

**STATE UNIVERSITY SYSTEM OF FLORIDA
BOARD OF GOVERNORS
September 3, 2015**

SUBJECT: Amend Board of Governors Regulation 6.0105 Student Conduct and Discipline

PROPOSED BOARD ACTION

Approve amendments to Board of Governors Regulation 6.0105 Student Conduct and Discipline.

AUTHORITY FOR BOARD OF GOVERNORS ACTION

Article IX, Section 7, Florida Constitution; Board of Governors Regulation Development Procedure

BACKGROUND INFORMATION

A system-wide work group was created by the SUS Title IX Work Group to review Regulation 6.0105 Student Conduct and Discipline. Following the review of this regulation, the work group recommended the following amendments for consideration by the Board of Governors:

- Creates a new subsection (8) to provide additional procedures applicable to complaints arising out of alleged violations of university prohibitions against sexual misconduct, including gender-based discrimination, sexual harassment, sexual assault, dating violence, domestic violence, and stalking to comport with guidance from the U.S. Office for Civil Rights and best practices for resolving these types of complaints;
- Clarifies that upon a request from a student, complainant, or other participant, the university may allow the individual to provide relevant information during the proceeding in a manner that avoids direct contact with the other individuals participating in the proceeding;
- Clarifies that the civil and criminal rules of evidence and procedure do not apply in disciplinary proceedings;
- Clarifies that a student remains eligible to attend classes and university activities pending the university's disciplinary decision, and until any appeal is concluded, except in cases where a determination has been made that the health, safety, or welfare of the student or a member of the university community is involved, or in cases where the sanction in the disciplinary decision includes either suspension or expulsion; and

- Makes minor technical changes to remove gender-specific terms and to replace “hearing or review” with “disciplinary proceeding.”

The regulation was reviewed by university general counsels, Council of Academic Vice Presidents, Council of Student Affairs, and other state university staff. The regulation amendment was approved for noticing on June 18, 2015. No concerns were expressed about the language during the notice period