

**THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES  
FLORIDA BOARD OF GOVERNORS**

**NOTICE OF PROPOSED AMENDMENT TO REGULATION**

**REGULATION NO.:** FIU-2520

**REGULATION TITLE:** Disruptive Student Conduct

**SUMMARY:** This amendment to the Regulation is to clarify when Florida International University may impose sanctions against a student who possesses weapons or firearms. This amendment will be brought before the FIU Board of Trustees at its March 27, 2014 meeting.

**TEXT OF REGULATION:** The full text of the Proposed Regulation can be viewed below and on the website of The Florida International University Board of Trustees, <http://regulations.fiu.edu>. If you would like a copy of the Proposed Regulation, please contact Eli Deville, Chief of Staff, Office of the General Counsel at (305) 348-2103.

**AUTHORITY:** Florida Board of Governors Regulation 6.0105 Student Conduct and Discipline; Florida Board of Governors Regulation 6.010 Student Affairs Administration; Florida Board of Governors Regulation 1.001(4)(a)(10); and Section 7(d), Article IX, Florida Constitution.

**NAME OF PERSON INITIATING PROPOSED REGULATION:** Dr. Larry Lunsford, Vice President for Student Affairs.

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

**CONTACT PERSON REGARDING THE PROPOSED REGULATION:** Eli Deville, Chief of Staff, Office of the General Counsel, Florida International University, 11200 SW 8<sup>th</sup> Street, PC 511, Miami, FL 33199. Email: [devillee@fiu.edu](mailto:devillee@fiu.edu) Fax: (305) 348-3272. Phone: 305-348-2103.

**DATE OF PUBLICATION:** December 26, 2013

**THE FULL TEXT OF THE REGULATION IS PROVIDED BELOW:**

## **FIU-2520 Disruptive Student Conduct.**

(1) The University is authorized to discipline for misconduct any student who intentionally acts to impair, interfere with, or obstruct the orderly conduct, processes, and functions of the University. Disruptive conduct shall include, but not be limited to, the following:

(a) Endangerment.

1. Physical violence toward another person or group.
2. Action(s) that endanger the health, safety, or welfare of self or others.
3. Interference with the freedom of another person or group to move about in a lawful manner.

(b) Personal Abuse .

1. Verbal or written abuse of any person, including, but not limited to, indecent or obscene expressions (which includes postings on the internet) or conduct.

2. Conduct directed at a group or member of the University community which is intended to cause fear, distress, or intimidation and would cause fear, distress, or intimidation to a reasonable person or would place a reasonable person in fear of injury or death. (c) Hazing. Any group or individual action or activity that inflicts, or intends to inflict, physical or mental harm or discomfort or which may demean, disgrace, or degrade any person, regardless of location, intent, or consent of the participant(s).

(d) Stalking. Activities occurring on more than one occasion that collectively instill fear in the victim and/or threaten his or her safety, mental health, or physical health.

(e) Sexual Misconduct.

1. Any sexual act that occurs, regardless of personal relationship, without the consent of the other person, or that occurs when the other person is unable to give consent.

2. Conduct of a sexual nature that creates an intimidating, hostile, or offensive campus, educational, or working environment for another person.

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

(f) Weapons, Firearms, Explosives. Possession, storage or use of firearms, explosives, ammunition or other weapons or dangerous articles or substances, including non-lethal weapons such as pellet guns. In accordance with Florida Statutes Section 790.115, students are prohibited from possessing firearms on University property (i.e., land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University) except as provided by Florida Statutes Section 790.25(5). Notwithstanding the foregoing, weapons, including non-functioning antique display weapons, may be used for classroom instructional purposes or other University sanctioned activities (e.g., firearms under the direct supervision of ROTC, a diver's knife for a scuba divers' class) but only with prior approval by the appropriate University Official

(g) Drugs.

1. Possession or use of illegal drugs or prescription drugs without a prescription.

2. Distribution, delivery, or sale of illegal drugs, or prescription drugs without a prescription.

3. Possession or use of drug paraphernalia.

(h) Theft.

1. Removal or use of the property or services of another person or of the University without prior written consent or authorization.

2. Possession or sale of property or services of another person or of the University without prior written consent or authorization.

(i) Interference with, or disruption of, the University's disciplinary process, including, but not limited to, harassment and/or intimidation of any member of the judicial board, witness, or University personnel before, during or after a proceeding, or attempting to coerce or influence any person(s) in order to discourage his or her participation in any disciplinary proceeding.

(j) Interference with, or disturbance, impairment or disruption of the orderly conduct, processes, and functions within the classroom or laboratory, including interference with the academic mission of the University or individual classroom, or interference with a faculty member or instructor's role in carrying out the normal academic or educational functions of his/her classroom or laboratory.

(k) Interference with, or disruption, disturbance, or impairment of the rights of other members of the University community.

(l) Alcohol

1. Possession, use, or consumption of alcohol when under the legal drinking age as provided by Florida law.

2. Dispensing, selling or supplying alcoholic beverages to an individual who is under the legal drinking age as provided by Florida law.

(m) Any similar behavior that disturbs the peace.(2) This regulation shall apply to acts conducted on or off campus when relevant to the orderly conduct, processes and functions of the University.

*Specific Authority Resolution of the Florida Board of Governors dated January 7, 2003.  
Board of Governors Regulation 6.0105, Law Implemented Board of Governors  
Regulation 6.0105, History—New 10-22-03, Formerly 6C8-11.007, Amended 12-16-08,*

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