

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 26-21889-CIV-ALTONAGA / Reid
CASE NO. 26-22053-CIV-ALTONAGA / Lett
CASE NO. 26-22154-CIV-ALTONAGA / Lett
CASE NO. 26-22161-CIV-ALTONAGA / D'Angelo

ABEL CARVAJAL,
Plaintiff,

v.

JEANETTE M. NUÑEZ,
Defendant.

_____ /

DARIEL GONZALEZ,
Plaintiff,

v.

JEANETTE M. NUÑEZ,
Defendant.

_____ /

ETHAN RATCHKAUSKAS,
Plaintiff,

v.

JEANETTE M. NUÑEZ,
Defendant.

_____ /

DANTE MOJENA,
Plaintiff,

v.

JEANETTE M. NUÑEZ,
Defendant.

_____ /

**PLAINTIFFS ABEL CARVAJAL AND DARIEL GONZALEZ'S EMERGENCY
MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY
INJUNCTION**

Plaintiffs Abel Carvajal and Dariel Gonzalez, by and through undersigned counsel, respectfully move on an emergency basis for a Temporary Restraining Order and Preliminary Injunction enjoining Defendant from enforcing FIU's disciplinary sanctions against them pending further order of this Court.

INTRODUCTION

This Motion is renewed because the circumstances have materially changed. Plaintiffs Abel Carvajal and Dariel Gonzalez have now both been immediately suspended by Florida International University based substantially, if not entirely, on their speech in the private group-chat communications at issue in this case. When the Court previously denied Plaintiffs' Motion for Preliminary Injunction without prejudice, Plaintiffs' disciplinary proceedings had not yet resulted in final punishment. That is no longer true.

Plaintiff Abel Carvajal is currently only **four** days away from graduation, and FIU's immediate suspension threatens to abruptly and irreparably derail the culmination of his academic career.

FIU has now issued disciplinary findings and imposed immediate sanctions against Plaintiffs arising from alleged speech occurring in private group-chat communications. As to Plaintiff Dariel Gonzalez, FIU imposed a two-year suspension effective immediately through May 11, 2028. Exhibit A. The suspension bars Dariel from attending classes in person or online, excludes him from campus and University-sponsored events, causes withdrawal from coursework, deactivates his University access, and places a disciplinary notation on his academic transcript. Exhibit A.

Plaintiffs are suffering immediate and irreparable harm. They are currently engaging in self-censorship, refraining from speaking, joking, or communicating freely out of fear that further speech will be mischaracterized and used against them in ongoing disciplinary proceedings. Under *Speech First, Inc. v. Cartwright*, 32 F.4th 1110 (11th Cir. 2022), which is binding on this Court, such self-censorship caused by a credible threat of enforcement constitutes a present and concrete constitutional injury.

Emergency relief is necessary to preserve the status quo while this Court adjudicates Plaintiffs' First Amendment claims.

EMERGENCY NATURE OF RELIEF REQUESTED

This matter requires immediate emergency consideration because FIU's disciplinary sanctions are presently in effect and are causing ongoing constitutional, academic, reputational, and practical harm. Plaintiffs face suspension, removal from classes, exclusion from campus and University activities, transcript consequences, and continuing self-censorship. Immediate injunctive relief is necessary to prevent further irreparable harm before the matter can be fully adjudicated.

Pursuant to Local Rule 7.1, undersigned counsel has conferred or attempted to confer with counsel for Defendant regarding the relief requested herein. Defendant opposes the requested relief.

FACTUAL BACKGROUND

Plaintiffs are students at Florida International University. FIU initiated disciplinary proceedings against Plaintiffs based largely upon alleged speech occurring in private group-chat communications during the Fall 2025 semester.

On April 30, 2026, FIU conducted disciplinary hearings. On May 11, 2026, FIU issued a disciplinary decision finding Plaintiff Dariel Gonzalez responsible for multiple violations and imposing an immediate suspension through May 11, 2028. Exhibit A.

The sanctions imposed are severe and immediate. Dariel is prohibited from attending classes, banned from campus and University-sponsored activities, withdrawn from coursework, stripped of credit hours, and subjected to a disciplinary notation on his transcript. Exhibit A. FIU also imposed additional educational sanctions and requirements. Exhibit A.

Although FIU permits appeal, FIU's own appeal procedures expressly state that a suspension remains effective immediately during appeal proceedings unless FIU elects to grant a discretionary stay. Exhibit A. Thus, Plaintiffs are presently suffering the consequences of the challenged disciplinary action.

As a direct result of FIU's actions and its false characterization of Plaintiffs' speech as threats, Plaintiffs are presently engaging in self-censorship. Plaintiffs no longer communicate freely in group settings, refrain from joking or speaking openly, and have significantly curtailed ordinary communication out of fear that additional speech may be misinterpreted and used against them in future disciplinary proceedings. Currently, as these administrative proceedings continue, Plaintiffs remain afraid to speak or communicate freely with one

another. The injury to their speech is ongoing, continuous, and imposes a substantial burden on their First Amendment rights.

LEGAL STANDARD

Plaintiffs seek emergency relief under Federal Rule of Civil Procedure 65 because immediate intervention is necessary to prevent irreparable harm before this matter can be fully heard on a preliminary injunction schedule.

A preliminary injunction is appropriate where the movant establishes: (1) a substantial likelihood of success on the merits; (2) irreparable injury absent injunctive relief; (3) the threatened injury outweighs any harm the injunction would cause the opposing party; and (4) the injunction would not be adverse to the public interest. *FF Cosms. FL, Inc. v. City of Miami Beach*, 866 F.3d 1290, 1298 (11th Cir. 2017).

ARGUMENT

I. PLAINTIFFS ARE LIKELY TO SUCCEED ON THE MERITS

Plaintiffs are likely to succeed on their First Amendment claims because FIU has imposed severe disciplinary sanctions based substantially upon alleged speech occurring in private, off-campus communications.

Public universities are fully bound by the First Amendment. *Healy v. James*, 408 U.S. 169, 180 (1972). Students do not “shed their constitutional rights to freedom of speech or expression” merely because they attend school. *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969).

The Supreme Court has also emphasized that schools possess diminished authority over off-campus speech. *Mahanoy Area Sch. Dist. v. B.L.*, 594 U.S. 180,

188–90 (2021). Here, FIU seeks to punish Plaintiffs for alleged speech arising from private group-chat communications occurring outside the traditional school environment.

While FIU characterizes portions of the speech as threatening, whether speech constitutes a “true threat” is a constitutional question subject to exacting scrutiny. *Virginia v. Black*, 538 U.S. 343, 359 (2003). The First Amendment does not permit a public university to suppress protected speech simply by labeling it offensive, disturbing, or inappropriate. *Papish v. Bd. of Curators of Univ. of Mo.*, 410 U.S. 667, 670 (1973).

The punishment imposed confirms the immediacy of the constitutional injury. FIU has already imposed suspension and related sanctions based on the challenged speech. Plaintiffs are therefore likely to succeed on the merits of their constitutional claims.

II. PLAINTIFFS WILL SUFFER IRREPARABLE HARM WITHOUT IMMEDIATE RELIEF

Plaintiffs are suffering irreparable harm now. FIU’s sanctions are presently effective. Plaintiffs face suspension, exclusion from classes and campus, transcript consequences, withdrawal from coursework, and continuing reputational injury.

The First Amendment injury alone is irreparable. “[T]he loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976).

Plaintiffs are also suffering ongoing self-censorship and chilling of protected expression. Under *Speech First*, that injury is concrete, immediate, and constitutionally cognizable. Plaintiffs continue to alter and suppress their speech out of fear that additional expression will result in further punishment.

III. THE BALANCE OF HARMS FAVORS PLAINTIFFS

The balance of harms strongly favors Plaintiffs. Without injunctive relief, Plaintiffs face continuing constitutional injury, academic disruption, reputational damage, and exclusion from their education.

By contrast, FIU will suffer little harm from maintaining the status quo pending judicial review. FIU may continue ordinary administrative functions while this Court resolves the important constitutional questions presented.

IV. THE PUBLIC INTEREST FAVORS AN INJUNCTION

The public possesses a profound interest in protecting First Amendment freedoms and preventing unconstitutional government action. Courts consistently recognize that the public interest is served by preventing constitutional violations. *KH Outdoor, LLC v. City of Trussville*, 458 F.3d 1261, 1272 (11th Cir. 2006).

The requested relief would merely preserve the status quo while this Court adjudicates Plaintiffs' constitutional claims.

V. BOND SHOULD BE WAIVED OR SET NOMINALLY

Because this case involves constitutional rights and because Defendant will suffer no monetary harm from temporary relief, the Court should waive bond or impose only a nominal bond pursuant to Rule 65(c).

WHEREFORE, Plaintiffs Abel Carvajal and Dariel Gonzalez respectfully request that this Court enter a Temporary Restraining Order and Preliminary Injunction:

1. Enjoining Defendant and all persons acting in concert with her from enforcing Plaintiffs' disciplinary sanctions pending further order of this Court;
2. Requiring FIU to permit Plaintiffs to remain enrolled and participate in classes, academic programs, and University activities pending further order of this Court;
3. Enjoining FIU from placing or maintaining disciplinary notations on Plaintiffs' academic transcripts pending further order of this Court;
4. Enjoining FIU from administratively withdrawing Plaintiffs from coursework or causing them to lose academic credit based upon the challenged disciplinary actions;
5. Waiving bond or imposing only a nominal bond; and
6. Granting such other relief as the Court deems just and proper.

Date: May 11, 2026

Respectfully submitted,

/s/ *Anthony F. Sabatini*
ANTHONY F. SABATINI
Florida Bar No. 1018163

anthony@sabatinilegal.com
SABATINI LAW FIRM, P.A.
1601 E. 1st Ave.
Mount Dora, Florida 32757
Telephone: (352) 455-2928
Lead Counsel for Plaintiffs'

/s/ Gavin B. Rollins
GAVIN B. ROLLINS, ESQ.
FL BAR No. 1064417
gavin@sabatinilegal.com
SABATINI LAW FIRM, P.A.
1601 E. 1st AVENUE
MOUNT DORA, FL 32757
T: (352)-328-4892
Co-Counsel for Plaintiffs'

CERTIFICATE OF SERVICE

I certify that on 5.11.2026, I caused a true and correct copy of the foregoing to be filed via CM/ECF, which will serve all counsel of record.

/s/ Anthony F. Sabatini



May 11, 2026

Dariel Gonzalez

Sent electronically to dgonz562@fiu.edu

PERSONAL AND CONFIDENTIAL

Regarding Case Number: 2025404301

Dear Dariel Gonzalez:

This letter serves to inform you of the outcome of your Administrative Hearing held on **April 30, 2026**.

The report alleges:

It was reported during the Fall 2025 semester you participated in group chats where you threatened to harm others. It was also reported you stated you drove a motor vehicle while under the influence of alcohol, and on (or around) December 14, 2025, smoked marijuana on campus.

Based upon the information, testimony and evidence presented, the findings are as follows:

1. **5.xx.i. Personal Abuse** - Verbal or written abuse, threats, intimidation, and/or Coercion that objectively endangers the health, safety or well-being of others and which is not covered by FIU Regulation 105. Using fighting words or statements which reasonably endanger the health and safety of any person that are not protected speech may result in University action. Conduct directed at any person, including a member of the University community, which is intended to, or would reasonably, cause fear, distress, injury or intimidation to a person, or would place a reasonable person in fear of injury or death. -- **Responsible**
2. **5.iv.xi. Alcohol** - Control or operation of any mode of transportation while impaired by alcohol. -- **Responsible**
3. **5.x.ii. Endangerment** - Engage in any action(s) that endangers the health, safety or welfare of others. -- **Responsible**
4. **5.ix.i. Drugs** - Possession, use, the manufacture, creation and/or the cultivation of illegal drugs or prescription drugs without a prescription. Inhalable or ingestible substances (e.g., nitrous oxide, glue, paint) that will alter a Student's mental state. -- **Responsible**
5. **5.xxxi.ii. Other Violations** - Violations of federal and/or state laws, local ordinance, and/or Policy not already listed above. -- **Not Responsible**

Division of Academic and Student Affairs

Student Conduct

11200 SW 8th Street, Graham Center 311 • Miami, FL 33199 • 305 (348-3939) • 305 (348-6477) (fax) • conduct.fiu.edu

Florida International University is an Equal Opportunity/Access Employer and Institution • TDD via FRS 1-800-955-8771

The Sanctions Assigned as a Result of the Hearing:

Suspension: Effective May 11, 2026 you are suspended from the University until May 11, 2028. This means that you are separated from the University for a specified period of time. A Respondent is considered not in good standing with the University while suspended. The Respondent may not attend classes (either in person or online) and is banned from being on or in any University Premises or On-Campus Housing. The suspended Respondent is also banned from participation in any University-sponsored/related event or activity and their FIU OneCard will be deactivated. This sanction is recorded on the Respondent's academic transcript during the period of suspension. A Respondent who is suspended from the University is not eligible for tuition and/or registration fee reimbursement except as provided by University Policies. The Respondent will be administratively withdrawn from courses and will lose respective credit hours. If a student is suspended for more than three (3) consecutive semesters, the Student must reapply to the University prior to returning.

Drug Education Program: You are to complete the THC 101 drug education course via the 3rd Millennium Classrooms online program by **June 15, 2026**. The directions for access are enclosed. You will need to pay the \$60.00 fee associated with enrollment in the course. When you have successfully completed the course, a certificate will automatically be emailed to the Office of Student Conduct and Academic Integrity.

Reflection Paper - Alcohol: You have been assigned to complete a reflection paper. It is expected that you will take the time to reflect on each section and question to assist in writing a well-developed response that shows you have thought about the issue and considered all possible aspects. This sanction allows you the opportunity to demonstrate the insight you have gained regarding the incident and your decision making, as well as demonstrate proactive measures to minimize the likelihood of future occurrence. You must answer the designated number of questions from each section in order to complete this sanction. This paper should be typed essay, 11-point font, with standard margins, double spaced, and checked for errors (spelling and grammar). Please refer to the enclosed attachment for further instruction. The paper is to be submitted to Office of Student Conduct and Academic Integrity by **June 15, 2026**. You may submit your paper electronically to conduct@fiu.edu.

Your submission must be your own individual and original work and any sources used must be appropriately cited. Please note that artificial intelligence tools (such as ChatGPT) are not allowed to be used in the production of your work.

Once submitted, the standard sanction review process includes ensuring a prompt is adequately answered, checking for adherence to format requirements, and, for written sanctions, generating a Turnitin report. The Office of Student Conduct and Academic Integrity reserves the right to ask you to resubmit your work if it does not adhere to the outlined instructions.

Podcast Reflection: Create a 7-10 minute podcast related to and reflecting on the following topics:

- Describe your decision making process regarding this incident.
- Describe the principles or reasons behind the University's policies associated with this incident.
- Describe the impact, if any, of your actions on each of the following: you, your friends, your family, police, staff, others present or not present, and the FIU community as a whole.
- Explain your responsibility as a member of the FIU community and what you will do in the future to make sure you are meeting these responsibilities and expectations.
- Describe some of the common situations you will continue to face in your life as a student where you will need to consider what you have learned from this incident and detail how you would respond in those situations.

The podcast must be your original work, any copyrighted media must be used in accordance with the fair use exception (<https://www.copyright.gov/fair-use/more-info.html>), and you must sign a FERPA release for anyone else featured in your podcast. The podcast must be thoughtful and substantive in its response to the prompt. The Office of Student Conduct and Academic Integrity reserves the right to ask you to resubmit your work if it does not adhere to the outlined instructions. The podcast, or a link to the podcast is to be submitted to the Office of Student Conduct and Academic Integrity, conduct@fiu.edu by **June 29, 2026**.

If this is an Academic Misconduct violation and you are an Undergraduate student, you are prohibited from using the Grade Forgiveness Policy for the course in which the academic misconduct occurred.

Failure to complete these sanctions by the dates indicated will result in a Student Conduct Hold being placed on all of your academic records, and/or further student conduct action. This means that you will be unable to register for classes, obtain financial aid, transcripts, receive a diploma, or other academic records.

You have the right to appeal this decision. You may do so by submitting the attached Appeal Form to the appropriate appellate body. This appeal must be received within seven (7) business days of receipt of this letter: **May 20, 2026**. The grounds and procedures for appeal are outlined in the [FIU Student Conduct and Honor Code](#).

Should you not appeal within the prescribed timeframe, this decision constitutes final agency action of the University and no further action will be taken by the University on this matter. You may seek judicial review of this final University decision pursuant to Florida Rule of Appellate Procedure 9.190(b)(3), applicable to review of quasi-judicial decisions of an administrative body not subject to the Administrative Procedure Act, by filing a petition for certiorari review with the appropriate circuit court within thirty (30) days of the final University decision. If you seek review with the court, you must also provide a copy of the petition to the following university

office or official: Office of the General Counsel, Clerk of the University, Florida International University, 11200 SW 8th Street, PC 511, Miami, FL 33199.

I hope that you have learned from this experience and will avoid such situations in the future. If you have any questions, please do not hesitate to contact me at **(305) 348-3939**.

Sincerely,

A handwritten signature in black ink, appearing to read 'JG', with a stylized, cursive flourish.

Jennifer Gamarra

Associate Director, Student Conduct and Academic Integrity

CC: Charlie Andrews, Ed.D., Vice President for Student Affairs
Brenezza DaParre Garcia, Ed.D., Associate Vice President for Student Health & Wellness
Ronald Wabomnor, Ed.D., Dean of Students
Devin Parra, Assistant Dean of Students, Student Conduct and Academic Integrity
FIU Police Department
Andrew Naylor, Senior Director of Housing & Residential Experience
Heather Schneller, Director of Residential Experience



APPEAL FORM

Instructions for Appeal Form:

1. The Respondent wishing to appeal must complete the appeal form in full.
2. The Appeal Form and any additional documents must be completed and attached at time of submission.
3. The Appeal Form must indicate a reason(s) for appeal.
4. If the Appeal Form is submitted and/or signed by an individual other than the appealing party, the appeal form will not be accepted.
5. Late appeals will NOT be accepted. All appeals must be received by the appropriate office no later than 5:00pm of the seventh (7th) Business Day after the delivery date of the hearing decision letter.

All appeals must be submitted via the following link:

https://cm.maxient.com/reportingform.php?FloridaIntlUniv&layout_id=18

Appellate Review Process:

Please note that the burden of proof rests with the person appealing to clearly demonstrate the reason for appeal as set forth below. Appeals are not a rehearing of the Student Conduct matter but are a file and/or document review. The reason for the appeal must be based on at least one of the following:

- 1. If the basis of the appeal is that the severity of the sanction was disproportionate to the nature of the offense and the Appellate Officer finds the appealing party proved their allegation, the Appellate Officer may modify the sanction.*
- 2. If the basis of the appeal is that there was a failure to follow the Student Conduct procedures that substantially affected the outcome, or that there was new information which was not reasonably available at the time of the hearing and could not have been discovered through the exercise of due diligence, which would have substantially affected the outcome and the Appellate Officer finds that the appealing party proved their allegation, the Appellate Officer will order a new hearing.*

The appellate decision will be issued in writing to the Respondent within twenty-one (21) Business Days of receipt of the written request for appeal unless notification is given that additional time is necessary for consideration of the record on appeal.

The submission of an appeal has no immediate effect on a Respondent's status when the sanction is suspension or expulsion. Such sanction(s) are effective immediately from the date of the decision, unless stayed until Final Agency action at the discretion of the SCAI Director. During such time, the SCAI Director may implement any supportive/interim measures available under the Code, excepting an interim suspension.

If the Respondent appeals in any other case, once an appeal is requested, the sanction(s) will be stayed and will not take effect until the appeal process has been completed. Under these circumstances, a Respondent shall remain eligible to attend classes and University activities pending the appeal.

For more information on appeals, please refer to the [Student Conduct and Honor Code](#).

Revised 8/18/2024

Student Conduct & Academic Integrity

11200 SW 8th Street, Graham Center 311 • Miami, FL 33199 • Ph: (305) 348-3939 • Fax: (305) 348-6477 • conduct.fiu.edu
Florida International University is an Equal Opportunity/Access Employer and Institution • TDD via FRS 1-800-955-8771

THC 101

YOUR COURSE CONTROL NUMBER

FIU-MJ

Florida International University

COURSE ENROLLMENT INSTRUCTIONS

1. Go to 3rdmil.com/signup on any internet-connected device: computer, tablet, phone.
2. Enter **CONTROL NUMBER**.
3. Click **CONTINUE** and complete the enrollment and payment fields

\$60

Submit payment online at the time of enrollment

Tips

- You can login and out as needed to complete the course.
- Chrome, Firefox, Safari are the recommended browsers.
- You will receive an email notification and Completion Certificate upon course completion.
- Credit/Debit cards, including pre-paid cards are accepted.

Contact Tech Support for Help

(888) 810-
7990

help@3rdmil.com

3rdmil Logo

[3rd Millennium Classrooms](https://3rdmil.com)

15900 La Cantera Parkway, Suite 20265
San Antonio, TX 78256

3rdmil.com

FIU | **Academic &
Student Affairs**
Student Conduct and Academic Integrity

Reflection Paper - Alcohol:

You have been assigned to complete a reflection paper. It is expected that you will take the time to reflect on each section and questions to assist in writing a well-developed response that shows you have thought about the issue and considered all possible aspects. This sanction allows you the opportunity to demonstrate the insight you have gained regarding the incident and your decision making, as well as demonstrate proactive measures to minimize the likelihood of future occurrence. This should not be used as an opportunity to complain about policies or laws. **You must answer the designated number of questions from each section in order to complete this sanction.**

Awareness: (Answer **two** of the following questions.)

1. Describe the risks associated with being under the influence of alcohol.
2. Describe the principles or reasons behind the University's policies about alcohol.
3. Identify what motivations influenced your decision to consume alcohol.

Scope: (Answer **two** of the following questions.)

1. Explain at least three negative situations you have either witnessed or experienced where alcohol has played a major role.
2. Describe the impact, if any, of your actions on each of the following: you, your friends, your family, police, staff, others present or not present, and the FIU community as a whole.
3. What realistic advice would you give to other students similar to yourself who are considering behavior that would violate the University's policy on alcohol?

Personal Reflection: (Answer **two** of the following questions.)

1. Describe the impact that your alcohol use has had on your experiences at FIU, whether academically, socially, financially, professionally, or otherwise.
2. How did you grow or change as a result of reflecting on your decisions?
3. What influences impacted your decision to consume alcohol and how did your decision align with your personal values?

Application: (Answer **one** of the following questions.)

1. Describe some of the common situations you will continue to face in your life as a student where you will need to consider the alcohol policy and detail how you would respond in those situations.
2. Identify any factors (whether environmental, personal, or otherwise) that may negatively influence your decision to meet the University's expectations regarding alcohol. Describe, in detail, how you plan to overcome these hurdles.

Paper Expectations:

This paper should be typed essay, 11-point font, with standard margins, double spaced, and checked for errors (spelling and grammar). Your hearing officer reserves the right to require you to rewrite the paper if it does not adhere to the outlined instructions.



May 11, 2026

Abel Carvajal

Sent electronically to acarv042@fiu.edu

PERSONAL AND CONFIDENTIAL

Regarding Case Number: 2025404303

Dear Abel Carvajal:

This letter serves to inform you of the outcome of your Administrative Hearing held on **April 28, 2026**.

The report alleges:

It was reported during the Fall 2025 semester you created and managed a group chat where individuals posted statements threatening to harm others.

Based upon the information, testimony and evidence presented, the findings are as follows:

1. **5.ii. Assisting** - Any affirmative act which aids, attempts, promotes, conceals, or facilitates any act prohibited by this Code. -- **Responsible**

The Sanctions Assigned as a Result of the Hearing:

Suspension: Effective May 11, 2026 you are suspended from the University until May 11, 2028. This means that you are separated from the University for a specified period of time. A Respondent is considered not in good standing with the University while suspended. The Respondent may not attend classes (either in person or online) and is banned from being on or in any University Premises or On-Campus Housing. The suspended Respondent is also banned from participation in any University-sponsored/related event or activity and their FIU OneCard will be deactivated. This sanction is recorded on the Respondent's academic transcript during the period of suspension. A Respondent who is suspended from the University is not eligible for tuition and/or registration fee reimbursement except as provided by University Policies. The Respondent will be administratively withdrawn from courses and will lose respective credit hours. If a student is suspended for more than three (3) consecutive semesters, the Student must reapply to the University prior to returning.

Life Goals Action Plan: You are required to create an action plan about some of your life goals.

Division of Academic and Student Affairs
Student Conduct

11200 SW 8th Street, Graham Center 311 • Miami, FL 33199 • 305 (348-3939) • 305 (348-6477) (fax) • conduct.fiu.edu
Florida International University is an Equal Opportunity/Access Employer and Institution • TDD via FRS 1-800-955-8771

This needs to be typed and turned in to Office of Student Conduct and Academic Integrity. You may submit your paper electronically to the conduct@fiu.edu. To start, identify three life goals followed by four action steps you will take to achieve each goal. These goals should be real world based and have some relation to your career at FIU. In addition, please provide a brief paragraph (5-7 sentences) that reflects on how your actions leading to this incident may impact your life goals. This project is designed to help you outline the reasons why you are at college and refocus your behaviors towards these goals. Below is the format you should follow.

Life Goal:

Action Steps:

- 1.
- 2.
- 3.
- 4.

Reflection:

This action plan is due by **June 15, 2026**.

Your submission must be your own individual and original work and any sources used must be appropriately cited. Please note that artificial intelligence tools (such as ChatGPT) are not allowed to be used in the production of your work.

Once submitted, the standard sanction review process includes ensuring a prompt is adequately answered, checking for adherence to format requirements, and, for written sanctions, generating a Turnitin report. The Office of Student Conduct and Academic Integrity reserves the right to ask you to resubmit your work if it does not adhere to the outlined instructions.

Reflection Paper - Future Behavior: You have been assigned to complete a reflection paper. It is expected that you will take the time to reflect on each section and question to assist in writing a well-developed response that shows you have thought about the issue and considered all possible aspects. This sanction allows you the opportunity to demonstrate the insight you have gained regarding the incident and your decision making, as well as demonstrate proactive measures to minimize the likelihood of future occurrence. You must answer the designated number of questions from each section in order to complete this sanction. This paper should be typed essay, 11-point font, with standard margins, double spaced, and checked for errors (spelling and grammar). Please refer to the enclosed attachment for further instruction. The paper is to be submitted to Office of Student Conduct and Academic Integrity by **June 15, 2026**. You may submit your paper electronically to conduct@fiu.edu.

Your submission must be your own individual and original work and any sources used must be appropriately cited. Please note that artificial intelligence tools (such as ChatGPT) are not allowed to be used in the production of your work.

Once submitted, the standard sanction review process includes ensuring a prompt is adequately answered, checking for adherence to format requirements, and, for written sanctions, generating a Turnitin report. The Office of Student Conduct and Academic Integrity reserves the right to ask you to resubmit your work if it does not adhere to the outlined instructions.

If this is an Academic Misconduct violation and you are an Undergraduate student, you are prohibited from using the Grade Forgiveness Policy for the course in which the academic misconduct occurred.

Failure to complete these sanctions by the dates indicated will result in a Student Conduct Hold being placed on all of your academic records, and/or further student conduct action. This means that you will be unable to register for classes, obtain financial aid, transcripts, receive a diploma, or other academic records.

You have the right to appeal this decision. You may do so by submitting the attached Appeal Form to the appropriate appellate body. This appeal must be received within seven (7) business days of receipt of this letter: **May 20, 2026**. The grounds and procedures for appeal are outlined in the [FIU Student Conduct and Honor Code](#).

Should you not appeal within the prescribed timeframe, this decision constitutes final agency action of the University and no further action will be taken by the University on this matter. You may seek judicial review of this final University decision pursuant to Florida Rule of Appellate Procedure 9.190(b)(3), applicable to review of quasi-judicial decisions of an administrative body not subject to the Administrative Procedure Act, by filing a petition for certiorari review with the appropriate circuit court within thirty (30) days of the final University decision. If you seek review with the court, you must also provide a copy of the petition to the following university office or official: Office of the General Counsel, Clerk of the University, Florida International University, 11200 SW 8th Street, PC 511, Miami, FL 33199.

I hope that you have learned from this experience and will avoid such situations in the future. If you have any questions, please do not hesitate to contact me at **(305) 348-3939**.

Sincerely,

A handwritten signature in black ink, appearing to read 'JG', is written over a light blue horizontal line.

Jennifer Gamarra
Associate Director, Student Conduct and Academic Integrity

CC: Charlie Andrews, Ed.D., Vice President for Student Affairs

Brenezza DaParre Garcia, Ed.D., Associate Vice President for Student Health & Wellness

Ronald Wabomnor, Ed.D., Dean of Students

Devin Parra, Assistant Dean of Students, Student Conduct and Academic Integrity

FIU Police Department

Andrew Naylor, Senior Director of Housing & Residential Experience

Heather Schneller, Director of Residential Experience



APPEAL FORM

Instructions for Appeal Form:

1. The Respondent wishing to appeal must complete the appeal form in full.
2. The Appeal Form and any additional documents must be completed and attached at time of submission.
3. The Appeal Form must indicate a reason(s) for appeal.
4. If the Appeal Form is submitted and/or signed by an individual other than the appealing party, the appeal form will not be accepted.
5. Late appeals will NOT be accepted. All appeals must be received by the appropriate office no later than 5:00pm of the seventh (7th) Business Day after the delivery date of the hearing decision letter.

All appeals must be submitted via the following link:

https://cm.maxient.com/reportingform.php?FloridaIntlUniv&layout_id=18

Appellate Review Process:

Please note that the burden of proof rests with the person appealing to clearly demonstrate the reason for appeal as set forth below. Appeals are not a rehearing of the Student Conduct matter but are a file and/or document review. The reason for the appeal must be based on at least one of the following:

1. If the basis of the appeal is that the severity of the sanction was disproportionate to the nature of the offense and the Appellate Officer finds the appealing party proved their allegation, the Appellate Officer may modify the sanction.

2. If the basis of the appeal is that there was a failure to follow the Student Conduct procedures that substantially affected the outcome, or that there was new information which was not reasonably available at the time of the hearing and could not have been discovered through the exercise of due diligence, which would have substantially affected the outcome and the Appellate Officer finds that the appealing party proved their allegation, the Appellate Officer will order a new hearing.

The appellate decision will be issued in writing to the Respondent within twenty-one (21) Business Days of receipt of the written request for appeal unless notification is given that additional time is necessary for consideration of the record on appeal.

The submission of an appeal has no immediate effect on a Respondent's status when the sanction is suspension or expulsion. Such sanction(s) are effective immediately from the date of the decision, unless stayed until Final Agency action at the discretion of the SCAI Director. During such time, the SCAI Director may implement any supportive/interim measures available under the Code, excepting an interim suspension.

If the Respondent appeals in any other case, once an appeal is requested, the sanction(s) will be stayed and will not take effect until the appeal process has been completed. Under these circumstances, a Respondent shall remain eligible to attend classes and University activities pending the appeal.

For more information on appeals, please refer to the [Student Conduct and Honor Code](#).

Revised 8/18/2024

Student Conduct & Academic Integrity

11200 SW 8th Street, Graham Center 311 • Miami, FL 33199 • Ph: (305) 348-3939 • Fax: (305) 348-6477 • conduct.fiu.edu
Florida International University is an Equal Opportunity/Access Employer and Institution • TDD via FRS 1-800-955-8771

FIU | **Academic & Student Affairs**

Student Conduct and Academic Integrity

Reflection Paper - Future Behavior:

You have been assigned to complete a reflection paper. It is expected that you will take the time to reflect on each section and questions to assist in writing a well-developed response that shows you have thought about the issue and considered all possible aspects. This sanction allows you the opportunity to demonstrate the insight you have gained regarding the incident and your decision making, as well as demonstrate proactive measures to minimize the likelihood of future occurrence. This should not be used as an opportunity to complain about policies or laws. **You must answer the designated number of questions from each section in order to complete this sanction.**

Awareness: (Answer **two** of the following questions.)

1. Describe, in detail, your decision making process regarding this incident.
2. Describe the principles or reasons behind the University's policies associated with this incident.
3. Identify what motivations influenced your decision making process.

Scope: (Answer **two** of the following questions.)

1. Describe the impact, if any, of your actions on each of the following: you, your friends, your family, police, staff, others present or not present, and the FIU community as a whole.
2. Explain your responsibility as a member of the FIU community and what you will do in the future to make sure you are meeting these responsibilities and expectations.
3. What realistic advice would you give to other students similar to yourself who are considering behavior that would violate University policy?

Personal Reflection: (Answer **two** of the following questions.)

1. Describe the impact that your decision making process has had on your experiences at FIU, whether academically, socially, financially, professionally, or otherwise.
2. How did you grow or change as a result of reflecting on your decisions?
3. What influences impacted your decision making process and how did your decision align with your personal values?

Application: (Answer **one** of the following questions.)

1. Describe some of the common situations you will continue to face in your life as a student where you will need to consider what you have learned from this incident and detail how you would respond in those situations.
2. Identify any factors (whether environmental, personal, or otherwise) that may negatively influence your decision to meet the University's expectations. Describe, in detail, how you plan to overcome these hurdles.

Paper Expectations:

This paper should be typed essay, 11-point font, with standard margins, double spaced, and checked for errors (spelling and grammar). Your hearing officer reserves the right to require you to rewrite the paper if it does not adhere to the outlined instructions.

Student Conduct and Academic Integrity

11200 S.W. 8th St., GC 311, Miami, FL 33199 – Tel: 305-348-3939 – Fax: 305-348-6477 – conduct.fiu.edu

Florida International University is an Equal Opportunity Employer and Institution – TDD via FRS 1-800-955-8771