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Student code of conduct handbook : 2006-2007

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UNIVERSITY OF
SOUTH FLORIDA

ST. PETERSBURG

Student Code of Conduct

2006 - 2007

Student Judicial Affairs

Office of the Director of Student Services

Division of Student Affairs

Additional information also available on-line at: www.stpt.usf.edu/saffairs/studenterv

Student Code of Conduct

Students are responsible for compliance with all public laws as well as university rules and regulations. Students accused of a crime may be prosecuted under the appropriate jurisdiction and also disciplined under the Student Code of Conduct. The University may pursue disciplinary action even if criminal justice authorities choose not to prosecute, and it may also act independently of the criminal judicial process.

Any member of the University of South Florida St. Petersburg community may file charges against a student for an alleged violation of the Student Code of Conduct. Such charges should be filed in writing with the Office of Student Judicial Affairs. Student Judicial Services also reserves the right to initiate or follow-up any investigative leads where there is reasonable belief of possible violations of the Student Code of Conduct.

Jurisdiction of the University

University jurisdiction and discipline extends to conduct which occurs on University premises or which adversely affects the University community and/or the pursuit of its mission. Specifically, University officials may initiate disciplinary charges for conduct off campus when the behavior relates to the good name of the University, the integrity of the educational process, or the safety and welfare of the University community, either in its public personality or in respect to individuals within it. A student, registered organization or a person who has submitted an application for admission, housing, or any other service provided by the University which requires student status will be subject to the Student Code of Conduct for any action found in violation of the Code which occurs on University property, at University-sponsored events, or off campus under the conditions described previously.

- I. **Offenses** -The commission, aiding, abetting, attempting, or inciting of any of the following actions constitutes an offense for which a student or a student organization may be subject to the student judicial process.
 - (1) **Theft** - The unauthorized taking, misappropriation or possession of any real, personal, or intellectual property or services (“services” includes but is not limited to unauthorized copying of software and acts considered to be in violation of copyright laws) provided, owned, or maintained by the University or by any person.
 - (2) **Misuse of Property and Materials:**
 - a. **Misuse of Property** – Destruction, damage, misuse, or defacing of, or unauthorized entry into or otherwise accessing university buildings or property, private property and personal property, on the campus of the University.
 - b. **Misuse of Materials** - Unauthorized accessing, removing, duplicating, photographing, and/or forging, counterfeiting, altering or misusing of any university material, file document or record, computer records, software, data files and similar entities owned or maintained by any member of the faculty, administration, staff, or student body.
 - (3) **Weapons, Firearms, or Explosive Devices** - The unauthorized possession, use or sale of any weapon, firearm, or any incendiary, explosive or destructive device, including fireworks.
 - (4) **Harassment** - Conduct which creates an unsafe, intimidating or hazardous situation that interferes with the ability of a University student or employee to study, work, or carry out University functions.
 - (5) **Stalking** - To follow another person or repeatedly interact with a person so as to harass that person.

- (6) **Hazing** - Hazing means any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or admission into an affiliation with an organization.
- (7) **Disorderly Conduct** - Breach of peace, such as causing a disturbance or being unruly.
- (8) **Disruptive Conduct** - Actions that impair, interfere with or obstruct the orderly conduct, processes and functions of the University. Disruptive conduct shall include, but not be limited to, the following:
- a. Interference with freedom of movement or with the right to address an audience of any member or guest of the university; or
 - b. Impeding or interference with the rights of others to enter, use or leave any university facility, service or scheduled activity, or carry out their normal functions or duties;
 - c. Interference with academic freedom and freedom of speech of any member or guest at the University.
 - d. Actions that disrupt, endanger, or disturb the normal functions of the University or the safety of a person or persons.
- (9) **False Alarm** - Intentional misuse or disabling of any fire alarm or fire fighting or safety equipment or falsely issuing a bomb threat or other warning of impending disaster.
- (10) **Threats of Violence** - An intentional threat by word or act to do violence to a person or persons.
- (11) **Injurious Behavior** - When one person actually and intentionally touches or strikes a person or persons against his/her will, or intentionally causes bodily harm. Reckless injurious behavior is conduct that may be unintentional but is with conscious disregard for its consequences to people or property and results in actual or potential damage, injury, or harm to a person or persons.
- (12) **Sexual Battery/Rape** - Sexual battery is the Oral, anal or vaginal penetration by or union with a sexual organ of another or anal/vaginal penetration by another object. The act is performed against the victim's will or without her/his consent. An individual who is mentally incapacitated, asleep or physically helpless or unconscious due to alcohol or other drug consumption is considered unable to give consent. The same definition applies regardless of whether the assailant is a stranger or an acquaintance or a group of individuals. The type of force employed may involve physical violence, coercion or threat of harm to the victim. Date or acquaintance rape is the sexual battery of an individual by someone the victim knows. Group or gang rape is the sexual battery of an individual by multiple perpetrators.
- (13) **Sexual Misconduct**, including sexual harassment and public indecency and voyeurism.
- (14) **Use or Possession of Illegal Drugs** - Possession, use, sale or attempt to obtain any illegal drug. The term "drugs" includes any narcotic drug, central nervous system stimulant, hallucinogenic drug, barbiturate, or any other substance treated as such and defined by the law. Further, the unauthorized possession or use of a regulated or controlled substance, including prescription drugs, is a violation.
- (15) **Gambling** - Conducting or organizing any form of gambling.
- (16) **Violation of USF Alcohol Policy** - The University of South Florida Alcoholic Beverages Policy establishes guidelines for the sale, service, and consumption of alcoholic beverages on the campus in compliance with applicable Federal and State laws, municipal ordinances, and

its concern for the health and safety of the campus community. It establishes time, place, and manner for the use of alcohol, and students should be familiar with it. Violations of that policy will be treated as Code of Conduct violations.

Specific Code of Conduct standards related to Florida State law include the sale of, or intent to sell alcohol without a proper license; providing alcohol to any person who is not of legal age to possess or consume alcohol; and possession or consumption of alcohol by persons not of legal age. Further, the operation of a motor vehicle by a person under the age of 21 while having a blood alcohol level of .02 or higher is a violation of the Code of Conduct. Also, operating a motor vehicle, by an individual of any age, under the influence of alcohol or drugs is a violation of the Code of Conduct.

Local ordinances that relate to alcohol consumption and violations of which are Code of Conduct violations include the prohibition of alcohol consumption on streets or conducting a house party in which minors may possess or consume alcohol.

Students are encouraged to read the USF Alcohol Policy, so they can be familiar with the expectations of the University on this regard.

- (17) **False Information** - Knowingly making a material false oral or written statement to any University official, which means any representative of a University direct service organization, university board, committee, office or member of the University faculty, administration, staff, student staff, or student body.
- (18) **Bribery** – Offering or accepting a bribe or inducement which would impinge upon or compromise the integrity of academic work product, student performance, or the unbiased and professional duty of faculty and staff of the University.
- (19) **Failure to Respond to Instructions** - Failure to comply with authorized official requests (oral or in writing) from or agreements with University officials, as previously defined [(17), above], acting in accordance with their assigned duties.
- (20) **Violation of policies published by the University and intended to maintain order, protect the University community and safeguard property.** Such policies include, but are not limited to: policies of the Residence Halls, of the Library, those governing the use of technology and information systems, and those regarding the Student Identification Card. Other policies that fall under the Code of Conduct are related to building and classroom use, to dining services, to Recreational Sports, and to any rule of the Board of Trustees, or any local, state, or federal law or ordinance.
- (21) **Violation of Probation** - failure to abide by the conditions of probation.

II. **Student Judicial Process and Proceedings:** This section is divided into four subsections as follows:

(a) Receipt of Referral, (b) Initial Review, (c) Formal Hearing, (d) Appeal Rights.

(a) **Receipt of Referral:**

- 1. A Referral should be made to the Office of Student Judicial Affairs (727-873-4162, BAY 111) within a reasonable time following the discovery of the violation and in no event later than six months after the discovery, except in extraordinary cases. A Referral may be initiated by a student, faculty member, University Police personnel, staff member, office personnel or interested party to the University.
- 2. The Director of Student Services or his/her designee acts as the Student Judicial Officer. The Regional Vice Chancellor for Student Affairs may appoint faculty/staff

members to serve as alternate judicial officers in appropriate cases and maintain a list of individuals for this purpose.

3. **Provisional Suspension:** The Regional Chancellor of the University or Student Judicial Officer will have the authority to suspend a student from the University or from participating in official University functions, programs, intercollegiate competitions, and other student activities. This will occur if, in the judgment of the Student Judicial Officer or the Regional Chancellor, the student's continued presence or use of privilege at the University pending outcome of the proceedings is likely to cause harm to members of the University community. Any provisional judgment will be based on evidence gathered in the Referral or Initial Review of an investigation of student misconduct. Students issued a Provisional Suspension from the University will be provided a Hearing with the Student Judicial Officer.
 4. **Request for Additional/Prior Incident Reports:** The Student Judicial Officer may request information concerning prior misconduct of the student from the University Police and other appropriate persons or offices.
- (b) **Initial Review:** The Student Judicial Officer as designated above will begin an Initial Review of the complaint and will normally request, within six class days of the Receipt of Referral, a meeting with the subject student(s) to determine whether relevant evidence exists and if there is a reasonable basis for believing the University's Student Code of Conduct was violated.

If the subject student(s) do not respond or appear for a meeting, an In Absentia review will be conducted by the Judicial Officer and a determination and appropriate sanction levied. Notice will be provided to the absent student(s) and all appeal rights will be explained.

If the subject student(s) appears, an Initial Review will be made by the Judicial Officer. The Judicial Officer will conclude the review within six weeks of Receipt of the Referral, unless an extension is necessary as determined and documented by the Judicial Officer.

At the conclusion of the Initial Review, the Judicial Officer will issue a Determination Letter which will indicate either that the Referral has been dismissed or that the Referral has been accepted and a disposition of the matter required. All Referrals will be documented and the result of the Initial Review kept for reference. The Determination Letter will include the determination, the details of the referral and the violations alleged, and explain the alternative dispositions that may be available, which will be one or more of the following:

1. **Acceptance of Responsibility:** The charged student will have the option to admit responsibility and agree to the imposition of sanctions.
 2. **Formal Hearing:** There are two choices of forum for the Formal Hearing: (a) a hearing before an administration officer or (b) a hearing before a University Judicial Board. This choice must be made and submitted in writing within 10 class days of the date of the Determination letter.
- (c) **Formal Hearing:** If the charged student elects to have a Formal Hearing, he/she must do so, designating the choice of forum as either a hearing before an Administrative Officer or University Judicial Review Board, by notifying the Judicial Officer in writing within 10 class days from the date of the Determination Letter. Upon notice to the Judicial Officer of the election of the Formal Hearing, the charged student shall be provided information about the charges or pertinent information that has been provided to the

Judicial Officer that may be needed to prepare for the hearing. Such information shall be provided no less than three days before the hearing, except in cases of emergency. The Formal Hearing will take place no more than six weeks from the date of the Determination Letter except in special circumstances which will be identified by the Student Judicial Officer. The procedure will then depend upon the choice of Full Hearing forum chosen by the charged student as follows:

1. **Hearings before an Administrative Officer** - If the student chooses a hearing before an Administrative Officer, such hearing will be conducted by an individual appointed by the Regional Vice Chancellor for Student Affairs. The charged student shall be notified of the person appointed to hear his/her case and shall have the opportunity to challenge the impartiality of that individual within three working days of notification. An Administrative Officer so challenged will be excused; however, indiscriminate challenges are not permitted.
 2. **University Judicial Board** - A student who chooses a hearing before a University Judicial Board will be heard by a panel composed of two faculty/staff members, one of whom shall be appointed chairperson, and two students. The panel members will be selected from a bank of faculty/staff and students. The charged student shall be notified of the persons selected to hear his/her case and shall have the right to challenge the impartiality of any panel member within three working days of notification. A panel member challenged for impartiality may be excused; however, indiscriminate impartiality challenges shall entitle the panel to proceed without regard to the challenge. Any board member not present for the presentation of testimony at the hearing may not further participate. A quorum for the hearing shall consist of a simple majority of the panel. However, the charged student has the right to choose to proceed or to request that the hearing be rescheduled if the judicial board present does not consist of 50% faculty/staff and 50% students. After the hearing, the board will reach its decision in executive session. A simple majority of the quorum is required for decision.
- (d) **Appeal Rights – Hearing on Appeal** - The charged student may appeal in writing the decision of the University Judicial Board or Administrative Officer within five class days of the date of the letter describing the decision. The appeal is written to the Regional Vice Chancellor for Student Affairs. The Regional Vice Chancellor for Student Affairs may impose the sanction recommended at the hearing or any other sanction. The record of the initial hearing may be considered on appeal as well as any new information that comes to the attention of the Regional Vice Chancellor for Student Affairs. The Regional Vice Chancellor for Student Affairs is authorized to contact any participants in the initial hearing for clarification and the student is entitled access to the record when appealing. The decision of the Regional Vice Chancellor for Student Affairs will be rendered within ten class days of receipt of the appeal except in extraordinary cases as determined by the Regional Vice Chancellor for Student Affairs and is the final decision of the University of South Florida St. Petersburg.

III. **General Principles Applicable to Initial Review, Hearings, and Appeals** (unless otherwise specified)

- (a) All proceedings will be closed to spectators. No irrelevant information should be discussed or considered in the proceeding.
- (b) Due Process Rights of Charged Student.
 1. **Provision of Proof** - The provision of proof shall be the duty of the complainant. The level of proof for a decision shall be "substantial evidence," that is, whether it is reasonable to conclude from the evidence submitted that the student did commit

the violation(s) for which he or she has been charged, and shall not be the strict criminal law standard of proof beyond a reasonable doubt.

2. **Record** - All proceedings shall be recorded in writing. All proceedings may be tape recorded at the discretion of the presiding official or at the request of the student. A student and his/her advisor may not record any proceeding but may request a copy of the tape recording if available.
 3. **Review of Evidence** - The student may review the evidence that will be presented against him/her. No evidence shall be presented at a Hearing or Appeal when the student is not present to hear it if the student is otherwise in attendance at the proceeding.
 4. **Present Evidence** - The student may present evidence on his/her own behalf.
 5. **Question Witnesses** - The student may hear adverse witnesses, except in the certain cases of violent misconduct. In all instances, the student may submit questions to the hearing officer for use in questioning adverse witnesses.
 6. **Response to Evidence** - The student shall not be forced to present testimony or respond to particular questions.
 7. **Advisor** - The student may have an advisor of his/her choice present, however, University employees who have a potential conflict of interest are not to serve. The advisor may speak with the charged student but may not speak for the charged student, act as attorney, nor otherwise participate.
 8. **Decision Based on Evidence** - The decision shall be based solely on the evidence presented, including any file referencing prior misconduct or meetings with the charged student in the custody of Student Judicial Services.
 9. **Decision in Writing** – Hearing decisions of the University Judicial Board or Administrative Officer, including findings of fact and a determination of sanction, if any, shall be presented to the student in writing within ten class days following the hearing.
 10. **Enrollment Status** – The student’s enrollment status will remain unchanged pending final decision, except in cases of Provisional Suspension, as considered above.
 11. **Failure to Appear** - If a student against whom charges have been made fails to appear for any proceeding, the matter may be resolved in his/her absence.
- (c) **Rights of the Complainant/Victim**
1. The complainant shall have the right to submit a list of questions related to the alleged incident for consideration prior to the hearing, that she/he feels the accused should be asked during the hearing process.
 2. In cases of alleged violent or injurious behavior the following additional rights pertain:
 - (a) The complainant shall be entitled to the assistance and advice of a person designated by the University with substantial knowledge of the USF St. Petersburg student judicial process.

- (b) The complainant shall have the right to submit an impact statement to the Student Judicial Officer for use during the sanctioning portion of the judicial process.
- (c) The complainant shall have the right to be present during all fact-gathering aspects of the hearing, notwithstanding the fact that the complainant is to be called as a witness. In extraordinary cases, alternate arrangements may be made for the complainant to participate in the hearing without being present in the same room.
- (d) The complainant may have an advisor of his/her choice present, however, University employees who have a potential conflict of interest are not to serve. The advisor may speak with the complainant, but may not speak for the complainant, act as attorney nor otherwise participate.
- (e) The Student Judicial Officer will inform the complainant, whenever appropriate, of the outcome of the judicial proceeding.

IV. **Sanctions** - Any of the following sanctions may be imposed on a student or a student organization:

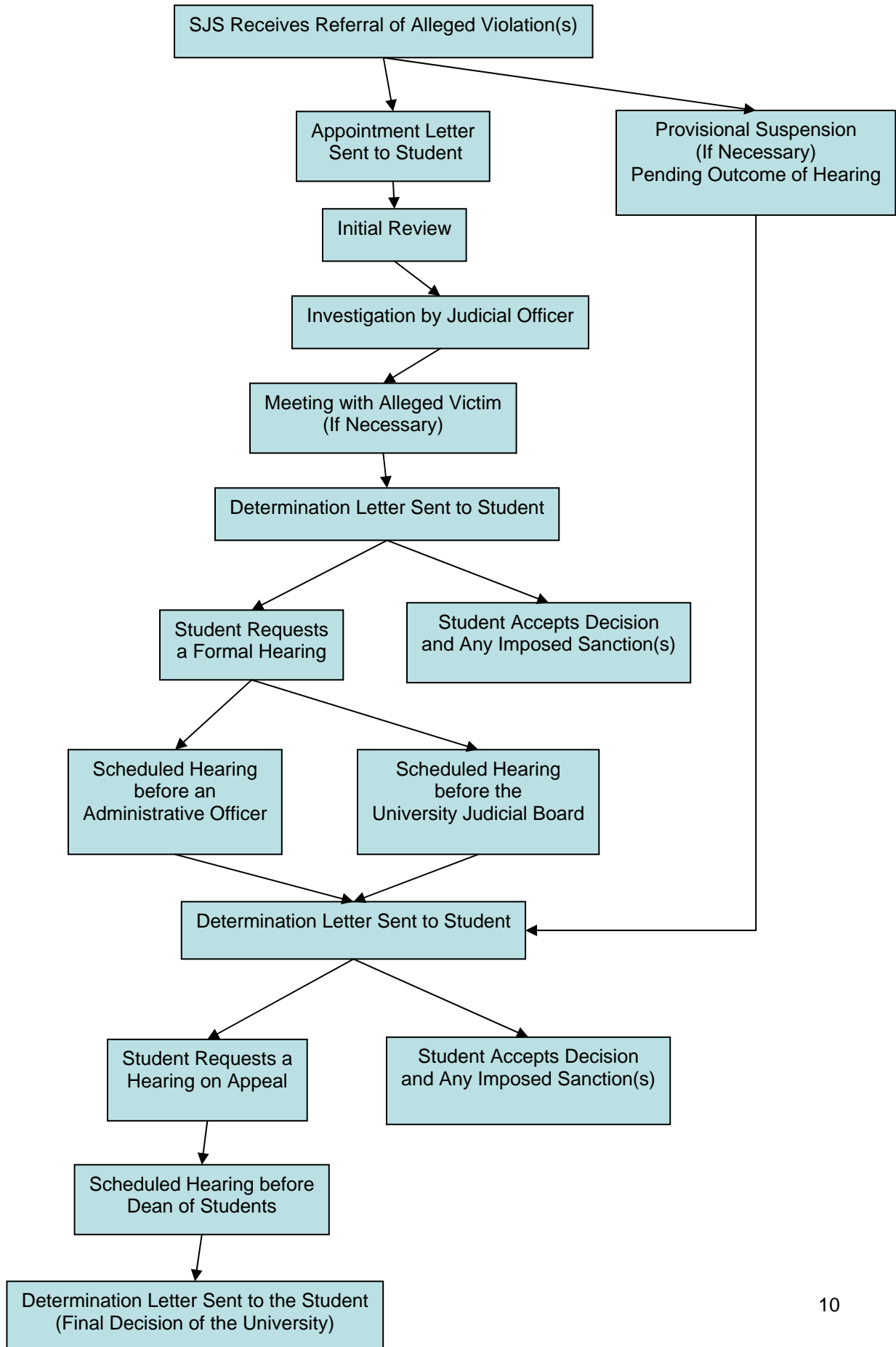
- (a) **Expulsion** - Permanent termination of a student's privilege to attend the University. This may include a restrictive order that would exclude the person from campus. In cases where the student resides on campus, the student will be given reasonable time to vacate the residence halls, (i.e., 24 to 48 hours).
- (b) **Suspension** - Termination of a student's privilege to attend the University for an indefinite or a specified period of time. This may include a restrictive order that would exclude the person from campus. In cases where the student resides on campus, the student will be given reasonable time to vacate the residence halls (i.e., 24 to 48 hours).
- (c) **Probation** - An official warning that the student's enrollment depends upon the maintenance of satisfactory citizenship during the period of probation. When probation is imposed as a sanction, the student should be advised of the consequences of violation of probation. Any student placed on conduct probation may be restricted from participating in certain University-sanctioned positions of leadership during period of probation.
- (d) **Restrictions** - Conditions imposed on a student that would specifically dictate and limit future presence on campus and participation in University-related activities. The restrictions involved will be clearly identified and may include but are not limited to a requirement to remain on campus or in rooms during specified periods of time or a University restraining order forbidding the offender from all contact with the victim. Restrictions may also apply to denial of the privilege to operate a motor vehicle on campus, participation in certain activities/events/organizations, access and use of University services, and presence in certain buildings or locations on campus.
- (e) **Restitution** - A payment for injury to an innocent party in cases involving theft, destruction of property, or deception.
- (f) **Restrictive Order** - A restriction placed on a student's ability to physically be on campus or in specific areas on the campus.
- (g) **Reprimand** - A written record of an incident which reflects unfavorably on a student's file as long as he or she is a student of the University.

- (h) **Restrictions** – A **restriction** on or revocation of financial aid where appropriate pursuant to law or NCAA policy.
- (i) **Other Appropriate Sanctions** - such as mandated community service, educational programs (and payment of associated fees), and written assignments.
- (j) **Alcohol and Substance Use Sanction Guidelines**
1. First Level Alcohol and Substance Use Accountability
 - Probation – one year
 - Parental Notification (may be implemented depending on the severity or nature of the first accountability)
 - Educational Program Referral
 - Educational Program Fee (\$25 or \$35)
 - 2A. Second Level Alcohol Accountability
 - Deferred Suspension
 - Deferred Cancellation of USF St. Petersburg Housing Contract
 - Restriction from residence halls
 - Parental Notification
 - Educational Program Referral
 - Educational Program Fee (\$35 or \$50)
 - 2B. Second Level Substance Use Accountability
 - Deferred Suspension
 - Cancellation of USF St. Petersburg Housing Contract
 - Restriction from residence halls
 - Parental Notification
 - Educational Program Referral
 - Educational Program Fee (\$35 or \$50)
 3. Third Level Accountability
 - Indefinite Suspension
 - Restriction from all USF campuses
 - Parental Notification

V. Regional Campuses

The foregoing applies to all campuses of the University of South Florida; however, non-substantive procedural modifications to reflect the particular circumstances of each regional campus are permitted. Information concerning these procedures is available through the student affairs office at those regional campuses.

- VI. **Review of Student Code of Conduct** - A student judicial advisory group, a committee consisting of faculty/staff and students appointed by the Regional Vice Chancellor for Student Affairs shall periodically evaluate the Student Code of Conduct.



Student Rights and Responsibilities

The University of South Florida St. Petersburg is a learning community designed to foster collaboration, open communication, mutual respect and inclusiveness among students, faculty and staff as they engage in the education process. As members of this community, all students are entitled to certain rights and privileges, which are protected. In order to protect the rights and privileges of all students, there are guidelines for conduct that are intended to facilitate the desired environment and educational goals of the University and its students. It is important that each student become familiar with the rights and responsibilities afforded students at the university.

Student Rights

1. The right of respect for personal feelings, freedom from indignity, and to expect an education of the highest quality.
2. The right to participate in self-governing student bodies which provide channels of communication and means for using democratic processes to solve problems.
3. The constitutional rights of freedom of expression and assembly.
4. The right of freedom to hear and participate in dialogue and to examine diverse ideas.
5. The right to a learning environment free from harassment, discrimination, and violence.
6. The right to due process in disciplinary procedures in accordance with the rules and procedures prescribed in the Student Code of Conduct.

Student Responsibilities

1. The responsibility of assuming the consequences of one's actions.
2. The responsibility for knowledge and observance of established University policies presented in official University publications.
3. The responsibility that free discussion represent the scholarly nature of the learning community.
4. The responsibility to insure that no student organization, constitution nor other organizational document include discriminatory clauses.
5. The responsibility to respect the rights and privacy of others.

Discipline Records and Retention Policy

Maintenance of Records

1. Student discipline records are maintained in a locked file in the Office of Student Judicial Affairs.
2. All discipline records in all formats (paper, computer, audio, etc.) will be destroyed in accordance with the current discipline records and retention policy.
3. The Office of Student Judicial Affairs maintains all student discipline records in accordance with the Family Education Rights and Privacy Act (FERPA). Student Judicial services will abide by all laws requiring confidentiality and privacy with regard to the student judicial process. This confidentiality extends to all Student Judicial Services staff, including the University Judicial Board and individual officers. In cases involving alleged violent or injurious behavior Student Judicial Services will inform the victim, whenever appropriate, of the outcome of the judicial proceeding.
4. A student may choose to sign a release form granting Student Judicial Services staff permission to discuss information related to his/her disciplinary file with any individual that he/she designates. This form is available in the Office of Student Judicial Affairs.
5. Any educational institution or other agency requesting conduct information about a current or former University of South Florida student is required to submit the request in writing. All written requests must include the signature of the student granting the release of information related to his/her disciplinary record.

Destruction of Records

1. Records resulting in a discipline sanction of expulsion or suspension from the University will be permanently maintained in the Office of Student Judicial Affairs.
2. All other discipline records are maintained for a period of five years from the first date of matriculation or until one year after graduation, whichever date is the later.
3. No personally identifiable record(s) will be kept after a record has been designated for destruction. Statistical data will be maintained but all information that would identify an individual is removed.
4. All paper records will be destroyed by shredding or other similar process. Computer files will be modified in a manner so that only statistical data that cannot identify an individual is kept. Non-paper information (i.e. audio recordings) will be destroyed in a manner that will insure that the information cannot be traced to any individual or any discipline case.