

## Table of Contents

<b>General Provisions &amp; Procedures</b> .....	3
a) Guiding Philosophy .....	3
b) Definitions .....	4
c) Scope .....	6
d) Authority .....	7
e) Violations .....	8
1. Sexual Misconduct .....	8
2. Endangerment .....	10
3. Harassment .....	10
4. Hazing .....	11
5. Remote Controlled Aircraft .....	11
6. Weapons .....	11
7. Fire and Safety .....	12
8. Alcohol, Controlled Substances, & Illegal Drugs .....	13
9. Disruption .....	13
10. Misrepresentation or Misuse of Identity or Identification .....	14
11. Property .....	14
12. Computers .....	14
13. Recording of Images without Consent .....	14
14. Recording of Oral Communications without Consent .....	14
15. Publication of Explicit Images .....	14
16. Gambling .....	15
17. Other Violations .....	15
f) Due Process Rights .....	16
g) Procedures .....	17
1. Initiation of Student Conduct Action .....	17
2. Notice .....	17
3. Hearing Bodies and Authorities .....	18
4. Case Resolution Options .....	19
5. Types of Hearings .....	19
6. Hearing Procedures .....	21
7. Hearing Decisions .....	23

<b>Outcomes .....</b>	<b>25</b>
a) Philosophy and Approach.....	25
b) List of Outcomes .....	25
 <b>Appeals.....</b>	 <b>27</b>
a) Function .....	27
b) Appellate Officers.....	27
c) Appeal Requests.....	27
d) Appellate Review.....	28
e) Appeals Involving Reporting and Responding Parties .....	28
f) Appellate Recommendations and Decisions.....	29
 <b>Records .....</b>	 <b>30</b>
a) Records Maintenance .....	30
b) Release of Records.....	30
c) Copies of Records.....	30
 <b>Interim Health and Safety Action .....</b>	 <b>31</b>

## 1) General Provisions and Hearing Procedures

### a) Guiding Philosophy

The Student Conduct Code (further referred to as “Code”) emphasizes Florida State University’s (further referred to as “University”) commitment to a campus community which exercises the responsible engagement of student freedoms. The pursuit of responsible freedom is consistent with the tenets of the Seminole Creed and efforts to promote civility at the University, as students balance their pursuit of excellence and exploration with consideration to the impact of behavior on themselves and others.

Student life at the University includes a “voluntary association of scholars who demand and deserve a positive – and special – living/learning environment, as well as a special approach for enforcing the academic community’s standards “ (Stoner & Lowery, 2004, p. 5). As such, student conduct at Florida State University embraces the University’s commitment to an educational experience that provides students with an understanding of the complex moral issues inherent in human life and develop “the knowledge and skills for effective and responsible participation in the world.” The Code reemphasizes the dignity and worth of each person and substantiates the need for an inclusive environment to support the betterment of all persons associated with the University. “The University is a compassionate community. In its treatment of students, it recognizes the wisdom both of letting students experience the consequences of their actions and of providing the opportunity to learn and grow in ways that can overcome past difficulties” (Florida State University, 2016).

The University fully recognizes the right of all students to seek knowledge, form opinions, and express and discuss their ideas in accordance with the behavioral expectations set forth in this Code. Specific expectations regarding time and place of meetings and assemblies are found in Oglesby Union and other University rules, regulations, or policies. The student conduct process is designed to be educational in nature and promotes the University’s mission. Being a member of the University Community is a privilege, and the conduct process will determine if a student’s conduct warrants they should no longer share in that privilege.

#### SOURCES:

Florida State University. (2016). Academic integrity and grievances. Retrieved from <http://registrar.fsu.edu/bulletin/undergraduate/information/integrity/>.

Stoner, E. N., & Lowery, J. W. (2004). Navigating past the “Spirit of Insubordination”: A twenty-first century model student conduct code with a model hearing script. *Journal of College and University Law*, 31(1), 1-77.

b) **Definitions**

For any terms not directly addressed within this section but relevant to the administration of the student conduct process, the Vice President for Student Affairs or designee remains the final authority on any discrepancy.

Please note some of these terms may have different meanings in other contexts.

1. **Advisor.** The term “advisor” means any one person chosen by a responding student, reporting individual, or witness to assist said individual throughout the student conduct process, unless service in this capacity would unreasonably conflict with the fair administration of the student conduct process as determined by the appropriate Student Conduct Authority. The University is not responsible for selecting an advisor for any individual navigating the student conduct process. The individual selected by a student as an Advisor may not participate in the student conduct process in any other capacity in reference to the same incident. The availability of an Advisor to attend a student conduct meeting or hearing shall not unreasonably interfere with or delay the student conduct process. Examples of advisors include, but are not limited to, attorneys, law students affiliated with a Student Government Association-sponsored program, University administrators, University faculty or instructors, or University staff.
2. **Business Day.** The term “business day” refers to any weekday Monday through Friday in which the University is in operation. This includes days when the University is in operation but classes are not in session.
3. **Hearing.** The term “hearing” means an informal or formal proceeding, conducted by a hearing body in accordance with the Student Conduct Code, through which determinations of responsibility and non-responsibility are made and outcomes assigned as appropriate.
4. **Hearing Body.** The term “hearing body” means any person or persons authorized by the Code to conduct hearings, determine finding regarding whether a student has or has not violated the Student Conduct Code, and recommend or assign outcomes as appropriate.
5. **On-Campus.** The term “on-campus” means all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University, including adjacent streets, sidewalks, and parking lots. See also subsection 12 “University” below.
6. **Policy.** The term “policy” means the written statements governing the University as found in, but not limited to, the State of Florida Board of Governors regulations, the University’s Board of Trustees regulations, the Student Conduct Code, the General Bulletin, the Online Student Policy Handbook, the Directory of Classes, the Guide to Residence Living, and other written requirements of departments, organizations, and clubs.
7. **Preponderance of the Information.** “Preponderance of the information” means the information, as a whole, shows the fact sought to be proved is more probable than not. This standard shall be used in adjudicating all student conduct cases within this Student Conduct Code.
8. **Reporting Individual.** The term “reporting individual” means any individual who has been directly impacted by and reported another person’s alleged violation of the Code. The reporting individual is the individual who files a report or on whose behalf a report is filed.
9. **Responding Student.** The term “responding student” refers to a student who has been accused of an alleged violation of the Student Conduct Code.

10. **Student.** The term “student” means any person who is admitted to and enrolled in any credit-bearing course or program in any school or division of Florida State University at the time any alleged violation(s) occurred, any person who is admitted to the University and is present on campus for the purpose of being enrolled in any University course or program, including Orientation, or any person who has been enrolled in any credit-bearing course or program at the University and continues to be associated with the University, because the student has not completed the course or program in which the student was enrolled. In cases of dual enrollment, jurisdiction over a student’s conduct will be determined in consultation with appropriate officials at the student’s other institution. An individual who has been suspended from the University through the conduct process is still considered a student, for the purposes of this Code, during the suspension period. An individual who leaves the University before a conduct issue is resolved is not a student may be prohibited from future enrollment and/or accessing University records until the matter is resolved. Students who fulfill academic requirements for a degree before a conduct issue is resolved may have no change in degree status until the matter is resolved.
11. **Student Conduct Authority.** The term “Student Conduct Authority” refers to an individual or administrative unit whose administrative duties include the fair administration of the student conduct process, including formal and informal action in response to behavioral concerns. Please see the section on “Authority” for more information. This definition includes, but is not limited to, the Office of Student Rights & Responsibilities, University Housing, and International Programs or their successors.
12. **University.** The terms “University” and “University properties” mean Florida State University, including the Tallahassee campus, all property leased, used, or controlled by the University, all branch campuses, facilities, and University International Programs’ locations and property. The Code applies to the University as defined herein. Non-substantive procedural modifications that reflect the particular circumstances of each campus and international program are permitted.
13. **University Community.** The term “University community” includes any person who is a student, faculty member, University official, visitor, contractor, volunteer, representative of the University, or any person employed by the University.
14. **University Official.** The term “University official” means any person assigned to engage in teaching, research, administrative, professional, or other responsibilities while acting within the scope of their employment or appointment with the University..
15. **Student Conduct Board.** The term “student conduct board” refers to a group of currently enrolled students in good conduct standing selected and trained by the Office of Student Rights & Responsibilities to adjudicate both formal and informal student conduct cases.
16. **Administrative Hearing Panel.** The term “Administrative Hearing Panel” refers to a group of currently enrolled students in good conduct standing and University Officials selected and trained by the Office of Student Rights & Responsibilities to adjudicate both formal and informal student conduct cases.
17. **University Housing Conduct Board.** The term “University Housing conduct board” refers to a group of currently enrolled students in good conduct standing residing in University Housing selected and trained by University Housing to adjudicate both formal and informal student conduct cases for students residing in University Housing, excluding alleged violations of the Sex Discrimination and Sexual Misconduct Policy.

c) **Scope**

Florida State University may choose to address the alleged misconduct of any student as specified in Section E, "Violations," of this Code, regardless of location.

In addition, the following stipulations are considered regarding scope.

1. The processes for adjudicating violations of federal law, state law, or local ordinance and violations of The Code are separate and may be pursued independently and/or simultaneously.
2. The University may choose to determine how the timing of the incident impacts the initiation or completion of the conduct process.
3. The University may choose to determine how an individual's status with the University impacts initiation or completion of the conduct process.
4. The University may choose to not pursue student conduct action in circumstances where deemed appropriate. This includes, but is not limited to, individuals who report they are the alleged victim in an incident or individuals who qualify for the University's Medical Amnesty Policy.
5. The University may choose to restrict a student's contact with specified people when facts and circumstances dictate such action is appropriate. Such restrictions include, but are not limited to, No Contact Orders. There is no need for student conduct action in order for a No Contact Order to be issued. The Student Conduct Authority (or designee) can administratively issue No Contact Orders to any individuals involved in a conflict or incident.
6. The University may choose to determine what University personnel have an educational need-to-know regarding the status and/or outcome of conduct processes and to provide notice to relevant University personnel as determined by the Student Conduct Authority (or designee).

d) **Authority**

Authority for student discipline ultimately rests with the Florida State University Board of Trustees which has delegated such authority to the President of Florida State University (hereinafter "President"). The Board further assigns authority through this Code, a Board Regulation. The President has delegated direct authority to the Vice President for Student Affairs (hereinafter "Vice President"). The Vice President delegates this authority to the Dean of Students and to the Executive Director of University Housing.

1. Under the direction of the Dean of Students and the Executive Director of University Housing, the Associate Dean(s) of Students, the Assistant Dean of Students/Director of the Office of Student Rights & Responsibilities, directors/program leaders of International Programs, and appropriate University Housing staff are responsible for implementing the student conduct system. Implementation includes, but is not limited to, selection and training of hearing bodies.
2. The President, Vice President, Dean of Students, Executive Director of University Housing or their designees, or directors/program leaders in International Programs or their designees may take direct jurisdiction of any case when it is determined by the immediate circumstances that taking direct jurisdiction is in the best interest of the University.
3. The President, Vice President and Dean of Students or designee have the authority to designate individuals internal or external to the University as hearing or appellate officers, when appropriate.
4. All hearing bodies have the authority to consult with other appropriate University officials in order to effectively resolve a student conduct case.
5. Hearing decisions are further addressed under "Procedures."
6. The initial decision or recommendation of a hearing body is considered a hearing decision. If a hearing decision is not appealed as provided within the Code, the hearing decision becomes final agency action.
7. The authority of appellate officers is further enumerated in the Student Conduct Code section on "Appeals." Appellate decisions are considered recommendations to the Vice President or designee and become final agency action upon approval by the Vice President or designee.

e) **Violations**

Each student is expected to abide by these rules of conduct and to be accountable for their behavior. All animals are considered an extension of a student or person responsible for their care; therefore, animals must adhere to the expectations set forth in this Code. Lack of familiarity with the Code is not a justification to any violations of this Code. Unless specifically noted, intent is not a required element to establish a Code violation. Intoxication or impairment from alcohol, drugs, or other substances is not a justification to a violation of this Code. These rules of conduct should be read broadly and are not designed to define prohibited conduct in exhaustive terms.

The following behaviors, or the aiding, abetting, conspiring, soliciting, promoting, encouraging, or inciting of, or attempting to commit these behaviors, constitute violations of the Student Conduct Code.

**1. Sexual Misconduct<sup>1</sup>**

- a. **Sexual Violence:** Any sexual act performed without the consent of the reporting individual, or that occurs when the reporting individual(s) unable to give consent. Consent to sexual activity must be knowing, intelligent, unambiguous, and voluntary. Consent is active, not passive. There must be a clear and willing participation, through words or actions, for each sexual act. Submission to sexual activity that is the result of force, coercion, or threats is not valid consent
- i. Consent to one type of sexual activity does not imply consent to other types of sexual contact. There must be consent at every stage of the sexual encounter.
  - ii. Past consent to sexual activity does not imply consent to future sexual activity.
  - iii. Consent can be withdrawn at any time, including in the middle of a sexual encounter, if the withdrawal of consent is clearly indicated by words or actions.

Individuals who are incapacitated by voluntary or involuntary alcohol or drug use (legal, illegal, or prescription); asleep; unconscious; mentally impaired by disease or illness cannot give consent (no matter what they say or do). "Incapacitation" is a state where a person cannot make a rational decision because the person lacks the ability to understand the nature of the act. In order to give effective consent, one must be of a legal age in the location of sexual contact.

- b. **Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature when:
- i. Submission to such conduct is made an explicit or implicit term or condition of employment, academic status, receipt of University services, participation in University programs; or
  - ii. Submission to or rejection of such conduct is used as the basis for an academic or employment decision; or
  - iii. The conduct is sufficiently severe, frequent, or wide-spread that, both subjectively (to the reporting individual) and objectively (to a reasonable person), it: (1) creates an intimidating, hostile, or offensive work environment; or (2) denies, interferes with, or limits an individual's ability to participate in or benefit from opportunities, university programs, or activities.

---

<sup>1</sup> It is intended that the definitions used in this portion of the Student Conduct Code be consistent with FSU's Sex Discrimination and Sexual Misconduct Policy.

- c. Sexual Exploitation: Any act of taking non-consensual, unjust, or abusive sexual advantage of another person for one's own advantage or benefit or to benefit or advantage anyone other than the person being exploited. Sexual Exploitation includes but is not limited to:
  - i. Causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such a person;
  - ii. Prostituting another person (i.e. personally gaining money, privilege, or power from the sexual activities of another; sex trafficking);
  - iii. Soliciting another person for sexual activity in exchange for money, goods, or services;
  - iv. Non-consensual videotaping, photographing, or audio-taping of sexual activity and/or distributing or publication of these materials via media such as, but not limited to, the Internet and other electronic/digital media without the depicted person's consent, even if the depicted person originally consented to the creation of the image or voluntarily provided it to the person responsible for the distribution or publication;
  - v. Exceeding the boundaries of consent (e.g., allowing another person to observe consensual sex without the knowledge of or consent from all participants);
  - vi. Engaging in indecent exposure (i.e., intentionally exposing one's sexual organs in public) with the intention of alarming, distressing, and/or offending others;
  - vii. Voyeurism; and
  - viii. Knowingly or recklessly transmitting a sexually transmitted disease (including HIV) to another individual.
- d. Stalking: Willfully, maliciously, and repeatedly following, harassing, or cyberstalking another person. "Cyberstalking" means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic email and electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose. Stalking can involve:
  - i. Following a person
  - ii. Appearing at a person's home, class, or work
  - iii. Frequently calling, texting, e-mailing, or electronically chatting
  - iv. Leaving written messages or objects
  - v. Vandalizing a person's property.
- e. Dating Violence/Relationship Violence: Violence between an individual who is or recently has been in a continuing and significant relationship of a romantic or sexual nature and the other party. Dating Violence/Relationship Violence includes hurtful, repeated, or intentional behavior that one person uses to maintain power and control over another in an intimate relationship. The behavior can manifest as abuse that is verbal, emotional, psychological, physical, or sexual. Behaviors may include, but are not limited to: threats, name-calling, put-downs, isolation, withholding of money, physical harm, and sexual assault. A pattern of conduct or a single instance can rise to the level of dating violence/relationship violence.
- f. Domestic Violence: Hurtful, repeated, and intentional behavior that one person uses to maintain power and control over another in an intimate relationship. The behavior can manifest as abuse that is verbal, emotional, psychological, physical, or sexual. Examples of Domestic Violence include assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated

- stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another.
- g. Sex Discrimination: Treating individuals unequally because of their sex, gender, sexual orientation, gender identity, or gender expression. Examples of sex discrimination include:
    - i. Gender Based Hostility: Negative treatment or use of derogatory or offensive language toward a person because of that person's gender, whether or not the language itself is sexual.
    - ii. Sex and/or Gender Stereotyping: Taking a negative action, creating a hostile environment, or denying a benefit because the individual does not conform to sexual stereotypical notions of masculinity and femininity.
  - h. Retaliation: Any creation of a hostile environment or adverse action threatened or taken against an individual who makes a report of Sexual Misconduct, assists another in making a report of Sexual Misconduct, participates in the investigation of a report of Sexual Misconduct, or who in good faith and in a reasonable manner opposes conduct believed to constitute Sexual Misconduct.
  - i. Complicity: Any action or behavior done with the intent of aiding, facilitating, promotion, or encouraging the commission of an act of Sexual Misconduct.

## **2. Endangerment**

- a. Physical violence towards another person or group.
- b. Action(s) that endanger the health, safety, or well-being of another person or group.
- c. Interference with the freedom of another person to move about in a lawful manner.
- d. Action(s) that endanger the health, safety, or well-being of an animal unless approved by the University. This includes, but is not limited to, intentionally or unintentionally torturing or in a cruel manner killing or causing serious bodily injury to an animal; failing to provide necessary food, water, or care for an animal; unreasonably abandoning an animal in the student's custody; transporting or confining an animal in a cruel manner; causing one animal to fight with another animal; or inappropriately overworking an animal.
- e. Any harm caused by an animal when said animal is within the care of a student or person

## **3. Harassment**

- a. Conduct, not of a sexual nature, that is severe, pervasive, or persistent to a degree it interferes with a reasonable person's ability to participate in or benefit from the services, activities, or privileges provided by the University.
- b. Action(s) or statement(s) that threaten harm or intimidate another.
- c. Acts that invade the privacy of another person.
- d. Bullying behavior, not of a sexual nature, defined as: the systematic and chronic infliction of physical hurt or psychological distress by teasing, social exclusion, threat, intimidation, physical violence, theft, harassment, or destruction of property.
- e. Stalking, not of a sexual nature, defined as: to follow or otherwise contact another person repeatedly, so as to put that person in fear for said individual's life or personal safety.

#### **4. Hazing**

- a. Hazing is defined as any group or individual action or activity that endangers the mental or physical health or safety or which may demean, disgrace, or degrade any person, regardless of location, intent, or consent of participant(s). Although hazing is generally related to a person's initiation or admission into, or affiliation with, any group or organization, it is not necessary that a person's initiation or continued membership is contingent upon participation in the activity, or that the activity was sanctioned or approved by the organization, for a charge of hazing to be upheld. The actions of active, associate, new and/or prospective members, former members, or alumni of a student organization or student group may be considered hazing. Hazing is not confined to the student organization or student group with which the student subjected to the hazing is associated. Hazing includes, but is not limited to:
  - i. Unreasonable interference with a student's academic performance, employment, or religious observances and activities
  - ii. Forced or coerced participation or forced or coerced exclusion from participation in other University-related activities
  - iii. Forced or coerced consumption of food, alcohol, drugs, or any other substance
  - iv. Forced or coerced wearing of apparel which is conspicuous and/or inappropriate
  - v. Forced or coerced unreasonable financial expenditures
  - vi. Forced or coerced exclusion from social contact
  - vii. Unreasonable monitoring or invasion of personal privacy
  - viii. Branding
  - ix. Creation of unnecessary fatigue (including but not limited to acts that stem from forced physical activity, such as calisthenics and sleep deprivation)
  - x. Food deprivation
  - xi. Beating, whipping, or paddling in any form
  - xii. Line-ups and berating
  - xiii. Physical and/or psychological shocks
  - xiv. Personal, organizational, or group servitude
  - xv. Kidnapping or abandonment
  - xvi. Unreasonable exposure to the elements
  - xvii. Any activity that would be viewed by a reasonable person as subjecting any person to embarrassment, degradation, or humiliation
  - xviii. Expectation or forced or coerced participation in activities that are unlawful, lewd, or in violation of University policy.

Please refer to the Florida State University Hazing Policy and Section 1006.63, Florida Statutes, for more details.

#### **5. Remote-Controlled Aircraft**

- a. Unauthorized on-campus use of any remote-controlled aircraft or vehicle (i.e., drones).
- b. Failure to comply with established guidelines for authorized use of remote-controlled aircraft.

#### **6. Weapons**

- a. On-campus possession or use of firearms, antique firearms, ammunition, destructive devices, or other weapons or dangerous articles or substances,

including but not limited to non-lethal weapons such as pellet guns, bb guns, paintball markers, slingshots, crossbows, stun guns, tasers, metallic knuckles, archery equipment, or any dangers chemical or biological agent.

Note: This section shall not apply to:

- i. any law enforcement officer who is a student or to any student ROTC member acting under the supervision of an ROTC unit in a manner proscribed by military regulations of the United States Government; or
  - ii. any student whose possession of a weapon as described above is approved by the FSU Police Department for a bona fide educational purpose; or
  - iii. a concealed firearm kept for lawful purposes with or without a license by persons 18 years or older within the interior of a private vehicle, provided that such a firearm is not carried on the person and provided that a handgun must be kept securely encased; or otherwise not readily accessible for use, or
  - iv. a student who possesses a concealed weapon or firearm license and is in possession of a stun gun or non-lethal electric weapon or device designed solely for defensive purposes and which weapon does not fire a dart or projectile as provided in Section 790.06(12) (a) 13., Florida Statutes.
- b. On-campus possession or use of unauthorized knives. Culinary knives used in kitchen areas for their intended purpose and pocket knives with blades less than four inches in length are permitted in the residence halls. Other knives or objects with longer than a four-inch blade, include but are not limited to: swords, hunting knives, daggers, dirks, stiletto knives, machetes, axes, hatchets, and switchblades are not permitted. This also includes items that may be considered decorative in manner, such as sword canes or ornamental daggers and swords.
  - c. On-campus possession or use of fireworks, sparklers, and any item designed with the primary intention of exploding, including but not limited to: firecrackers, skyrockets, rockets, roman candles, and cherry bombs.
  - d. Off-campus, unlawful, or unauthorized possession or use of firearms, explosives, or other weapons or dangerous articles or substances in violation of state or federal law.

This section is authorized by Section 790.115, Florida Statutes. In accordance with Section 790.33, Florida Statutes, nothing in this section is intended to prohibit or regulate the lawful possession of a weapon or firearm as defined in Section 790.002, Florida Statutes, except as permitted by law.

## **7. Fire and Safety**

- a. Inappropriate activation of any emergency warning equipment or the false reporting of any emergency.
- b. Unlawful possession, or removal of, damage to, or tampering with fire safety or other emergency warning equipment.
- c. Failure to evacuate a University building or facility within a reasonable amount of time after a fire alarm is sounded.
- d. Setting or attempting to set any unauthorized fire or creating a safety hazard.
- e. Obstructing the egress of an emergency exit.

## **8. Alcohol, Controlled Substances, and Illegal Drugs**

- a. Unlawful possession or use of controlled substances, including prescription medicine belonging to another individual.
- b. Possession or use of illegal drugs.
- c. Purchase of illegal drugs or controlled substances.
- d. Distribution, delivery, manufacture, or sale of illegal drugs or controlled substances.
- e. Possession or use of drug paraphernalia.
- f. Possession or consumption of alcohol when under the age of 21 as specified by the State of Florida.
- g. Providing alcoholic beverages to an individual who is under the age of 21 as specified by the State of Florida
- h. Control or operation of a wheeled conveyance while under the influence of alcohol or any controlled substances or illegal drugs.
- i. Intoxicated behavior.
- j. Open Party. An open party is defined as an event at any location where hosts, owners, residents, or others in control of the event fail to take reasonable steps to ensure legal compliance, reduce the risk of harm, and ensure the safety of guests (including, but not limited to, removing those in violation or requesting law enforcement to assist) if alcoholic beverages are known to have been consumed at the residence by person/s under the age of twenty-one and/or illegal drugs or controlled substances are unlawfully possessed, distributed, or used.
- k. Any other violation of the University Alcohol Policy, FSU Regulation FSU-6.012.

## **9. Disruption**

- a. Failure to comply with the lawful order or reasonable request of a University official, any non-University law enforcement official, any non-University emergency responder, or any protective order.
- b. Providing false or misleading information to a University official or to a non-University law enforcement official, including student conduct hearing bodies.
- c. Acts that impair, interfere with, or obstruct the orderly conduct processes, and functions of the University or the rights of other members of the University community. This includes acts that occur both inside and outside of the classroom setting and may involve use of electronic or cellular equipment. This also includes behavior off campus during a University sanctioned event or activity or an event where the student serves as a representative of the University (including, but not limited to an organizational leadership role).
- d. Commercial solicitation on campus without prior approval from University officials.
- e. Acts that disrupt the University student conduct process including, but not limited to, attempting to coerce or influence a person regarding the reporting of a student conduct violation or a person's participation in any student conduct proceeding.
- f. Urination or defecation in a public space.
- g. Bribing another individual to gain an unauthorized advantage or to improperly affect an unbiased process or proceeding.
- h. The unauthorized sale or attempted sale of University-issued student tickets.
- i. Duplication, replication, or alteration of University-issued student tickets.
- j. Any disruption of normal University operations caused by a student's animal.
- k. Behavior which materially disrupts previously scheduled or reserved activities on-campus occurring at the same time.

#### **10. Misrepresentation or Misuse of Identity or Identification**

- a. Permits another person to use his or her identification.
- b. Inappropriate use of another person's identification.
- c. Impersonating or misrepresenting the authority to act on behalf of another individual, organization, group, or the University.
- d. Forgery, alteration, or misuse of identification, documents, records, keys, or access codes.
- e. Manufacture, distribution, delivery, sale, or purchase of false identification.
- f. Possession or use of false identification.

#### **11. Property**

- a. Damage or destruction of public or private property.
- b. Theft. Without authorization removes or uses the property or services or another person or of the University, with the intent to permanently deprive the person or University of the property.
- c. Misappropriation. Without authorization temporarily removes or uses the property or services of another person or the University, but without the intent to permanently deprive the person or the University of the property.
- d. Receipt, possession, sale, or purchase of property or services that are known or reasonably should have been known to have been stolen.
- e. Enters or uses the property or facilities of the University or of another person without the proper consent or authorization.

#### **12. Computers**

- a. Unauthorized access or entry into a computer, computer system, network, database account, software, or data.
- b. Unauthorized alteration of computer equipment, software, network, or data.
- c. Unauthorized downloading, copying, or distribution of computer software or data.
- d. Any other act that violates Florida law or the Florida State University Policies and Responsibilities for Use of Campus Computer and Network Resources.

#### **13. Recording of Images without Consent**

Using electronic or other means to make a video or photographic record of any person where there is a reasonable expectation of privacy without the person's consent. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, private bedrooms, and restrooms. The sharing and/or distributing of such unauthorized records by any means is also prohibited.

#### **14. Recording of Oral Communications without Consent**

Using electronic or other means to make a record of any person when such oral communication is uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation (e.g. a situation in which the person has a reasonable expectation of privacy), and the person has not given consent to the acquisition or recording of the communication. Such oral communications include but are not limited to recordings made using any device and any wire, oral, or electronic communication.

#### **15. Publication of Explicit Images**

Publication of an explicit image of a person that conveys personal identifying information of that person on a website, via social media, or other means without the

depicted person's consent, even if the depicted person originally consented to the creation of the image or voluntarily provided it to the person responsible for the publication.

**16. Gambling**

Engages in or offers games of chance for money or other gain in violation of the laws of the State of Florida

**17. Other Violations**

- a. Violation of Federal or State law or local ordinance.
- b. Violation of any Florida Board of Governors Regulation.
- c. Aids, abets, conspires, solicits, incites, or attempts to commit, any other violation of Federal law, State law, or local ordinance.
- d. Violation of any other University regulation or policy as described in the FSU General Bulletin, University Housing contract, The Guide to Residence Living, other University Housing publications, the FSU Online Student Policy Hand book, the official FSU website, Student Activities and Organizational Policies (Student Organizational Manual or other University policies and Student Organization Advisor's Manual), or other University Policies directly related to departments, organizations or clubs.
- e. Violation of the Academic Honor Policy when the student is not currently enrolled in the related course or when the incident cannot otherwise be processed under the Academic Honor Policy. Refer to the Academic Honor Policy for violations and descriptions.

f) **Due Process Rights**

Students at Florida State University are afforded due process rights throughout the student conduct process. Any and all rights afforded to a responding student(s) during any student conduct action will also be afforded to a reporting individual(s) as appropriate.

The two (2) fundamental due process rights are:

1. Notice: Responding students and reporting individuals (when appropriate) will be given written notice of the Student Conduct Code charge(s) and the allegations upon which the charge(s) is / are based.
2. Hearing: Responding students and reporting individuals (when appropriate) will be given an opportunity to present information, including witness testimony and/or statements, during a fair and impartial hearing.

As participants in a student conduct action, reporting individuals and responding students have the right to:

1. Present information on their behalf.
2. Choose not to answer any and all questions posed by a hearing body.
3. Be accompanied by an advisor.
4. Submit questions for witnesses.
5. Have hearings conducted in private, unless the student requests a public hearing. Requests for a public hearing must be submitted in writing to the appropriate Student Conduct Authority (or designee) at least three (3) business days prior to the scheduled hearing.
6. Have hearing decisions communicated in writing.
7. Request reasonable accommodations from the office adjudicating their student conduct case. Accommodation requests must be made three (3) business days in advance of the scheduled hearing to the appropriate Student Conduct Authority.

These rights will be executed in a fair and impartial manner with respect to all reporting individuals and responding students involved in a student conduct action.

A more complete description of the procedures utilized to implement these rights is found in Section G "Procedures."

## **g) Procedures**

The procedures outlined below will be consistent with all appropriate due process rights afforded to students in University student conduct proceedings. Student conduct action may proceed prior to, simultaneously with, or following criminal or civil proceedings at the discretion of the Student Conduct Authority (or designee). Decisions made within a criminal or civil process do not bind the University to establish or not establish a violation of University policy has occurred, as there are different rules, burdens of proof, purposes, and potential outcomes in each process

### **1. Initiation of Student Conduct Action**

A review of information for possible student conduct action may be initiated through any of the following:

- a. Any report submitted through a secure University reporting function.
- b. Receipt of a police report from the FSU Police Department, Tallahassee Police Department, Leon County Sheriff's Office, or other law enforcement agency.
- c. Receipt of a signed statement or report to an appropriate Student Conduct Authority (or designee).
- d. If a case involving alleged sexual misconduct is reported to a Student Conduct Authority (or designee), said authority has an obligation to report the matter to the appropriate Title IX authority, in adherence with the University's Sex Discrimination and Sexual Misconduct Policy. A Title IX investigation of the matter must occur, with a recommendation to review for possible student conduct charges, before any Student Conduct Authority can review said matter.

All information will be reviewed by an appropriate Student Conduct Authority (or designee) to determine appropriate next steps. These steps include, but are not limited to, informal resolutions, educational conversations, or student conduct action. The University may choose to take no action on submitted information as deemed appropriate.

### **2. Notice**

Absent exigent circumstances, the Student Conduct Authority (or designee) will notify a Responding student(s) of an alleged Student Conduct Code violation(s) within five (5) business days after receiving all appropriate information. Notice is considered given to a student if it is sent to the student's official University email address, is hand-delivered to the student, or is mailed to the local address on file with the Office of the University Registrar, or to the permanent address on file if a local address has not been provided. Written notice given to any reporting individual(s) or responding student(s) will include:

- a. Sufficient detail to prepare a response (including source of information, description of the alleged behavior(s), and specific alleged Code violation(s)).
- b. The date, time, and location of an information session, during which the student may view all materials related to the case, receive instruction regarding the student conduct process and the student's rights, and discuss the type of resolution process to be utilized.
- c. Notice of a formal hearing will occur at least five (5) business days prior to the hearing of the case. Informal hearings will be scheduled at the earliest availability of the responding student(s) and the hearing body.
- d. Parent(s) of any student under the age of eighteen (18) at the time of the alleged violation(s) may also be notified of pending alleged violation(s).
- e. The Student Conduct Authority may place a conduct hold on the records and registration of any student who fails to address Code charges in a timely manner.

Any pending conduct matters must be resolved prior to a student's graduation, the release of transcripts, transfer of credits to another institution, or re-enrollment at the University.

- f. Student contact information on file with the Office of the University Registrar will be used for all student conduct notices sent. The University considers students' University email account to be the official electronic method of communication.

### **3. Hearing Bodies and Authorities**

The information below pertains to the hearing bodies available for student conduct hearings and their authority in a student conduct action.

- a. The Student Conduct Authority (or designee(s)) may conduct both informal and formal hearings.
- b. A University official may be designated by the Student Conduct Authority (or designee) to conduct informal or formal student conduct cases as a single administrator or as a member of an Administrative Hearing Panel.
- c. The Student Conduct Board may conduct both informal and formal hearings. Panels are composed of five (5) Student Conduct Board members selected by the Office of Student Rights and Responsibilities or designee. In times of limited student availability or when conflicts are identified, hearings may proceed with less than five (5), but not less than three (3), Student Conduct Board members. The Student Conduct Authority (or designee) will designate appropriate staff to serve as advisors to the Student Conduct Board.
- d. An Administrative Hearing Panel may conduct formal hearings. Panels are composed of two (2) faculty or staff members, both designated by the Dean of Students (or designee), and three (3) Student Conduct Board members. The Administrative Hearing Panel will be chaired by one (1) of the faculty or staff members. In times of limited student availability or when conflicts are identified, panels may proceed with two (2) Student Conduct Board members, with consent of the responding student(s) and reporting individual(s) (if appropriate). The Student Conduct Authority (or designee) will serve as an advisor to the Administrative Hearing Panel.
- e. University Housing hearing officers (Executive Director, and/or designees) may conduct both informal and formal hearings regarding cases arising in University Housing and in which the responding student is a University Housing resident.
- f. University Housing Conduct Board(s) may conduct both informal and formal hearings regarding cases arising in University Housing and in which the responding student is a University Housing resident, excluding alleged violations of the Sex Discrimination and Sexual Misconduct Policy. Panels are composed of five (5) University Housing Conduct Board members, all of whom are students currently living on campus. In times of limited student availability or when conflicts are identified, hearings may proceed with less than five (5), but not less than three (3), University Housing Conduct Board members. The Student Conduct Authority (or designee) will serve as an advisor to the University Housing Conduct Board.
- g. The range of available hearing bodies may differ on branch campuses and International Programs in conducting informal and formal hearings. Designated Student Conduct Authorities for each location may identify hearing bodies based on circumstances appropriate for the conduct matter.

#### **4. Case Resolution Options**

A responding student may request both the hearing type and the hearing body to adjudicate their case subject to the restrictions stated in Section 3 above. Further restrictions to that choice include:

- a. When it is determined that a case requires a formal record of proceedings, a formal hearing may be pre-selected by the Student Conduct Authority (or designee).
- b. When it is determined that a case does not require a formal record of proceedings and the related incident is the responding student's first allegation of a Code violation, the appropriate Student Conduct Authority (or designee) may offer a responding student(s) the chance to resolve the matter through an Informal Hearing Case Resolution.
- c. When two (2) or more individual cases stem from the same incident, those cases should typically be heard by the same hearing body, but can be heard separately as deemed appropriate. In such cases, the Student Conduct Authority (or designee) may either pre-select the hearing type or hearing body or consult with the students involved before making the decision.
- d. When a responding student has two (2) or more outstanding incidents, those incidents can be heard as a single case.
- e. In cases involving one or more reporting individual(s) the reporting individual(s) and the responding student(s) may each submit a written request for a specific hearing type and/or hearing body to the appropriate Student Conduct Authority (or designee). The Student Conduct Authority (or designee) will make the final determination of the hearing type or hearing body after consideration of all involved parties.
- f. As appropriate, the Student Conduct Authority (or designee) may choose to select the appropriate hearing type and hearing body for other administrative or case-related reasons.
- g. As appropriate, the Student Conduct Authority (or designee) may select an appropriate alternative resolution.

#### **5. Types of Hearings**

Two (2) distinct types of hearings are provided for by the Code. Formal hearings are held when cases involve disputed substantial and relevant information or serious alleged violations of the Code that could lead to an outcome for the responding student including, but not limited to, cancellation of a University Housing contract, removal from a University-related program, or being separated from the University.

- a. In addition, Formal Hearings:
  - i. Require the hearing body to call appropriate witnesses or obtain witness statements, reports, or other information in support of the alleged violation(s).
  - ii. Will be held no sooner than five (5) business days after notice is received by the responding student. The student may submit a written request to hold the hearing before the five (5) business days. The request will be considered and acted upon by the appropriate Student Conduct Authority (or designee).
  - iii. All reasonable attempts will be made to audio record the hearing. This recording will serve as the official record of the proceedings and acts as the sole recording. Any recording conducted without the express knowledge and permission of participants could possibly result in further action, including, but not limited to, student conduct action. The following order of

presentation is recommended for use in Formal Hearings. The hearing body may change the order if deemed appropriate.

- A. Presentation of formal charges.
  - B. Opening statement by the University.
  - C. Opening statement by the reporting individual(s), if applicable. This individual may waive the right to provide an opening statement.
  - D. Opening Statement by the responding student. This student may waive the right to provide an opening statement.
  - E. Presentation of information and witnesses by the reporting individual(s), if applicable. The reporting individual(s) may open with questions to their witnesses or any non-party witnesses, followed by the University, and then submit questions for the responding student(s) through the hearing body. Witnesses are dismissed when all related parties (i.e., reporting individual(s), University, and responding student(s)) have exhausted all questions. The University may choose to limit repetitive or completely irrelevant questioning.
  - F. Presentation of information and witnesses by the University. The University will open with questions, followed by the reporting individual(s), and then the responding student(s). Witnesses are dismissed when all related parties (i.e., University, reporting individual(s), and responding student(s)) have exhausted all questions. The University may choose to limit repetitive or completely irrelevant questioning.
  - G. Presentation of information and witnesses by the responding student(s), if applicable. The responding student(s) may open with questions to their witnesses, followed by the University, and then submit questions for the reporting individual(s) through the hearing body. Witnesses are dismissed when all related parties (i.e., responding student(s), University, and reporting individual(s)) have exhausted all questions. The University may choose to limit repetitive or completely irrelevant questioning.
  - H. Questions directed to the responding student(s) by the hearing body followed by questions submitted by the reporting individual(s) for the responding student(s) through the hearing body, if applicable. The University may choose to limit repetitive or completely irrelevant questioning.
  - I. Closing statement by the University, followed by the closing statement of the reporting individual(s) and the responding student(s). Either party may waive the right to provide a closing statement.
- iv. A formal decision letter will be sent to the responding student(s) and the reporting individual(s) (if applicable) within ten (10) business days from the conclusion of the hearing. This time limit may be extended if additional consideration of evidence and deliberation is required.

Informal hearings are held when cases involve little or no disputed substantial and relevant information and possible outcomes for the Responding student(s) do not include cancellation of a University Housing contract, removal from a University-related program, or being separated from the University.

- b. Other considerations for Informal Hearings include:
  - i. The University does not automatically call witnesses to support the charges, although the hearing body may gather any additional information needed, including calling witnesses. The responding student(s) will be

- informed of any additional information gathered by the hearing body. The responding student(s) may call witnesses and present evidence.
- ii. Hearings are scheduled at the convenience of both the responding student(s) and the hearing body.
  - iii. In cases of a first-time alleged violation, a Student Conduct Authority (or designee) can approve for a responding student(s) to resolve their student conduct case through an Informal Hearing Case Resolution. This option allows a responding student(s) to accept responsibility and agree to assigned sanctions from a Student Conduct Authority.
    - A. Before signing an Informal Hearing Case Resolution form, a responding student(s) will be afforded no more than five (5) business days to consider their options.
      - i. Option 1- Sign an Informal Hearing Case Resolution form. This action constitutes the responding student(s) accepting responsibility for the alleged behavior and agreeing to the assigned sanctions. Signing this document will constitute final action.
      - ii. Option 2 – A responding student(s) may choose to Petition Sanctions. The responding student(s) must write a letter to the appropriate Student Conduct Authority (e.g., Director of Student Rights & Responsibilities) to demonstrate why a change in sanctions is warranted. This option still requires the student to accept responsibility for the alleged violation(s).
      - iii. Option 3 – The responding student(s) may choose to move forward with selecting a hearing body and hearing type that is approved by the appropriate Student Conduct Authority.
    - B. This option is not available in matters that involve a reporting individual(s) or the possibility of separation from the University as an outcome.
  - iv. Brief written decisions (including findings of fact) will serve as records of Informal Hearings and will be communicated within ten (10) business days of the hearing body's final meeting with the responding student. This time limit may be extended if additional consideration of evidence and deliberations are required.

## 6. Hearing Procedures

Hearings will follow these guidelines:

- a. Hearings are scheduled at the earliest availability of the reporting individual(s), the responding student(s), and the hearing body. Student availability is determined based on academic requirements as appropriate.
- b. All hearings will use a reasonable person standard when assessing whether the information presented constitutes a preponderance of the information. This means the totality of the available information substantiates it is more likely than not the alleged violation(s) occurred.
- c. Irrelevant past behavior of the responding student(s) will be excluded from the hearing. The hearing body or Student Conduct Authority (or designee) will decide if such information is irrelevant.
- d. In instances of alleged sexual misconduct, past sexual history of the reporting individual(s) and responding student(s) is not relevant, unless deemed essential by the hearing body to protect fundamental due process.
- e. A responding student(s) and reporting individual(s) will have the opportunity to present evidence on their behalf, including presenting witnesses and other

- documentary information. Written witness statements are strongly discouraged but may be accepted at the discretion of the hearing body who will determine what, if any, weight should be given to the written statement. If accepted, written statements will not be used as the sole deciding factor as to whether or not a responding student is responsible or not responsible for a violation of the Code.
- f. Prior to the start of a hearing, the responding student(s) or reporting individual(s) may submit a challenge regarding the perceived impartiality of any member of a hearing body to an appropriate Student Conduct Authority (or designee). Decisions on challenges made by that Student Conduct Authority (or designee) shall be final and not subject to appeal. All concerns of perceived impartiality will be noted in the case record.
  - g. The responding student(s), reporting individual(s), and any witnesses may be accompanied by an advisor during a hearing. Students are required to address the hearing body in person, on their own behalf, although they may consult with their advisor during the hearing. This consultation must take place in a manner that does not disrupt the proceedings. The advisor shall not speak on behalf of the student unless expressly authorized to do so by the hearing body. The responding student(s), reporting individual(s), and any witnesses shall provide the advisor's name in writing to the appropriate Student Conduct Authority three (3) business days prior to the hearing.
  - h. The burden of proof at a hearing always rests with the University. The standard of proof will be the preponderance of the information.
  - i. The formal rules of evidence do not apply to Code proceedings.
  - j. All individual hearings will be conducted in private. If the responding or reporting individual(s) wants to have the hearing open, the related party must submit a written request for a public hearing must be submitted to the appropriate Student Conduct Authority (or designee) at least three (3) business days prior to the hearing. Allegations of sexual misconduct will not be heard in public without prior written consent of all involved parties (i.e., the reporting individual(s) and the responding student(s)). After receiving the consent of all involved parties in the case, the Student Conduct Authority may open the hearing to the public. If the hearing is made public, there is no requirement to obtain a larger hearing room to accommodate members of the public, so long as one (1) member of the public may be present.
  - k. Appropriate witnesses will be contacted by the University to participate in all formal hearings. Those witnesses who appear may be questioned by all involved parties. If called witnesses do not appear, their written or taped statements may be considered by the hearing body. In some cases, student witnesses who fail to appear may be charged with a violation of the Student Conduct Code. Appropriate witnesses may also be called by the involved parties to all hearings, provided they are reasonably available and do not disrupt or delay the hearing.
  - l. The Student Conduct Authority (or designee) may accommodate concerns for the personal safety or well-being and/or fears of confrontation of the reporting individual(s), responding student(s), or witnesses during a hearing by providing separate spaces using a visual screen and/or by permitting participation via video phone, closed circuit television, video conferencing, or other means when deemed these accommodations are appropriate and do not infringe on the fair and equitable execution of the hearing process.
  - m. Hearings may be held in the absence of responding student(s) reporting individual(s), or witnesses if any party fails to appear after proper notice or fails to cooperate in the student conduct process.

- n. Reporting individual(s) and responding student(s) are allowed to submit an impact statement to the appropriate Student Conduct Authority (or designee). Impact statements will be part of the student conduct record and accessible by other reporting individual(s) or Responding student(s) for review. All impact statements must be submitted to the appropriate Student Conduct Authority (or designee) at least three (3) business days before the hearing and may be in written form.
- o. Prior records of student conduct action and witness/reporting individual(s) impact statements are considered by the hearing body only in the sanctioning phase of deliberations.
- p. The hearing body's determination of "responsible" or "not responsible" will be based solely on the information presented at the hearing. However, when additional information that affects this determination is gathered outside the hearing, it may be used, provided it is shared with the responding student(s) and reporting individual(s) and both parties have an opportunity to respond to the information. In cases involving multiple students charged, information provided at one hearing may be used as evidence in the related case(s).
- q. To request the cancellation of a previously scheduled Formal Hearing, involved parties must submit a written statement to appropriate Student Conduct Authority (or designee) five (5) business days prior to the hearing date. At the discretion of the Student Conduct Authority (or designee), the hearing may be rescheduled or conducted in the absence of the responding student(s) or reporting individual(s).
- r. All hearing recommended decisions will be communicated in writing to the responding student(s) and reporting individual(s) and will include the findings of fact, determination of responsibility, outcomes (if applicable), and notice of appellate rights.
- s. When a criminal conviction has been entered for all or some of the conduct alleged to also violate this Code, the conduct that is the subject of the conviction is deemed established. The hearing body may limit the issues for consideration to appropriate outcome(s).

## **7. Hearing Decisions**

Decisions of specific hearing bodies may require further review before final conduct action.

- a. Decisions of single administrators where suspension, dismissal, or expulsion are not assigned as an outcome are communicated simultaneously in writing to the reporting individual(s) and responding student(s) within ten (10) business days. This time period may be extended by the appropriate Student Conduct Authority (or designee) as deemed appropriate.
- b. Decisions of all Student Conduct Board hearings are considered recommendations to the Director of Student Rights & Responsibilities or designee.
- c. Decisions of Administrative Hearing Panels are recommendations to the Dean of Students or designee.
- d. Decisions of the University Housing Conduct Boards are recommendations to the the Executive Director of University Housing or designee.
- e. All resolutions of student conduct hearings where University Housing contract cancellation is assigned as an outcome is a recommendation to the Executive Director of University Housing (or designee). The Executive Director of University Housing (or designee) may affirm or modify that recommendation prior to decision notification.

- f. All recommended student conduct decisions must be approved in writing by the appropriate authority or designee and only then will be communicated to the responding student and reporting individual(s) (if applicable). The appropriate authority may adopt or amend the recommended decision, or order a new hearing. Prior to amending or ordering a new hearing, the authority will confer with the appropriate hearing body.
- g. All resolution of student conduct hearings where suspension, dismissal, or expulsion are assigned as an outcome is a recommendation to the Dean of Students (or designee). The Dean of Students (or designee) may affirm or modify that recommendation prior to decision notification.
- h. Hearing decisions regarding falsification of admission or readmission information may be forwarded to the appropriate office for review of the application and appropriate action regarding admission.

## 2) Outcomes

### a) Philosophy and Approach

Florida State University facilitates learning through the student conduct process by providing tools and resources to empower students to make better decisions in the future. Hearing bodies are encouraged to consider educational outcomes which encourage critical thinking as well as outcomes that consider accountability for one's actions and the safety and security of the University community.

The hearing body in each case will consider a student's prior conduct history, along with any aggravating and mitigating factors, in the assigning of appropriate educational outcomes. The following outcomes, or combination of outcomes (with or without appropriate modifications) may be assigned to any individual student found to have violated the Code. Certain outcomes may result in a financial cost to the student. If a student does not complete an outcome by the required deadline, a hold may be placed on the student's record.

### b) List of Outcomes

The outcomes listed below are not intended to serve as an exhaustive list of all outcomes the University may be able to utilize regarding a given student conduct concern.

1. Reprimand (written or verbal).
2. Service Hours. Completion of tasks under the supervision of a University department or outside agency.
3. Educational Activities. Examples include, but are not limited to, attendance at educational programs, interviews with appropriate officials, planning and implementing programs, educational essays, or other educational activities.
4. Counseling Assessment. Referral for assessment at a counseling center for alcohol/drug concerns, general mental health, or other counseling issues.
5. Restitution. Only in cases involving University property. Restitution must be submitted to the appropriate University department in a manner that is approved by that University department.
6. Conduct Probation. A period of time during which any further violations of the Student Conduct Code may result in more serious outcomes being imposed. Some of the restrictions that may be placed on the student during the probationary period include, but are not limited to: participation in student activities, representation of the University on athletic teams or in other leadership positions, entrance into the University residence halls or other areas of campus, or contact with other specified person(s).
7. Disciplinary Probation. A period of time during which any further violation of the Student Conduct Code puts the student's status with the University in jeopardy. If the student is found "responsible" for another violation of the Code during the period of Disciplinary Probation, serious consideration will be given to imposing an outcome of Suspension, Dismissal, or Expulsion from the University. Some of the restrictions that may be placed on the student during the probationary period include, but are not limited to, participation in University or student activities, representation of the University on athletic teams or in other leadership positions, entrance into University residence halls or other areas of campus, or contact with another specified person(s).
8. Change in University Housing assignment.
9. Exclusion (either temporary or permanent) from University Housing.

10. Suspension. Separation from the University for a specified period, not to exceed two (2) years. This may include restricted access to campus and/or other specified activities.
11. Dismissal. Separation from the University for an indefinite period of time. Dismissal is considered a final outcome, but readmission is possible in some cases under documented exceptional circumstances. No consideration will be given to readmitting a dismissed student within the first three years after a dismissal is imposed. Dismissal is noted on the student transcript.
12. Expulsion. Separation from the University without the possibility of readmission. This may include restricted access to campus and/or other specified activities. Expulsion is noted on the student transcript.
13. Withholding of diplomas, transcripts, or other records.
14. Transcript Notations. A written notation indicating that student conduct action was taken. This outcome may be applied only in cases in which the student has been permanently separated (i.e., expelled) from the University.
15. Restrictions on contact with specified people.
16. Restrictions on access to or use of University-related properties, facilities, or equipment.

Students who are separated from the University as a result of a student conduct outcome (i.e., Suspension, Dismissal, or Expulsion) are not automatically withdrawn from any classes for which the student is currently enrolled. Therefore, it is the responsibility of the student to address any withdrawal concerns from the university's Withdrawal Services office.

Outcomes that may involve separation from campus may require readmission to the University, depending on the length of the separation from the institution. Therefore, readmission is not guaranteed after a period of separation is complete. The responding student(s) is responsible for communicating with the Office of Admissions to identify appropriate steps for possible re-entry, after all student conduct outcomes are satisfied.

### **3) Appeals**

#### **a) Function**

The presumption is the investigation and hearing process were appropriately conducted. An appeal may be requested on any hearing decision, provided that one or more of the reasons for appeal listed in "Appeal Requests" is relevant to the case. On appeal, the burden of proof rests with the individual requesting an appeal to show the appeal has merit. The appropriate Student Conduct Authority (or designee) may choose to deny an appellate request if it is determined after a full review of the request the basis for the appeal has no merit. The appellate body varies depending on the hearing body and is outlined below. All appellate decisions are considered recommended decisions to the Vice President (or designee).

#### **b) Appellate Officers**

As noted in the section titled "Authority" of this Code, the Vice President and Dean of Students or designees have the authority to designate individuals as hearing or appellate officers, when appropriate. University Housing and International Programs are also extended the authority to identify appropriate appellate officers for the execution of student conduct concerns within their respective areas.

1. Recommended decisions of the Student Conduct Board may be appealed to the Dean of Students (or designee).
2. Recommended decision of the University Housing Conduct Board may be appealed to the Executive Director of University Housing (or designee).
3. Recommended decisions of the Director of the Office of Student Rights and Responsibilities (and designees) may be appealed to the Dean of Students (or designee).
4. Recommended decisions of other hearing officers appointed by the Dean of Students may be appealed to the Dean of Students (or designee, including a panel).
5. Recommended decisions of hearing officers appointed by the Executive Director of University Housing may be appealed to the Executive Director of University Housing (or designee).
6. Recommended decisions of the Dean of Students may be appealed to the Vice President (or designee).

#### **c) Appeal Requests**

1. A written request must be submitted to the Office of Student Rights and Responsibilities or University Housing using the appropriate form within five (5) business days after the hearing decision is sent to the student.
2. The request shall state the reason(s) for appeal (see numeral 3 below) and supporting appellate information.
3. Appeals are not opportunities for full re-hearings of cases already decided. Appeal considerations are limited to:
  - a. Due process errors involving violations of a responding student(s)'s fundamental due process rights or a reporting individual(s)'s rights (see "Procedures") that substantially affected the outcome of the initial hearing.
  - b. Demonstrated prejudice against any party by the person presiding over the hearing. Such prejudice must be evidenced by a conflict of interest, bias, pressure, or influence that precluded a fair and impartial hearing.
  - c. Newly discovered, relevant information that was not reasonably available at the time of the original hearing and that would have substantially affected the outcome of the original hearing.

- d. An outcome imposed is extraordinarily disproportionate for the violation(s) committed and the cumulative conduct history of the responding student.
- e. The preponderance of the evidence presented at the hearing does not support the finding with regard to responsibility. Appeals based on this consideration will be limited solely to a review of the record of the first-level hearing, except newly discovered evidence under sub-bullet 3(c) above may also be considered.

**d) Appellate Review**

1. Will involve an initial file review by the appellate officer. The appellate officer may make a determination based solely on this review. The outcome of the file review may become the official decision (see “Appellate Recommendations and Decision”). File reviews are the default appellate process.
2. If the appellate officer determines a need for additional information, that officer may request written materials and/or an appellate meeting with the responding student(s) and/or reporting individual(s) (see numerals 3-7 below).
3. If deemed necessary, an appeal meeting will be scheduled within ten (10) business days of receiving the written request for appeal.
4. If deemed necessary, an appellate meeting will involve speaking with the responding student(s) and/or reporting individual(s) and any witnesses called by either party; the appellate officer may determine whether there is a need to call any further witnesses or gather additional information.
5. All reasonable attempts will be made to audio record the appellate meeting. This recording will serve as the official record of the meeting and acts as the sole recording. Any recording conducted without the express knowledge and permission of participants could possibly result in further action, including, but not limited to, student conduct action.
6. The responding student(s) and/or reporting individual(s) will be afforded the opportunity to bring an advisor to the appellate meeting.
7. All appellate meeting meetings will be fair and impartial. Prior to the start of an appellate meeting, the responding individual(s) or reporting student(s) may submit a challenge regarding the perceived impartiality of the appellate officer to an appropriate Student Conduct Authority (or designee). Decisions on such challenges made by that Student Conduct Authority (or designee) shall be final and not subject to appeal. All concerns of perceived impartiality will be noted in the case record.
8. If the responding student(s) and/or reporting individual(s) fails to appear at the scheduled appellate meeting after proper notice or otherwise fails to cooperate with the appellate process, the meeting may still be held in their absence.
9. During an appeal period, any action that would have gone into effect as a result of a hearing decision is placed on hold until the full conclusion of the appellate process. Discretion is provided to the appropriate Student Conduct Authority (or designee).

**e) Appeals involving Reporting and Responding Parties**

For incidents involving reporting individual(s), both the reporting individual(s) and the responding student are afforded the opportunity to submit an appeal request of the Student Conduct Authority’s decision within five (5) business days after the hearing decision is sent to the reporting individual(s) and responding student.

1. Once an appeal request is received, the other party will be notified and provided with an opportunity to review the submitted appeal request and submit a written

response or their own appeal on separate grounds within three (3) business days, or by the original appeal submission deadline, whichever is greater. Deadlines may be extended at the discretion of Student Conduct Authority (or designee) under exceptional circumstances. A deadline extension request must be submitted in writing.

2. The Student Conduct Authority (or designee) will also provide a written response for review by the appellate officer after reviewing all submissions from the reporting individual(s) and/or responding student. All supporting information for the appeal request from the reporting individual(s) and/or responding student must be submitted by the specified submission deadline in order to be considered by the appellate officer. Upon receipt of all documents and information, the appellate officer will conduct an efficient and narrow review of the file limited to the grounds identified by the initiator of the review.
3. If the appellate officer determines the appeal request sufficiently meets one or more of the appeal grounds, the appeal request will be forwarded to the Vice President for review.
4. There are no additional meetings with the reporting individual(s) and/or responding student unless there are exceptional circumstances as determined by the appellate officer, in which case the Vice President must offer both the reporting individual(s) and/or responding student the same opportunity to discuss the case.
5. The Vice President's decision is considered the final University decision and will be communicated simultaneously in writing to both the reporting individual(s) and the responding student.

**f) Appellate Recommendations and Decisions**

1. The appellate officer may recommend to affirm, modify, or reverse the hearing decision; or order that a new hearing be held.
2. All appellate recommendations are given to the Vice President. The Vice President (or designee) has the right to affirm, modify, or reverse the recommendation, or to order a new hearing.
3. The final decision is communicated in writing within fifteen (15) business days of an appellate hearing. This time period may be extended if necessary for consideration of the record on appeal.
4. Once approved by the Vice President (or designee), appellate recommendations become final agency action. Final agency action decisions may be appealed by writ of certiorari to the Second Judicial Circuit in and for Leon County, Florida.
5. Except in the case of an interim disciplinary action pursuant to Section (5) below, the responding student(s)'s status will remain unchanged until the appellate process is final.

#### **4) Records**

##### **a) Records Maintenance**

Records of all student conduct cases will be maintained in the Office of Student Rights and Responsibilities or in University Housing. Records which result in a finding of not responsible or result in outcomes that do not include separation from the University shall be destroyed in compliance with Florida Public Records law. Suspension or dismissal records shall be permanently retained as official records, unless the student is readmitted and successfully completes a degree, at which point the record should be removed from the official files under any circumstances. Expulsion records are permanently retained as official records. Any records kept beyond this limit is for statistical purposes will not be considered or released as official student conduct records. The University may choose to retain records outside of these timeframes as deemed appropriate.

##### **b) Release of Records**

The release of student conduct records will be governed by applicable federal and state laws regarding the privacy of education records. General information regarding the outcome of student conduct proceedings (without identifying information) may be released to the public.

##### **c) Copies of Records**

1. Recordings of hearings may be reviewed at the Office of Student Rights and Responsibilities or University Housing. The Office of Student Rights and Responsibilities or University Housing may require the reviewer to sign a confidentiality agreement as a condition of the review. Copies of recordings are not available unless all parties and witnesses have provided written confidentiality waivers.
2. Transcripts of recorded hearings will not be prepared by the University. Any person desiring a transcript of a recorded hearing should Contact the Office of the General Counsel, which will arrange for the preparation of the transcript by a court reporting service. The court reporting service will provide the transcript to the Office of the General Counsel, which will perform a confidentiality review of the transcript and redact any confidential or exempt information pursuant to state or federal law. The requester shall bear the cost of the transcript preparation and confidentiality review.

## 5) Interim Health and Safety Action

Based upon a student's alleged behavior, the Vice President or Dean of Students (or their designee(s)) may impose an interim health and safety action prior to the initiation of a student conduct action under the Code or to a student's hearing on the facts of the case.

1. When the student's actions/behaviors affect the safety, health, or general welfare of a student and/or the University community, an interim health and safety action may also include prohibiting the student from being on University property, attending classes, attending programs and activities, and using University facilities.
2. The interim health and safety action may include notification of appropriate faculty and staff, and restrictions including, but not limited to, suspension, limited or restricted class attendance, limited or restricted use of University facilities, limited or restricted participation in student activities, limited or restricted representation of the University on athletic teams or in other leadership positions, limited or restricted entrance into University residence halls or other areas controlled, leased or used by the University, or restricted contact with specified person(s).
3. An interim health and safety action requires the student be notified in writing. Various forms of correspondence (e.g., in-person delivery, certified mail, electronic) may be used to communicate the interim health and safety action.
4. An interim health and safety action does not supplant the student conduct process, which shall proceed on normal schedule and follow established procedures noted in the Code.
5. The student may request a challenge of the interim health and safety action to address the restrictions imposed. The student's challenge must be in writing to the Dean of Students. The scope of a challenge is limited to whether or not the interim health and safety action should continue. The burden falls on the responding student(s) to demonstrate why the interim health and safety action should not continue or be modified.
6. If a challenge is requested on the interim health and safety action, a meeting will be scheduled within three (3) business days of the receipt of a written request. The Dean of Students (or designee) will conduct the meeting.
7. For incidents involving alleged sexual misconduct, individual challenge meetings utilizing a similar procedure will be facilitated for responding student(s) and reporting individual(s).
8. At a requested challenge meeting, information will be presented in support of any interim health and safety action. The responding student(s) may offer statements or other information to rebut any grounds offered in support of the interim health and safety action.
9. Responding student(s), reporting individual(s), and witnesses are afforded the right to have an advisor present at a challenge meeting. Responding student(s), reporting individual(s), and witnesses are required to address the Dean of Students (or designee) in person, on their own behalf, although they may consult with their advisor during the meeting. This consultation must take place in a manner that does not disrupt the proceedings. The advisor shall not speak on behalf of the responding student(s), reporting individual(s), or any witnesses unless expressly authorized to do so by the administrator conducting the meeting. The responding student(s), reporting individual(s), and any witnesses shall provide the advisor's name in writing to the Office of Student Rights and Responsibilities or University Housing three (3) business days prior to the meeting. The advisor may not serve as a witness.
10. Responding student(s), reporting individual(s), and witnesses are may only present information relevant as to whether the interim health and safety action should be

continued or changed during the meeting. The presentation of witnesses is at the discretion of the administrator conducting the meeting.

11. The student will be notified of the outcome of the meeting in writing. The written notification of the outcome is final as to the interim health and safety action, pending the final results of the student conduct process. In the event there is a reporting individual(s) involved, said individual(s) will be informed of the outcome of an interim health and safety action challenge.

Specific Authority BOG Regulations 1.001(3) (a), (j), and (4) (a), 6.0105.

Law implemented 1011.48 FS History-New 9-30-75, Formerly FSU-3.04, Amended 9-4-86, 3-20-88, 7-18-96, 7-20-99, 11-13-00, 5-9-2007, Substantially Rewritten, 6-9-2012, Amended 3-4-2016, Substantially rewritten 2-22-2017