 3 regular business days (excluding legal holidays) before the disciplinary hearing or review. The university also has the right to review any information the student intends to use at least 3 regular business days (excluding legal holidays) before the disciplinary hearing or review.
- (e) The student may present information on his or her own behalf at the disciplinary hearing or review.
- (f) All parties to the disciplinary proceeding may arrange for witnesses to voluntarily present relevant information during the hearing or review. The questioning of witnesses shall be facilitated by the person or body conducting the hearing or review, and each university shall have a

procedure for the questioning of witnesses. Pertinent records, reports, exhibits, and written statements may be accepted as information for consideration by the person or body conducting the hearing or review.

- (g) The student may not be forced to present testimony that is self-incriminating; however, the university is not required to postpone disciplinary proceedings pending the outcome of a criminal prosecution. The university disciplinary proceeding is not a criminal or judicial proceeding and is designed to address student behavior; therefore, alleged violations of the university's code of conduct will be addressed independently of any penalty imposed by the courts for the criminal offense.
- (h) The decision of responsible or not responsible on the charges of violating the university's code of conduct must be based solely on the information presented at the disciplinary hearing or review.
- (i) A student found responsible for a violation of the university's code of conduct shall be subject to sanctions commensurate with the offense with consideration given to any aggravating and mitigating circumstances, including but not limited to the student's conduct record.
- (j) The decisions of any university hearing or review forum must be presented to the student in writing and within a reasonable period of time after the conclusion of the student disciplinary hearing or review, as specifically prescribed by the university's code of conduct.
- (k) If the decision of a university hearing or review forum in a disciplinary proceeding constitutes a recommendation to a university official for official action, the university's code of conduct must specify the actions that the university official may take with respect to adopting, modifying, or rejecting the recommended decision and sanctions, or remanding the matter for a rehearing. Any differences between the recommendation of the university hearing forum and the university official's final decision, and the reasons therefore, must be presented to the student in writing.
- (l) Each university code of conduct shall describe the internal appeals processes. Each university shall have at least one level of internal appeal. No person may hear or decide an appeal if he or she conducted or participated in the disciplinary proceeding being reviewed on appeal.
- (m) A student shall remain eligible to attend classes and university activities pending the university's final decision in the disciplinary proceeding. However, in cases where the president or president's designee determines that the health, safety, or welfare of the student or the university community is involved a student's privileges at the university, including the ability to attend classes or engage in

university activities, may be suspended on an interim basis. If a student's privileges are temporarily revoked as described in this paragraph, but the student is subsequently found not responsible for the violation, the university must:

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

(5) At the conclusion of the appeals process, the decision of the president or the president's designee shall be final. At a minimum, final appellate decisions resulting in a suspension or expulsion of a student must include notice to the student of the student's right to appeal to an external judicial forum.

(6) A student may be subject to discipline for his or her conduct that violates the university code of conduct, even where that conduct occurs off-campus. The action of the university with respect to off-campus conduct shall be taken independently of any off-campus authority.

(7) Each university's code of conduct shall include a description of the rights of alleged victims in the student disciplinary system. The university shall provide notice to the victim of his or her rights at least 5 regular business days (excluding legal holidays) before the disciplinary hearing or review is conducted. Each university is encouraged to provide support and assistance programs for victims, as appropriate.

(8) Each university shall establish a committee, which shall include student representation, for the periodic evaluation of its student disciplinary system.

Authority: Section 7(d), Art. IX, Fla. Const., History--Formerly 6C-6.105, New 2-18-85, Amended 4-29-01, Amended and Renumbered 6-18-09