

**FLORIDA BOARD OF GOVERNORS
NOTICE OF PROPOSED REGULATION AMENDMENT**

DATE: June 22, 2015

REGULATION NUMBER AND TITLE: 6.0105 Student Conduct and Discipline

SUMMARY: The proposed amendments to Board of Governors Regulation 6.0105, Student Conduct and Discipline, are based on recommendations of a system-wide work group created by the State University System Title IX workgroup tasked with reviewing the regulation. The recommended amendments 1) create a new subsection (8) to provide additional procedures applicable to complaints arising out of alleged violations of university prohibitions against sexual misconduct to comport with guidance from the

6.0105 Student Conduct and Discipline.

(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)

proceeding

disciplinary ~~hearing or review~~ proceeding, as specifically prescribed by the university's code of conduct.

- (k) If the decision of a university hearing or review forum arising out of a university

(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 victim(s) in the student disciplinary system. The university shall provide notice to the alleged victim(s) of ~~his or her~~ their rights at least five (5) regular ~~business days~~ before ~~the hearing or review is conducted.~~ Each universit

- (d) Upon request by the student, the complainant, or other participants, the university may permit an individual to provide relevant information during the disciplinary proceeding in a manner that avoids direct contact with the student, the complainant, or the other participants.
- (e) In the event the student accepts responsibility or is found responsible, any impact statement provided by the complainant and/or victim will be considered by the university official(s) in recommending or issuing the disciplinary sanction(s). The statement may include a description of how the complainant was impacted by the conduct violation and may include a recommendation for sanctions. While the impact statement is not binding, the impact described in the statement together with the totality of the circumstances including the student's conduct record, should be considered by the university official(s) involved in recommending or determining the appropriate sanction(s).

(89) 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