

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

DATE: 9/17/2020

REGULATION NUMBER AND TITLE: 6.0105, Student Conduct and Discipline

SUMMARY: The regulation is being amended to comply with the new requirements in Title IX of the Education Amendments of 1972 related to student disciplinary proceedings for sexual harassment complaints that fall within the scope of Title IX. The regulation also clarifies the procedures for disciplinary proceedings for sexual misconduct complaints that are outside the scope of Title IX.

FULL TEXT OF THE REGULATION IS INCLUDED WITH THIS NOTICE.

AUTHORITY TO PROPOSE REGULATION(S): Section 7(d), Art. IX, Fla. Const.; BOG Regulation Development Procedure dated March 23, 2006.

THE BOARD OF GOVERNORS' O

6.0105 Student Conduct and Discipline.

(1) E

record is subject to the General Records Schedule GS5 for Public Universities and Colleges.

(2) Each university shall publish

disciplinary proceeding

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 arising out of the university

(6) An accused student may be subject to discipline for 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 their rights at least five (5) business days (excluding legal holidays) before the disciplinary proceeding is conducted. Each university is encouraged to provide support and assistance programs for alleged victim(s), as appropriate.

(8)

respond to a question posed by an advisor, the decision-maker(s) must first determine whether the question is relevant, and if not, explain the basis for disallowing the question.

- (c) Each party shall have the ability to present relevant information and witnesses in the disciplinary proceeding, the right to avoid self-incrimination, notification of the final result of the disciplinary proceeding and any subsequent changes to the final result, and the right to appeal the decision.
- (d) All information must be objectively evaluated and the decision-maker(s) must avoid credibility determinations based on a person's status as a complainant, respondent, or witness.
- (e) Information protected under a privilege recognized by state or federal law cannot be disclosed, used, or relied upon unless the person who holds the right to exercise the privilege waives the application of the privilege.
- (f) Upon request by the parties 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 parties or the other participants. Any hearing that is conducted virtually through technology shall enable the parties to see and hear the party or witness answering questions.
- (g) The university shall provide the parties at least ten (10) days to review evidence collected during the investigation as set forth in

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~~notification of the final result of the disciplinary proceeding and any subsequent changes to the final result, and the right to appeal the decision.~~

~~(c) The disciplinary proceeding shall be conducted by a university official or panel of university officials, except a university may provide for a committee or panel where students comprise at least one half of the membership if such committee or panel is requested by the student and no objection is raised by the complainant.~~

~~(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~~ isc(m)-3 (a)-6 (n)1 (n)0.91 (a)

New 2-18-85, Amended 4-29-01, Amended and Renumbered 6-18-09, Amended 9-3-2015, 8-14-20.