

IN THE CIRCUIT COURT, FOR THE
FOURTH JUDICIAL CIRCUIT, IN AND
FOR DUVAL COUNTY, FLORIDA

CASE NO.:
DIVISION:

16- 2011-CA-008012

FLORIDA CARRY, INC., and
ALEXANDRIA LAINEZ

DIVISION CV-G

Plaintiffs,

v.

UNIVERSITY OF NORTH FLORIDA,
JOHN DELANEY.

Defendants.
_____ /

COMPLAINT

COMES NOW Plaintiff, Florida Carry, Inc., by and through its undersigned attorneys and sues Defendants University of North Florida and John Delaney and says:

GENERAL ALLEGATIONS

1. This is an action for damages in excess of \$15,000.00 and/or for statutory fines, declaratory judgment and injunctive relief.
2. Plaintiff Florida Carry, Inc. is an organization, chartered under the laws of the State of Florida.
3. Plaintiff's membership consists of gun owners, who seek to protect and exercise their right to keep and bear arms, including but not limited to firearms, pursuant to federal and state law.
4. Plaintiff Alexandria Lainez is a student enrolled at UNF, and a member of

Florida Carry, Inc., who desires to carry a firearm while traveling to and from school as lawful method of self defense, and to store the firearm in her vehicle while on campus.

5. Plaintiff Lainez is a single mother with a young child who carries a firearm for the protection of herself and her child.

6. Defendant University of North Florida (UNF), is an entity of the State of Florida, operating a public university, located within the state of Florida.

7. Defendant John Delaney is the president of UNF and is ultimately responsible for all rules and regulations of UNF, and is a public employee.

8. Plaintiffs have retained the undersigned law firm to represent them in this matter and have paid or become obligated to pay a fee for the services of the firm.

COUNT I- VIOLATION OF SEC. 790.33, FLA. STAT.

Plaintiff re-alleges paragraphs 1-8 as if set forth in full and further says:

9. This is an action for damages, statutory fines and injunctive relief.

10. Pursuant to Sec. 790.33, Fla. Stat., the Legislature has expressly preempted the entire field of firearms regulation, including but not limited to, the method and place of carry, the manner of use, and who may possess firearms where firearms may be possessed.

11. Additionally, the legislature has impliedly preempted the carrying of both firearm and non-firearm weapons, in regards to persons with a concealed weapon or firearm license pursuant to Sec. 790.06 Fla. Stat.

12. UNF has passed rules or regulations expressly prohibited by Fla. Stat. 790.33 by:

a. Publishing a Student Handbook, threatening criminal prosecution

as well as administrative academic sanctions against any student found to possess a firearm on campus, with no exception for firearms or weapons in private conveyances. (Exhibit A).

- b. Publishing a Student Code of Conduct, threatening administrative academic sanctions against any student found to possess a firearm on campus, with no exception for firearms or weapons in private conveyances. (Exhibit B).

13. Upon information and belief, UNF has previously punished and/or referred students for criminal prosecution for lawful possession or storage of a firearm in a private conveyance on campus.

14. Sec. 790.06(12)(b), Fla. Stat., specifically allows licensed persons to carry or store firearms in a vehicle for lawful purposes.

15. Sec. 790.25, Fla. Stat., specifically allows a person without a concealed weapon or firearm license to carry a "securely encased" firearm in their vehicle.

16. There is no exception in the statutes which would allow a university to override Sec. 790.25, or Sec. 790.06, Fla. Stat., merely because it chooses to do so.

17. Despite the enactment of amendments to Sec. 790.33, Fla. Stat., on June 2, 2011, to create an enforcement mechanism to the longstanding preemption of firearms law, UNF continues to publish its student handbook (Exhibit A, excerpts) and student code of conduct (Exhibit B) on its website and has taken no action to withdraw its rules and regulations or to correct its mis-statements to students.

18. UNF's failure to correct these inaccurate statements, repeal the regulations, or notify students of the inaccurate information being published, is an

unlawful attempt to continue to enact and enforce rules and regulations in violation of Sec. 790.33, Fla. Stat.

19. There is no basis for any rule or regulation regarding firearms by UNF, no matter how well intentioned or reasonable where the legislature has expressly preempted such rules and regulations.

20. Further UNF claims the right to a waiver under Sec. 790.115, Fla. Stat., which waivers are limited to school districts, a term defined by the Florida Constitution, which does not include colleges or universities.

21. If plaintiff prevails in this matter, plaintiff is entitled to attorney's fees and costs pursuant to Sec. 790.33, Fla. Stat.

WHEREFORE, Plaintiffs seek

- a. An award of actual and statutory damages;
- b. An injunction against the enforcement of any firearms rules or regulations, by UNF other than those contained in chapter 790, Fla. Stat., and against any disciplinary action against any student for possession of a firearm in a private conveyance, or use of a firearm in lawful self defense;
- c. An order to remove any university rules and regulations regarding firearms from any university publication except as specifically provided for employees by Chapter 790, Fla.Stat.;
- d. Ordering the repeal of all preempted and unauthorized FAC regulations regarding the possession of firearms on public university campuses;
- e. An award of attorneys fees and costs and all other relief deemed just and equitable.

COUNT II- DECLARATORY JUDGMENT

Plaintiffs re-allege the allegations in paragraphs 1 through 21 and further say

22. This is an action for declaratory relief pursuant to Fla. Stat. 790.33.

23. Plaintiff's seek a ruling of the Court for themselves personally and on behalf of their membership, that UNF's rules and regulations regarding firearms and weapons are expressly and impliedly preempted.

24. UNF's continued publication of rules prohibiting all firearms and weapons which UNF has failed to repeal, along with its failure to issue any statement which would clarify its intent to not enforce and to repeal or discontinue publishing these rules and regulations leaves plaintiffs with no clear remedy other than a declaratory judgment that UNF is in violation of the preemption statute, and an order requiring UNF to take corrective action to remedy its illegal and misleading actions.

25. To the extent that a student has been granted a license by the state to carry a concealed weapon, whether a firearm or not, in their private conveyance, the state has impliedly preempted any entity from regulating the possession of that weapon except as provided for by the Legislature.

WHEREFORE, Plaintiffs request an order finding:

- a. All UNF rules and administrative regulations regarding firearms are null and void.
- b. All UNF rules and administrative regulations regarding the possession of firearms or other weapons in private conveyances are null and void as to holders of a concealed weapon or firearms license issued or recognized

by the state of Florida

- c. UNF students and lawful visitors have the right to carry and store lawfully possessed firearms in their vehicle while present on the UNF campus without threat of criminal prosecution or administrative punishment.
- d. Persons with concealed weapons licenses have the right to carry and store lawfully possessed weapons in their vehicle while present on the UNF campus without threat of criminal prosecution or administrative punishment.
- e. An award of attorneys fees and costs and all other relief deemed just and equitable.

COUNT III- INJUNCTION AND WRIT OF MANDAMUS

Plaintiffs re-allege the allegations in paragraphs 1 through 25 and further say

26. The Legislature has declared all regulation of firearms to be preempted by the Legislature, and has determined that students should be allowed to posses and/or store firearms in private automobiles on university campuses, and that there is no need for additional regulation of firearms by UNF.

27. UNF's continued regulation of firearms in the face of preemption is continually harming Plaintiff Lainez and the members of Plaintiff Florida Carry, Inc.

28. The risk of assault or other physical force against Plaintiff Lainez and the lack of any duty by UNF to protect her is a harm which cannot be compensated solely by an award of money damages.

29. UNF has no reasonable basis for its enactment of rules regarding firearms

and is unlikely to prevail on the merits.

30. The continued publication of mis-information regarding UNF's regulation of firearms in violation of state law leaves its students and visitors without clear guidance as to their conduct and as to whether their rights under Florida law end when crossing the UNF property line.

WHEREFORE, Plaintiffs seek an immediate injunction against any enforcement of any UNF rules or regulations regarding the possession of firearms and weapons on campus, and an injunction and/or a writ of mandamus, ordering UNF to repeal all enjoined rules and regulations, and ordering UNF to take steps to replace all student handbooks and student codes of conduct, to eliminate any rule, regulation, or provision regarding the possession of firearms in all publications, and all other relief deemed just and equitable.

Dated this 31 day of October 2011.



Eric J. Friday

FLETCHER & PHILLIPS

Fla. Bar No. 797901

541 E. Monroe

STE 1

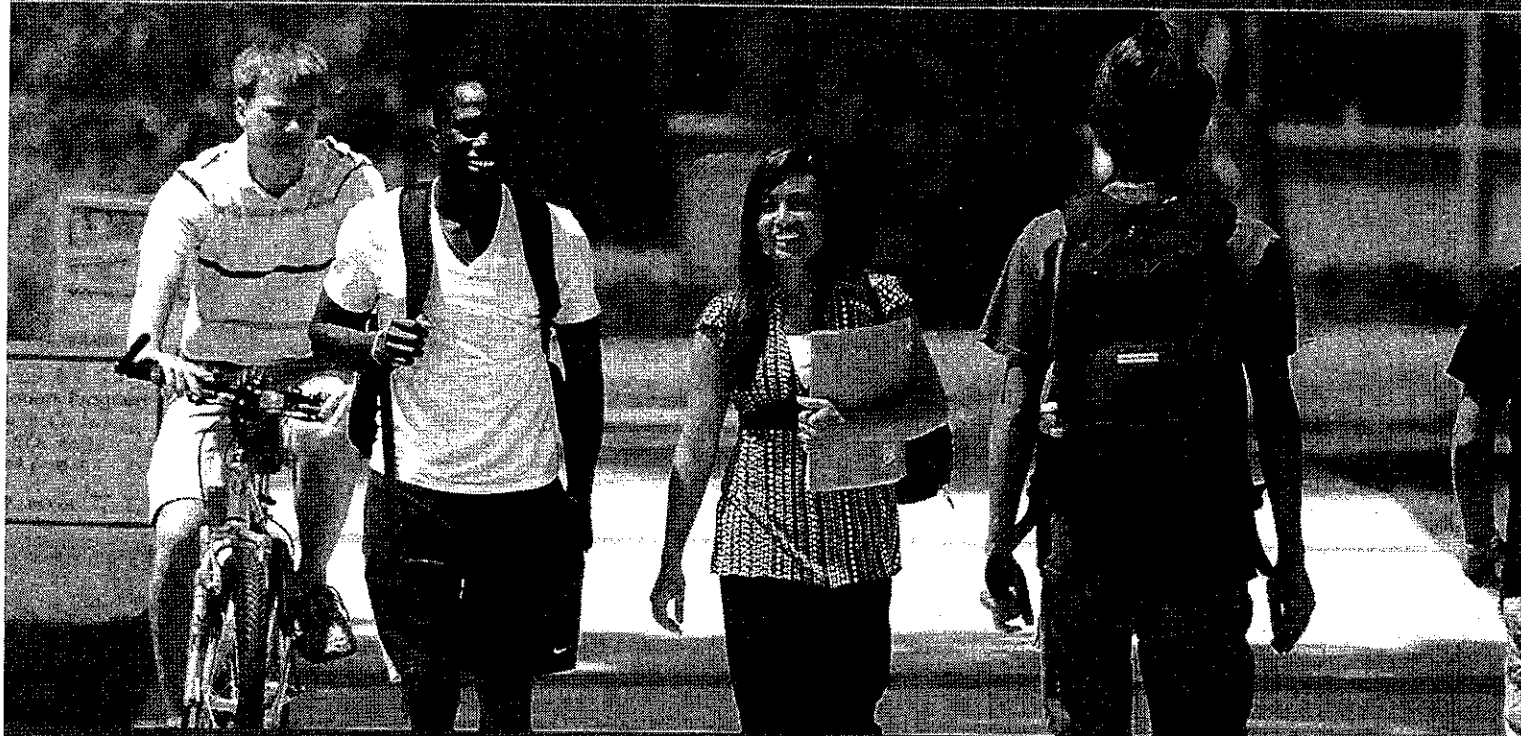
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EXHIBIT A

UNIVERSITY *of*
NORTH FLORIDA



Flip this over for the 2011-2012 Parent Handbook

Student Handbook 2011-2012

(Effective Aug. 22, 2011- Aug. 19, 2012)
Produced by UNF's Division of Student Affairs

of diverse backgrounds and experiences and is similarly committed to recruit, hire and retain employees who bring a diversity of viewpoints, cultures and a broad range of human experiences to the University. Such efforts enrich the quality and texture of our community and provide an environment where individuals and groups learn with and from each other.

In furtherance of the University's diversity initiatives and focus toward inclusiveness, it is expected that all in the University community will appreciate and respect the dignity, individuality, and the uniqueness of our individual community members. It is also expected that we will maintain an environment conducive to the pursuit of educational, scholarly and career interests, where both the distinctiveness of each person's experience and the common humanity that unites us all will be recognized. This will allow us to take full educational advantage of the variety of talents, backgrounds, and perspective of those who study and work in the University.

Harassment Policy

The University of North Florida is committed to providing an inclusive and welcoming environment for all who interact in our community and strives to attract students, faculty and staff from a variety of cultures, backgrounds and life experiences. While embracing these concepts including its obligations under affirmative action regarding race, ethnicity and gender, the University is equally committed to ensuring that educational and employment decisions, including recruitment, admission, hiring, compensation and promotion, are based on the qualifications, skills and abilities of those desiring to work, study and participate in our University community.

To accomplish the intent of this regulation, the University shall not commit or permit discrimination or harassment on the basis of race, color, religion, age, disability, gender, sexual orientation, marital status, national origin or veteran status in any educational, employment, social or recreational program or activity offered by the University. Similarly, the University will not commit or permit retaliation against an individual who complains of discrimination or harassment or an individual who cooperates in an investigation of an alleged violation of this regulation.

The University recognizes that it is a unique learning environment in which its diverse community members have the right to exercise protected free speech in expressing their differing opinions as guaranteed by the First Amendment and in an environment in which its faculty has the academic freedom to provoke thought and debate and to engage in open discourse related to their individual areas of academic instruction. Thus, in exercising the standards put forth in this regulation, the University will not abridge either free speech or academic freedom.

Taking all the above into consideration, this regulation prohibits conduct 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; or a faculty, staff or other community member's ability to interact or work in an environment free from discrimination, harassment or retaliation. Potential violations of this regulation will be evaluated from the perspective of a reasonable person in the alleged victim's position, considering the totality of the circumstances, such as the nature of the alleged conduct and the context in which the alleged conduct occurred.

The University understands that only by eliminating discrimination, harassment and retaliation can we ensure that all community members, especially our students, have the opportunity to work and achieve excellence. Accordingly, the University expects that all community members including students, faculty, staff, vendors, contractors, visitors or others who interact at the University will observe and comply with these equal opportunity and diversity principles.

The responsibility for communicating, interpreting and monitoring this equal opportunity and diversity regulation and the University's Affirmative Action compliance obligations rests with the director, Office of Equal Opportunity Programs.

Office of Equal Opportunity Programs

J. J. Daniel Hall (Bldg. 1), Room 2400

(904) 620-2507 Voice & TDD

(904) 620-1004 (fax)

Firearms, Weapons or Destructive Devices: Prohibited on Campus

The UNF Student Conduct Code, (see page S 96) prohibits the possession and/or use of a firearm, weapon or other destructive device on campus. This prohibition is subject to the limited exceptions for those permitted to carry firearms contained in the University's regulation, Possession and Use of Firearms, and Florida law (see section 790.115, Florida Statutes). Accordingly, any student, resident or commuter, who possesses or uses a firearm, weapon or other destructive device on campus in violation of the applicable regulation or law, will be subject to arrest and/or discipline in accordance with Florida State Statute and the Student Conduct Code. Questions may be directed to the University Police Department, (904) 620-4UPD (4873).

Hazing, Prohibition Against (5.0020R)

(1) Statement of Policy — Actions or conduct which by design or intent amount to hazing are prohibited, and shall be prevented and adjudicated by the

(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 percent 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 adviser 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.

(H) Procedures

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

1. **Charges:** Reports should be submitted to either law enforcement or the appropriate administrator 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). A review of possible charges may be initiated in the following ways:

- 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.

2. **Charge Letter:** The charge letter given to any charged student will include the following:

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

12. Vehicles/Transportation
 13. Disruptive Behavior
 14. Identification/Falsification
 15. Property
 16. Participation
 17. Disregard for the Conduct System
 18. Unauthorized Entry or Use of University Facilities
 19. Conspiracy
 20. Violations of University Regulations
 21. Other Violations
1. Sexual Misconduct
 - 1.0 Any act of a sexual nature toward another that occurs without his/her consent
 - 1.1 Obscene or indecent behavior, which includes, but is not limited to, exposure of one's sexual organs or the display of sexual behavior that would reasonably be offensive to others
 - 1.2 Conduct of a sexual nature that creates an intimidating, hostile, or offensive campus, educational or working environment for another person. This includes unwanted, unwelcome, inappropriate or irrelevant sexual or gender based activities or comments that are sexual in nature.
 - 1.3 Voyeurism: to trespass, spy, eavesdrop or otherwise invade the privacy of another for the purpose of personal sexual arousal
 2. Endangerment
 - 2.0 Physical violence toward another person or group
 - 2.1 The threat of physical violence towards another person or group
 - 2.2 Action(s) that endanger the health, safety or well-being of another person or group
 - 2.3 Action(s) that serve the purpose of endangering one's own health or safety
 - 2.4 Interference with the freedom of another person to move about in a lawful manner
 3. Harassment
 - 3.0 Conduct (not of a sexual nature) that creates an intimidating, hostile or offensive campus, educational, living or working environment for another person
 - 3.1 Action(s) or statements that threaten, harm or intimidate another person.
 - 3.2 Acts that invade the privacy of another person
 - 3.3 To follow or otherwise contact another person repeatedly (e.g. stalking) so as to put that person in fear for his or her life or personal safety
 - 3.4 Taking deliberate and repeated actions which cause another person discomfort
 - 3.5 Sexual Harassment (as defined in the University's Sexual Harassment regulation)
 4. Weapons
 - 4.0 On-campus possession or use of any object that is classified as a weapon under Florida law, including firearms, explosives, fireworks, dangerous articles or substances, weapons (including non-lethal weapons such as pellet guns, bb guns, paintball guns, swords, decorative swords, axes, pocket knives that are larger than the legal size defined by law or items that resemble weapons), or the use of any item used as a weapon
 5. Hazing
 - 5.0 Any group or individual conduct or activity in violation of UNF's Anti-hazing Policy
 6. Fire and Safety
 - 6.0 Inappropriate activation of any emergency warning equipment or the false reporting of any emergency
 - 6.1 Removal, damage, or tampering with fire safety or any emergency warning equipment.
 - 6.2 Failure to evacuate a University building or facility when a fire alarm is sounded or when directed to leave the building by an authorized University representative
 - 6.3 Arson: setting or causing a fire
 7. Illegal Drugs and/or Misuse of Medication (Refer to the University's Alcohol and Other Drugs Policy, which is located in the Student Handbook and on the official UNF Website at <http://www.unf.edu/unfinfo/policies-regs/>).
 - 7.0 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
 - 7.1 Possession or use of drug paraphernalia
 - 7.2 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
 - 7.3 Conspiracy to distribute, deliver, and/or sell illegal drugs
 - 7.4 Misuse of one's own prescription medication
 8. Alcohol (Refer to the University's Alcohol and Other Drugs Policy, which is located in the Student Handbook and on the official UNF website at www.unf.edu/unfinfo/policies-regs/).
 - 8.0 Possession, use and/or consumption of alcohol when under the legal drinking age as defined by law

EXHIBIT B

Policies & Regulations

Student Affairs

Student Conduct Code		
Number:	5.0010R	<input type="checkbox"/> New Regulation
Effective Date:	01/27/2006	<input checked="" type="checkbox"/> Major Revision of Existing Regulation
Revised Date:	10/8/2009	<input type="checkbox"/> Minor/Technical Revision of Existing Regulation
Responsible Division/Department: Student Affairs		<input type="checkbox"/> Reaffirmation of Existing Regulation

I. STATEMENT OF REGULATION

Contents

- A. Introduction
- B. Scope
- C. Authority
- D. Definitions
- E. Violations
- F. Immediate Suspension
- G. University Housing Removal
- H. Procedures
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- 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. 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, social, and academic obligations, the University has established this Code for defining behavioral rights and responsibilities within this community. The responsibility for this Code shall be administered through the Division of Student Affairs.

(B) Scope

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

The right of all students to seek knowledge, debate ideas, form opinions and freely express their ideas is fully recognized by UNF. This Student Conduct Code applies to student conduct and will not be used to discipline the lawful expression of ideas.

The processes for adjudicating violations of State and Federal law and the Student Conduct Code are separate and are pursued independently of one another.

(C) Authority

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

2. The Vice President 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.

3. 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 review by the Office of Fraternity and Sorority Life, organizations may be subject to further assessment by the Office of Fraternity and Sorority Life (with or without assistance from any pertinent National Headquarters), referred to the organization's pertinent council for judicial review and/or action, or referred to the Student Conduct Office.

4. 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.

5. 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).

(D) Definitions

1. Student. For purposes of the Student Conduct Code, the term "student" is defined as any person who is currently admitted and/or enrolled in classes at UNF or maintains student status based on the Continuous Enrollment Policy. UNF defines continuous enrollment as being enrolled in classes at UNF without a break of three or more consecutive semesters. Also included in this definition are individuals who have been enrolled in classes and continue to be associated with the University because they have not completed the course or program requirements in which they were enrolled. In cases of dual enrollment, jurisdiction over a student's conduct will be determined in consultation with appropriate officials at the student's other institution. The term "student" also means any student organization that is 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 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 which the student will be required to answer. (Please refer to Section H, 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.
9. Advisor. The term "advisor" means any one person chosen by the charged student or the alleged victim to assist him/her throughout the disciplinary process. While an advisor may assist a student she/he 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. 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/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/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 as discussed in the charge letter and where the student will be advised of his/her rights in the Student Conduct process including his/her rights at a subsequent Individual or Panel Hearing.
16. Individual 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 Student and International Affairs who have been trained to hear conduct cases and make decisions related to reported violations of the Student Conduct Code. The panel hearing members, which shall consist of a 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 F, 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. Sanctions will be determined by the Vice President of Student and International Affairs (or designee) after his/her 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 Student and International Affairs (or designee) review the Hearing Body's finding that the student is responsible 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 Student and International Affairs will assign someone to hear the appeal other than the person who initially heard the case and/or determined the student's sanction.

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

The following is a listing of the types of behavior that constitute violations of the Student Conduct Code. Such behaviors, or actions where students aid, abet, incite, or attempt to commit such behaviors represent violations of the Student Conduct Code:

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

1. Sexual Misconduct

1.0 Any act of a sexual nature toward another that occurs without his/her consent.

1.1 Obscene or indecent behavior, which includes, but is not limited to, exposure of one's sexual organs or the display of sexual behavior that would reasonably be offensive to others.

1.2 Conduct of a sexual nature that creates an intimidating, hostile, or offensive campus, educational, or working environment for another person. This includes unwanted, unwelcome, inappropriate or irrelevant sexual or gender-based activities or comments that are sexual in nature.

1.3 Voyeurism: to trespass, spy, eavesdrop or otherwise invading the privacy of another for the purpose of personal sexual arousal.

2. Endangerment

2.0 Physical violence towards another person or group.

2.1 The threat of physical violence towards another person or group.

2.2 Action(s) that endanger the health, safety, or well being of another person or group.

2.3 Action(s) that serve the purpose of endangering one's own health or safety.

2.4 Interference with the freedom of another person to move about in a lawful manner.

3. Harassment

3.0 Conduct (not of a sexual nature), that creates an intimidating, hostile, or offensive campus, educational, living, or working environment for another person.

3.1 Action(s) or statements that threaten harm or intimidate another person.

3.2 Acts that invade the privacy of another person.

3.3 To follow or otherwise contact another person repeatedly (e.g. – Stalking) so as to put that person in fear for their life or personal safety.

3.4 Taking deliberate and repeated actions which cause another person discomfort.

3.5 Sexual Harassment (as defined in the University's Sexual Harassment regulation).

4. Weapons

4.0 On-campus possession or use of any object that is classified as a weapon under Florida law including firearms, explosives (including fireworks), dangerous articles or substances, weapons (including non-lethal weapons such as pellet guns, bb guns, paintball guns, swords, including decorative swords, axes, pocket knives that are larger than the legal size defined by law or items that resemble weapons), or the use of any item used as a weapon.

5. Hazing

5.0 Any group or individual conduct or activity in violation of UNF's Anti-hazing Policy.

6. Fire and Safety

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

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

6.2 Failure to evacuate a University building or facility when a fire alarm is sounded or when directed to leave the building by an authorized University representative.

6.3 Arson: setting or causing a fire.

7. Illegal Drugs and/or Misuse of Medication

Refer to the University's Alcohol and Other Drugs Policy which is located in the Student Handbook and on the Official UNF Website at <http://www.unf.edu/unfinfo/policies-regs/>.

7.0 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.

7.1 Possession or use of drug paraphernalia.

7.2 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

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

7.4 Misuse of one's own prescription medication.

8. Alcohol

Refer to the University's Alcohol and Other Drugs Policy of which is located in the Student Handbook and on the Official UNF Website at: <http://www.unf.edu/unfinfo/policies-regs/>.

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

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

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

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

8.4 Public intoxication: observable disruptive behavior resulting from excessive consumption of alcoholic beverages (to be determined by physical observation or BAC test, if available).

8.5 Violating other University or Housing policies while under the influence of alcohol. Students who choose to drink alcohol will be held fully responsible for their behavior while under the influence of alcohol.

8.6 Misrepresenting or misstating one's age or using altered identification in order to prove legal drinking age.

8.7 Devices designed for the rapid consumption of alcohol such as beer bongs and funnels.

9. Smoking and Tobacco Use

(Refer to the Tobacco Procedure section of the Student Handbook).

9.0 Smoking or using smokeless tobacco in any campus building (including the residence halls).

9.1 Improper disposal of cigarettes.

9.2 Smoking in a non-designated area.

10. Gambling

10.0 Engaging in an unlawful game of chance for money or for anything of value on University premises (including the residence halls) or at any non-sanctioned affair sponsored by a student or student organization.

10.1 Placing an unlawful wager on a University or non-University team or organization in a competition, with a direct influence in the success of the competition.

11. Computer Misuse

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

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

11.1 Unauthorized transfer of a file.

11.2 Unauthorized use of another individual's identity or password.

11.3 Use of computing facilities to interfere with the work of another student, faculty, or staff member of the University.

11.4 Use of computing facilities or technology to send or receive obscene or abusive material.

11.5 Use of computing facilities or services which interferes with the normal operation of the University system.

11.6 Altering, destroying, disclosing, or taking information resource property (including data, programs, and supporting documents) as well as modifying equipment or supplies without proper authorization.

11.7 Using the UNF computing system/services for any illegal activity such as hacking.

12. Vehicles/Transportation

(Refer to the University's regulation entitled Prohibited Uses of Non-Motorized Vehicles).

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

13. Disruptive Behavior

13.0 Acts that impair, interfere with, or obstruct the orderly conduct, processes, and functions of the University or the rights of other members of the University community. This includes acts that occur both inside and outside the classroom setting.

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

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

13.3 Commercial solicitation on campus without prior approval from University officials.

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

13.5 Any act that deliberately causes false alarm.

- 13.6 Conduct that is meant to be done in humor or in jest, but results in a loss, inconvenience, or otherwise damages the property or well being of another.
- 13.7 Verbal abuse (written and oral), coercion, and/or other conduct that intimidates, threatens, or endangers another.
- 13.8 Lewd, indecent conduct.
- 14. Identification/Falsification
- 14.0 Possession or use of falsified or altered identification.
- 14.1 Permitting another person to use his/her identification.
- 14.2 Inappropriate use of another person's identification.
- 14.3 Failure to show proper identification to a University official (Students are required to carry their student identification card while on campus. Refer to the Student Handbook).
- 14.4 Forgery, alteration, or misuse of identification.
- 14.5 The furnishing of false or misleading information to a University official or others, and/or withholding required information from University officials or others.
- 14.6 Misuse, alteration, or forgery of any documents, records, keys, or property.
- 14.7 Impersonation or misrepresentation. Acting on behalf of another person, group, or the University without authorization or prior consent.
- 15. Property
- 15.0 Damage or destruction of public or private property.
- 15.1 Attempted damage, destruction, or theft of public or private property.
- 15.3 Theft: knowingly and without authorization removes or uses the property or services of the University or of another person, company or organization.
- 15.4 Possession or sale of property or services that are known to have been stolen.
- 16. Participation
- 16.0 Involvement in any violation as outlined by the Student Conduct Code. This includes failure to remove oneself from the incident or area where the violation is being committed.
- 17. Disregard for the Conduct System
- 17.0 Failure to obey a Hearing Body directive(s) or order(s).
- 17.1 Improper actions during a conduct hearing.
- 17.2 Failure to respond to a request to appear before a Hearing Body when notified to do so.
- 17.3 Knowingly withholding, falsifying, or misrepresenting information before a Hearing Body.
- 17.4 Violation of the terms of the Hearing Decision.
- 18. Unauthorized Entry or Use of University Facilities
- 18.0 Unauthorized entry into any University building, office, or facility.
- 18.1 Unauthorized use of any University facility or equipment.
- 19. Conspiracy
- 19.0 Planning alone or with others to commit violations of the Student Conduct Code.

20. Violations of UNF Regulations, Policies, Rules, Guidelines or Requirements including, but not limited to, those contained in the Student Handbook or on the University Board of Trustees website.

20.0 Violation of the Residential Housing rules, guidelines or requirements.

20.1 Violation of the rules, guidelines or requirements established for fraternities and sororities as administered by the Office of Fraternity and Sorority Life.

20.2 Violation of the UNF Student Club & Advisor Handbook rules, guidelines or requirements.

20.3 Violation of Information Technology Services Policies and Procedures.

20.4 Violation of University rules, guidelines or requirements directly related to departments, organizations, or clubs.

20.5 Violation of any other University regulations, policies, rules, guidelines or requirements.

21. Other Violations

21.0 Any student who is 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 separately from any legally-imposed fine, penalty or prison sentence.

21.1 Any student who is 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. **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 University Housing if the student is found to be in violation of the Student Conduct Code.

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.

(H) Procedures

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

1. Charges. Reports should be submitted to either law enforcement or the appropriate administrator 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). A review of possible charges may be initiated in the following ways:

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.

2. Charge Letter. The charge letter given to any charged student will include the following:

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

3. 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.

a. 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 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 or panel hearing) in which the case will be heard. 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.

b. If a student fails to schedule or attend a conduct review, and five class days have expired since the date of the notice, the student waives his/her right to a conduct review. At that time, a formal hearing (either individual 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 may be charged with additional violations of the Code.

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.

4. Hearing. There are two types of hearings, individual and panel hearings. Students may choose between an individual 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. Hearings will follow these guidelines:

a. All hearings will be fair and impartial.

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 present

conduct review) the Hearing Administrator will provide the charged student with a brief overview of the hearing and general conduct process before the hearing.

c. A student charged with violation(s) will have the opportunity to present information on his/her behalf, including presenting witnesses and/or signed, written statements.

d. The charged student may be accompanied during the hearing by an advisor of his/her choice. Students are required to address the hearing body in person, on their own behalf, although they may consult with their advisor during the hearing. This consultation must take place in a manner that does not disrupt the proceedings. The advisor shall not speak on behalf of the student unless expressly authorized to do so by the hearing body. If an attorney is to be the advisor, the Hearing Administrator assigned to the case must be notified in writing at least two class days prior to the hearing. The advisor may be removed from the hearing if it is determined that his/her presence is disruptive. The charged student should notify the Student Conduct Office of the advisor's name at least two class days prior to the hearing.

e. A student may choose not to answer any and all questions posed by a hearing body. However, the University is not required to postpone disciplinary proceedings pending the outcome on any criminal prosecution. The Hearing Body may proceed with a hearing and base its decision on all available information.

f. The student does not have the burden of proof regarding the charges that have been brought against him or her. 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.

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

h. Information obtained in a hearing may result in the adjustment of the original charges and sanctions may be imposed accordingly.

i. Hearings. All Student Conduct hearings will be closed to the public and may include the person(s) bringing charges against a student, the charged student, advisors, Hearing Administrators, Residence Life staff (including RAs), alleged victim(s), and any witness who can give a firsthand account of the incident. Witnesses may only be present during the time they are testifying. Character witnesses may only provide testimony in the form of a written statement.

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

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.

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

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

5. Types of Hearings. 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.

fourteen class days, or at the discretion of the Hearing Administrator.

(3) Will be recorded if the student contests the charges and the case may result in removal from housing, suspension, or expulsion, or the charges are serious. This recording will serve as the official record of the proceedings. If the student does not contest the charges, the hearing does not have to be recorded.

(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 do so preferably by submitting their questions in writing two class days prior to the Panel Hearing to the hearing Administrator. 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.

(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 may change the order if necessary:

(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.

(I) 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. Housing

2. Victims have the following rights regarding these types of violations:

- a. To have an advisor of the alleged victim's choice accompany him/her when presenting information to the hearing body and to any other relevant meetings held throughout the disciplinary process. 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/she 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 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 side of the story in a separate room from the charged student so long as the process does not unduly compromise the charged student's right to question the witness.
- g. To have any personal property returned to them if in current possession of the University. The determination of when this property is to be returned is left to the discretion of the Hearing Administrator.
- h. To be notified of the outcome in writing, including both the decision and the sanctions of the disciplinary process within five class days of student notification.

(J) Sanctions

1. A sanction is the University's educational response to address student behavior where a student has been found responsible for violations of the Student Conduct Code. Sanctions will be determined by the Vice President of Student and International Affairs (or designee) after his/her 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:
 - a. Reprimand. A written statement placed in a student's disciplinary file regarding a violation of the Student Conduct Code.
 - 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 for Health Promotion 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 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

- (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 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.

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

***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 the Office of Fraternity and Sorority Life 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) Appeals

1. Appeal Requests. A student has the ability to request that the Vice President of Student and International Affairs (or designee) review a Hearing Body's finding that the student is responsible for a violation of the Student Conduct Code. Should the Vice President of Student and International Affairs (or designee) grant the appeal request, he/she will assign someone to hear the appeal other than the person who initially heard the case and/or determined the student's sanction. 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.

(L) 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 and the Office of the Registrar will be notified of the expulsion for notation to 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 of all disciplinary cases (with the exception noted in 2 above) 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.

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.