



# STUDENT CONDUCT AND CONFLICT RESOLUTION

## FLORIDA INTERNATIONAL UNIVERSITY

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### Incident Report Form



Download the incident report form.

### Standards of Conduct



Read the Student Code of Conduct

### Appeal Form



Download the appeal form

### Student Conduct Committee



Download the application form.

## Offenses

(a) Alcohol

### 6. Offenses

The following offenses will be used in charging all students, organizations or clubs whether the offenses are committed on campus or off-campus as described in Section 3 of this code:

#### (a) Alcohol

1. Possession, use or consumption of alcohol when under the legal drinking age as outlined by Florida Law.
2. Dispensing, selling or supplying alcoholic beverages to an individual who is under the legal drinking age as outlined by Florida Law.
3. Any violations of Florida International University Rule 6C8-11.005, F.A.C., are hereby incorporated by reference.
4. Use or possession of beer kegs and party balls or other common sources of alcohol in on-campus housing.
5. Possession of open containers of alcohol or consumption of alcoholic beverages in public areas, such as balconies, courtyards or hallways.
6. Public intoxication, Excessive drinking and intoxication will not be tolerated.
7. Violating any other University policy while under the influence of alcohol. Members of the FIU community who choose to drink will be held fully responsible for their behavior while under the influence of alcohol. Loss of control due to intoxication does not excuse or justify violation of the state law, University regulations, or the rights of others.
8. Misrepresenting, or misstating ones' age or using altered identification in order to obtain alcohol.
9. Devices designed for the rapid consumption of alcohol, including but not limited to: funnels, and beer bong.
10. Hosting a gathering where underage individuals are drinking alcohol.
11. Consumption, possession or use of alcohol in a housing unit where all assigned residents of that on-campus housing unit are under legal drinking age.
12. Possession of alcohol beverage containers in on-campus housing rooms (including decorative collections) where residents are under 21 years of drinking age.

#### (b) Computer Misuse

1. Unauthorized access, entry or use of a computer, computer system, network, software, password, account or data.
2. Unauthorized alteration or degradation of computer equipment, software, network, data or system performance.
3. Unauthorized copying or distribution of computer software or data.
4. Unauthorized use of University computer resources for commercial purposes or personal financial or other gain. This includes, but is not limited to, advertising a product or service on personal Web pages, fund-raising or advertising on behalf of unsanctioned non-University organizations, publicizing of unsanctioned non-University activities, the reselling of University resources to any non-University individuals or organizations, and the unauthorized use of the University's name or logos. Use of the University's network for any of these purposes, even if the user is using his or her own personal computer, constitutes an offense.
5. Any other violation of the University computer use and web page policies. The complete policies are available at <http://security.fiu.edu/training/training3.htm>

#### (c) Disruptive Conduct

1. Behavior that disrupts, disturbs, impairs or interferes with or obstructs the orderly conduct, processes, and functions of the University or the rights of other members of the University community.
2. Behavior that disrupts, disturbs, impairs, interferes with or obstructs the orderly conduct, processes, and functions within the classroom or laboratory. This includes interfering with the academic mission of the University or individual classroom or interfering with a faculty member or instructor's role to carry out the normal academic or educational functions of his/her classroom laboratory.
3. Behavior that disrupts or interferes with the University disciplinary process, including, but not limited to, harassment and/or intimidation of any member of the Student Conduct 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 participation in any disciplinary proceeding.
4. Any similar behavior that disturbs the peace.

#### (d) Drugs

1. Possession or use of illegal drugs or prescription drugs without a prescription.
2. Distribution, delivery, or sale of illegal drugs.
3. Possession or use of drug paraphernalia (including but not limited to: bong, pipes, "hukas", spoofs, rolling papers, blunts, small plastic baggies, etc.).

#### (e) 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.

#### (f) Failure to Comply

1. Failure to comply with a request or directive of a University official (i.e., faculty, staff, administrators, residence hall staff, FIU Police, etc.) or non-University law enforcement official in the performance of his/her duty.
2. Failure to comply with the final decision/sanctions rendered by a Student Conduct hearing or review body.
3. Failure to comply with the request of a University Student Conduct hearing or review body to be a witness at a University Student Conduct proceeding.
4. Failure to identify oneself and/or produce identification upon request by a University official (i.e., faculty, staff administrators, residence hall staff, FIU Police, etc.). All FIU students must carry their FIU ID with them at all times.

**(g) Falsification/Fraud/False Testimony**

1. Providing false information to a University official or Student Conduct hearing or review body.
2. Withholding information or providing misleading information to a University official or Student Conduct hearing or review body.
3. Misuse, reproduction, alteration or forgery of any University related identification, documents, keys or property.
4. Permitting another person to use one's University related identification.
5. Inappropriate use of another person's University related identification.
6. Impersonation or misrepresentation. Acting on behalf of another person, group or the University without authorization or prior consent.
7. Providing a worthless check or money order in payment to the University or to a member of the University community.
8. Any other acts of Falsification/ Fraud/Testimony.

**(h) Fire and Safety**

1. Inappropriate activation of any emergency warning equipment or the false reporting of any emergency.
2. Removing, damaging, interfering or tampering with fire safety or other emergency warning equipment, including smoke detectors, sprinklers, and fire alarms. Items may not be hung from, or block sprinklers or smoke detectors.
3. Failure to evacuate a University building, facility or on-campus housing facility/unit when a fire alarm is sounded.
4. Action(s) which cause or attempts to cause a fire or explosion.

**(i) Hazing**

Any group or individual action or activity that inflicts or intends to inflict physical or mental harm or discomfort which may demean, disgrace, or degrade any person, regardless of location, intent, or consent of participant(s). Although hazing is related to a person's initiation or admission into, or affiliation with, a student group or organization, it is not necessary to have direct proof that a person's initiation or continued membership is contingent upon participation in the activity for a charge of hazing to be upheld. The actions of either active or associate members (pledges) of an organization may be considered hazing. Hazing includes, but is not limited to:

1. Interference with a student's academic performance.
2. Forced consumption of any food, alcohol, controlled substances, drugs, or any other substance.
3. Forced physical activity.
4. Deprivation of food or sleep.
5. Kidnapping, including restricting a person to move about in free and lawful manner.
6. Physical abuse of any nature.
7. Performing personal chores or errands.
8. Verbal abuse or degradation, including yelling or demands.
9. Assigning or endorsing pranks (i.e. stealing, harassing other organizations, defacing property, etc.).
10. Any action or threatened action that would subject the individual to embarrassment, humiliation or mental distress, including the use of demeaning names.
11. Any other acts or intended acts, which constitute hazing pursuant to 240.1325 Florida Statutes.

**(j) Littering**

1. Dispersing litter in any form on University grounds or facilities, this includes, but is not limited to cigarette butts, flyers, cans, bottles, etc.

**(k) Personal Abuse**

1. Verbal or written abuse of any person including, indecent or obscene expressions or conduct.
2. Conduct directed at a 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.

**(l) Rollerblades/Skates/Bicycles/Pocket Bikes**

1. The use or operation of rollerblades, skates, skateboards, bicycles, mopeds, etc. inside of University facilities (i.e., libraries, classrooms, hallways, student unions, etc.). This also includes the hallways, balconies, courtyards, lounges, and lobbies of on-campus housing facilities.
2. Pocket bikes are not permitted on sidewalks or roadways.

**(m) Promotions/Posting**

1. Solicitation (i.e., passing or handing out flyers/promotional material, etc.) on campus, including on-campus housing facilities, without prior approval from the appropriate University officials. This includes, but is not limited to, the disbursement of any forms of promotional/informational material on University property or objects (i.e., motor vehicles) on University property.
2. Posting of flyers, posters, banners, cards or any promotional/informational material on University property, including, but not limited to, the exterior and interior of on-campus housing facilities, buildings, trees, walls, sidewalks, vehicles, windows, stairwells, stairs, display cases, vending machines, doors, classrooms, departmental

- and unauthorized bulletin boards, railings, elevators, bathrooms, art/sculptures.
3. Use of chalk or powder like substance on the sidewalks, grass, exterior or interior of any University facility, or any public area.
  4. Use of "A" signs or free standing signs in public areas, sidewalks, grass, exterior of any University facility without prior approval from the appropriate University officials.

**(n) 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. 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.
3. Conduct of a sexual nature that creates an intimidating, hostile, or offensive campus, educational, or working environment for another person. This includes unwanted, unwelcome, inappropriate, or irrelevant sexual or gender-based activities, comments or gestures.

**(o) Smoking**

1. Pursuant to Section 386.201-211 Florida Statutes, smoking is prohibited in all University buildings and/or sections thereof, owned, leased or operated by the University. This includes, but is not limited to, classrooms, stairwells, bathrooms, offices, hallways, labs, libraries and on-campus housing facilities/units.

**(p) Stalking**

1. Stalking is defined as 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. Such behaviors and activities may include, but are not limited to, the following:
  - o Nonconsensual communication, including face-to-face, telephone calls, voice messages, electronic mail, written letters/notes, unwanted gifts, etc.
  - o Threatening or obscene gestures
  - o Pursuing or following
  - o Surveillance or other types of observation
  - o Trespassing
  - o Vandalism
  - o Nonconsensual touching
  - o Contacting a person after a sanction prohibiting contact with that person. This includes verbal, written or third party communication, or physical contact.
2. **Other violations of stalking laws as outlined in Section 784.048 Florida Statutes.**

**(q) 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.

**(r) Vandalism/Damage**

1. Damage, destruction or defacing of property of another person, group or the University.

**(s) Weapons, Firearms, Explosives**

1. Possession, storage or use of firearms, explosives, ammunition or other weapons or dangerous articles or substances, including, but not limited to tazers, switchblade knives and non-lethal weapons such as air guns and Chinese stars. The use of any item as a weapon.
2. The carrying of weapons by law enforcement officers must follow guidelines and policies as outlined by state law, local ordinance and departmental policies and regulations.

**(t) On-Campus Housing (University Housing and Greek Houses) – Additional Offenses**

1. Antennas
  - a. The use of any type of free standing external antenna in on-campus housing.
2. Cleanliness
  - a. Failure to maintain one's assigned on-campus housing unit in a clean and sanitary manner.
  - b. Disposal of trash in a place other than designated bins or dumpsters.
3. Cooking Appliances
  - a. Possession of alcohol stoves, hibachis, hot plates, and gas grills in student living units, on balconies, in stairwells, or on walkways or entryways to any on-campus housing facility.
  - b. Residents are permitted to use barbecue grills, hibachis at a safe distance (25 feet or more) from all buildings. The use of grills is not permitted under any covered walkways, landings, or balconies. Storage of grills is not permitted in student living units or surrounding areas.
4. Elevators
  - a. Tampering with the normal functioning of elevators.
  - b. Use of elevators during a general building evacuation when elevators are intended to be off-line.
5. Furnishings
  - a. Removal of furnishings from assigned on-campus housing unit.
  - b. Possession of waterbeds, lofts or homemade bunk beds in on-campus housing unit.
  - c. Removal or relocation of furnishings from community/ lounge areas.
6. Guests
  - a. Assigning, subleasing, or allowing the use of an assigned on-campus housing space to another person.

- b. Hosting a guest in on-campus housing for more than three consecutive nights or ten nights in one semester.
  - c. Hosts assume full responsibility for their guests' conduct and familiarity with rules and regulations.
  - d. Failure to accompany guests within the on-campus housing facility.
  - e. Failure to submit a guest registration form prior to the arrival of an overnight guest.
  - f. Knowingly hosting person(s) who have been trespassed from on-campus housing facilities.
  - g. Failure to adhere to an individual on-campus housing guest sign-in policy.
7. Halogen Lamps  
The use or possession of a halogen lamp in on-campus housing facilities.
8. Keys
- a. Duplicating an on-campus housing key.
  - b. Loaning an on-campus housing key to another person.
9. Locks/Doors
- a. Tampering with a lock such that it interferes with or prevents the locking/unlocking of a door.
  - b. Adding, changing or replacing a lock in an on-campus housing unit without authorization by University staff.
  - c. Propping open a fire door or on-campus housing exterior door.
  - d. Entering through a propped fire door or on-campus housing exterior door.
  - e. Entering or exiting through a fire door or on-campus housing exterior door when no emergency exists.
  - f. Allowing individuals access into an on-campus housing facility through a locked door entrance
10. Mail
- a. Tampering with mailbox locks.
  - b. Removal of mail addressed to another person.
11. Motorcycles, Bicycles, Rollerblades or Skateboards
- a. Riding motorcycles, bicycles, roller- blades or skateboards in hallways, balconies, courtyards, lounges, or lobbies.
  - b. Storing motorcycles, motorbikes or bicycles in any on-campus housing hallway, entry area, stairwell, balcony or on-campus housing unit (except bicycles).
12. Open Flames/Heating Elements/Flammables
- a. Possession of candles, incense, hot plates or other heating units with an open flame or heating element.
  - b. Flammable liquids and solvents (gasoline, kerosene, lighter fluid, propane, etc.) may not be stored in resident rooms or apartments, including areas immediately outside of their front door. Residents are permitted to store charcoal (non-pres soaked) in rooms or living areas.
13. Pets/Animals
- a. Possession of pets, other than fish in a maximum tank size of ten gallons.
  - b. Feeding of stray or wild animals in the housing area and its surroundings.
14. Posting
- a. Unauthorized posting of notices, flyers, ads or other information in on-campus housing facilities.
  - b. Postings of flyers advertising events with alcohol.
15. Projectiles
- a. Throwing of any object from a window, ledge, roof, balcony or within a courtyard area.
  - b. The use of a slingshot or related item.
16. Quiet/Courtesy Hours
- a. Loud talking, music, or other disruptive noise in rooms, courtyards, balconies, stairwells, or lobby areas during designated quiet hours (Sunday-Thursday 10:00 pm-8:00 am; Friday & Saturday Midnight-10:00 am; 24 hours during finals week).
  - b. Loud talking, music, or other disruptive noise in rooms, courtyards, balconies, stairwells, or lobby areas during 24-hour courtesy hours.
  - c. Failure to reduce noise when asked to do so by a neighbor, staff member or roommate.
17. Railings, Balconies and Roofs
- a. Sitting, standing on, climbing on, or hanging from a balcony, railing, or roof.
  - b. Hanging or securing unauthorized items from roofs, balconies or windows, including bikes, banners, signs, clothing, plants or other items.
18. Room Personalization
- a. Use of nails, tacks or adhesive products that do damage to surfaces.
  - b. Placement of signs, pictures, banners, empty bottles, or other objects in windows such that they block or impede access, exit or view to the unit in time of emergency.
  - c. Attaching shelves, carpet or other items to interior surfaces of an on-campus housing unit.
  - d. Stacking cinder blocks more than one block high to secure a bed frame.
19. Sales, Solicitation and Canvassing
- a. Door-to-door solicitation, sales and canvassing in an on-campus housing facility.
  - b. Door-to-door distribution of flyers or leaflets or the placement of these items on cars.
  - c. Unauthorized placement of flyers in student mailboxes.
  - d. Engaging in sales or business activities within one's unit or community area within on-campus housing.
20. Social Gatherings
- a. Hosting a gathering in one's on-campus housing unit that exceeds the maximum occupancy for that unit type.
21. Sports in Residence
- a. Participating in sporting events in units, hallways, balconies, courtyards, lounges, and lobbies.
22. Windows
- a. Exiting or entering an on-campus housing unit through a window.
  - b. Placement of signs, pictures, banners, empty bottles or other objects in windows such that they block or impede access, exit or view to unit in time of emergency.
  - c. Removal of a window screen.
23. Exterior Building Water Spigots
- a. Unauthorized use of exterior building water spigots is prohibited.

**(u) Student and Greek Organizations/Clubs Additional Offenses**

## 1. Alcohol

- a. Unmonitored common sources of alcohol such as kegs, alcoholic punch, or unmonitored bulk containers of alcohol.
- b. Allowance of individuals under the legal drinking age to bring alcohol to a function, consume alcohol at a function, or be allowed to remain at a function if found in possession of alcohol.
- c. Social events, which encourage drinking, drinking games, drinking contests, and/or drunkenness. Non-alcoholic beverages and food (i.e., breads, cheeses, vegetables, pizzas, etc.) must be available for the duration of the function/event.
- d. The purchase of alcohol with chapter funds, whether directly or indirectly (no slush funds, no passing the hat, etc.).
- e. Events where alcohol is present must conform to one of the following guidelines:
  1. **BYOB Guidelines**
    - a. Each person is responsible for bringing in his/her own personal consumption beverages.
    - b. Each person is limited to six (6), twelve (12) ounce cans of beer or four (4), ten (10) ounce wine coolers. Hard alcohol is prohibited.
    - c. The Chapter Monitor(s) collect(s) and control(s) the dispersion of each individual's alcohol through a check-in (i.e., ticket, punch card, stamp, wristband) system. Only one beer or wine cooler may be acquired at a time.
    - d. The Chapter Monitor(s) checking-in guests/participants or dispersing alcohol must be over the legal drinking age and must not consume or be under the influence of alcohol during the event.
    - e. The host organization(s) is/are responsible for identifying those participants who are of legal drinking age (stamping, banding, I.D. checks, etc.) and ensuring that there are no individuals under the legal drinking age consuming alcohol.
    - f. The event/function must end no later than 3:00 am. The serving of alcohol will stop at least one hour prior to the end of event.
    - g. Individuals choosing to leave the function and wishing to claim their remaining alcohol may do so only upon exiting the premises and by turning in all remaining tickets.

All remaining alcohol must be poured out in the presence of a Public Safety Officer.

2. **Third Party Vendor Guidelines**

- a. A licensed/insured company caters and serves the function and controls the identification of legal drinks and the dispersion of alcohol. The company must be licensed and insured as required by state and local ordinances.
- b. Chapters are prohibited from entering into arrangements with the catering company to provide them a set amount of alcohol. This is the same as purchasing alcohol with chapter funds. The catering company must be paid for services only, not the purchase of alcohol in any manner.

## 2. Education

- a. Beginning August 15 (or January 15, if elections occur in December/ January) of each year, chapters are prohibited from having a social function until the President, Social Chairman, and Risk Management Designee have attended the designated risk management seminar provided by the Office of Greek Affairs and Office of Student Conduct and Conflict Resolution.
- b. Chapters are required to host, sponsor or attend a risk management seminar for their members on an annual basis. Documentation of the event must be provided to the Office of Greek Affairs prior to and after the seminar/workshop. A minimum of 75% of the new members and 50% of active members must attend this session.

## 3. Promotional Material/Advertisements

- a. The posting or promotion of material or propaganda, including, but not limited to, posters, flyers, banners, brochures, web sites, and clothing, which can be considered offensive or graphic in nature, or depicts demeaning sexual or discriminatory portrayal of individuals.
- b. Unrestricted invitational advertisement of events where alcohol will be present. The presence or reference to alcohol in any advertisement of functions is prohibited.
- c. The use of the name Florida International University, or FIU, or the use of any FIU logo or seal, must have prior approval from the Director of Campus Life and the Director of Alumni Affairs.
- d. All pamphlets, brochures, propaganda, informational or promotional material must be reviewed and approved by the Director of Campus Life or designee prior to printing, publication and distribution.

## 4. Recruitment/Membership Intake

- a. Violations of recruitment policies established by IFC, PC and NPHC.
- b. Alcoholic beverages at any recruitment function. A recruitment function is an activity sponsored by a Greek organization in which potential members are invited with the intent of joining. All Greek organizations are subject to these policies regardless of place or residence or location of sponsored activity.

## 5. Risk Management

- a. Failure to follow the minimum guidelines/standards as outlined by the Office of Greek Affairs or IFC, PC or NPHC Risk Management Policies.
- b. Failure to follow the guidelines/standards as outlined in Inter/ National and/or Chapter Risk Management Policies.
- c. Failure of a Greek organization to provide the Office of Greek Affairs with a copy of the chapter's Inter/National or Chapter Risk Management Policy.
- d. Any event where alcohol is present must be a closed event.

**(v) Gambling**

1. Soliciting, placing or accepting a bet on any high school, intercollegiate or professional athletic contest on University premises or at a University or student organization sponsored activity or event. Soliciting, facilitating or participating in any illegal gambling, bookmaking or illegal betting whether through a bookmaker, a parlay card, a pool or any other method of organized gambling on University premises or at a University or student organization sponsored activity or event.

**(w) Trespassing/Unauthorized Use**

1. Unauthorized presence in, or unauthorized use of University property, facilities, or restricted areas.

**(x) Other Violations**

1. Attempt or intent to commit any violation as outlined in the Student Code of Conduct.
2. Involvement in any violation as outlined in the Student Code of Conduct. This includes encouraging others to commit acts prohibited by this Code and/or the failure to remove oneself from the area/incident where the offense is being committed or attempted.
3. Aids or abets another in any violation of federal law, state law, local ordinance, or University policy.
4. Violation of federal or state law or local ordinance.
5. Violation of Florida International University Rule(s).

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**Contact Information**

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