

RULES OF
DEPARTMENT OF EDUCATION
DIVISION OF UNIVERSITIES
UNIVERSITY OF FLORIDA

6C1-4.016 Student Affairs; 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 Code of Conduct 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 Code of Conduct 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 — The following are violations of the Student Conduct Code and may result in sanctions, as provided in paragraph (3) below, being imposed upon the offenders:

(a) Furnishing false information to the University.

(b) Forgery, alteration, misuse or failure to provide required information on University documents, records, or identification cards.

(c) Taking or unauthorized use, possession or destruction of public or private property or services or acts committed with disregard of possible harm to such property or services.

(d) Unauthorized possession, duplication or use of keys or access cards to any University premises or services.

(e) Unauthorized entry into, on, or use of University premises.

(f) Failure to comply with lawful directives of University officials or law enforcement officers acting in performance of their duties.

(g) Disruption of the normal operations of the University and infringement upon the rights of other members of the University Community in violation of the Demonstration Policy of the University, Rule 6C1-2.002, F.A.C.

(h) Failure to comply with any University rule or regulation including the Alcoholic Beverages Rule, 6C1-2.019, and the Academic Honesty Guidelines, 6C1-4.017, F.A.C.

(i) Violations of the University of Florida, Division of Housing Rules and Regulations, 2002-2003~~2001-2002~~, adopted herein by reference. A copy of these Rules and Regulations may be obtained from the Staff and Student Development Office, Division of Housing, University of Florida, Museum Road and Thirteenth Street, P.O. Box 112100, Gainesville, Florida 32611.

(j) Action which interferes with or obstructs the student judicial process, including failure to appear at a hearing, failure to testify at a hearing, violating and/or failure to complete judicial sanctions. Nothing in this subsection shall be construed to compel self-incrimination.

(k) Possession, use, or delivery of controlled substances as defined in Chapter 893, Florida Statutes.

(l) Illegal or unauthorized possession or use of firearms, explosives, ammunition, fireworks, weapons (such as metallic knuckles, slingshots, bows and arrows, and switch-blade knives), or other deadly weapon or dangerous chemicals on University premises.

(m) Actions which cause or attempt to cause a fire or explosion, falsely reporting a fire, explosion or an explosive device, tampering with fire safety equipment or failure to evacuate university buildings during a fire alarm.

(n) Hazing, defined as an act which recklessly or intentionally endangers the mental or physical health or safety of a person, for the purpose of initiation or admission into, affiliation with, or as a condition for the continued membership in, a group or organization.

(o) Violation of any municipal or county ordinance, law of the State of Florida, or law of the United States.

(p) Ticket Scalping, i.e., selling tickets to any University of Florida function or event, or any event being held or to be held on University of Florida campus, for more than \$1 over the original price.

(q) Conduct which is disorderly, lewd, or indecent; breach of peace; or disrupting or interfering with the lawful administration or functions of the University or procuring another person to participate in such conduct on University premises or at functions sponsored by, sanctioned by, or participated in by the University.

(r) Actions which are committed with disregard of the possible harm to an individual or group, or which result in injury to an individual or group including physical and sexual assault and relationship/domestic violence. This includes threats or acts to self, including but not limited to threats of suicide or suicide attempts.

(s) Acts of verbal or written abuse, threats, intimidation, harassment, coercion and/or other conduct which creates an intimidating, hostile or offensive working or educational environment, including racial and sexual harassment and stalking.

(t) Any action without authorization from the University which does or causes 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.

(3) Sanctions — A student adjudicated responsible for violations under paragraph (2), ~~of~~ the Academic Honesty Guidelines, 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. 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 such as attendance at athletic functions, unrestricted library use, 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/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 violations of the Academic Honesty Guidelines, but only by the faculty member involved and upon recommendation thereof, except as otherwise provided in 6C1-4.017(3), F.A.C.

(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.

(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.

(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 persons charged shall be furnished with a written notice of charges and procedures for requesting a hearing. The notice of charges shall be issued within ten (10) calendar 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) calendar 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. Student Judicial Affairs shall maintain a list of impartial advisors and resources available to the student for preparing his/her defense. 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. 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.

1. Students charged with more serious violations will choose between a formal hearing with a conduct committee or a university hearing authority. 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;

c. Present evidence and witnesses relevant to his/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 Assistant Director of Student Judicial Affairs, Residence Directors, the Assistant Director of Housing for Village Communities, the Coordinator for Residential Judicial Programs, or Director of Student Judicial Affairs.

(c) In cases involving potential sanctions other than suspension, expulsion or removal from Housing, if the student was sent notice of the hearing to his/her address in the Registrar's records or the notice was hand-delivered and the student fails to appear at the hearing, the student has waived the right to attend the hearing, which may then proceed in the student's absence. For serious offenses which may involve a sanction of removal from housing, suspension, or expulsion, the hearing will be held only to preserve the evidence.

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

(e) 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 paragraph (2) above. Written notice of findings and any sanction to be imposed or recommended shall be furnished to the student charged with a conduct code violation.

(f) The Residence Hall Conduct Boards, Village Communities Judicial Board, and Residence Directors make a recommendation to the Coordinator for Residential Judicial

Programs concerning findings and sanctions to be imposed, if any. 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 Rule 6C1-4.0212, concerning findings and sanctions to be imposed, if any.

(g) If the Dean of Students or the Coordinator for Residential Judicial Programs 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 Rules, the finding may be rejected and/or the case may be re-heard. If the record supports the finding, the Dean of Students or the Coordinator for Residential Judicial Programs can accept, modify or reject the recommended sanction.

(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) calendar 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) calendar 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 6C1-4.026(3), F.A.C.

(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.

Specific 240.132(1), 229.0081(2)~~240.227(1)~~, 240.261 FS.

Law Implemented 120.81(1), 240.132, 240.133, ~~240.202~~, ~~240.261(2)~~, 240.262 FS.

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, _____.