

## NOTICE OF NEW REGULATION

December 21, 2005

### DEPARTMENT OF EDUCATION

Division of Universities  
University of North Florida

### REGULATION TITLE:

Student Conduct Code

### REGULATION NO.:

UNF-Reg 3.001

### SUMMARY:

The new regulation is being proposed in order to update the University regulations in accordance with current University practice and procedure. Refer to the attachment for further summarization.

### FULL TEXT:

The full text of the regulation being proposed is attached.

### AUTHORITY:

Resolution of the Florida Board of Governors dated January 7, 2003 and Florida Statutes 1001.74(10)(e) and 1006.60.

### UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:

Mauricio Gonzales, Vice President, Student and International Affairs

### INDIVIDUAL TO BE CONTACTED REGARDING THE PROPOSED REVISED REGULATION:

Stephanie Howell, Paralegal, Office of the General Counsel, [showell@unf.edu](mailto:showell@unf.edu), phone (904)620-2828; fax (904)620-1044; Building 1, Room 2400, 4567 St. Johns Bluff Road South, Jacksonville, FL 32224.

***Any comments regarding the repeal of the regulation must be sent in writing to the contact person on or before Friday, January 6, 2006, to receive full consideration.***

# The University of North Florida (UNF) Student Conduct Code

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### **(A) Introduction**

The Student Conduct Code is designed to promote responsible behavior for all students consistent with the welfare of the UNF community. In order to function effectively and to provide a climate in which all members can fulfill their personal, social, and academic obligations, the University has established this Code for defining behavioral rights and responsibilities within this community. The responsibility for this Code shall be administered through the Division of Student Affairs.

### **(B) Scope**

The University of North Florida's jurisdiction regarding discipline is generally limited to conduct of any student or registered student organization that occurs on UNF premises, including University Housing. However, the University reserves the right to impose discipline based on any student conduct, regardless of location, that may adversely affect the University community.

The right of all students to seek knowledge, debate ideas, form opinions and freely express their ideas is fully recognized by UNF. This Student Conduct Code applies to student conduct and will not be used to discipline the lawful expression of ideas. The processes for adjudicating violations of State and Federal law and of the Student Conduct Code are separate and may be pursued independently of one another.

### **(C) Authority**

**1.** Authority for student discipline ultimately rests with the University President. The President delegates this authority to the Vice President for Student and International Affairs, or his designee. The Vice President may take direct jurisdiction of any case.

**2.** The Vice President (or designee) also has the authority to notify the person listed at the student's emergency contact (or other appropriate person) in case of an emergency involving that student.

3. All internal Pan-Hellenic matters will be heard according to the conduct process as set forth in the National Pan-Hellenic Conference Manual of Information available in the office of Greek Affairs. Internal Interfraternity Council and Greek Standards Board disciplinary matters will be heard according to the processes outlined in these councils' respective bylaws. Decisions of the Greek Standards Board, Interfraternity Council Judicial Board, National Pan-Hellenic Council Judicial Board and Pan-Hellenic Judicial Boards are appealable to the Greek Affairs Coordinator. Greek-letter organizations charged with violations of the Student Conduct Code will fall under the authority of the University conduct system and be handled in consultation with the Greek Affairs Coordinator.

4. Non Greek organizations and clubs charged with violating the Code will also fall under the authority of the University conduct system. Cases may be referred directly to the Student Activities Coordinator by the Hearing Administrator as appropriate. All matters falling under the University conduct system are appealable to the Vice President for Student and International Affairs (or designee).

#### **(D) Definitions**

1. Student. For purposes of the Student Conduct Code, the term “student” is defined as any person who is currently admitted and/or enrolled in classes at UNF or maintains student status based on the Continuous Enrollment Policy. UNF defines continuous enrollment as being enrolled in classes at UNF without a break of three or more consecutive semesters. Also included in this definition are individuals who have been enrolled in classes and continue to be associated with the University because they have not completed the course or program requirements in which they were enrolled. In cases of dual enrollment, jurisdiction over a student’s conduct will be determined in consultation with appropriate officials at the student’s other institution. The term “student” also means any student organization that is officially registered with the University.
2. Guest. The term “guest” means any person visiting campus who is not affiliated with the University. Students may assume responsibility for the actions of their guests.
3. University Community. The term “University community” means any person who is a student, faculty member, University official, or any other person employed by the University or a guest of the University.
4. On-Campus. The term “on-campus” means all land, buildings, facilities and other properties (including equipment and vehicles) in possession of or owned, used or controlled by the University, including adjacent streets, sidewalks and parking lots.

5. University Official. The term “University official” means any person employed by the University to perform assigned teaching, research, administrative, professional or other responsibilities. University Police also fall under this definition.
6. Charged Student. The term “charged student” means any student who has been formally charged with an alleged violation of the Student Conduct Code.
7. Advisor. The term “advisor” means any one person chosen by the charged student or the alleged victim to assist him/her throughout the disciplinary process.
8. Hearing Body. The term “hearing body” in this Code means any person or persons authorized by the Vice President for Student and International Affairs to conduct hearings to determine whether a student has violated the Student Conduct Code and to impose sanctions. This includes individuals serving as a Conduct Hearing Administrator or individuals serving on the Conduct Board.
9. Preponderance of Evidence. The term “preponderance of evidence” means the evidence, as a whole, shows the fact sought to be proved is more probable than not. This is the standard used in determining responsibility (responsible or not responsible) in all disciplinary cases within this Student Conduct Code.
10. Policy. The term “policy” means the written regulations of the University as found in, but not limited to, the Student Conduct Code, the UNF Student Handbook, the Resident Handbook, the UNF catalog (undergraduate and graduate), the Official UNF Website, the Alcohol and Other Drugs Policy, and Computing Services Policies and Procedures.
11. Conduct Board. The Student Conduct Board is a body of students, faculty, and staff selected by the Vice President for Student and International Affairs (or designee) to review student conduct violations. This Board is trained and overseen by the Hearing Administrator. Only current students who are actively enrolled at the University, in good academic and disciplinary standing and subject to this Student Code of Conduct are eligible to serve on this Board.
12. Hearing Administrator. Any individual in the Division of Student Affairs assigned to hear conduct cases by the Vice President for Student and International Affairs. A Hearing Administrator also serves as a facilitator in panel hearings.
13. Administrative Hearing. A conduct hearing where a Hearing Administrator reviews information, determines if a student is “responsible” or “not responsible,” and if found “responsible,” determines sanctions accordingly.
14. Panel Hearing. A conduct hearing where individuals drawn from the Conduct Board make decisions related to the case. A panel must be comprised of at least 50% student representation.

15. Panel Appeal Hearing. A panel consisting of at least 50% student representation convened to hear Immediate Suspension appeals. (Please refer to Section F, Immediate Suspension.)
16. Class days. The term “class days” is defined as days when either classes or final exams are officially scheduled by the University, with the exception of Saturdays and Sundays.
17. Notice. The term “notice” refers to the written notice given to a student that contains the Student Conduct Code charge and the allegations of misconduct. (Please refer to Section J, Procedures.)
18. Disciplinary Hold. A “disciplinary hold” is one placed on a student’s University record that prohibits that student from conducting business with the University (i.e., registering for classes, obtaining transcripts, etc.).
19. Unauthorized. The term “unauthorized” refers to actions that are not allowed or sanctioned by the university (such as unauthorized access to buildings or land on campus that is designated as such).

**(E) Violations**

The following violations, or the aiding, abetting, or inciting of, or attempting to commit these violations, represent violations of the Student Conduct Code:

- |                            |  |
|----------------------------|--|
| 1. Sexual Misconduct       | 11. Computer Misuse                                    |
| 2. Endangerment            | 12. Vehicles/Transportation                            |
| 3. Harassment              | 13. Disruptive Behavior                                |
| 4. Weapons                 | 14. Identification/Falsification                       |
| 5. Hazing                  | 15. Property   |
| 6. Fire and Safety         | 16. Participation                                      |
| 7. Illegal Drugs           | 17. Disregard for the Conduct System                   |
| 8. Alcohol                 | 18. Unauthorized Entry or Use of University Facilities |
| 9. Smoking and Tobacco Use | 19. Conspiracy   |
| 10. Gambling               | 20. Violations of University Regulations               |
|                            | 21. Other Violations                                   |

**1. Sexual Misconduct**

- 1.0 Any sexual act that occurs without the consent of the victim, or that occurs when the victim is unable to give consent.
- 1.1 Obscene or indecent behavior, which includes, but is not limited to, exposure of one’s sexual organs or the display of sexual behavior that would reasonably be offensive to others.

- 1.2 Conduct of a sexual nature that creates an intimidating, hostile, or offensive campus, educational, or working environment for another person. This includes unwanted, unwelcome, inappropriate or irrelevant sexual or gender-based activities or comments that are sexual in nature.
- 1.3 Voyeurism: to trespass, spy, or eavesdrop for the purpose of personal sexual arousal.

## **2. Endangerment**

- 2.0 Physical violence towards another person or group.
- 2.1 The threat of physical violence towards another person or group.
- 2.2 Action(s) that endanger the health, safety, or well being of another person or group.
- 2.3 Action(s) that serve the purpose of endangering one's own health or safety.
- 2.4 Interference with the freedom of another person to move about in a lawful manner.

## **3. Harassment**

- 3.0 Conduct (not of a sexual nature), that creates an intimidating, hostile, or offensive campus, educational, living, or working environment for another person.
- 3.1 Action(s) or statements that threaten harm or intimidate another person.
- 3.2 Acts that invade the privacy of another person.
- 3.3 Stalking: to follow or otherwise contact another person repeatedly, so as to put that person in fear for their life or personal safety.
- 3.4 Taking deliberate and consistent actions which cause another person discomfort.
- 3.5 Sexual Harassment (as defined in the Sexual Harassment section of this Handbook under Rights and Regulations).

## **4. Weapons**

- 4.0 On-campus possession or use of firearms, explosives (including fireworks), dangerous articles or substances, weapons (including non-lethal weapons such as pellet guns, bb guns, paintball guns, swords, including decorative swords, axes, pocket knives that are larger than the

legal size defined by law or items that resemble weapons), or the use of any item used as a weapon.

## **5. Hazing**

### **5.0 Hazing**

Any group or individual conduct or activity in violation of UNF's Anti-hazing Policy (see UNF Policy #6C9-3.3002 in this handbook).

## **6. Fire and Safety**

6.0. Inappropriate activation of any emergency warning equipment or the false reporting of any emergency.

6.1 Removal, damage, or tampering with fire safety or any emergency warning equipment.

6.2 Failure to evacuate a University building or facility when a fire alarm is sounded.

6.3 Arson: setting or causing a fire.

## **7. Illegal Drugs**

Refer to the Alcohol and Other Drugs Policy section of this Handbook under Rights and Regulations.

7.0 Possession or use of illegal drugs.

7.1 Possession or use of drug paraphernalia.

7.2 Distribution, delivery, and/or sale of illegal drugs.

7.3 Conspiracy to distribute, deliver, and/or sell illegal drugs.

## **8. Alcohol**

Refer to the Alcohol and Other Drugs Policy section of this Handbook under Rights and Regulations.

8.0 Possession, use and/or consumption of alcohol when under the legal drinking age as defined by law.

8.1 Dispensing, selling, and/or supplying alcoholic beverages to an individual who is under the legal drinking age as defined by law.

8.2 Use or possession of beer kegs, party balls, and/or other common sources of mass volume alcohol on campus, with the exception of University approved functions.

- 8.3 Possession of open containers of alcohol or consumption of alcohol in non-approved public areas.  
(refer to The Alcohol and Other Drugs Policy section of this Handbook under Rights and Regulations under Areas).
- 8.4 Public intoxication: observable disruptive behavior resulting from excessive consumption of alcoholic beverages (to be determined by physical observation or BAC test, if available).
- 8.5 Violating other University or Housing policies while under the influence of alcohol. Students who choose to drink alcohol will be held fully responsible for their behavior while under the influence of alcohol.
- 8.6 Misrepresenting or misstating one's age or using altered identification in order to prove legal drinking age.
- 8.7 Devices designed for the rapid consumption of alcohol such as beer bongs and funnels.

#### **9. Smoking and Tobacco Use**

(Refer to the Tobacco Policy section of this Handbook).

- 9.0 Smoking or using smokeless tobacco in any campus building (including the residence halls).
- 9.1 Improper disposal of cigarettes.
- 9.2 Smoking in a non-designated area.

#### **10. Gambling**

- 10.0 Engaging in an unlawful game of chance for money or for anything of value on University premises (including the residence halls) or at any non-sanctioned affair sponsored by a student or student organization.
- 10.1 Placing an unlawful wager on a University or non-University team or organization in a competition, with a direct influence in the success of the competition.

#### **11. Computer Misuse**

Theft or other abuse of computer resources includes, but is not limited to:

- 11.0 Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
- 11.1 Unauthorized transfer of a file.

- 11.2 Unauthorized use of another individual's identity or password.
- 11.3 Use of computing facilities to interfere with the work of another student, faculty, or staff member of the University.
- 11.4 Use of computing facilities or technology to send or receive obscene or abusive material.
- 11.5 Use of computing facilities or services which interferes with the normal operation of the University system.
- 11.6 Altering, destroying, disclosing, or taking information resource property (including data, programs, and supporting documents) as well as modifying equipment or supplies without proper authorization.
- 11.7 Using the UNF computing system/services for any illegal activity such as hacking. Students must comply with all rules and regulations of Computing Services as indicated at [www.unf.edu/compserv](http://www.unf.edu/compserv). Hard copies are available in Building 15, Room 3101.

## **12. Vehicles/Transportation**

(Refer to the Skateboarding, Roller-Skating, Roller-Blading and Bicycling: Pedestrian Traffic Safety Policy section of this Handbook).

- 12.0 Riding Skateboards, Roller-skates, Roller-blades, bicycling, and other similar transportation devices in prohibited areas (including, but not limited to, covered walkways, parking garages, and interior building spaces).

## **13. Disruptive Behavior**

- 13.0 Failure to comply with a lawful order of a University official or with the lawful order of any non-University law enforcement official.
- 13.1 Violations that occur by a guest on campus. Students hosting guests are responsible for their guests while they are visiting the university community, and may be held accountable for the actions of their guests.
- 13.2 Acts that impair, interfere with, or obstruct the orderly conduct, processes, and functions of the University or the rights of other members of the University community. This includes acts that occur both inside and outside the classroom setting.
- 13.3 Commercial solicitation on campus without prior approval from University officials.

- 13.4 Acts that disrupt the University disciplinary process, including attempting to coerce or influence a person in order to discourage their participation in any disciplinary proceeding.
- 13.5 Any act that deliberately causes false alarm.
- 13.6 Conduct that is meant to be done in humor or in jest, but results in a loss, inconvenience, or otherwise damages the property or well being of another.
- 13.7 Verbal abuse (written and oral), coercion, and/or other conduct that intimidates, threatens, or endangers another.
- 13.8 Lewd, indecent conduct.

#### **14. Identification/Falsification**

- 14.1 Permitting another person to use his/her identification.
- 14.2 Inappropriate use of another person's identification.
- 14.3 Failure to show proper identification to a University official (Students are required to carry their identification card while on campus. Refer to the Osprey Card ID section of the University of North Florida Student Handbook).
- 14.4 Forgery, alteration, or misuse of identification.
- 14.5 The furnishing of false or misleading information to a University official or others, and/or withholding required information from University officials or others.
- 14.6 Misuse, alteration, or forgery of any documents, records, keys, or property.
- 14.7 Impersonation or misrepresentation. Acting on behalf of another person, group, or the University without authorization or prior consent.

#### **15. Property**

- 15.0 Damage or destruction of public or private property.
- 15.1 Attempted damage, destruction, or theft of public or private property.
- 15.3 Theft: knowingly and without authorization removes or uses the property or services of the University or of another person, company or organization.

- 15.4 Possession or sale of property or services that are known to have been stolen.

**16. Participation**

- 16.0 Involvement in any violation as outlined by the Student Conduct Code. This includes failure to remove oneself from the incident or area where the violation is being committed.

**17. Disregard for the Conduct System**

- 17.0 Failure to obey a Hearing Body directive(s) or order(s).
- 17.1 Improper actions during a conduct hearing.
- 17.2 Failure to respond to a request to appear before a Hearing Body when notified to do so.
- 17.3 Knowingly withholding, falsifying, or misrepresenting information before a Hearing Body.
- 17.4 Violation of the terms of the Hearing Decision.

**18. Unauthorized Entry or Use of University Facilities**

- 18.0 Unauthorized entry into any University building, office, or facility.
- 18.1 Unauthorized use of any University facility or equipment.

**19. Conspiracy**

- 19.0 Planning alone or with others to commit violations of the Student Conduct Code.

**20. Violations of all UNF Regulations: Including, but not limited to, those contained in official University Handbooks:**

- 20.0 The Resident Students Handbook.
- 20.1 The National Pan-Hellenic Conference Manual of Information; Constitution and Bylaws for the Pan-Hellenic Council, Interfraternity Council, Pan-Hellenic Council and Greek Council.
- 20.2 The UNF Student Club & Advisor Handbook.
- 20.3 The Information Technology Services' Policies and Procedures.

- 20.4 University policies directly related to departments, organizations, or clubs.
- 20.5 Any other University regulations as described in the most up-to-date copies of the UNF Academic Catalog (undergraduate and graduate), official UNF Web Page, or the UNF Student Handbook.

## **21. Other Violations**

- 21.0 Violation of Federal or State law or local ordinance.
- 21.1 Aids or abets any other violation of Federal or State law or local ordinance.

### **(F) Immediate Suspension**

In certain circumstances involving a student's actions that may affect the safety, health, or general welfare of the student or University community, (including, but not limited to violations of drug possession and/or intent to distribute, sexual misconduct, endangerment, harassment, and weapons possession) the Vice President for Student and International Affairs may impose an immediate University suspension prior to the student's hearing with a hearing body. An immediate suspension means a student cannot be on University property, cannot attend classes, and cannot use University facilities.

**A.** An immediate suspension requires the student be notified in writing. Notice may be delivered to any campus location if prior attempts to notify the student at his/her residence fail.

**B.** The student has the opportunity for a prompt panel appeal hearing regarding whether the immediate suspension should continue until a hearing is held on the actual violations of the Code. This panel appeal hearing will be held within three class days of receipt of the notice of immediate suspension letter unless a later time is agreed upon by both parties. The appeal must be based on one of the following:

1. An egregious error pertaining to the student's involvement.
2. Contention that the violation, even if proven, does not pose a threat to the safety, health, or general welfare of the University community and thus does not warrant a suspension.

**C.** A panel may consist of any number of individuals as long as it maintains 50% representation from the student population. The decision resulting from the panel appeal hearing is final.

**D.** Formal disciplinary charges will normally be filed at the completion of all investigations or as soon thereafter as possible.

**E.** Student organizations may be suspended by the Vice President for Student and International Affairs in circumstances involving actions related to that group that may affect the safety, health, or general welfare of its members, the University community, or others. The affected group has the right to a prompt administrative appeal hearing as described in subsection **B** above. An immediate suspension of a student organization means all activities, programs, social events, funding requests, and budget expenditures are suspended. One exception is that Greek organizations may be allowed to conduct business meetings provided they notify and receive permission from the Greek Affairs Coordinator in advance and the meeting is attended by an advisor recognized by the University.

### **(G) Removal from University Housing**

The Director of Housing Operations, in consultation with the Director of Residence Life, has the authority to immediately remove a resident from his/her University Housing assignment and prohibit the resident from visiting the housing areas prior to the student's hearing with a hearing body or cancel a student's University Housing contract under a separate process.

### **(H) Student Rights\***

**A. Notice.** Students will be given written notice of the Student Conduct Code charge and the allegations upon which the charge is based.

**B. Hearing.** Students will be given an opportunity to present information during a fair and impartial hearing.

**C. Appeal.** Students have the right to appeal a decision by a hearing body based on established appeal guidelines.

### **(I) Victim's Rights**

Refer to Victim Services section of this Handbook.

Victim's rights apply to the following types of cases:

1. Sexual Misconduct
2. Endangerment
3. Harassment
4. Hazing

Victims have the following rights in accordance with all Federal and State laws regarding these types of violations:

**A.** To have an advisor of the alleged victim's choice accompany him/her when presenting information to the hearing body and to any other relevant meetings held throughout the disciplinary process.

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\***Note:** A more detailed description of the procedures utilized to implement these rights is found in Section J, Procedures. A complete description of Appeal rights can be found in Section L, Appeals.

**B.** To submit a victim impact statement to the hearing body. This information would be used only in the sanctioning phase of deliberations. If the charged student is found responsible for the charge(s). If the charged student appeals the decision on the basis of severity of the sanction imposed, he/she will have the right to view the victim impact statement upon request.

**C.** To have unrelated past behavior excluded from the hearing. The Conduct Hearing Administrator will decide if such information is unrelated. The past sexual history of the alleged victim is not usually considered relevant.

**D.** To submit questions to the Hearing Administrator two class days prior to the hearing. The Hearing Administrator will then consider posing these questions to the charged student.

**E.** At the request of a victim in cases involving sexual misconduct, physical violence or stalking charges, the alleged victim may request to present his/her side of the story in a separate room from the charged student so long as the process does not unduly compromise the charged student's right to question the witness.

**F.** To be present throughout the hearing, or portions thereof. This option will be offered only by the Hearing Administrator.

**G.** To have any personal property returned to them if in current possession of the University. The determination of when this property is to be returned is left to the discretion of the Hearing Administrator.

**H.** To be notified of the outcome in writing, including both the decision and the sanctions of the disciplinary process within two class days of student notification.

## **(J) Procedures**

Under the authority of the Board of Trustees, the President has designated the Vice President for Student and International Affairs to implement the Student Conduct Code. The procedures implemented by this office will be consistent with all appropriate rights accorded to students in university disciplinary decisions.

**A. Charges.** Reports should be submitted to either law enforcement or the appropriate administrator within one calendar year of discovery of the alleged violation, except in extraordinary cases (e.g. hospitalization of a student).

In the event that a student is charged with a violation of (E) 20, the general statute or law will be described. In the event that a student is charged with (E) 21, the specific policy as pertaining to the handbook will be cited.

A review of possible charges may be initiated in the following ways:

1. Receipt of a police report, either initiated by the police or filed by any person or entity (including University departments, offices, officials, staff, faculty, students, community members, etc.). Also included are reports requested of (or received by) another law enforcement agency.
2. Any individual may provide a signed written statement to the Student Conduct Office. All information will then be reviewed by an appropriate staff member in the Student Conduct Office to determine whether Student Conduct Code charges will be filed or if alternative action is appropriate.
3. Any information that comes to the attention of the University that is a violation of the Code of Conduct and has the potential to impact the safety and well being of the University community may result in a student being charged with a Code of Conduct violation.

**B. Notice.** The notice given to any charged student will include the following:

1. Sufficient detail to prepare a defense, including sources of information, alleged violation(s), and specific Code charges and the availability of impartial advisors.
2. An opportunity to attend a pre-hearing information session as a result of notification to resolve issues, adjust charges, and clarify rights and procedures. Students have the opportunity to schedule and attend a pre-hearing or waive the pre-hearing. Information gathered at the pre-hearing will be used at the subsequent administrative or panel hearing and can be shared accordingly.

During this time the student may review all materials to be used in his/her case and subsequently have an opportunity to select the forum in which the case will be heard. A hearing appointment will be scheduled at the conclusion of the pre-hearing (if a pre-hearing is chosen), and will be no sooner than 3 class days after the pre-hearing and generally no later than 14 class days after the pre-hearing at the discretion of the Hearing Administrator. It is the student's responsibility to schedule an appointment for a pre-hearing prior to the formal hearing. The pre-hearing (or hearing, if student chooses to waive the pre-hearing) must be held within 5 class days from the date on the notice or at the discretion of the Hearing Administrator.

3. An opportunity to choose the forum in which the case will be heard (see E, Types of Hearings and F, Choice of Hearing Type).

If a student fails to attend a scheduled hearing, and five class days have expired since the date of the notice, the student waives his/her right to a hearing. At that time, a formal hearing (either administrative or panel to be determined by the Hearing Administrator) may be scheduled in the student's absence at the discretion of the Hearing Administrator. The student will be notified of date and time. If the student fails to appear at the scheduled formal hearing and failed to provide notice to this effect, the hearing will be held in the

student's absence and he/she may be charged with additional violations of the Code.

**C. Hold.** The Student Conduct Office may place a disciplinary hold on the records and registration of any student who fails to respond to a notice. Any pending disciplinary matters must be resolved prior to the awarding of any degree or certificate. Disciplinary notices will be sent to students electronically, using their Osprey e-mail account. If correspondence needs to be sent to an alternative address, the student's permanent address as contained in the University's Student Records will be used.

**D. Hearing.** Hearings will follow these guidelines:

1. All hearings will be fair and impartial.
2. The charged student will have an opportunity to have an informational session about the conduct process before the hearing if they waive the pre-hearing.
3. A student charged with violation(s) will have the opportunity to present information on his/her behalf, including presenting witnesses and/or signed, written statements.
4. The charged student may be accompanied during the hearing by an advisor of his/her choice. Students are required to address the hearing body in person, on their own behalf, although they may consult with their advisor during the hearing. This consultation must take place in a manner that does not disrupt the proceedings. The advisor shall not speak on behalf of the student unless expressly authorized to do so by the hearing body. If an attorney is to be the advisor, the Hearing Administrator assigned to the case must be notified in writing at least two class days prior to the hearing. The advisor may be removed from the hearing if it is determined that his/her presence is disruptive. The charged student should notify the Student Conduct Office of the advisor's name at least two class days prior to the hearing.
5. A student may choose not to answer any and all questions posed by a hearing body. However, the University is not required to postpone disciplinary proceedings pending the outcome on any criminal prosecution. The Hearing Body may proceed with a hearing and base its decision on all available information.
6. The burden of proof rests with the complainant. The standard of proof at a hearing will be the preponderance of the evidence. This means that the evidence, as a whole, shows that the fact sought to be proved is more probable than not.
7. In cases involving multiple students charged, information provided at one hearing may be used as evidence in the related case(s).
8. Information obtained in a hearing may result in the adjustment of the original charges and sanctions may be imposed accordingly.
9. **Closed Hearings.** A closed hearing may include the person(s) bringing charges against a student, the charged student, advisors, Hearing Administrators, Residence Life staff (including RAs), alleged victim(s), and any witness who can give a first hand account of the incident. Witnesses may only be present during the time they are testifying, even if the hearing is open.

Character witnesses may only provide testimony in the form of a written statement. All hearings are closed unless the Hearing Administrator receives a request for the hearing to be open.

**10. Open Hearings.** If either party requests the hearing be open, a petition must be received by the Student Conduct Office at least three class days prior to the scheduled hearing. Both the charged student(s) and the alleged victim(s) must agree for the hearing to be open. An open hearing is completely open to the public, and may include family members, members of the University community, or the community at large (including the media both on- and off-campus). The Hearing Administrator will attempt to notify (by telephone, e-mail, mail and/or in person) the other party(ies) involved of the request immediately upon receipt of the petition. If after four attempts the other party(ies) cannot be directly reached, the petition will be denied and the hearing will remain closed. The decision to have an open hearing will be finalized by the Hearing Administrator one class day prior to the hearing and will not be reversed on the day of the hearing. It is the responsibility of each party to contact the Hearing Administrator prior to the day of the hearing to confirm whether the hearing is opened or closed.

**11.** All hearing decisions will be communicated in writing to the charged student and will include the rationale, the hearing decision, and sanctions imposed (if applicable).

**12.** Appropriate witnesses will be called by the University when necessary to support charges. Witnesses who appear may be questioned by the charged student in accordance with the procedures set forth in 1.a and 2.a below. Appropriate witnesses may also be called by the charged student to all formal hearings.

**13.** If the charged student fails to appear at the scheduled hearing after proper notice (see Procedures, section J, subsection B.2.), the hearing may be held in the charged student's absence.

**14.** Prior records of disciplinary action and victim impact statements are considered by the hearing body only in the sanctioning phase of deliberations. Past criminal convictions also may be considered if relevant to the proceedings.

**15.** The hearing body's determination of "responsible" or "not responsible" will be based solely on the information presented at the hearing.

**E. Types of Hearings.** Two distinct types of hearings (administrative and panel) are provided for by this Code. Administrative hearings typically can be scheduled more quickly than Panel hearings.

**1. Administrative Hearings:**

**a.** The Hearing Administrator does not automatically call witnesses to support the charges, although he/she may gather any additional information needed, including calling witnesses. The charged student will be informed of any additional information gathered by the Hearing Administrator and have an opportunity to respond at the hearing. The charged student will have the opportunity to question adverse witnesses by submitting their questions in writing

to the Hearing Administrator two class days prior to the Administrative Hearing. The Hearing Administrator will pose the questions to the witness. The charged student may call witnesses and present evidence.

**b.** Will be no sooner than three class days from the pre-hearing (unless requested by the student), no later than fourteen class days, or at the discretion of the hearing Administrator.

**c.** May be recorded. If the student does not contest the charges, the hearing does not need to be recorded. If the student and/or Hearing Administrator requests the hearing be recorded, or if the case may result in removal from housing, suspension, or expulsion, or the charges are serious, the hearing will be recorded. This recording will serve as the official record of the proceedings.

**d.** A decision letter will be sent to the student within ten class days from the conclusion of the hearing process. This time limit may be extended if necessary where additional consideration of evidence and deliberation is required by the Hearing Administrator. The student will be informed (by phone, email, mail or in person) of the estimated duration of this extended time period.

## **2. Panel Hearings:**

**a.** Appropriate witnesses may be called to provide information to support the charges. Charged students who wish to question adverse witnesses will be given the opportunity to do so by submitting their questions in writing two class days prior to the Panel Hearing to the Hearing Administrator. The Hearing Administrator will pose the questions to the witness.

**b.** Will be no sooner than three class days after notice is received by the charged student (unless a hearing is requested sooner).

**c.** Will be recorded. This recording will serve as the official record of the proceedings.

**d.** A decision letter will be sent to the student within ten class days from the conclusion of the hearing process. This time limit may be extended if necessary where additional consideration of evidence and deliberation is required by the panel. The student will be informed (by phone, email, mail or in person).

**e.** The following order of presentation is recommended for use in Panel hearings. The hearing body may change the order if necessary:

- 1.** Presentation of charges.
- 2.** Opening statements (if any) by the University followed by the opening statement of the charged student.
- 3.** Presentation of evidence and witnesses by the University, followed by questioning of those witnesses. Each witness is dismissed after questioning.

4. Presentation of evidence and witnesses by the charged student, followed by questioning of those witnesses. Each witness is dismissed after questioning.
5. Questions directed to the charged student by the hearing body.
6. Closing statements (if any) by the University, followed by the closing statement (*if any*) of the charged student.

**F. Choice of Hearing Type.**

1. Students may choose between an administrative or panel hearing. However, the Hearing Administrator may determine that it is in the best interest of both the student and the University that a case be heard by a panel based on the seriousness of the violation or in the interest of fairness.
2. When two or more individual cases stem from the same incident, those cases may be heard jointly if the students waive the right to individual hearings. In these situations, sanctions (if any) will be communicated separately.

**(K) Sanctions**

**A.** In light of the facts and circumstances of each case, the following sanctions, or combination of sanctions (with or without appropriate modifications) may be imposed upon any student found to have violated the Student Conduct Code:

1. Reprimand. An oral warning or written statement placed in a student's disciplinary file.
2. Community Service Hours. Assignment to perform tasks or services under the supervision of a University department or community service agency.
3. Educational Activities. Attendance at educational programs, interviews with appropriate officials, planning and implementing educational programs, writing research papers, or other educational activities.
4. Counseling Assessment and Compliance. Referral for assessment (at the student's expense) to a licensed mental health professional or counseling center for general mental health or other counseling issues. Students found responsible for alcohol and/or drug violations will normally be referred to the Campus Alcohol and Drug Information Center (CADIC) for alcohol and/or drug education and assessment, but may be referred to an outside agency or counselor based on the seriousness of the violation. Students must comply with all recommendations established as a result of any assessment.
5. Restitution. Payment of actual damages or loss of services to the University or victim.
6. Fees. May not be levied in excess of \$200.00.
7. Disciplinary Probation. A period of time during which any further violation of the Student Conduct Code puts the student's status with the University in jeopardy. If the student is found "responsible" for another violation of the Code during the period of Disciplinary Probation, serious consideration will be given to

imposing a sanction of Suspension or Expulsion from the University.

8. Restrictions. Some of the restrictions that may be placed on a student include, but are not limited to:
  - a. Participation in student clubs, groups, activities or events.
  - b. Representation of the University on athletic teams.
  - c. Holding leadership positions (e.g. Student Government or Resident Assistant).
  - d. Entrance to University Housing areas or any other areas on campus.
  - e. Contact with another specified person(s).
9. Change in University Housing assignment.
10. Parental Notification. (per the UNF Alcohol and Other Drugs Policy)  
Parental notification may occur for both alcohol and drug policy violations, based on this policy and the discretion of the Conduct Hearing Administrator.
11. Removal from the classroom.
12. Exclusion from University Housing (either temporary or permanent).\*
13. Suspension. Separation from the University for a specified period of time.\*
14. Expulsion. Separation from the University without the possibility of re-admission.\*
15. Withholding of registration, diplomas, transcripts or other records.
16. Transcript Notations. A written notation indicating that disciplinary action was taken.

**B.** The following sanctions may be imposed upon groups or organizations found to have violated the Student Conduct Code:

1. Those sanctions listed in Section **A** above. Suspension or Expulsion of student organizations includes temporary or permanent loss of recognized status with the University.
2. Additional sanctions specific to student organizations are found in Greek and other organizational constitutions, and in the Office of Greek Affairs' and the Office of Student Organizations' policies, which are hereby incorporated by reference.

**C.** Any sanction that separates a student from the University will be noted on that student's academic transcript. A lesser sanction may not be noted on the transcript.

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**\*Note:** Students will normally forfeit tuition, Housing rent and fees, and other University fees if found responsible for a Student Conduct Code violation resulting in suspension or expulsion. A student may also forfeit academic credit accordingly and must see his/her professor to determine the impact on grades based on the withdrawal. Students who are excluded from living in University Housing must contact the Director of Housing Operations to determine the financial impact of the canceled contract.

**D.** Decisions regarding falsification of admission or re-admission information may be forwarded to the appropriate office for review of the application and appropriate action regarding admission.

**E.** Any student who fails to complete sanctions will have a disciplinary hold placed on their records and may receive additional charges.

## **(L) Appeals**

**A. Appeal Requests.** A student *choosing* to appeal the outcome of a Student Conduct Hearing must do so in writing to the Vice President for Student and International Affairs within five class days of the date on the decision letter. Supporting documentation should accompany all appeals. An appeal must be based on one or more of the following grounds:

1. Due process errors involving violations of the charged student's rights (see Section *H*) that substantially affected the outcome of the hearing.
2. The sanction(s) is (are) extraordinarily disproportionate to the violation committed.
3. New information that was not available at the time of the original hearing.

### **B. Appeal Hearings**

1. Appeals will be heard by the Vice President for Student and International Affairs (or designee).
2. The appeals will be scheduled within ten class days of receiving the written request for appeal.
3. The necessity for an Appeal Hearing will be at the discretion of the Vice President for Student and International Affairs, or his designee.
4. The student may bring an advisor to the appeal hearing.
5. On appeal, the burden of proof rests with the student to clearly show that an error has occurred during the original hearing.

### **C. Appeal Decisions.**

1. The Vice President for Student and International Affairs (or designee) may affirm, modify, reverse or remand the original hearing decision, or order that a new hearing will be held.
2. Are communicated within twenty class days of the appeal hearing unless notification is given that additional time is necessary for consideration of the record on appeal.
3. Except in the case of an immediate suspension, the student's status will remain unchanged during the appeal process.
4. Are final and not appealable to another official.

## **(M) Records**

**A.** Records of all disciplinary cases will be maintained in the Division of Student Affairs.

**B.** Records containing a sanction of expulsion will be maintained in a permanent file and not be removed under any circumstances.

**C.** Suspensions will be noted on a student's permanent file only during the period of suspension.

**D.** Records (with the exception noted in B. above) will be kept on file for five years past the date of final action taken on the record. These records will be destroyed after five years in accordance with State regulations.

**E.** Records indicating a finding of "not responsible" will be considered Administrative Files and will be destroyed three years after the date of final action taken on the record.

**F.** A student's prior disciplinary record will be considered only during the sanctioning phase of deliberations, not to determine whether or not to find a student "responsible" or "not responsible" for the alleged violation.

**G.** The release of student disciplinary records will be governed by applicable Federal and State laws regarding the privacy of educational records.  
(Revised December 2005)