THE UNIVERSITY OF TAMPA

student code of conduct

2023–2024 STUDENT CODE OF CONDUCT

Please find the most updated information at
ut.edu/studentconduct

SYMBOL OF EDUCATIONAL EXCELLENCE

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INFORMATION & RESOURCES:

Students, faculty and staff are encouraged to report any conduct that may violate the proscribed conduct of The University of Tampa Student Code of Conduct, or state and federal law to the Office of Student Conduct or Department of Campus Safety. Please find the most updated information at **www.ut.edu/studentcode**.

Contact

Office of Student Conduct
Vaughn Center, 202
(813) 258-7228
Conduct@ut.edu
www.ut.edu/studentconduct

Department of Campus Safety
Innovation and Collaboration Building, 1st Floor
(813) 257-7777
Campussafety@ut.edu
www.ut.edu/safety

Procedures for Reporting a Complaint of Misconduct

Complaints of misconduct may be reported directly to the Office of Student Conduct by completing an incident report form in person at the Office of Student Conduct or via the online incident report form at **www.ut.edu/incidentreport**.

Procedures for Reporting a Crime or Emergency

Potential criminal actions and any emergencies on campus, including medical and fire emergencies, should be reported directly to the Department of Campus Safety by dialing (813) 257-7777 or by using one of the courtesy telephones located throughout campus. A list of all courtesy phones is available at **www.ut.edu/safety/telephones**. Additionally, the Spartan SOS smartphone safety application will connect University members with the Department of Campus Safety.

Any crimes committed off campus that involve University students should be reported to the Tampa Police Department by dialing 911 for emergencies or by dialing (813) 231-6130 for non-emergencies.

Prompt reporting of student misconduct, criminal incidents and emergencies are vital. All student-related reports are forwarded to the Dean of Students and other campus officials including the Office of Student Conduct. Reports are reviewed by the Office of Student Conduct for potential disciplinary actions.

Procedures for Reporting a Complaint of Misconduct of the Student Code of Conduct or Crime Anonymously

With the exception of those individuals designated as Responsible Employees or Campus Security Authorities, all other persons who are witnesses to student misconduct or criminal incidents may report information anonymously through the University Silent Witness program by utilizing **www.ut.edu/silentwitness/** or downloading the Spartan SOS smartphone safety app. These reports will be reviewed by Campus Safety and then may be forwarded to the Office of Student Conduct for potential disciplinary actions.

Policy for Reporting the Annual Disclosure of Crime Statistics

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal law passed in 1990, which requires all colleges and universities who receive federal funding to share information about crime on campus and their efforts to improve campus safety as well as informing the public of crime in or around campus.

The Department of Campus Safety prepares the annual Crime Statistics Report to comply with the Clery Act. This report is prepared in cooperation with local law enforcement agencies surrounding The University of Tampa main campus, Office of Operations, Office of Residence Life, Office of Student Conduct, and the Division of Student Affairs. Each entity provides updated information on their educational efforts and programs to comply with the Clery Act. Three years' worth of statistics are included for certain types of crimes that were reported to have occurred on campus, in or on off-campus buildings or property owned or controlled by The University and on public property within or immediately adjacent to the campus. The full text of the Crime Statistics Report can be found at **www.ut.edu/safety**. Paper copies of the Crime Statistics Report are available from the Department of Campus Safety.

Student Accessibility Services

The University of Tampa complies with federal disability law. Students in need of accommodations to participate in any student conduct or sexual misconduct and relationship violence process and/or procedure can contact Student Accessibility Services.

Student Accessibility Services
Technology Building
2nd Floor
(813) 257-3266
accessibility.services@ut.edu
www.ut.edu/disabilities

Title IX Compliance

Title IX of the Education Amendments of 1972 protects individuals from discrimination based on sex in any educational program or activity operated by recipients of federal financial assistance. Title IX prohibits gender discrimination and sexual harassment which includes acts of sexual violence.

The University of Tampa is committed to providing an environment free from discrimination based on sex and provides a number of resources and services to assist students, faculty, and staff in addressing all aspects of discrimination including issues involving gender discrimination, sexual harassment, sexual misconduct and relationship violence, including sexual assault, dating violence, domestic violence, and stalking. The University of Tampa will provide written notification to students and employees about existing counseling, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims, both within the institution and in the community. Students are prohibited from conduct that violates Title IX under the University Title IX Sexual Harassment Policy and Grievance Procedures.

Compliance with the law is everyone's responsibility at The University of Tampa; listed below are the staff members who have primary responsibility for Title IX compliance.

Title IX Coordinator
Kelsey San Antonio
Human Resources
Southard Family Building 266
(813) 253-6237
ksanantonio@ut.edu

Title IX Deputy Coordinator for Students
Tim Nelson, Assistant Dean of Students
Director of Student Conduct
Office of Student Conduct
Vaughn Center 202
(813) 258-7228
tnelson@ut.edu

Title IX Deputy Coordinator for Athletics
Jennifer Alger, Assistant Athletic Director Academic and Student Services
Senior Woman Administrator
Athletics
Martinez Athletic Center 126
(813) 257-3000
jalger@ut.edu

Title IX Deputy Coordinator for Academic Affairs
Tyler Hodges
Director for DEI (Diversity, Equity, and Inclusion) Training
and Community Support Diversity, Equity, and Inclusion
Plant Hall 235
(813)257-3229
thodges@ut.edu

Non-Confidential Reports

All employees of The University (including staff, faculty, and University officials) that are not considered confidential employees and certain student workers are considered responsible employees. For more information regarding non-confidential reporting, please see the definition of Responsible Employee listed in the Student Code of Conduct Definitions section.

Confidential Reports

The University designates members of the staff or faculty to serve as confidential employees for reports of sexual misconduct and relationship violence. Confidential employees such as Victim Advocate(s) or University Counselors are obligated to withhold personally identifiable information of sexual misconduct and relationship violence reported by a student unless consent is given by the student to whom they are providing services.

Reports of Title IX Sexual Harassment and Other Related University Policies

The University encourages anyone who believes they have experienced Title IX sexual harassment, sexual misconduct and/or relationship violence to make a report to the Department of Campus Safety if the misconduct or violence occurred on campus, or to local law enforcement, for misconduct occurring off campus as soon as possible. Collection and preservation of evidence relating to the reported Title IX sexual harassment, sexual misconduct and/or relationship violence is essential for law enforcement investigations, so prompt reporting of the incident to law enforcement is critical.

Designated University staff will, upon request, assist individual(s) in making reports to the Department of Campus Safety and/or appropriate law enforcement agency. For reports of off-campus sexual misconduct and/or relationship violence, the Department of Campus Safety will assist in identifying the appropriate jurisdictional law enforcement agency to assist in filing the report.

If a report of Title IX sexual harassment, sexual misconduct and/or relationship violence is made directly to the Title IX Coordinator or designee, which may also constitute a crime, the Title IX Coordinator or designee will notify the Department of Campus Safety to ensure appropriate distribution of University-wide warnings, if needed, and maintenance of accurate reporting statistics.

Please note individuals who have experienced Title IX sexual harassment, sexual misconduct and/or relationship violence may decline to make a report to a law enforcement agency.

Assumption of Good Faith Reporting

The University presumes that reports of Title IX sexual harassment, sexual misconduct and/or relationship violence are made in good faith. A finding that the reported incident does not constitute a violation of the Title IX Sexual Harassment Policy and/or Sexual Misconduct and Relationship Violence Policy, or that there is insufficient evidence to conclude that the incident occurred as reported, does not mean that the report was made in bad faith. The University encourages all individuals who have experienced or witnessed behavior they believe violates the Title IX Sexual Harassment Policy and Sexual Misconduct and Relationship Violence Policy to report the matter so that it may be addressed, without fear of consequences from The University.

Victim Advocacy

The University of Tampa offers confidential victim advocacy services to support any student who has been the victim of a violent crime. The program is staffed with trained advocates who are designated by the Office of the Attorney General in the state of Florida to provide victim services. An advocate may be contacted during the fall and spring semesters through the victim advocate hotline (813) 257-3900 or by contacting the Department of Campus Safety. During summer terms or between academic terms, advocates may be contacted solely through the Department of Campus Safety. You may always contact an advocate by e-mailing victimadvocacy@ut.edu.

Obligations of Membership in the University Community

The trustees, faculty and administration of The University of Tampa are dedicated to cultivating a community that is committed to honesty, citizenship, inclusion, respect, responsibility, and life-long learning.

It is expected that all members of the University community will obey the law, adhere to the Student Code of Conduct, and conduct themselves in a manner that is consistent with a community of scholars. If members of the University community fall short of that expectation, fair conduct procedures have been developed to protect the interests of the University and the University community. The trustees affirm the ability of the University to protect its interests within the University community. The president of the University or their representative has the discretion to suspend or remove any student, registered student organization, visitor, guest, or other member of the University community whose presence is believed to be contrary to the best interests of the University community.

Student Code of Conduct

All students are to conduct themselves in accordance with the Student Code of Conduct. Students and any officially registered student organization at The University, as a condition of admission, agree to abide by all university policies contained in the University catalog, the Student Code of Conduct, and other University publications and notices.

The University of Tampa has established policies that are considered necessary to preserve and maintain an environment conducive to learning, to ensure the safety and welfare of members of the University community, to encourage students in

the development and practice of good citizenship, and to protect property and the environment of The University.

The University of Tampa expects that its students and registered student organizations will conduct themselves as responsible citizens as articulated in the Student Code of Conduct and will comply with all established university policies and all applicable local, state and federal laws.

The University of Tampa reserves the right to discipline any student or remove affiliation with any registered student organization whose conduct on or off campus violates the Student Code of Conduct. This includes conduct that would impair, interfere with, or obstruct the mission, processes, or functions of The University of Tampa. Reports of misconduct will be processed based on the Student Code of Conduct in the year the incident report was received by the Office of Student Conduct.

Procedures under this Student Code of Conduct may be carried out before, simultaneously with or following a civil or criminal proceeding on or off campus. Sanctions may be imposed against a student or registered student organization for the violation of any Student Code of Conduct policies that occurs on or off campus. Sanctions are intended to be developmental and educational in scope and are determined at the sole discretion of The University.

The University recognizes that all violations of university policies documented in a student's conduct file are part of that student's educational record. The Family Educational Rights and Privacy Act (FERPA) of 1974 provides confidentiality of students' educational records and protects these files and their contents. This confidentiality allows only persons who meet appropriate disclosure requirements to have access to these records. When conduct involves a crime of violence or sex offense, FERPA permits the University, at its discretion, to disclose to the complainant the results of a disciplinary proceeding against the alleged perpetrator.

For more information regarding FERPA contact The University of Tampa Registrar's Office. For more information related to the student conduct record retention policy contact the Office of Student Conduct.

Disclaimer: At the time this publication went to print (Last Revised: August 2023), all the information contained was updated. Since this document is a printed version and prepared in advance of the academic year, changes may be necessary after publication. The University reserves the right to change the Student Code of Conduct at any time and this Code is not an express or implied contract between the student and the University. The University reserves the right to change, with or without notice, any provision, or requirements at any time to the fullest extent permitted by law. If changes are made, the online version will be updated on the University website. Students are encouraged to always reference the online version for the most up-to-date information at **www.ut.edu/studentconduct.**

Student Code of Conduct Definitions

Advisor: any person a complainant or respondent/responding party chooses to support them during an investigation of sexual misconduct and relationship violence. The advisor may not speak on behalf of the person they are advising and is not permitted to directly participate in the outlined procedures, but instead may be present only to provide assistance or advice to the individual they are supporting. The advisor's schedule may not unreasonably interfere with the outlined sexual misconduct and relationship violence procedures, which includes but is not limited to the scheduling of meetings and interviews. Advisors who do not comply with the stated procedures and policies will not be permitted to serve as an advisor and will not be permitted to be present during meetings and interviews.

Business day: a day in which The University of Tampa is open for normal business including time periods where the University is conducting business in a virtual capacity. This excludes weekends, university observed federal holidays, and break periods for which the University is closed.

Coercion: verbal and/or physical actions, which would cause a person to act in an involuntary manner or against their own free will. This can include acts of manipulation, intimidation, unwanted contact, and expressed or implied threats of physical, emotional, or other harm.

Complainant: an individual who is reported to have been subjected to sexual misconduct and/or relationship violence, regardless of whether that individual participates in the disclosure or review of that report by the University.

Confidential Employee: a staff member of the University that has been designated by the University to withhold all information disclosed to them by any student.

Constructive possession: a student having knowledge of and access to items located in an area.

Consent: is defined as an informed, voluntary, and mutual agreement. Consent can be withdrawn at any time and there is no consent when there is force, expressed or implied, or when coercion, intimidation, or duress is used. Consent cannot be given by a person who is incapacitated.

Dangerous object: any item that is used in a way that can invoke fear to a reasonable person.

Faculty member: any person hired by The University of Tampa to conduct classroom activities.

Force: the use or threat of physical violence.

Hazing: any activity that humiliates, degrades, abuses, or endangers a person, regardless of a person's willingness to participate, or is otherwise prohibited by Florida Statutes § 1006.63 for the purposes of, but not limited to, initiation or admission into or affiliation with any organization, regardless of intent, or consent of the participants.

Hearing Board Advisor: any person assigned by the Office of Student Conduct to chair and administer processes related to a hearing board.

Incapacitation: the mental or physical inability to make informed judgments and/or provide consent that could be temporary or permanent. The determination of whether a person is incapacitated is objectively based on what a reasonable person exercising good judgement should have and/or would have known about the condition of the incapacitated party.

Incident Reviewer: any person assigned by the Office of Student Conduct to review and process alleged student misconduct violations.

Investigator: an appropriately trained or experienced individual, who at a minimum, received annual training on a multitude of issues, including issues related to dating violence, domestic violence, gender discrimination, hazing, sexual assault and stalking in addition to training on the Sexual Misconduct and Relationship Violence Policy and/or registered student organization investigation processes that protects the safety of the victims and promotes accountability.

Possession: custody, or control over, and being located on one's person or in one's belongings, in their assigned/leased personal space, residence hall room, or vehicle.

Preponderance (of evidence): the standard of proof for finding of a violation of the Student Code of Conduct; preponderance of evidence means that, upon consideration of all information, it is more likely than not that the policy was violated.

Prohibited: banned from participation.

Registered Student Organization (RSO): an organization that has completed the formal registration process and has been recognized through the Office of Student Leadership and Engagement and The University of Tampa.

Reporting Party: an individual who reports alleged misconduct to the University.

Residential Guests: any persons who are not affiliated with The University of Tampa but are invited onto University property by a resident assigned to on-campus housing.

Respondent or Responding Party: a university student or Registered Student Organization who is alleged to have engaged in misconduct.

Responsible Employee: all employees of the University (including staff, faculty, and University officials) that are not considered confidential employees and certain student workers are considered responsible employees. Not all students who receive compensation from the University are responsible employees. For a student worker to be a responsible employee, they must have the authority to take action to redress sexual misconduct or relationship violence; they must have been given the duty of reporting incidents of sexual misconduct or relationship violence or any other misconduct by students; or they must be an individual a student could reasonably believe has this authority. In addition, the disclosure must be made to the student in their capacity as a student worker. All responsible employees (staff, faculty and student staff who meet the definition above) are obligated to report all given information of sexual misconduct and relationship violence to the Title IX Coordinator.

Retaliation: an intentional act or threat of action toward another because they reported a violation of policy and/or because of their participation in the student conduct and/or sexual misconduct and relationship violence processes.

Staff / Staff Member: any person employed by The University of Tampa performing assigned administrative, professional, or classified responsibilities.

Student: a person who is or has attended the University. A student is "in attendance" on the first day of classes or the date in which a student takes occupancy in a university residence, whichever is earlier. Persons who are not officially enrolled and who have not graduated from the University but have had a relationship with the University as a student within the previous two (2) academic semesters are also considered a "student." Additionally, "student" also includes those individuals who satisfied this definition at the time of the alleged violation.

University: The University of Tampa.

University Official: any person employed by The University of Tampa performing administrative, paraprofessional, or professional responsibilities.

University Community: any place or person with whom The University of Tampa has a vested interest.

University of Tampa Campus: all property owned, leased, or loaned to The University of Tampa, which includes any place where The University of Tampa conducts official business, meetings, or events.

University Support Person: any current student, faculty or staff member of the University chosen by a responding party to provide support during student misconduct hearings excluding Sexual Misconduct and Relationship Violence Policy misconduct (see advisor above). The University support person may not speak on behalf of the person they are supporting and is not permitted to directly participate in the outlined procedures, but instead may be present to provide assistance or advice to the student they are supporting. University support persons are not provided to registered student organizations.

Visitor: any individual not registered as a student, employed by University, or employed by affiliated vendor partner is considered a visitor. Visitors include, but are not limited to, non-registered students, friends, spouses, children, guest speakers, and UT-sanctioned event participants.

Weapon: any item that is designed for inflicting or could be used to inflict bodily harm.

Witness: any person, other than the complainant or respondent/responding party, who has information or knowledge regarding an incident and who participates in a student conduct hearing, registered student organization investigation or sexual misconduct and relationship violence investigation.

UNIVERSITY POLICIES

The following University policies apply to students, guests of students while on the UT campus, and Registered Student Organizations on and off campus. Hosts of guests are responsible for the actions of their guests. Prohibited conduct includes but is not limited to:

I. Access and Entry

A. Accessing roofs of University buildings, fire escapes, ledges, minarets, service elevators, balconies, fountains, athletic fields, and other areas that are designated closed.

B. Accessing an office, residence hall building/room, meeting space, or other University facility without authorization or permission of the rightful occupant.

C. Tampering with, forcing, or gaining entry without permission or damaging mailboxes in the University's Mail Services.

II. Alcohol

A. Distributing, manufacturing, or selling alcoholic beverages on The University of Tampa campus or any University owned, controlled, operated, or leased property.

B. Possessing, consuming or being under the influence of alcoholic beverages under the legal drinking age.

C. Being in constructive possession of alcohol under the legal drinking age.

D. Trying to obtain alcohol by fraudulent means or the coercion of others.

E. Causing a disruption including inappropriate conduct as a result of intoxication to the residential, University, or Tampa community or that is detrimental to one's health and safety, or the health and safety of others.

F. Possessing common source containers of alcohol and devices that are designed for the rapid consumption of alcohol. Drinking games actual or simulated that result in the rapid or excess consumption of alcohol.

G. Consuming alcohol in shared residential spaces which include but are not limited to bathrooms, common rooms, hallways, kitchens, and/or stairwells or public spaces on campus.

H. Operating a motor vehicle while impaired by alcohol as defined under Federal and Florida law.

I. Hosting a gathering where there is consumption, distribution, possession, manufacturing, or selling of alcoholic beverages to or by underage persons.

J. Distributing, selling, or providing alcoholic beverages to any underage persons or violating any law, rule, or regulation related to alcoholic beverages.

III. Animals

A. Possessing, caring for, or hosting pets or other animals on The University of Tampa campus, which include all University buildings, residence halls, athletic facilities, and shared or common area spaces.

B. Animal mistreatment including conduct that harms or endangers the health and welfare of animals. This includes but is not limited to abandonment, malnourishment, negligence, or acts of animal cruelty.

Please note students may qualify for an accommodation due to a qualified disability as noted in the Service, Assistance, and Emotional Support Animal Policy.

IV. Campus Living Policies

A. Failing to adhere to policies listed within the Campus Living Policies. These policies are located online at **www.ut.edu/residencelife/guidelines/**.

V. Compliance with Directives

A. Failing to comply with directives related to the health and safety of an individual or the University community by a University official, campus safety officer or emergency personnel acting in accordance with their official duties.

B. Failing to comply with directives issued by any University official in any verbal, written and/or electronic form, including all communications from the Office of Student Conduct.

VI. Computer Misuse and Acceptable Use

A. Failing to adhere to policies listed within the Computer Misuse and Acceptable Use policy located online at **www.ut.edu/aup**.

VII. Distributing, Posting and Soliciting

A. Distributing and posting material on campus without University permission.

B. Soliciting business on campus without University permission.

C. Using a residential campus facility for storage of merchandise or other commercial activity without University permission.

VIII. Drugs

A. Possessing, consuming, distributing, manufacturing, purchasing, or selling narcotics, controlled substances, illegal or illicit drugs, prescription or non-prescription drugs, or other chemical substances, compounds or combinations when used to induce an altered state except as expressly permitted by Federal and Florida law.

B. Being in constructive possession of narcotics, controlled substances, illegal or illicit drugs, prescription or non-prescription drugs, or other chemical substances,

compounds or combinations when used to induce an altered state except as expressly permitted by Federal and Florida law.

C. Causing a disruption as a result of drug impairment to the residential, University, or Tampa community or that is detrimental to one's health and safety, or the health and safety of others.

D. Operating a motor vehicle while impaired by drugs as defined under Federal and Florida law.

E. Hosting a gathering where there is consumption, distribution, possession, manufacturing, or selling of narcotics, controlled substances, illegal or illicit drugs, prescription or non-prescription drugs, or other chemical substances, compounds or combinations when used to induce an altered state except as expressly permitted by Federal and Florida law.

Please note The University of Tampa is required to comply with all federal, state, and local drug laws. This includes compliance with the Drug Free Schools and Communities Act, which requires the prohibition of the unlawful possession, use, or distribution of illegal or illicit drugs by employees and students. If there is ever a conflict between laws, The University of Tampa must follow federal law which supersedes state or local laws.

IX. Drug Paraphernalia

A. Possessing, distributing, manufacturing, selling or using any item that has been utilized for consumption of drugs or is designed for the use of drugs except as expressly permitted by Federal and Florida law. These include but are not limited to bowls, bongs, needles, syringes and pipes.

B. Fashioning items for the purpose of drug usage.

C. Being in constructive possession of drug paraphernalia or any item that can be utilized for or is designed for drug usage.

X. Federal, State, Local Laws and City Ordinances

A. Violating federal, state, local laws and city ordinances.

XI. Fire Safety

A. Unauthorized, negligent, careless, tampering, or improper handling of any fire safety or emergency equipment or fixtures.

B. Failing to evacuate any building during a fire alarm.

C. Removing or tampering with any Fire Safety signs and/or instructions.

D. Hanging, adhering or affixing any item to any fire equipment or ceiling, including sprinkler systems.

XII. Hazing

A. Participating in hazing.

B. Having knowledge of any activity related to hazing.

XIII. Identification

A. Failing to produce a Spartan Identification Card upon request by a University official.

B. Possessing a fake identification or other fraudulent forms of identification.

C. Distributing manufactured fraudulent identification and/or Spartan Cards.

D. Misusing University identification cards including the lending of identification cards to others. This includes possessing a University identification or other governmental identification that belongs to others.

XIV. Personal Responsibility

A. Falsifying or being party to the falsification, of any official University record or document including University parking passes.

B. Providing false information to or withholding information from any University official, faculty member, staff member, or office.

C. Conducting financial transactions unlawfully.

D. Deliberately and purposefully reporting a false complaint or accusation to a University official.

E. Associating or promoting suspended or former student organizations that were previously disciplined due to actions or values incongruent with the University mission and Spartan Code.

XV. Respect of Persons

A. Intentionally or recklessly causing physical harm or endangering the health or safety of other persons. The Office of Student Conduct and/or designee will make determinations regarding whether or not physical harm or endangerment was justifiable or constitutes a policy violation based on the information provided.

B. Interfering with the freedom of another person to move about in a lawful manner.

C. Creating an intimidating, hostile, threatening, or offensive campus, educational or working environment for other persons.

D. Initiating actions or statements that threaten, harm or intimidate another person, including electronic communications.

E. Intimidating or injuring other persons because that person is actually or perceived to be a member of one of the protected classes defined in the University nondiscrimination notice.

F. Participating in harassment based on any protected class stated within the University non-discrimination notice.

G. Acting in a manner that invades the privacy of others. This includes recording, distributing, or viewing images, documents, recordings or audio of another person or activity without consent.

H. Attempting to interfere or intimidate a University community member regarding a student conduct matter.

I. Retaliation as defined within the Student Code of Conduct definitions section.

XVI. Respect for Property

A. Participating in the misuse, possession, or tampering with property belonging to others or The University of Tampa.

B. Participating in defacing or damaging property belonging to others or to The University of Tampa.

C. Riding bicycles or using skates, skateboards, or any other personal transportation devices in University buildings, breezeways, sidewalks, hallways and balconies. Any exceptions must be approved by The Office of Student Disabilities Services.

D. Possessing an electric scooter on campus. This includes but is not limited to riding scooters on campus property, sidewalks, and in University buildings. Any exceptions must be approved by The Office of Student Disabilities Services.

E. Littering on University property.

XVII. Respect for the University Community

A. Gathering in such a manner as to disturb the peace or interrupt the proper functioning of The University of Tampa. Disruptions include but are not limited to obstruction of academic course work through the disruption of learning, teaching, research, administration, other University activities, and/or other authorized non-University activities, which occur on the University campus.

B. Smoking, vaporizing, or the use of tobacco products on the University of Tampa campus.

C. Defecating and/or urinating in areas not expressly intended for that purpose.

D. Being indecently exposed in shared or public spaces.

E. Creating an emergency situation that impedes the mission, operations or proper functioning of the University.

XVIII. Sexual Misconduct and Relationship Violence

This policy addresses prohibited behavior that does not meet the defined prohibited conduct under the University Title IX Sexual Harassment Policy ("Title IX Policy"). All complaints of behavior that are determined to meet the prohibited conduct under the Title IX Policy will be addressed within the Title IX Policy Grievance Procedures. The Title IX Policy prohibits actions of sexual misconduct and relationship violence that occur on-campus and acts of sexual misconduct and relationship violence that are associated with educational programs and activities within the University. The determination of the applicable policy regarding the alleged conduct will be made by the Title IX Coordinator or designee. If the Title IX Coordinator or designee determines that the behavior described in a complaint is not covered by the Title IX Policy, the below policy with its definitions and prohibited behaviors will be applied:

A. **Sexual Harassment**, which is any unwelcome sexual advance, request for sexual favors, or unwanted conduct of a sexual nature, whether verbal or non-verbal. Sexual Harassment may include quid pro quo harassment, or harassment that creates a hostile environment.

B. **Nonconsensual Sexual Contact**, which includes any intentional sexual touching of the breasts, buttock, groin, or genitals, for the purpose of sexual gratification, however slight, whether clothed or unclothed, with any object or body part by a person against another person that is without consent. This includes but is not limited to:

1. Fondling, which includes intentional touching of the breasts, buttock, groin, or genitals of another without that person's consent.
2. Coercing, forcing, or attempting to coerce or force a person to touch the breasts, buttock, groin, or genitals without that person's consent.

C. **Nonconsensual Sexual Intercourse**, which includes any sexual intercourse without consent. This includes penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object or (2) the mouth of a person by a sex organ of another person, without that person's consent.

D. **Intimate Partner Violence**, which is defined as a violent or threatening familial or intimate partner relationship that causes one to fear for their safety or causes physical or psychological injury, pain, or illness. Intimate partner violence includes but is not limited to:

1. ***Dating violence:*** A violent act committed by a person against another who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of the relationship; and the frequency of interaction between persons involved in the relationship.
2. ***Domestic violence:*** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family violence laws of jurisdiction, or any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of our jurisdiction.

E. **Stalking**, which is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress. Such behavior or activities may include but are not limited to:

1. Unwelcomed communication of any type, including but not limited to face-to-face, telephone calls, voice messages, electronic, written letters or notes, and unwanted gifts;
2. Use of threatening words and/or conduct;
3. Pursuing, following, observing, and/or surveillance.

Incapacitation is defined the mental or physical inability to make informed judgments and/or provide consent that could be temporary or permanent. The determination of whether a person is incapacitated is objectively based on what a reasonable person exercising good judgement should have and/or would have known about the condition of the incapacitated party. This includes incapacitation due to alcohol or drug consumption, illness, being asleep or unconscious, or any other reason that the individual is physically or mentally unable to form or communicate consent.

Consent is defined as an informed, voluntary, and mutual agreement. Consent can be withdrawn at any time and there is no consent when there is force, expressed or implied, or when coercion, intimidation, or duress is used. Consent cannot be given by a person who is incapacitated.

Complaints of Sexual Misconduct and Relationship Violence are adjudicated under the Sexual Misconduct and Relationship Violence Procedures (Appendix III)

XIX. Violation of Other Published University Policies

A. Failing to abide by all published University policies. These include but are not limited to, University policies published in academic catalogs, on the University website, and in any other University publications or on forms, communications, and agreements.

XX. Weapons and Dangerous Objects

A. Possessing, storing, or carrying a firearm, which includes projectile firing devices, pellet guns, and air rifles, or weapons, which include ammunition, switchblades, and knives with blades over 5 inches. This includes the sale, purchase, discharge, or display of any firearm or weapon on the University campus or using University property.

B. Possessing or storing explosives, including fireworks and pyrotechnic devices.

C. Possessing or storing biological or chemical materials, such as tear gas, hazardous materials or chemicals such as gasoline, butane, lighter fluid or other flammable liquids, or any other items that may pose a danger to the University community.

D. Using, discharging, brandishing, or displaying a firearm, weapon or dangerous object for any purpose including invoking fear or intimidation and/or causing bodily harm or injury.

Please note persons with a Concealed Carry Weapons Permit (CCW) must abide by this policy.

XXI. Other Behaviors Impacting the University Community

Engaging in behavior that has a negative impact on the University community. No list of behaviors can be exhaustive, and situations may arise that are not expressly addressed by university policies but are contrary to the welfare of the University community. With these incidents, interpretation of the behavior will be made by The Office of Student Conduct.

Interpretations and Amendments to University Policies

Questions about the application or interpretation of the Student Code of Conduct should be directed to the Office of Student Conduct. The Office of Student Conduct has the sole authority and discretion to interpret and apply the Student Code of Conduct as deemed appropriate.

APPENDIX I: STUDENT CONDUCT PROCEDURES

These procedures apply to student misconduct, including violations of the Student Code of Conduct, except for Sexual Misconduct and Relationship Violence, which is addressed in **Appendix III**. This section does not include the procedures used in registered student organization misconduct, which is addressed in **Appendix II**.

A. **Complaints of Student Misconduct**

1. Anyone may report a complaint of student misconduct in writing directly to the Office of Student Conduct or online at **www.ut.edu/incidentreport.** Complaints of misconduct will be reviewed by the Assistant Dean of Students and Director of Student Conduct, or designee, who is responsible for the administration of the Student Conduct process.
2. The Assistant Dean of Students and Director of Student Conduct, or designee, may conduct a preliminary inquiry to determine if the complaint of misconduct has merit. If the alleged complaint of misconduct is found to have merit, the alleged complaint will be assigned University violations and will be forwarded to an Incident Reviewer and the responding student will have an Incident Review meeting scheduled.

B. **Interim Actions**

1. The Office of Student Conduct or designee may impose interim actions prior to, or during an Incident Review meeting, student conduct hearing board, registered student organization investigation, and/or sexual misconduct and relationship violence investigation. Interim actions will be imposed in the following circumstances:
   a. To ensure the safety and well-being of members of the University community or preservation of University property;

b. To ensure a student's and/or registered student organization's own physical or emotional safety and well-being;

c. To ensure the integrity of the investigative and/or student conduct process;

d. If a student or registered student organization poses a threat of disruption of or interference with the normal operations of the University; or

e. Any other circumstances where the Office of Student Conduct or designee determines, in its sole discretion, the interim actions to be in the best interest of the University or its community.

2. The Office of Student Conduct shall have the sole authority within its discretion to make a final determination on the appropriate interim action, and it may select any action from all the available actions that it finds appropriate under the circumstances at issue. Whenever an interim action is imposed, the Office of Student Conduct will convene the formal student conduct process as soon as possible in compliance with the normal due process requirements and upon consideration of the circumstances. Students who have an interim suspension can request a review within two (2) business days of the effective date of the interim suspension unless circumstances warrant an extension. The Assistant Vice President for Student Affairs and Dean of Students and/or designee will conduct a review of any submitted material by the student who has been interim suspended and, within five (5) business days after receipt of the materials, render a determination that the interim suspension is supported, modified, or revoked. Interim suspension reviews are not automatic and must be requested in writing by the student by the deadline listed in the interim suspension letter. Registered Student Organizations do not have the right to have an interim suspension reviewed.
For more information on Interim Actions please refer to Appendix V.

C. **Notification of Student Misconduct and Incident Review Meeting**

1. Students will be notified at least one (1) business day prior to their scheduled Incident Review meeting via their university e-mail. In this notification, students will be advised at a minimum of the Incident Review meeting procedures, date of alleged misconduct, the allegations of misconduct, and the meeting date with the Office of Student Conduct.

D. **Incident Review Meeting Procedures**

Responding students will

1. Be notified in writing via their university e-mail regarding the alleged misconduct and student conduct procedures at least one (1) business day prior to the Incident Review meeting.
2. Have the opportunity to review any incident report(s) submitted to the Office of Student Conduct during the incident review meeting. Students may request a redacted copy of any reports at the conclusion of the Incident Review meeting. These requests should be in writing and e-mailed to the Office of Student Conduct at conduct@ut.edu.
3. Present information on their own behalf at the Incident Review meeting.
4. Accept responsibility at an Incident Review meeting. If a responding student accepts responsibility, they will waive any procedural appeal rights upon accepting responsibility at an Incident Review meeting.
5. Deny responsibility and request a student conduct hearing to determine responsibility for the alleged violations. The appropriate hearing board will be determined by the Assistant Dean of Students and Director of Student Conduct or designee.
6. Be notified in writing within ten (10) business days via their University e-mail of the outcome of the Incident Review meeting unless the determination of sanctions has been deferred to obtain additional information.

E. **Incident Review Meeting**

1. The Incident Review meeting is a private one-on-one meeting with the Incident Reviewer and the responding student. Parents and University Support Persons will not be permitted in this meeting.
2. The Incident Reviewer will explain the alleged misconduct to the responding student.
3. The Incident Reviewer will conduct an interview with the responding student and the responding student may accept responsibility for the misconduct. The Incident Reviewer, at their sole discretion, may assign appropriate sanctions at this time or may defer the imposition of sanctions to consider additional information. Upon approval of the Office of Student Conduct, the Incident Reviewer's determination as to sanctions are final. However, at the sole discretion of the Office of Student Conduct, the responding student can be referred directly to a student conduct hearing board for adjudication regardless of if the student has accepted responsibility for the misconduct.
4. The Incident Reviewer may recommend the allegations of misconduct be dismissed by the Office of Student Conduct. The Office of Student Conduct reserves the right to reassign any dismissed violations if new information becomes known regarding the alleged misconduct that was not known to the Incident Reviewer or the Office of Student Conduct at the time of the initial Incident Review meeting.
5. If a responding student fails to attend their scheduled Incident Review meeting, their case will be referred to the appropriate student conduct hearing board at the sole discretion of the Assistant Dean of Students and Director of Student Conduct or designee.

F. **Hearing Board Procedures**

Responding students will:

1. Be notified in writing via their university e-mail about the alleged misconduct and hearing procedures at least one (1) business day prior to the hearing board meeting.

2. Have the opportunity to review any incident report(s) submitted to the Office of Student Conduct during the hearing board.
3. Have an individual student conduct hearing board. Students referred to a student conduct hearing board with other responding students in which the facts relate to the same subject or incident, may have individual student conduct hearing boards that run concurrently with other responding students to streamline the matters for effectiveness and a prompt conclusion. For example, this may occur when witnesses can provide information about multiple responding students from a mutual incident or nexus of facts. It is the sole discretion of the Office of Student Conduct to determine when individual student conduct hearing boards can occur simultaneously.
4. Present information on their own behalf at a student conduct hearing board. This includes presenting any combination of three (3) witnesses or written witness statements. These witnesses or witness statements must have direct knowledge of the incident that is being reviewed by the student conduct hearing board. In addition, students may choose not to provide any information on their behalf. The student conduct hearing board reserves the right to make an inference from students who choose not to answer questions or provide information.
5. Question anyone providing information to the student conduct hearing board. Questions will be directed to the Hearing Board Advisor. The Hearing Board Advisor will have the final determination on the appropriateness of the question.
6. Request the removal of hearing board members based on bias or other conflict of interest. The Hearing Board Advisor will have the final determination on removal of the hearing board member.
7. Be assisted by one (1) University support person as defined above. Students cannot be assisted by an attorney during the hearing board process.
8. Be notified in writing via their university e-mail the determination of the student conduct hearing board within ten (10) business days after the student conduct hearing board has concluded.
9. Appeal the hearing board determination of responsibility of assigned violation(s) within two (2) business days from receiving the notification of the hearing board's determination to their university email.
10. Schedule a post-hearing meeting with the Office of Student Conduct to discuss the determination of the student conduct hearing board.

G. **Hearing Board Meeting**

1. At the sole discretion of the Assistant Dean of Students and Director of Student Conduct, or designee, the student conduct hearing board may be an Administrative Conduct Board or a Student Conduct Board.
2. Hearing boards are closed to the public. Admission to any person to the hearing shall be at the sole discretion of the Hearing Board Advisor. Hearing boards may not be disrupted by any party. The Hearing Board Advisor has the right to remove any disruptive individual including responding students. The hearing board will continue in the absence of the disrupting party.
3. Hearing boards will have a minimum of three (3) voting members to establish quorum.
4. Hearing boards will have a sole official verbatim record. The record is property of The University of Tampa.
5. Hearing boards will review information submitted to the Office of Student Conduct, the responding student(s) and witness(es) if applicable.
6. Hearing board advisors, at their sole discretion, may choose to postpone or suspend a hearing to gather additional information.
7. Hearing boards may question parties providing information during the hearing.
8. Hearing boards reserve the right to hear and decide a case in absentia of the responding and/or reporting parties or any other witnesses.
9. Hearing boards determine responsibility for the responding student related to the allegations of misconduct. Hearing boards use the "preponderance of evidence" standard in determining responsibility.
10. All procedural questions are resolved by a final determination of the hearing board advisor.
11. The Office of Student Conduct reserves the right to reassign any dismissed allegations if new information becomes known regarding the alleged misconduct that was not known to the hearing board or the Office of Student Conduct at the time of the original hearing.

H. **Types of Hearing Boards**

1. Student Conduct Boards are comprised of at least three (3) full-time students with a minimum grade-point average of 2.8 and the Assistant Dean of Students and Director of Student Conduct or designee who serves as a non-voting Hearing Board Advisor. The Assistant Dean of Students and Director of Student Conduct or designee shall select and ensure that all board members are properly trained. The Student Conduct Board will determine the responsibility of the responding student(s) and if found responsible will make sanction recommendations to the Office of Student Conduct. The Office of Student Conduct shall have the sole authority to make a final determination on the appropriateness of the sanction(s) recommended. All determinations of responsibility are based on a simple majority vote of the board members.
2. Administrative Board Hearings are comprised of at least three (3) faculty and/or staff members at The University of Tampa and the Assistant Dean of Students

and Director of Student Conduct or designee who serves as a non-voting Hearing Board Advisor. The Assistant Dean of Students and Director of Student Conduct or designee shall select the board members and ensure that all board members are properly trained. The Administrative Conduct Board will determine the responsibility of the responding student(s) and if found responsible will make sanction recommendations to the Office of Student Conduct. The Office of Student Conduct shall have the sole authority to make a final determination on the appropriateness of the sanction(s) recommended. All determinations of responsibility are based on a simple majority vote of the board members.

3. Appellate Hearing Boards are comprised of at least three (3) faculty and/or staff members at The University of Tampa. The Assistant Dean of Students and Director of Student Conduct or designee shall select the board members and ensure that all board members are properly trained. The review of the board is limited as set forth in the Appeals section of this policy. All determinations are based on a simple majority vote of the board members.

I. **Appeal of Hearing Board Determination**

1. If the responding student is determined responsible by a hearing board, the responding student may file an appeal of the determination of responsibility to the Office of Student Conduct within two (2) business days of receiving the notification of the determination of the student conduct hearing board to their University e-mail. Appeals shall be limited to a review of the verbatim record of the student conduct hearing board and supporting documents submitted with the appeal for one or more of the following purposes.
   a. To determine whether the original student conduct hearing board was conducted in conformity with prescribed procedures. If a procedural error occurred, it needs to be sufficient to alter the determination by the hearing board regarding responsibility of the assigned violation(s).
   b. To consider new information, sufficient to alter a determination by the student conduct hearing board regarding responsibility of the assigned violation(s), that was not available at the time of the original hearing board, because information and/or facts could not have been known to the responding student at the time of the initial hearing board.
2. The Office of Student Conduct, in its sole discretion, will determine if the appeal is eligible for review. If the appeal is eligible for review, it will be referred to the appropriate appellate hearing board/appellate hearing officer.
3. The appellate hearing board/appellate hearing officer has the authority to render the following determinations based on its limited review:
   a. Affirm the determination of the original hearing board.
   b. Modify the determination of the original hearing board.
   c. Modify imposed sanctions.
   d. Refer the case for a re-hearing by the original hearing board or a new hearing board.
4. All appeal determinations are final. Students will be notified within ten (10) business days of the appeal determination via their University e-mail.

J. **Disciplinary Sanctions**

1. When a respondent student is determined responsible for misconduct, the Office of Student Conduct will confirm assigned sanctions by the incident review and hearing board to ensure the appropriateness of the sanction(s) for the violation of misconduct. All sanctions are progressive, educational, and assigned based upon the severity of the misconduct and prior student conduct history if applicable. Information regarding sanctioning can be found in **Appendix V**.

K. **End of Semester and Summer Incidents**

1. Acknowledging the fact that incidents occur at/or right before the closure of a semester, the Office of Student Conduct reserves the right, in its sole discretion, to move forward with cases during or after final exams have concluded. In addition, the Office of Student Conduct reserves the right, in its sole discretion, to suspend a case until the beginning of the next semester that the responding student is enrolled. The following procedures may be applied.
   a. Students may be asked to appear for an Incident Review Meeting or student conduct hearing board during a scheduled finals exam week.
   b. Students living more than 50 miles away from campus and/or not enrolled during the current term may be asked to participate in the conduct process via telecommunication using video and/or audio technology.
   c. All graduating students who have been notified of an incident that occurred before the commencement ceremony must complete the conduct process and sanctions required in order to have their degree conferred.
   d. The University of Tampa reserves the right to withhold a degree if there is a pending conduct process or incomplete sanction.

L. **Holds and Incomplete University Sanctions**

1. In the circumstance that the student has failed to complete their sanction(s) requirements, the following measures are applicable:
   a. A registration hold will be placed on the student's account; and
   b. The student may be referred to the Office of Student Conduct for Compliance with Directives.

APPENDIX II: REGISTERED ORGANIZATION STUDENT CONDUCT PROCESS

These procedures apply to registered student organization misconduct, including all violations of the Student Code of Conduct, except for sexual misconduct and relationship violence, which is addressed in **Appendix III**. This section does not include the procedures used in individual student misconduct which is addressed in **Appendix I**.

Please note if a registered student organization is alleged to have violated the Sexual Misconduct and Relationship Violence Policy they will be adjudicated under the Sexual Misconduct and Relationship Violence Investigative Procedures located under **Appendix III**.

A. **Complaints of Registered Student Organization Misconduct**

1. Anyone may report complaints in writing of registered student organization misconduct directly to the Office of Student Conduct or online at **www.ut.edu/incidentreport**. Complaints may also be filed on behalf of the University by the Office of Student Conduct. Complaints of misconduct will be reviewed by the Assistant Dean of Students and Director of Student Conduct, or designee, who is responsible for the administration of the Registered Student Organization process.
2. The Assistant Dean of Students and Director of Student Conduct, or designee, may conduct a preliminary inquiry to determine if the complaint has merit. If the complaint of misconduct is found to have merit, an investigation will be commenced to determine if the misconduct has violated University policy. The Office of Student Conduct reserves the right to reopen a preliminary inquiry in the event new information becomes known regarding the alleged misconduct that was not known to the Office of Student Conduct at the time of the initial preliminary inquiry.

B. **Notification of Investigation of Registered Student Organization Misconduct**

1. The Assistant Dean of Students and Director of Student Conduct, or designee, will notify the responding student organization of the alleged misconduct. A meeting will be scheduled with the Assistant Dean of Students and Director of Student Conduct, or designee, and the responding registered student organization's president or representative. The responding registered student organization's president or representative will be notified one (1) business day prior to the scheduled meeting.
2. The responding registered student organizations' president or representative is required to attend a meeting with Assistant Dean of Students and Director of Student Conduct, or designee, who is free of any conflict of interest or bias, to review the registered student organization conduct process. At this meeting, the president or representative will be given notice of the complaint of misconduct. The Assistant Dean of Students and Director of Student Conduct, or designee, will select the investigator who will investigate the allegations of misconduct.

C. **Interim Actions**

1. The Office of Student Conduct, or designee, may impose interim actions prior to, or during an Incident Review Meeting, student conduct hearing board, registered student organization investigation, and/or Sexual Misconduct and Relationship Violence investigation. Interim actions will be imposed in the following circumstances:
   a. To ensure the safety and well-being of members of the University community or preservation of University property;
   b. To ensure a student's and/or registered student organization's own physical or emotional safety and well-being;
   c. To ensure the integrity of the investigative and/or student conduct process;
   d. If a student or registered student organization poses a threat of disruption of or interference with the normal operations of the University; or
   e. Any other circumstances where the Office of Student Conduct, or designee, determines, in its sole discretion, the interim actions to be in the best interest of the University or its community.
2. The Office of Student Conduct, or designee, shall have the sole authority to make a final determination on the appropriate interim action, and it may select any action from all the available actions that it finds appropriate under the circumstances at issue. Whenever an interim action is imposed, the Office of Student Conduct will convene the formal student conduct process as soon as possible pending the normal due process requirements and upon consideration of the circumstances.

For more information on Interim Actions please refer to **Appendix V**.

D. **Investigation of Registered Student Organization Misconduct**

1. The University will respond to all complaints of registered student organization misconduct that are found to have merit in a prompt, fair and impartial way, which includes a thorough fact-finding investigation. The responding registered student organization may choose not to provide information on its behalf during the investigation. However, the Investigator may make inferences from participants, including the responding registered student organization or any of its members, who choose not provide information.

E. **Investigation Report**

1. The Investigator(s) will prepare a written report at the conclusion of an investigation. Investigator(s) will first consider if a reasonable observer would have associated this complaint of misconduct with the registered student organization and then use the preponderance of the evidence standard to determine if misconduct occurred.

F. **Notification of Determination and Sanctioning of Registered Student Organization Misconduct**

1. The Office of Student Conduct will notify at a minimum the President, or representative, of the responding registered student organization and the Office of Student Leadership and Engagement of the determination of the investigation and sanctions (if applicable). For information regarding sanctions please refer to **Appendix V**. If the investigative report is deemed inconclusive no sanctioning process will be initiated.

G. **Appeal of Determination**

1. If the responding registered student organization is found responsible for misconduct, the President, or representative, may file an appeal with the Office of Student Conduct within two (2) business days from receiving the notification of the determination of the Investigator. Appeals shall be limited to a review of the Investigator's report and the supporting documents submitted with the appeal for one of the following purposes.
   a. To determine whether the original investigation was conducted in conformity with prescribed procedures. If a procedural error occurred, it needs to be sufficient to alter the determination of responsibility of the assigned violation(s).
   b. To consider new information, sufficient to alter a determination by the Investigator regarding responsibility of the assigned violation(s), that was not available at the time of the original investigation, because information and/or facts could not have been known to the responding registered student organization at the time of the investigation.
2. The Vice President for Student Affairs, or designee, in their sole discretion, will determine if the appeal is eligible for review by meeting the criteria outlined above. The Vice President for Student Affairs, or designee has the authority to render the following determinations based on their limited review:
   a. Deny the appeal based on failure to meet established appeal criteria.
   b. Affirm the determination of the original investigator(s).
   c. Accept the appeal and refer the case for a re-investigation by a new Investigator(s). The new Investigator(s) will receive all statements given by any parties that were interviewed. This information will be provided to the new Investigator(s) by the Assistant Dean of Students and Director of Student Conduct, or designee. The new Investigator(s) will not receive any determinations from the original report.
3. All appeal determinations are final. The registered student organization's President, or designee, and the Office of Student Leadership and Engagement will be notified of the determination within ten (10) business days of the appeal determination.

APPENDIX III: SEXUAL MISCONDUCT AND RELATIONSHIP VIOLENCE INVESTIGATIVE PROCEDURES

The following procedures are utilized to adjudicate sexual misconduct and relationship violence complaints (XVIII. Sexual Misconduct and Relationship Violence) listed under University Policies but not covered under the Title IX Policy. For the process related to other student misconduct allegations, please see **Appendix I**, and for procedures for alleged misconduct by registered student organizations, please see **Appendix II**.

A. **Complaints of Sexual Misconduct and Relationship Violence:**

1. Anyone may report complaints in writing of sexual misconduct and relationship violence directly to the Office of Student Conduct or online at **www.ut.edu/incidentreport**. Complaints may also be filed on behalf of the University by the Office of Student Conduct. Complaints of misconduct will be reviewed by the Assistant Dean of Students and Director of Student Conduct, or designee, who is responsible for the administration of the Student Conduct process.
2. The Assistant Dean of Students and Director of Student Conduct, or designee, may conduct a preliminary inquiry to determine if the complaint has merit. If the complaint of sexual misconduct and relationship violence is found to have merit, an investigation will be commenced to determine if the conduct has violated University policy. The Office of Student Conduct reserves the right to reopen a preliminary inquiry in the event new information becomes known regarding the alleged conduct that was not known to the Office of Student Conduct at the time of the initial preliminary inquiry.

B. **Interim Actions**

1. The Office of Student Conduct may impose interim actions prior to a sexual misconduct and relationship violence investigation. Interim actions will be imposed in the following circumstances:
   a. To ensure the safety and well-being of members of the University community or preservation of University property;
   b. To ensure a student's and or registered student organization's own physical or emotional safety and well-being;
   c. To ensure the integrity of the investigative and/or student conduct process;
   d. If a student poses a threat of disruption of or interference with the normal operations of the University; or
   e. Any other circumstances where the Office of Student Conduct determines, in its sole discretion, the interim actions to be in the best interest of the University or its community.
2. The Office of Student Conduct shall have the sole authority within its discretion to make a final determination on the appropriate interim action, and it may select any action from all the available actions that it finds appropriate under the circumstances at issue. Whenever an interim action is imposed, the Office of Student Conduct will convene the formal student conduct process as soon as possible in compliance with the normal due process requirements and upon consideration of the circumstances. Students who have an interim suspension can request a review within two (2) business days of the effective date of the interim suspension unless circumstances warrant an extension. The Assistant Vice President for Student Affairs and Dean of Students and/or designee will conduct a review of any submitted material by the student who has been interim

suspended and, within five (5) business days after receipt of the materials, render a determination that the interim suspension is supported, modified, or revoked. Interim suspension reviews are not automatic and must be requested in writing by the student by the deadline listed in the interim suspension letter. Registered Student Organizations do not have the right to have an interim suspension reviewed.

For more information on Interim Actions please refer to **Appendix V**.

C. **Notification of Sexual Misconduct and Relationship Violence Investigation**

1. The Assistant Dean of Students and Director of Student Conduct, or designee, will notify the Complainant party of the alleged Sexual Misconduct and/or Relationship Violence policy violation. A meeting will be scheduled with the Assistant Dean of Students/ and Director of Student Conduct, or designee, and the Complainant party. The Complainant party will be notified at least one (1) business day prior to the scheduled meeting. The Complainant party may bring an advisor to this meeting. The Complainant party may submit a written complaint detailing the allegation of sexual misconduct and relationship violence at the conclusion of this meeting.
2. The Assistant Dean of Students and Director of Student Conduct, or designee, will notify the responding student of the alleged Sexual Misconduct and/or Relationship Violence policy violation. A meeting will be scheduled with the Assistant Dean of Students and Director of Student Conduct or designee and the responding student. The responding student will be notified at least one (1) business day prior to the scheduled meeting. The responding student may bring an advisor to this meeting. At this meeting, the responding student will be able to review the written complaint of sexual misconduct and relationship violence if provided by the Complainant party and any other relevant information surrounding the allegation.
3. The Assistant Dean of Students and Director of Student Conduct, or designee, will assign the Investigator(s) who will investigate the allegations of sexual misconduct and/or relationship violence. Upon the assignment of Investigators to the sexual misconduct and relationship violence complaint, the Office of Student Conduct will strive to complete its investigation in a timely manner. If the Office of Student Conduct is unable to complete the investigation within a timely manner the Assistant Dean of Students and Director of Student Conduct, or designee, will provide an update to the Complainant and Respondent(s) detailing the reasons for the delay.

D. **Investigation of Sexual Misconduct and Relationship Violence**

1. Investigations will consist of a thorough fact-finding investigation. Throughout the process, the Complainant and Respondent(s) may have an advisor present for all required meetings with investigators.
2. University Investigators will conduct interviews with appropriate parties that can provide information regarding the alleged violation of the Sexual Misconduct and Relationship Violence policy. After initial meetings with the Complainant and Respondent, Investigators will provide each party an opportunity to review their own individual statements made to Investigators during their individual meetings. The Complainant and Respondent parties will have two (2) business days from receipt of their initial meeting summary to submit comments on their individualized statements. These statements will not be eligible for editing after the release of the preliminary report.

E. **Investigation Report**

1. The Investigator(s) will prepare a preliminary written report at the conclusion of their initial fact-finding and then a final written report at the conclusion of their investigation. The Complainant(s) and Respondent(s) may review the Investigator's preliminary report. The preliminary report will contain all information deemed relevant by Investigators during their investigation without the Investigator's summary of findings including statements from relevant witnesses. The Complainant(s) and Respondent(s) will be scheduled for a meeting with the Assistant Dean of Students and Director of Student Conduct, or designee, to facilitate the review of the preliminary report. A Complainant or Respondent must submit any comments including any additional questions for any parties interviewed within two (2) business days after reviewing the preliminary report.
2. Following the receipt of any comments submitted, or after the two (2) business day period has lapsed without comment, the Investigator(s) will address any relevant questions parties may have and identify factual inaccuracies or misunderstandings at their discretion and complete a final written report. The Investigator(s) will provide a final report that includes a determination regarding whether sexual misconduct and relationship violence policy violation occurred. Investigator(s) will use the preponderance of evidence obtained in the investigation to make their determination. This final report will be submitted to the Office of Student Conduct. The Complainant(s) and Respondent(s) will be scheduled for a meeting with the Assistant Dean of Students and Director of Student Conduct, or designee, to facilitate review of the final report.

F. **Notification of Determination of Policy Violation and Sanctioning of Sexual Misconduct and Relationship Violence Violations**

1. The University of Tampa will notify the Complainant and Respondent(s) of the determination of the policy violations and sanctions (if applicable) simultaneously in writing through their respective University email accounts or personal email account where applicable. In instances where the Respondent(s) are determined responsible for sexual misconduct and relationship violence, the University will initiate a sanctioning process.

For information regarding sanctions please refer to **Appendix V**.

G. **Appeal of Determination of Policy Violation**

1. Either party (Complainant or Respondent) may appeal the determination of responsibility by the Investigator(s). Parties may file an appeal to the Vice

President for Student Affairs within two (2) business days of notification of the determination to their university e-mail. A party may only seek an appeal within these specific guidelines.

a. To determine whether the original investigation was conducted in conformity with prescribed procedures. If a procedural error occurred, it needs to be sufficient to alter the determination of the violation(s), of the case.

b. To consider new information, sufficient to alter a determination of violation(s), that was not available at the time of the original investigation, because information and/or facts could not have been known at the time of the investigation.

2. The Vice President for Student Affairs or designee, in their sole discretion, will determine if the appeal is eligible for review by meeting the criteria outlined above. The Vice President for Student Affairs, or designee, has the authority to render the following determinations based on their limited review:

a. Deny the appeal based on failure to meet established appeal criteria.

b. Accept the appeal and affirm the determination of the original investigator(s).

c. Accept the appeal and refer the case for a re-investigation by a new Investigator(s) due to a procedural error during the investigation process. The new Investigator(s) will receive all statements given by any parties that were interviewed. This information will be provided to the new Investigator(s) by the Assistant Dean of Students and Director of Student Conduct, or designee.

3. All appeal determinations are final. Students will be notified within ten (10) business days of the appeal determination via their University e-mail.

APPENDIX IV: AMNESTY

A. **Statement of Purpose**

1. The University of Tampa considers the safety and personal well-being of the student body a priority. The University recognizes that there may be alcohol, drug-related, hazing, and sexual misconduct and relationship violence emergencies in which the potential for disciplinary action could act as a barrier to students who want to seek assistance for themselves or others. The Amnesty and Bystander Intervention Policy is designed to enable students and their guests to seek assistance for emergencies by reducing the possible barrier of disciplinary consequences.

B. **Jurisdiction**

1. The University of Tampa Amnesty and Bystander Intervention Policy applies to both on campus and off-campus incidents.

C. **Statement of Policy**

1. When a student or other individual seeks assistance for themselves or another person experiencing an alcohol, drug-related, hazing and sexual misconduct and relationship violence emergency by contacting emergency services, such as the Residence Life staff, Campus Safety, or Tampa Police Department, the student(s) in need of medical attention and the individual(s) reporting the emergency will not be subject to disciplinary action for the following violations in the Student Code of Conduct:

a. Alcohol;

b. Drugs;

c. Drug Paraphernalia;

d. Hazing.

2. However, in all incidents involving an alcohol or other drug-related emergency, the Office of Student Conduct may pursue disciplinary action related to other alleged violations of the Student Code of Conduct.

D. **Determination of Medical Amnesty and Bystander Status**

1. All information related to the incident will be documented by the responding University official(s) in a report and forwarded to the Office of Student Conduct. The Office of Student Conduct will review the report and determine the appropriate application of amnesty and any other action to be taken in accordance with the Student Code of Conduct.

E. **Requirement of Medical Amnesty and Bystander Status**

1. Any student who is granted Amnesty or Bystander status as a result of an alcohol or other drug-related emergency will be required to:

a. Attend a follow-up meeting with Counseling Services for an Alcohol and Other Drug assessment where the student's behavior will be discussed in addition to possible referrals to other campus resources; and

b. Complete additional measures determined at the sole discretion of the Office of Student Conduct to better support the individual student and the overall community when the student has experienced alcohol and other drug-related emergencies.

2. In addition, students granted Amnesty or Bystander status could be charged with a violation of Compliance with Directives under the Student Code of Conduct if the student does not complete their assessment requirements or additional measures.

APPENDIX V: INTERIM ACTIONS AND SANCTIONING

A. **Determination of Interim Actions**

1. The Office of Student Conduct and/or designee may impose interim actions prior to, or during an incident review, hearing board meeting, registered student organization investigation, and/or sexual misconduct and relationship violence investigation. Interim actions will be imposed in the following circumstances:

a. To ensure the safety and well-being of members of the University community

or preservation of University property;

b. To ensure a student's and or registered student organization's own physical or emotional safety and well-being;

c. To ensure the integrity of the investigative and/or student conduct process;

d. If a student or registered student organization poses a threat of disruption of or interference with the normal operations of The University; or

e. Any other circumstances where the Office of Student Conduct or designee determines, in its sole discretion, the interim actions to be in the best interest of The University or its community.

2. The Office of Student Conduct shall have the sole authority within its discretion to make a final determination on the appropriate interim action, and it may select any action from all the available actions that it finds appropriate under the circumstances at issue. Whenever an interim action is imposed, the Office of Student Conduct will convene the formal student conduct process as soon as possible in compliance with the normal due process requirements and upon consideration of the circumstances. Students who have an interim suspension can request a review within two (2) business days of the effective date of the interim suspension unless circumstances warrant an extension. The Assistant Vice President for Student Affairs and Dean of Students and/or designee will conduct a review of any submitted material by the student who has been interim suspended and, within five (5) business days after receipt of the materials, render a determination that the interim suspension is supported, modified, or revoked. Interim suspension reviews are not automatic and must be requested in writing by the student by the deadline listed in the interim suspension letter. Registered Student Organizations do not have the right to have an interim suspension reviewed.

B. **Interim Actions**

Interim actions may include, but are not limited to:

1. **Interim Suspension:** The Assistant Dean of Students and Director of Student Conduct and/or designee may, after a sufficient level of inquiry to determine its appropriateness impose an interim suspension of a student or registered student organization prior to the beginning of or during the formal student conduct process. Students who have been interim suspended may not reside in a residence hall and/or attend classes at the University until the interim suspension has been removed. Registered student organizations who have been interim suspended will terminate all existing programs, meetings, and other forms of social activities until the interim suspension has been removed.
2. **Interim No Contact Order:** The Assistant Dean of Students and Director of Student Conduct and/or designee may impose an interim no contact order between students and/or registered student organizations and any other member of the University community.
3. **Interim No-Trespass Order:** The Assistant Dean of Students and Director of Student Conduct, Director of Campus Safety, or designee may impose an interim no-trespass order which may limit access for students and registered student organizations to a specific area or place including but not limited to residence halls, academic buildings, and University events.
4. **Interim Student Employment Removal:** The Assistant Dean of Students and Director of Student Conduct and/or designee may impose a temporary removal of student employment.
5. **Interim Residence Hall Restrictions:** The Assistant Dean of Students and Director of Student Conduct and/or designee, may impose on students and registered student organizations a residence hall restriction, housing reassignment, or other relevant residence hall restrictions.
6. **Interim Registered Student Organization On-Campus Restrictions:** The Assistant Dean of Students and Director of Student Conduct and/or designee, may give limitations and/or restrictions to a registered student organization regarding any official or unofficial on-campus activity for the duration or any part thereof of the Registered Student Organization Conduct process.
7. **Interim Registered Student Organization Off-Campus Restrictions:** The Assistant Dean of Students and Director of Student Conduct and or designee, may give limitations and/or restrictions to a registered student organization regarding any official or unofficial off-campus activity for the duration or any part thereof of the Registered Student Organization Conduct process.

C. **Sanctioning**

1. The University of Tampa has an educational philosophy regarding sanctioning for responding students and registered student organizations. Sanctions are assigned based on the type of violation and severity of the misconduct.
2. Students and/or registered student organizations will receive a standard disciplinary sanction if determined responsible for misconduct as set forth in the Student Code of Conduct. Additional sanctions may be imposed in conjunction with a standard disciplinary sanction.
3. For students, except for violations of sexual misconduct and relationship violence, the Office of Student Conduct shall have the sole authority to make a final determination on the appropriate sanction based on the misconduct.
4. For students and/or registered student organizations responsible for sexual misconduct and/or relationship violence or registered student organizations responsible for any other misconduct, the Assistant Vice President for Student Affairs and Dean of Students or designee shall have the sole authority to make a final determination on the appropriate sanction based on the conduct at issue.

D. **Standard Disciplinary Sanctions**

1. **Disciplinary Reprimand** is a standard disciplinary sanction issued by the Office

of Student Conduct. A Disciplinary Reprimand is a formal written warning regarding a student's demonstrated behavior. Disciplinary Reprimands are provided to students to indicate that their behavior has become problematic and has violated the Student Code of Conduct.

2. **Disciplinary Probation** is a standard disciplinary sanction issued by the Office of Student Conduct. Disciplinary Probation is a probationary status used by the Office of Student Conduct prior to issuing other standard disciplinary sanctions such as Deferred Suspension, Suspension or Expulsion. The Disciplinary Probation status will be for the duration listed and may run consecutively after a Deferred Suspension period. Disciplinary Probation may require students to complete additional educational sanctions as a condition of their probationary status. Further violations of the Student Code of Conduct during a students' Disciplinary Probation status may result in Deferred Suspension, Suspension or Expulsion from the University.
3. **Deferred Suspension** is a standard disciplinary sanction issued by the Office of Student Conduct. Deferred Suspension is the highest probationary status used by the Office of Student Conduct prior to issuing a standard disciplinary sanction of Suspension or Expulsion. The Deferred Suspension probationary status will be for the duration listed and supersedes any other disciplinary probation status issued by the Office of Student Conduct during that period. Deferred Suspension may require students to complete additional educational sanctions as a condition of their probationary status. Further violations of the Student Code.
4. **Suspension*** is a standard disciplinary sanction issued by the Office of Student Conduct. Suspension is the immediate termination of a students' registration at The University of Tampa for the duration listed not to exceed four (4) years. Students who are suspended from the University will be withdrawn from their courses once the student conduct process is completed and will receive a "hold" on their student account which prevents course registration. This hold will not be lifted prior to the end date of the Suspension. Prior to re-enrollment students must complete the Student Conduct Suspension Clearance Process and complete a Student Conduct Suspension Clearance Petition form. Additionally, students may be subject to reapplication requirements as determined by Admissions.
5. **Expulsion*** is a standard disciplinary sanction issued by the Office of Student Conduct. Expulsion is the immediate and permanent termination of a students' registration at The University of Tampa and is effective the date listed. Students who are expelled will be withdrawn from their courses once the student conduct process is completed. Students who are expelled receive a permanent "hold" on their student account that will prevent future course registration at the University of Tampa.

*** Students who are suspended or expelled from the University will receive no refund.**

E. **Additional Disciplinary Sanctions**

1. **Campus Service** is an additional disciplinary sanction issued by the Office of Student Conduct. Campus Service requires students to provide a University of Tampa affiliated office or program assistance for a determined number of hours. Students must seek approval from the Office of Student Conduct before beginning campus service hours. Registered student organizations must seek approval from the Assistant Dean of Students and Director of Student Conduct or designee before beginning campus service hours.
2. **Community Service** is an additional disciplinary sanction issued by the Office of Student Conduct. Community service requires students to provide The University of Tampa campus community assistance for a determined number of hours. These hours must be completed off-campus with an entity unaffiliated with the University. Students must seek approval from the Office of Student Conduct before beginning community service hours. Registered student organizations must seek approval from the Assistant Dean of Students and Director of Student Conduct or designee before beginning community service hours.
3. **Conduct Fines** are an additional disciplinary sanction issued by the Office of Student Conduct. A conduct fine requires students to pay the fine amount to the University Bursar's Office.
4. **Deferred Termination of Residency** is an additional disciplinary sanction issued by the Office of Student Conduct. Deferred Termination of Residency is a probationary status for students who reside in university housing and is specific to violations committed within university housing. The Deferred Termination of Residency status will be for the duration listed above and may run concurrently with other standard disciplinary sanctions such as Disciplinary Probation and Deferred Suspension. Students who are placed on Deferred Termination of Residency are subject to having their housing contract terminated for further violations of the Student Code of Conduct and/or Campus Living Policies.
5. **Discretionary Sanctions** are sanctions that include but are not limited to:
   a. Letter of Apology
   b. Research/Reflection Paper
   c. Program Presentations
   d. Behavioral Contracts
   e. Alcohol and Other Drug Education
   f. Permanent No-Contact Orders
   g. 3rd Millennium Prevention Modules
6. **Housing Room Reassignment** is an additional disciplinary sanction issued by the Office of Student Conduct. Housing Room Reassignments require students to vacate their current housing assignment and be relocated to a new housing assignment by the Office of Residence Life and Housing.

7. **Involuntary Course Withdrawal** is an additional disciplinary sanction issued by the Office of Student Conduct. Involuntary course withdrawal requires the removal of a student from a particular registered course. If deemed the appropriate sanction by the University, course withdrawal will occur immediately. Students who are involuntarily removed from a registered course will not receive credit for the course and will not receive any refund for courses for which they have been removed.
8. **IMPACT Feedback and Alcohol and Other Drug Assessment (IMPACT)** is an additional disciplinary sanction issued by the Office of Student Conduct. The IMPACT sanction requires assigned students to complete an online survey in addition to any required follow-up appointments with Counseling Services regarding their survey results.
9. **Marijuana 101** is an additional disciplinary sanction issued by the Office of Student Conduct. Marijuana 101 requires students to complete the 3rd Millennium Marijuana 101 course online.
10. **Parental Notifications** are an additional disciplinary sanction issued by the Office of Student Conduct. Parental Notifications are made by the Office of Student Conduct for certain violations of university policy in accordance with the Family Educational Rights and Privacy Act (FERPA). The Office of Student Conduct will provide information consistent with FERPA exemptions to a student's parent or legal guardian. Notifications will be made via US mail to a student's permanent address on file with the University.
11. **Prevention Fees** are an additional disciplinary sanction issued by the Office of Student Conduct. Prevention Fees are associated with Alcohol, Drug and Drug Paraphernalia violations and are intended to prevent further violations of the University policy as well as to provide preventative educational programming related to Alcohol.
12. **Registration Hold** is a sanction placed directly onto a student's University account prohibiting registration for classes or changes to an academic schedule.
13. **Restitution** is an additional disciplinary sanction issued by the Office of Student Conduct. Restitution requires students to pay for damaged, destroyed, or misused University property because of a student's actions or negligence
14. **Registered Student Organization On-Campus Restrictions** is an additional disciplinary sanction issued by the Office of Student Conduct. On-Campus Restrictions are limitations and/or restrictions to a registered student organization regarding any official or unofficial on-campus activity which includes social activities.
15. **Registered Student Organization Off-Campus Restrictions** is an additional disciplinary sanction issued by the Office of Student Conduct. Off-Campus Restrictions are limitations and/or restrictions to a registered student organization regarding any official or unofficial off-campus activity which includes social activities.
16. **Residential Restricted Access** is an additional disciplinary sanction issued by the Office of Student Conduct. Restricted Access prevents students from accessing University residential facilities except for Vaughn Center floors 1 and 2, and the Morsani Hall dining area.
17. **Restriction/Revocation of Privileges** is an additional disciplinary sanction issued by the Office of Student Conduct. The Revocation of Privileges is a temporary suspension of a student's ability to utilize certain privileges afforded to students at the University.
18. **Termination of Residency** is an additional disciplinary sanction issued by the Office of Student Conduct specifically for residential students. Termination of Residency means a termination of a student's housing contract with the Office of Residence Life and Housing. When a housing contact is terminated, students have five (5) business from the completion of their student conduct process to vacate their assigned space and return their keys to the Office of Residence Life and Housing. Students who are terminated from residency for violations of the Student Code of Conduct and/or Campus Living Policies receive no refund of their deposit or housing costs.
19. **University Restricted Access** is an additional disciplinary sanction issued by the Office of Student Conduct. University Restricted Access prevents students from accessing being on university property.
20. **Vector AlcoholEdu for Sanctions** is an additional disciplinary sanction issued by the Office of Student Conduct. AlcoholEdu requires assigned students to complete an online learning module through the Vector portal on their MyUTampa account.
21. **Vector Diversity, Inclusion & Belonging** is an additional disciplinary sanction issued by the Office of Student Conduct. Diversity, Inclusion & Belonging requires assigned students to complete an online learning module through the Vector portal on their MyUTampa account.

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