IN THE CIRCUIT COURT, FOR THE
EIGHTH JUDICIAL CIRCUIT, IN AND
FOR ALACHUA COUNTY, FLORIDA

CASE NO.: 2014-CA-000104
DIVISION: J

FLORIDA CARRY, INC.,
a Florida non-profit corporation,

Plaintiff,

v.

UNIVERSITY OF FLORIDA,
a state university; and
BERNIE MACHEN, an individual.

Defendants.
_____/

FIRST AMENDED COMPLAINT

COMES NOW Plaintiff, Florida Carry, Inc., by and through its undersigned attorneys and sues Defendants University of Florida and Bernie Machen and says:

GENERAL ALLEGATIONS

1. This is an action for damages in excess of $15,000.00 and/or for statutory fines, declaratory judgment, and injunctive relief.

2. Plaintiff Florida Carry, Inc. is non-profit corporation, chartered under the laws of the State of Florida, in the public interest.

3. Defendant University of Florida (UF), is an entity of the State of Florida, operating a public university, located within the state of Florida.

4. Defendant Bernie Machen (Machen) is the president of UF, and as such is

the chief administrative officer of UF, responsible for the operation and administration of UF and is ultimately responsible for all rules and regulations of UF, and is a public employee.

5. Plaintiff has statutory standing to bring this action pursuant to Sec. 790.33, Fla. Stat., in that Plaintiff's membership consists of individuals, who are eligible and seek to protect and exercise their rights to keep and to bear arms, including but not limited to firearms, pursuant to the Constitution and laws of the State of Florida, and who are substantially affected by the preempted rules and regulations enacted by Defendants.

6. Plaintiff's members desire to possess arms, including firearms while traveling to and from the University of Florida as lawful method of self defense, and to store the arms while on campus.

7. Plaintiff's members include both students and employees of Defendant UF who travel to and from campus property in private conveyances, and seek to store arms in their private conveyances.

8. Plaintiff's members also include individuals who reside in UF owned housing and seek to exercise their rights under the Florida Constitution and Florida statutes to possess arms in their homes.

9. Other members of Plaintiff Florida Carry, are visitors to UF property for any variety of lawful reasons are desire to possess a firearm in their private conveyance.

10. Plaintiff's members have a right of associational privacy and fear retaliation from UF should their identities be made public, and have a substantial

interest in the exercise of their constitutional and statutory rights to keep and to bear arms.

11. Not all property owned or operated by UF is a school within the meaning of Sec. 790.115, yet UF prohibits firearm possession on non-school property as well, including but not limited to; hospitals, research facilities, and UF owned or managed housing both on and off campus.

12. All actions, rules and regulations of UF in regards to the issues herein may be imputed to Machan as the agency head with the ultimate authority to promulgate rules and regulations on behalf of UF, as its president and chief administrative officer, and as the party with administrative authority over the employees and agents of UF in its day-to-day operations.

13. All conditions precedent to the filing of this suit have occurred or have been waived.

14. Sec. 768.28, Fla. Stat., is not applicable to this action as it only waives sovereign immunity for the purposes of a tort action.

15. The legislature has specifically authorized this action by the passage of amendments to Sec. 790.33, Fla. Stat., without requiring notice pursuant to Sec. 768.28, Fla. Stat.

16. There are no administrative remedies which must be resorted to prior to bringing suit pursuant to Sec. 790.33, Fla. Stat.

17. Plaintiff has retained the undersigned law firm to represent them in this matter and have paid or become obligated to pay a fee for the services of the firm.

COUNT I- VIOLATION OF SEC. 790.33, FLA. STAT. BY UF

Plaintiff re-alleges paragraphs 1-17 as if set forth in full and further says:

18. This is an action for damages, statutory fines and injunctive relief.

19. Pursuant to Sec. 790.33, Fla. Stat., the Legislature has expressly preempted the entire field of firearms and ammunition regulation, including but not limited to, the definition, the method and place of carry, the manner of use, and who may posses firearms where firearms may be possessed.

20. Additionally, the Legislature has expressly preempted the carrying of both firearms and weapons, in regards to persons with a concealed weapon or firearm license pursuant to Sec. 790.06 Fla. Stat.

21. Article I , Sec. 8 of the Florida Constitution reserves to the Legislature the exclusive authority to regulate the manner of bearing arms.

22. UF has passed rules or regulations expressly prohibited by Fla. Stat. 790.33 by:

a. Publishing a Regulation 2.001 "Possession and Use of Firearms";

b. UF attempts to define terms such as "campus", "firearms", and "antique firearms" contrary to the definitions set forth by the Legislature in Chapter 790, Fla. Stat.;

c. Setting forth when, where and under what circumstances the University will permit firearms on campus and by whose discretion;

d. Requiring that firearms transported from storage with the UF police department be transported immediately off campus;

e. Requiring firearms transiting campus to be unloaded;

f. Designating what intersection students must utilize when transporting firearms off campus, without regard to the student's plans;

g. Prohibiting firearms on campus not specifically authorized by the UF police department;

h. Regulating who is permitted to posses firearms on campus;

i. Prohibiting the possession of firearms and defensive weapons in UF housing

j. Requiring that employees who reside at a research center store their firearms unloaded, trigger locked and locked in a secure portion of the residence, rendering it useless for purposes of self-defense;

k. Attempting to impose administrative penalties for violation of their preempted regulations.

23. UF attempts to mitigate its violation of preemption with a footnote as to its intent.

24. The footnote claims that UF will comply with Florida law for firearms that are "securely encased" even though the statutory provision does not require all firearms to be securely encased, and cites a recent court decision, without providing a name of the decision, case number or case name, or other identifying information other than the date of the decision and the court which rendered the decision.

25. UF has further promulgated a work-place violence policy, that states that carrying a weapon (without limiting it to on the job possession) is a warning sign and an

unacceptable behavior to address that should be reported, and equates carrying a firearm, as on par with being involved in fights, stalking family members, and making threats of violence or suicide. Additionally the policy states that "Florida Statutes and University Policy prohibit firearms and certain other articles that could be weapons on state property."

26. As of the filing of the original Complaint in this action, all of the policies detailed herein were still being promulgated by UF, and were available by searching the UF website using UF's own search bar, and were not cached copies of old pages, however UF has slightly amended its footnote since the filing of the original complaint.

27. Upon information and belief, UF has previously punished and/or referred students for criminal prosecution for lawful possession or storage of a firearm in a private conveyance on campus.

28. The rules and regulations provided to students at the time of enrollment prohibit them from exercising their right to possess firearms in their vehicle.

29. Sec. 790.06(12)(b), Fla. Stat., specifically allows licensed persons to carry or store firearms in a vehicle for lawful purposes.

30. Sec. 790.25, Fla. Stat., specifically allows a person without a concealed weapon or firearm license to carry a firearm other than a handgun anywhere in a private vehicle or a "securely encased" concealed firearm in their vehicle.

31. Furthermore, Sec. 790.25, Fla. Stat., specifically provides that a person may possess a weapon in their home or place of business, and that the provisions of Sec. 790.25 are to be liberally construed in favor of the right to bear arms, and "shall supersede any law, ordinance, or regulation in conflict herewith."

32. While Sec. 790.115, Fla. Stat., does prohibit firearms and weapons on school campuses, Sec. 790.115 is in conflict with Sec. 790.25, and the Legislature has made clear which statute is to control in case of a conflict.

33. There is no exception in the statutes which would allow a university to override Sec. 790.25, or Sec. 790.06, Fla. Stat., merely because it chooses to do so.

34. Despite the enactment of amendments to Sec. 790.33, Fla. Stat., on June 2, 2011, to create an enforcement mechanism to the longstanding preemption of firearms law, UF continues to publish its preempted regulations and has made no effort to correct its mis-statements of the law to students by university wide communication.

35. UF's failure to correct these inaccurate statements, repeal the regulations, or notify students of the inaccurate information being published, is an unlawful attempt to continue to enact, enforce, and promulgate rules and regulations in violation of Sec. 790.33, Fla. Stat.

36. There is no basis for any rule or regulation regarding firearms by UF, no matter how well intentioned or reasonable where the legislature has expressly preempted such rules and regulations.

37. UF's footnote appears to be nothing more than an attempt to continue to mislead students, employees, and visitors as to the law of the state of Florida.

38. This blatant attempt to continue to regulate the use and possession of firearms in light of recent court decisions is a willful and knowing violation of Chapter 790 of the Florida Statutes by UF.

39. Plaintiff contacted the vice president and general counsel of UF and informed her that UF's attempt to state an intent was insufficient given the language of

their preempted policy, and failure to repeal or modify said policy would result in legal action.

40. Additionally, UF, continues to promulgate a "Weapons on Campus" policy statement and a "Student Honor Code and Student Conduct Code" that prohibits possession use, sale or distribution of any firearm, referencing UF Regulation 2.001, with no indication that said regulation contains any exception.

41. Despite each of these policies that were promulgated by UF and provided by notice to the students at the beginning of the academic year, UF has made no effort to notify students that the previously promulgated policy has been modified in any way.

42. Despite the enactment of amendments to Sec. 790.33, Fla. Stat., on June 2, 2011, to create an enforcement mechanism to the longstanding preemption of firearms law, UF continues to promulgate it's Regulation 2.001, (Exhibit A), "Weapons on Campus" policy statement (Exhibit B) and the "Student Honor Code and Student Conduct Code"(Exhibit C) on UF's website and has taken no action to withdraw the rules and regulations or to correct the mis-statements of the law to students.

43. Further UF claims the right to a waiver under Sec. 790.115, Fla. Stat., which waivers are limited to school districts, a term defined by the Florida Constitution, which does not include colleges or universities, and which has already been ruled not to apply to universities.

44. If plaintiff prevails in this matter, plaintiff is entitled to attorney's fees, including a multiplier, and costs pursuant to Sec. 790.33, Fla. Stat.

WHEREFORE, Plaintiff seeks

a. An award of actual and statutory damages;

b. An injunction against the enforcement of any firearms rules or regulations, by UF other than those contained in Chapter 790, Fla. Stat., and against any disciplinary action against any student for possession of a firearm in a private conveyance, use of a firearm in lawful self defense, or possession of an operable firearm or weapon in UF owned housing;

c. An order to remove any university rules and regulations regarding firearms from any university publication except as specifically provided for employees by Chapter 790, Fla. Stat.;

d. Ordering the repeal of all preempted and unauthorized Florida Administrative Code regulations regarding the possession of firearms on public university campuses;

e. An award of attorneys fees and costs and all other relief deemed just and equitable.

COUNT II- VIOLATION OF SEC. 790.33, FLA. STAT. BY MACHEN

Plaintiff re-alleges paragraphs 1-17 as if set forth in full and further says:

45. This is an action for damages, statutory fines and injunctive relief.

46. Pursuant to Sec. 790.33, Fla. Stat., the Legislature has expressly preempted the entire field of firearms and ammunition regulation, including but not limited to, the definition of firearms, the method and place of carry, the manner of use, and who may posses firearms where firearms may be possessed.

47. Article I , Sec. 8, of the Florida Constitution reserves to the Legislature the exclusive authority to regulate the manner of bearing arms.

48. Machen, as the chief administrative officer of UF has passed, authorized,

and/or allowed the passage of rules or regulations expressly prohibited by Fla. Stat. 790.33 by:

a. Publishing a Regulation 2.001 "Possession and Use of Firearms";

b. Attempting to define terms such as "campus", "firearms", and "antique firearms" contrary to the definitions set forth by the Legislature in Chapter 790, Fla. Stat.;

c. Setting forth when, where and under what circumstances the University will permit firearms on campus, and by whose discretion;

d. Requiring that firearms transported from storage with the UF police department be transported immediately off campus;

e. Requiring firearms transiting campus to be unloaded;

f. Designating what intersection students must utilize when transporting firearms off campus, without regard to the student's plans;

g. Prohibiting firearms on campus not specifically authorized by the UF police department;

h. Regulating who is permitted to posses firearms on campus;

i. Prohibiting the possession of firearms and defensive weapons in UF housing;

j. Requiring that employees who reside at a research center store their firearms unloaded, trigger locked and locked in a secure portion of the residence, rendering it useless for purposes of self-defense;

k. Attempting to impose administrative penalties for violation of their preempted regulations.

49. UF attempts to mitigate its violation of preemption with a footnote as to its intent.

50. The footnote claims that UF will comply with Florida law for firearms that are "securely encased" even though the statutory provision does not require all firearms to be securely encased, and cites a recent court decision, without providing a name of the decision, case number or case name, or other identifying information other than the date of the decision and the court which rendered the decision.

51. UF has further promulgated a work-place violence policy, that states that carrying a weapon (without limiting it to on the job possession) is a warning sign and an unacceptable behavior to address that should be reported, and equates carrying a firearm, as on par with being involved in fights, stalking family members, and making threats of violence or suicide. Additionally the policy states that "Florida Statutes and University Policy prohibit firearms and certain other articles that could be weapons on state property."

52. Upon information and belief, Machen, or his agents have previously punished and/or referred students for criminal prosecution for lawful possession or storage of a firearm in a private conveyance on campus.

53. The rules and regulations provided to students at the time of enrollment prohibit them from exercising their right to possess firearms in their vehicle.

54. Sec. 790.06(12)(b), Fla. Stat., specifically allows licensed persons to carry or store firearms in a vehicle for lawful purposes.

55. Sec. 790.25, Fla. Stat., specifically allows a person without a concealed weapon or firearm license to carry a firearm other than a handgun anywhere in a private vehicle or a "securely encased" concealed firearm in their vehicle.

56. Furthermore, Sec. 790.25, Fla. Stat., specifically provides that a person may possess a weapon in their home or place of business, and that the provisions of Sec. 790.25 are to be liberally construed in favor of the right to bear arms, and "shall supersede any law, ordinance, or regulation in conflict herewith."

57. While Sec. 790.115, Fla. Stat., does prohibit firearms and weapons on school campuses, Sec. 790.115 is clearly in conflict with Sec. 790.25, and the Legislature has made clear which statute is to control in case of a conflict.

58. There is no exception in the statutes which would allow Machen to override Sec. 790.25, or Sec. 790.06, Fla. Stat., merely because he chooses to do so.

59. Despite the enactment of amendments to Sec. 790.33, Fla. Stat., on June 2, 2011, to create an enforcement mechanism to the longstanding preemption of firearms law, UF continues to publish its preempted regulations and has made no effort to correct its mis-statements of the law to students by university wide communication.

60. UF's failure to correct these inaccurate statements, repeal the regulations, or notify students of the inaccurate information being published, is an unlawful attempt to continue to enact, enforce, and promulgate rules and regulations in violation of Sec. 790.33, Fla. Stat.

61. There is no basis for any rule or regulation regarding firearms by UF, no matter how well intentioned or reasonable where the legislature has expressly preempted such rules and regulations.

62. UF's footnote appears to be nothing more than an attempt to continue to mis-lead student's, employees, and visitors as to the law of the state of Florida.

63. This blatant attempt to continue to regulate the use and possession of firearms in light of recent court decisions is a willful and knowing violation of the statute by UF.

64. Plaintiff contacted the vice president and general counsel of UF and informed her that UF's attempt to state an intent was insufficient given the language of their preempted policy, and failure to repeal or modify said policy would result in legal action.

65. Additionally, UF, continues to promulgate a "Weapons on Campus" policy statement and a "Student Honor Code and Student Conduct Code" that prohibits possession use, sale or distribution of any firearm, referencing UF Regulation 2.001, with no indication that said regulation contains any exception.

66. Despite each of these policies that were promulgated by UF and provided by notice to the students at the beginning of the academic year, UF has made no effort to notify students that the previously promulgated policy has been modified in any way.

67. Despite the enactment of amendments to Sec. 790.33, Fla. Stat., on June 2, 2011, to create an enforcement mechanism to the longstanding preemption of firearms law, Machen continues authorize and allow the promulgation of UF's Regulation 2.001, (Exhibit A), "Weapons on Campus" policy statement (Exhibit B), the "Student Honor Code and Student Conduct Code"(Exhibit C), and UF's "Workplace Violence Policy" on UF's website and has taken no action to withdraw the rules and regulations or to correct the mis-statements of the law to students.

68. Machen's failure to correct these inaccurate statements, repeal the regulations, or notify students of the inaccurate information being published, is an unlawful attempt to continue to enact and enforce rules and regulations in violation of Sec. 790.33, Fla. Stat.

69. There is no basis for any rule or regulation regarding firearms by Machen no matter how well intentioned or reasonable where the legislature has expressly preempted such rules and regulations.

70. Further Machen claims the right to a waiver under Sec. 790.115, Fla. Stat., which waivers are limited to school districts, a term defined by the Florida Constitution, which does not include colleges or universities, and which has already been ruled not to apply to universities.

71. If plaintiff prevails in this matter, plaintiff is entitled to attorney's fees, including a multiplier, and costs pursuant to Sec. 790.33, Fla. Stat.

WHEREFORE, Plaintiff seeks:

a. An award of actual and statutory damages;

b. An injunction against the enforcement of any firearms rules or regulations, by Machen or his subordinates other than those contained in chapter 790, Fla. Stat., and against any disciplinary action against any student for possession of a firearm in a private conveyance, use of a firearm in lawful self defense, or possession of an operable firearm or weapon in UF owned housing;

c. An order to remove any university rules and regulations regarding firearms from any university publication except as specifically provided for employees by Chapter 790, Fla. Stat.;

d. Ordering the repeal of all preempted and unauthorized regulations and policies regarding the possession of firearms on public university campuses;

e. An award of attorneys fees and costs and all other relief deemed just and equitable.

COUNT III- DECLARATORY JUDGMENT FOR VIOLATION OF CONSTITUTIONAL RIGHTS BY UF

Plaintiff re-alleges paragraphs 1 through 44 as if set forth in full and further alleges:

72. This is an action for declaratory relief pursuant to Chapter 86, Fla. Stat.

73. UF has enacted and promulgated rules, regulations, and/or policies which prohibit the possession of arms in almost all UF housing.

74. In the rare cases where UF permits the possession of arms in UF owned housing, UF requires that the owner of any firearms store them unloaded, trigger locked, and further locked in a "secured location", all of which conditions are in violation of the Florida Constitution.

75. The rendering of these arms as useless for the purpose of self-defense entirely negates the very purpose of the Constitutional right guaranteed by Florida's Constitution.

76. UF's prohibition on possession of firearms and weapons in UF owned housing violates Art. I, Sec. 8 and Art. I, Sec. 2 of the Florida Constitution.

77. Consistent with holdings of the United States Supreme Court, the rights to keep and bear arms are most acute in the home.

78. Students who reside in UF housing are denied the most fundamental aspect of the rights to keep and bear arms.

79. Art. I, Sec. 8 of the Florida Constitution provides that the "right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state shall not be infringed, except that the manner of bearing arms may be regulated by law."

80. Nothing in the Florida Constitution or the laws enacted by the Legislature regarding the manner of bearing arms, allows a state agency to prohibit the possession of arms in ones home.

81. Further Art. I, Sec. 2 of the Florida Constitution provides that the people of Florida "have inalienable rights, among which are the right to enjoy and defend life and liberty, . . ., and to protect property.

82. The most efficient and widely recognized and utilized means of defending life and property is the lawful possession and use of arms as recognized by the courts and the Legislature.

83. UF by its policies and regulations has chosen to deny this most fundamental right to persons residing in UF owned housing.

84. Plaintiff seeks a declaratory judgment that UF's rules, policies, and regulations which prohibit possession of arms in UF owned housing are unconstitutional.

WHEREFORE, Plaintiff respectfully requests the Court:

a. Find that UF's rules, policies and regulations, violate the constitutional rights of persons living in UF owned housing;

b. Declare that UF's rules, policies and regulations, are unconstitutional;

c. Require the repeal of all rules, policies and regulations, which prohibit the possession of arms or render them useless for purposes of self-defense.

d. Award all other relief deemed just and equitable.

COUNT IV- DECLARATORY JUDGMENT PURSUANT TO SEC. 790.33, FLA. STAT.

Plaintiff re-alleges the allegations in paragraphs 1 through 84 as if set forth in full, and further says:

85. This is an action for declaratory relief pursuant to Fla. Stat. 790.33.

86. Plaintiff seeks a ruling of the Court on behalf of its membership, that UF's rules and regulations, authorized and/or allowed by Machen, regarding firearms and weapons are expressly and impliedly preempted.

87. UF and Machen's continued regulation of firearms in the face of express preemption is continually harming the members of Plaintiff Florida Carry, Inc.

88. The risk of assault or other physical force against the members of Florida Carry and the lack of any duty by UF or Machen to protect them is a harm which cannot be compensated solely by an award of money damages.

89. Sec. 790.33, Fla. Stat. Specifically authorizes Plaintiffs to seek a declaratory judgment in this matter.

90. UF and Machen's continued promulgation of rules prohibiting all firearms and weapons, which UF and Machen have failed to repeal, along with their failure to issue any communication to students which would clarify their intent to not enforce and

to repeal or discontinue publishing these rules and regulations leaves plaintiff with no clear remedy other than a declaratory judgment that UF and Machen are in violation of the preemption statute, and an order requiring UF and Machen to take corrective action to remedy their illegal and misleading actions.

WHEREFORE, Plaintiff requests an order finding:

a. All UF rules and administrative regulations regarding firearms are null and void.

b. UF students and lawful visitors have the right to carry and store lawfully possessed firearms in their vehicle while present on the UF campus without threat of criminal prosecution or administrative punishment.

c. Persons with residing in UF owned housing have the right to posses, carry, and store operable, lawfully possessed firearms and weapons in their UF owned housing without threat of criminal prosecution or administrative punishment.

d. An award of attorneys fees and costs and all other relief deemed just and equitable.

COUNT V- INJUNCTION AND WRIT OF MANDAMUS

Plaintiff re-alleges the allegations in paragraphs 1 through 90 as if set forth in full and further says:

91. The Legislature has declared all regulation of firearms to be preempted by the Legislature, and has determined that students should be allowed to posses and/or

store firearms in private automobiles on university campuses, and that there is no need or authorization for additional regulation of firearms by UF or Machen.

92. The Constitution and laws of the State of Florida, protect the rights of the people to keep and bear operable arms within their homes, regardless of ownership by a public entity.

93. UF and Machen continued regulation of firearms in the face of express preemption is continually harming the members of Plaintiff Florida Carry, Inc.

94. The risk of assault or other physical force against the members of Florida Carry and the lack of any duty by UF or Machen to protect them is a harm which cannot be compensated solely by an award of money damages.

95. UF and Machen have no reasonable basis for their enactment of rules regarding firearms and are unlikely to prevail on the merits.

96. The continued publication of mis-information regarding UF's regulation of firearms by UF and Mahcen in violation of state law leaves its students and visitors without clear guidance as to their conduct and as to whether their rights under Florida law end when crossing the UF property line.

97. The denial of the fundamental right to possess arms in one's home is a serious violation of the rights of the people of Florida who reside in housing owned by UF.

WHEREFORE, Plaintiff seeks an injunction against UF and Machen prohibiting any enforcement of any UF rules or regulations regarding the possession of firearms

and weapons on campus, an injunction allowing persons residing in UF owned housing to possess operable firearms for self-defense in their homes, and an injunction and/or a writ of mandamus, ordering UF to repeal all enjoined rules and regulations, and ordering UF to take steps to replace all student handbooks and student codes of conduct, to eliminate any rule, regulation, or provision regarding the possession and/or use of firearms in all publications, and all other relief deemed just and equitable.

Demand for Jury Trial

98. Plaintiff demands trial by jury on all issues.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the forgoing was served via e-service or U.S. Mail this _21st_ day of February 2014, to the following:

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EXHIBIT A

REGULATIONS OF THE

UNIVERSITY OF FLORIDA

2.001 Possession and Use of Firearms.

(1) The possession of firearms on the University campus or any land or property occupied by the University of Florida is prohibited.

(2) Definitions

(a) The University "campus" is defined for purposes of this regulation to include those lands located in Alachua County, Florida, occupied or controlled by the University of Florida, including premises occupied by fraternities and sororities officially recognized by the University.

(b) The term "firearm" is defined for the purposes of this regulation to have the same meaning set forth in Section 790.001(6), Fla. Stat., provided "firearm" shall also include antique firearms.

(3) Notwithstanding the foregoing, firearms are permitted under the following limited circumstances:

(a) Campus residents are permitted to store firearms in an area designated by the University Police at the University Police Station only. Firearms in transit to the Police Station for storage shall enter the campus at the intersection of 13th Street and Museum Road and be taken directly and immediately to the Police Station. Firearms in transit from the Police Station shall be removed from the campus directly and immediately along the same route. Firearms must be unloaded when on the University campus, whether in storage or in transit to or from storage. Authorization must be acquired from the University Police for possession of the firearm while

traveling between the storage facility and the campus perimeter. Possession of a firearm anywhere else on campus is prohibited.

(b) Those presently authorized to possess firearms on the campus are law enforcement members of governmental agencies who are authorized by law to possess firearms, the University Police, the University's armored car vendor, and the staff of the Florida Museum of Natural History when the firearms are a part of the museum collection and are for the exhibit purposes or used in a specimen collection.

(c) ROTC cadets may drill with unloaded rifles which have the firing pin removed when under the supervision of ROTC officers and cadre. .

(d) The following persons are authorized to possess firearms at Institute of Food and Agricultural Sciences Research and Education Centers:

1. Deputized law enforcement officers living at a center who are issued a firearm as part of their employment;

2. Employees engaged in properly permitted wildlife depredation activities carried out to protect research projects being conducted at a center; and

3. Employees temporarily residing at a center, provided the firearm is kept unloaded, equipped with a trigger lock, and locked in a secured location in the residence. In addition to any specific requirements set forth above, firearms shall be handled, used and stored in a safe and responsible manner and in accordance with all applicable laws, rules and regulations. A Center director shall be notified prior to any firearm being brought onto Center property and shall have the right to prohibit or limit the use, handling or storage of firearms at the Center for the safety of persons at the Center.

(e) Individuals participating in approved firearms education programs conducted on properties designated for 4-H use may utilize firearms on the property, provided firearms shall be handled, used and stored in a safe and responsible manner and in accordance with all applicable laws, rules and regulations. The program coordinator or property manager shall have the right to prohibit or limit the use, handling or storage of firearms on properties designated for 4-H use for the safety of persons on the property.

(f) Should it be necessary or desirable for the use of firearms in any of the academic programs of the University, then permission for such use must be applied for and granted by the Provost or designee, Vice President for Business Affairs and the Chief of Police of the University Police Department.

(5) Any student or employee, including faculty, administration, and staff members, shall be immediately suspended for violation of this regulation. When required under applicable university disciplinary regulations or provisions of the applicable collective bargaining agreement, such a suspension shall be interim in nature until a proper hearing can be held by the appropriate hearing body to determine the facts and circumstances of the violation.

Authority: BOG Regulation 1.001.

History--New 9-29-75, Formerly 6C1-2.01, Amended 9-16-99, 3-31-06, 3-14-08, Formerly 6C1-2.001, Amended 3-16-10.

Intent: As University regulations and their implementation are subject to applicable law, the University will comply with Florida law governing firearms that are securely encased or otherwise not readily accessible for immediate use in vehicles by individuals 18 years old and older, as decided by the First District Court of Appeal on December 10, 2013.

EXHIBIT B

UF UNIVERSITY of FLORIDA
The Foundation for The Gator Nation

OFFICIAL UNIVERSITY POLICY

SUBJECT WEAPONS ON CAMPUS		

POLICY STATEMENT

The University of Florida is a "school" as defined in Section 790.115, Florida Statutes. Under the UF regulations and applicable law, firearms, antique firearms, destructive devices, other weapons, and ammunition (for antique firearms, short-barreled shotguns, short-barreled rifles, automatic rifles, and other destructive devices), all as defined in Section 790.001, Florida Statutes,[1] may not be possessed on campus (as defined in UF regulations) or other property owned, occupied or controlled by the University of Florida (including when stored in vehicles) or at University activities or events. The University of Florida confirms its waiver of the exception provided in Section 790.115(2)(a)3, Florida Statutes. [2] Refer to UF Regulation 2.001(3) for specified exceptions, addressing law enforcement and certain other specified situations.

[1] **Firearm** includes any weapon, including but not limited to a starter gun and a machine gun, that expels a projectile by action of an explosive, the frame or receiver and muffler or silencer for such weapon, and any destructive device. Firearm does not include antiques manufactured in or before 1815 (unless used in the commission of a crime), which are therefore separately prohibited in the UF regulation.
Destructive device includes, for example, certain firearms (any short-barreled shotgun, short-barreled rifle, and automatic rifle), bomb, rocket, missile, antique firearm, and any device that is explosive, is incendiary or contains poisonous or expanding gas. Destructive device does not include any device not designed, redesigned, used or intended for use as a weapon; shotgun shell; or ammunition designed for use in non-antique firearms, other than ammunition for short-barreled shotguns, short-barreled rifles, and automatic rifles. Destructive devices include ammunition for short-barreled shotguns, short-barreled rifles, automatic rifles, antique firearms, and other destructive devices.
Other weapons (as distinct from firearms) include any dirk, knife, metallic knuckles, slingshot, billie, tear gas gun, chemical weapon, antique firearm, other deadly weapon (but does not include a non-antique firearm, common pocketknife, plastic knife, or blunt-bladed table knife).
Ammunition is an object consisting of a fixed hull or casing containing a primer, one or more projectiles, bullets, or shot, and gunpowder.
[2] The University of Florida confirms its waiver of the exception provided in Section 790.115(2)(a)3, Florida Statutes.

REASON FOR POLICY

To implement University of Florida Regulation 2.001 and applicable law, which prohibit possession of firearms, antique firearms, destructive devices, other weapons, and ammunition (for antique firearms, short-barreled shotguns, short-barreled rifles, automatic rifles, and other destructive devices) on University of Florida property and at University activities and events, with limited exceptions specified in UF Regulation 2.001(3).

EXHIBIT C

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 bongs 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, 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 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, 12-10-10.

EXHIBIT D

Office of Human Resource Services

Human Resource Services | Search

Human Resource Services

Workplace Violence Policy

It is an essential goal of the University of Florida to maintain a safe and comfortable workplace and academic setting for all members of the university community. In support of this commitment, the University of Florida has established standards of conduct that cover every member of our community. Specifically, violent acts, threats (direct or implied), unlawful harassment, verbal or physical abuse, stalking, intimidation, and other disruptive behavior will not be tolerated and will result in appropriate university response including disciplinary action and criminal prosecution.

As further support of this commitment, the university has established a three-tier program that focuses on prevention, threat management and related behavioral issues, and crisis intervention. Listed below is information regarding this policy, insight as to steps that should be taken under various circumstances, and resource contact information.

Safety and security are both personal and shared responsibilities. While all supervisors and administrators are called on to report inappropriate behavior immediately, the collective involvement of every member of the university community is both important and appreciated.

Prevention - Proactive Initiatives That Make A Difference

1. Pre-employment Screening - Care in Selecting a New Team Member

Verifying Education and Work History

An important and positive investment is a thorough assessment of potential employment candidates and verification of their past records. Recruitment and Staffing coordinates education verification for all selected candidates for USPS and TEAMS positions. The hiring authority is responsible for confirming the necessary amount of work experience to qualify for a particular position. In addition, care by the hiring authority in obtaining accurate information regarding performance and conduct in previous positions and in obtaining an accounting of any gaps noted on applications and/or resumes is important. Finally, any required licenses or other specially designated credentials should be verified by the hiring authority in coordination with Recruitment and Staffing . Certain positions covered by 435, Florida Statutes, require a very specific background check process. Please refer to individual position descriptions and confer with Recruitment and Staffing.

Criminal Background Checks

Knowing about past convictions, particularly as relevant to a particular position's responsibilities or area of work, is a responsible component of a complete assessment process. Upon request and for $15, Recruitment and Staffing will coordinate a Florida Department of Law Enforcement (FDLE) check that captures all activity in a statewide database regarding past convictions. This is an appropriate step for all current or former Florida residents and usually takes 1-2 days to secure a report. For those applicants who currently or formerly lived out of state, a check for a particular state or a nationwide check can be coordinated through Recruitment and Staffing upon request.

2. Warning Signs - Unacceptable Behavior to Address

To insure a positive work environment, all members of the university community are expected to conduct themselves in an appropriate and professional manner. The following are examples of behavior that is unacceptable and should be reported immediately.

Level One

- Uncooperative with supervisors, co-workers
- Belligerent toward customers
- Profanity used
- Makes unwanted and/or inappropriate sexual comments (see the University's Sexual Harassment Policy)
- Refuses to obey department/university policy and procedures
- Increased absenteeism on-the-job (productivity drop; appearing to not be focused)

Level Two

- Direct or veiled threats
- Writes sexual or violent notes - intimidation verbally or physically
- Carries a weapon (Florida Statutes and University Policy prohibit firearms and certain

other articles that could be weapons on state property)
- Makes suicidal comments or threats
- Involved in fights or assaults
- Stalks co-workers or their family

Take All Threats Seriously - Reporting And Addressing

1. Guidelines for Reporting Threats Immediately

All threats and other inappropriate behavior that create an immediate concern for safety should be reported immediately to the University Police Department (UPD) at (352) 392-1111 or local law enforcement if off campus. You may also dial 911, but remember, you must first dial 9 to get an outside line. Examples listed in "Level Two" above should be reported to UPD. For other behavioral or performance concerns involving **USPS** or **TEAMS**, including examples listed in "Level One" above, the Human Resource Services satellite office nearest you should be contacted for assistance. For concerns involving **students**, contact the office of the Dean of Students at 392-1261. For issues involving **faculty**, the appropriate supervisor should be the first point of contact, who then is to immediately report the situation to their Dean or Director's office.

2. Conflict Resolution-"Defusing" Routine Situations of Tension

It is not uncommon that in the course of daily campus life there are internal or external customers with concerns to be addressed. At times, tension and anxiety may be involved. There may be extreme situations that require the intervention of others, including UPD. However, when appropriate, the following suggestions may assist you in successfully addressing these situations.

> Have a pre-arranged distress signal. Electronic "panic buttons," such as used by bank tellers, serve to alert others that a situation requires immediate police assistance. Since most of us do not have this technology, having a brief phrase, such as "let Susan know that I can't make our meeting" is designed to let your team member know to call UPD.

A tip: Keep the phrase short and ensure that new staff members are made aware of it when they come on board. Use this phrase only to summon law enforcement, and never use it in jest.

- Assess the situation and determine if you feel comfortable in handling it alone or if assistance, either from a manager or UPD, is advisable.
- Take charge - provide a smile, stand erect, remain alert, and maintain eye contact.
- Listen - It's critical that someone who is already upset feel that you care, and active listening, including taking notes and asking questions, is therefore a key to success.
- Avoid defensiveness - it's not important whether the complainant is accurate or fair at the moment. Your goal is to calm him or her down, and debating with the person doesn't help.
- Avoid an audience - if others begin congregating in a lobby area, select someplace less public where you and one other staff member can sit and continue your discussion. By the way, be sure that the room you go to has an easy exit for both you, your co-worker or manager, and the customer - each of you needs to feel comfortable that you are not blocked from leaving.
- Establish boundaries - let the individual know that while you are there to assist in resolving their concerns, they must behave! Profanity or raised voices are not conducive to effective communication, and threats will require you to contact the police and your assistance will end.

Domestic Violence - Some Insight And Recommended Action

Domestic violence is the number one cause for emergency room visits by women in the United States, causing more injuries to women than car accidents, muggings, and rapes combined. Like other forms of violence that may originate elsewhere, domestic violence may spill over into the workplace in various ways. Of all employed battered women, 96 percent experience problems at work, and 75 percent must use work time to deal with their situation because they cannot do so at home. Half of those women miss at least three days of work monthly.

1. If YOU are a victim:

- Get to a safe place
- Contact the UPD Office of Victim Services at 392-1111. A victim advocate can assist you with medical, legal, and counseling services (see further information on this office under **Resources** below).

2. If SOMEONE YOU KNOW is a victim:

- Don't be afraid to offer help. If you know someone closer to the person, seek his or her assistance.
- Approach the victim in an understanding, non-blaming way.
- Acknowledge that it is scary and difficult to talk about domestic violence.

- Suggest the victim speak with the Office of Victim Services.
- Share information about domestic violence, social services, emergency shelters, counseling services, and legal advice. See **Resources** below and also visit the web site of the Office of Victim Services.
- Help the victim plan safe strategies for leaving an abusive relationship.
- Help the victim get to the hospital if needed and to report any assault to the police.

3. If a suspected abuser appears in the workplace:

- Remember that this is public university property, and conduct is dictated by university and department policy.
- If behavior or threats warrant, call UPD immediately.
- Consider moving the victim to another office location so that he or she is not as exposed to an unannounced visit.

Crisis Intervention

Should an actual incident of violence occur, it is important to have a plan of action in place. The following are key points to reference in the event that a traumatic event does occur.

- **The first call** should be made to **UPD (or local law enforcement if off campus)**. Write down all details involving the incident for accurate recall later. A precise description of the incident, the perpetrator, physical descriptions of the setting, etc., will be critical.
- All **contact with the press and media** should be funneled through one person in coordination with the University's Office of Public Relations (846-3903). This protects the individual faculty and staff from further trauma and insures an appropriate "voice."
- The quick response and presence of **Crisis Intervention Teams** from appropriate areas is critical to the healing process for those affected directly or indirectly. Victims, witnesses, co-workers, and their families are among those who should be offered assistance. See **Resources** below for details of appropriate contacts.
- The appropriate **administrative contacts** should be made next through the Dean or Director's office (For USPS and TEAMS: Human Resource Services; for Faculty: the appropriate Dean's Office; for students: the Dean of Student Affairs).

Workshops to Assist

Human Resource Services is pleased to offer a variety of workshops that may be very pertinent to the myriad of issues that influence a safe and comfortable workplace. Among these opportunities are:

1. Supervisory Challenge and General Training Courses

A full schedule is available at http://hr.ufl.edu/training/catalog/sc.asp

This is an ongoing commitment to provide workshops on relevant subjects such as conflict management, anger management, and relationship stress.

For a complete and current listing of all workshop opportunities and corresponding descriptions, please visit the Training and Development web site.

Contact Information For Available Resources

University Police Department (UPD) - First Contact Point for Safety Concerns
UPD is committed to the prevention of crime and the protection of life and property; the preservation of peace, order and safety; the enforcement of laws and ordinances; and the safeguarding of constitutional guarantees.

Phone: (352) 392-1111

Web site: http://www.police.ufl.edu/

Office of Victim Services (UPD)
This office was developed in 1993 in an effort to provide a civilian support person for anyone who may become a victim of crime while on the University of Florida campus. A victim advocate is available 24 hours a day, seven days a week. All services are free, confidential, and do not require that a crime be officially reported. This office provides a large amount of information (including on their website) regarding victim services on and off campus as well as services available for specific subjects to include: assistance for victims of physical assault, sexual assault, or domestic violence; obtaining a restraining order; and many other valuable areas of support.

Phone: (352) 392-5648 or (352) 392-1111

Web site: http://www.police.ufl.edu/ovs/vap.asp

Human Resource Services - Employee Relations Assistance
Satellite offices are located at three locations around campus for your convenience and provide an array of personnel services, including employee relations assistance on matters pertaining to standards of conduct for USPS and TEAMS as well as complaint processes and related processes. Details regarding these offices follow:

Main HRS office and Satellite office for Education and General/Auxiliary

903 West University Avenue
Phone: (352) 392-1072

Health Science Center
Room H-8; P.O. Box 100346
Phone: (352) 392-3786

IFAS
2038 McCarty
Phone: (352) 392-4777

Physical Plant Division
Room 106, Building 702
Phone: (352) 392-2333

Employee Assistance Program (EAP)
The EAP is available free of charge to all University of Florida faculty and staff - including OPS. The purpose of the EAP is to promote, maintain, and support a positive and productive workplace. The EAP provides a wide range of services, including: confidential individual employee evaluation, referral, and crisis intervention; consultation services and traumatic incident debriefing for supervisors; workshops and training sessions (see EAP series under "Workshops" above), and support groups.

Room 242 Infirmary
Phone: (352) 392-5787

Web site: http://www.eap.ufl.edu

University Counseling Center
Beyond a variety of ongoing counseling services available to students, the University Counseling Center provides consultative services to faculty and staff, to include violence victim support and methods for dealing with difficult people. The Counseling Center also is a referral source for those concerned about potentially violent relationships with co-workers, students, and others.

P 301 Peabody
Phone: (352) 392-1575

Web site: http://www.counsel.ufl.edu

Alachua County Crisis Center
At times, personal crisis seems so intense and overwhelming that normal efforts to deal with it do not work. The Crisis Center is available in such situations. Among services available are:

Crisis Line - A 24-hour telephone crisis intervention and counseling service offered by trained volunteers under staff supervision. Phone: (352) 264-6789

Crisis Counseling - The Center offers short-term crisis counseling by appointment or on an emergency walk-in basis from 8:30 a.m. - 5:00 p.m., Monday through Friday.

Care Team - The Care Team is an emergency mobile outreach team composed of experienced, carefully selected volunteers who respond to people in crisis whenever face-to-face contact is essential.

After Hours - Emergency mental health services, victim advocacy, and information and referral services are available.

Post Trauma Group Counseling - Available to groups of individuals who have shared a traumatic experience, either directly or through a friend or relative.

218 SE 24 Street , Gainesville, FL
Phone: (352) 264-6785

Web site: http://www.alachuacounty.us/government/depts/css/crisis/

Peaceful Paths Domestic Abuse Network (formally SPARC)
Provides a variety of support services and emergency assistance for victims of domestic abuse.

912 N.E. 2nd Street , Gainesville, FL 32601

Phone: (352) 377-5690 or 1-800-393-SAFE

Web site: http://www.peacefulpaths.org/index.asp

Academic Personnel

Awards & Recognition

Baby Gator Child Center

Benefits

Classification & Compensation

Employee Relations

Equity & Diversity

Forms/Communications

Immigration Services

Leave Administration

Policies/Handbook

Recruitment/Staffing

Retirement

Training

Vice President's Office

Employee Relations

- Workers' Compensation
  Labor Relations
  Performance Reviews
  Grievances and Complaints
  Disciplinary Processes
  Workplace Disputes
  Reorganization and Layoffs
  Policies

Frequently Used Sites

- Contact Us
- HRS Service Center
- Locations
- Directions

- Policies
- Forms
- HR Forum

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