

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

PROPOSED NOTICE OF CHANGE

REGULATION NO.: FIU-2520

REGULATION TITLE: Disruptive Student Conduct

Notice is hereby given that in response to comments expressed by the Board in the September 12, 2008 FIU Board of Trustees meeting, a change has been made to section (1)(b)1. to clarify that verbal or written abuse would include inappropriate expressions that are posted on the internet.

TEXT OF REGULATION: The full text of the Proposed Regulation can be viewed below. If you would like a copy of the Proposed Regulation, please contact Eli Deville, Coordinator, Administrative Services, Office of the General Counsel, (305) 348-2103.

AUTHORITY: Resolution of the Florida Board of Governors dated January 7, 2003:

NAME OF PERSON INITIATING PROPOSED NOTICE OF CHANGE OF REGULATION: Cristina Mendoza, Vice President and General Counsel.

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 NOTICE OF CHANGE OF REGULATION: Eli Deville, Coordinator, Administrative Services, Office of the General Counsel, Florida International University, 11200 SW 8th Street, PC 511, Miami, FL 33199. Email: devillee@fiu.edu Fax: (305) 348-3272. Phone: 305-348-2103.

DATE OF PUBLICATION: November 17, 2008

THE FULL TEXT OF THE PROPOSED REGULATION IS PROVIDED BELOW WITH THE CHANGES HIGHLIGHTED:

~~6C8-11.007~~ FIU-2520 Disruptive Student Conduct.

(1) The University is authorized to discipline 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 ~~Harassment~~.

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, not of a sexual nature, that creates an intimidating, hostile, or offensive environment for another person or group.~~

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. ~~, not of a sexual nature, that threatens, harms or intimidates another person or group.~~

(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.

(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 ~~their~~ 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 ~~ing~~ with a faculty member or instructor's role in ~~to 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) Any similar behavior that disturbs the peace~~

~~;(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 ~~rule~~ 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 6.01051001.74(4), 1006.60 FS.; Law Implemented Board
of Governors Regulation 6.01051001.74(10), 1006.60 FS., History-New 10-22-03,
Formerly 6C8-11.007, Amended _____ 08 .*