

## **NOTICE OF REGULATION REPEAL**

Date: July 30, 2008

**REGULATION TITLE:**

Student Affairs; Student Conduct Code; Violations, Penalties and  
Procedures for Adjudication

**REGULATION NO.:**

6C1-4.016

**SUMMARY:** This regulation is being repealed. The subject matter is now covered in 6C1-4.041, 6C1-4.047 and 6C1-4.048.

**AUTHORITY:** BOG Resolution dated January 7, 2003.

**THE FULL TEXT OF THE PROPOSED REGULATION IS ATTACHED TO THIS NOTICE.**

REGULATIONS OF  
UNIVERSITY OF FLORIDA

6C1-4.016 Student Conduct Code; Violations, Penalties and Procedures for Adjudication.

(1) Philosophy. The University of Florida is an institution which encourages the intellectual and personal growth of its students as scholars and citizens. As an educational institution, the University recognizes that the transmission of knowledge, the pursuit of truth, and the development of individuals require the free exchange of ideas, self-expression, and the challenging of beliefs and customs. In order to maintain an environment where these goals can be achieved safely and equitably, the University promotes civility, respect, and integrity among all members of the community. As stated in the Standard of Ethical Conduct, students are expected to exhibit high standards of behavior and concern for others. The University strives to protect and guide the educational community by establishing a Student Conduct Code and student judicial system, which promotes individual and social responsibility. Choosing to join the University of Florida community obligates each member to a code of civilized behavior. Individuals and student organizations are expected to observe the policies, rules, and regulations of the University of Florida and the State of Florida. University policies have been designed to protect individuals and the campus community and create an environment conducive to achieving the academic mission of the institution. The purpose of the Student Conduct Code is to set forth the specific authority and responsibility of the University in maintaining social discipline, to establish guidelines which facilitate a just and civil campus community, and to outline the educational process for determining student and student organization responsibility for alleged violations of University regulations. This judicial process will follow established

procedures for insuring fundamental fairness and an educational experience that facilitates the development of the individual and of the organization.

(2) Violations. A student or student organization shall not engage in the following prohibited conduct. A student who, or student organization which engages in the following prohibited conduct violates the Student Conduct Code and is subject to sanctions as provided in subsection (3) below:

(a) **CAUSING PHYSICAL OR OTHER HARM TO ANY PERSON.**

1. Conduct causing physical injury or endangering another's health or safety, which includes, but is not limited to, acts of physical violence, assault, and relationship or domestic violence.

2. Actions causing physical injury or endangering one's own health or safety.

(b) **SEXUAL ASSAULT AND SEXUAL MISCONDUCT.**

1. **Sexual Assault.** Any sexual act or attempt to engage in any sexual act with another person without the consent of the other person or, in circumstances in which the person is unable, due to age, disability, or chemical or other impairment, to give consent.

2. **Sexual Misconduct.** Any intentional intimate touching of another without the consent of the other person or, in circumstances in which the person is unable, due to age, disability, or chemical or other impairment, to give consent.

(c) **HARASSMENT.**

1. **Harassment or Threats.** Verbal or written abuse, threats, harassment, coercion or any other conduct that places another individual in reasonable fear of his or her safety through words or actions directed at that person, or substantially interferes with the working, educational or living environment of the individual, including stalking and racial harassment.

2. **Sexual Harassment.** Unwelcome sexual advances, requests for favors, and/or other verbal or physical conduct of a sexual nature when:

a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or status in a university activity, or

b. Submission to, or rejection of, such conduct by an individual is used as the basis for employment or decisions affecting such individual's employment or status in a University activity, or

c. Such conduct has the purpose or effect of interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive employment or academic environment.

(d) **INDECENT OR OBSCENE BEHAVIOR.** Conduct or behavior that the student knows or should know is reasonably likely to be offensive to others. Such behavior includes, but is not limited to, exposure of one's own sexual organs, urination in public, voyeurism, including but not limited to video voyeurism.

(e) **HAZING.** Any action or situation that endangers the mental or physical health or safety of a student for purposes including, but not limited to, initiation or admission into or affiliation with any student group or organization. In such an instance, hazing occurs if an individual or group:

1. Causes or attempts to cause physical injury or other harm to a student including, but not limited to, emotional distress, or engages in any conduct which presents a threat to the student's health or safety;

2. Engages in an action or activity which has a tendency to or which is intended to demean, disgrace, humiliate, or degrade a student;

3. Interferes with or attempts to interfere with a student's academic schedule or performance; or

4. Causes, induces, or requires a student to violate the law or to violate a provision of this regulation.

In response to allegations of hazing under this regulation it is not a defense that:

1. The victim gave consent to the conduct.

2. The conduct was not part of an official organizational event or sanctioned or approved by the organization.

3. The conduct was not required as a condition of membership in the organization.

(f) **FIREARMS OR OTHER WEAPONS VIOLATIONS.** Possession, use, sale or distribution of any firearm, ammunition, weapon or similar device not explicitly permitted by Regulation 6C1-2.001(3). Prohibited devices include, but are not limited to, stun guns, pellet guns, paintball guns, slingshots, archery equipment, knives, or any dangerous chemical or biological agent.

(g) **FIRE SAFETY VIOLATIONS.**

1. **Causing a Fire or Explosion.** Conduct that causes or attempts to cause a fire or explosion, or falsely reporting a fire, explosion or an explosive device.

2. **Tampering with Fire Safety Equipment.** Tampering with fire safety equipment, or failure to evacuate during a fire alarm on University property, at a University location or at any University activity.

3. **Fireworks.** Possession and/or use of fireworks, (including sparklers), or explosives of any kind on University property, at a University location or at any University activity.

(h) **DRUG VIOLATIONS.** Use, possession, manufacturing, distribution, or sale of marijuana, heroin, narcotics, or any other controlled substance which is prohibited by law.

Prohibited conduct includes the use of a prescription drug if the prescription was not issued to the student, and the distribution or sale a prescription drug to a person to whom the prescription was not originally issued.

(i) **ALCOHOLIC BEVERAGES VIOLATIONS.**

1. **Under-Age Possession or Consumption.** Possession or consumption of alcoholic beverages by a student who has not passed his or her twenty-first birthday.

2. **Public Intoxication.** Appearing at a University activity or on University property in a state of intoxication.

3. **Driving Under the Influence of Alcohol or Other Substance.** Operation of a motor vehicle while impaired or with a blood alcohol or breath alcohol level of .08 or above.

4. **Distribution or Sale of Alcoholic Beverage.** Distribution or sale of an alcoholic beverage by student or student organization to any person who has not passed his or her twenty-first birthday.

5. Any other violation of the Alcoholic Beverages Regulation, Regulation 6C1-2.019.

(j) **CONDUCT DISRUPTIVE TO THE UNIVERSITY COMMUNITY.**

Conduct that is disruptive to the University's educational objectives, to its operations, or to its officials, staff, and faculty in the performance of their work, or to any other aspect of its mission.

Such conduct includes, but is not limited to:

1. Disruption of a class, University activity, or any other normal activity held on University property or at a University location.

2. Classroom behavior that interferes with either (a) the instructor's ability to conduct the class or (b) the ability of other students to benefit from the instructional program.

3. Violation of the Campus Demonstration Regulation, Regulation 6C1-2.002.

4. Conduct which is disorderly or a breach of the peace.

(k) **MISUSE OR UNAUTHORIZED POSSESSION OR USE OF PUBLIC OR**

**PRIVATE PROPERTY.**

1. **Theft.** Taking or unauthorized use or possession of public or private property or unauthorized use or acquisition of services.

2. **Destroying, damaging or littering of any property.** Conduct that destroys, damages, or litters any property of the University or any property of an individual or group.

3. **Misuse of identification card.** Misuse of the identification number or card issued to a student through alteration, forgery or duplication, or through use of an identification card that has not been issued to the user. It is also a violation to grant or authorize use by a third party of one's own identification number or card for any purpose except to obtain student block seating in accordance with University Athletic Association procedures for student block seating.

4. **Unauthorized Sale of Student Tickets.** Unauthorized sale or purchase of student tickets on University property to any University of Florida function or event.

(l) **MISUSE OR UNAUTHORIZED USE OF UNIVERSITY COMPUTER**

**RESOURCES.**

1. Any action without authorization from the University that does, or causes a person to, access, use, modify, destroy, disclose or take data, programs or supporting documentation residing in or relating in any way to a University computer, computer system or

computer network or causes the denial of computer system services to an authorized user of such system.

2. Any other violation of the Policies on Information Technology, Regulation 6C1-1.0102.

(m) **UNAUTHORIZED ENTRY TO UNIVERSITY FACILITIES.** Unauthorized access or entry to University buildings, structure or facilities. Unauthorized possession, duplication or use of keys or access cards for any University property.

(n) **FURNISHING FALSE INFORMATION.** Furnishing false or misleading information to the University or to any University official. This includes, but is not limited to, forging documents or other data, or omitting facts which are material to the purpose for which the information is submitted.

(o) **UNAUTHORIZED ELECTRONIC OR DIGITAL RECORDING.**

1. Unauthorized recording of personal conversations, meetings, or activities.

2. Unauthorized recording of a class, or of organizational or University meetings. To obtain the required authorization, the student or student organization must obtain express authority from the University official, faculty member, student organization, member of University personnel, or other University representative in charge of the class, meeting, or activity. A student or student organization accused of violating this section has the burden of showing such express authority. The foregoing shall not apply to any recording authorized by the Florida Sunshine Law or any other law.

(p) **VIOLATION OF UNIVERSITY POLICY.** Violation of any regulation or policy of the University of Florida, the Florida Board of Governors, or the State of Florida.



Applicable policies include, but are not limited to, the University of Florida Department of Housing and Residence Education Rules and Regulations, available in the Department of Housing and Residence Education, and the Gator Fan's Code of Conduct, available at the University Athletic Association.

(q) **VIOLATION OF LAW.** Violation of any municipal or county ordinance, law of the State of Florida, or law of the United States.

(r) **OBSTRUCTION OF THE UNIVERSITY JUDICIAL PROCESS.** Interference with or obstruction of the student conduct process, including failure to appear at a hearing, failure to testify at a hearing, violating and/or failure to complete judicial sanctions.

(s) **FAILURE TO COMPLY WITH DIRECTIVE.** Failure to comply with a directive of law enforcement or a University official.

(t) **COMPLICITY IN VIOLATING THE CONDUCT CODE.** Attempting, aiding, abetting, conspiring, hiring or being an accessory to any act prohibited by this code.

(3) Sanctions — a student adjudicated responsible for violations under subsection (2) of this regulation, shall be subject to sanctions commensurate with the offense with consideration given to any aggravating and mitigating circumstances. Sanctions include one or more of the following penalties, unless otherwise expressly provided:

(a) Reprimand — the student is given formal written notice and official recognition that the behavior has violated the Student Conduct Code.

(b) Conduct Probation — the student is deemed not in good standing and cannot represent the University on any athletic team other than intramurals, hold an office in any student organization registered with the University, or represent the University in any extracurricular activity or official function or participate in any study abroad program. The duration of any

probation period or any conditions or sanctions imposed for the violation shall be in proportion to the seriousness of the violation.

(c) Loss of University Privileges — denial of specific University privileges including, but not limited to, attendance at athletic functions, unrestricted library use, parking privileges, university computer usage, and residence hall visitation for a designated period of time.

(d) Suspension — the student is required to leave the University for a given or indefinite period of time, the termination of which shall depend upon specified acts of the student's own volition related to mitigation of the offense committed. The student must comply with all sanctions prior to re-admission.

(e) Expulsion — the student is permanently deprived of his or her opportunity to continue at the University in any status.

(f) Restitution — the student is required to pay for loss of or damages to University property, provided that such payment shall be limited to the actual cost of repair or replacement of such property.

(g) Reduced or Failing Grade — the student is given a reduced or failing grade for the class in which the offense occurred for a violation of the Student Honor Code, but only by the faculty member involved and upon recommendation thereof, except as otherwise provided in Regulation 6C1-4.017(4).

(h) Community/University Service — a student is required to complete a specified number of hours of service to the campus or general community.

(i) Education Requirements — a student is required to complete a specified educational sanction related to the violation committed. Such educational requirements include completion of a seminar, report, alcohol or drug assessment, or counseling assessment.

(j) Residence Hall Transfer or Removal — a student is required to transfer residence halls or leave the residence halls for a specified or indefinite period of time.

(k) No Contact Order – a directive to refrain from any intentional contact, direct or indirect, with one or more designated persons or group(s) through any means, including personal contact, e-mail, telephone, or third parties.

(4) Organizational sanctions will range from written reprimand and official recognition thereof through revocation of registration or permission to use or meet at campus facilities, or in the case of social fraternities or sororities, continued recognition at the University. The following criteria will be used to determine if a student group or organization is to be held collectively responsible for the action or actions of individuals when the action or actions result in a violation of the Student Conduct Code by those associated with the group or organization:

(a) The action or actions resulting in the violation have received the tacit or overt consent or encouragement of the group or organization or of the group's or organization's leaders, officers or spokesperson, or

(b) The group or organization or its leaders, officers or spokesperson failed to take responsible precautions against the action or actions resulting in the conduct violations.

(5) Procedures for Adjudication.

(a) Prior to any disciplinary adjudication, the person(s) charged shall be furnished with a written notice of charges and procedures for requesting a hearing. Any notice issued

under the provisions of this regulation shall be sent to the student's address in the Registrar's records or hand delivered to the student. The notice of charges shall be issued within ten (10) business days following completion of an investigation and determination that there is sufficient evidence to warrant judicial action. Except for emergency cases, the notice shall be issued at least ten (10) business days prior to the date of the hearing unless waived in writing by the accused student. Pre-hearing conferences may be held to review charges, resolve issues, clarify rights and procedures, and permit the inspection or copying of evidence to be used at hearings. If a student chooses to utilize an advisor, it is the student's responsibility to identify an advisor and make appropriate arrangements for him or her to attend the proceedings. The advisor shall assist the student in the judicial process, but shall not speak for or present the case on behalf of a student.

(b) Hearings shall preserve the fairness of the action and rights of persons involved. Except as provided in subsection 5(c) below, students charged with less serious violations can choose an informal proceeding or a formal hearing. Less serious violations are those violations for which removal from housing, suspension, or expulsion would not be imposed. Except as provided in subsection 5(c) below, students charged with more serious violations will choose between a formal hearing with a conduct committee or a university hearing authority.

1. Students who choose an informal proceeding shall be accorded the right to:
  - a. Have an advisor present;
  - b. Be provided, prior to the proceeding, the nature and source of the evidence which will be used by the University; and
  - c. Be free from compulsory self-incrimination.

2. Students who choose a formal hearing with a conduct committee or a university hearing authority shall be accorded the right to:
  - a. Have an advisor present;
  - b. Question adverse witnesses present at the hearing;
  - c. Present evidence and witnesses relevant to his or her defense;
  - d. Be provided prior to the hearing the nature and source of the evidence which will be used by the University; and
  - e. Be free from compulsory self-incrimination.

Provisions for a record of hearings shall be made, other than for informal proceedings before the Residence Directors, Residence Life Coordinators, Assistant Director of Housing for Village Communities, Coordinator for Village Community Services, Coordinator for Residential Judicial Programs, Assistant Director of Student Judicial Affairs, or Director of Student Judicial Affairs.

(c) A student charged under this regulation who has pled guilty, been adjudicated guilty, been convicted or who has otherwise received a verdict of guilt in a criminal court of law for a violation which is based upon the same conduct for which the student is charged under this regulation, may be found in violation of subsection (2)(r) of this regulation and/or other applicable violations under this regulation on the basis of that plea, guilty verdict, adjudication of guilt and/or conviction. Any such student shall be afforded the opportunity to participate in an informal proceeding in accordance with subsection (5)(b)1 above. During the informal proceeding, the charged student's prior plea, adjudication of guilt and/or conviction may be regarded by the hearing authority as substantial evidence of the charged student's responsibility for the alleged violation; however the student will also be allowed to present any mitigating facts or circumstances to the hearing authority. The hearing authority shall consider the information

presented by the student in determining the student's responsibility for the alleged violation and in imposing sanctions.

(d) In the event that the student fails to appear pursuant to the notice that was sent or delivered under paragraph (5)(a) of this regulation, the reviewing authority shall conduct the proceeding in the student's absence, and the reviewing authority will make a decision based on the information presented at the hearing. In such instances, a decision will be issued within five (5) business days of the hearing.

(e) A student judicial hearing is an opportunity for a student to challenge the content of the student's educational record and is closed unless the accused requests an open hearing a minimum of five (5) working days before the hearing and all student witnesses concur in writing.

(f) Findings shall be based upon a preponderance of the evidence. Upon such findings, the person or body hearing the action shall determine which sanction or sanctions should be imposed in accordance with subsection (3) above. Written notice of findings and any sanction to be imposed or recommended shall be furnished to the student charged with a violation of this regulation.

(g) The Student Conduct Committee, Student Honor Court and the Health Center Student Conduct Standards Committee make a recommendation to the Dean of Students concerning findings and sanctions to be imposed, if any. The College of Law Honor Committee makes a recommendation to the Appellate Board, as defined in Regulation 6C1-4.0212, concerning findings and sanctions to be imposed, if any.

(h) If the Dean of Students determines from a review of the record, and states with particularity in a written notice to all affected persons that a finding was not based upon substantial evidence or an action did not comply with the requirements of law or applicable

University regulations, the finding may be rejected and/or the case may be re-heard. If the record supports the finding, the Dean of Students can accept, modify or reject the recommended sanction.

(i) The Dean of Students may reject his or her prior findings or sanctions and may reopen the case for further proceedings in accordance with this regulation, in the following circumstances:

1. The Dean of Students is subsequently presented with evidence, testimony, facts or other circumstances from a criminal or civil proceeding which are material to the University proceeding and/or findings made by the Dean of Students based on that proceeding; and

2. This evidence, testimony, facts or other circumstances were not available to the University at the time of the University proceeding.

Findings or sanctions imposed under this regulation shall not be rejected solely on the basis of an adjudication of not guilty, an acquittal, a dismissal, a reduction of charges or other finding in favor of the student in a criminal or civil proceeding.

(6) Decisions made by the Director of Student Judicial Affairs, the Assistant Director of Student Judicial Affairs, and the Coordinator of Residential Judicial Programs can be appealed to the Dean of Students. Decisions made by the Dean of Students, in cases other than decisions resulting from an appeal to the Dean from another hearing authority, can be appealed to the Vice President for Student Affairs. Appeals to the Dean of Students and the Vice President for Student Affairs (hereinafter "reviewing authority") must be filed in writing and contact made with the reviewing authority within ten (10) business days from the date of the decision letter for the purpose of scheduling an appointment, unless otherwise agreed upon in writing by the student and the reviewing authority. The actual appointment must be scheduled within ten (10)

business days of filing the appeal unless otherwise approved by the reviewing authority. If the student fails to appear for the appointment, the reviewing authority will make a decision based on the written material. Criteria for filing an appeal is limited to the following grounds: (a) the student's rights were violated in the hearing process; (b) new material evidence that could not have been discovered at the time of the hearing; (c) the evidence did not support the decision by a preponderance of the evidence; and (d) the sanction(s) imposed were not appropriate for the violation. The decision on the appeal should be made within fifteen (15) calendar days following the meeting with the student except in exceptional circumstances. The decision of the reviewing authority shall be final.

(7) Records of disciplinary actions shall be maintained in accordance with Regulation 6C1-4.026(3).

(8) Disciplinary sanctions which may result in limits being placed on extracurricular activities and/or registration, do not take effect until any appeal requested has been completed. If no appeal is requested, the final action with respect to the above will take effect upon expiration of the appeal time.

Authority: BOG Resolution dated January 7, 2003.

History--New 9-29-75, Amended 3-9-76, 1-28-80, 3-26-80, 8-26-81, 2-11-82, 9-15-83, 3-25-85, 5-14-85, 10-14-85, Formerly 6C1-4.16, Amended 4-24-88, 5-21-89, 5-18-92, 5-19-93, 7-11-94, 4-30-95, 5-1-96, 7-15-97, 7-27-98, 10-31-99, 6-21-00, 5-22-01, 5-20-02, 2-13-03, 6-3-03, 5-30-04, 7-19-05, 12-02-05 (technical changes only), 6-15-07, Repealed \_\_\_\_\_.