

NOTICE OF AMENDED REGULATION

September 5, 2014

DEPARTMENT OF EDUCATION

Division of Universities
University of North Florida

REGULATION TITLE:

Student Conduct Code

REGULATION NO.:

5.0010R

SUMMARY:

The Code has been updated to bring it into compliance with Title IX and related sexual misconduct laws, regulations and directives from the U.S. Department of Education Office for Civil Rights. Changes have also been made to clarify behavioral expectations for students and to provide more efficient hearing procedures.

FULL TEXT:

The full text of the regulation being proposed is attached.

AUTHORITY:

Florida Board of Governors Regulation 1.001
Florida Statutes 1006.60

UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:

Tom Serwatka, Vice President and Chief of Staff

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 Friday, September 19, 2014, to receive full consideration.

Regulation Number	Regulation Title	Effective Date	Revised Date
5.0010R	Student <u>Code of Conduct</u> Code	01/27/06	1/17/12
Responsible Division/Department: Student Affairs			
<input type="checkbox"/> New Regulation	<input checked="" type="checkbox"/> Revision of Existing Regulation	<input type="checkbox"/> Repeal of Existing Regulation	<input type="checkbox"/> Reaffirmation of Existing Regulation

I STATEMENT OF REGULATION

Contents

A. Introduction

B. Scope

C. Authority

D. Definitions

E. Violations

F. Procedures

G. Victim's Rights in the Conduct Process

H. Immediate Suspension

I. University Housing Removal

J. Sanctions

K. Parental Notification

L. Appeals

M. Records

~~A. Introduction~~

~~B. Scope~~

~~C. Authority~~

~~D. Definitions~~

~~E. Violations~~

~~F. Immediate Suspension~~

~~G. University Housing Removal~~

~~H. Procedures~~

~~I. Victim's Rights in the Conduct Process~~

~~J. Sanctions~~

~~K. Appeals~~

~~L. Records~~

(A) Introduction

The University of North Florida is committed to values that promote the welfare and positive transformation of individuals, communities, and societies. We value: the pursuit of truth and knowledge carried out in the spirit of intellectual and artistic freedom; ethical conduct; community engagement; diversity; responsibility to the natural environment; and mutual respect and civility. These values serve as the foundation for the Code of Student Conduct. The Student Conduct Code is designed to promote responsible behavior for all students consistent with the

~~values and welfare of the UNF community.~~ 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 University reserves the right to make changes to this code as necessary- through the designated regulation revision process where the code will be circulated for student review and comments. Once those changes are adopted by the University Board of Trustees and posted online, they are in effect. Students are encouraged to check online [www.unf.edu] for the updated versions of all policies and procedures.

Philosophy Statement

The UNF community is committed to fostering a campus environment that is 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.

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 bears responsibility for their conduct and ~~is to assume~~ responsibility for the behavior of ~~other~~their guests. When students fail to exemplify the University's -six 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 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 challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community expectations. When a student's behavior is in conflict with community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Student conduct procedures are conducted with fairness to all. Due process, as defined within these procedures, assures written notice and a hearing before an objective decision-maker. No student will be found in violation of the Student Code of Conduct without information showing that it is more likely than not that a violation occurred and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

The responsibility for this Code shall be administered through the Division of Student Affairs.

(B) Scope

The University of North Florida's jurisdiction regarding discipline of any student or student organization under this Student ~~Code of Conduct~~ Code extends to conduct that occurs both on UNF premises and anywhere off-campus that may adversely affect the University community. The Vice President for Student and International Affairs or designee determines when off-campus conduct affects a substantial University interest. A substantial University interest is defined to include:

- Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of self or others; and/or
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational mission and/or interests of the University.

Additionally, the scope of this ~~Student Conduct~~ Code of Conduct extends to compliance with professional standards of conduct or ethics that students must adhere to as part of their studies, including, but not limited, to while performing external internships, placements or Transformational Learning Opportunities, ~~toward a degree~~ while enrolled at UNF.

The right of all students to seek knowledge, debate ideas, form opinions and freely express their ideas is fully recognized by UNF. The Student Code of Conduct may be applied to behavior conducted in writing, online, via email, text messaging or other electronic medium or mode of communication. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations. The University does not regularly search for this information but may take action if and when such information is brought to the attention of University officials. Online speech will be protected as free expression and not subject to this Code, with the following limitation:

- A threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon specific individuals or the community.
- Permissible time, place and manner restrictions where the University has the right to regulate speech.

This ~~Student Conduct Code~~ Student Code of Conduct applies to student conduct and will not be used to discipline the lawful expression of ideas.

The University student conduct process is not a criminal or judicial proceeding. Alleged violations of The processes for adjudicating violations of State-state and/or Federal-federal law are separate and pursued independently from alleged violations of and the Student ~~Code of Conduct~~ Code of Conduct are separate and are pursued independently of one another.

(C) Authority

1. Authority for student ~~discipline-conduct~~ ultimately rests with the University President. The President delegates this authority to the Vice President for Student and International Affairs, or ~~his~~their designee. The Vice President may take direct jurisdiction of any case at any time throughout the process.
2. The Student Conduct Office will assume responsibility for coordinating the investigation of an allegation of misconduct to determine if the complaint has merit.
23. The Vice President for Student and International Affairs (or designee) ~~also~~ has the authority to notify the person listed on the student's emergency contact (or other appropriate person) in case of an emergency involving that student.
34. All ~~internal~~fraternity and sorority ~~council~~conduct matters will be reviewed by the Office of Fraternity and Sorority Life and may be handled in consultation with the Student Conduct Office. Following the ~~is~~ review ~~by the Office of Fraternity and Sorority Life,~~ organizations may be subject to further assessment-action by the Office of Fraternity and Sorority Life- working in conjunction with or independently from the organization's (with or without assistance from any pertinent National Headquarters), or may be referred to the organization's pertinent council for judicial review and/or action, or referred to the Student Conduct Office.
45. All registered and non-registered student organizations, including those reporting through Club Alliance, an agency of Student Government, will be subject to the ~~Student Conduct Code~~Student Code of Conduct.
56. All matters where discipline is administered under the University conduct system through the Student Conduct Office, the Office of Fraternity and Sorority Life - and/or decisions of respective fraternity or sorority council judicial boards, Student Housing and /or Club Alliance, an agency of Student Government, may be appealed to the Vice President for Student and International Affairs ~~(or designee)~~whose decision will be considered final University action. The Vice President for Student and International Affairs may appoint a designee or panel board to hear an appeal. Final appellate decisions resulting in a suspension or expulsion of a student will include notice to the student of the student's right to appeal to an external judicial forum
7. The Vice President for Student and International Affairs (or designee) has discretion to refer a complaint for mediation or other forms of appropriate conflict resolution. All parties must agree to participate in conflict resolution and if the parties reach an agreement at mediation regarding the issues in dispute the parties will be bound by the decision with no review/appeal. Any unsuccessful conflict resolution can be forwarded for formal processing and hearing; however, at no time will complaints of physical sexual misconduct or violence be mediated as the sole institutional response. The Vice President for Student and International Affairs (or designee) may also suggest that complaints that do not involve a violation of the Student Code of Conduct be referred for mediation or other appropriate conflict resolution

(D) **Definitions**

1. Student. For purposes of the ~~Student Conduct Code~~Student Code of Conduct, the term “student” is defined as any person who is currently admitted and/or enrolled ~~in classes in~~any credit-bearing course or program at UNF or maintains student status based on the Continuous Enrollment Policy. UNF defines continuous enrollment as being enrolled in classes at UNF without a break of three or more consecutive semesters. Also included in this definition are individuals who have been enrolled in classes and continue to be associated with the University because they have not completed the course or program requirements in which they were enrolled. In cases of dual enrollment, jurisdiction over a student’s conduct will be determined in consultation with appropriate officials at the student’s other institution. **The term “student” also means any student organization that is affiliated with the University.**
2. Guest. The term “guest” means any person visiting campus who is not affiliated with the University. Students may be held responsible for the actions of their guests.
3. Non Student Resident - The term “non-student resident” refers to an individual who resides in UNF Housing pursuant to a housing agreement but is not a student or a guest as defined in this Code. Such individuals will not be subject to the procedures set forth in the ~~Student Conduct Code~~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.
4. University Community. The term “University community” means any person who is a student, faculty member, University official, or any other person employed by the University or a guest of the University.
5. On-Campus. The term “on-campus” means all land, buildings, facilities and other properties (including equipment and vehicles) in possession of or owned, used or controlled by the University, including adjacent streets, sidewalks and parking lots.
6. University Official. The term “University official” means any person employed by the University to perform assigned teaching, research, administrative, professional or other responsibilities. University Police also fall under this definition.
7. Charge. The term “charge” refers to the written notice given to a student that contains the reported violation of the ~~Student Conduct Code~~Student Code of Conduct which the student will be required to answer. (Please refer to Section ~~HF~~, Procedures.)
8. Charged Student. The term “charged student” means any student who has been formally charged with an alleged violation of the ~~Student Conduct Code~~Student Code of Conduct.
9. Advisor. The term “advisor” means any one person chosen by the charged student, ~~or the~~alleged victim, or a witness to assist ~~him/her~~him throughout the disciplinary process. While an advisor may assist a student ~~she/het~~they may not speak on the student’s behalf or otherwise take an active role in the student conduct process.

10. Hearing Body. The term “hearing body” in this Code means any person or persons authorized by the Vice President for Student and International Affairs to conduct hearings to determine whether a student has violated the ~~Student Conduct Code~~ Student Code of Conduct. This includes individuals serving as a Hearing Administrator or individuals serving on a Hearing Panel.
11. Responsible The term “responsible” means the information presented in the student’s charge letter and all information reviewed at any hearing as a whole, indicates that it is more likely than not that the student committed the violation. ~~that they have been required to answer.~~
12. Policy. The term “policy” means an- adopted policy of the University as found on the Official UNF Website http://www.unf.edu/president/policies_regulations/~~http://www.unf.edu/unfinfo/policies-regs/~~.
13. Regulation. The term “regulation” means the adopted regulations of the University as found on the Official UNF Website http://www.unf.edu/president/policies_regulations/~~http://www.unf.edu/unfinfo/policies-regs/~~.
14. Hearing Administrator. Any individual assigned to hear conduct cases by the Vice President for Student and International Affairs. A Hearing Administrator also serves as a facilitator in panel hearings.
15. Conduct Review. The initial meeting between a Charged Student and the Hearing Administrator where the student will be advised of the charges against ~~him/her~~ them as discussed in the charge letter and where the student will be advised of ~~his/her~~ their rights in the Student Conduct process including ~~his/her~~ their rights at a subsequent Individual Administrative or Panel Hearing.
16. ~~Individual Administrative~~ Hearing. A conduct hearing where a charged student meets individually with a Hearing Administrator who reviews the reported charges against the student and all other relevant information to determine whether a charged student is “responsible” or “not responsible,” for the charge(s) ~~he/she has been required to answer.~~
17. Panel Hearing. A conduct hearing where individuals drawn from a pool of students, faculty and staff authorized by the Vice President ~~of~~ for Student and International Affairs who have been trained to hear conduct cases and make decisions related to reported violations of the ~~Student Conduct Code~~ Student Code of Conduct. The panel hearing members, which shall consist of at least 50% students, review information and determine whether a student is “responsible” or “not responsible” for the charges ~~that they have been required to answer.~~
18. Panel Appeal Hearing. A panel consisting of at least 50% student representation convened to hear an appeal of a student’s Immediate Suspension by the Vice President for Student and International Affairs. (Please refer to Section FH, Immediate Suspension.)

19. Sanction. The term “sanction” is defined as the University’s educational response to address student behavior where a student has been found responsible for violations of the ~~Student Conduct Code~~Student Code of Conduct. Sanctions will be determined by the Vice President ~~of~~for Student and International Affairs (or designee) after ~~his/her~~their review of the Hearing Body’s decision that a student is responsible for the reported conduct charges he or she has been required to answer.
20. Appeal. The term “appeal” is defined as a student’s ability to have the Vice President ~~of~~for Student and International Affairs (or designee) review the ~~Hearing~~hearing ~~Body’s~~body’s finding ~~that the student is of~~ responsibility and ~~for the reported violations of the Student Conduct Code that they were required to answer as well as~~ the sanction that the student has been provided. The Vice President ~~of~~for Student and International Affairs will assign ~~someone~~a person or a panel consisting of members who have not heard the original case to hear the appeal, ~~other than the person who initially heard the case.~~
21. Class days. The term “class days” is defined as days when either classes or final exams are officially scheduled by the University, with the exception of Saturdays and Sundays.
22. Disciplinary Hold. A “disciplinary hold” is one placed on a student’s University record by the Vice President for Student and International Affairs, or designee, that prohibits the student from conducting business with the University (i.e., registering for classes, obtaining transcripts, etc.).

(E) Violations

Listed below are categories of violations of the ~~Student Conduct Code~~Student Code of Conduct. Within each category, behaviors or actions are described that constitute violations of the Code. 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 Conduct Code~~Student Code of Conduct:

1. Sexual Misconduct	12. Misuse of Computers and Technology
2. Endangerment	13. Misuse of Vehicles and Transportation Devices
3. Harassment	14. Disruptive Behavior
4. Possession of Weapons and Destructive Devices	15. Identification/Falsification
5. Hazing	16. Vandalism or Theft
6. Arson	17. Participation
7. Misuse of Fire Safety Devices or Failure to follow Fire Safety Directives	18. Disregard for the Conduct System
8. Possession of Illegal Drugs and/or Misuse of Medication	19. Unauthorized Entry or Use of University Facilities
9. Prohibited Use of Alcohol	20. Conspiracy
10. Prohibited Use of Tobacco	21. Violation of University Regulations
11. Gambling	22. Violation of Criminal Law

1. Sexual Misconduct

- 1.0 Unwelcome sexual conduct, which includes, but is not limited to, exposure of one's sexual organs or other physical acts of a sexual nature that would reasonably be offensive to others.
- 1.1 Unwelcome conduct of a sexual nature that is severe, persistent or pervasive so as to limit or deny a student's ability to participate in or benefit from an academic program, event or activity or to otherwise participate in campus life.
- 1.2 Voyeurism: to trespass, spy, eavesdrop or otherwise invading-invade the privacy of another for the purpose of personal sexual arousal.
- 1.3 Non-consensual sexual contact or intercourse: Sexual contact or intercourse that occurs without consent (as defined by the University's Sexual Misconduct Regulation).
- 1.4 Any behavior in violation of the University's Sexual Misconduct Regulation.

2. Endangerment

- 2.0 Physical violence towards another person or group.
- 2.1 The threat of physical violence towards another person or group.
- 2.2 Action(s) that endanger the health, safety, or well-being of another person or group.
- 2.3 Action(s) that 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

- 3.0 Action(s) or statements that are severe, persistent or pervasive that threaten harm or reasonably intimidate another person causing them fear for their safety.
- 3.1 Acts that are severe, persistent or pervasive that invade the privacy of another person.
- 3.2 Stalking: To follow or otherwise contact another person repeatedly ~~(e.g.—Stalking)~~ or to take deliberate and repeated actions toward another so as to put a reasonable person in fear for their life or personal safety.
- 3.3 Sexual Harassment: ~~(as defined in the University's Sexual~~ Harassment Misconduct regulation).

3.4 Bullying/Cyberbullying: Repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression.

4. Possession of Weapons and Destructive Devices

~~4.0 Unauthorized possession or use of a dangerous weapon or material, including, but not limited to firearms, bombs, grenades, rockets, explosives and non-lethal weapons such as pellet guns, knives (other than a common pocketknife, plastic knife, or blunt-bladed table knife), metallic knuckles, slingshots, billies, tear gas guns, chemical weapons or other objects defined in Section 790.001, Florida Statutes, that can cause the destruction of life or infliction of injury.~~

~~— Possession or use of any object classified as a weapon, firearm or other destructive device in Section 790.001, Florida Statutes, is prohibited on any University or University-controlled property. Prohibited objects as defined by this statute include, but are not limited to, destructive devices such as firearms, bombs, grenades, rockets, explosives and non-lethal weapons such as pellet guns, knives (other than a common pocketknife, plastic knife, or blunt-bladed table knife), metallic knuckles, slingshots, billies, tear gas guns, chemical weapons or other objects defined in Section 790.001 that can cause the destruction of life or infliction of injury. For further guidance on this issue please see the University's policy regarding Weapons on Campus located on the President's webpage at: <http://www.unf.edu/president/policies-regulations/14-Miscellaneous/14-0080P.aspx>~~

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. (See sections 790.001(6) and 790.001(13), Florida Statutes). The only exceptions to this prohibition are:

(a) a sworn law enforcement officer may carry a weapon on University property, University-controlled property or to University sanctioned events;

(b) 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 the purpose of self-defense;

(c) 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, the carrying of a legal firearm other than a handgun anywhere in a private vehicle when such firearm is being carried for a lawful purpose is authorized by law. (See section 790.25(5), Florida

Statutes). 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.

(d) 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.

5. Hazing

5.0 Any group or individual conduct or activity in violation of UNF's Anti-hazing Policy or the Florida Statutes prohibiting hazing-

6. Arson

6.0 Intentionally or recklessly causing a fire. Arson is the willful or malicious act of setting or causing fire to property.

7. Misuse of Fire Safety Devices or Failure to follow Fire Safety Directives

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

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

7.2 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.

~~7.3 — Arson: setting or causing a fire.~~

8. Possession of Illegal Drugs and/or Misuse of Medication

See also the University's Alcohol and Other Drugs Policy in the Student Handbook and on the Official UNF website at http://www.unf.edu/president/policies_regulations/~~<http://www.unf.edu/unfinfo/policies-regs/>~~.

8.0 Possession or 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 Possession or use of drug paraphernalia.

8.2 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.

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

8.4 Misuse of one's own prescription medication.

8.5 Driving under the influence of illegal drugs.

9. Prohibited Use of Alcohol

See also the University's Alcohol and Other Drugs Policy in the Student Handbook and on the Official UNF website at: http://www.unf.edu/president/policies_regulations/http://www.unf.edu/unfinfo/policies-regs/.

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

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

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

9.3 Possession of open containers of alcohol or consumption of alcohol in non-approved public areas.

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.

9.8 Driving while under the influence of alcohol.

10. Prohibited Use of Tobacco

See also the Tobacco use section of the Student Handbook.

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

11. Gambling

- 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 Computers and Technology

Theft or ~~other misuse~~ other misuse of computer resources in violation of the University's Responsible Use of Computing and Information Technology Services Policy Network Acceptable Use Policy (which can be found at http://www.unf.edu/anf/its/polproc/Responsible_Use_of_Comp.aspx) including, ~~but not~~ but not limited to:

- 12.0 Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
- 12.1 Unauthorized transfer or download of a file.
- 12.2 Unauthorized use of another individual's identity or password.
- 12.3 Use of computing facilities to interfere with the work of another student, faculty, or staff member of the University.
- 12.4 Use of computing facilities or technology to send or receive data deemed to be unlawful such as child pornography or other illegal material.
- 12.5 Use of computing facilities or services which interferes with the normal operation of the University system.
- 12.6 Altering, destroying, disclosing, or taking information resource property (including data, programs, and supporting documents) as well as modifying equipment or supplies without proper authorization.
- 12.7 Using the UNF computing system/services for any illegal activity, ~~such as~~ hacking.

13. Misuse of Vehicles and Transportation Devices.

See also the University's regulation entitled Prohibited Uses of Non-Motorized Vehicles on the Official UNF website at:

http://www.unf.edu/president/policies_regulations/, ~~<http://www.unf.edu/unfinfo/policies-regs/>~~.

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

14. Disruptive Behavior

14.0 Failure to comply with an instruction from a University official or with the lawful order of any ~~non-University~~ law enforcement official.

14.1 Violations that occur by a guest on campus. Students hosting guests are responsible for their guests while they are visiting the university community, and may be held accountable for the actions of their guests.

14.2 Commercial solicitation on campus without prior approval from University designated officials.

14.3 Acts that disrupt the University disciplinary process, including attempting to coerce or influence a person in order to discourage their participation in any disciplinary proceeding.

14.4 Any act that deliberately causes a reasonable person false alarm.

14.5 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.

14.6 Conduct that a reasonable person would deem as physically threaten~~threatenings~~, or endangerings the safety or well-being of another.

14.7 Lewd or other unlawful conduct.

14.8 Substantial disruption of University operations including obstruction of teaching, research, administration, other University activities, and/or other authorized non-University activities which occur on campus.

15. Identification/Falsification

15.0 Possession or use of falsified or altered identification.

15.1 Permitting another person to use ~~his/her~~their identification.

- 15.2 Inappropriate 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. Refer to the Student Handbook).
 - 15.4 Forgery, alteration, or misuse of identification.
 - 15.5 The furnishing of false or misleading information to a University official or others, and/or withholding required information from University officials or others.
 - 15.6 Misuse, alteration, or forgery of any documents, records, keys, or property.
 - 15.7 Impersonation or misrepresentation. Acting on behalf of another person, group, or the University without authorization or prior consent.
16. Vandalism or Theft
- 16.0 Damage or destruction of public or private property.
 - 16.1 Attempted damage, destruction, or theft of public or private property.
 - 16.2 Theft: knowingly and without authorization removes or uses the property or services of the University or of another person, company or organization.
 - 16.3 Possession or sale of property or services that are known to have been stolen.
17. Participation
- 17.0 Involvement in any violation as outlined by the ~~Student Conduct Code~~Student Code of Conduct. This includes failure to remove oneself from the incident or area where the violation is being committed.
 - 17.1 Complicity with or failure of any student to appropriately address known or obvious violations of the Student Code of Conduct or law.
18. Disregard for the Conduct System
- 18.0 Failure to obey a Hearing Body directive(s) or order(s).
 - 18.1 Improper actions during a conduct hearing.
 - 18.2 Failure to respond to a request to appear before a Hearing Body when notified to do so.
 - 18.3 Knowingly withholding, falsifying, or misrepresenting information before a Hearing Body.

- 18.4 Violation of the terms of the Hearing Decision.
19. Unauthorized Entry or Use of University Facilities
- 19.0 Unauthorized entry into any University building, office, or facility.
- 19.1 Unauthorized use of any University facility or equipment.
20. Conspiracy
- 20.0 Planning ~~alone or~~ with others to commit violations of the ~~Student Conduct Code~~Student Code of Conduct.
21. Violations of UNF Regulations, Policies, Rules, Guidelines or Related Requirements
- ~~21.0~~—This section includes, but not limited to, requirements for student behavior contained in the Student Handbook or official regulations and policies which can be located on the University Board of Trustees and/or President’s webpage.
- ~~21.10~~ Violation of the Residential Housing rules, guidelines or requirements.
- ~~21.2-1~~ Violation of the rules, guidelines or requirements established for fraternities and sororities as administered by the Office of Fraternity and Sorority Life.
- ~~21.3-2~~ Violation of the UNF Student Club & Advisor Handbook rules, guidelines or requirements.
- ~~21.4-3~~ Violation of Information Technology Services Policies and Procedures.
- ~~21.5-4~~ Violation of any University regulation, policy, rule, guideline or requirement.
~~Violation of University rules, guidelines or requirements directly related to departments, organizations, or clubs.~~
- ~~21.6~~ ~~Violation of any other University regulations, policies, rules, guidelines or requirements.~~
22. Violation of Criminal Law
- 22.0 Violation of federal or state law or local ordinance. Any student who is charged and/or convicted ~~and/or charged~~ with a criminal offense, other than a misdemeanor traffic offense, may be subject to disciplinary action under the ~~Student Conduct Code~~Student Code of Conduct separately from any legally-imposed fine, penalty or prison sentence.
- 22.1 Duty to self-report a criminal offense. Any student who is charged and/or convicted ~~and/or charged~~ with a criminal offense, other than a misdemeanor traffic offense, has a duty to self-report the situation, in writing, to the Vice President for Student and International Affairs within 30 days of being charged with the crime. The Vice President for Student and International Affairs (or

designee) will review the alleged criminal conduct with the student to determine whether she or he should be exempt from further sanctions under the ~~Student Conduct Code~~Student Code of Conduct. **Note: Failure for a student to self-report being convicted and/or charged with a criminal offense, other than a minor traffic offense, after 30 days of being charged with a criminal offense constitutes grounds for immediate suspension or expulsion from the University.**

~~(F) Immediate Suspension~~

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

~~1. An immediate suspension requires the student be notified in writing. Notice may be delivered to any campus location if prior attempts to notify the student at his/her residence fail.~~

~~2. The student has the opportunity for an immediate suspension appeal, within three class days of the student's receipt of the notice of suspension, regarding whether the immediate suspension should continue until a regular hearing pursuant to Student Conduct procedures is held on the actual violations of the Code. The date of the immediate suspension appeal may be extended beyond three class days if both parties agree that the suspension appeal should be held at a later date. The appeal hearing may occur in one of two ways: (1) a panel appeal hearing; or (2) a hearing directly with the Vice President for Student and International Affairs (or designee). However, based on a review of the issues the Vice President for Student and International Affairs (or designee), at his/her sole discretion, may determine that it is in the best interests of both the student and the University that an immediate suspension appeal should proceed to a panel. The appeal must be based on one of the following:~~

~~a. An egregious error pertaining to the student's involvement.~~

~~b. Contention that the violation, even if proven, does not pose a threat to the safety, health, or general welfare of the University community and thus does not warrant a suspension.~~

~~3. A panel may consist of any number of individuals as long as it maintains 50% representation from the student population. The decision resulting from the panel appeal hearing is final.~~

~~4. Formal disciplinary charges will normally be filed at the completion of all investigations or as soon thereafter as possible.~~

~~5. Student organizations may be suspended by the Vice President for Student and International Affairs in circumstances involving actions related to that group that may affect the safety, health, or general welfare of its members, the University community, or others. The affected group has the right to a prompt administrative appeal hearing as described in subsection~~

~~2 above. An immediate suspension of a student organization means all activities, programs, social events, funding requests, and budget expenditures are suspended. One exception is that fraternities and sororities may be allowed to conduct business meetings provided they notify and receive permission from the Office of Fraternity and Sorority Life in advance and the meeting is attended by an advisor recognized by the University.~~

~~(G) Removal from University Housing~~

~~A student resident may be immediately removed from his/her University Housing assignment, have their housing contract cancelled and be prohibited from visiting the housing areas prior to the student's conduct hearing with a hearing body. The Vice President for Student and International Affairs, or designee, must approve any such removal of a student as described in this section.~~

(HF) Procedures

The procedures implemented by this Ccode will be consistent with all appropriate rights accorded to students in Uuniversity disciplinary decisions.

1. University as Convener

The University is the convener of every action under this code. Within that action, there are several roles. The responding student is the person who is alleged to have violated the code. The party bringing the complaint, who may be the uUniversity, an employee, a student, a visitor, or a guest, may choose to be present and participate in the process as fully as the responding student. There are witnesses, who may offer information regarding the allegation. There is an investigator(s) whose role is to present the allegations and share the evidence that the University has obtained regarding the allegations.

2. Group Violations

A student group or 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):

- Take place at events, whether participation or sponsorship is formal or informal;
- Have received the consent or encouragement of the organization or of the organization's leaders or officers; or
- Were known or should have been known to the membership or its officers.

Hearings for student groups or organizations follow the same general student conduct procedures. In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and individually and will be proportionate to the involvement of each individual and the organization.

3. Initiation of Charges

Any member of the University community, visitor or guest may report alleged a policy violation(s) by any student for misconduct under this Code~~Code~~.

Reports of alleged violations should be submitted to either UPD or the Student Conduct Office or University Police Department within a reasonable timeframe after the discovery of a possible violation of the Student Code of Conduct, except in extraordinary cases.

Receipt of a report will result in an investigation of the incident. Based on the outcome of the investigation a determination will be made as to whether or not the -student/group will be charged with a violation of the Student Code of Conduct or whether alternative action is appropriate. The procedures implemented by this Code will be consistent with all appropriate rights accorded to students in University disciplinary decisions.

~~Any member of the University community, visitor or guest may allege a policy violation(s) by any student for misconduct under this Code~~

~~1. Initiation of Charges — Charges. Reports of alleged violations should be submitted to either law enforcementUPD or the appropriate administratorStudent Conduct Office within 180 days of the discovery of a possible violation of the Student Conduct Code, except in extraordinary cases (e.g. hospitalization of a student). Receipt of a report will result in an investigation of the incident. Based on the outcome of the investigation a determination will be made as to whether or not the A review of possible charges may be initiated in the following ways: student/group will be charged with a violation of the Code of Conduct.~~

~~a. Receipt of a police report, either initiated by the police or filed by any person or entity (including University departments, offices, officials, staff, faculty, students, community members, etc.). Also included are reports requested of (or received by) another law enforcement agency.~~

~~b. Any individual may provide a signed written statement to the Student Conduct Office. All information will then be reviewed by an appropriate staff member in the Student Conduct Office to determine whether Student Conduct Code charges will be filed or if alternative action is appropriate.~~

~~c. Any information that comes to the attention of the University that is a violation of the Code of Conduct and has the potential to impact the safety and well being of the University community may result in a student being charged with a Code of Conduct violation.~~

24. Charge Letter.

Upon receipt of the allegation, a ~~Following the determination will be made if that reasonable cause exists; and The~~ a charge letter will be issued ~~given to any~~ will be issued to the ~~charged~~ student ~~using~~ within 30 class days, except in extenuating circumstances. Charge letters are sent to students via their University of North Florida email account~~t~~. Charge letters ~~w~~will include a statement of charges, sufficient detail outlining the allegations, and sources of information that support the charge(s). ~~the following:~~ The charge letter will instruct the student to contact the Student Conduct Office within 5

class days of receipt of the letter to schedule a Conduct Review. Failure to contact the office will result in waiver of the conduct review.

~~Sufficient detail to answer the reported charge(s) of violation of the Student Conduct Code, including sources of information that support the charge(s).~~

35. Conduct review.

The purpose of the Conduct Review is to provide the charged student with the opportunity to discuss the allegations and review the reports and materials that led to the referral. The hearing administrator will clarify the rights and options available, as well as describe a range of potential sanctions for the violation in question. The accused will have the option ~~an opportunity~~ to state responsibility for the charge during the Conduct Review.

~~Charged students will have an opportunity to attend a conduct review information session to resolve issues, adjust charges, and clarify rights and procedures. It is the student's responsibility to schedule an appointment for a conduct review prior to the formal hearing.~~

If a student accepts responsibility for the violation during the conduct review the student can:

- a) choose to conclude the review by being sanctioned by the hearing administrator, who has been designated by the Vice President for Student and International Affairs to determine sanctions.
- b) can request an administrative or panel hearing at which time the student can present information including witnesses and character witness written statements to be considered for sanctioning.

If the student does not accept responsibility for the violation during the conduct review, the student will have an opportunity to request the forum (administrative or panel hearing) in which the case will be heard. However, the Hearing Administrator may determine that it is in the best interest of both the student and the University that a case be heard by a panel based on the seriousness of the violation or in the interest of fairness. The hearing will be scheduled no sooner than 3 class days after the conduct review and generally no later than 14 class days after the conduct review at the discretion of the Hearing Administrator.

a. At least 3 class days before the hearing the student and their advisor, if any, have the right to review all of the information that will be presented against the student. The University also has the right to review all information the charged student intends to use at least 3 class days before the hearing. This information includes: documentary evidence, physical evidence, and a list of witnesses that intend to be called by either party.

b. Students may waive the conduct review. The conduct review (or hearing, if student chooses to waive the conduct review) must be scheduled within 5 class days from the date on the notice or at the discretion of the Hearing Administrator. Information gathered at the conduct review will be used at the subsequent ~~individual administrative~~ or panel hearing and can be shared accordingly.

~~During the conduct review the student may review all materials to be used in his/her case and subsequently have an opportunity to select the forum (individual administrative or panel hearing) in which the case will be heard. However, the Hearing Administrator may determine that it is in the best interest of both the student and the University that a case be heard by a panel based on the seriousness of the violation or in the interest of fairness. A hearing appointment will be scheduled at the conclusion of the conduct review (if a conduct review is chosen), and will be no sooner than 3 class days after the conduct review and generally no later than 14 class days after the conduct review at the discretion of the Hearing Administrator.~~

- ~~bc.~~ If a student fails to schedule or attend ~~a conduct~~ a conduct review, and ~~five~~ 5 class days have expired since the date of the notice, the student waives his/her/their right to a conduct review. At that time, a formal hearing (either ~~individual administrative~~ individual administrative or panel, which will be determined by the Hearing Administrator) may be scheduled in the student's absence at the discretion of the Hearing Administrator. The student will be notified of date and time. If the student fails to appear at the scheduled formal hearing and failed to provide notice to this effect, the hearing will be held in the student's absence and he/she/they may be charged with additional violations of the Code.
- ~~ed.~~ The charged student may be accompanied during the conduct review by an advisor of his/her/their choice. It is the student's responsibility to make appropriate arrangements for the advisor to attend the review or hearing which shall not be delayed due to scheduling conflicts of the chosen advisor. -Students are required to address the hearing body in person, on their own behalf, although they may consult with their advisor during the conduct review. This consultation must take place in a manner that does not disrupt the proceedings. The advisor shall not speak on behalf of the student unless expressly authorized to do so by the hearing body. If an attorney is to be the advisor, the charged student must notify the Hearing Administrator assigned to the case of the attorney's name and address at least two (2) class days prior to the conduct review. The advisor may be removed from the conduct review if it is determined that his/her/their presence is disruptive.

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

6. Types of ~~4.~~—Hearings.

The purpose of a hearing is to provide an equitable forum for the party bringing charges against a student and the charged student to present their case regarding the alleged misconduct. The hearing authority will decide by the preponderance of evidence whether or not the charged student is responsible.

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

a. Administrative Hearing

The charged student meets individually with a Hearing Administrator who reviews the reported charges against the student and all other relevant information to determine whether a charged student is “responsible” or “not responsible,” for the charge(s).

b. Panel Hearing

The charged student meets with the student conduct board. The panel will be comprised of 3-5 individuals, and maintain 50% student to faculty/staff ratio. The panel will review information and determine whether a student is “responsible” or “not responsible”.

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 ~~board~~panel, the party bring charges, or charged student. The hearing administrator will also keep the proceedings focused on issues relevant to the specific allegations. The hearing administrator will not participate in a determination of a finding or sanction. However, the administrator may be summoned by a deliberating ~~board~~panel to answer questions regarding the judicial process.

7. Hearings will follow these ~~g~~Proceduresguidelines:

a. Hearings will be scheduled no sooner than three class days from the ~~e~~Conduct ~~f~~Review (unless requested by the student), no later than fourteen (14) class days, or at the discretion of the hearing Administrator.

b. a.—If a student waives a ~~e~~Conduct ~~f~~Review, either voluntarily or involuntarily the Hearing Administrator will provide the charged student with a brief overview of the hearing and general conduct process before the hearing.

All hearings will be fair and impartial.

The hearing administrator will explain each party’s rights and options and assure that fairness and due process are observed ~~hearing.~~

~~c. b.—If a student waives a conduct review, either voluntarily or involuntarily (for example: fails to schedule and/or attend a conduct review) the Hearing Administrator will provide the charged student with a brief overview of the hearing and general conduct process before the hearing. The hearing administrator will explain each~~

party's rights and options and assure that fairness and due process are observed throughout the hearing.

d. All Student Conduct hearings will be closed to the public and may include the person(s) bringing allegations against a student(s), the charged student(s), advisors, Hearing Administrators, alleged victim(s), and any witnesses who may offer relevant information regarding the allegation. Witnesses may only be present during the time they are testifying.

~~a.~~

e. e.—A student charged with violation(s) of the Code of Conduct Code—will have the opportunity to—present information on his/her/their behalf, including presenting witnesses, if available, —and/or signed,—written statements from witnesses, and other documentary evidence. Witness testimony is not required and the inability of the charged student to question a witness who has provided a written statement is not a violation of the due process rights of the charged student, as theThe- charged student 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 are entitled to be given the same consideration by the hearing body as live witness testimony. Witness statements need not be sworn or in affidavit form.

~~a.f. d.~~—The charged student, alleged victim, and any witnesses may be accompanied during the hearing by an advisor of his/her/their choice. It is the respective party's responsibility to make appropriate arrangements for their advisor to attend the review or hearing which shall not be delayed due to scheduling conflicts of the chosen advisor. Students, alleged victims, and witnesses—are required to address the hearing —body in person, on their own behalf, although they may consult with their advisor during the hearing. This consultation must take place in a manner that does not disrupt the proceedings. The advisor shall not speak on -behalf of their party-student unless expressly authorized to do so by the hearing body. The charged student, alleged victim, and witnesses shall provide the advisor's name in writing to the Student Conduct Office two (2) class days prior to the hearing. If thean advisor is an attorney is to be the advisor, the charged studentrespective party must notify the Hearing Administrator assigned to the case of the attorney's name and address—at least two class days prior to the hearing. The-An advisor may be removed from the hearing if it is determined that his/her/their presence is disruptive. The advisor may not serve as a witness.

g. Witnesses may be called by the University, the party bringing allegations against the charged student(s), and the charged student(s). The party bringing the allegation, the charged student, and the panel will have the privilege of questioning all present witnesses and questioning all present parties (directly or through the Hearing Administrator, at the discretion of the Hearing Administrator). Witnesses appear at hearings on a voluntary basis and cannot be compelled to attend a hearing.

h. e.—A student may choose not to answer any and all questions posed by a hearing body.

~~b.i. f. However, T~~he 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 conduct review or hearing, theThe Hearing Body may proceed with a hearing and base its decision on all available information.

~~e.j. f.~~—The student does not have the burden of proof regarding the charges that have been brought against ~~him or her~~them. A determination of responsibility is based on preponderance of evidence; that is if ~~The student will only be held responsible for the conduct charges they are called to answer if~~ the information provided at the hearing, as a whole, shows that it is more likely than not that the student committed the violation ~~they have been called to answer.~~

~~d.k. g.~~—In cases involving multiple students charged, information provided at one hearing may be used as evidence in the related case(s).

~~e.l. h.~~—Information obtained in during a hearing may result in the adjustment of the original charges, and sanctions may be imposed accordingly.

~~f. i. Hearings. All Student Conduct hearings will be closed to the public and may include the person(s) bringing charges allegations against a student, the charged student, advisors, Hearing Administrators, University employees to whom a violation was reported, Residence Life staff (including RAs), alleged victim(s), and any witnesses may offer information regarding the allegation who can give a firsthand account of the incident. Witnesses may only be present during the time they are testifying.~~

~~j.~~—All hearing decisions will be communicated in writing to the charged student and will include the rationale, the hearing decision, and sanction(s) imposed (if applicable).

m. If the charged student fails to appear at the scheduled hearing after proper notice, the hearing may be held in the charged student's absence.

~~k. — Witnesses may be called by the Universitthe party bringing allegations against the charged student(s), the (s)y when necessary to support charges. k. — Witnesses may be called by the University when necessary to support charges. Witnesses who appear may be questioned by the Hearing Administrator who will accept written questions from the charged student in accordance — with the procedures set forth below. Witnesses, who have firsthand knowledge of the incident giving rise to the charge or the issues relating to it, may also be called by the charged student to an Individual or Panel hearing. Witnesses appear at hearings on a voluntary basis and cannot be compelled to attend a hearing.~~

~~l. — If the charged student fails to appear at the scheduled hearing after proper notice, the hearing may be held in the charged student's absence.~~

~~g.n. m.~~—Prior records of disciplinary action, past criminal convictions, victim—impact statements and character witness statements are considered by the hearing body only

in the sanctioning phase of deliberations. ~~Past criminal convictions also may be considered if relevant to the proceedings.~~

- ~~o. n.~~ The hearing body's determination of "responsible" or "not responsible" will be based ~~solely~~ on the information presented at the hearing.
- ~~p.~~ After the hearing is concluded, the Hearing Body will provide a recommendation of responsibility and potential sanction to a designee of the Vice President for Student and International Affairs.
- ~~q.~~ determine whether the charged student should be held responsible for the charges that he or she has been required to answer. If the charged student is found responsible, the Vice President for Student and International Affairs, or designee, will determine an appropriate sanction. The Vice President for Student and International Affairs will may select a designee to review the Hearing Authority Body's recommendation regarding responsibility and sanctions, and make an official decision. The designee may adopt, modify or reject the recommended decision and sanctions, or remand for a rehearing. Any differences between the Hearing Authority Body and official decision, and the reasons therefore, will be communicated to the student in writing.
- ~~r.~~ All hearing decisions will be communicated in writing to the charged student within fourteen (14) class days from the conclusion of the hearing process. The decision letter will include the rationale, the hearing decision, and sanction(s) imposed (if applicable). This time limit may be extended if necessary where additional consideration of evidence and deliberation is required. The student will be informed (by phone, email, mail or in person) of the estimated duration of this extended time period.
- ~~h.s.~~ All hearings will be recorded. This recording will serve as the official record of the proceedings.

58. Types of Hearings Hearing Guidelines:

~~Two distinct types of hearings (individual and panel) are provided for by this Code.~~

~~a.~~ Individual Hearings:

- ~~(1)~~ The Hearing Administrator does not automatically call witnesses to support the charges, although he/she may gather any additional information needed, including calling witnesses. The charged student will be informed of any additional information gathered by the Hearing Administrator and have an opportunity to review the information, if it is in document form, and respond to all information compiled by the Conduct Office at the hearing. The charged student will have the opportunity to provide questions to be asked adverse witnesses by submitting their questions in writing to the Hearing Administrator preferably within two class days prior to the hearing. However, it is understood that unanticipated questions may arise based on the statements of a witness at a hearing. In such a scenario, the charged student may also provide written questions to the Hearing Administrator during the hearing who will have the sole discretion whether to pose any of the questions provided by the charged student to the witness. The charged student may call witnesses and present evidence. Only one witness will be present

~~at the hearing at a time and each witness will be dismissed by the Hearing Administrator after questioning.~~

- ~~(2) Will be no sooner than three class days from the conduct review (unless requested by the student), no later than fourteen class days, or at the discretion of the hearing Administrator.~~
- ~~(3) Will be recorded. This recording will serve as the official record of the proceedings.~~
- ~~(4) After the hearing is concluded, the Hearing Administrator will determine whether the charged student should be held responsible for the charges that he or she has been required to answer. If the charged student is found responsible, the Vice President for Student and International Affairs, or designee, will determine an appropriate sanction.~~
- ~~(5) A decision letter will be sent to the student within fourteen (14) class days from the conclusion of the hearing process. This time limit may be extended if necessary where additional consideration of evidence and deliberation is required by the Hearing Administrator. The student will be informed (by phone, email, mail or in person) of the estimated duration of this extended time period.~~

~~b. Panel Hearings:~~

- ~~(1) Witnesses may be called to provide information to support the charges. Charged students who wish to question witnesses will be given the opportunity to submit questions for witnesses by submitting their questions in writing two class days prior to the Panel Hearing to the Hearing Administrator who after reviewing the questions will have the sole discretion whether to pose questions to any witnesses. It is understood that unanticipated questions may arise based on the statements of a witness at a hearing. In such a scenario, the charged student may also provide written questions to the Hearing Administrator during the hearing who like above, will have the sole discretion whether to pose the additional questions to the witness.~~
- ~~(2) Will be scheduled no sooner than three class days after notice is received by the charged student (unless a hearing is requested sooner).~~
- ~~(3) Will be recorded. This recording will serve as the official record of the proceedings.~~
- ~~(4) After the hearing is concluded, the Hearing Panel will determine whether the charged student should be held responsible for the charges that he or she has been required to answer. If the charged student is found responsible, the Vice President for Student and International Affairs, or designee, will determine an appropriate sanction.~~
- ~~(5) A decision letter will be sent to the student within fourteen (14) class days from the conclusion of the hearing process. This time limit may be extended if necessary where additional consideration of evidence and deliberation is required by the panel. The student will be informed (by phone, email, mail or in person).~~

~~(6) The following order of presentation is recommended for use in **Panel** hearings. The hearing body or hearing administrator may change the order if necessary:~~

- a. The hearing body will explain the accused's rights and options and assure that fairness and due process will be observed throughout the hearing.
- b. The hearing body will outline the charges.
- c. Both the University and charged student will be given the opportunity to make an opening statement highlighting the main points of their case.
- d. The University will then present its side of the case followed by a presentation by the charged student. Case presentations may include statements, evidence, and witnesses. Only one witness at a time will be present at the hearing and each witness will be dismissed by the Hearing Administrator after questioning.
- e. Both sides will be questioned by the hearing body and will have an opportunity to question one another and witnesses present. ~~Questionings one another~~ will be monitored by the hearing administrator.
- f. Following case presentations, the University and then the charged student may summarize their case.
- g. The victim will be given the opportunity to submit a sealed, written statement of impact to be considered in the event the charged student is found in violation of the offense and then will be excused from the hearing prior to deliberation.
- h. The ~~€~~charged student will be given the opportunity to provide written character witness statements to be considered in the event the charged student is found in violation of the offense and then will be excused from the hearing prior to deliberation.
- i. The hearing body will go into closed session to determine by the preponderance of evidence whether the accused will be found in violation of the student code of conduct. Panel boards determine findings by majority vote.
 - (a) ~~— Presentation of charges.~~
 - (b) ~~— Opening statements (if any) by the University followed by the opening statement of the charged student.~~
 - (c) ~~— Presentation of evidence and witnesses by the University, followed by questioning of those witnesses. Only one witness at a time will be present at the hearing and each witness will be dismissed by the Hearing Administrator after questioning.~~
 - (d) ~~— Presentation of evidence and witnesses by the charged student, followed by questioning of those witnesses. Only one witness at a time will be present at the hearing and each witness will be dismissed by the Hearing Administrator after questioning.~~
 - (e) ~~— Questions directed to the charged student by the hearing body.~~

~~(f) Closing statements (if any) by the University, followed by the closing statement (if any) of the charged student.~~

(IG) Victim's Rights in the Conduct Process

1. Victim's rights apply to the following types of cases (refer to Victim Services section of the Student Handbook):
 - a. Sexual Misconduct
 - b. Endangerment
 - c. Harassment
 - d. Hazing
 - e. Bullying
2. Victims have the following rights regarding these types of violations:
 - a. To have an advisor of the alleged victim's choice accompany him/herself when presenting information to the hearing body and to any other relevant meetings held throughout the disciplinary process. An advisor, however, may not speak on behalf of the student or take any other active role in the conduct process.
 - b. To submit a victim impact statement to the hearing body. If the charged student is found responsible for the charge(s), this information would be used only in the sanctioning phase of deliberations. If the charged student appeals the decision on the basis of severity of the sanction imposed, he/shethy will have the right to view the victim impact statement upon request.
 - c. To have unrelated past behavior excluded from the hearing. The Hearing Administrator will decide if such information is unrelated. The past sexual history of the alleged victim is not usually considered relevant.
 - d. To be present throughout the hearing, or portions thereof. This option will be offered only by the Hearing Administrator.
 - e. To question the charged party and any witnesses in attendance (directly or through the Hearing Administrator, at the discretion of the Hearing Administrator). If the victim is not going to attend the hearing, he/shethy may submit ___ questions to the Hearing Administrator two class days prior to the hearing. The Hearing ___ Administrator will then consider posing these questions to identified witnesses or ___ the charged student. However, it is understood that unanticipated questions may arise based on the statements of an individual at a hearing. In such a scenario, if the victim is present she/he may provide written questions to the Hearing Administrator during the hearing who will have the sole

~~discretion whether to pose any of the questions to the witness or charged student, whichever is applicable.~~

- f. At the request of a victim in cases involving sexual misconduct, physical violence or stalking charges, the alleged victim may request to present ~~his/her~~their side of the ~~story~~alleged conduct violation in a separate room from the charged student so long as the process does not unduly compromise the charged student's right to question the witness.
- g. A victim of an alleged offense set forth in this section has the ability to request that the Vice President ~~of~~for Student and International Affairs (or designee) review a Hearing Body's finding of the charged students responsibility for a violation of the ~~Student Conduct Code~~Student Code of Conduct. Should the Vice President ~~of~~for Student and International Affairs (or designee) grant the appeal request, ~~he/she~~they will assign someone to hear the appeal other than the person who initially heard the case and/or determined the charged student's sanction. A victim *choosing* to request an appeal must do so in writing to the Student Conduct Office~~Vice President for Student and International Affairs~~ within five class days of the date on the decision letter. Supporting documentation should accompany all appeal requests. An appeal request must be based on one or more of the following grounds:
- Errors in the hearing proceedings that substantially affected the outcome of the hearing.
 - The sanction(s) is (are) extraordinarily disproportionate to the violation committed.
 - New information that was not available at the time of the original hearing that substantially affected the outcome of the hearing.

For more information on the appeal process please see (~~KL~~) Appeals 2-3.

- h. To have any personal property returned to them if in current possession of the University. The determination of when this property is to be returned is left to the discretion of the Hearing Administrator.
- i. To be notified of the outcome in writing, including both the decision and the sanctions of the disciplinary process within five (5) class days of student notification.

(FH) Immediate Suspension

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

immediate suspension means a student cannot be on University property, cannot attend classes, and cannot use University facilities.

1. An immediate suspension requires the student be notified in writing. Notification will be sent to the student's official UNF email account. Notice may be delivered to any campus location if prior attempts to notify the student at his/her residence fail.

2. The student has the opportunity to appeal for an the immediate suspension. Request for appeal must be submitted ~~appeal,~~ to the Student Conduct Office within three class days of the student's receipt of the notice of suspension. The date of the immediate suspension appeal may be extended beyond three class days if both parties agree that the suspension appeal should be held at a later date.

Appeal hearings are conducted in the form of a panel hearing. The appeal panel will determine, regarding whether the immediate suspension ~~should continue~~ will remain in effect until a regular hearing pursuant to Student Conduct procedures is held on the actual violations of the Code. ~~The date of the immediate suspension appeal may be extended beyond three class days if both parties agree that the suspension appeal should be held at a later date.~~

The appeal hearing may occur in one of two ways: (1) a panel appeal hearing; or (2) a hearing directly with the Vice President for Student and International Affairs (or designee). However, based on a review of the issues the Vice President for Student and International Affairs (or designee), at his/her sole discretion, may determine that it is in the best interests of both the student and the University that an immediate suspension appeal should proceed to a panel. The appeal must be based on one of the following:

a. An egregious error pertaining to the student's involvement.

b. Contention that the violation, even if proven, does not pose a threat to the safety, health, or general welfare of the University community and thus does not warrant a suspension.

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

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

5. Student organizations may be suspended by the Vice President for Student and International Affairs in circumstances involving actions related to that group that may affect the safety, health, or general welfare of its members, the University community, or others. The affected group has the right to a prompt administrative appeal hearing as described in subsection 2 above. An immediate suspension of a student organization means all activities, programs, social events, funding requests, and budget expenditures are suspended. One exception is that fraternities and sororities ~~may be allowed to~~ conduct business meetings provided they notify and receive permission from the Office

of Fraternity and Sorority Life in advance and the meeting is attended by an advisor recognized by the University.

(G) Removal from University Housing

A student resident may be immediately removed from his/her/their University Housing assignment, have their housing contract cancelled and be prohibited from visiting the housing areas prior to the student's conduct hearing with a hearing body. The Vice President for Student and International Affairs, or designee, must approve any such removal of a student as described in this section.

(J) Sanctions

1. A sanction is the University's educational response to address student behavior when a student has been found responsible for violations of the ~~Student Conduct Code~~ Student Code of Conduct. Sanctions will be determined by the Vice President ~~of~~ for Student and International Affairs (or designee) after his/her/their review of the Hearing Body's decision that a student is responsible for the reported conduct charges ~~he or she has been required to answer~~.
2. In light of the facts and circumstances of each case, the following sanctions, or combination of sanctions (with or without appropriate modifications) may be imposed upon any student found to have violated the ~~Student Conduct Code~~ Student Code of Conduct:
 - a. ~~Reprimand~~. A -written statement placed in a student's disciplinary file regarding a violation of the ~~Student Conduct Code~~ Student Code of Conduct.
 - b. ~~Community Service Hours~~. Assignment to perform tasks or services under the supervision of a University department or community service agency.
 - c. ~~Reflective~~ Learning. Attendance at educational programs, interviews with appropriate officials, planning and implementing educational programs, writing research papers, or other educational activities.
 - d. Counseling Assessment and Compliance. Referral for assessment (at the student's expense) to a licensed mental health professional or counseling center for general mental health or other counseling issues. Students found responsible for alcohol and/or drug violations will normally be referred to the 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.
 - e. Restitution. Payment of actual damages or loss of services to the University or victim.
 - f. ~~Disciplinary Probation~~. A period of time during which any further violation of the ~~Student Conduct Code~~ 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.

g. Restrictions. Some of the restrictions that may be placed on a student include, but are not limited to:

- (1) Participation in student clubs, groups, activities or events.
- (2) Representation of the University on athletic teams.
- (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) Parental Notification. (per the UNF Alcohol and Other Drugs Policy) Parental notification may occur for both alcohol and drug policy violations, based on this policy and the discretion of the Hearing Administrator.~~

h. Removal. Removal from the classroom.

i. Exclusion from University Housing (either temporary or permanent).*

j. Suspension. Separation from the University for a specified period of time.*

k. Expulsion. Separation from the University without the possibility of readmission.*

l. Withholding of registration, diplomas, transcripts or other records.

m. Transcript Notations. A written notation indicating that disciplinary action was taken.

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

3. Sanctions for Groups: The following sanctions may be imposed upon groups or _____ organizations found to have violated the ~~Student Conduct Code~~Student Code of Conduct:

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

- a. Those sanctions listed in Section 2 above. Suspension or Expulsion of student organizations includes temporary or permanent loss of recognized status with the University.
- b. Additional sanctions specific to student organizations are found in fraternity, sorority and other organizational constitutions, ~~in, in~~ the Office of Fraternity and Sorority Life ~~and Club and Club~~ Alliance, an agency of Student Government's policies, which are hereby incorporated by reference.
4. 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.
5. Decisions regarding falsification of admission or re-admission information may be forwarded to the appropriate office for review of the application and appropriate action regarding admission.
6. Any student who fails to complete sanctions will have a disciplinary hold placed on their records and may receive additional charges.

(K) Parental Notification

In accordance with the University Alcohol and Other Drug Policy, Parental Notification policy, the University may also notify parents/guardians of all students who are under the age of 21 of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by administrators when permitted by FERPA or consent of the student.

(KL) Appeals

1. Appeal Requests. A student has the ability to request that the Vice President ~~of for~~ Student and International Affairs (or designee) review a ~~Hearing hearing Body's body's~~ finding that the student is responsible for a violation of the ~~Student Conduct Code~~Student Code of Conduct. A student choosing to request an appeal must do so in writing to the Vice President for Student and International Affairs Student Conduct Office within five class days of the date on the decision letter. Supporting documentation should accompany all appeal requests. An appeal request must be based on one or more of the following grounds:
- a. Errors in the hearing proceedings that substantially affected the outcome of the hearing.

b. The sanction(s) is (are) extraordinarily disproportionate to the violation committed.

c. New information that was not available at the time of the original hearing that substantially affected the outcome of the hearing.

Should the Vice President ~~of for~~ Student and International Affairs (or designee) grant the appeal request, ~~he/shethey~~ will assign ~~someone~~ a person or a hearing panel ~~to consisting of of individuals who have not heard the original case to hear the appeal.~~ ~~hear the appeal other than the person who initially heard the case.~~ ~~A student choosing to request an appeal must do so in writing to the Vice President for Student and International Affairs within five class days of the date on the decision letter. Supporting documentation should accompany all appeal requests. An appeal request must be based on one or more of the following grounds:~~

~~a. Errors in the hearing proceedings that substantially affected the outcome of the hearing.~~

~~b. The sanction(s) is (are) extraordinarily disproportionate to the violation committed.~~

~~c. New information that was not available at the time of the original hearing that substantially affected the outcome of the hearing.~~

2. Appeal Hearings

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

3. Appeal Decisions.

- a. The Vice President for Student and International Affairs (or designee) may affirm, modify, reverse ~~or remand~~ the original hearing decision, or order that a new hearing will be held.
- b. Are communicated within twenty class days of the appeal hearing unless notification is given that additional time is necessary for consideration of the record on appeal.

- c. Except in the case of an immediate suspension, the student's status will remain unchanged during the appeal process.
- d. Constitute final University action and therefore cannot be appealed further within the University. If a student receives a sanction where he or she is suspended or expelled, the student will be notified in the decision letter that the student may appeal the University's final action to an outside judicial forum.

(LM) Records

1. Records of all disciplinary cases will be maintained in the Division of Student Affairs.
2. Records ~~containing a sanction~~ of expulsion will be maintained in a permanent file in the Student Conduct Office. ~~— and —~~ The Office of the Registrar will be notified of the expulsion and place a for-notation of disciplinary expulsion t~~o~~on the student's permanent academic record.
3. Suspensions will be noted on a student's academic record only during the period of suspension.
4. Records which result in a finding of not responsible or result in suspension or a less severe sanction 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.
~~Records of all disciplinary cases (with the exception noted in 2above) will be kept on file for five years following the student's matriculation at the University, in accordance with the State's Record Retention Schedule.~~
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 violation.
6. The release of student disciplinary records will be governed by applicable Federal and State laws regarding the privacy of educational records.

7. Student Conduct Record -Forgiveness

- a. A student's conduct record is eligible to be reviewed and forgiven if the incident(s) in question are minor 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 (90 credits or above) may submit a request to have their records forgiven.
- b. A student conduct record may be forgiven upon submission and review of appropriate documentation to the Student Conduct Office. Requests should be submitted to the

- Conduct Officer in writing, who will verify that the record [forgiveness](#) request is in compliance with subsection (a). 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.
- c. The Records Review Committee, appointed by the Vice President for Student and International Affairs, or designee, and comprised of faculty, staff, and students will review and make a recommendation to the Vice President for Student and International Affairs, or designee.
 - d. 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, completion of sanctions, and ethical development demonstrated by the student.
 - e. The Vice President for Student and International Affairs, or designee, will provide a decision to the student, in writing, fifteen (15) class days of receipt of the request.
 - f. There is no appeal process for a Record [Forgiveness](#).
 - g. Any additional violations committed after a student's record has been reviewed and [forgiven](#) will reinstate the original record.

Resolution of the Florida Board of Governors dated January 7, 2003, Florida Statutes 1006.60 and BOG Regulation 6.0105. History: NEW 1-27-06; Repealed 6C9-3.381 (Revised October 2009) and approved by BOT October 8, 2009; and, revised (December 2011) and approved by BOT January 17, 2012.