

**NOTICE OF PROPOSED REGULATION AMENDMENT**

Date: November 10, 2010

**REGULATION TITLE:**

Student Honor Code and Student Conduct Code; Scope and Violations

**REGULATION NO.:**

4.041

**SUMMARY:** The Student Conduct Code is amended to prohibit actions that actually cause (and would cause a reasonable person) severe emotional distress. Video voyeurism is defined to prohibit such voyeurism without the consent of all individuals involved. The Student Conduct Code is also amended to clarify the prohibition against invasion of privacy through any making, using, disclosing or distributing of a recording of a person (whether visual or audio) in a location or situation in which that person has a reasonable expectation of privacy and is unaware of the recording or does not consent to it. It is not a violation to make a recording authorized by the Florida Sunshine Law, any other law, or University regulation or policy.

**AUTHORITY:** BOG Regulation 1.001.

**COMMENTS CONCERNING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW.** The comments must identify the regulation you are commenting on.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS:** Rebecca J. Holt, Administrative Assistant, 123 Tigert Hall, Post Office Box 113125, University of Florida, Gainesville, Florida 32611, 352-392-1358 office, 352-392-4387 facsimile, regulations@ufl.edu.

**NAME OF PERSON WHO APPROVED THE PROPOSED REGULATION:** Patricia Telles-Irvin, Vice President for Student Affairs

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

REGULATIONS OF THE  
UNIVERSITY OF FLORIDA

4.041 Student Honor Code and Student Conduct Code: Scope and Violations.

(1) A student or student organization shall not commit a violation of the Student Honor Code or Student Conduct Code.

(2) Scope. Disciplinary action may be imposed for violations of the Student Honor Code or Student Conduct Code occurring at any of the following locations or activities:

(a) University campus;

(b) Housing of any University of Florida organization or group, including but not limited to fraternity and sorority property;

(c) Activities officially approved by the University of Florida or which are sponsored or conducted by University groups and organizations (merely notifying the University community of an activity or opportunity does not make it a University or University group or organization approved, sponsored or conducted activity); and

(d) Other off-campus conduct as set forth in this paragraph (d):

1. When a student violates a municipal or county ordinance or violates state or federal law or a foreign country's law by an offense committed off the university campus and which is not associated with a University activity or program, the conduct authority of the University will not be used merely to duplicate the penalty imposed for such an act under applicable ordinances and laws.

2. The University may take conduct action against a student for off-campus conduct if it is required by law to do so, if the conduct arises from University activities, or if the conduct

poses a significant threat to the safety or security of the University community, or if the conduct poses a significant threat of undermining the University's educational process.

(3) VIOLATIONS OF THE STUDENT HONOR CODE.

(a) Plagiarism. A student shall not represent as the student's own work all or any portion of the work of another. Plagiarism includes but is not limited to:

1. Quoting oral or written materials including but not limited to those found on the internet, whether published or unpublished, without proper attribution.

2. Submitting a document or assignment which in whole or in part is identical or substantially identical to a document or assignment not authored by the student.

(b) Unauthorized Use of Materials or Resources ("Cheating"). A student shall not use unauthorized materials or resources in an academic activity. Unauthorized materials or resources shall include:

1. Any paper or project authored by the student and presented by the student for the satisfaction of any academic requirement if the student previously submitted or simultaneously submits substantially the same paper or project to satisfy another academic requirement and did not receive express authorization to resubmit or simultaneously submit the paper or project.

2. Any materials or resources prepared by another student and used without the other student's express consent or without proper attribution to the other student.

3. Any materials or resources which the faculty member has notified the student or the class are prohibited.

4. Use of a cheat sheet when not authorized to do so or use of any other resources or materials during an examination, quiz, or other academic activity without the express permission

of the faculty member, whether access to such resource or materials is through a cell phone, PDA, other electronic device, or any other means.

(c) Prohibited Collaboration or Consultation. A student shall not collaborate or consult with another person on any academic activity unless the student has the express authorization from the faculty member.

1. Prohibited collaboration or consultation shall include but is not limited to:

a. Collaborating when not authorized to do so on an examination, take-home test, writing project, assignment, or course work.

b. Collaborating or consulting in any other academic or co-curricular activity after receiving notice that such conduct is prohibited.

c. Looking at another student's examination or quiz during the time an examination or quiz is given. Communication by any means during that time, including but not limited to communication through text messaging, telephone, e-mail, other writing or verbally, is prohibited unless expressly authorized.

2. It is the responsibility of the student to seek clarification on whether or not use of materials or collaboration or consultation with another person is authorized prior to engaging in any act of such use, collaboration or consultation. If a faculty member has authorized a student to use materials or to collaborate or consult with another person in limited circumstances, the student shall not exceed that authority. If the student wishes to use any materials or collaborate or consult with another person in circumstances to which the authority does not plainly extend, the student shall first ascertain with the faculty member whether the use of materials, collaboration or consultation is authorized.

(d) False or Misleading Statement Relating to a Student Honor Code Violation. In reporting an alleged Student Honor Code violation, a student shall not intentionally or in bad faith make a false or misleading statement. During the course of a Student Honor Code proceeding, or on final appeal following such a proceeding, a student shall not at any time make a false or misleading statement to any person charged with investigating or deciding the responsibility of the accused, reviewing a finding of responsibility, or determining or reviewing the appropriateness of the sanction or sanctions to be recommended or imposed.

(e) False or Misleading Statement for the Purpose of Procuring an Academic Advantage. A student shall not intentionally or in bad faith make a false or misleading statement for the purpose of procuring from the person to whom the statement is made an academic advantage for any student.

(f) Use of Fabricated or Falsified Information. A student shall not use or present invented or fabricated information, falsified research, or other finding if the student knows or in the exercise of ordinary care should be aware that the information, research, or other finding has been fabricated or falsified.

(g) Interference with or Sabotage of Academic Activity. A student shall not do any act or take any material for the purpose of interfering with or sabotaging an academic activity. Sabotage includes, but is not limited to:

1. Removing, concealing, damaging, destroying, or stealing materials or resources that are necessary to complete or to perform the academic activity.
2. Tampering with another student's work.

3. Stealing from another student materials or resources for the purpose of interfering with the other student's successful completion or performance of the academic activity or of enhancing the offending student's own completion or performance.

(h) Unauthorized Taking or Receipt of Materials or Resources to Gain an Academic Advantage. A student shall not without express authorization take or receive materials or resources from a faculty member for the purpose of gaining academic advantage.

(i) Unauthorized Recordings. A student shall not without express authorization from the faculty member and, if required by law, from other participants, make or receive any recording, including but not limited to audio and video recordings, of any class, co-curricular meeting, organizational meeting, or meeting with a faculty member.

(j) Bribery. A student shall not offer, give, receive, or solicit a bribe of money, materials, goods, services or anything of value for the purpose of procuring or providing an academic advantage.

(k) Submission of Paper or Academic Work Purchased or Obtained from an Outside Source. A student shall not submit as his or her own work a paper or other academic work in any form that was purchased or otherwise obtained from an outside source. An outside source includes but is not limited to a commercial vendor of research papers, a file of research papers or tests maintained by a student organization or other body or person, or any other source of papers or of academic work.

(l) Conspiracy to Commit Academic Dishonesty. A student shall not conspire with any other person to commit an act that violates the Student Honor Code.

(4) VIOLATIONS OF THE STUDENT CONDUCT CODE.

(a) Causing Physical or Other Harm to any Person.

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

2. Actions causing physical injury or that actually cause (and would cause a reasonable person) severe emotional distress, or endangering one's own health or safety. Also refer to University of Florida Regulation 4.036.

(b) Sexual Assault and Sexual Misconduct.

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

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

3. It is the responsibility of the person initiating sexual activity to make sure the other person is capable of consenting to that activity. Consent is given by an affirmative verbal response or acts that are unmistakable in their meaning. Consent to one form of sexual activity does not mean consent is given to another type of activity.

(c) Harassment.

1. Harassment or threats. Verbal or written threats, coercion or any other conduct that by design, intent or recklessness places another individual in reasonable fear of physical harm through words or actions directed at that person, or creates a hostile environment in which others are unable reasonably to conduct or participate in work, education, research, living, or other activities, including but not limited to stalking, cyber-stalking, and racial harassment.

2. Sexual harassment. Unwelcome sexual advances, requests for favors, and/or other verbal or physical conduct of a sexual nature when:
- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or status in a university activity, or
  - b. Submission to, or rejection of, such conduct by an individual is used as the basis for employment or decisions affecting such individual's employment or status in a University activity, or
  - c. Such conduct has the purpose or effect of interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive employment or academic environment; or
  - d. Such conduct is otherwise unlawful.
- (d) Obscene Behavior. Conduct or behavior that the student knows or should know is reasonably likely to be considered obscene under the standards of the local community. Such behavior includes but is not limited to public exposure of one's own sexual organs and voyeurism, including but not limited to video voyeurism. Video voyeurism means recording, or using, disclosing or distributing a recording of others in a location or situation where there is a reasonable expectation of privacy (including, but not limited to, a residence hall room, locker room, or bathroom), without knowledge and consent of all individuals involved.
- (e) Hazing. Any action or situation that recklessly, by design, or intentionally endangers the mental or physical health or safety of a student for any purpose including but not limited to initiation or admission into or affiliation with any student group or organization. In such an instance, hazing occurs if an individual or group:



1. Causes or attempts to cause physical injury or other harm to a student including but not limited to emotional distress, or engages in any conduct which presents a threat to the student's health or safety, which shall include but not be limited to any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, alcohol, drug, or other substance, or other forced physical activity that could adversely affect the physical or physical and mental health or safety of the student, and any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced sexual conduct, and forced exclusion from social contact.

2. Engages in an action or activity which has a tendency to or which is intended to demean, disgrace, humiliate, or degrade a student, which shall include but not be limited to, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student.

3. Conduct that by design, intent or recklessness causes a student to be unable reasonably to pursue, or interferes with or attempts to interfere with a student's academic schedule or performance; or

4. Causes, induces, pressures, coerces, or requires a student to violate the law or to violate any provision of University of Florida regulations.

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

- a. The victim gave consent to the conduct.
- b. The conduct was not part of an official organizational event or sanctioned or approved by the organization.
- c. The conduct was not done as a condition of membership in the organization.

(f) Firearms or Other Weapons Violations. Possession, use, sale, or distribution of any firearm, ammunition, weapon or similar device not explicitly permitted under University of Florida Regulation 2.001. Prohibited devices include, but are not limited to, stun guns, pellet guns, BB guns, paintball guns, slingshots, archery equipment, any dangerous chemical or biological agent, or any object or material, including but not limited to knives, capable of causing, and used by the offending person to cause, or to threaten physical harm.

(g) Fire Safety Violations.

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

2. Tampering with fire safety equipment. Tampering with fire safety equipment, or failure to evacuate during a fire alarm on the University campus, University facility or at any University activity.

3. Fireworks. Possession and/or use of fireworks, including but not limited to sparklers, or explosives of any kind on the University campus, at a University facility or at any University activity.

(h) Drug Violations.

1. Use, possession, manufacturing, distribution, or sale of marijuana, heroin, narcotics, or any other controlled substance which is prohibited by law. Intentionally or recklessly inhaling or ingesting substances (e.g., nitrous oxide, glue, paint, etc.) that will alter a student's mental state is also prohibited.

2. Use of a prescription drug if the prescription was not issued to the student, or the distribution or sale of a prescription drug to a person to whom the prescription was not originally issued.

3. Possession of drug paraphernalia including but not limited to bongos or glass pipes.

(i) Alcohol Beverages Violations.

1. Under-age possession or consumption. Possession or consumption of alcoholic beverages by a student before his or her twenty-first birthday.

2. Public intoxication. Appearing at a University activity or on the University campus in a state of intoxication.

3. Driving under the influence of alcohol or other substance. Operation of a motor vehicle while impaired or with a blood alcohol or breath alcohol level at or above the applicable legal limit (which is .08 or above as of July 1, 2008).

4. Distribution or sale of alcoholic beverage. Distribution or sale of an alcoholic beverage to any person before his or her twenty-first birthday.

5. Possession of common source containers. Unless explicitly approved by the Division of Student Affairs for a particular occasion, possession or use of kegs, mini kegs, beer balls or other common source containers of alcoholic beverages such as trash cans, tubs or similar containers of alcohol, when such possession or use occurs on campus, in the housing of any University of Florida organization or group, or in connection with a University activity.

6. Excessive rapid consumption. Regardless of age of those involved, facilitating, arranging, or participating in any extreme alcohol consumption activity that constitutes, facilitates, or encourages competitive, rapid or excessive consumption of alcohol when such activity occurs on campus, in the housing of any University of Florida organization or group, or in connection with a University activity. Examples of such prohibited extreme activities include, without limitation, keg standing, alcohol luges, and drinking games.

7. Any other violation of the Alcoholic Beverages Regulation, University of Florida Regulation 2.019.

(j) Conduct Disruptive to the University Community. Conduct that is disruptive to the University's educational objectives, to its operations, or to its officials, staff, and faculty in the performance of their work, or to any other aspect of its mission. Disruptive conduct includes, but is not limited to:

1. Disruption of a University activity.

a. In accordance with First Amendment speech rights within a designated public forum, when the University chooses to open its campus for such an event that is open to the public for speech, disruption by an attendee who is not staffing or acting on behalf of the University at the event does not include the use of rude or offensive language alone, if it is spoken at the designated time and place by a person whose turn it is to speak under the event's protocol. Members of the University community are encouraged to communicate effectively. This is often (but not always) fostered by respectful conduct and speech. However, the language used by the featured speaker or an attendee at such an open public event is a personal choice, pursuant to First Amendment speech rights within designated public fora. This provision does not protect speech that, alone or in combination with any conduct, is obscene or constitutes or is likely to provoke or incite violence, an unsafe condition, an illegal action, or conduct that violates another provision of the University's regulations. Graduation and other University ceremonies, class or curricular activities, and other activities that do not constitute designated public fora (where the University does not intend to open a public forum for free public speech) are not covered by this paragraph.

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

3. Any other violation of University of Florida Regulation 1.008.

4. Violation of the Campus Demonstration Regulation, University of Florida Regulation 2.002.

5. Conduct which is disorderly or a breach of the peace under law.

(k) Misuse or Unauthorized Possession or Use of Public or Private Property.

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

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

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

4. Unauthorized sale of student tickets. Unauthorized sale or purchase of student tickets on University campus to any University of Florida function or event.

(l) Misuse or Unauthorized Use of University Computer Resources.

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

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

2. A violation of copyright law including but not limited to unauthorized downloading or facilitating others to download copyrighted music and films without authorization.

3. Any other violation of the Policies on Information Technology, University of Florida Regulation 1.0102 or any policy referenced through that regulation.

4. The use of the University's computer resources to violate any law or University regulation or Board of Governors' regulation.

(m) Unauthorized Entry to University Facilities. Unauthorized access or entry to University property, buildings, structures or facilities or the residence facilities or property of any member of the University community. Unauthorized possession, duplication or use of keys or access cards for any such property.

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

(o) Invasion of Privacy and Unauthorized Electronic or Digital Recording.

1. Making, using, disclosing, or distributing a recording of a person in a location or situation- in which that person has a reasonable expectation of privacy and is unaware of the recording or does not consent to it; and any other conduct that constitutes an invasion of the privacy of another person under applicable law or University regulation. Such conduct includes,

without limitation, unauthorized recording of personal conversations, images, meetings, or activities.

2. Unauthorized recording of a class or of organizational or University meetings, and any use, disclosure, or distribution of any such recording. To obtain the required authorization, the student or student organization must obtain express authority from the University official, faculty member, student organization, ~~member of~~ University personnel, or other University representative in charge of the class, meeting, or activity. A student or student organization accused of violating this section has the burden of showing such express authority. It shall not be a violation of this provision to make any recording authorized by the Florida Sunshine Law or any other law or University ~~R~~regulation.

3. Any notice, consent, or other requirement under applicable law and/or University regulation must be fulfilled in connection with authorizing, making, using, disclosing or distributing any recording.

4. Refer also to University Regulation 1.006(4) which governs all University personnel including students.

(p) Violation of University Policy. Violation of any regulation or policy of the University of Florida, the Florida Board of Governors, or the State of Florida. Applicable policies include but are not limited to the University of Florida Department of Housing and Residence Education Community Standards, available in the Department of Housing and Residence Education, and the Gator Fan's Code of Conduct, available at the University Athletic Association.

(q) Violation of Law. Violation of any municipal or county ordinance, any law, regulation, or requirement of the State of Florida, the United States or, when in another state or

country, that state or country. Such violation includes but is not limited to urination in public, electronic stalking, and any other violation of law, regulation or governmental requirement.

(r) Obstruction of the University Conduct Process. Interference with or obstruction of the student conduct process, including without limitation failure to appear at a hearing, failure to testify at a hearing, violating and/or failure to complete conduct sanctions.

(s) Failure to Comply with Directive. Failure to comply with a directive of law enforcement or a University official.

(t) Complicity in Violating the Student Conduct Code. Attempting, aiding, encouraging, facilitating, abetting, conspiring, hiring, or being an accessory to any act prohibited by this code. This violation is included in each other violation and need not be separately cited in a charge.

(5) Intoxication or impairment because of alcohol, drugs, chemicals or other substances is not a defense to a violation of the Student Honor Code or Student Conduct Code.

Authority: BOG Regulation 1.001.

History: New 9-24-08. Formerly 6C1-4.016, 6C1-4.017, 6C1-4.041, Amended 3-16-10.