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INFORMATION AND 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, state and federal law.

Contact
Office of Student Conduct Department of Campus Safety
Vaughn Center, 202 Innovation and Collaboration Building, 1st Floor
813-258-7228 813-257-7777
conduct@ut.edu Campussafety@ut.edu
www.ut.edu/studentconduct www.ut.edu/safety

Procedures for Reporting a Violation of the Student Code
Violations of the Student Code of Conduct 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 https://ut-advocate.simplicity.com/public_report.

Procedures for Reporting a Crime or Emergency
Potential criminal actions and any emergency on campus, including medical and fire emergencies, should be reported directly to the Department of Campus Safety by dialing extension 7777, (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.

Prompt reporting of all criminal incidents and emergencies is vital. Upon receipt of the call, a Campus Safety officer will be dispatched immediately to the site of the call or will ask the victim to report to the Department of Campus Safety to file a report. All student-related reports are forwarded to the Dean of Students and other campus officials as appropriate. Reports are reviewed by the Office of Student Conduct for potential disciplinary actions. Any subsequent information obtained during the investigation is forwarded to the Dean of Students and Office of Student Conduct.

Procedures for Reporting a Violation of the Student Code or Crime that Occurred on The University of Tampa Campus Anonymously
Persons who are witnesses to a policy violation or crime may report information anonymously through the silent witness program by utilizing https://www.ut.edu/silentwitness. Persons who would like to report any crimes committed off campus that involve The University of Tampa students, faculty or staff should be reported to the Tampa Police Department at (813) 231-6130, or by dialing 911 for emergencies.

The entire student handbook can be found at www.ut.edu/studentconduct
Victim Advocacy

College campuses are academic institutions that foster individual growth and intellectual development in safe and supportive environments. Statistics demonstrate that college students are safer than people of the same age in different environments. Nevertheless, despite our best efforts and practices, no campus is completely safe and college students do become crime victims.

The University of Tampa is proud to offer victim advocacy services to 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 and work on-campus in student life. An advocate may be contacted during the fall and spring semesters through the victim advocate hotline (813) 257-3900 or by contacting Campus Safety. During summer terms or between academic terms, advocates may be contacted solely through Campus Safety. You may always contact an advocate by emailing victimadvocacy@ut.edu.

Policy for Reporting the Annual Disclosure of Crime Statistics

The Jeanne 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 inform the public of crime in or around campus.

The Department of Campus Safety prepares the annual Crime Statistics Report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act). This report is prepared in cooperation with local law enforcement agencies surrounding The University of Tampa main campus, 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 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 school and on public property within or immediately adjacent to the campus. The full text of this report can be located on The University of Tampa website at www.ut.edu/safety. You may also request a paper copy from the Campus Safety Office.

Americans with Disabilities Policy

The Office of Student Conduct is fully committed to act in compliance with all Americans with Disabilities Act (ADA) mandated requirements. Any student in need of accommodation can contact the Office of Student Conduct or the Office of Student Disability Services.

Title IX

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

The University of Tampa is committed to providing an environment free from discrimination based on gender 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, harassment, and sexual violence.

While it is often thought of as a law that applies to athletics programs, Title IX is much broader than Athletics and applies to all institutional programs and services at The University of Tampa. While 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
Donna Popovich
Executive Director, Human Resources
RIVC 202
Phone: 813.253.6237
dpopovich@ut.edu

Title IX Deputy Coordinator for Students
Tim Nelson, Director of Student Conduct
Office of Student Conduct
VC 202
Phone 813.258.7228
tenelson@ut.edu

Title IX Deputy Coordinator for Athletics
Cher Pittenger
Assistant Director Academic and Student Services
Senior Woman Administrator Athletics
MAC 126
813-257-3000
cpittenger@ut.edu

Title IX Deputy Coordinator for Academic Affairs
Katherine Cole, PhD
Associate Provost, Dean of Academic Services
Associate Professor, Biology
PH 202
813-257-3147
kcole@ut.edu
Obligations of Membership in the University Community

The trustees, faculty and administration of The University of Tampa are determined that this campus community be a place of shared responsibility, personal freedom and collective safety and harmony. They are committed to the fact that every effort be made to ensure the best possible quality of life for everyone at the University. It is important that the University be able to remove from the campus any person, student organization, or any circumstance that is detrimental to the University community.

The University of Tampa is a community of scholars devoted to higher learning. Members of the community – faculty, staff and students – have an obligation, both to themselves and to each other, to foster an atmosphere of mutual respect and high regard for the life and property of the University.

It is expected that all members of the community will share respect for the law, and adhere to the exemplary standards of conduct consistent with a community of scholars. It is further assumed these high standards will be self-enforced and that in the event they are not, the University may take action to protect its interests as a community.

In the enforcement of these standards, the following should be understood:

- The president of the University or his or her representative has the discretion to suspend any student or other member of the University community whose presence is believed to be contrary to the best interests of the University community.
- The trustees have reaffirmed that members of this community have rights and responsibilities.
- Fair procedures, as described in this handbook, will be exercised in all conduct situations, although this may follow, rather than precede, administrative action. Students have the responsibility to cooperate fully with these conduct procedures.
- Students have the right to a supportive and positive educational environment, with the accompanying responsibility to pursue their academic and related interests with integrity and diligence.

Student Rights and Responsibilities

All students are to conduct themselves with integrity and in accordance with the Obligations of Membership in the University Community. 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, this Student Code of Conduct, 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 self-discipline, and to protect property and the environment of the University.

The University of Tampa assumes its students will conduct themselves as responsible citizens as articulated in the Spartan Code and will comply with all established University policies and all applicable state and federal laws. The University of Tampa reserves the right to discipline or dismiss any student or registered student organization whose conduct on or off campus violates the Student Code of Conduct and is unbecoming of a University of Tampa student or reflects poorly on the institution. This includes conduct that would impair, interfere with, or obstruct the missions, processes or functions of The University of Tampa, including endangering the health, safety or welfare of the student or others. Proceedings under this Student Rights and Responsibilities 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 student organization for the violation of any student policies that occurs on or off campus. Sanctions are specific to the incident and are intended to be individual, developmental and educational in scope.

The University recognizes that all violations of University policies documented in a student’s conduct file are part of that student’s educational record. As such, the Family Education Rights and Privacy Act (FERPA) of 1974 that provides for confidentiality of students’ educational records protects these files and their contents. This confidentiality allows only persons who meet appropriate disclosure policies to have access to these records. Instances where a student is a victim of a crime of violence, upon written request, The University of Tampa will disclose the outcome of a student conduct hearing to the victim. For more information regarding FERPA contact The University of Tampa Registrar’s Office. For more information relating to specific conduct records contact The Office of Student Conduct.

Disclaimer: At the time this publication went to print (Last Revised: August 2016), all the information contained in it 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 does not create or confer any contractual right, express or implied. If this occurs, 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/rightsandresponsibilities.
STUDENT CODE OF CONDUCT DEFINITIONS

Advisor: any person a complainant, or respondent chooses to support them during an investigation of Sexual Misconduct. 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.

Business day: a day in which The University of Tampa is open for normal business. This excludes weekend, federal holidays, and break periods for which the University is closed.

Complainant: An individual who reportedly experienced sexual misconduct, regardless of whether that individual participates in the disclosure or review of that report by the University at any point.

Confidential Employee: A staff member of the University that is obligated to withhold any and all information disclosed to them by any student. This person could be, but is not limited to, a University Counselor or Victim Advocate.

Constructive possession: a student having knowledge and access of items located in an area, but not necessarily having actual possession.

Consent: is defined as informed, voluntary, and mutual agreement to the specific sexual contact evidenced by a clear expression in words or actions. Consent can be withdrawn at any time. If a person is mentally or physically incapacitated or impaired, whether temporarily or permanently, so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent. This includes impairment or incapacitation due to alcohol or drug consumption, being asleep or unconscious, or any other reason that the individual is physically or mentally unable to communicate consent.

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.

Guest: any person who is not affiliated with The University of Tampa.

Investigator: An appropriately trained individual, who may be a University employee or external consultant, who reviews and investigates reports of sexual misconduct.

Possession: is defined as custody or control over and being located on one’s person, 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 of the evidence, it is more likely than not that the violation was committed.

Prohibited: means banned from participating in.

Reporting Party: An individual who reports alleged misconduct to the University. In reports of sexual misconduct, the reporting party need not be a Complainant.

Respondent or Responding Student: A University student who is reported to have engaged in alleged misconduct. This term also includes individuals whose identities are unknown if there is a reason to believe that they may be a University student.

Responsible Employee: All persons who work for the University (students, staff or faculty) that are not considered confidential employees and are considered a Responsible Employee and are obligated to report any violation(s) of the Sexual Misconduct policy.

Retaliation: An intentional act made by a student that prohibits or intimidates another student or University official from making a good faith report of misconduct, reasonably participating in the investigation of a report of misconduct, reasonably objecting to or resisting misconduct, or being a close associate of someone who makes or may make a good faith report of misconduct.

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

Student: includes all persons taking courses at the University, both full-time and part-time pursuing undergraduate or graduate studies, as well as anyone on university property related to registration for enrollment. Persons who are not officially enrolled but have had a relationship with the university as a student within the previous two (2) academic semesters are also considered “students.” Additionally, “student” also includes those individuals who satisfied this definition at the time of the alleged violation.

University: means The University of Tampa.

University official: includes any person employed by The University of Tampa performing administrative or professional responsibilities.

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

University of Tampa campus: means 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: is any current student, faculty or staff member of the University chosen by a respondent in all student misconduct cases with the exception of sexual misconduct; see advisor. 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 only.

Visitor: means any person who is visiting campus but holds a relationship with The University of Tampa.

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

I. Personal Responsibility
Students are expected to uphold the values of the Spartan Code at all times. This includes but is not limited to:

a. Conducting themselves with a high level of personal responsibility.
b. Carrying their university-issued identification card at all times.
c. Conducting financial transactions lawfully and with integrity and meeting their financial obligations with respect to University funds.

Additionally, students are prohibited from:

d. Falsifying or being party to the falsification, actively or passively, of any official University record or document.
e. Providing false information to any University official, faculty member, staff member, or office.
f. Possessing, using, manufacturing, and/or distributing forged or falsified governmental or university identification including identification issued to someone else.

II. Respect of Persons
Students are expected to maintain respectful behavior toward all university community members. No student shall take any action that creates a substantial risk such that harm could result to any person including themselves. This policy refers to violations of the Code of Conduct that are not of a sexual nature, which are addressed in the Sexual Misconduct Policy. The prohibited conduct includes but is not limited to:

a. Intentionally or recklessly causing physical harm or endangering the health, safety, or welfare of oneself, another person, or group.
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, which may include electronic communications.
e. Intimidating or injuring other persons physically, mentally, or psychologically on the basis of age, race, ethnicity, gender, sexual orientation, religion, or disability.
f. Acting in a manner that invades the privacy of others.
g. Attempting to interfere or intimidate a University community member with regard to a student conduct matter.

III. Respect for Property
Students are required to respect the property of others and The University of Tampa. The prohibited conduct includes but is not limited to:

a. Misusing, possessing, or stealing the property belonging to others or The University of Tampa.
b. 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, hallways and balconies. Any exceptions must be approved by The Office of Student Disabilities Services.
d. Littering on University property.

IV. Respect for the University Community
Students are required to respect the university community. The prohibited conduct includes but is not limited to:

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 teaching, research, administration, other University activities, and/or other authorized non-University activities which occur on the University campus.
b. Smoking or vaporizing in any University owned, controlled, operated or leased property in or on campus.
c. Wearing inappropriate upper and lower garments and/or failing to wear shoes or sandals at all times in any public area of The University of Tampa campus. Nudity is not permitted outside of private residence hall rooms, bathrooms, or locker rooms, unless academically required.
d. Wearing inappropriate attire for formal occasions of a ceremonial nature.

V. Alcohol
The University of Tampa is committed to providing a safe living and learning environment for all students. In order to use, possess, or consume alcohol, students must be 21 years of age. Alcohol consumption must be done in moderation and responsibly. Students are prohibited from the following:

a. Distributing, manufacturing, or selling alcoholic beverages on The University of Tampa campus. Students under 21 years of age may not use, possess, consume, or be under the influence of alcoholic beverages on The University of Tampa campus.
b. Being in constructive possession of alcohol if under 21 years of age.

c. Trying to obtain alcohol by fraudulent means or the coerding of others.

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

e. Possessing common source containers of alcohol and devices that are designed for the rapid high-risk consumption of alcohol. These devices and containers include but are not limited to kegs, growlers, funnels, and beer bongs. Drinking games actual or simulated that result in the rapid high-risk or excess consumption of alcohol are also prohibited.

f. Consuming alcohol in any public space on campus.

g. Operating a motor vehicle on or off University property while impaired by alcohol.

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

VI. Drugs

The University of Tampa is concerned about illegal and illicit drug use in the University Community. The University of Tampa is committed to a drug policy that promotes personal responsibility. Any exceptions must be approved by The Office of Student Disabilities Services. Students are prohibited from the following:

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 Florida and Federal 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 Florida and Federal law.

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

d. Operating a motor vehicle on or off University property while impaired by drugs as defined under Florida and Federal 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 Florida and Federal law.

VII. Drug Paraphernalia

a. Students may not possess, distribute, manufacture, sell or use any items that can be utilized for or are designed for the use of drugs except as expressly permitted by Florida and Federal law. These include but are not limited to bowls, bongs, hookahs, rolling papers, needles, syringes and pipes. In addition, any items that are fashioned for the purpose of drug use will also be considered a violation of this policy.

b. Students may not be in constructive possession of drug paraphernalia or any items that can be utilized for or are designed for the use of drugs.

c. Any exceptions must be approved by The Office of Student Disabilities Services.

VIII. Sexual Misconduct

The University of Tampa is committed to providing a safe and welcoming environment for all students, faculty, and staff. Sexual misconduct is in direct conflict with The University of Tampa's stated educational mission. Sexual Misconduct is unwanted conduct of a sexual nature that constitutes sexual harassment, sexual assault, sexual exploitation, relationship violence (including domestic violence and dating violence), stalking, and includes related acts of retaliation. Sexual Misconduct violations are adjudicated under the Sexual Misconduct Procedures that can be found in Appendix II.

Violations include:

**Sexual Harassment** is defined as any unwanted conduct of a sexual nature that creates an intimidating, hostile or offensive campus, educational or working environment for another person.

**Sexual Assault** is defined as any attempted or actual sexual contact with another person without that person's consent. Sexual Assault includes, but is not limited to:

a. Fondling, which includes intentional touching of another person's intimate parts without that person's consent.

b. Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent.

c. Rape, which is 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. Incest, which is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

e. Statutory Rape, which is sexual intercourse with a person who is under the statutory age of consent.
**Sexual Exploitation** is defined as when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person’s consent. This includes but is not limited to:

a. Prostitution of another person;

b. Recording images or audio of another person’s sexual activity, intimate body parts, or nakedness without that person’s consent;

c. Distributing images or audio of another person’s sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure;

d. Viewing another person’s sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person’s consent, and for the purpose of arousing or gratifying sexual desire.

**Relationship Violence** is defined as a violent or threatening familial or intimate partner relationship that causes one to fear for his/her safety or causes physical or psychological injury, pain, or illness. Relationship violence includes but is not limited to:

a. 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.

b. 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 or has been in a social relationship of a domestic or intimate nature.

**Stalking** 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:

a. 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;

b. Use of threatening words and/or conduct;

c. Pursuing, following, observing, and/or surveillance.

Consent is defined as informed, voluntary, and mutual agreement to the specific sexual contact evidenced by a clear expression in words or actions. Consent can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

If a person is mentally or physically incapacitated or impaired, whether temporarily or permanently, so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent. This includes impairment or incapacitation due to alcohol or drug consumption, being asleep or unconscious, or any other reason that the individual is physically or mentally unable to communicate consent.

**IX. Hazing**

The University of Tampa does not tolerate any acts of hazing by any student, organization, or team or any other member of the University community. Hazing is related specifically to pledging, being initiated into, developing an affiliation with, holding office in, or maintaining membership in any organization. Hazing is defined as 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. Students are prohibited from the following:

a. Actively participating in any activity related to hazing.

b. Passively participating in or having knowledge of any activity related to hazing.

The following is information regarding the Chad Meredith Act as well as the Florida Statute covering hazing:

**Chad Meredith Act**

The Chad Meredith Act makes dangerous hazing a crime in Florida. The bill, named for a University of Miami freshman who drowned in a campus lake while trying to join a fraternity in 2001, makes hazing that result in serious injury or death a felony punishable by up to five years in prison, even if the victim consents (1006.63 (2)).

**Florida Statute on Hazing**

In accordance with Section 1006.63 (1)*, Fla. Stat., “Hazing” includes but is not limited to pressuring or coercing the student into violating state or federal law, any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity that could adversely affect the physical health or safety of the student, and also includes any activity that would subject the student to extreme
mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student.

Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective. Any activity as described above upon which the initiation or admission into or affiliation with a university organization is directly or indirectly conditioned shall be presumed to be “forced” activity, the willingness of an individual to participate in such activity notwithstanding. Apathy or acquiescence in the presence of hazing is not a neutral act; it is a violation of the Student Code of Conduct.

X. Weapons and Dangerous Objects
The University of Tampa is committed to providing a safe living and learning environment free from violence, weapons and other dangerous objects. Students are not permitted to carry firearms, weapons or other dangerous objects. The prohibited conduct includes but is not limited to:

a. Possessing, storing, or carrying a firearm on their person or in their personal belongings, within their assigned residence hall space, or in any motor vehicle on any property leased, owned, or operated by The University of Tampa or any other part of the University campus. Please note Concealed Carry Weapons Permits (CCW) must abide by this policy. This policy also prohibits the sale, purchase, discharge, or display of any firearm on the University campus or using University property.

b. Using a weapon or dangerous object for any purpose including invoking fear or intimidation and/or causing bodily harm or injury.

XI. Compliance with Directives
Students are to comply with directives issued by an identified University official. This includes but is not limited to:

a. Complying 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 performance with their official duties.

b. Complying with directives issued in any verbal, written and/or electronic form of official University communications, including all communications coming from the Office of Student Conduct.

XII. Access and Entry
Students are required to remain in areas that allow general admittance. Students are prohibited from access to and entry of unauthorized areas on University property. The prohibited conduct includes but is not limited to:

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

b. Breaking into or entering 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 Post Office is prohibited. This may also be cause for arrest and prosecution by the U.S. Postal Service.

XIII. Distributing, Posting and Soliciting
Students and student organizations are required to abide by all university policies regarding distributing and posting material and soliciting business. The prohibited conduct includes but is not limited to:

a. Distributing and posting material on campus without permission from the appropriate University office.

b. Soliciting business on campus without permission from the appropriate University office.

c. Using a residential campus facility for storage of merchandise or other commercial activity without university approval.

XIV. Guests and Visitors
Students are required to have guests and visitors abide by The University of Tampa policies and guidelines. Students will be held accountable for actions of their guests and visitors. This includes but is not limited to:

a. Ensuring guests/visitors honor all University policies while on the University campus.

b. Registering guests/visitors to enter university residence halls.

c. Escorting guests/visitors at all times.
XV. Pets
Students are required to abide by The University of Tampa pet policy and the Residence Life Housing Agreement. Any exceptions must be approved by The Office of Student Disability Services. Students are prohibited from:

Possessing, caring for, or hosting pets or other animals on the University campus without prior approval, except for service animals and emotional support animals as permitted by Florida and Federal law. All approved pets must be properly crated or restrained while on the University campus.

XVI. Fire Safety
Students are prohibited from taking any action that would be considered a Fire Safety violation. These prohibited actions include but are not limited to:

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

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

XVII. Campus Living Policies
Students are required to uphold all policies specified in the Campus Living Policies. The policies are specific to residential students and their guests.

XVIII. Computer Misuse and Acceptable Use
Students are required to abide by The University of Tampa Informational Technology Acceptable Use Policy.

XIX. Violation of Other Published University Policies
Students are required 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 and agreements.

Any questions about the existence, location, or publication of a University policy should be directed to the Office of Student Conduct.

XX. Federal, State, Local Laws and City Ordinances
Students are prohibited from the following:

Violating federal, state, local laws and/or city ordinances. These violations may be adjudicated through the university disciplinary process when the University is made aware of such violation and when, in the determination of the Office of Student Conduct, that violation reflects poorly on The University of Tampa as an institution or adversely affects the University campus community.

XXI. Other Behaviors Impacting the University Community
The University of Tampa is concerned with all behavior that reflects poorly on the University or 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 or are inconsistent with the conduct expected of its community members. With these incidents, interpretation of the students’ behavior will be made by a representative of the University, and appropriate action will be taken. This includes but is not limited to:

Behavior that seriously affects the interests of the University or any member of the University community; occurs in close proximity to University premises and is connected with offensive conduct on University premises; occurs at University-sponsored activities off University premises.

XXII. Retaliation
Students are prohibited from retaliation.

INTERPRETATIONS AND AMENDMENTS TO UNIVERSITY POLICIES
Any 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 discretion to interpret and apply the Student Code of Conduct. The University of Tampa reserves the right to change or modify the Student Code of Conduct at any time during a student’s term of enrollment, and this Code does not create or confer any contractual right, express or implied. Each student is responsible for maintaining a current knowledge of their rights and responsibilities. The Student Code of Conduct will be reviewed annually by the Office of Student Conduct.

APPENDIX I: PROCEDURES
For information regarding the student organization conduct process, please visit www.ut.edu/studentorgs and review the Student Organization Conduct Policies and/or Student Organization Handbook.

Conduct Procedures

Violations of Policy

a. Any member of the University community may file violations of misconduct against any student for misconduct related to the Student Code of Conduct directly with the Office of Student Conduct. Violations may also be filed on behalf of the University by the Office of Student Conduct. Violations shall be prepared in writing and will be reviewed by the Director of Student Conduct, or designee, who is responsible for the administration of the Student Conduct process. For the procedures involving sexual misconduct, please see Appendix II.
b. The Director of Student Conduct, or designee, may conduct an investigation to determine if the allegations have merit. If the alleged violations are found to have merit, the responding student will have an incident review scheduled. If the allegations do not have merit, the Office of Student Conduct may choose not to file violations of misconduct against a student.

**Notification of Incident Review/Hearing Board**

a. Students will be notified at least one (1) business day prior to their scheduled incident review/hearing board via their Spartan email account. In this notification students will be advised on the incident review/hearing board procedures, date of alleged violation, alleged violation(s), and mandatory meeting date with the Office of Student Conduct.

**Incident Review Meeting**

a. The incident review meeting is considered a private one on one meeting with the incident reviewer and the responding student.

b. The incident reviewer will explain the specific policy(ies) the responding student has allegedly violated.

c. The incident reviewer will conduct an interview with the responding student and the responding student may accept responsibility for the policy violation(s). In their discretion, the incident reviewer may assign appropriate sanctions at this time or may defer the imposition of sanctions to consider additional information. The incident reviewer’s decision as to sanctions is final.

d. The responding student may also deny responsibility during the interview and request a hearing board. The appropriate board will be determined by the Director of Student Conduct or designee.

e. At the discretion of The Office of Student Conduct, the responding student can be referred directly to a hearing board for adjudication at the conclusion of the incident review.

**Hearing Board**

a. At the discretion of the Director of Student Conduct, or designee, the hearing board may be an administrative conduct board or student conduct board.

b. Hearing boards are closed to the public. Admission to any person to the hearing shall be at the discretion and final decision of the hearing board advisor.

c. Hearing boards must have a minimum of (3) three voting members to establish quorum.

d. Hearing boards will have a sole official verbatim record. The record is property of The University of Tampa.

e. Hearing boards will request and review information submitted to the Office of Student Conduct and from the responding student(s) if applicable. Hearing boards may also postpone the hearing to obtain additional information with a majority vote.

f. Hearing boards may question parties providing information during the hearing.

g. Hearing boards reserve the right to hear a case in abatement of the responding and reporting parties. Hearing boards may also postpone the hearing of a nonparticipating responding party with a majority vote.

h. Hearing boards use the “preponderance of the evidence standard” in making determinations regarding student responsibility. All procedural questions are subject to final decision of the hearing board advisor.

i. Hearing boards may not be disrupted by any party. The hearing board advisor has the right to remove any disruptive individual. The hearing will continue in the absence of the disrupting party.

**Types of Hearing Boards**

a. **Student Conduct Boards** are comprised of at least three (3) full-time students with a minimum grade-point average of 2.5 and the Director of Student Conduct or designee who serves as a non-voting hearing board advisor. The Student Conduct Board will determine the responsibility of the responding student(s) and if found responsible can make sanction recommendations for the Office of Student Conduct to consider. The Office of Student Conduct shall have the sole authority to make a final decision on the appropriate sanction. All decisions of responsibility are based on a simple majority of the board members.

b. **Administrative Conduct Boards** are comprised of at least three (3) faculty and/or staff members at The University of Tampa and the Director of Student Conduct or designee who serves as a non-voting hearing board advisor. The Administrative Conduct Board will determine the responsibility of the responding student(s) and if found responsible can make sanction recommendations for the Office of Student Conduct to consider. The Office of Student Conduct shall have the sole authority to make a final decision on the appropriate sanction. All decisions of responsibility are based on a simple majority of the board members.

c. **Appellate Hearing Boards** are comprised of at least three (3) faculty and/or staff members at The University of Tampa. This board has the authority to affirm the decision of the original board or return the case to the original hearing board or a new hearing board for a re-hearing. The review of the board is limited as set forth in the Appeals section of this policy. All decisions are based on a simple majority of the board members.
Incident Review Student Rights
Responding students have the right to:

a. Be informed in writing via their Spartan e-mail account about the alleged violations and hearing procedures at least one (1) business day prior to the incident review meeting.

b. Review the electronic/written incident report(s) submitted to the Office of Student Conduct.

c. Present information on their own behalf at their incident review. This includes not providing any information on their behalf.

d. Be informed in writing via their Spartan e-mail the outcome of the incident review meeting within ten (10) business days unless the determination of sanctions has been deferred to obtain additional information.

e. Students who have accepted responsibility at an incident review are not eligible for an appeal.

Hearing Board Student Rights
Responding students have the right to:

a. Be informed in writing via their Spartan e-mail account about the alleged violations and hearing procedures at least one (1) business day prior to the hearing board meeting.

b. Review the electronic/written incident report(s) submitted to the Office of Student Conduct.

c. Have an individual hearing board. If more than one (1) responding party is involved in the incident, students can waive their right to an individual hearing if there is mutual consent from all parties.

d. Present information on their own behalf at a hearing board. This includes presenting any combination of three (3) witnesses or written witness statements. In addition, students may choose not to provide any information on their behalf. The hearing board reserves the right to make an inference from students who choose not to answer questions.

e. Question anyone providing information to the 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.

f. 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.

g. Be assisted by one (1) member of The University of Tampa community. This person must be a current student, faculty, or staff member. The person assisting the responding student is not permitted to take part in the hearing but may communicate only with the responding party they have been asked to support. Students cannot be assisted by an attorney during the hearing board process.

h. Be informed in writing via their Spartan e-mail the outcome of the hearing board within ten (10) business days after the hearing board has concluded its hearing.

i. Appeal the hearing board decision within two (2) business days from the delivery of the e-mail notice containing the hearing board’s decision. Delivery is complete upon sending the e-mail.

j. Schedule a post-hearing meeting with the Office of Student Conduct to discuss the decision of the hearing board.

Progressive Disciplinary Sanctions
All sanctions are progressive, educational, and assigned based upon the severity of the policy violation(s). Additional sanctions may be imposed in conjunction with a progressive disciplinary sanction. The Office of Student Conduct shall have the sole authority to make a final decision on the appropriate sanction based on the conduct at issue, and it is not required to impose a lesser sanction for a first violation. At all times, the Office of Student Conduct has the sole right and discretion to select the appropriate sanction based on the conduct at issue. Progressive disciplinary sanctions include:

a. Disciplinary Reprimand is a written expression of disapproval to the student for violation of specified University policy. It includes a warning that further violations of University policy may result in more severe sanctions.

b. Disciplinary Probation is a notice to the student that their actions are of a serious nature within The University of Tampa community. Probation shall be for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found in violation of any University policies during the probationary period. Any violation committed during the probationary period will result in a review of the student’s status with The University of Tampa.

c. Deferred Suspension is an increased disciplinary probation status that does not include suspension. During this period, any further violations of policy may result in a recommendation for suspension. The student may also be ineligible for co-curricular activities. This status will also restrict a student from study abroad opportunities.

d. Suspension* is the termination of registration as a student at the University after a specific date and for a specified time not to exceed two (2) years.

e. Expulsion* is the permanent separation of a student from the University without the opportunity for reinstatement.

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

a. **BASICS Feedback Alcohol and Other Drug Assessment** is a program designed to assess the behavior of students related to alcohol and other drugs. Students are required to complete the program and all recommendations of treatment made by the Wellness Center.

b. **Campus Service** provides a service for a University of Tampa affiliated office or program for a determined amount of hours. Student must seek approval from the Office of Student Conduct before beginning campus service hours.

c. **Community Service** provides a service for The University of Tampa campus community for a determined amount of hours. These hours must be completed off-campus and are different than campus service hours. The intention is to have students give back to the off-campus community. Students must seek approval from the Office of Student Conduct before beginning community service hours.

d. **Conduct Fines** are imposed when a student fails to attend a scheduled hearing without making any prior effort to contact the Office of Student Conduct.

e. **Deferred Termination of Residency** is the residence-hall probationary status that does not include termination of residential privileges at The University of Tampa. During this period, any further violations of policy may result in a recommendation for termination of residency. This status will also restrict a student from study abroad opportunities and may also impact other co-curricular activities.

f. **Discretionary Sanctions** include but are not limited to:
   - Letter of Apology
   - Research/Reflection Paper
   - Program Presentations

g. **Holds** are placed on student accounts and will prohibit students from registering for classes or changing an academic schedule.

h. **Housing Room Reassignment** is notice that the behavior merits the immediately relocation of the student’s housing assignment.

i. **Parental Notification** is a letter sent to the parent or guardian of a student who is either under 18 years of age or financially dependent on their parent or guardian. Parents will be notified of alcohol and other drug incidents for students under 21 years of age, regardless of financial dependency. Notification will be mailed to the student’s address listed in SpartanWeb. Notification will only be sent following a decision of responsibility.

j. **Prevention Fees** are associated with the cost of preventative programming related to alcoholic beverages and drug policy violations. These fees range from $100–$200 dollars depending on the circumstances relating to the severity of the incident.

k. **Restitution** is a written directive to replace, repair or make specific compensation for property of The University of Tampa that was damaged, destroyed or misused as a result of a student’s actions or negligence.

l. **Restriction/Revocation of Privileges** is the restriction or removal of one or more of the student’s privileges for a specified period of time.

m. **Termination of Residency** is the removal of a student from University housing upon a specific date and for a specified period of time. Through the specific period of time, the student will be prohibited from entering all residential facilities. Students who are removed from University housing for disciplinary reasons will receive no refund. The student may also be ineligible for co-curricular activities. This status will also restrict a student from study abroad opportunities.

Interim Actions

The Office of Student Conduct also may impose interim actions prior to an incident review meeting or hearing board. 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 the student’s own physical or emotional safety and well-being; or

c. If the student poses a threat of disruption of or interference with the normal operations of the University.

The Office of Student Conduct shall have the sole authority to make a final decision on the appropriate interim action, and it may select any sanction from all of the available sanctions that it finds appropriate under the circumstances at issue.

Interim actions may include:

a. Residence Hall Restrictions – The Director of Residential Communities or designee may impose a Residence Hall Suspension, Housing Room Reassignment or other restrictions prior to the beginning of the formal student conduct process.

b. Interim Suspension – The Director of Student Conduct or designee may impose an interim suspension of a student prior to the beginning of the formal student conduct process. In this case, the student may not reside in a residence hall and/or attend classes at the University until the interim suspension has been removed. This action may also include an interim trespass order.

c. Interim No Contact Order – The Director of Student Conduct or designee may impose an interim no contact order between students or any other member of the University community.
d. Interim Trespass Order – The Director of Student Conduct, Campus Safety, and/or the Director of Residential Communities or designee may impose an interim trespass order which may limit access to a specific territory including but not limited to buildings, events, and the University.

e. Interim Student Employment Removal – The Director of Student Conduct, the student’s department supervisor or designee may impose a temporary removal of student employment.

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. Interim actions will be no longer applicable after the conclusion of the formal student conduct process.

Appeals

a. The Complainant or Respondent may file an appeal of the hearing board written decision within two (2) business days of delivery to their Spartan e-mail account. Appeals shall be limited to a review of the verbatim record of the hearing and supporting documents for one or more of the following purposes.

  i. To determine whether the original hearing was conducted in conformity with prescribed procedures. If a procedural error occurred it needs to be sufficient to alter the decision of the case.

  ii. To consider new information, sufficient to alter a decision, that was not available at the time of the original hearing, because information and/or facts could not have been known to the responding or reporting student(s) at the time of the initial hearing.

b. The Office of Student Conduct will determine if the appeal is eligible for review by meeting the criteria outlined above. If the appeal is eligible for review, it will be referred to the appropriate appellate board.

c. The appellate hearing board will review appeals based on a review of the verbatim record of the original hearing and any supporting documents provided within the appeal. This review shall be limited to the two purposes identified above in paragraph a. The decision shall be rendered by a simple majority of the board members.

d. The appellate hearing board has the authority to render the following decisions:

  i. Affirm the decision of the original board.

  ii. Refer the case for a re-hearing by the original hearing board or a new hearing board.

e. All appeal decisions are final. Students will be notified within ten (10) business days of the appeal decision via their Spartan e-mail account.

End of Year and Summer Cases

Acknowledging the fact that incidents occur at/or right before the closure of a semester the Office of Student Conduct reserves the right to move forward with cases during or after final exams have concluded. In addition, the Office of Student Conduct reserves the right to suspend a case until the beginning of the next semester that the responding student is enrolled.

a. Students may or may not be asked to appear for an Incident Review or Hearing Board during a scheduled finals exam week.

b. Students living more than 50 miles away from campus and not enrolled during the current term may be asked to participate in the conduct process via tele-communication using video and/or audio technology.

c. The Office of Student Conduct reserves the right to assign a Hearing Board to hear the case if the student denies responsibility for a given incident.

d. All graduating students that have been notified of an incident before the commencement ceremony must complete the conduct process and sanctions required, if any. The University of Tampa reserves the right to withhold a degree in the event that there is a pending conduct process or incomplete sanction.

Holds and Incompletion of Student Conduct Process:

a. In the circumstance that the student is no longer attending or withdrawals from the University before the initiation or completion of the Student Conduct Process the following measures are applicable:

  i. A hold will be placed on the student’s account

  ii. If the student chooses to return to the University they must complete the Student Conduct Process prior to lifting the hold

b. In the circumstance that the student has unsuccessfully completed their sanction(s) the following measures are applicable:

  i. A hold will be placed on the student’s account.

  ii. The student may be assigned additional or alternative sanction(s) that must be completed before the hold is lifted.
APPENDIX II: REGISTERED ORGANIZATION STUDENT CONDUCT PROCESS

I. Introduction
Any member of the University community may file violations of misconduct against any student organization for misconduct related to the Student Code of Conduct and the Registered Student Organization policies directly with the Office of Student Conduct. Violations may also be filed on behalf of the University by the Office of Student Conduct. Violations shall be prepared in writing and will be reviewed by the Director of Student Conduct, or designee, who is responsible for the administration of the Student Conduct process. The Director of Student Conduct, or designee, may conduct an investigation to determine if the allegations have merit. If the alleged violations are found to have merit, the responding student organization will have an investigation conducted to determine if policy violations have occurred. If the allegations do not have merit, the Office of Student Conduct may choose not to file violations of misconduct against a student organization.

II. Procedure Coverage
The Organizational Misconduct Procedures apply to any complaints of Registered Student Organizational misconduct.

Jurisdiction
As noted in the Student Rights and Responsibilities in the Student Code of Conduct, The University of Tampa reserves the right to discipline or dismiss any student or registered student organization whose conduct on or off campus violates the Student Code of Conduct and other university policies.

III. Reporting Organizational Misconduct
All students, faculty, staff and community members are encouraged to file a complaint of organizational misconduct in any of the following ways:

b. By reporting to any Responsible Employee or Campus Security Authority.

Assumption of Good Faith Reporting
The University presumes that reports of Prohibited Conduct are made in good faith. A finding that the behavior at issue does not constitute a violation of the Organizational Misconduct 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 Registered Student Organizational policy to report the matter so that it may be addressed by the University.

IV. The University Response Procedure

Interim Actions
The University of Tampa may implement interim actions, as may be appropriate for the individuals involved and for the larger university community. The University of Tampa may choose to impose one at its discretion to ensure the safety of all parties, the broader university community, and/or the integrity of the investigative and/or resolution process. Interim actions are kept in place throughout the investigation of a complaint, review and appeal process, and may become permanent.

Interim actions may include:

On-Campus Restrictions – The Director of Student Conduct or designee may give additional limitations and/or restrict an organization regarding any official or unofficial on-campus activity for the duration of the Registered Student Organization Conduct process.

Off-Campus Restrictions – The Director of Student Conduct or designee may give additional limitations and/or restrict an organization regarding any official or unofficial off-campus activity for the duration of the Registered Student Organization Conduct process.

Interim Suspension – The Director of Student Conduct or designee may suspend an organization for the duration of the Registered Student Organization Conduct process. This will terminate all existing programs, meetings and other forms of social activities until further notice.

Meeting with Director of Student Conduct
The respondent organization is required to attend a meeting with Director of Student Conduct or designee, who is free of any conflict of interest or bias, to review the all rights and responsibilities within the Registered Organizational Misconduct Process. At this meeting the organization will be given notice of an investigation into the alleged misconduct.

Investigation
Investigations will consist of a thorough fact-finding investigation, which includes meeting separately with the Complainant (if participating), Respondent Organization (if participating), Reporter (if applicable) and pertinent witnesses (if participating), and reviewing other relevant information.

Investigation Report
The Investigator(s) will prepare a written report at the conclusion of an investigation. The Investigator(s)’s final written report will generally contain, at a minimum:

a. A summary of the investigation;
b. The Complainant and Respondent statements;
c. A summary of witness statements;
d. A summary of material facts.
A conclusion and finding based on the preponderance of evidence of whether a Registered Student Organization policy or other university policy has been violated.

**Standard of Proof**
The investigator(s)’s finding will be made using the preponderance of the evidence standard. This standard requires that the information supporting a finding of responsibility be more convincing than the information in opposition to it. Under this standard, organizations are presumed not to have engaged in misconduct unless a preponderance of the evidence supports a finding that organizational misconduct occurred.

**V. Outcome and Sanctioning**
If the Respondent Organization is found responsible for organizational misconduct, the University will initiate a sanctioning process designed to provide progressive and educational outcomes that will be assigned based on the severity of the violation. Sanctions will be determined by the Associate Dean of Students or designee who is free of any conflict of interest or bias.

If a Respondent Organization is not found responsible for organizational misconduct, the University will not initiate a sanctioning process. The decision of the Associate Dean of Student or designee is final as to the sanction outcome.

**VI. Appeals**
Respondent Organizations may file an appeal of the decision of the investigator(s)’s written decision within two (2) business days of delivery to their Spartan email account. Appeals shall be limited to a review of the investigation and supporting documents for one or more 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 decision of the case.

b. To consider new information, sufficient to alter a decision, that was not available at the time of the original investigation, because information and/or facts could not have been known to the Complainant or Respondent Organization at the time of the investigation.

The Dean of Students or designee, will review appeals based on a review of the investigator(s)’s final report any supporting documents provided within the appeal. This review shall be limited to the two purposes identified above.

a. The Dean of Students or designee has the authority to render the following decisions:
   i. Affirm the decision of the original investigator(s).
   ii. 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. The new investigator(s) will not receive any conclusions or findings from the original report. This information will be provided to the new investigator(s) by the Director of Student Conduct or designee.

b. All appeal decisions are final. The Registered Student Organization will be notified of the decision within ten (10) business days of the appeal.

**APPENDIX III: SEXUAL MISCONDUCT PROCEDURES**

**VII. Introduction**
The University of Tampa is committed to providing a safe and welcoming environment for all students, faculty, and staff. Sexual Misconduct is in direct conflict with The University of Tampa’s stated educational mission. Sexual Misconduct is unwanted conduct of a sexual nature that includes sexual harassment, sexual assault, sexual exploitation, relationship violence (including domestic violence and dating violence), and stalking. These procedures, which are prompt, fair, and impartial, will be used in reporting, investigating, adjudicating, and determining sanctions for sexual misconduct complaints.

**VIII. Procedure Coverage**
The Sexual Misconduct Procedures apply to any complaint of sexual misconduct defined by the Sexual Misconduct Policy listed in the Student Code of Conduct.

**Jurisdiction**
As noted in the Student Rights and Responsibilities in the Student Code of Conduct, The University of Tampa reserves the right to discipline or dismiss any student or registered student organization whose conduct on or off campus violates the Student Code of Conduct.

**IX. Reporting Sexual Misconduct**
All students, faculty, staff and community members are encouraged to file a complaint of sexual misconduct in any of the following ways:

a. By contacting the Title IX Coordinator or Deputy Title IX Coordinator listed below;

b. By filing an incident report on the Office of Student Conduct website www.ut.edu/studentconduct;

c. By reporting to any Responsible Employee or Campus Security Authority;

d. By consenting to a confidential employee to share information with the Title IX Coordinator.

**Title IX Coordinator**
Donna Popovich, Executive Director
Human Resources
RIVC 202
Phone: 813.253.6237
dpopovich@ut.edu
Title IX Deputy Coordinator for Students
Tim Nelson, Director of Student Conduct
Office of Student Conduct
VC 202
Phone 813.258.7228
tnelson@ut.edu

Title IX Deputy Coordinator for Athletics
Cher Pittenger, Assistant Director Academic and Student Services/Senior Woman Administrator
Athletics
MAC 126
813-257-3000
cpittenger@ut.edu

Title IX Deputy Coordinator for Academic Affairs
Katherine Cole, PhD Associate Provost, Dean of Academic Services
Associate Professor, Biology
PH 202
813-257-3147
kcole@ut.edu

Confidential Reports
The University designates members of the staff or faculty to serve as confidential employees. Confidential employees such as but not limited to Victim Advocate(s) or University Counselors are obligated to withhold personal identifiable information of sexual misconduct reported by a student, unless consent is given by the student to whom they are providing services for.

Victim Advocate Hotline: (813) 257-3900

Non-Confidential Reports
All persons who work for the university (students, staff or faculty) that are not considered confidential employees are considered responsible employees. All responsible employees are obligated to report all given information of sexual misconduct to the Title IX Coordinator or Deputy Title IX Coordinator.

Reports to Law Enforcement/Agencies
The University also encourages anyone who believes they experienced a sexual assault (or any other crime) to make a report to Campus Safety if the assault occurred on campus, or to local law enforcement, for assaults occurring off campus. Collection and preservation of evidence relating to the reported sexual assault is essential for law enforcement investigations, so prompt reporting of the incident to law enforcement is especially critical. Designated University staff will, upon request, assist an individual in making a report to campus safety and/or law enforcement. For reports relating to off-campus assaults, Campus Safety can assist in identifying the appropriate law enforcement agency to which to make the report. In addition, upon being notified of a potential sexual assault or other form of sexual misconduct that may also constitute a crime, the Title IX Coordinator will notify Campus Safety to ensure appropriate distribution of University-wide warnings, if needed, and maintenance of accurate statistics.

Assumption of Good Faith Reporting
The University presumes that reports of Prohibited Conduct are made in good faith. A finding that the behavior at issue does not constitute a violation of the Sexual Misconduct 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 Sexual Misconduct policy to report the matter so that it may be addressed, without fear of consequences from the University, if their good faith report cannot be substantiated or the behavior does not constitute a violation of this Sexual Misconduct.

X. The University Response Procedure

Services
Upon notice of alleged sexual misconduct, the University will take prompt and effective steps to end and eliminate any sexual misconduct, prevent its recurrence, and remedy its effects. Once the University is notified of possible sexual misconduct, the Complainant will be offered appropriate confidential support and other resources. The University will take appropriate steps to prevent and/or address retaliation as a prohibited by the Student Code of Conduct. The Respondent will also be offered appropriate confidential support and other resources and notified of applicable institutional policies. If needed, the Title IX Coordinator or designee will help to coordinate the services provided for the complainant and/or respondent by various University offices.

Interim Actions
The University of Tampa may also implement interim actions, as may be appropriate for the individuals involved and for the larger University community. A complainant or respondent may request an interim measure, or the university may choose to impose one at its discretion to ensure the safety of all parties, the broader university community, and/or the integrity of the investigative and/or resolution process. Interim actions are kept in place throughout the investigation of a complaint, review and appeal process, and may become permanent.

Interim actions may include:

Residence Hall Restrictions – The Title IX Coordinator or designee may impose a Residence Hall Suspension, Housing Room Reassignment or other restrictions prior to the beginning of the formal student conduct process.

Interim Suspension – The Title IX Coordinator or designee may impose an interim suspension of a student prior to the beginning of the formal student conduct process. In this case, the student may not reside in a residence hall and/or attend classes at the University until the interim suspension has been removed. This interim measure may include a trespass order.
Interim No Contact Order – The Title IX Coordinator or designee may impose an interim no contact order between students.

Interim Trespass Order – The Title IX Coordinator or designee, Campus Safety or designee may impose an interim trespass order which may limit access to a specific territory including but not limited to buildings, events, and the University.

Interim Student Employment Removal – The Title IX Coordinator or designee, the student’s department supervisor or designee may impose a temporary removal of student employment.

Additional interim actions may include:
Providing access to counseling services and assistance in setting up an initial appointment;
Providing academic accommodations such as rescheduling exams and assignments, adjusting class schedules, and providing academic support services;
Changing work schedules or job assignments;
Facilitating a voluntary leave of absence;
Providing medical services;
Providing other remedies that can be tailored to the involved individuals to achieve the goals of these procedures.

Decision to Proceed with Investigation
If the Complainant is willing to participate in the review and investigation process, the University will proceed as described in the Investigation section. If the Complainant requests confidentiality or asks that the report of sexual misconduct not be pursued, the University will forward the complaint and all available information to a review panel. The review panel will consist of the Title IX Coordinator or designee and administrative staff members, these panel members, who are free of any conflict of interest or bias, will represent the interests of the University community.

The review panel is charged with balancing the University’s commitment to supporting survivor-centered practices with the equally strong commitment to provide due process for respondent students and promote a safe community. The panel will provide information and advice to the Title IX Coordinator whether an investigation should proceed without consent of the Complainant. In all cases, the final decision on whether to proceed with an investigation, and whether other measures will be taken with conjunction with any complaint of sexual misconduct, rests solely with the Title IX Coordinator or designated Title IX Deputy.

Meeting with Title IX Coordinator
The Complainant and Respondent are required to attend a meeting with the Title IX Coordinator or designated Deputy Coordinator, who is free of any conflict of interest or bias, to review the all rights and responsibilities within the Sexual Misconduct Process. If a Complainant chooses to provide a written statement or any documentation within one business day after the meeting, the Respondent will then have one business day after their meeting with the Title IX Coordinator or designated Deputy Coordinator to provide a written response to those statements or documents.

Investigation
In all cases the University will respond to the complaint in a prompt, thorough, procedurally fair, and effective manner. Upon receipt of a complaint the University will strive to complete its review within sixty (60) calendar days. If the University is unable to complete the process within sixty (60) calendar days, the University will provide an update to the Complainant and Respondent.

Investigations will consist of a thorough fact-finding investigation, which includes meeting separately with the Complainant (if participating), Respondent (if participating), Reporter (if applicable) and pertinent witnesses (if participating), and reviewing other relevant information. Throughout the process, the Complainant and Respondent may have an advisor present for all meetings.

Investigation Report
The Investigator will prepare a written report at the conclusion of an investigation. Before the report is finalized, the Complainant and Respondent will be given the opportunity to review the investigator’s preliminary report without the investigator’s summary of findings. A Complainant or Respondent must submit any comments about the preliminary report provided within three (3) business days after that report was sent to them for review.

The Investigator’s preliminary written report will generally contain, at a minimum
• A summary of the investigation;
• The Complainant and Respondent statements;
• A summary of witness statements.

Following the receipt of any comments submitted, or after the three (3) business day period has lapsed without comment, the Investigator will address any identified factual inaccuracies or misunderstandings as appropriate.

The Investigator’s final written report will generally contain, at a minimum
• A summary of the investigation;
• The Complainant and Respondent statements;
• A summary of witness statements;
• A summary of material facts;
• A conclusion and finding based on the preponderance of evidence of whether a Sexual Misconduct policy violation occurred.

Standard of Proof
The investigator’s finding will be made using the preponderance of the evidence standard. This standard requires that the information supporting a finding of responsibility be more convincing than the information in opposition to it.
Under this standard, individuals are presumed not to have engaged in sexual misconduct unless a preponderance of the evidence supports a finding that sexual misconduct occurred.

XI. Outcome and Sanctioning
If the Respondent is found responsible for sexual misconduct, the University will initiate a sanctioning process designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting the University’s educational mission and Title IX obligations. Sanctions will be determined by the Associate Dean of Students or designee who is free of any conflict of interest or bias.

All sanctions are progressive, educational, and assigned based upon the severity of the policy violation(s). Additional sanctions may be imposed in conjunction with a progressive disciplinary sanction. Progressive Disciplinary Sanctions and Additional Disciplinary Sanctions can be reviewed in Appendix V: Sanctions.

If a Respondent is not found responsible for sexual misconduct, the University will not initiate a sanctioning process. Both the Complainant and Respondent will be notified of the outcome concurrently in writing to their Spartan e-mail account. The decision of the Associate dean of Students or designee is final as to the sanction or sanctions to be imposed.

XIII. Review of Decision
Either party (Complainant or Respondent) may appeal the determination as to whether the sexual misconduct policy has been violated. A party may only seek an appeal within these specific guidelines. All appeals are reviewed by the Dean of Students or designee who is free of any conflict of interest or bias.

Parties may file an appeal of the decision of the investigator’s written decision within two (2) business days of delivery to their Spartan email account. Appeals shall be limited to a review of the investigation and supporting documents for one or more 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 decision of the case.

b. To consider new information, sufficient to alter a decision, that was not available at the time of the original investigation, because information and/or facts could not have been known to the Complainant or Respondent at the time of the investigation.

The Dean of Students or designee, will review appeals based on a review of the investigator’s final report any supporting documents provided within the appeal. This review shall be limited to the two purposes identified above in paragraphs a and b.

The Dean of Students or designee has the authority to render the following decisions:

a. Affirm the decision of the original investigator.

b. Refer the case for a re-investigation by a new investigator. The new investigator will receive all statements given by any parties that were interviewed. The new investigator will not receive any conclusions or findings from the original report. This information will be provided to the new investigator by the Title IX Deputy or designee.

All appeal decisions are final. The Complainant and Respondent will be notified of the decision within ten (10) business days of the appeal via their Spartan e-mail account.

APPENDIX IV: AMNESTY

A. Medical Amnesty and Bystander Intervention Policy: Alcohol, Drugs and Drug Paraphernalia

Statement of Purpose
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 or other drug-related medical emergencies in which the potential for disciplinary action could act as a barrier to students who want to seek medical assistance for themselves or others.

The Medical Amnesty and Bystander Intervention Policy is designed to enable students and their guests to seek professional medical treatment in an alcohol or other drug-related emergency by reducing the possible barrier of disciplinary consequences.

Statement of Policy
When a student or other individual seeks aid for themselves or another person experiencing an alcohol or other drug-related 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 Code of Student Conduct:

- Alcohol;
- Drugs;
- Drug Paraphernalia.

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

If a University official responds to an alcohol or other drug-related emergency, they will first seek medical care before documenting any other information related to the incident. Throughout the entire incident, the individual’s prompt treatment and transport to an appropriate medical facility will remain the
priority. However, 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.

Jurisdiction
The University of Tampa Medical Amnesty and Bystander Intervention Policy applies both on campus and off-campus.

Application of Medical Amnesty and Bystander Intervention Policy
Any student who is granted the Medical Amnesty policy or Bystander status as a result of an alcohol or other drug-related related emergency will be required to:

- Attend a follow-up meeting with the Dickey Health and Wellness Center for an Alcohol and Other Drug assessment where the student’s behavior will be discussed in addition to possible referrals to other campus resources;
- Complete additional measures to better support the individual student and the overall community when the student has experienced multiple alcohol and other drug-related emergencies.

In addition, students granted Medical Amnesty or bystander status could be charged with “Compliance with Directives” under the Code of Student Conduct if the student does not complete his/her assessment requirements.

B. Amnesty and Bystander Intervention Policy: Hazing and Sexual Misconduct

Statement of Purpose
The University of Tampa considers the safety and personal well-being of the student body a priority. The University recognizes that there may be Hazing and/or Sexual Misconduct incidents 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: Hazing and Sexual Misconduct is designed to enable students and their guests to seek assistance in Hazing and/or Sexual Misconduct related incidents by reducing the possible barrier of disciplinary consequences.

Statement of Policy
When a student or other individual seeks aid for themselves or another person experiencing a Hazing or Sexual Misconduct emergency by contacting emergency services, such as the Residence Life staff, Campus Safety, or Tampa Police Department, the student(s) in need of assistance and the individual(s) involved will not be subject to disciplinary action for the following violations in the Code of Student Conduct:
- Alcohol
- Drugs
- Drug Paraphernalia

If a University official responds to a hazing or sexual misconduct violation, they will first seek medical care before documenting any other information related to the incident. Throughout the entire incident, the individual’s prompt treatment and transport to an appropriate medical facility will remain the priority. However, all information related to the incident will be documented by the responding University official(s) in a report and forwarded to the Title IX Coordinator or designee. The Title IX Coordinator or designee will review the report and determine the appropriate application of amnesty.

Jurisdiction
The University of Tampa Amnesty and Bystander Intervention Policy: Hazing and Sexual Misconduct applies both on campus and off-campus.

APPENDIX V: SANCTION PRACTICES

The University of Tampa has an educational and developmental philosophy regarding sanctioning for responding students. Sanctions are intended to be developmentally and educationally centered for the responding student. The University of Tampa has standard progressive disciplinary sanctions that include:

a. Disciplinary Reprimand is a written expression of disapproval to the student for violation of specified University policy. It includes a warning that further violations of University policy may result in more severe sanctions.

b. Disciplinary Probation is a notice to the student that their actions are of a serious nature within the University of Tampa community. Probation shall be for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found in violation of any University policies during the probationary period. Any violation committed during the probationary period will result in a review of the student’s status with The University of Tampa.

c. Deferred Suspension is an increased disciplinary probation status that does not include suspension. During this period, any further violations of policy may result in a recommendation for suspension. The student may also be ineligible for co-curricular activities. This status will also restrict a student from study abroad opportunities.

d. Suspension* is the termination of registration as a student at the University after a specific date and for a specified time not to exceed two (2) years.

e. Expulsion* is the permanent separation of a student from the University without the opportunity for reinstatement.

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

Students may receive a standard progressive disciplinary sanction if found responsible for violations of the Student Code of Conduct. Students also may receive additional sanctions as determined by the assigned Incident Reviewer. The Office of Student Conduct shall have the sole authority to make a final decision on the appropriate sanction based on the conduct at issue, and it is not required to impose a lesser sanction for a first violation. At all times, the Office of Student Conduct has the sole right and discretion to select the appropriate sanction based on the conduct at issue.
Students who are assigned standard progressive disciplinary sanctions or additional disciplinary sanctions including deferred termination of residency, termination of residency, deferred suspension, and suspension may also be ineligible for co-curricular activities, including study abroad, at The University of Tampa. Please address any and all questions or concerns with the Office of Student Conduct.

**Alcohol and Drug Related Sanctions**

**Alcoholic Beverage Violations**
The Office of Student Conduct has the right to assign progressive disciplinary sanctions to the individual student that may be unique to the individual nature of the incident and may vary from a disciplinary reprimand through expulsion. In addition to progressive disciplinary sanctions, standard Alcoholic Beverage policy sanctions may include but are not limited to a complete alcohol and drug assessment, prevention fees, parental notifications, campus service hours, and termination of campus housing. Sanctions are intended to be educational and progressive. Please note that any past behavioral record will be considered when determining sanctions. As set forth above, the Office of Student Conduct shall have the sole authority to make a final decision on the appropriate sanction and it may select any sanction from all of the available sanctions that it finds appropriate to address the conduct at issue.

**Drug and Drug Paraphernalia Violations**
The Office of Student Conduct has the right to assign progressive disciplinary sanctions to the individual student that may be unique to the individual nature of the incident and may vary from a disciplinary reprimand through expulsion. In addition to progressive disciplinary practices, standard Drug Policy sanctions may include but are not limited to termination from campus housing, restricted access to residential facilities, a complete alcohol and drug assessment, prevention fees, parental notifications, and campus service hours. Sanctions are intended to be educational and progressive. Please note that any past behavioral record will be considered when determining sanctions. As set forth above, the Office of Student Conduct shall have the sole authority to make a final decision on the appropriate sanction and it may select any sanction from all of the available sanctions that it finds appropriate to address the conduct at issue.

**Sexual Misconduct Related Sanctions**
The University of Tampa is committed to providing a safe and welcoming environment for all students, faculty, and staff. Sexual misconduct is in direct conflict with The University of Tampa’s stated educational mission.

The Office of Student Conduct has the right to assign progressive disciplinary sanctions to the individual student that may be unique to the individual nature of the incident and may vary from a disciplinary reprimand through expulsion. In addition to progressive disciplinary practices, Sexual Misconduct sanctions may include but are not limited to no-contact orders, housing reassignment, or termination of residency. Please note that any past behavioral record will be considered when determining sanctions. As set forth above, the Office of Student Conduct shall have the sole authority to make a final decision on the appropriate sanction and it may select any sanction from all of the available sanctions that it finds appropriate to address the conduct at issue.
APPENDIX VII: SEXUAL MISCONDUCT PROCESS FLOW CHART

1. Incident Occurs
2. Incident Reported To TIX Coordinator
3. TIX Coor. or designee determines if case should move to investigation
4. Advocate (optional)
   - Internal resources given
   - External resources given

   - Internal resources given
   - External resources given
   - Investigation summary sent to Office of S.C.

5. Notify respondent of complaint and give services
6. Investigation
   - Investigation summary sent to Office of S.C.

7. Summary - Case inconclusive approved
   - Send to new investigator
   - Sanction(s) delivered
   - Sanction(s) accepted
   - Appeal (Dean of Students) or designee
     - Returned for Investigation
     - Case Upheld

8. Summary - Student responsible approved
   - Assoc. Dean determines sanction
   - Sanction(s) delivered
   - Sanction(s) accepted
   - Appeal (Dean of Students) or designee
     - Returned for Investigation
     - Case Upheld

9. Summary - Not accepted
   - Send to new investigator
   - Sanction(s) delivered
   - Sanction(s) accepted
   - Appeal (Dean of Students) or designee
     - Returned for Investigation
     - Case Upheld

APPENDIX VIII: STUDENT ORGANIZATION PROCESS FLOW CHART

1. Incident Occurs
2. Incident Reported on Advocate
3. Office of Student Conduct deems appropriate next steps
4. Advocate (optional)
   - Internal resources given
   - External resources given

   - Internal resources given
   - External resources given
   - Investigation summary sent to Office of S.C.

5. Notify respondent of complaint and give services
6. Investigation
   - Investigation summary sent to Office of S.C.

7. Summary - Case not accepted
   - Send to new investigator
   - Assoc. Dean determines sanction
   - Sanction(s) delivered
   - Sanction(s) accepted
   - Appeal (Dean of Students) or designee
     - Returned for Investigation
     - Case Upheld

8. Summary - Student Org responsible approved
   - Assoc. Dean determines sanction
   - Sanction(s) delivered
   - Sanction(s) accepted
   - Appeal (Dean of Students) or designee
     - Returned for Investigation
     - Case Upheld

9. Summary - NOT Student Org. refer to individual student conduct
   - Associate Dean determines sanction
   - Sanction(s) delivered
   - Sanction(s) accepted
   - Appeal (Dean of Students) or designee
     - Returned for Investigation
     - Case Upheld

10. Educational Conversation
    - Notify respondent of complaint and give services
    - Investigation
    - Investigation summary sent to Office of S.C.
    - Sanction(s) delivered
    - Sanction(s) accepted
    - Appeal (Dean of Students) or designee
      - Returned for Investigation
      - Case Upheld

11. Notify respondent of complaint and give services