



**SOUTHEASTERN LEGAL FOUNDATION**  
Rebuilding the American Republic®

February 4, 2021

**VIA EMAIL**

Ms. Rachel Winter  
University Conduct Officer  
University of North Florida  
rachel.winter@unf.edu

Re: Unconstitutional First and Fourteenth Amendment Violations on Campus

Dear Ms. Winter:

We are writing to you on behalf of concerned students regarding the Student Code of Conduct, referral forms, and related speech policies at the University of North Florida (UNF). These students fear that these policies are unconstitutionally vague, deprive students of procedural due process, and are being used to censor student speech. As such, they are concerned that UNF is violating state and federal law.

Southeastern Legal Foundation is a nonprofit public interest law firm and policy center dedicated to advocating for limited government, protecting American freedom, and defending individual liberties. Through our 1A Project, we educate the public about students' First Amendment rights on college campuses. This letter seeks to inform UNF about the dangerous, unconstitutional precedent it has set for the student body by stifling free speech and violating due process.

**Factual Background**

At UNF, students and faculty are encouraged to report students for engaging in unsafe or “disruptive” behavior through at least two forms: the COVID-19 Reporting Form<sup>1</sup> and the Student Conduct Referral Form.<sup>2</sup> Students can be reported for anything that violates the Code of Conduct, campus COVID policies, or “other” reasons.<sup>3</sup> A report submitted through one of these forms is treated as an official complaint, and UNF may rely on the report to impose discipline on the accused student or organization. According to the Code of Conduct, UNF does not need to investigate the allegations.<sup>4</sup> Instead, university administrators can proceed directly to issuing a charge letter to the accused student, requiring the student to participate in a Conduct Review meeting. In that meeting, the student must choose to (1) accept responsibility for the incident; (2)

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<sup>1</sup> Exhibit A.

<sup>2</sup> Exhibit B.

<sup>3</sup> See Exhibit A (asking reporter to select the area of concern based on COVID policy violations, including “other” concerns).

<sup>4</sup> Exhibit C.

attend an administrative hearing; or (3) attend a panel hearing comprised of members of the University community.

Upon hearing all the evidence, the administrator or panel will determine which consequences, if any, to impose on the student or organization. The Code of Conduct provides a list of possible sanctions that may be imposed on a student or organization, “but [it] is not an exhaustive list.”<sup>5</sup> Whereas the administrative hearing decision is not automatically reviewable, the panel hearing decision is reviewed by a campus administrator, usually the Dean of Students. The Dean “may adopt, modify or reject the Hearing Body’s recommendations, in whole or in part, or remand for a rehearing.”<sup>6</sup>

It has recently come to our attention that some students have been reported through these forms and now face disciplinary proceedings for alleged COVID violations. Moreover, it has come to our attention that, upon participating in the Code of Conduct hearing process, students have received different consequences for the same violations. Finally, we understand that UNF has actively removed signs and posters belonging to student groups because the posters could be perceived as offensive or harmful to members of the community. As laid out in this letter, these actions by the University pose serious First and Fourteenth Amendment concerns.

## Analysis

### I. First Amendment Violations

#### A. Student Reporting Form

It is well-settled that a college campus is the “marketplace of ideas” where students are exposed “to that robust exchange of ideas which discovers truth.”<sup>7</sup> Indeed, freedom of speech and academic inquiry are “vital” on college campuses, because only through thoughtful debate and discourse can real education occur.<sup>8</sup> Colleges have a duty to protect student health and safety, especially during uncertain times like these. However, even in unprecedented times, students’ First Amendment rights remain unchanged. That means colleges and universities cannot engage in viewpoint or content-based discrimination, cannot enact vague and overbroad policies, and cannot chill student expression.

Whereas UNF’s reporting forms do not appear to infringe on student speech outright, they could be invoked to do so indirectly. For example, the forms appear to be vague and overbroad. A policy violates the Constitution when it is so broad that it infringes on constitutionally protected activity. The category of students who can be reported in the forms is boundless. Students have no way of knowing what will be reported and what the school will do when non-compliance is reported, especially because the University allows reporters to give any reason for filing the report. The report then becomes formal, and an administrator can automatically transform it into official

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<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Keyishian v. Board of Regents*, 385 U.S. 589, 603 (1967).

<sup>8</sup> *Healy v. James*, 408 U.S. 169, 180 (1972).

charges at her discretion. In this way, the Reporting Form is unconstitutionally vague and overbroad because it provides no clear guidelines for students, both who file reports and who are the subject of the reports, regarding what conduct is punishable and what that punishment will be.

Next, the reporting forms are a vehicle for infringing on student's First Amendment rights. As we've seen these past few years, "cancel culture" is a pandemic itself that plagues social media. One need only say something that could be perceived in a remotely offensive way, and he is shouted down, unfollowed on social media, threatened, and even fired from work or expelled from school. Unfortunately, nowhere is "cancel culture" more visible than college campuses. With reporting forms at students' fingertips, students wishing to prevent a controversial speaker from visiting campus or to stop a student organization from garnering interest in their cause can simply report members of that organization as symptomatic or disruptive. Without stricter reporting guidelines, it appears that such events could be shut down entirely with the press of a button.

Finally, speech is chilled when a speaker objectively fears that speaking will result in discipline, and as a result censors her speech altogether. The U.S. Supreme Court repeatedly writes that the danger of chilling speech "is especially real in the University setting, where the State acts against a background and tradition of thought and experiment that is at the center of our intellectual and philosophic tradition."<sup>9</sup> Any action taken by university authorities that has a chilling effect on student speech is unconstitutional.<sup>10</sup> This includes sending a charge letter demanding that students attend a disciplinary hearing without even verifying the relevant accusations against them.

#### B. Discriminatory Poster Policies

Viewpoint discrimination occurs when a university either promotes or discourages speech based on beliefs or ideologies. Viewpoint-based restrictions are never constitutional. When a public university bans discussion of certain topics or prohibits certain speech activities from occurring, the restriction is considered content-based. Unless a university can demonstrate a compelling government interest, content-based restrictions cannot survive judicial review.<sup>11</sup> A university must show that its speech restriction is content-neutral and only restricts the time, place, or manner of speech.

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<sup>9</sup> *Rosenberger v. Rector*, 515 U.S. 819, 835 (1995).

<sup>10</sup> *Id.*

<sup>11</sup> In a "highly sensitive constitutional area" such as the First Amendment, "[o]nly the gravest abuses, endangering paramount interests," are compelling enough to justify restrictions on those rights. *Sherbert v. Verner*, 374 U.S. 398, 406 (1963).

The Constitution does not protect four limited categories of speech: obscenity,<sup>12</sup> inciting others to imminent lawless action,<sup>13</sup> “true threats,”<sup>14</sup> and defamation.<sup>15</sup> However, the Constitution *does* protect every other form of speech, including—but not limited to—protesting, tabling, distributing flyers, posting signs, and publishing articles. This is even affirmed in Florida state law.<sup>16</sup> Most importantly, state and federal law protect speech that offends others, including speech that some consider “hateful.” A school cannot single out speech it finds offensive, *even if* the entire student body is offended.

Here, UNF attempts to do exactly that. It has told students that they cannot post signs that might be considered offensive. In doing so, the University has engaged in content and viewpoint-based discrimination because it attacks the views of the poster’s creator and the words or images that comprise the poster itself. As such, UNF’s actions fail constitutional muster and violate state and federal law.

## II. Fourteenth Amendment Violations

Under the Fourteenth Amendment, individuals are entitled to procedural due process when faced with disciplinary hearings that may deprive them of their life, liberty, and property.<sup>17</sup> The standard for procedural due process is a balancing test, where courts must weigh

(1) the private interest that will be affected by the official action; (2) the risk of an erroneous deprivation of such interest through the procedures used, and probable value, if any, of additional procedural safeguards; and (3) the Government’s interest, including the fiscal and administrative burdens that the additional or substitute procedures would entail.<sup>18</sup>

### A. Private Interests at Stake

As described above, students have a clear First Amendment interest in engaging in open discourse on campus. Not only are these activities protected by the First Amendment, but they serve an important interest to the entire student body. As the quintessential marketplace of ideas, college is a time for students to participate in public debate. It is only

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<sup>12</sup> Obscene material is lewd, sexual, and serves no artistic, educational, scientific or literary value to the public. *Paris Adult Theater v. Slaton* (1973). Indecent speech does *not* amount to obscenity. *Papish v. Bd. of Curators of Univ. of Mo.*, 410 U.S. 667 (1973).

<sup>13</sup> Only speech that is “directed to inciting or producing imminent lawless action *and* is likely to incite or produce such action” falls under this category. *Brandenburg v. Ohio*, 395 U.S. 444, 447 (1969) (emphasis added).

<sup>14</sup> “True threats” are words or conduct that intentionally put others in fear for their physical safety. This is *not* the same as hate speech. *Koepfel v. Romano*, 252 F. Supp. 3d 1310 (M.D. Fla. 2017), *aff’d sub nom. Doe v. Valencia Coll.*, No. 17-12562, 2018 WL 4354223 (11th Cir. Sept. 13, 2018).

<sup>15</sup> Spreading false rumors about someone can amount to defamation and subject an offender to legal action. *Gertz v. Welch*, 418 U.S. 323 (1974).

<sup>16</sup> See Fla. Stat. § 1004.097 (listing protected forms of speech, including literature, signs, and petitions).

<sup>17</sup> *Mathews v. Eldridge*, 424 U.S. 319 (1976).

<sup>18</sup> *Id.* at 335.

through this discourse that we can make true progress as a nation. Therefore, students' interest in exercising their freedom of expression is fundamental.

### B. Risk of Erroneous Deprivation

The Code of Conduct process at UNF poses a serious risk that the University will deprive students of their rights—particularly their freedom of speech. Upon receiving a report, UNF can charge a student with a Code of Conduct violation without even conducting an investigation. It is not until the student meets with administrators that she can hear the extent of the charges against her, including the evidence and sources of information relied on.<sup>19</sup> And once the charges are issued, students *must* attend an administrative or panel hearing. Therefore, there is very little procedure in place to prevent the following scenario: a member of the University makes an accusation (perhaps false, misleading, or reckless), UNF immediately converts the accusation into charges, a student is told she must attend a disciplinary hearing, and she receives consequences that go on her permanent record and deprive her of the opportunity to engage in expression on campus. As an alternative to this intimidating process, students are instructed that if they accept responsibility for the allegations, they can avoid the hearing altogether. Faced with potentially higher consequences if they refuse this option, students may feel pressured into accepting responsibility immediately.

Beyond the procedures leading up to the hearing, there are serious constitutional deficiencies with procedures following the hearing. For example, if the accused student elects an administrative hearing, only one administrator presides over the matter (and, in fact, it could be the very administrator who reviews the original charges against the student). The administrator is appointed by the University Provost to oversee the hearing, and he is free to issue whatever discipline he sees fit. Notably, the administrator's decision is only appealable to the same Provost who appointed him at the outset.

Conversely, if the accused student chooses a panel hearing that consists of members of the University community, that decision is automatically reviewed by the Dean of Students or a similarly situated administrator. The Dean may accept, reject, or rework the punishment at his discretion. Thus, the panel decision is rendered meaningless. Like the administrative hearing, this decision is only appealable to the Provost. Therefore, both the administrative and panel hearings ultimately result in a single administrator exercising subjective, unfettered discretion about the adequacy of a punishment. This has proven to be the case this year: some students and organizations have been suspended for weeks due to mask violations, while others have been removed from campus entirely for the same violations.

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<sup>19</sup> The Code of Conduct states that, upon sending a charge letter, UNF must list the sources of information it relied on when making its charges. However, we are aware that the University has not always provided the sources of information in these letters.

### C. University Interests

There is no denying that universities have faced many challenges over the last year. The COVID-19 pandemic presents serious concerns about the health and safety of members of the campus community. Thus, UNF certainly has an interest in ensuring students comply with its mask mandates and other COVID policies. However, there are other ways UNF can protect these interests while still ensuring students receive the due process to which they are entitled.

For example, it would not be unreasonable to require that every accusation received through a referral form—or at least, those worth considering seriously—be subject to an investigation before administrators send a charge letter to students. Students should understand the charges made against them *before* being required to meet with university officials. Although UNF may argue that the Conduct Review meeting exists for that purpose, students may choose to skip the Conduct Review meeting altogether. That means they will not have access to the evidence against them until they participate in a formal hearing where the stakes are significantly higher. Also, Conduct Review meetings are overseen by university administrators. These administrators have the option of transforming the Conduct Review meeting into an administrative hearing. Thus, students who enter a Conduct Review meeting may leave with official sanctions that very same day. Students may find this process intimidating and chilling—particularly those who face this process for the first time.

If students cannot prepare adequately for the Conduct Review meeting, they may not understand what questions to ask, which type of hearing to select, and what their due process rights are. Similarly, students need to know who has made accusations against them so that they have an opportunity to confront witnesses. The current UNF reporting forms essentially insulate accusers from this confrontation process. The University must therefore be more transparent about how it received information and the extent to which it relied on that information when making a charge. Finally, consequences must be objective. Students must know what punishment accompanies specific actions; expansive lists about potential consequences are uninformative and simply open the door to abuses of authority by hearing panels and administrators.

### Request

Several Supreme Court Justices have affirmed the government’s duty to uphold our Constitution during COVID, stating that “a public health emergency does not give Governors and other public officials *carte blanche* to disregard the Constitution for as long as the medical problem persists.”<sup>20</sup> Even during these times of unrest and uncertainty, “the remedy to be applied is more speech, not enforced silence.”<sup>21</sup> Students must be allowed and encouraged to exercise their First Amendment rights to speak and assemble freely. It is imperative that students know the University’s position on these matters, because every minute that goes by is another minute that they are chilled into silence for fear of discipline.

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<sup>20</sup> *Calvary Chapel Dayton Valley v. Sisolak*, 591 U.S. \_\_\_ (2020) (Alito, J., dissenting from Court’s decision not to hear case seeking injunctive relief).

<sup>21</sup> *Whitney v. California*, 274 U.S. 357, 377 (1927) (Brandeis, J., concurring).

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In accordance with that understanding, SLF urges UNF to affirm its commitment to protecting the First Amendment rights of *all* students. Specifically, SLF requests that you (1) revise UNF policies, both written and verbal, that violate state and federal law by discriminating against the viewpoint and content of speech; (2) ensure that all evidence, including sources of information, are included in charge letters; (3) clarify which consequences accompany specific violations of the Student Code of Conduct; and (4) revise the Code of Conduct to remedy the other due process deficiencies outlined in this letter.

Yours in Freedom,

A handwritten signature in black ink that reads "Kimberly S. Hermann". The signature is written in a cursive style with a large initial "K".

Kimberly S. Hermann  
General Counsel  
Southeastern Legal Foundation

**EXHIBIT A**



# COVID-19 Measures Reporting Form

This is an official referral report form for incidents related to COVID-19 non-compliance of guidelines at the University of North Florida. UNF is committed to taking all appropriate measures to increase the safety of the University community. The University issued the Coronavirus Safety Policy (1.0180P) to clearly establish Health & Safety Measures (education, screening, testing, social distancing, face coverings, etc.), Self-Disclosure Information, and Enforcement Actions.

Submission of this form serves as an official report of an alleged violation of the Coronavirus Safety Policy and/or Disruptive Behavior Regulation (1.0030R). The individual(s) listed within this referral **may** be subject to disciplinary procedures as detailed within the Coronavirus Safety Regulation and/or Disruptive Behavior Regulation. The referral form should be completed and submitted in its entirety. Please know that intentionally creating a false report is a violation of University of North Florida Regulation(s).

***Please note that this form is not a substitute for calling UPD. If there is an emergency, please call 911 immediately to report the incident. This form should be filled out at a later point in time. Incident Reports will only be reviewed during normal university business hours, Monday - Friday 8:30 a.m. to 4:30 p.m., and may not be immediately reviewed.***

## **Background Information**

Please share information about yourself and the incident so we can thoroughly review the report and reach out if we have more questions. If you would like a copy of the report, please include your email address and select that option at the bottom prior to submission.

[Enable additional features by logging in. \(https://cm.maxient.com/reportingform.php?UnivofNorthFlorida&layout\\_id=4&promptforauth=true\)](https://cm.maxient.com/reportingform.php?UnivofNorthFlorida&layout_id=4&promptforauth=true)

Your full name:

Your position/title:

Your phone number:

Your email address:

Your physical address:

Identity of Involved Person (Required):

Date of incident (Required):

Time of incident:

Location of incident (Required):

Specific location:

## Involved Parties

Name or Organization

N Number

Phone number

Email address

Building/Hall/Address

Add another party

## Summary of Incident

Please select the areas of concern below based on required COVID safety measures (Required)

- Did not report positive test results
- Did not self-isolate/self-quarantine
- Not following social distancing guidelines (6 feet of distance, etc.)
- No mask/face covering
- Did not follow proper hygiene and/or sanitation measures
- Destruction and/or Theft of hygiene, disinfectants, or personal protective equipment
- Social distancing congestion area
- Other - Please include description below

Were any directives and/or warnings issued? (Required)

- Yes
- No

Please detail the reason for the referral in the space below. While writing the explanation, be specific and use names (with reference to any preferred names), dates, times, wherever possible. The report should be objective in nature, and detail the incident completely. Please be sure to include your level of involvement and/or information related to warnings or directives given, if any, in the incident.

Did another University department/official respond to the incident? (Required)

- Yes
- No

Please list the responding University official's contact information, if known.

Did a law enforcement agency respond to the incident? (Required)

Yes

No

Please list the law enforcement agency, responding officer and report number, if known.

## Supporting Documentation

Photos, video, email, and other supporting documents may be attached below. 5GB maximum total size.

**Attachments require time to upload, so please be patient after submitting this form.**

Choose files to upload

Choose Files

Email me a copy of this report

Submit report

**EXHIBIT B**



# Student Conduct Referral Report Form

This is an official Referral Report form for the Office of Student Accountability & Resolution at the University of North Florida. Submission of this form to the Office of Student Accountability & Resolution constitutes a formal complaint against the student(s) referred and **may** result in the initiation of disciplinary procedures, as detailed in the University of North Florida Student Code of Conduct (see [Office of Student Accountability & Resolution Website \(https://www.unf.edu/conduct/\)](https://www.unf.edu/conduct/)). The referral form should be completed and submitted in its entirety. Please know that intentionally creating a false report is a violation of the University of North Florida Student Code of Conduct.

***Please note that this form is not a substitute for calling UPD. If there is an emergency, please call 911 immediately to report the incident. This form should be filled out at a later point in time. Incident Reports will only be reviewed during normal university business hours, Monday - Friday 8:30 a.m. to 4:30 p.m., and may not be immediately reviewed.***

## Background Information

Please share information about yourself and the incident that will give us an idea of the setting of the incident and who to reach out to if we have more questions.

Enable additional features by [logging in. \(https://cm.maxient.com/reportingform.php?UnivofNorthFlorida&layout\\_id=2&promptforauth=true\)](https://cm.maxient.com/reportingform.php?UnivofNorthFlorida&layout_id=2&promptforauth=true)

Your full name:

Your position/title:

Your phone number:

Your email address:

Your physical address:

Date of incident (Required):

Time of incident:

Location of incident (Required):

Specific location:

## Involved Parties

**Please list as much information as you can about each of the individuals involved in the situation.**

Respondent = Individual(s) committing the behavior(s) being reported

Victim = Individual(s) who were the recipients of the behavior(s)

Witness = Individual(s) who were not actively involved, but had seen the behavior(s)

*If you are unsure of a student's N Number, you can fill in their Driver's License Number or leave that section blank. Do not create an N Number or License Number if they are unknown.*

Name or Organization

Select Gender

Select Role

N Number

DOB (YYYY-MM-DD)

Phone number

Email address

Hall/Address

Add another party

## Summary of Incident

Please select the areas of concern below based on potential Student Code of Conduct violations.

(Required)

- Sexual Misconduct
- Endangerment
- Harassment
- Possession of Weapons and Destructive Devices
- Hazing
- Arson
- Misuse of Fire Safety Devices or Failure to Follow Fire Safety Directives
- Possession of Illegal Drugs and/or Misuse of Medication
- Prohibited Use of Alcohol
- Prohibited Use of Tobacco
- Gambling
- Misuse of Technology
- Misuse of Vehicles and Transportation Devices
- Disruptive Behavior
- Identification/Falsification
- Vandalism or Theft
- Participation
- Disregard for the Conduct System
- Unauthorized Entry or Use of University Facilities
- Conspiracy
- Retaliation
- Violations of UNF (or another UNF Departments') Regulations, Policies, Rules, Etc.

Violations of Criminal Law

Please detail the reason for the conduct referral in the space below. While writing the explanation, be specific and use names (with reference to any preferred names), dates, times, wherever possible. The report should be objective in nature, and detail the incident completely. (Required)

Did a law enforcement agency respond to the incident? (Required)

- Yes
- No

Please list the law enforcement agency, responding officer and report number, if known.

Did another University department/official respond to the incident? (Required)

- Yes
- No

Please list the University department/official's name, if known.

## Supporting Documentation

Photos, video, email, and other supporting documents may be attached below. 5GB maximum total size.

**Attachments require time to upload, so please be patient after submitting this form**

Email me a copy of this report

Submit report

**EXHIBIT C**

## Student Conduct - Student Accountability and resolution



# Student Code of Conduct

- [A. Principles and Scope](#)
- [B. Authority](#)
- [C. Definitions](#)
- [D. Student Rights](#)
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- [L. Student Conduct Record Forgiveness for Non-Sexual Misconduct Cases](#)

## A. Principles and Scope

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### Introduction

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



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

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

## Guiding Principles

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

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

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

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



The University's Division of Academic and Student Affairs ("the Division") administers this Code of Conduct.

## Applicability of Student Code of Conduct

The University of North Florida's jurisdiction under this Code of Conduct includes conduct that occurs on UNF premises or anywhere off-campus or the internet that

- i. materially disrupts the University's learning environment;
- ii. substantially interferes with another student's ability to pursue their education in a safe environment;
- iii. involves substantial disorder or breaches of the peace; or
- iv. invades of the rights of others.

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

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

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

## Interaction of the Student Code of Conduct and the Sexual Misconduct Regulation

The University has a separate regulation, the Sexual Misconduct and Title IX Sexual Harassment Regulation, [1.0050R](#), which addresses sexual misconduct and sexual harassment and the processes for reaching a determination of responsibility for such conduct. It sets forth rights and procedures that may vary from what is set forth in the Student Code of Conduct. For cases

subject to the Sexual Misconduct and Title IX Sexual Harassment Regulation, the provisions of that regulation supersede and control over contrary or inconsistent provisions of this Student Code of Conduct.

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## B. Authority

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

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## C. Definitions

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

### 1. Administrative Hearing

The term "administrative hearing" refers to a conduct hearing wherein a respondent meets individually with a Hearing Administrator who reviews the reported charges against the student and all other relevant information to determine whether a respondent is "responsible" or "not responsible" for the alleged violation(s) and to address any appropriate outcome(s).

### 2. Advisor

The term "advisor" refers to any one person chosen by the respondent, alleged victim, or a witness to assist them throughout the disciplinary process. Any advisor serves at the requestor's own expense and initiative. A person may not serve in this capacity if their service would unreasonably conflict with the fair administration of the disciplinary process, as determined by the University Conduct Officer, or designee. The University is not responsible for selecting an advisor for anyone navigating the disciplinary process. It is the individual's responsibility to make appropriate arrangements for their advisor to attend meetings, which will not be delayed due to scheduling conflicts of the chosen advisor. The advisor may be present to advise the individual or the reporting person but cannot speak for the individual, present the case, serve as a witness, or otherwise participate directly in any meeting or hearing. Special exceptions to this definition of advisor apply in cases involving alleged violations of the Sexual Misconduct Regulation, and that Regulation's description of advisors controls in such cases.

### 3. Agreed Resolution

The term "agreed resolution" refers to a conduct resolution where a respondent elects to resolve outstanding violation(s) with a Hearing Administrator in lieu of a conduct hearing by accepting responsibility for the alleged violation(s) and the meeting focuses on determining an appropriate sanction(s), if any.

### 4. Alleged Victim



The term "alleged victim" refers to any person who reportedly experienced a material loss, harm or injury, either physically, mentally or emotionally. When the Student Conduct Office becomes aware of reported misconduct, the alleged victim shall be informed of available resources on campus, referral services, and their rights throughout the conduct process.

#### 5. Appeal Authority

The term "appeal authority" refers to any person or people authorized to determine the outcome of an appeal. No person may hear or decide an appeal if they conducted or participated in the disciplinary proceeding being reviewed on appeal.

#### 6. Bystander

The term "bystander" refers to a person who is present at an event or incident but is not directly involved in the alleged violation.

#### 7. Charge

The term "charge" refers to the written notice given to a student that contains the reported violation(s) of the Student Code of Conduct which the student will be required to answer. (Please refer to the Conduct Procedures Section of this Code).

#### 8. Class Days

The term "class days" refers to the days when either classes or final exams are officially scheduled by the University, with the exception of Sundays and legal holidays. A class day is not determined by a student's individual class schedule. For example, Monday through Friday is 5 class days, even if a student only attends classes on Tuesday and Thursday.

#### 9. Coercion

The term "coercion" is defined in the University Sexual Misconduct (Title IX) Regulation ([1.0050R](#)) and is incorporated by reference within the Student Code of Conduct.

#### 10. Complainant and/or Reporting Party



The terms "Complainant" and "Reporting Party" refer to the party bringing the complaint, which could be an employee, a student, or guest of the University. In some cases, the individual reporting misconduct may not be the reported victim, such as when a faculty member reports an issue. When the individual making the report is not an alleged victim, they are referred to as a "Reporting Party." When the individual making the report is an alleged victim, they are referred to as the "Complainant." The University may also act as a Complainant or Reporting Party, but it is always the convener of every action under this Code.

### 11. Conduct Review

The term "conduct review" refers to the initial meeting between a Respondent and the University's Hearing Administrator where the student is advised of the charges against them as stated in the Charge Letter, and where the student will be advised of their rights in the student conduct process including their rights at a subsequent Administrative or Panel Hearing.

### 12. Consent

The term "consent" is defined in the University Sexual Misconduct and Title IX Sexual Harassment Regulation ([1.0050R](#)) and is incorporated by reference within the Student Code of Conduct.

### 13. Disciplinary Hold

The term "disciplinary hold" refers to a restrictive hold placed on a student's University record by the Provost/Designee to ensure compliance with sanctions, or pending the resolution of conduct matters to the extent permitted by law. Disciplinary Holds may restrict a student from registering for or withdrawing from classes, requesting their transcript, and/or receiving their diploma, degree, or certificate. When terms and conditions of sanctions have been satisfied and/or pending conduct matters have been resolved, the hold may be removed.

### 14. Guest

The term "guest" refers to any person interacting with the University who is not affiliated with the University. Students and/or non-student residents may be held responsible for the actions of their guests.

### 15. Hazardous Chemicals

The term "hazardous chemicals" refers to any chemical which is a physical hazard or health hazard, as defined by the Occupational Safety and Health Administration (OSHA).

### 16. Hearing Administrator

The term "hearing administrator" refers to any individual assigned to hear conduct cases by the Provost/designee. A Hearing Administrator may also serve as a facilitator during panel hearings.

### 17. Hearing Body

The term "hearing body" refers to any person or persons authorized by the Provost/Designee to conduct hearings to determine whether to recommend that a student has or has not violated the Student Code of Conduct.

### 18. Immediate Suspension Panel Appeal Hearing

The term "immediate suspension panel appeal hearing" refers to a panel consisting of at least 50% student representation from the student conduct board convened to hear an appeal of a student's Immediate Suspension by the Provost/Designee. (Please refer to the Interim Measures Section and the Appeals Section of this Code)

### 19. Incapacity

The term "incapacity" is defined in the University Sexual Misconduct and Title IX Sexual Harassment Regulation ([1.0050R](#)) and is incorporated by reference within the Student Code of Conduct.

### 20. Investigator

The term "investigator" refers to any person(s) authorized by the Provost/Designee who may, among other things, investigate reported violations of misconduct, present findings to the Student Conduct Office and/or present the findings of their investigation to the Hearing Body.



## 21. Non-student Resident

The term "non-student resident" refers to an individual who resides in UNF Housing pursuant to a housing arrangement but is not a student as defined in this Code. Such individuals will not be subject to the procedures set forth in the Student Code of Conduct but instead will be required to comply with the procedures adopted by University Housing for addressing violations of its resident requirements.

## 22. On-Campus

The term "on-campus" refers to all land, buildings, facilities, and other properties (including equipment and vehicles) in possession of or owned, used or controlled by the University, including adjacent streets, sidewalks, and parking lots.

## 23. Panel Hearing

The term "panel hearing" refers to a conduct hearing authorized by the Provost/Designee where individuals drawn from the student conduct board will review charges and information presented and determine whether to recommend to the Provost/Designee that a student is "responsible" or "not responsible" for the charge(s) and any sanction(s).

## 24. Policy

The term "policy" refers to any adopted policy of the University as found on the [Official UNF Website](#).

## 25. Regulation

The term "regulation" refers to the adopted regulations of the University as found on the [Official UNF Website](#).

## 26. Respondent

The term "respondent" refers to a student who has been named in the conduct referral process who allegedly committed a violation and/or formally charged by the Student Conduct Office.



## 27. Responsible

The term "responsible" means that the information presented at any hearing shows that it is more likely than not that the student committed the alleged violation(s).

## 28. Sanction

The term "sanction" refers to the University's educational response to address student behavior where a student has been found responsible for a violation of the Student Code of Conduct.

## 29. Sexual Misconduct

The term "sexual misconduct" is defined in the University Sexual Misconduct and Title IX Sexual Harassment Regulation ([1.0050R](#)) and is incorporated by reference within the Student Code of Conduct.

## 30. Student

For purposes of the Student Code of Conduct, the term "student" refers to any person who is currently admitted to UNF, enrolled in any credit or non-credit bearing course or program at UNF, maintains student status based on the Continuous Enrollment Policy, or is otherwise participating in UNF coursework (including auditing classes, On-Campus Transition Program, English Language Program, Learning for a Lifetime Program, and similar programs). Individuals enrolled in Continuing Education courses through UNF are specifically excluded from this definition of "Student" and conduct matters involving such individuals will be handled by a separate process within the Division of Continuing Education.

UNF defines continuous enrollment as being enrolled in classes at UNF without a break of three or more consecutive semesters.

Without limiting the generality of the definition above, by way of illustration, the Student Code of Conduct would apply to an individual enrolled in the spring and fall semesters who engages in misconduct during the intervening summer semester on or off campus. It also applies to first-time enrollees who engage in misconduct between the point of admission and official matriculation into the university. Furthermore, it applies to individuals who have been enrolled in classes and continue to be associated with the University because they have not completed the course or program requirements in 

which they were enrolled, even if they are not currently enrolled and are simply maintaining student status under the Continuous Enrollment Policy. In cases of dual enrollment, jurisdiction over a Student's conduct will be determined in consultation with appropriate officials at the Student's other institution.

**For the purpose of this Regulation, the term "Student" is interchangeable with "Student Organization" when the term "Student Organization" is not directly specified.**

### 31. Student Conduct Board

The term "Student Conduct Board" refers to active students, faculty, and staff who successfully complete annual training in student conduct regulations and procedures and are eligible to be chosen to serve in a panel hearing.

### 32. Student Organization

The term "student organization" refers to an association or group of individuals that (1) have complied with the formal requirements for University recognition or are in the formal process of obtaining recognition; or (2) are operating as a de facto student organization but have not gone through the appropriate approval processes.

### 33. University Community

The term "university community" refers to any person who is a student; faculty and/or staff member; University official; any other person employed or contracted with the University; any other individual interacting with the University; or a guest of the University.

### 34. University Official

The term "university official" refers to any person authorized by the University to perform assigned teaching, research, administrative, professional and/or other responsibilities. University Police also fall under this definition.

## D. Student Rights

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

1. Students have the right to have the University conduct a fair, impartial investigation in a timely manner and take prompt, effective, and equitable action to resolve complaints.

2. Students have the right to confidentiality of their educational records under the Family Educational Rights and Privacy Act ("FERPA") and applicable state law. FERPA is a Federal law that protects the privacy of student's educational records. Records will be maintained in accordance with FERPA and applicable law. Student Conduct Record maintenance is described in greater detail below under Records Section of this Code.

3. Students have the right to review incident reports and documentation related to the conduct case.

4. Students have the right to an Advisor throughout the conduct process. The respondent, complainant, and any witnesses may be accompanied during the conduct process by an advisor of their choice.

i. It is the respective party's responsibility to make appropriate arrangements for their advisor to attend a review or hearing, which shall not be delayed due to scheduling conflicts of the chosen advisor.

ii. Respondents, complainants, and witnesses are required to address the hearing body in person, on their own behalf, although they may consult with their advisor during the hearing. This consultation must take place in a manner that does not disrupt the proceedings. The advisor shall not speak on behalf of their party unless expressly authorized to do so by the hearing body.

iii. The respondent, complainant, and any witnesses shall provide the advisor's name in writing to the Student Conduct Office two class days prior to the hearing. If an advisor is an attorney, the respective party must notify the Hearing Administrator assigned to the case of an attorney's name and address at least two class days prior to a review or hearing.



iv. In the Hearing Officer's sole discretion, an advisor may be removed from the hearing if it is determined that their presence is disruptive. The advisor may not serve as a witness.

5. Alleged victims have the right to submit a Victim Impact Statement. This statement may only be used in the sanctioning phase of deliberations after the respondent is found responsible for the charge(s). In cases involving Sexual Misconduct, Victim Impact Statements are subject to the Sexual Misconduct and Title IX Sexual Harassment Regulation's rules regarding review by the parties, questioning, cross-examination, and the right to present relevant evidence.

6. Respondents have the right to submit character statements to the Hearing Body. This information may only be used in the sanctioning phase of deliberations if the respondent is found responsible for the charge(s). In cases involving Sexual Misconduct, character statements are subject to the Sexual Misconduct and Title IX Sexual Harassment Regulation's rules regarding review by the parties, questioning, cross-examination, and the right to present relevant evidence.

7. Students have the right for unrelated past behavior to be excluded from a hearing. In their sole discretion, the Hearing Administrator will decide if such information is unrelated. Previous disciplinary history or criminal charges may be considered during the sanctioning phase of the conduct process. The past sexual history of the alleged victim is not considered relevant, except as otherwise stated in the Sexual Misconduct and Title IX Sexual Harassment Regulation.

8. Students have the right to be present throughout the hearing, or portions thereof, except for the deliberation phase.

9. Students have the right to question respondents, complainants, alleged victims and/or witnesses in attendance. Students will have the ability to question these parties indirectly, at the sole discretion of the Hearing Administrator, by submitting their questions in advance for the Hearing Administrator to facilitate, except in cases subject to the Sexual Misconduct and Title IX Sexual Harassment Regulation, in which case the Advisor shall also have the right to conduct such questioning and is not required to submit

the questions in advance. At the request of either the complainant or the respondent, the alleged victim(s) and respondent may be placed in separate rooms with technology enabling the decision maker and parties to simultaneously see and hear the party answering questions or presenting their information regarding the alleged conduct violation.

10. To the extent permitted by federal and state law, students have the right to be notified in writing of the outcome of the hearing. The report will be provided to the parties simultaneously. For cases in which the Clery Act applies, the notification will include any initial, interim, or final decision, any sanctions imposed, and the rationale for the result and sanctions, and an explanation of the appeal process. For all other proceedings, the school will inform the Complainant/reporting party whether it found that the alleged conduct occurred, any individual remedies offered to the Complainant/reporting party, or any sanctions imposed on the responding party that directly relate to the Complainant/reporting party, and other steps the school has taken to eliminate the concern.

11. Students have the right to have any legal personal property returned to them if in the current possession of the University. The determination of when this property is to be returned is left to the sole discretion of the Hearing Administrator.

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## E. Violations

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

**Conduct that is a lawful exercise of freedom of expression rights granted through the First Amendment to the United States Constitution and Article I of the Florida State Constitution** 

and other laws is not a violation of the Student Code of Conduct.

## 1. Sexual Misconduct

The University prohibits sexual misconduct, which includes discrimination based on sex, gender-based discrimination, sexual harassment, and sexual violence. Please refer to the University's Sexual Misconduct and Title IX Sexual Harassment Regulation [1.0050R](#). Any violation of that Regulation is a violation of this Student Code of Conduct.

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

## 2. Endangerment

- 2.0: Physical violence towards another person or group.
- 2.1: A verbal, written, or physical threat of physical violence towards another person or group.
- 2.2: Action(s) that endanger the health, safety, or physical or emotional well-being of another person or group.
- 2.3: Action(s) that endanger one's own health or safety.
- 2.4: Interference with the freedom of another person to move about in a lawful manner.

## 3. Harassment



- 3.0 Harassment: Verbal, physical, electronic or other conduct, action(s), or statements that are sufficiently severe, persistent or pervasive as to deny or limit a student's ability to participate in or benefit from the University's educational programs or activities, or substantially interfere with or alter the conditions of employment. Please refer to the University's Sexual Misconduct and Title IX Sexual Harassment Regulation's definition of sexual harassment, which is incorporated by reference.
- 3.1 Violation of Privacy: Acts that are severe, persistent or pervasive that violate the privacy of another person, under both an objective (a reasonable person's) and subjective (the alleged victim's or reporting person's) view.
- 3.2 Stalking: Please refer to the University's Sexual Misconduct and Title IX Sexual Harassment Regulation's definitions of stalking and cyberstalking, which are incorporated by reference.

## 4. Possession of Weapons and Destructive Devices

- 4.0: It is prohibited for any person covered by this Code to possess a firearm, electric weapon or device, destructive device, or other weapon including a razor blade, box cutter, dirk, knife (other than a common pocketknife, plastic knife, or blunt-bladed table knife), metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon on University property, University-controlled property or at University-sponsored events. The only exceptions to this prohibition are:

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

Students may carry lawful self-defense chemical spray which is compact in nature, containing no more than two ounces of chemical, designed to be carried on or about the person solely for purposes of self-defense;

A person 18 years of age or older may maintain a firearm or other weapon for self-defense or other lawful purpose within the interior of a private vehicle, without a license, if the firearm or other weapon is securely encased or is otherwise not readily accessible for immediate use. Additionally, nothing in this section prohibits the carrying of a legal firearm other than a handgun anywhere in a private conveyance when such firearm being carried for a lawful use. This exception shall not be construed to authorize the

carrying of a concealed firearm or other weapon on a person or outside of a vehicle on University property, University-controlled property or at University-sponsored events.

Possessing and using a razor blade and/or a box cutter for lawful and intended purposes. Specifically, razor blades may be possessed and used for personal hygiene and a box cutter may be possessed and used as a tool for University-sanctioned or University-sponsored events.

## 5. Hazing

The University prohibits Hazing. Please see the University's Prohibition Against Hazing Regulation, [5.0020R](#). Any violation of that Regulation is a violation of the Student Conduct Code.

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

## 6. Fire and Safety

- 6.0: Intentionally or recklessly causing a fire.



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

## 7. Pets and Wildlife

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

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

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

- 8.0: Use of illegal drugs, including use of prescription drugs, where the individual possessing or using the drugs is not the individual for whom the prescription drugs were 

lawfully prescribed.

- 8.1: Unlawful possession, purchase or attempted purchase, misuse, or misappropriation of controlled substances, including prescription medication.
- 8.2: Possession or use of drug paraphernalia.
- 8.3: Distribution, delivery, and/or sale of illegal drugs or prescription drugs, where the person distributing, delivering and/or selling the prescription drugs is not the person to whom the medication was lawfully prescribed.
- 8.4: Conspiracy to distribute, deliver and/or sell illegal drugs.
- 8.5: Misuse of one's own prescription medication.
- 8.6: Driving while impaired.
- 8.7: Violation of the University's Alcohol and Other Drugs Policy ([14.0060P](#)).

## 9. Prohibited Use of Alcohol

- 9.0: Possession, use and/or consumption of alcohol when under the legal drinking age, as defined by law.
- 9.1: Possession of open containers of alcohol or consuming of alcohol in non-approved areas.
- 9.2: Dispensing, selling, and/or supplying alcoholic beverages to an individual who is under the legal drinking age, as defined by law.
- 9.3: Possession or use of beer kegs, party balls, and/or other common sources of mass volume alcohol on campus, with the exception of University approved functions.
- 9.4: Public Intoxication: observable disruptive behavior resulting from excessive consumption of alcoholic beverages (to be determined by physical observation or BAC test, if available).
- 9.5: Violating other University or Housing policies while under the influence of alcohol. Students who choose to drink alcohol will be held fully responsible for their 

behavior while under the influence of alcohol.

- 9.6: Misrepresenting or misstating one's age or using altered identification in order to prove legal drinking age.
- 9.7: Possession or use of devices designed for the rapid consumption of alcohol, such as beer bong and funnels. This includes games promoting the consumption of alcohol.
- 9.8: Driving while impaired.
- 9.9: Violation of the University's Alcohol and Other Drugs Policy ([14.0060P](#)).

## 10. Smoking and Use of Tobacco Products

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

## 11. Gambling

- 11.0: Engaging in an unlawful game of chance for money or for anything of value on University premises (including the residence halls) or at any non-sanctioned affair sponsored by a student or student organization.
- 11.1: Placing an unlawful wager on a University or non-University team or organization in a competition, with a direct influence in the success of the competition.

## 12. Misuse of Technology



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

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

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



## 14. Disruptive Behavior

- 14.0: Conduct that is meant to be done in humor or in jest, but results in a loss, inconvenience, or otherwise damages the property or well-being of another.
- 14.1: Any act that deliberately causes a reasonable person false alarm.
- 14.2: Lewd or other unlawful conduct. Conduct which is considered disruptive or lewd under both an objective (a reasonable person's) and subjective (the alleged victim's or reporting person's) view.
- 14.3: Commercial solicitation on campus without prior approval from University designated officials.
- 14.4: Disruptive behavior by guests. Students hosting guests are responsible for their guests while they are visiting the university community and may be held accountable for the actions of their guests.
- 14.5: Material disruption of University operations such as obstruction of teaching, research, administration, other University activities, and/or other authorized non-University activities.
- 14.6: Knowingly disrupting or interfering with the University's administration, educational processes, learning environment, functions or activities under both an objective (a reasonable person's) and subjective (the Reporting Party's) view, or advising, counseling, instructing or conspiring with any person to engage in such disruption or interference.
- 14.7: Urination or defecation in a public space or non-restroom shared private spaces within a residence hall (such as a common or living room).
- 14.8: Violation of the University's Disruptive Behavior Regulation ([1.0030R](#)).

## 15. Identification/Falsification

- 15.0: Possession, ownership, or use of falsified or altered identification.
- 15.1: Permitting another person to use their identification.



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

## 16. Vandalism or Theft

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

## 17. Invasion of Privacy

- 17.0: Unauthorized intrusion upon a person's private property or communications.
- 17.1: Unauthorized appropriation and/or use of someone's identity or personal data or documents.
- 17.2: Using electronic or other means to make a video or photographic record of any person where there is a reasonable expectation of privacy without the person's consent. This includes, but is not limited to, taking video or photographic images in shower/lo



rooms, residence hall rooms, private bedrooms, and restrooms. The sharing and/or distributing of such unauthorized records by any means is also prohibited.

- 17.3: Using electronic or other means to make an oral record of any person where there is a reasonable expectation of privacy without the person's consent. Such oral communications include, but are not limited to, recordings made using any device and any wire, oral, or electronic communication.

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

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

## 19. Bystander Participation

- 19.0: Involvement in any violation as outlined by the Student Code of Conduct or University regulations. This includes failure to remove oneself from the incident or area



where the violation is being committed or failure of any student to properly address known or obvious violations.

## 20. Discrimination

- 20.0: Any act or failure to act that is based upon an individual or group's actual or perceived status (age, race, color, religion, ancestry, disability, national origin, sex, gender identity, gender expression, sexual orientation, marital status, genetic information, veteran status, or any other basis protected by federal, state or local law) that is sufficiently severe that it limits or denies the ability to participate in or benefit from the University's educational program or activities.

## 21. Retaliation

- 21.0: To take any adverse action against any person or University office or department for making a complaint, cooperating in an investigation, and/or participating in the student conduct process.

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

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

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



- 22.5: Violation of any University regulation, policy, rule, guideline or requirement.

## 23. Violations of Criminal Law

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

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## F. Alternative Dispute Resolution

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

### 1. Review

The University Conduct Officer, or designee, reviews the alleged conduct and may refer reported incidents for Alternative Dispute Resolution services. In certain Student Conduct cases involving sexual misconduct, interpersonal violence, or other serious alleged violations alternative dispute resolution services may not be available. All Alternative Dispute Resolution opportunities are at the discretion of the University Conduct Officer or designee. If resolution is not achieved through Alternative Disput

Resolution and the matter involves a pending Student Code of Conduct allegation, the respondent may be referred to the formal student conduct process.

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

## 2. Notice

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

## 3. Intake Meeting

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

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

### i. Conflict Coaching



## ii. Facilitated Dialogue

## iii. Mediation Meeting

### 4. Resolution Services

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

#### i. Conflict Coaching

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

#### ii. Facilitated Dialogue

Facilitated Dialogue is a structured conversation between the conflicting parties to overcome the communication barrier that has formed between them. This option is provided for the participants to share their ideas, information, and experiences about the situation at hand, and to help each party realize how their respective actions have impacted one another. The goal of this option is to have both parties work towards a mutual understanding. It is designed to be a safe environment for all involved, and to help all parties empathize with each other so that they may continue working together, living together, etc. Facilitated Dialogue is organized to help bring attention to the multiple viewpoints concerning the challenging topic, situation, or incident at hand. The parties may not leave the Facilitated Dialogue in agreement, but they should leave with a clearer



understanding of varying perspectives and having opened an ongoing dialogue in pursuit of conflict resolution. These sessions are estimated to last about 2 hours, but please note that follow-up sessions may be necessary on a case-by-case basis.

### iii. Mediation

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

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## G. Conduct Procedures

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Students may also request reasonable accommodations with the Student Conduct Office to ensure equitable participation, along with a full and fair understanding of the process. To request an accommodation, please contact the Student Conduct Office, who may also work with Student Accessibility Services to determine what reasonable accommodations may be available.

### 1. University as Convener

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

### 2. Discretion in Charging

The University's highest priority is the physical and mental health and safety of students and members of the University community. An element of promoting safety is providing... 

clear, responsible methods of reporting and addressing incidents of misconduct. Therefore, in order to remove potential barriers to reporting, the University Conduct Officer, or designee, may in its discretion, choose to not charge an affected/reporting party with a violation for conduct if reporting by that party in good faith to a University official, or otherwise discovered through investigation.

### 3. Initiation of the Conduct Process

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

Generally, a student will not be charged with a violation of the Student Code of Conduct more than one year after the date the conduct occurred or was discovered, whichever is later. However, the Provost/Designee may extend this time period for good cause to account for extenuating circumstances that warrant an extension of the one-year time limit.

### 4. Intake and Case Designation

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

#### i. Alternative Dispute Resolution:

The University will determine whether the case is appropriate for alternative dispute resolution services. If so, the ADR Process described in Alternative Dispute Resolution Section of this Code will begin, and if successfully resolved, some or all of the remaining conduct procedures below may be eliminated.



## **ii. Conduct Governed by the Sexual Misconduct and Title IX Sexual Harassment Regulation:**

If the case includes allegations that would be violations of the Sexual Misconduct and Title IX Sexual Harassment Regulation, (collectively, "Sexual Misconduct Claims"), those allegations will be directed to the Title IX Coordinator for review under the University's processes set forth in that regulation. If the case also contains portions that allege violations of the Student Conduct Code that are not Sexual Misconduct Claims ("Non-Sexual Misconduct Claims"), then the University may decide, in its sole discretion, whether to proceed with the Non-Sexual Misconduct Claims independently before, during, or after completion of the Title IX Coordinator's review.

## **iii. Discrimination:**

If the case includes allegations that would be violations of the Non-discrimination, Equal Opportunity and Inclusion Regulation or other violations of discrimination (collectively, "Discrimination Claims"), those allegations will be directed to the Director of the Department of Equal Opportunity and Inclusion ("EOI") for review under the University's EOI processes. If the case also contains portions that allege violations of the Student Conduct Code that are not Discrimination Claims ("Non-Discrimination Claims"), then the University may decide, in its sole discretion, whether to proceed with the Non-Discrimination Claims independently before, during, or after completion of EOI's review.

## **iv. Behavioral:**

Cases that do not allege a Sexual Misconduct Claim or Discrimination Claim will follow the procedures set forth below.

## **v. Organizational:**

If the case includes allegations involving one or more student organizations, it will follow the procedures outlined in Section G(10) below.

## **vi. Medical Amnesty:**

If the case includes on- or off-campus conduct involving parties who sought assistance for themselves or others as a result of a hazing incident, intoxication



or medical emergency, it will follow the procedures outlined in Section G(11) below.

**vii. Immediate Suspension:**

If the case includes allegations of a student(s) actions that may affect the safety, health, or general welfare of the student or University community (including, but not limited to violations of drug possession and/or intent to distribute, endangerment, and weapons possession), the Provost/Designee may impose an immediate suspension prior to the student's hearing. An immediate suspension means a student cannot be on University property, cannot attend classes, and cannot use University facilities. A student may appeal an immediate suspension, please see appeal procedures outlined in the Appeals Section of this Code below. For emergency removals in cases involving Sexual Misconduct, please refer to the University's Sexual Misconduct and Title IX Sexual Harassment Regulation.

## 5. Investigation

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

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

If the University conducts an investigation, the assigned investigator will develop an investigation plan, review the submitted report, and other additional information, such as statements from involved parties and witnesses. Participants may be accompanied 

an advisor and individuals are encouraged to participate in the process in order to allow for a thorough investigation. However, the investigation process does not require participation and an individual may decline to participate.

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

## 6. Charge Letter

If the University determines that there are reasonable grounds to charge a respondent with a violation of the Student Code of Conduct, it shall issue a written Charge Letter to the respondent. A Charge Letter is typically issued within 1-5 class days, but may take 30-45 class days after the initial referral when a case undergoes an investigation. In extenuating circumstances, it may take longer for a Charge Letter to be issued. Charge Letters are sent to students via their University of North Florida email account. Charge Letters will include a summary of the charges and sources of information. The Charge Letter will instruct the student to contact the Student Conduct Office within 5 class days of receipt of the letter to schedule a Conduct Review. Failure to contact the office within 5 class days will result in waiver of the Conduct Review. The University will not schedule a disciplinary hearing until at least 5 class days have passed since providing the Charge Letter to the respondent, unless the respondent waives this requirement.

## 7. Conduct Review

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

If a student elects to forgo a Conduct Review or fails to timely schedule or attend a Conduct Review, and 5 class days have expired since the date of the notice, the student waives their right to a Conduct Review. At that time, a formal hearing (either Administrative or Panel) may be scheduled in the student's absence at the sole



discretion of the Hearing Administrator. The student will be notified of the date and time of the formal hearing. If the student fails to appear at the scheduled formal hearing and failed to provide advance notice to this effect to the Hearing Administrator, the hearing will be held in the student's absence.

## 8. Selection of Resolution Method

The purpose of a resolution meeting or hearing is to provide an impartial forum for the party bringing charges against a student and the respondent to present all of their information regarding the alleged misconduct.

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

In non-Sexual Misconduct Claims, if the respondent elects to continue the conduct process with an Agreed Resolution or Administrative Hearing immediately, the Conduct Review will then transition into that meeting. Choosing to move forward with an Agreed Resolution or Administrative Hearing immediately requires the respondent to waive the 3 class day notice period, and other student rights, which are described in a waiver form presented to the student when considering selection of a resolution method.

If the respondent elects to continue the conduct process at a later date, the respondent and Hearing Administrator will work to schedule the resolution meeting or hearing for a mutually agreeable date and time. Respondents have the right to a 3 class day notice period, along with other rights described below under Student Rights Section of this Code.

If a Panel Hearing is selected, it will be scheduled no sooner than 3 class days after the Conduct Review and generally no later than 14 class days after the Conduct Review, at the sole discretion of the Hearing Administrator.



At least 3 class days before the Panel Hearing, the student and their advisor, if any, have the right to review all of the information that will be presented against the student. The University also has the right to review all information the respondent intends to rely on at the hearing at least 3 class days before the hearing. This information includes, but is not limited to, documentary evidence, physical evidence, and a list of witnesses that intend to be called by either party. The University cannot compel the attendance of any witness(es) at the hearing on the student's behalf.

## 9. Resolution Methods

### i. Agreed Resolution

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

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

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

### ii. Administrative Hearing

- *Non-Sexual Misconduct Claims*

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

Administrative Hearings may take place immediately after a Conduct Review meeting or may be scheduled within a reasonable time.



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

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

- *Sexual Misconduct Claims*

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

### iii. Panel Hearing

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

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



## 10. Special Procedures Involving Organizational Misconduct

### i. Individual and Collective Responsibility

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

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

### ii. Investigation

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

### iii. Charge Letter

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

### iv. Resolution Method

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



## 11. Special Procedures Involving Medical Amnesty

### i. Investigation

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

### ii. Notice

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

### iii. Resolution Meeting

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

## 12. Hearing Procedures

i. The Hearing Administrator (or Decision-Maker(s) in a Sexual Misconduct Claim will explain each participant's rights and options and assure that fairness and



procedural due process are observed throughout the hearing.

ii. The student conduct process is not the same as a criminal or civil proceeding before a Florida court. Procedures governing Florida's criminal or civil courts, including formal rules of evidence, are not applicable. For example, hearsay may be used in certain circumstances so long as the use is consistent with due process.

iii. Deviations from the procedures in this Code shall not invalidate a proceeding or decision, except where such deviation has clearly resulted in substantial prejudice to an accused student. Student conduct procedures are consistent with basic principles of fairness and procedural due process, which includes the right to notice of alleged charges and a meaningful opportunity to be heard before an impartial decision-maker.

iv. The University uses the preponderance of evidence standard in determining whether sanctions are appropriate. A student will be found responsible for an alleged violation if the relevant evidence shows that, more likely than not, the violation occurred.

v. Any sanctions will be proportionate to the severity of the violation and the student's cumulative conduct history.

vi. Students may appeal their disciplinary outcomes as provided under the Appeals Section of this Code and Florida law.

vii. The Student Conduct process is educational in nature and a confidential process in accordance with the Family Educational Rights and Privacy Act (FERPA). All Student Conduct hearings will be closed to the public and may include the person(s) bringing allegations against a student(s), the respondent(s), advisor(s), alleged victim(s), the reporting person(s), Investigator(s), Hearing Administrator(s), and any witnesses who may offer relevant information regarding the allegation   
Witnesses may only be present during the time they are testifying.

viii. A student charged with violation(s) of the Code of Conduct will have the opportunity to present information on their behalf, including presenting witnesses, if available, and/or signed written statements from witnesses, and other documentary evidence. The respondent has the opportunity to review and respond to written statements and may offer evidence to rebut witness statements and other evidence presented at the hearing. Witness statements need not be sworn or in affidavit form.

ix. The respondent, complainant, and any witnesses may be accompanied during the hearing by an advisor of their choice, which is further addressed in the Student Rights Section of this Code.

x. Witnesses may be called by the University, the complainant, and the respondent. In non-Sexual Misconduct Claims, the Hearing Body, complainant, and the respondent will have the privilege of questioning all present witnesses and questioning all present parties (directly or indirectly through the Hearing Administrator, at the sole discretion of the Hearing Administrator). Witnesses appear at hearings on a voluntary basis and cannot be compelled to attend a hearing. In Sexual Misconduct Claims, the presentation of evidence and questioning of witnesses will proceed as described in the Sexual Misconduct and Title IX Sexual Harassment Regulation.

xi. A student may choose not to answer any and all questions posed by a Hearing Body.

xii. The Hearing Administrator may determine a recess of the hearing is in the best interest of the parties when additional information may provide clarification to the case.

xiii. The University is not required to postpone disciplinary proceedings pending the outcome on any criminal prosecution. If a student chooses not to participate or answer questions during the conduct review or hearing, the Hearing Body may

proceed with a hearing and base its decision on all available information, but will not use the respondent's refusal to testify in reaching its determination of responsibility.

xiv. The respondent does not have the burden of proof regarding the charges that have been brought against them. A determination of responsibility is based on preponderance of the evidence presented; that is, if the information provided at the hearing shows that it is more likely than not that the student committed the violation.

xv. In non-Sexual Misconduct Claims, where multiple students are charged, information provided at one hearing may be used in the related case(s).

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

xvii. Prior records of disciplinary action, past criminal convictions, impact statements and character witness statements are considered by the hearing body only in the sanctioning phase of deliberations.

xviii. The Hearing Body's recommended finding of "responsible" or "not responsible" will be based solely on the information presented at the hearing.

xix. After the hearing is concluded, the Hearing Body will provide to the Provost/Designee a recommended finding of "responsible" or "not responsible" on all charges, and any sanctions. The Hearing Body's recommendations will be communicated simultaneously in writing to the parties within 14 class days from the conclusion of the hearing.

xx. In Panel Hearings, the Dean of Students or their designee will review the Hearing Body's recommendations regarding responsibility and sanctions, and make the University's official decision, which may adopt, modify or reject the



Hearing Body's recommendations, in whole or in part, or remand for a rehearing. The official decision will be communicated to the parties in writing within 14 class days, and it will include the finding of "responsible" or "not responsible" on all charges, the imposed sanction(s), an explanation of any differences between the Hearing Body's recommendations and the official decision, and notice of the right to appeal. This time limit may be extended in the sole discretion of the Dean of Students where additional consideration of evidence or deliberation is required. The parties will be informed (by phone, email, mail or in person) of the estimated duration of this extended time period. If the student does not appeal the official decision, the official decision will constitute the University's final action.

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

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

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

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## H. Interim Measures

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In certain circumstances involving a student's action that may affect the safety, health, or general welfare of the student or University community (including, but not limited to violations of drug possession and/or intent to distribute, endangerment, and weapons possession), the Provost/Designee may impose interim measures prior to the student's hearing with a hearing body, including, but not limited to, an Immediate University Suspension and/or No Contact Order. In Sexual Misconduct Claims, please refer to the Sexual Misconduct and Title IX Sexual Harassment Regulation regarding Supportive Measures and Emergency Removals, and th 

limitations on taking certain measures that unreasonably burden a respondent pending a determination of responsibility.

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

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## I. Sanctions

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A sanction is the University's educational response to address student behavior when a student has been found responsible for violations of the Student Code of Conduct. Sanctions will be determined by the Provost/Designee after their review of the Hearing Body's decision that a student is responsible for the reported conduct charges. In light of the facts and circumstances of each case, the following list describes the range of sanctions, or combination of sanctions (with or without appropriate modifications) that may be imposed upon any

student or organization found to have violated the Student Code of Conduct, but is not an exhaustive list.

1. **Reprimand.** A written statement placed in a student's disciplinary file regarding a violation of the Student Code of Conduct.
  
2. **Restorative Service.** Assignment to perform tasks or services under the supervision of a University department or community service agency.
  
3. **Reflective Learning.** Attendance at educational programs, interviews with appropriate officials, planning and implementing educational programs, writing research papers, or other educational activities.
  
4. **Educational Programming.** Referral to on-campus educational activities or requirement to host an educational event/speaker for an organization, student population, or University community. Students and/or organizations are responsible for expenses associated for hosting any event.
  
5. **Monitored Events.** Organizations who host events may be required to have advisors and/or University officials present for meetings, events, and/or programming for a specified period of time.
  
6. **Counseling Assessment and Compliance.** In certain circumstances in which a student may be a threat to the safety of self or others, the student may be referred for assessment (at the student's expense) to a licensed mental health professional or counseling center for general mental health or other counseling issues. Students found responsible for alcohol and/or drug violations will normally be referred to the UNF Office of the Dean of Students for alcohol and/or drug education and assessment, but may be referred to an outside agency or counselor based on the seriousness of the violation. Students must comply with all recommendations established as a result of any assessment.



**7. Restitution.** Payment of actual damages or loss of services to the University or alleged victim.

**8. Disciplinary Probation.** A period of time during which any further violation of the Student Code of Conduct puts the student's status with the University in jeopardy. If the student is found "responsible" for another violation of the Code during the period of disciplinary probation, serious consideration will be given to imposing a sanction of suspension or expulsion from the University.

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

- a. Participation in student clubs, groups, activities, or events.
- b. Representation of the University on an athletic team.
- c. Holding leadership positions (e.g. Student Government or Resident Assistant).
- d. Entrance to University Housing areas or any other areas on campus.
- e. Contact with another specified person(s).
- f. Change in University Housing assignment.
- g. Extending an invitation of membership.
- h. Hosting social events (may include geographical limitations on location).
- i. Administrative Removal from class(es).

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

**11. Cease & Desist Order.** Restricting an organization's ability to operate. In some cases, these can be tailored to address the specific violations.

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



**13. Loss of University Recognition.** An organization's separation from the University for a specified period of time. Regaining University recognition may require completion of additional steps.

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

**15. Withholding of registration, diplomas, transcripts or other records.**

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

**17. Revocation of Diploma, Degree, or Certificate.** If a UNF diploma, degree, or certificate has already been awarded prior to the resolution of the conduct case, it may be revoked in appropriate cases as a sanction.

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

Any sanction that separates a student from the University will be noted on that student's academic transcript. A lesser sanction may not be noted on the transcript.

## **DISCIPLINARY HOLD:**

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

## J. Appeals in Non-Sexual Misconduct Cases

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### 1. Appeal Requests

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

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

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

### 2. Appeal Hearings

1. The student will be contacted within ten class days of receiving the written request for appeal to schedule their requested appeal hearing.
2. The student has five class days to respond to the scheduling request and must contact the Provost/Designee to schedule their appeal hearing. If a student fails to contact the office, the appeal hearing may be scheduled and proceed without the student.



3. The student may bring an advisor to the appeal hearing.
4. On appeal, the student has the burden to clearly establish one or more of the grounds listed in the Appeals Section of this Code.

### 3. Appeal Decisions

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

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

### 4. Appeals from an Immediate Suspension

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

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

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

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



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

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

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## K. Appeals in Sexual Misconduct Claims

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For appeals in Sexual Misconduct Claims, including appeals of emergency removals in such cases, please refer to the Sexual Misconduct and Title IX Sexual Harassment Regulation.

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## L. Records

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1. Records of all disciplinary cases will be maintained in the Division in accordance with FERPA and the State of Florida's record retention schedule.
2. Records of expulsion will be maintained in a permanent file in the Student Conduct Office. The Office of the Registrar will be notified of the expulsion and place a notation of disciplinary expulsion on the student's permanent academic record.
3. Suspensions will be noted on a student's transcript only during the period of suspension. Suspensions are considered a student conduct record and will be maintained and reported in accordance with FERPA and the State of Florida's record retention schedule.
4. Records which result in a finding of not responsible or result in a sanction less severe than a suspension shall be maintained in compliance with Florida Public Records law. Expulsion records will be permanently retained as official records. Any records kept



beyond these limits for statistical purposes will not be considered or released as official student conduct records.

5. A student's prior disciplinary record will be considered only during the sanctioning phase of deliberations, not to determine whether or not to find a student "responsible" or "not responsible" for the alleged violations.

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

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## L. Student Conduct Record Forgiveness for Non-Sexual Misconduct Cases

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

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

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



4. The Records Review Committee's decision will be based on the following factors: severity of the violation, effect of the violation on the University community, sanctions applied and completion of sanctions, elapsed time between violation and request, and character, personal growth, and moral development demonstrated by the student.
5. The Provost/Designee will provide a decision to the student, in writing, 15 class days of receipt of the request.
6. There is no appeal process for Record Forgiveness.
7. Any additional violations committed after a student's record has been reviewed and forgiven will reinstate the original record.

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

*BOT Approved 08/11/20*

The [Student Code of Conduct](#) can be found in its entirety on the [UNF Policies and Regulations Page](#).

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## **Office of Student Accountability & Resolution**

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Visual Directions*

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