# **NOTICE OF AMENDED REGULATION**

**September 13, 2021**

**BOARD OF GOVERNORS**

Division of Universities

University of North Florida

**REGULATION TITLE:**

Student Conduct Code

**REGULATION NO.:**

5.0010R

**SUMMARY:**

The amendment to the Student Code of Conduct was predicated by a change in legislation during the 2021 Florida Legislative session, referred to as HB233, which revised the Florida statutes referenced. The Code of Conduct includes specific due process procedures for students moving through the disciplinary process, redefines the role of “advisor” and adds procedures for recording class lectures. Many of the contextual changes made were related to the new required timing and content of Notice letters to students and the manner in which case documentation should be shared with students.

**FULL TEXT:**

The full text of the regulation being proposed is attached.

**AUTHORITY:**

BOG Regulations 1.001 and 6.0105

Title IX of the Education Amendment Act of 1972

Florida Statutes 1006.60 and 1004.097

**UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:**

Rachel Winter, JD, University Conduct Officer

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

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***Any comments regarding the amendment of the regulation must be sent in writing to the contact person on or before Monday, September 27, 2021, to receive full consideration.***

 **Regulation**

**Regulation Number**: 5.0010R

**Effective Date**: 08/11/20 **Revised Date**: TBD

# **Subject:** **Student Conduct Code**

**Responsible Division/Department**: Student & International Affairs/Student Conduct

**Check what type of Regulation this is:**

[ ] New Regulation

[x] Major Revision of Existing Regulation

[ ] Minor/Technical Revision of Existing Regulation

[ ] Reaffirmation of Existing Regulation

[ ] Repeal of Existing Regulation

**I. STATEMENT OF REGULATION**

A. Principles and Scope

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B. Authority

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**A. PRINCIPLES AND SCOPE**

1. **Introduction**
2. The University of North Florida is committed to integrity, respect, accountability and innovation. These values serve as the foundation for the Student Code of Conduct. In order to function effectively and to provide a climate in which all members can fulfill their personal, professional, social, and academic obligations, the University has established this Code for defining behavioral rights and responsibilities within this community.

Students are responsible for knowing the information, policies and procedures outlined in this document. The Code of Conduct is in writing in order to give students general notice of prohibited conduct. The regulations are not a criminal code; they should be read broadly and are not designed to define misconduct in exhaustive terms. By accepting the privilege of attending classes at the University, each student consents to the Student Code of Conduct.

The University reserves the right to take all necessary and appropriate action to protect the safety and well-being of the University community, and to make changes to this Code through the designated regulation revision process where the Code will be circulated for student review and comment. Once those changes are adopted by the University Board of Trustees and posted online, they are in effect. Students are encouraged to check online [[http://www.unf.edu](http://www.unf.edu/)] for the updated versions of all policies and procedures.

1. **Guiding Principles**

The UNF Community is committed to fostering a learning environment that is safe and conducive to academic inquiry, a productive campus life, and thoughtful study and discourse. The student conduct program is committed to an educational and developmental process that balances the interests of individual students with the interests of the University community.

The student conduct process at UNF is not intended to punish students; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with the University’s policies and regulations. Sanctions are intended to develop students’ decision-making and to help them bring their behavior into accord with our community expectations. When a student’s behavior conflicts with community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

A community exists on the basis of shared values and principles. At UNF, students are expected to uphold and abide by standards of conduct that form the basis of the Student Code of Conduct, as mentioned above.

Each student of the University community may be held responsible for their conduct and that of their guests. When students fail to exemplify the University’s values by engaging in behavior that is not consistent with University policies and regulations, campus conduct proceedings are used to assert and uphold the Student Code of Conduct.

The University’s Division of Academic and Student Affairs (“the Division”) administers this Code of Conduct by way of the Office of Student Accountability and Resolution (“OSAR”).

1. **Applicability of Student Code of Conduct**

The University of North Florida’s jurisdiction under this Code of Conduct includes conduct that occurs on UNF premises or anywhere off-campus or the internet that (i) materially disrupts the University’s learning environment; (ii) substantially interferes with another student’s ability to pursue their education in a safe environment; (iii) involves substantial disorder or breaches of the peace; or (iv) invades of the rights of others.

UNF recognizes and embraces the right of all students to seek knowledge, debate ideas, form opinions and freely express their ideas consistent with this Code of Conduct. This Code applies to behavior conducted in writing, online, via email, text messaging or any other electronic medium or mode of communication, such as blogs, web postings, chats and social media sites. The University reserves the right, under appropriate circumstances and subject to applicable law and regulations, to impose discipline for violations.

This Student Code of Conduct extends to compliance with professional standards of conduct or ethics to which students must adhere as part of their studies, such as internships, placements, clinicals, or Transformational Learning Opportunities (including but not limited to study abroad, domestic travel, and any kind of study outside of UNF campus).

Alleged violations of state and/or federal law are separate and may be pursued independently from alleged violations of the Student Code of Conduct.

1. **Interaction of the Student Code of Conduct and the Sexual Misconduct Regulation**

The University has a separate regulation, the Sexual Misconduct and Title IX Sexual Harassment Regulation, 1.0050R, which addresses sexual misconduct and sexual harassment and the processes for reaching a determination of responsibility for such conduct. It sets forth rights and procedures that may vary from what is set forth in the Student Code of Conduct. For cases subject to the Sexual Misconduct and Title IX Sexual Harassment Regulation, the provisions of that regulation supersede and control over contrary or inconsistent provisions of this Student Code of Conduct unless otherwise noted herein.

**B. AUTHORITY**

1. Authority for student conduct ultimately rests with the University President. The President delegates this authority to the Provost and Vice President for Academic and Student Affairs, or their designee (“Provost/Designee”). The President or Provost/Designee may take direct jurisdiction of any case at any time throughout the process.
2. The Provost/Designee has the authority to notify the person(s) listed on the student’s emergency contact (or other appropriate person) in case of an emergency involving that student.
3. All fraternity and sorority conduct matters that are alleged violations of the Student Code of Conduct or University regulation will be reviewed by the OSAR and also may be addressed by the Office of Fraternity and Sorority Life in consultation with OSAR. Organizations may be subject to further action by the Office of Fraternity and Sorority Life, including but not limited to being referred to the organization’s governing entities for appropriate action.
4. All student organizations, recognized and unrecognized, including those reporting through the Osprey Involvement Center, an agency of Student Government, are subject to the Student Code of Conduct.
5. All matters where discipline is administered under the University conduct system may be appealed to the Provost/Designee, whose decision is the University’s final action. The Provost/Designee has sole discretion to refer an alleged charge for mediation or other forms of appropriate alternative dispute resolution services, described in Alternative Dispute Resolution Section of this Code.

**C. DEFINITIONS**

Throughout this Regulation, these definitions shall apply, regardless of whether the defined term is capitalized when used.

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| 1. | Administrative Hearing | The term “administrative hearing” refers to a disciplinary hearing wherein a respondent meets individually with a Hearing Administrator who reviews the reported charges against the student and all other relevant information to determine whether a respondent is “responsible” or “not responsible” for the alleged violation(s) and to address any appropriate outcome(s).  |
| 2. | Advisor | The term “advisor” refers to a person chosen by the respondent, alleged victim, or a witness to assist them throughout the disciplinary process. An individual may only have one advisor at a time. The term “advisor” includes an advocate or legal representative. An advisor may directly participate in all aspects of the proceeding, including the presentation of relevant information and questioning of witnesses, but may not testify.Any advisor serves at the requestor’s own expense and initiative. A person may not serve in this capacity if their service would unreasonably conflict with the fair administration of the disciplinary process, as determined by the University Conduct Officer, or designee. The advisor may not serve in any other role, including as a witness, an investigator, decider of fact, hearing officer, member of a committee or panel convened to hear or decide the charge, or appeal authority. Except in Sexual Misconduct cases, the University is not responsible for providing an advisor for anyone navigating the disciplinary process. It is the individual’s responsibility to make appropriate arrangements for their advisor to attend meetings, which will not be delayed due to scheduling conflicts of the chosen advisor.  |
| 3. | Agreed Resolution | The term “agreed resolution” refers to a conduct resolution where a respondent elects to resolve outstanding violation(s) with a Hearing Administrator in lieu of a disciplinary hearing by accepting responsibility for the alleged violation(s) and the meeting focuses on determining an appropriate sanction(s), if any.  |
| 4.  | Alleged Victim | The term “alleged victim” refers to any person who reportedly experienced a material loss, harm or injury, either physically, mentally or emotionally. When OSAR becomes aware of reported misconduct, the alleged victim shall be informed of available resources on campus, referral services, and their rights throughout the conduct process. |
| 5. | Appeal Authority | The term “appeal authority” refers to any person or people authorized to determine the outcome of an appeal. No person may hear or decide an appeal if they conducted or participated in the disciplinary proceeding being reviewed on appeal.  |
| 6.  | Bystander | The term “bystander” refers to a person who is present at an event or incident but is not directly involved in the alleged violation. |
| 7. | Charge | The term “charge” refers to the written notice given to a student that contains the alleged violation(s) of the Student Code of Conduct which the student will be required to answer.  |
| 8. | Class Days | The term “class days” refers to the days when either classes or final exams are officially scheduled by the University, with the exception of Saturdays, Sundays, and legal holidays. A class day is not determined by a student’s individual class schedule. For example, Monday through Friday is 5 class days, even if a student only attends classes on Tuesday and Thursday. |
| 9. | Coercion | The term “coercion” is defined in the University Sexual Misconduct (Title IX) Regulation (1.0050R) and is incorporated by reference within the Student Code of Conduct.  |
| 10. | Complainant and/or Reporting Party | The terms “Complainant” and “Reporting Party” refer to the party bringing the complaint, which could be an employee, a student, or guest of the University. In some cases, the individual reporting misconduct may not be the reported victim, such as when a faculty member reports an issue. When the individual making the report is not an alleged victim, they are referred to as a “Reporting Party.” When the individual making the report is an alleged victim, they are referred to as the “Complainant.” The University may also act as a Complainant or Reporting Party, but it is always the convener of every action under this Code. |
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| 11. | Consent | The term “consent” is defined in the University Sexual Misconduct and Title IX Sexual Harassment Regulation (1.0050R) and is incorporated by reference within the Student Code of Conduct.  |
| 12. | Disciplinary Hold | The term “disciplinary hold” refers to a restrictive hold placed on a student’s University record by the Provost/Designee to ensure compliance with sanctions, or pending the resolution of conduct matters to the extent permitted by law. Disciplinary Holds may restrict a student from registering for or withdrawing from classes, requesting their transcript, and/or receiving their diploma, degree, or certificate. When terms and conditions of sanctions have been satisfied and/or pending conduct matters have been resolved, the hold may be removed.  |
| 13. | Disciplinary Hearing | The term “disciplinary hearing” refers to the hearing at which participants may present the relevant evidence for and against a student’s responsibility for alleged Conduct violations. The University’s decision-maker uses information obtained during this disciplinary hearing to reach a determination of “responsible” or “not responsible.” It does not include other meetings with OSAR, such as the Pre-Disciplinary Hearing Review. |
| 14. | Guest | The term “guest” refers to any person interacting with the University who is not affiliated with the University. Students and/or non-student residents may be held responsible for the actions of their guests. |
| 14. | Hazardous Chemicals | The term “hazardous chemicals” refers to any chemical which is a physical hazard or health hazard, as defined by the Occupational Safety and Health Administration (OSHA). |
| 15. | Hearing Administrator | The term “hearing administrator” refers to any individual assigned to hear conduct cases by the Provost/designee. A Hearing Administrator may also serve as a facilitator during panel hearings. |
| 16. | Hearing Body | The term “hearing body” refers to any person or persons authorized by the Provost/Designee to conduct hearings to determine whether to recommend that a student has or has not violated the Student Code of Conduct.  |
| 17. | Immediate Suspension Panel Appeal Hearing | The term “immediate suspension panel appeal hearing” refers to a panel consisting of at least 50% student representation from the student conduct board convened to hear an appeal of a student’s Immediate Suspension by the Provost/Designee.  |
| 18. | Incapacity | The term “incapacity” is defined in the University Sexual Misconduct and Title IX Sexual Harassment Regulation (1.0050R) and is incorporated by reference within the Student Code of Conduct.  |
| 19. | Investigator | The term “investigator” refers to any person(s) authorized by the Provost/Designee who may, among other things, investigate reported violations of misconduct, present findings to OSAR and/or present the findings of their investigation to the Hearing Body. |
| 20. | Lecture | A “lecture” or “class lecture” is defined as a formal or methodical oral presentation as part of a University course intended to present information or teach enrolled students about a particular subject. Class lectures may be presented in person, via videoconferencing platforms such as Microsoft Teams or Zoom, via pre-recorded materials hosted in Canvas, via a video-hosting platform such as YouTube, or any other means of providing the lecture.The following are not considered to be part of a “class lecture”: Class activities other than class lectures, including but not limited to lab sessions, student presentations (whether individually or part of a group), class discussion (except when incidental to and incorporated within a class lecture), facilitated discussions such as in a seminar, clinical presentations such as patient history, academic exercises involving student participation, test, or examination administrations, field trips, and conversations between students in the class or between a student and the faculty member.  |
| 21 | Non-student Resident | The term “non-student resident” refers to an individual who resides in UNF Housing pursuant to a housing arrangement but is not a student as defined in this Code. Such individuals will not be subject to the procedures set forth in the Student Code of Conduct but instead will be required to comply with the procedures adopted by University Housing for addressing violations of its resident requirements. |
| 22. | On-Campus | The term “on-campus” refers to 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. |
| 23. | Panel Hearing | The term “panel hearing” refers to a disciplinary hearing authorized by the Provost/Designee where individuals drawn from the student conduct board will review charges and information presented and determine whether to recommend to the Provost/Designee that a student is “responsible” or “not responsible” for the charge(s) and any sanction(s).  |
| 24. | Policy | The term “policy” refers to any adopted policy of the University as found on the Official UNF Website <http://www.unf.edu/president/policies_regulations/>. |
| 25. | Pre-Disciplinary Hearing Review | The term “Pre-Disciplinary Hearing Review” refers to the initial meeting between a Respondent and the University’s Hearing Administrator where the student is advised of the charges against them as stated in the Charge Letter, and where the student will be advised of their rights in the student conduct process including their rights at a subsequent Administrative or Panel Hearing. |
| 26. | Publish | The term “publish” refers to any action to share, transmit, circulate, distribute, or otherwise provide access to a recording, regardless of format or medium, to another person, or persons, including but not limited to another student in the class.  Additionally, a recording, or transcript of the recording, is published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited social media, book, magazine, newspaper, leaflet, picket signs, or any mode of print.  |
| 27. | Regulation | The term “regulation” refers to the adopted regulations of the University as found on the Official UNF Website. <http://www.unf.edu/president/policies_regulations/>. |
| 28. | Respondent | The term “respondent” refers to a student who has been named in the conduct referral process who allegedly committed a violation and/or formally charged by OSAR. |
| 29. | Responsible | The term “responsible” means that the information presented at any hearing shows that it is more likely than not that the student committed the alleged violation(s). |
| 30. | Sanction | The term “sanction” refers to the University’s educational response to address student behavior where a student has been found responsible for a violation of the Student Code of Conduct. |
| 31. | Sexual Misconduct | The term “sexual misconduct” is defined in the University Sexual Misconduct and Title IX Sexual Harassment Regulation (1.0050R) and is incorporated by reference within the Student Code of Conduct.  |
| 32. | Student | For purposes of the Student Code of Conduct, the term “student” refers to any person who is currently admitted to UNF, enrolled in any credit or non-credit bearing course or program at UNF, maintains student status based on the Continuous Enrollment Policy, or is otherwise participating in UNF coursework (including auditing classes, On-Campus Transition Program, English Language Program, Learning for a Lifetime Program, and similar programs). Individuals enrolled in Continuing Education courses through UNF are specifically excluded from this definition of “Student” and conduct matters involving such individuals will be handled by a separate process within the Division of Continuing Education. UNF defines continuous enrollment as being enrolled in classes at UNF without a break of three or more consecutive semesters. Without limiting the generality of the definition above, by way of illustration, the Student Code of Conduct would apply to an individual enrolled in the spring and fall semesters who engages in misconduct during the intervening summer semester on or off campus. It also applies to first-time enrollees who engage in misconduct between the point of admission and official matriculation into the university. Furthermore, it applies to 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, even if they are not currently enrolled and are simply maintaining student status under the Continuous Enrollment Policy. 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. For the purpose of this Regulation, the term “Student” is interchangeable with “Student Organization” when the term “Student Organization” is not directly specified.  |
| 33. | Student Conduct Board | The term “Student Conduct Board” refers to active students, faculty, and staff who successfully complete annual training in student conduct regulations and procedures and are eligible to be chosen to serve in a panel hearing.  |
| 34. | Student Organization | The term “student organization” refers to an association or group of individuals that (1) have complied with the formal requirements for University recognition or are in the formal process of obtaining recognition; or (2) are operating as a de facto student organization but have not gone through the appropriate approval processes.  |
| 35. | University Community | The term “university community” refers to any person who is a student; faculty and/or staff member; University official; any other person employed or contracted with the University; any other individual interacting with the University; or a guest of the University. |
| 36 | University Official | The term “university official” refers to any person authorized by the University to perform assigned teaching, research, administrative, professional and/or other responsibilities. University Police also fall under this definition. |

**D. STUDENT RIGHTS**

Students involved with the conduct process, regardless of their role (complainant, alleged victim, respondent, or witness) have the following rights.

1. Students have the right to have the University conduct a fair, impartial investigation in a timely manner and take prompt, effective, and equitable action to resolve complaints. This includes the right to an impartial hearing officer.
2. Students have the right against self-incrimination and the right to remain silent. Such silence may not be used against a Respondent.
3. Students have the right to present evidence and question parties and witnesses, though the manner of presentation and questioning may be regulated by the University during the hearing in the sound discretion of the hearing administrator to facilitate order, decorum, and minimization of trauma. Advisors may question witnesses and parties directly. Generally, students without advisors will have the ability to question parties and witnesses indirectly by submitting their questions to the Hearing Administrator to facilitate. In Sexual Misconduct cases, the advisor will ask the questions directly to the witness or party. At the request of either the complainant or the respondent, the alleged victim(s) and respondent may be placed in separate rooms with technology enabling the decision maker and parties to simultaneously see and hear the individual answering questions or presenting their information regarding the alleged conduct violation.
4. Students have the right to an accurate and complete record of every disciplinary hearing relating to the charged violation of the code, including record of any appeal, to be made, preserved, and available for copying upon request by the charged student or student organization
5. Students have the right to confidentiality of their educational records under the Family Educational Rights and Privacy Act (“FERPA”) and applicable state law. FERPA is a Federal law that protects the privacy of student’s educational records. Records will be maintained in accordance with FERPA and applicable law. Student Conduct Record maintenance is described in greater detail below under the Records Section of this Code.
6. Students have the right to review incident reports and documentation related to the conduct case.
7. Students have the right to an Advisor throughout the conduct process. The respondent, complainant, and any witnesses may be accompanied during the conduct process by an advisor of their choice. In the Hearing Officer’s sole discretion, an advisor may be removed from the hearing if it is determined that their presence is disruptive. The advisor may not serve as a witness.
8. Alleged victims have the right to submit a Victim Impact Statement. This statement may only be used in the sanctioning phase of deliberations after the respondent is found responsible for the charge(s). In cases involving Sexual Misconduct, Victim Impact Statements are subject to the Sexual Misconduct and Title IX Sexual Harassment Regulation’s rules regarding review by the parties, questioning, cross-examination, and the right to present relevant evidence.
9. Respondents have the right to submit character statements to the Hearing Body. This information may only be used in the sanctioning phase of deliberations if the respondent is found responsible for the charge(s). In cases involving Sexual Misconduct, character statements are subject to the Sexual Misconduct and Title IX Sexual Harassment Regulation’s rules regarding review by the parties, questioning, cross-examination, and the right to present relevant evidence.
10. Students have the right for unrelated past behavior to be excluded from a hearing. In their sole discretion, the Hearing Administrator will decide if such information is unrelated. Previous disciplinary history or criminal charges may be considered during the sanctioning phase of the conduct process. The past sexual history of the alleged victim is not considered relevant, except as otherwise stated in the Sexual Misconduct and Title IX Sexual Harassment Regulation.
11. Students have the right to be present throughout the hearing, or portions thereof, except for the deliberation phase.
12. To the extent permitted by federal and state law, students have the right to be notified in writing of the outcome of the hearing. The report will be provided to the parties simultaneously. For cases in which the Clery Act applies, the notification will include any initial, interim, or final decision, any sanctions imposed, and the rationale for the result and sanctions, and an explanation of the appeal process. For all other proceedings, the school will inform the Complainant/reporting party whether it found that the alleged conduct occurred, any individual remedies offered to the Complainant/reporting party, or any sanctions imposed on the respondent that directly relate to the Complainant/reporting party, and other steps the school has taken to eliminate the concern.
13. Students have the right to have any legal personal property returned to them if in the current possession of the University. The determination of when this property is to be returned is left to the sole discretion of the Hearing Administrator.

 **E. VIOLATIONS**

Listed below are categories of violations of the Student Code of Conduct. Within each category, behaviors or actions are described that constitute violations of the Code. The categories of violations are in writing to give students general notice of prohibited conduct. This Student Code of Conduct is not a criminal code; the illustrations below should be read broadly and are not designed to define misconduct in exhaustive terms. In addition to direct violations of the Code, students who aid, abet, incite, or attempt to commit prohibited behaviors or actions described below will be considered to have violated the Student Code of Conduct.

Conduct that is a lawful exercise of freedom of expression rights granted through the First Amendment to the United States Constitution and Article I of the Florida State Constitution and other laws is not a violation of the Student Code of Conduct.

**1. Sexual Misconduct**

The University prohibits sexual misconduct, which includes discrimination based on sex, gender-based discrimination, sexual harassment, and sexual violence. Please refer to the University’s Sexual Misconduct and Title IX Sexual Harassment Regulation1.0050R. Any violation of that Regulation is a violation of this Student Code of Conduct.

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| 1.0 | Voyeurism |
| 1.1 | Indecent Exposure  |
| 1.2 | Sexual Harassment |
| 1.3 | Domestic Violence and/or Dating Violence |
| 1.4 | Sexual Assault |
| 1.5 | Non-consensual sexual intercourse  |
| 1.6 | Any other behavior in violation of the University’s Sexual Misconduct Regulation.  |

**2. Endangerment**

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| 2.0 | Physical violence towards another person or group. |
| 2.1 | A verbal, written, or physical threat of physical violence towards another person or group. |
| 2.2 | Action(s) that endanger the health, safety, or physical or emotional well-being of another person or group, unless those actions are a lawful exercise of freedom of expression rights granted through the First Amendment to the United States Constitution, Article I of the Florida State Constitution, or other laws. |
| 2.3 | Action(s) that endanger one’s own health or safety. |
| 2.4 | Interference with the freedom of another person to move about in a lawful manner. |

**3. Harassment**

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| 3.0 | Harassment: Verbal, physical, electronic or other conduct, action(s), or statements that are objectively offensive and sufficiently severe, persistent or pervasive as to deny or limit a student’s ability to participate in or benefit from the University’s educational programs or activities, or substantially interfere with or alter the conditions of employment. Please refer to the University’s Sexual Misconduct and Title IX Sexual Harassment Regulation’s definition of sexual harassment, which is incorporated by reference. |
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| 3.1 | Stalking: Please refer to the University’s Sexual Misconduct and Title IX Sexual Harassment Regulation’s definitions of stalking and cyberstalking, which are incorporated by reference for cases involving Sexual Misconduct.Stalking may also occur outside of the Sexual Misconduct context. In those cases, stalking means engaging in a course of conduct, which is not a constitutionally protected expressive activity and serves no legitimate purpose, directed at a specific person that would cause a reasonable person to fear for the person’s safety, or the safety of others, or suffer substantial emotional distress. A course of conduct is considered two or more acts including, but not limited to, acts in which the stalker:(i) directly, indirectly, or through third parties, (ii) by any action, method, device, or means,(iii) follows monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property. |

**4. Possession of Weapons and Destructive Devices**

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| 4.0 | It is prohibited for any person covered by this Code to possess a firearm, electric weapon or device, destructive device, or other weapon including a razor blade, box cutter, dirk, knife (other than a common pocketknife, plastic knife, or blunt-bladed table knife), metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon on University property, University-controlled property or at University-sponsored events. The only exceptions to this prohibition are:1. A sworn law enforcement officer may carry a weapon on University property, University-controlled property or to University sanctioned events;
2. Students may carry lawful self-defense chemical spray which is compact in nature, containing no more than two ounces of chemical, designed to be carried on or about the person solely for purposes of self-defense;
3. A person 18 years of age or older may maintain a firearm or other weapon for self-defense or other lawful purpose within the interior of a private vehicle, without a license, if the firearm or other weapon is securely encased or is otherwise not readily accessible for immediate use. Additionally, nothing in this section prohibits the carrying of a legal firearm other than a handgun anywhere in a private conveyance when such firearm is being carried for a lawful use. This exception shall not be construed to authorize the carrying of a concealed firearm or other weapon on a person or outside of a vehicle on University property, University-controlled property or at University-sponsored events.
4. Possessing and using a razor blade and/or a box cutter for lawful and intended purposes. Specifically, razor blades may be possessed and used for personal hygiene and a box cutter may be possessed and used as a tool for University-sanctioned or University-sponsored events.
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**5. Hazing**

The University prohibits Hazing. Please see the University’s Prohibition Against Hazing Regulation, 5.0020R. Any violation of that Regulation is a violation of the Student Conduct Code.

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| 5.0 | Pressuring or coercing students into violation the University regulations, Student Code of Conduct, local, state, or federal law. |
| 5.1 | Activities that conflict or interfere with a student’s academic performance. |
| 5.2 | Forced consumption or intake of food, alcohol, drug or other substance. |
| 5.3 | Any brutality of a physical nature such as whipping; beating; branding; forced calisthenics; exposure to the elements; or any other forced physical activity which could adversely affect the physical and/or mental health or dignity of the individual. |
| 5.4 | Any activity that would subject a reasonable person to experience emotional stress including deprivation of food or sleep. Forced exclusion from social contract, forced conduct that could result in extreme embarrassment or that could affect the mental health or dignity of the student. These activities include but are not limited to kidnapping, scavenger hunts, any forced activity of a sexual nature, and personal servitude. |
| 5.5 | Any group or individual conduct or activity in violation of UNF’s Anti-hazing Policy or the Florida Statutes prohibiting hazing. |

**6. Fire and Safety**

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| 6.0 | Intentionally or recklessly causing a fire. |
| 6.1 | Inappropriate activation of any emergency warning equipment or the false reporting of any emergency. |
| 6.2 | Removal, damage, tampering or compromising the effectiveness of fire safety or any emergency warning equipment. |
| 6.3 | Failure to evacuate a University building or facility when a fire alarm is sounded or when directed to leave the building by an authorized University representative. |
| 6.4 | Obstructing the area surrounding an emergency exit or leaving exit doors propped open or entering or exiting buildings through emergency-only doors during non-emergencies. |
| 6.5 | Hazardous Chemicals: Possession of dangerous chemicals or use of any such items in a manner that harms, threatens, or reasonably causes fear to others.  |
| 6.6 | Presence on the roofs of University buildings, fire escapes, ledges, service elevators, balconies, and other areas that are designated as closed or where access is prohibited. |

**7. Pets and Wildlife**

Please note that an individual in compliance with the University’s Service, Assistance and other Animals on Campus Regulation (6.0210R), or who otherwise has an animal as a reasonable accommodation, will not be found to have violated the Student Conduct Code.

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| 7.0 | Possession or hosting of an animal on campus, including the residence hall facilities, unless prior approval has been obtained. This includes animals who are brought with guests of the University.  |
| 7.1 | Neglect and/or abuse of an animal  |
| 7.2 | Feeding or interacting (luring, petting, harboring) with any stray or wild animals. |

1. **Prohibited Use of Illegal Drugs and/or Misuse of Medication**

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| 8.0 | Use of illegal drugs, including use of prescription drugs, where the individual possessing or using the drugs is not the individual for whom the prescription drugs were lawfully prescribed. |
| 8.1 | Unlawful possession, purchase or attempted purchase, misuse, or misappropriation of controlled substances, including prescription medication. |
| 8.2 | Possession or use of drug paraphernalia. |
| 8.3 | Distribution, delivery, and/or sale of illegal drugs or prescription drugs, where the person distributing, delivering and/or selling the prescription drugs is not the person to whom the medication was lawfully prescribed. |
| 8.4 | Conspiracy to distribute, deliver and/or sell illegal drugs. |
| 8.5 | Misuse of one’s own prescription medication. |
| 8.6 | Driving while impaired.  |
| 8.7 | Violation of the University’s Alcohol and Other Drugs Policy ([14.0060P](http://www.unf.edu/president/policies_regulations/14-Miscellaneous/14_0060P.aspx)). |

**9. Prohibited Use of Alcohol**

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| 9.0 | Possession, use and/or consumption of alcohol when under the legal drinking age, as defined by law. |
| 9.1 | Possession of open containers of alcohol or consuming of alcohol in non-approved areas. |
| 9.2 | Dispensing, selling, and/or supplying alcoholic beverages to an individual who is under the legal drinking age, as defined by law.  |
| 9.3 | Possession or use of beer kegs, party balls, and/or other common sources of mass volume alcohol on campus, with the exception of University approved functions.  |
| 9.4 | Public Intoxication: observable disruptive behavior resulting from excessive consumption of alcoholic beverages (to be determined by physical observation or BAC test, if available). |
| 9.5 | 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. |
| 9.6 | Misrepresenting or misstating one’s age or using altered identification in order to prove legal drinking age. |
| 9.7 | Possession or use of devices designed for the rapid consumption of alcohol, such as beer bongs and funnels. This includes games promoting the consumption of alcohol. |
| 9.8 | Driving while impaired. |
| 9.9 | Violation of the University’s Alcohol and Other Drugs Policy ([14.0060P](http://www.unf.edu/president/policies_regulations/14-Miscellaneous/14_0060P.aspx)). |

**10. Smoking and Use of Tobacco Products**

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| 10.0 | Smoking, including using smokeless tobacco products, is prohibited anywhere on University property, including buildings, athletic and entertainment facilities (indoors and outdoors), sidewalks, roadways, parking lots, grounds, in vehicles the University owns, rents, or leases, or in personal vehicles parked on University property. It is not a violation of this provision to vape (using a smoke-free electronic cigarette) outdoors so long as the contents that are vaped are lawful.  |
| 10.1 | Possession, use and/or consumption of tobacco products when under the legal age, as defined by law. |
| 10.2 | Violating the University’s Smoke-Free Campus Initiative (1.0140R). |

**11. Gambling**

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| 11.0 | 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. |
| 11.1 | 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. |

**12. Misuse of Technology**

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| 12.0 | Theft or other misuse of computer resources. |
| 12.1 | Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose. |
| 12.2 | Unauthorized transfer or download of a file. |
| 12.3 | Unauthorized use of another individual’s identity or password. |
| 12.4 | Use of computing facilities to interfere with the work of another student, faculty, or staff member of the University. |
| 12.5 | Use of computing facilities or technology to send or receive data deemed to be unlawful, such as child pornography or other illegal material. |
| 12.6 | Use of computing facilities or services which interferes with the normal operation of the University system. |
| 12.7 | Altering, destroying, disclosing, or taking information resource property (including data, programs, and supporting documents) as well as modifying equipment or supplies without proper authorization. |
| 12.8 | Using the UNF computing system/services for any illegal activity. |
| 12.9 | Violating the University’s Network Acceptable Use Policy ([6.0050P](http://www.unf.edu/president/policies_regulations/06-AdminFinance/6_0050P.aspx)). |

**13. Misuse of Vehicles and Transportation Devices**

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| 13.0 | Riding skateboards, roller-skates, rollerblades, bicycling, and other similar transportation devices in prohibited areas (including, but not limited to, covered walkways, parking garages, and interior building spaces). |
| 13.1 | Misuse, damage, tampering, and/or removal of transportation safety and enforcement devices such as cones, signage, or boots.  |
| 13.2 | Disregard for traffic or parking safety instructions. |
| 13.3 | Failure to comply with the University’s Prohibited Uses of Non-Motorized Vehicles Regulation ([10.0040R](http://www.unf.edu/president/policies_regulations/10-Traffic/10_0040R.aspx)). |

**14. Disruptive Behavior**

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| 14.0 | 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, unless the conduct is a lawful exercise of freedom of expression rights granted through the First Amendment to the United States Constitution, Article I of the Florida State Constitution, or other laws. |
| 14.1 | Any act that deliberately causes a reasonable person false alarm. |
| 14.2 | Lewd or other unlawful conduct. Conduct which is considered disruptive or lewd under both an objective (a reasonable person’s) and subjective (the alleged victim’s or reporting person’s) view. |
| 14.3 | Commercial solicitation on campus without prior approval from University designated officials. |
| 14.4 | Disruptive behavior by guests. 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. |
| 14.5 | Creating a material and substantial disruption of University operations, educational processes, learning environment, research, administration, other University activities, and/or other authorized non-University activities affecting campus, all as measured by an objective (reasonable person) standard. |
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| 14.6 | Urination or defecation in a public space or non-restroom shared private spaces within a residence hall (such as a common or living room). |
| 14.7 | Violation of the University’s Disruptive Behavior Regulation (1.0030R). |

**15. Identification/Falsification**

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| 15.0 | Possession, ownership, or use of falsified or altered identification. |
| 15.1 | Permitting another person to use their identification. |
| 15.2 | Use of another person’s identification. |
| 15.3 | Failure to show proper identification to a University official (Students are required to carry their student identification card while on campus). |
| 15.4 | Misuse, alteration, or forgery of any form of identification, document, parking permit/ticket, record, key, and/or property. |
| 15.5 | Impersonation or misrepresentation. Acting on behalf of another person, group, or the University without authorization or prior consent. |

**16. Vandalism or Theft**

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| 16.0 | Damage or destruction of public or private property. |
| 16.1 | Attempted damage, destruction, or theft of public or private property. |
| 16.2 | Knowingly removing or using the property or services of the University or of another person, company or organization without authorization (also known as theft).  |
| 16.3 | Possession or sale of property or services that are known to have been stolen.  |
| 16.4 | Improper disposal of garbage, trash, waste, or any behavior considered to be littering.  |
| 16.5 | Unauthorized entry or use of any University facility or equipment. |

**17. Invasion of Privacy**

A student will not be found responsible for invasion of privacy when the alleged conduct is permitted by Florida Statute § 1004.097, which describes the right to record outdoor activities on campus and in lectures in certain circumstances. A student may audio or video record a class lecture in which the student is enrolled for the following purposes:

 (a) personal educational use of the student;

 (b) in connection with a complaint to the University; or

 (c) as evidence in, or in preparation for, a criminal or civil proceeding.

Faculty may restrict recording class activities other than class lectures, such as lab sessions, student presentations (whether individually or part of a group), class discussion (except when incidental to and incorporated within a class lecture), facilitated discussions such as in a seminar, clinical presentations such as patient history, academic exercises involving student participation, test, or examination administrations, field trips, and conversations between students in the class or between a student and the faculty member.

Inappropriate recording is a violation of the Student Code of Conduct and may also subject a student to a lawsuit from a person injured by the publication. For clarity, examples of conduct that would violate the recording rule include, but are not limited to the following:

• A student records a lecture and then uploads it to YouTube or their social media account without the permission of the instructor.

• A student records the administration of an exam, which is not a class lecture, without permission.

• A student records a professor during their office hours without permission.

The following table describes violations for Invasion of Privacy:

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| 17.0 | Unauthorized intrusion upon a person’s private property or communications. |
| 17.1 | Unauthorized appropriation and/or use of someone’s identity or personal data or documents. |
| 17.2 | Using electronic or other means to make a video or photographic record of any person where there is a reasonable expectation of privacy without the person’s consent. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, private bedrooms, and restrooms. The sharing and/or distributing of such unauthorized records by any means is also prohibited. |
| 17.3 | Using electronic or other means to make an oral record of any person where there is a reasonable expectation of privacy without the person’s consent. Such oral communications include, but are not limited to, recordings made using any device and any wire, oral, or electronic communication. |
| 17.4 |  Recording a class lecture for unauthorized purposes and/or recording non-lecture class activities when the faculty member has prohibited such recordings.  |
| 17.5 | Publishing a recording of a class lecture without the written consent of the faculty member giving the lecture, except when disclosed in connection with a complaint to the University or used as evidence in a criminal or civil proceeding. If you wish to make a complaint to the University relating to a recording, please first contact the Dean of Students, who will direct you to the appropriate office for your particular complaint. |

**18. Failure to Follow Direction and Obstruction of University Conduct System**

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| 18.0 | Failure to comply with an instruction from a University official or with the lawful order of any law enforcement official. |
| 18.1 | The furnishing of false or misleading information to a University official or others, and/or withholding falsifying, or misrepresenting information from University officials or others.  |
| 18.2 | Acts that disrupt the University conduct process, including attempting to coerce or influence a person in order to discourage or impair their participation in any University investigation or during any disciplinary proceeding. |
| 18.3 | Conspiracy: Planning with others or influencing others, with or without use of intimidation, to commit violations of the Student Code of Conduct. |
| 18.4 | Violation of the terms of a hearing decision or failure to obey a hearing body directive or order. |
| 18.5 | Improper actions to discourage or impair participation in the conduct process, including but not limited to intimidation of a hearing body, or any participant, before, during, or after a hearing or any conduct-related meeting. |

**19. Bystander Participation**

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| 19.0 | Involvement in any violation as outlined by the Student Code of Conduct or University regulations. This includes failure to remove oneself from the incident or area where the violation is being committed or failure of any student to properly address known or obvious violations. |

**20. Discrimination**

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| 20.0 | Any act or failure to act that violates the University’s Non-Discrimination, Equal Opportunity, and Diversity Regulation, 1.0040R. |

**21. Retaliation**

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| 21.0 | Taking an action that might well dissuade a reasonable person (including but not limited to a similarly situated student, faculty member, or other staff) from making a complaint, cooperating in an investigation, and/or participating in the student conduct process because of that person’s complaint, cooperation, or participation, or desire to do so. |

**22. Violations of UNF Regulations, Policies, Rules, Guidelines or Related Requirements.**

This section includes, but not limited to, requirements for student behavior contained official regulations and policies that can be located on the University Board of Trustees and/or President’s webpage.

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| 22.0 | Violation of the Residential Housing rules, guidelines or requirements. |
| 22.1 | Violation of the rules, guidelines or requirements established for fraternities and sororities as administered by the Office of Fraternity and Sorority Life. |
| 22.2 | Violation of the UNF Student Club & Advisor Handbook rules, guidelines or requirements. |
| 22.3 | Violation of Information Technology Services Policies and Procedures. |
| 22.4 | Violation of the UNF Student-Athlete Handbook. |
| 22.5 | Violation of any University regulation, policy, rule, guideline or requirement. |

**23. Violation of Criminal Law**

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| 23.0 | Violation of federal or state law or local ordinance. Any student who is charged and/or convicted with a criminal offense, other than a minor traffic offense, may be subject to disciplinary action under the Student Code of Conduct separately from any legally imposed fine, penalty or prison sentence. |
| 23.1 | Failure to self-report a criminal offense. Any student who is charged and/or convicted with a criminal offense, other than a misdemeanor traffic offense, has a duty to self-report it, in writing, to the Provost/Designee within 30 days of being charged with the crime. The Provost/Designee will review the alleged criminal conduct with the student to determine whether any sanctions under the Student Code of Conduct are necessary. Failure to self-report being convicted and/or charged with a criminal offense, other than a minor traffic offense, within 30 days after being charged with a criminal offense constitutes grounds for immediate suspension or expulsion from the University. |

**F. ALTERNATIVE DISPUTE RESOLUTION**

Consistent with the educational spirit of the Student Code of Conduct, Alternative Dispute Resolution services may be available to help students manage and resolve disputes. Services are free, private, and completely voluntary. These services can be accessed for a variety of types of conflict, including roommate disputes, disagreements with or between student organizations, and other types of student interpersonal conflict. Utilizing the Alternative Dispute Resolution process will not result in a student conduct record.

1. **Review**

The University Conduct Officer, or designee, reviews the alleged conduct and may refer reported incidents for Alternative Dispute Resolution services. In certain Student Conduct cases involving sexual misconduct, interpersonal violence, or other serious alleged violations alternative dispute resolution services may not be available. All Alternative Dispute Resolution opportunities are at the discretion of the University Conduct Officer or designee. If resolution is not achieved through Alternative Dispute Resolution and the matter involves a pending Student Code of Conduct allegation, the respondent may be referred to the formal student conduct process.

All parties must agree to participate in the alternative dispute resolution process, and if the parties reach an agreement regarding the issues in dispute, the parties will be bound by the decision with no further right of review or appeal. Any unsuccessful conflict resolution can be forwarded for formal processing and hearing. The University Conduct Officer (or their designee) may also suggest that complaints that do not involve a violation of the Student Code of Conduct be referred for alternative dispute resolution services.

1. **Notice**

An Invitation Letter to alternative dispute resolution services will be issued to students within 1-5 class days after the initial referral. In extenuating circumstances, it may take longer for an Invitation Letter to be issued. Invitation Letters are sent to students via their University of North Florida email account. Invitation Letters will include a summary of the referred conflict and sources of information, where applicable. The Invitation Letter will instruct the student to contact OSAR within 5 class days of receipt of the letter to schedule an Intake Meeting. Failure to contact the office within 5 class days may result in waiver of the Intake Meeting or continuation with formal charges under Student Conduct Procedures.

1. **Intake Meeting**

An Intake Meeting is the first part of the two-part Alternative Dispute Resolution Process. The Intake Meeting will allow for the Program Coordinator and the student(s) to discuss the process and their rights during the process. Students may also ask any clarifying questions. The Program Coordinator and student(s) will also review preliminary information about the referred conflict. Because Alternative Dispute Resolution is a process of trust, this Intake Meeting also provides an opportunity for participants to begin to build rapport and trust between each other.

The Intake Meeting concludes by helping the students onto a clear plan of action for seeking resolution. At the end of the Intake Meeting, the Program Coordinator will offer the student(s) their next meeting options:

1. **Conflict Coaching**
2. **Facilitated Dialogue**
3. **Mediation Meeting**
4. **Resolution Services**

Resolution Services offered to student(s) are the second part of the Alternative Dispute Resolution Process. The involved student(s) will agree upon their preferred resolution method with guidance from the Program Coordinator. Resolution Services Meetings will be typically be scheduled within fourteen class days, absent extenuating circumstances. Resolution Services may include one meeting, or a series of meetings, dependent on the format of the services selected and the conflict situation presented. Participation in these services is voluntary and may or may not result in an agreement or resolution.

1. **Conflict Coaching**

Conflict Coaching is a one-on-one examination session between the Program Coordinator and the student(s) experiencing the conflict. It is designed to engage the student(s) in critical thinking and to help the concerned parties develop and think through a variety of aspects of the conflict under examination. This analytical process would ideally result in the formulation of alternative options to improve the situation. The Program Coordinator's role would be that of a facilitator, in that feedback and guidance would be offered after listening and exploring the details of the conflict under discussion. These sessions are estimated to last about 1 hour, but please note that follow-up sessions may be necessary on a case-by-case basis.

1. **Facilitated Dialogue**

Facilitated Dialogue is a structured conversation between the conflicting parties to overcome the communication barrier that has formed between them. This option is provided for the participants to share their ideas, information, and experiences about the situation at hand, and to help each party realize how their respective actions have impacted one another. The goal of this option is to have both parties work towards a mutual understanding. It is designed to be a safe environment for all involved, and to help all parties empathize with each other so that they may continue working together, living together, etc. Facilitated Dialogue is organized to help bring attention to the multiple viewpoints concerning the challenging topic, situation, or incident at hand. The parties may not leave the Facilitated Dialogue in agreement, but they should leave with a clearer understanding of varying perspectives and having opened an ongoing dialogue in pursuit of conflict resolution. These sessions are estimated to last about 2 hours, but please note that follow-up sessions may be necessary on a case-by-case basis.

1. **Mediation**

This option is an open discussion format between the conflicting parties to communicate constructively about difficult topics in new and productive ways. It is a requirement for the mediator to initially meet with parties involved individually to share their perspectives, as necessary, and then the mediator will bring all parties together for a collaborative meeting to review any resolution(s). These meetings can occur interchangeably to assist in development of resolution(s). The initial individual meetings will explore the identified conflict, goals, and perspectives of the situation, while the collaborative group meeting will focus on summarizing all the individual perspectives in a productive manner and working toward an agreeable solution or mutual understanding. The mediation sessions are estimated to require about 4 hours but have the option to be broken up into segments.

**G. CONDUCT PROCEDURES**

Students may request reasonable accommodations with OSAR to the following procedures to ensure equitable participation, along with a full and fair understanding of the process. Conduct meetings and hearings may be held in person or via remote video conferencing. Whether such interactions are held in person or remotely are to be determined in the sole discretion of the University, which will take reasonable requests for a specific format into consideration. To request an accommodation, please contact OSAR, who may also work with Student Accessibility Services to determine what reasonable accommodations may be available.

1. **University as Convener**

The University is the convener of every action under this code.

1. **Discretion in Charging**

The University’s highest priority is the physical and mental health and safety of students and members of the University community. An element of promoting safety is providing clear, responsible methods of reporting and addressing incidents of misconduct. Therefore, in order to remove potential barriers to reporting, the University Conduct Officer, or designee, may in its discretion, choose to not charge an affected/reporting party with a violation for conduct if reporting by that party in good faith to a University official, or otherwise discovered through investigation.

1. **Initiation of the Conduct Process**

Any member of the University community, including guests, may report alleged violation(s) by any student for misconduct under this Code. Reports of alleged violations should be submitted to either OSAR or University Police Department within a reasonable timeframe after the discovery of a possible violation of the Student Code of Conduct, except in exceptional circumstances as determined in the University’s sole discretion. Reports of Sexual Misconduct should be submitted to the Title IX Coordinator. Please refer to the Sexual Misconduct and Title IX Sexual Harassment Regulation (1.0050R) for contact information for the Title IX Coordinator. The University reserves the right to refer matters to the Title IX Coordinator when appropriate.

Generally, a student will not be charged with a violation of the Student Code of Conduct more than one year after the date the conduct occurred or was discovered, whichever is later. However, the Provost/Designee may extend this time period for good cause to account for extenuating circumstances that warrant an extension of the one-year time limit. For example, the one-year period may be extended if the University stayed its conduct proceedings while coordinating with law enforcement agencies during their investigation or enforcement actions involving the student. As another example, the University may proceed to charge a student who allegedly engaged in Sexual Misconduct if the incident is reported within a year of the date the conduct occurred or was discovered by the alleged victim, but the investigation is not completed before the expiration of that year (e.g., the alleged conduct occurs on Day 1, is reported on Day 350, and the investigation is completed on Day 400).

1. **Intake and Case Designation**

Upon receipt of an allegation or incident report (a “case”), the University will make a preliminary determination on how to handle it. In all cases, Interim Health and/or Safety Measures may be issued pursuant to the Interim Measures Section of this Code below.

* + 1. **Alternative Dispute Resolution**: The University will determine whether the case is appropriate for alternative dispute resolution services. If so, the ADR Process described in Alternative Dispute Resolution Section of this Code will begin, and if successfully resolved, some or all of the remaining conduct procedures below may be eliminated.
		2. **Conduct Governed by the Sexual Misconduct and Title IX Sexual Harassment Regulation**: If the case includes allegations that would be violations of the Sexual Misconduct and Title IX Sexual Harassment Regulation (collectively, “Sexual Misconduct Claims”), those allegations will be directed to the Title IX Coordinator for review under the University’s processes set forth in that regulation. If the case also contains portions that allege violations of the Student Conduct Code that are not Sexual Misconduct Claims (“Non-Sexual Misconduct Claims”), then the University may decide, in its sole discretion, whether to proceed with the Non-Sexual Misconduct Claims independently before, during, or after completion of the Title IX Coordinator’s review.
		3. **Discrimination**: If the case includes allegations that would be violations of the Non-discrimination, Equal Opportunity and Inclusion Regulation or other violations of discrimination (collectively, “Discrimination Claims”), those allegations will be directed to the Director of the Department of Equal Opportunity and Inclusion (“EOI”) for review under the University’s EOI processes. If the case also contains portions that allege violations of the Student Conduct Code that are not Discrimination Claims (“Non-Discrimination Claims”), then the University may decide, in its sole discretion, whether to proceed with the Non-Discrimination Claims independently before, during, or after completion of EOI’s review.
		4. **Behavioral**: Cases that do not allege a Sexual Misconduct Claim or Discrimination Claim.
		5. **Organizational**: If the case includes allegations involving one or more student organizations, it will follow the procedures outlined in Section G(11) below.
		6. **Medical Amnesty**: If the case includes on- or off-campus conduct involving parties who sought assistance for themselves or others as a result of a hazing incident, intoxication, or medical emergency, it will follow the procedures outlined in Section G(12) below.
		7. **Immediate Suspension**: If the case includes allegations of 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, endangerment, and weapons possession), the Provost/Designee may impose an immediate suspension prior to the student’s hearing. An immediate suspension means a student cannot be on University property, cannot attend classes, and cannot use University facilities. A student may appeal an immediate suspension, as outlined in the Appeals Section of this Code below. Whether or not the student is immediately suspended, the usual hearing process required by this Code will proceed after resolving the immediate suspension issue and appeal (if any) so that a final decision of responsibility for the alleged conduct may be made. For emergency removals in cases involving Sexual Misconduct, please refer to the University’s Sexual Misconduct and Title IX Sexual Harassment Regulation.
1. **Investigation**

Sexual Misconduct Claims and Discrimination Claims will be referred to the Office of Equal Opportunity and Inclusion for investigation and creation of a written report, as more fully described in the Sexual Misconduct and Title IX Sexual Harassment Regulation and the Non-discrimination, Equal Opportunity and Inclusion Regulation. The Title IX Coordinator will then forward the investigation report to the University Conduct Officer and meet and review the investigation report and determine the appropriate University response, including whether to proceed with charges under the Student Conduct process.

For all other claims, OSAR or University Police Department may conduct a prompt, thorough and impartial investigation if further information beyond what was submitted with the incident report or referral is required to determine appropriate resolution by OSAR. In certain circumstances, the University may decide that it has sufficient information to proceed without conducting an additional investigation.

If the University conducts an investigation, the assigned investigator will develop an investigation plan, review the submitted report, and other additional information, such as statements from involved parties and witnesses. Participants may be accompanied by an advisor and individuals are encouraged to participate in the process in order to allow for a thorough investigation. However, the investigation process does not require participation and an individual may decline to participate.

At the conclusion of an investigation, the assigned investigator will present a final report to the University Conduct Officer to recommend whether a student should be charged and proceed through the student conduct process. The standard for determining whether to issue a Charge Letter to a student is whether there is reasonable cause to believe that the student violated the Student Code of Conduct.

1. **Charge Letter**

If the University determines that there are reasonable cause to charge a respondent with a violation of the Student Code of Conduct, it shall issue a written Charge Letter to the respondent. A Charge Letter is typically issued within 1-5 class days, but may take 30-45 class days after the initial referral when a case undergoes an investigation. In extenuating circumstances, it may take longer for a Charge Letter to be issued. Charge Letters are sent to students via their University of North Florida email account.

Charge Letters provide timely written notice to the respondent’s alleged violation. They include the allegations to be investigated at the hearing, the citation to the specific provision of the Student Code of Conduct at issue, the available process options to be used in determining whether a violation has occurred and associated rights, and the date, time, and location of the disciplinary hearing.

The Charge Letter will be provided at least 7 class days before the originally scheduled disciplinary hearing. For students under 18 years of age, the Charge Letter will also be provided to the student’s parent to the extent permitted under FERPA.

The Charge Letter will instruct the student to contact OSAR within 3 class days of receipt of the letter to schedule an informational meeting to discuss the process for the proceedings and answer any questions, known as a Pre-Disciplinary Hearing Review. Failure to contact the office within 3 class days will result in waiver of the Pre-Disciplinary Hearing Review.

1. **Provision of Information**

At least five (5) class days prior to the disciplinary hearing, the University will provide the respondent with a listing of all known witnesses that have provided, or will provide, information against the respondent. It will also provide all known information relating to the allegation, including inculpatory and exculpatory information. These items will be provided in-person at the OSAR office, unless the University, in its sole discretion, determines that another method is appropriate under the circumstances.

At least five (5) class days prior to the disciplinary hearing, the respondent must disclose to the University all known witnesses and all known information that will be presented at the disciplinary hearing. The respondent must also disclose the identity of the advisor (if any) who will attend the disciplinary hearing for the respondent at the same time. The University cannot compel the attendance of any witness(es) at the hearing on the respondent’s behalf.

1. **Pre-Disciplinary Hearing Review**

The purpose of the Pre-Disciplinary Hearing Review meeting is to provide the respondent with the opportunity to discuss the allegations and review the reports and materials supporting the case. The Hearing Administrator will explain the rights and options available, as well as describe a range of potential sanctions for the violation in question. The respondent may be accompanied during the Pre-Disciplinary Hearing Review by an advisor of their choice, which is further addressed below under the Student Rights Section of this Code.

If a student elects to forgo a Pre-Disciplinary Hearing Review or fails to timely schedule or attend a Pre-Disciplinary Hearing Review, and 3 class days have expired since the date of the notice, the student waives their right to a Pre-Disciplinary Hearing Review.

1. **Selection of Resolution Method**

OSAR provides an impartial forum for the party bringing charges against a student and the respondent to present all of their information regarding the alleged misconduct.

In many cases, respondents may choose their resolution type, which are described below. However, in Sexual Misconduct Claims, the hearing body will be a Decision-Maker appointed by the University and scheduled as described in the Sexual Misconduct and Title IX Sexual Harassment Regulation. In all other cases, although respondent generally has leeway to select a preferred resolution method, the Hearing Administrator may determine in their sole discretion that it is in the best interest of both the student and the University that a case proceed to a Panel Hearing based on the seriousness of the violation or in the interest of fairness.

If the resolution method is a Panel Hearing, it will be scheduled no sooner than 7 class days after the Charge Letter.

1. **Resolution Methods**
2. **Agreed Resolution**

A respondent may elect to resolve outstanding violations through an Agreed Resolution in lieu of a hearing if deemed appropriate by the Hearing Administrator and if the student accepts both responsibility for the alleged violations and assigned outcomes.

In an Agreed Resolution, because the student accepts responsibility, the meeting will be focused on determining an appropriate sanction, if any.

Agreed Resolutions are noted as a finding of responsibility for violations of the Code and are considered a student conduct record.

1. **Administrative Hearing**

*Non-Sexual Misconduct Claims*

A respondent may elect to resolve outstanding violations through an Administrative Hearing if deemed appropriate by the Hearing Administrator. Administrative Hearings are held individually with a Hearing Administrator who reviews the reported charges against the student and all other relevant information to determine whether the respondent is “responsible” or “not responsible” for the alleged violations and to address any appropriate outcomes.

Administrative Hearings may take place immediately after a Pre-Hearing Review meeting, if the respondent agrees to proceed immediately, or may be scheduled within a reasonable time.

The Hearing Administrator may utilize evidence gathered from information sessions, investigation meetings, or other proceedings involving students from the same incident in making a determination on responsibility. The respondent will be informed of the evidence and have an opportunity to respond.

If found responsible, the outcome of an Administrative Hearing is noted as a finding of responsibility and considered a student conduct record.

*Sexual Misconduct Claims*

When an Administrative Hearing is held in a Sexual Misconduct Claim, the live hearing and determination of responsibility will occur as described in the Sexual Misconduct and Title IX Sexual Harassment Regulation.

1. **Panel Hearing**

A Panel Hearing provides a hearing body that will review the reported charges against the student and all other relevant evidence to make a recommendation whether the respondent is “responsible” or “not responsible” for the violation(s) and recommend any appropriate outcomes. In all cases except Sexual Misconduct Claims, a student has a right to select a disciplinary proceeding conducted by a committee or panel in which students make up at least one-half of its membership. This right may only be waived upon permission of the University and after the respondent requests such a waiver, in writing, which waiver shall also explain the effect of such waiver.

A Hearing Administrator is present at each Panel Hearing to ensure that the Student Code of Conduct procedures are followed. The Hearing Administrator will answer procedural questions asked by the panel, the complainant, or the respondent. The Hearing Administrator will also keep the proceedings focused on issues relevant to the specific allegations. The Hearing Administrator will not participate in the determination of a recommended finding or sanction. The Panel Hearing members may ask the Hearing Administrator questions regarding the student conduct process.

1. **Special Procedures Involving Organizational Misconduct**
2. **Individual and Collective Responsibility**

A student organization and its officers and membership may be held collectively and individually responsible when violations of this Code by the organization or its member(s):

1. Take place at events, whether participation or sponsorship is formal or informal;
2. Have received the consent or encouragement of the organization or the organization’s leaders or officers; and/or
3. Were known or should have been known to the membership or its officers.
4. **Investigation**

In addition to the investigation procedures described above in Section G(5), the University may also involve the Osprey Involvement Center staff and/or Office of Fraternity and Sorority Life staff if further information is required to determine appropriate resolution by OSAR. National and or/International Headquarters for student organizations may be contacted to facilitate cooperation in the process. Such contact is required for organizations affiliated with the Office of Fraternity and Sorority Life.

1. **Charge Letter**

In addition to the Charge Letter procedure in Section G(6), a Charge Letter will be sent to the organization president or officer who will serve as the main point of contact throughout the conduct process, via their University of North Florida email account. Charge Letters will also be sent to an organization’s National or International Headquarters when appropriate.

1. **Resolution Method**

If a Panel Hearing is selected as the resolution method, the panel will include a University Official familiar with University student organizations and the registration/recognition requirements for student organizations at the University.

1. **Special Procedures Involving Medical Amnesty**
2. **Investigation**

In addition to the investigation procedures described above in Section G(5), the University may also involve the Office of the Dean of Students and Supporting Our Students staff if further information is required to determine appropriate resolution by OSAR.

1. **Notice**

Upon review of a case determined to fall under Medical Amnesty, an invitation letter will be issued to the respondent to schedule a review meeting. An invitation letter is commonly issued within 1-5 class days but may take longer in extenuating circumstances. Invitation letters are sent to students via their University of North Florida email account and will include a summary of the areas of concern and sources of information. The invitation letter will instruct the student to contact OSAR within 5 class days of receipt of the letter to schedule an informational meeting to review the circumstances surrounding the incident. Failure to contact the office within 5 class days may result in the incident being referred through the student conduct process and may result in a student conduct record.

1. **Resolution Meeting**

Medical Amnesty cases are resolved through an informal and informational meeting focused on the student’s well-being and decision-making. The University’s highest priority is the physical and mental health and safety of students and members of the University community. Students may be required to complete educational outcomes to reinforce positive behaviors and connect students to campus resources. Students who successfully complete the Medical Amnesty process will not have a student conduct record for that incident.

1. **Hearing Procedures**
2. The Hearing Administrator (and/or Decision-Maker(s) in a Sexual Misconduct Claim) will explain each participant’s rights and options and assure that fairness and procedural due process are observed throughout the hearing.
3. The student conduct process is not the same as a criminal or civil proceeding before a Florida court. Procedures governing Florida’s criminal or civil courts, including formal rules of evidence, are not applicable. For example, hearsay may be used in certain circumstances so long as the use is consistent with due process.
4. Deviations from the procedures in this Code shall not invalidate a proceeding or decision, except where such deviation has clearly resulted in substantial prejudice to an accused student. Student conduct procedures are consistent with basic principles of fairness and procedural due process, which includes the right to notice of alleged charges and a meaningful opportunity to be heard before an impartial decision-maker.
5. The University uses the preponderance of evidence standard in determining whether sanctions are appropriate. A student will be found responsible for an alleged violation if the relevant evidence shows that, more likely than not, the violation was committed by the student. Students are presumed “not responsible” unless the preponderance of the evidence shows otherwise.
6. Any sanctions will be proportionate to the severity of the violation and the student’s cumulative conduct history.
7. Students may appeal their disciplinary outcomes as provided under the Appeals Section of this Code and Florida law.
8. The Student Conduct process is educational in nature and a confidential process in accordance with the Family Educational Rights and Privacy Act (FERPA). All disciplinary hearings will be closed to the public and may include the person(s) bringing allegations against a student(s), the respondent(s), advisor(s), alleged victim(s), the reporting person(s), Investigator(s), Hearing Administrator(s), other appropriate University personnel, and any witnesses who may offer relevant information regarding the allegation. Witnesses may only be present during the time they are testifying.
9. A student charged with violation(s) of the Code of Conduct will have the opportunity to present information on their behalf, including presenting witnesses, if available, and/or signed written statements from witnesses, and other documentary evidence. The respondent has the opportunity to review and respond to written statements and may offer evidence to rebut witness statements and other evidence presented at the hearing. Witness statements need not be sworn or in affidavit form.
10. The respondent, complainant, and any witnesses may be accompanied during the hearing by an advisor of their choice, which is further addressed in the Student Rights Section of this Code.
11. Witnesses may be called by the University, the complainant, and the respondent. Witnesses appear at hearings on a voluntary basis and cannot be compelled to attend a hearing.
12. A student may choose not to answer any and all questions posed by a Hearing Body.
13. The Hearing Administrator may determine a recess of the hearing is in the best interest of the parties when additional information may provide clarification to the case.
14. The University is not required to postpone disciplinary proceedings pending the outcome on any criminal prosecution. If a student chooses not to participate or answer questions during the hearing, the Hearing Body may proceed with a hearing and base its decision on all available information, but will not use the respondent’s refusal to testify in reaching its determination of responsibility.
15. The respondent does not have the burden of proof regarding the charges that have been brought against them.
16. In non-Sexual Misconduct Claims, where multiple students are charged, information provided at one hearing may be used in the related case(s).
17. If the respondent fails to appear at the scheduled hearing after proper notice, the hearing may be held in the respondent’s absence.
18. Prior records of disciplinary action, past criminal convictions, impact statements and character witness statements are considered by the hearing body only in the sanctioning phase of deliberations.
19. The Hearing Body’s recommended finding of “responsible” or “not responsible” will be based solely on the information presented at the hearing.
20. After the hearing is concluded, the Hearing Body will provide to the Provost/Designee a recommended finding of “responsible” or “not responsible” on all charges, and any sanctions. The Hearing Body’s recommendations will be communicated simultaneously in writing to the parties within 14 class days from the conclusion of the hearing.
21. In Panel Hearings, the Dean of Students or their designee will review the Hearing Body’s recommendations regarding responsibility and sanctions, and make the University’s official decision, which may adopt, modify or reject the Hearing Body’s recommendations, in whole or in part, or remand for a rehearing. The official decision will be communicated to the parties in writing within 14 class days, and it will include the finding of “responsible” or “not responsible” on all charges, the imposed sanction(s), an explanation of any differences between the Hearing Body’s recommendations and the official decision, and notice of the right to appeal. This time limit may be extended in the sole discretion of the Dean of Students where additional consideration of evidence or deliberation is required. The parties will be informed (by phone, email, mail or in person) of the estimated duration of this extended time period. If the student does not appeal the official decision, the official decision will constitute the University’s final action.

In the event the Dean of Students has a conflict or has been actively involved in the underlying case, the University will appoint another official to review Panel Hearings.

If found responsible, the outcome of a Panel Hearing is noted as a finding of responsibility and considered a student conduct record.

1. All hearings will be audio recorded, except for the deliberation phase. This recording will serve as the official record of the proceedings. All hearings are considered confidential in accordance with FERPA and will be maintained OSAR.

**H. INTERIM MEASURES**

In certain circumstances involving a student’s action 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, endangerment, and weapons possession), the Provost/Designee may impose interim measures prior to the student’s hearing with a hearing body, including, but not limited to, an Immediate University Suspension and/or No Contact Order. In Sexual Misconduct Claims, please refer to the Sexual Misconduct and Title IX Sexual Harassment Regulation regarding Supportive Measures and Emergency Removals, and the limitations on taking certain measures that unreasonably burden a respondent pending a determination of responsibility.

1. Immediate Suspension means a student cannot be on University property, cannot attend classes, and cannot use University facilities. An Immediate Suspension may be appealed. See the Appeals Section of this Code for additional information. Whether or not the student is immediately suspended, the usual hearing process required by this Code will proceed after resolving the immediate suspension issue and appeal (if any) so that a final decision of responsibility for the alleged conduct may be made.
2. No Contact Order means a student is prohibited from being in physical, oral, written, or electronic contact, including indirect communication, with a named person. No Contact Orders will be issued when the safety and/or well-being of an alleged victim is in question.
3. Trespass Order means a student cannot be on University campus or cannot enter specified University buildings/facilities. In certain circumstances, the student may be required to be escorted by the University Police Department.
4. Academic Reassignment means a student may be reassigned to a new course section.
5. Housing Reassignment means a student may be relocated within the Residential space.
6. Removal from University Housing. A student resident may be immediately removed from their University Housing assignment, have their housing contract cancelled, and be prohibited from visiting the housing areas prior to the student’s disciplinary hearing with a hearing body. The Provost/Designee must approve any such removal of a student as described in this section.

**I. SANCTIONS**

A sanction is the University’s educational response to address student behavior when a student has been found responsible for violations of the Student Code of Conduct. Sanctions will be determined by the Provost/Designee after their review of the Hearing Body’s decision that a student is responsible for the reported conduct charges. In light of the facts and circumstances of each case, the following list describes the range of sanctions, or combination of sanctions (with or without appropriate modifications) that may be imposed upon any student or organization found to have violated the Student Code of Conduct, but is not an exhaustive list.

1. Reprimand. A written statement placed in a student’s disciplinary file regarding a violation of the Student Code of Conduct.
2. Restorative Service. Assignment to perform tasks or services under the supervision of a University department or community service agency.
3. Reflective Learning. Attendance at educational programs, interviews with appropriate officials, planning and implementing educational programs, writing research papers, or other educational activities.
4. Educational Programming. Referral to on-campus educational activities or requirement to host an educational event/speaker for an organization, student population, or University community. Students and/or organizations are responsible for expenses associated for hosting any event.
5. Monitored Events. Organizations who host events may be required to have advisors and/or University officials present for meetings, events, and/or programming for a specified period of time.
6. Counseling Assessment and Compliance. In certain circumstances in which a student may be a threat to the safety of self or others, the student may be referred 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 UNF Office of the Dean of Students 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.
7. Restitution. Payment of actual damages or loss of services to the University or alleged victim.
8. Disciplinary Probation. A period of time during which any further violation of the Student Code of Conduct 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.
9. Restrictions. Some of the restrictions that may be placed on a student or organization include, but are not limited to:
	1. Participation in student clubs, groups, activities, or events.
	2. Representation of the University on an athletic team.
	3. Holding leadership positions (e.g. Student Government or Resident Assistant).
	4. Entrance to University Housing areas or any other areas on campus.
	5. Contact with another specified person(s).
	6. Change in University Housing assignment.
	7. Extending an invitation of membership.
	8. Hosting social events (may include geographical limitations on location).
	9. Administrative Removal from class(es).
10. Exclusion from University Housing (either temporary or permanent).
11. Cease & Desist Order. Restricting an organization’s ability to operate. In some cases, these can be tailored to address the specific violations.
12. Suspension. Separation from the University for a specified period of time.
13. Loss of University Recognition. An organization’s separation from the University for a specified period of time. Regaining University recognition may require completion of additional steps.
14. Expulsion. Separation from the University without the possibility of readmission.
15. Withholding of registration, diplomas, transcripts or other records.
16. Transcript Notations. A written notation indicating that disciplinary action was taken.
17. Revocation of Diploma, Degree, or Certificate. If a UNF diploma, degree, or certificate has already been awarded prior to the resolution of the conduct case, it may be revoked in appropriate cases as a sanction.

NOTE: Students will normally forfeit tuition, Housing rent and fees, and other University fees if found responsible for a Student Code of Conduct violation resulting in suspension or expulsion. A student may also forfeit academic credit.

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.

**DISCIPLINARY HOLD:**

A Disciplinary Hold may be placed on a student pending the outcome of a student conduct case prior to a determination of responsibility.  In such instances, the Disciplinary Hold is not a sanction, but is a means to ensure completion of the student conduct process.  In addition, a Disciplinary Hold may be issued after a finding of responsibility to any student who fails to complete sanctions and that student may receive additional charges for failing to complete the sanctions.

**J. APPEALS**

**1. Appeals**

A student may appeal the official decision to Provost or their designee, as the Provost or their designee has been designated by the University President to be the appellate officer for student conduct appeals. The appeals hearing officer will not have directly participated in any other proceeding related to the charged violation.

A student choosing to request an appeal must do so in writing to OSAR within five class days of the date on the official decision letter. A student shall remain eligible to attend classes and University activities until any appeal is concluded, except in cases where the health, safety, or welfare of the student or member of the University community is involved or in cases where the sanction(s) determined in the disciplinary decision include either suspension or expulsion. Supporting documentation shall accompany all appeal requests. An appeal request must specify the grounds of the appeal, indicate which portion(s) of the case are being appealed, and be based on one or more of the following grounds:

1. Errors in the hearing proceedings that substantially affected the outcome of the hearing;
2. The sanctions are extraordinarily disproportionate to the violation committed; or
3. New information that was not available at the time of the original hearing that, if heard, would substantially affect the outcome of the hearing.

The Provost/Designee will assign a person or a hearing panel to determine the appeal. No individual or panel hearing the appeal may have conducted or participated in the disciplinary proceeding being reviewed on appeal.

Appeals of cases governed by Title IX Sexual Harassment rules will be handled as set forth in the Sexual Misconduct and Title IX Sexual Harassment Regulation.

**2. Appeal Hearings**

1. The student will be contacted within ten class days of receiving the written request for appeal to schedule their requested appeal hearing.
2. The student has five class days to respond to the scheduling request and must contact the Provost/Designee to schedule their appeal hearing. If a student fails to contact the office, the appeal hearing may be scheduled and proceed without the student.
3. The student may bring an advisor to the appeal hearing.
4. On appeal, the student has the burden to clearly establish one or more of the grounds listed in the Appeals Section of this Code.

**3. Appeal Decisions**

The Provost/Designee may affirm, modify, reverse the official decision, or order a rehearing.

The appeal decision will be communicated to the student within 20 class days of the appeal hearing unless notification is given that additional time is necessary for consideration of the record on appeal. The appeal decision constitutes the University’s final action and therefore cannot be appealed further within the University. Final appellate decisions resulting in a suspension or expulsion of a student will include a notice to the student of their ability to appeal the University’s final action to an external judicial forum.

**4. Appeals from an Immediate Suspension**

An Immediate Suspension means a student cannot be on University property, cannot attend classes, and cannot use University facilities. For more information, please see the Conduct Procedures Section or Interim Measures Section of this Code.

A student may appeal the immediate suspension. Request for an appeal of an immediate suspension must be submitted in writing to OSAR within 3 class days of the student’s receipt of the Notice of Immediate Suspension. The date of the immediate suspension appeal will be scheduled within five class days of the appeal request and may be extended beyond five class days if both parties agree that the suspension appeal should be held at a later date.

Immediate Suspension Appeals are conducted in the form of a Panel Appeal Hearing. The panel may be comprised of any number of individuals from the Student Conduct Board, so long as it maintains at least 50% representation from the student population. The panel will determine whether the immediate suspension will remain in effect until a regular hearing in held on the alleged violations of the Code of Conduct.

An Immediate Suspension Appeal must be based on one or both of the following grounds:

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

The panel will recommend to the Provost/Designee that the immediate suspension should be upheld or overturned based on information presented at the panel appeal hearing. The Provost/Designee will make a final determination based on the panel’s recommendation, which will be communicated to the student in writing within 3 class days.

 Whether or not the student is immediately suspended, the usual hearing process required by this Code will proceed after resolving the immediate suspension issue and appeal (if any) so that a final decision of responsibility for the alleged conduct may be made.

**L. RECORDS**

1. Records of all disciplinary cases will be maintained with the Division in accordance with FERPA and the State of Florida’s record retention schedule.

2. Records of expulsion will be maintained in a permanent file in OSAR. The Office of the Registrar will be notified of the expulsion and place a notation of disciplinary expulsion on the student’s permanent academic record.

3. Suspensions will be noted on a student’s transcript only during the period of suspension. Suspensions are considered a student conduct record and will be maintained and reported in accordance with FERPA and the State of Florida’s record retention schedule.

4. Records which result in a finding of not responsible or result in a sanction less severe than a suspension shall be maintained in compliance with Florida Public Records law. Expulsion records will be permanently retained as official records. Any records kept beyond these limits for statistical purposes will not be considered or released as official student conduct records.

5. 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 violations.

6. The release of student disciplinary records will be governed by applicable Federal and State laws regarding the privacy of educational records.

**L. STUDENT CONDUCT RECORD FORGIVENESS FOR NON-SEXUAL MISCONDUCT CASES**

1. For non-Sexual Misconduct Claims, a student’s conduct record is eligible to be reviewed and forgiven if the incident(s) in question occurred during the student’s first few semesters on campus, are minor in nature, and did not result in suspension or expulsion and where further violations would not likely result in suspension or expulsion from the University. Students with senior status at UNF or have reached senior status at another institution (may be verified with transcript showing at least 90 credits earned) may submit a request to have their records forgiven.

2. A student conduct record may be forgiven upon submission and review of appropriate documentation to OSAR. Requests should be submitted to the Conduct Officer in writing, who will verify that the record forgiveness request is in compliance with subsection (1). Request should include a written statement discussing what students have learned and how they have grown as a member of the UNF community, including information showing what the student has done to go above and beyond the basic requirements of their sanctions. Letters of recommendation and character references from members of the faculty, staff or from employers will also be accepted in support of the request. OSAR will then forward the request for forgiveness to the Records Review Committee.

3. The Records Review Committee, appointed by the Provost/Designee, and comprised of faculty, staff, and students will review and make a recommendation to the Provost/Designee.

4. The Records Review Committee’s decision will be based on the following factors: severity of the violation, effect of the violation on the University community, sanctions applied and completion of sanctions, elapsed time between violation and request, and character, personal growth, and moral development demonstrated by the student.

5. The Provost/Designee will provide a decision to the student, in writing, 15 class days of receipt of the request.

6. There is no appeal process for Record Forgiveness.

7. Any additional violations committed after a student’s record has been reviewed and forgiven will reinstate the original record.

Authority: BOG Regulations 1.001 and 6.0105; Title IX of the Education Amendments Act of 1972

*BOT Approved as amended \_\_\_\_\_\_\_\_\_\_\_\_.*