

CHAPTER FSU-3 STUDENT LIFE

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FSU-3.001 Student Governance.

(1) The Vice President for Student Affairs is the designated representative of the University President in matters pertaining to student life and governance.

(2) A Student Government Association shall be organized and maintained to represent the student body. All officers of the Student Government Association shall be enrolled at the Florida State University for a minimum of six credit hours and be in good standing. The Student Government Association shall establish and maintain a Student Body Constitution and implementing statutes to facilitate organizational integrity and cohesive administration.

(3) Legislation of the Student Government Association shall be subject to the approval of the Vice President for Student Affairs prior to implementation.

Specific Authority BOG Regulation 1.001(3)(j) Law Implemented 1004.26, 1009.24(10) FS. History—New 9-30-75, Amended 12-26-85, Formerly 6C2-3.01.

FSU-3.0015 Student Organizations and Activities

(1) Recognized student organizations are defined as organizations that have been approved by the Student Activities Center, as designee of the Vice President for Student Affairs, to function at Florida State University. Recognition does not constitute university endorsement, support, or concurrence.

(2) Each recognized student organization's purposes and activities shall comply with applicable provisions of the United States Constitution, federal laws, the Constitution of the State of Florida, state laws, rules and regulations of the Board of Governors, the

Florida State University Board of Trustees, Florida State University, and the Florida State University Student Conduct Code, and the purposes set forth in the Student Body Constitution, and the constitution of the student organization. The student organization and its officers are responsible and accountable for all actions of the organization. Any violation of law, Board of Governors' rules and regulations, Florida State University Board of Trustees rules and regulations, or Florida State University rules shall be considered as offenses committed by the organization. Its officers or members shall be subject to action pursuant to the provisions of the Florida State University Student Conduct Code. Any violation by a student organization shall render the organization's recognition subject to review and possible revocation. Benefits of recognition include but are not limited to, use of university name and facilities, eligibility for activity and service fee funding, and participation in university events.

(3) All students shall be free to join recognized student organizations.

(a) Recognized student organizations shall be limited to currently enrolled FSU students. Faculty and staff of Florida State University shall be free to participate in a manner that is consistent with the constitution and bylaws of the organization.

(b) Non-FSU students who are enrolled in joint FSU programs or participate in partnership programs approved by the University Registrar shall be eligible for limited membership in recognized student organizations and shall be free to participate in a manner that is consistent with university policies and the constitution and bylaws of the organization.

(4) Student organizations may be officially recognized when the student organization has met appropriate requirements as outlined by the Vice President for Student Affairs or designee.

(5) The Vice President for Student Affairs or designee may place other limitations on the continued recognition of student organizations.

(6) Recognized student organizations are required to have a primary advisor who is a full-time faculty or staff member of the University.

(7) All recognized student organizations shall be allowed to meet on campus and to use appropriate available university facilities.

(8) Recognized student organizations that are eligible for funding under the criteria set forth by the Student Government Association may apply to the Student Government Association for activity and service fee funds.

(9) Each recognized student organization shall re-register no later than the deadline set forth by the Student Activities Center in the fall semester of each year and shall concurrently provide the University with any changes in its constitution and officers.

(10) In order to hold an elected or appointed student office in a recognized student organization or the Student Government Association, a student must:

(a) Be registered for the minimum number of credit hours for the fall, spring, and summer terms as specified by the Student Activities Center for undergraduate and graduate students unless a greater enrollment is required by the organization;

(b) Be in good academic standing (maintain a 2.0 for undergraduate students and 3.0 for graduate students), and be free of academic probation;

(c) Be free of any obligation for fees or payments to the university;

(d) Recognized student organizations have the option to set standards that exceed the above stated minimum criteria.

(11) Recognized student organizations that wish to use the university's name as part of their organization's name may do so as long as sponsorship or endorsement by the university is not implied or stated. If used, organizations are restricted to the following:

(a) The university's name may only appear at the end of the organizations name and should be followed by the statement "a Recognized Student Organization" (i.e. Student organization at Florida State University, a Recognized Student Organization)

(b) The title should follow one of these forms: (1) Florida State University; (2) FSU.

(12) Student organizations at branch campuses will be required to follow the guidelines set forth by the branch campus with which they are affiliated.

(13) Student organizations charged with offenses or any act in violation of laws, rules, regulations, policies or procedures shall have their cases heard by the appropriate person or body as designated by the Vice President for Student Affairs.

(14) The university disclaims liability for any damage or injury that may arise out of the recognition of student organizations or their use of university facilities, whether arising

out of the activities of students as individuals or whether participating with or as members of a recognized student organization or any other organizational part of the Student Government Association.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005 Law Implemented 1001.74 (2) (g), 1004.26 FS Law Implemented 1004.74(2) (f) History—New 9-7-86 Amended 2-6-2006

FSU-3.003 Freedom of Expression Rights and Responsibilities, Open Platform Areas

(1) Policy Statement Concerning Freedom of Speech. The right of all students and individuals to seek knowledge, debate ideas, form opinions and freely express their views is recognized, both as an individual right and an important part of the University culture. This right must be exercised in a manner which will not interfere with the same rights and freedoms of others in their enjoyment of the benefits of the programs offered by this University, or their lawful use of University facilities, including ingress and egress. Such rights may be exercised subject to applicable laws, rules, regulations, policies and procedures, including lawful imposition of time, place, and manner restrictions that are consistent with the University's mission and the intent of this regulation.

(2) Policy Statement Concerning Freedom of Assembly. The right or freedom of peaceful assembly is recognized and shall be protected. Meetings, assemblies, picketing activities, protests, and gatherings that do not disrupt the orderly functioning of the University and related activities qualify as peaceful and are therefore protected.

(3) Designation of Open Platform Areas. The University recognizes the entire campus as open for debate and discussion. The University also recognizes that some debates, discussions, or gatherings may take place in a spontaneous manner and therefore has identified the following areas as highly visible, highly trafficked areas traditionally used and well-suited for unplanned gatherings. In Tallahassee, Florida, the green area

on the east side of Moore Auditorium, pavilion on the south side of Moore Auditorium and north of the Legacy Walk sidewalk, and the grassy area between Gate K of the football stadium and the Heritage Fountain are designated “open platforms” for this purpose. In Panama City, Florida, the Community Campfire Circle on the east side of the Holley Academic Center and the Four Crossed Logs patio on the North Bay side of the Holley Academic Center are designated as “open platforms” for this purpose. Any student or other individual who desires to be heard publicly on any issue of concern may use these areas subject to the provisions of this regulation at any time when previous scheduling does not preclude such use but only from 8:00 a.m. to 10:00 p.m. local time. Amplification equipment is not allowed except as otherwise specifically permitted and may be subject to the same restrictions as in Section 6 herein. Temporary changes to location boundaries and any other necessary adjustments due to current construction or other unavoidable circumstances or conditions may be made by the University on an as-needed basis. In addition, the University may temporarily designate any space on campus as an open platform space to ensure that students have the ability to be meaningfully heard. Speech is not limited to open platform areas; students may reserve space pursuant to this and other University regulations and policies. Open platform areas can be reserveable space and groups holding reservations may receive priority over spontaneous activities. Planned use of campus areas and facilities by groups and individuals is generally governed by FSU Regulation FSU-2.007, Use of Campus Facilities.

- (4) Planned Outdoor Assemblies. Organized or prearranged outdoor assemblies shall be registered at least twenty-four hours in advance in the Oglesby Union Guest Services Office in Tallahassee or through the Office of Finance in Administration in Panama City, depending on the location of the assembly. Exceptions to the twenty-four hour notice requirement and amplification permission consistent with Section 6 herein may be granted by the Union Director (Tallahassee) or the Director of Finance and Administration (Panama City), or their designees. These offices may refer requests out to other University offices for approval, as appropriate.
- (5) Meetings (Indoor, Reserveable Space). The Student Government Association (Tallahassee), Student Government Council (Panama City), recognized student

organizations, or other student groups may hold meetings inside University buildings, provided prior approval is granted by the Guest Services Office (Tallahassee) or the Office of Finance and Administration (Panama City) and subject to University policy and space availability. See <https://union.fsu.edu/guestservices/> for details. These offices may refer requests out to other University offices for approval, as appropriate.

- a) Space Requests, Members of the Public. Absent exigent circumstances, members of the public may only rent University facilities during scheduled academic breaks (e.g., spring, holiday, and summer breaks).

(6) Amplification. Public address systems and other electrical amplification equipment may be utilized for permitted events by the Student Government Association (Tallahassee), Student Government Council (Panama City), recognized student organizations, and other student groups subject to venue availability and scheduling approval by the Guest Services Office (Tallahassee) or the Office of Finance and Administration (Panama City), and subject to approval by the Oglesby Union's Event Permitting Office (Tallahassee) or the Dean (Panama City). All such use of public address systems or other amplification equipment shall maintain a reasonable sound level which meets the communication needs of the event without excessive noise penetration to adjacent areas.

(7) Circulation of Literature (Non-Commercial). Students' right to write and distribute literature and to express thoughts and beliefs is acknowledged. Individual students, recognized student organizations, and other student groups may circulate non-commercial literature, provided it is identified by authorship and sponsorship, subject to applicable provisions of FSU Regulation FSU-2.0131 Posting, Chalking Advertising and Active Distribution of Materials on FSU Campuses.

(8) Circulation of Literature (Commercial). Commercial solicitations are governed by FSU Regulation FSU-2.013.

(9) Speaker Invitations. The Student Government Association (Tallahassee), the Student Government Council (Panama City), recognized student organizations, other student groups, academic departments, alumni groups, and other University-affiliated groups may invite persons from outside the University to speak to their

memberships and the public. If University facilities are to be used for holding the meeting, prior scheduling and space reservations approval shall be obtained from the Guest Services Office (Tallahassee), the Office of Finance and Administration (Panama City) or other University departments, as appropriate. Speakers wishing to express all varieties of opinions and viewpoints are welcome at the University.

a) Speaker Invitations by Non-University Groups. Absent exigent circumstances, members of the public may only rent University facilities for speaker events during scheduled academic breaks (e.g., spring, holiday, and summer breaks).

b) Speaker Contracts, Security. It is the responsibility of the group extending the invitation to negotiate speaker fees, riders, and any other requests or demands from the speaker. It is also the responsibility of the group extending the invitation to arrange for, and cover costs of, any security costs that exceed what the University would normally provide, and to coordinate security plans with University law enforcement prior to the event. Reasonable notice of the event shall be given to the University in order to plan and coordinate for security and safety concerns.

(10) Political Activity. The Student Government Association (Tallahassee), Student Government Council (Panama City), recognized student organizations, and other student groups may sponsor speeches, rallies, or other events by or for political candidates for federal, state or local office, subject to availability of suitable location based on size of crowd and time of speech.

(11) Recordings. Recordings of speeches, gatherings, rallies, or other activities in open platform and reserved space at the University may be restricted by copyright protection. Additionally, despite the open nature of some gatherings, participants may still enjoy the expectation of privacy in certain conversations. Any person who records an event or conversation is expected to understand and accept the civil and criminal risks associated with the recording, and/or to take steps to reduce those risks prior to making the recording.

(12) Authority of the President, Time, Place, and Manner Restrictions, Campus Safety. If the President has reasonable grounds to believe that a planned speech, demonstration, or other event is likely to:

- draw a large number of persons who are not Florida State University students, faculty, or staff;
- obstruct ingress or egress to or from University classrooms or other facilities or travel across campus; or
- interfere with the ability of students or faculty to study and enjoy a secure and peaceful academic atmosphere,

the President is authorized to designate an area on University property, or secure an area off University property, that would mitigate such effects and is reasonably accessible to University students and faculty, and to limit the event to such location. Nothing in this section is intended to, nor shall be read to, imply an obligation on the part of the President or the University to secure or rent property for any speech, demonstration, or event, nor is it intended to indicate that any and all speeches, demonstrations, or events can be accommodated.

Specific Authority BOG Regulations 1.001(3) (j), (7) (g). History–New 9-30-75, Formerly 6C2R-3.03, Amended 7-28-86, 6-17-2009, 3-8-2013, 2-22-2017, 1-18-2018

FSU-3.004 Student Conduct Code

(1) General Provisions and Hearing Procedures

(a) Preface. The Student Conduct Code (further referred to as “The Code”) is a guiding document at Florida State University that emphasizes the University’s commitment to a campus community that exercises the responsible engagement of student freedoms. The pursuit of responsible freedom is consistent with the tenets of the Seminole Creed and the purpose of Uphold the Garnet and Gold, as students balance their pursuit of excellence and exploration with consideration to the impact of behavior on others.

Engagement in student life at Florida State University is 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” (Florida State University, 2016). 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 in the Florida State University community. “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 right of all students to seek knowledge, debate ideas, form opinions, and freely express their ideas is fully recognized by Florida State University. This Code applies to student conduct and will not be used to impose discipline for the lawful expression of ideas. Specific restrictions on time and place of meetings and assemblies are found in Oglesby Union and other University rules, regulations, or policies.

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.

1. Advisor. The term “advisor” means any one person chosen to assist an 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.

2. Business day. The term “business day” refers to any weekday Monday through Friday in which Florida State University is in operation. This does not include University holidays and closures.

3. Hearing. The term “hearing” means an informal or formal proceeding, conducted by a hearing body in accordance with the Code, through which determinations of responsibility and non-responsibility are made and sanctions imposed.

4. Hearing Body. The term “hearing body” means any person or persons authorized in the Student Conduct Code to conduct hearings, determine findings regarding whether a student has violated the Code, and recommend or issue sanctions if necessary.

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 of the University as found in, but not limited to, 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 that 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 Party. The term “reporting party” means any individual who has reported another person’s alleged violation of the Code. The reporting party is the individual who files a report or on whose behalf a report is filed.

9. Responding Party. The term “responding party” refers to a student who has been accused of an alleged violation of the 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, 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.

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.
12. University. The terms “University” and “University properties” mean Florida State University, including the main campus, all property leased, used, or controlled by the University, all branch campuses, facilities, and University International Programs’ locations. 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 other person employed by the University.
14. University Defender. The term “University Defender” means any person provided by the Student Government Association, either through formal appointment or informal referral, to serve as a resource and advisor to a responding party under the authority of University Regulation FSU-3.006.
15. University Official. The term “University official” means any person employed or appointed by the University to perform assigned teaching, research, administrative, professional, or other responsibilities.
- (c) Scope. Florida State University’s jurisdiction regarding student conduct is generally limited to the conduct of any student regardless of location, when that conduct may

adversely affect the student, the University community, its international programs, or any other University-affiliated programs. 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 reserves the right to determine how the timing of the incident impacts the initiation or completion of the conduct process.

3. The University reserves the right to determine how an individual's status with the University impacts initiation or completion of the conduct process.

4. The University reserves the right to restrict contact with specified people when facts and circumstances dictate such action. Such restrictions include but are not limited to No Contact Orders. There is no need for present student conduct action in order for a No Contact Order to be issued. No Contact Orders can be administratively issued to all parties involved in a conflict.

5. The University reserves the right 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 Director of Student Rights & Responsibilities or designee.

(d) Authority. Authority for student discipline ultimately rests with the President of Florida State University (hereinafter "President") and the Florida State University Board of Trustees, who delegate this 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 officers.

2. Either the President, the Vice President, the Dean of Students or their designees, or directors/program leaders in International Programs may take direct jurisdiction of any case due to the inability or disqualification of the appointed hearing officer to serve, or when it is determined by the immediate circumstances that taking direct jurisdiction is in the best interest of the University.

3. The Vice President and the Dean of Students or designee have the authority to designate individuals as hearing or appellate officers, when appropriate.

4. All hearing bodies have the authority to consult with other appropriate University officials in order to resolve a student conduct case effectively.

5. Resolutions of a first-level student conduct action are further addressed under “Procedures.”

6. The initial decision or recommendation of a hearing body is considered a first-level student conduct action. If a first-level student conduct action is not appealed as provided within the Code, the initial decision becomes final agency action.

7. The authority of appellate officers is further enumerated in the 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. The following behaviors, or the aiding, abetting, conspiring, soliciting, or inciting of, or attempt to commit these behaviors, constitute violations of the Student Conduct Code.

1. Sexual Misconduct

a. Sexual Violence. Any sexual act performed without the consent of the reporting party, or that occurs when the reporting party is 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.

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. Past consent to sexual activity does not imply consent to future sexual activity. 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; or under 18 years old cannot give consent to sex (no matter

what they say or do). “Incapacitation” is a state where a person cannot make a rational, coherent decision because the person lacks the ability to understand the nature of the act.

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 widespread that, both subjectively (to the reporting party) 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.

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 person;

ii. Prostituting another person (i.e., personally gaining money, privilege, or power from the sexual activities of another; sex trafficking);

iii. Non-consensual videotaping, photographing, or audio-taping of sexual activity and/or distributing these materials via media such as, but not limited to, the Internet and other electronic/digital media;

iv. Exceeding the boundaries of consent (e.g., allowing another person to observe consensual sex without the knowledge of or consent from all participants);

v. Engaging in indecent exposure (i.e., intentionally exposing one's sexual organs in public) with the intention of alarming, distressing, and/or offending others;

vi. Voyeurism; and

vii. 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 or 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, 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. Behaviors may include, but are not limited to: threats, name-calling, put-downs, isolation, withholding of money, physical harm, and sexual assault.
- 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 employment/academic 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.

3. Harassment

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

b. Action(s) or statement(s) that threaten harm or intimidate another.

c. Acts that invade the privacy of another person.

d. Bullying behavior, defined as: the systematic and chronic infliction of physical hurt or psychological distress by teasing, social exclusion, threat, intimidation, stalking, 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 of an organization may be considered hazing. Hazing includes, but is not limited to:

- i. Unreasonable interference with a student's academic performance
- ii. Forced or coerced consumption of food, alcohol, drugs, or any other substance
- iii. Forced or coerced wearing of apparel which is conspicuous and/or inappropriate
- iv. Forced or coerced exclusion from social contact
- v. Branding
- vi. Creation of unnecessary fatigue (including but not limited to acts that stem from forced physical activity, such as calisthenics and deprivation of sleep)
- vii. Deprivation of food
- viii. Beating, whipping, or paddling in any form
- ix. Line-ups and/or berating
- x. Physical and/or psychological shocks
- xi. Personal servitude
- xii. Kidnapping or abandonment
- xiii. Unreasonable exposure to the weather
- xiv. Any activity that would be viewed by a reasonable person as subjecting any person to embarrassment, degradation, or humiliation

- xv. Expectation of 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 dangerous 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 firearm is not carried on the person and provided that a handgun must be kept securely encased; or otherwise not readily accessible for immediate 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) I3., 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 and 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 790.001, 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. Arson, or the setting of any unauthorized fire in or on University property.

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, 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. Driving 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 a lawful order of a University official or any non-University law enforcement official.
- b. Providing false 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 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 event tickets.

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. Impersonation, or misrepresenting the authority to act on behalf of another 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 of 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, 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, University Housing Publication - Graduate / Undergraduate, 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 party during any student conduct action will also be afforded to a reporting party as appropriate.

The two (2) fundamental due process rights are:

1. Notice: Responding parties 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: Students will be given an opportunity to present information, including witness testimony and/or statements, during a fair and impartial hearing.

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

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

(g) Procedures. The Office of Student Rights and Responsibilities, International Programs, and University Housing are charged with implementing the Code in ways that are congruent with the FSU "Statement on Values and Moral Standards" and with all applicable laws and regulations. The procedures implemented by these offices will be consistent with all appropriate due process rights accorded to students in University student conduct proceedings.

1. Charges. A review for possible charges may be initiated by:
 - a. Filing a police report with the FSU Police Department or requesting a report from another law enforcement agency be sent to the FSU Police Department.
 - b. Providing a signed statement to the Office of Student Rights and Responsibilities or University Housing or providing a statement through a secure University reporting function. All information will then be reviewed

by an appropriate Student Conduct Authority to determine whether Code charges will be filed or if alternative action, including mediation, is appropriate. When practicable, reports should be submitted to the appropriate Student Conduct Authority in a timely manner.

c. If a case involving alleged sexual misconduct is reported to a Student Conduct Authority, said authority has an obligation to report this 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.

Formal Code charges may be filed at the completion of all law enforcement and relevant University investigations or as soon as practicable, even if a law enforcement investigation or criminal proceeding is ongoing.

2. Notice. The written notice given to any charged student will include:
 - a. Sufficient detail to prepare a response (including source of information, alleged violation, and specific Student Conduct Code charges).
 - b. An invitation to attend 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 confirm the forum in which the case will be heard.
 - 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 discretion of the hearing body.

d. Parent(s) of any student under the age of eighteen (18) at the time of the alleged violation may also be notified of pending charges.

e. The Office of Student Rights and Responsibilities or University Housing may place a conduct hold on the records and registration of any student who fails to address Student Conduct 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. The contact information on file with the University Registrar will be used for all student conduct notices sent to the responding party.

3. Hearing Bodies and Authorities. Any specific procedures used by hearing bodies will comply with the requirements of the Code.

a. The Director of Student Rights and Responsibilities (and designee(s)) may conduct both informal and formal hearings.

b. A hearing officer designated by the Dean of Students may conduct both informal and formal hearings.

c. The Dean of Students and Associate Deans of Students may conduct both informal and formal hearings.

d. 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 Director of Student Rights &

Responsibilities or designee will designate appropriate staff to serve as advisors to the Student Conduct Board.

e. An Administrative Hearing Panel may conduct formal hearings. Panels are composed of one (1) faculty member, one (1) staff member, both designated by the Dean of Students (or designee), and two (2) Student Conduct Board members. In times of limited student availability, panels may proceed with one (1) Student Conduct Board member, with approval from the Office of Student Rights and Responsibilities and consent of the responding party and reporting party (if any). The Director of Student Rights & Responsibilities (or designee) will serve as an advisor to the administrative hearing panel.

f. University Housing hearing officers (Executive Director, Directors, Associate Directors, Assistant Directors and designees) may conduct both informal and formal hearings regarding cases arising in University Housing in which the charged student is a resident of University Housing.

g. University Housing Conduct Board(s) may conduct formal hearings regarding cases arising in University Housing in which the charged student is a resident of University Housing. Panels are composed of five (5) University Housing Conduct Board members, all of whom are students currently living on campus. In times of limit 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.

h. 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.

5. Choices of Hearing Type and Hearing Body. A responding party 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 a case requires a formal record of proceedings a formal hearing may be chosen by the Dean of Students (or designee).

b. When it is determined a case does not require a formal record of proceedings and the related incident is the responding party's first allegation of a Code violation, the appropriate Student Conduct Authority may offer a responding party 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. In such cases, the Director of Student Rights and Responsibilities (or designee) may either pre-select the hearing type and hearing body or consult with the students involved before making the decision.

d. The Dean of Students or Executive Director of University Housing (or designee) reserves the right to select the appropriate hearing type and body for other administrative or case-related reasons.

e. During time periods in which any of the hearing bodies are not officially constituted, the Dean of Students or Executive Director of University Housing (or designee) may select an appropriate alternative as the hearing body.

6. Types of Hearings. Two (2) distinct types of hearings are provided for by the Code. Informal hearings are held when cases involve few or no disputed questions of fact and possible sanctions do not include separation from the University. Formal hearings are held when cases involve disputed questions of fact or serious alleged violations of the Code (i.e. violations that could lead to separation of the charged student from the University).

a. Formal Hearings:

i. Require the hearing body to call appropriate witnesses or obtain witness statements, reports, or other information in support of the charges.

ii. Will be held no sooner than five (5) business days after notice is received by the responding party. 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 Office of Student Rights and Responsibilities.

iii. Will be audio recorded. This recording will serve as the official record of the proceedings.

iv. A formal decision letter will be sent to the student 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.

v. 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 party, if applicable. This party may waive the right to provide an opening statement.

D. Opening Statement by the responding party.

This party may waive the right to provide an opening statement.

E. Presentation of information and witnesses by the reporting party, if applicable. The reporting party may open with questions to their witnesses, followed by the University, and then the responding party. Witnesses are dismissed when all related parties (i.e., reporting party, University, and responding party) have exhausted all questions.

F. Presentation of information and witnesses by the University. The University will open with questions, followed by the reporting party, and then the responding party. Witnesses are dismissed when all related parties (i.e.,

University, reporting party, and responding party) have exhausted all questions.

G. Presentation of information and witnesses by the responding party, if applicable. The responding party may open with questions to their witnesses, followed by the University, and then the reporting party. Witnesses are dismissed when all related parties (i.e., responding party, University, and reporting party) have exhausted all questions.

H. Questions directed to the responding party by the hearing body followed by the reporting party, if applicable.

I. Closing statement by the University, followed by the closing statement of the reporting party and the responding party. Either party may waive the right to provide a closing statement.

b. Informal hearings:

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 party will be informed of any additional information gathered by the hearing body. The responding party may call witnesses and present evidence.

ii. Hearings are scheduled at the convenience of both the responding party and the hearing body.

iii. In cases of a first-time violation, a Student Conduct Authority (or designee) can approve for a responding party to resolve their student conduct case through an Informal Hearing Case Resolution. This option allows a responding party to accept responsibility and agree to assigned sanctions from an informal hearing officer.

A. Before signing an Informal Hearing Case Resolution form, a responding party will be afforded no more than five (5) business days to consider their options.

B. Option 1- Sign an Informal Hearing Case Resolution form. This action constitutes the responding party accepting responsibility for the alleged behavior and agreeing to the assigned sanctions. Signing this document constitutes final agency action.

C. Option 2 – A responding party may choose to Petition Sanctions. The responding party 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 action.

D. Option 3 – The responding party may choose to move forward with selecting a hearing body and hearing type approved by the appropriate Student Conduct Authority.

E. Informal Hearing Case Resolution is not available in matters that involve a reporting party or the possibility of suspension, dismissal, or expulsion as sanctions.

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 conclusion of the hearing. This time limit may be extended if additional consideration of evidence and/or deliberations are required.

7. Hearing. Hearings will follow these guidelines:

a. All hearings will use a reasonable person standard when assessing whether the information presented constitutes a preponderance of the information.

b. Unrelated past behavior of the responding party will be excluded from the hearing. The hearing body will decide if such information is unrelated.

c. In instances of alleged sexual misconduct, past sexual history of the reporting party and responding party is not relevant, unless deemed essential by the hearing body to protect fundamental due process.

d. A responding party and reporting party will have the opportunity to present evidence on their behalf, including presenting witnesses, if available, and /or signed, written statements from witnesses, and other documentary information. Witness testimony is not required and the inability of the responding party or reporting party to question a witness who has provided a written statement is not a violation of the due process rights of

either party, as both parties have the opportunity to review and respond to the written statement and may offer evidence to rebut the witness statement and other evidence presented at the hearing. Witness statements are entitled to be given the same weight by the hearing body as live witness testimony. Witness statements need not be sworn or in affidavit form.

e. A responding party or reporting party may submit a challenge to the impartiality of any member of a hearing body to the relevant Student Conduct Authority or the hearing body. Decisions on challenges shall be final and not subject to appeal.

f. The responding party, reporting party, and any witnesses may be accompanied during the hearing by an advisor. According to FSU Regulation FSU-3 .006, the University Defender may serve as an advisor. 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 party, reporting party, and any witnesses shall provide the advisor's name in writing to the Office of Student Rights and Responsibilities or University Housing two (2) business days prior to the hearing. The advisor may not serve as a witness.

g. A student or witness may choose not to answer any or all questions posed by a hearing body.

h. The burden of proof at a first-level hearing always rests with the University. The standard of proof will be the preponderance of the information, meaning the information, as a whole, shows the information sought to be proved is more probable than not.

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 party wants to have the hearing open, the related party must submit a written request for a public hearing to the Director of the Office of Student Rights and Responsibilities or Executive Director of University Housing or designee(s) at least three (3) business days prior to the hearing. Charges involving alleged sexual misconduct will not be heard in public without prior written consent of all involved parties (i.e., the reporting party and the responding party). After receiving the consent of all involved parties in the case, the Director of the Office of Student Rights and Responsibilities or designee 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 called by the University to all formal hearings (see below for a description of formal versus informal hearings). Those witnesses who appear may be cross-examined 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 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. In the event a witness is not reasonably available or the witness's presence may disrupt the hearing, a written statement from the witness may be substituted. Witness statements need not be sworn or in affidavit form.

l. In certain cases, the responding party or reporting party requests to testify in a separate room will be considered. Considerations may include but is not limited to unduly compromising the responding student's fundamental due process right to question any witness.

m. Hearings may be held in the responding party's or reporting party's absence, if either party fails to appear after proper notice or fails to cooperate in the student conduct action process.

n. In certain cases, a reporting student may be allowed to submit an impact statement to the appropriate Student Conduct Authority. The responding party may request to view the impact statement. The request will be considered by the appropriate Student Conduct Authority in consultation with the reporting party.

o. Prior records of student conduct action and witness/reporting party 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 party and reporting party 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 the Office of Student Rights and Responsibilities five (5) business days prior to the hearing date. At the discretion of the Director of the Office of Student Rights and Responsibilities (or designee), the hearing may be rescheduled or conducted in the absence of the responding party or reporting party.

r. All first-level recommended decisions will be communicated in writing to the responding party and reporting party (if applicable). Decisions will include the findings of fact, determination of responsibility, sanctions (if applicable), and notice of appellate rights.

8. Hearing Decisions. Decisions of all authorized hearing bodies constitute resolution of first-level student conduct action. Decisions of specific hearing bodies may require further review before constituting resolution of first-level student conduct action.

a. Decisions of single administrators constitute resolution of first-level student conduct action.

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 an Associate Dean of Students or the designee of the Dean of Students.

d. Decisions of the University Housing Conduct Boards are recommendations to the Assistant Director of University Housing or the designee of the Executive Director of University Housing.

e. All recommended student conduct decisions must be approved in writing by the appropriate authority or designee and only then will be communicated to the student. 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.

f. All resolution of first-level student conduct hearings where suspension, dismissal, or expulsion are assigned as a sanction will be reviewed by the Dean of Students or designee prior to decision notification.

(2) Sanctions

(a) **Philosophy and Approach.** Florida State University believes sanctions facilitate learning through the student conduct process, providing tools and resources to students in an effort for students to make better decisions in the future. Hearing bodies are encouraged to consider educational sanctions which encourage critical thinking as well as sanctions that consider accountability for one's actions and the safety and security of the University community.

In light of the facts and circumstances of each case, the following sanctions, or combination of sanctions (with or without appropriate modifications) may be imposed upon any individual

student found to have violated the Code. Certain sanctions may result in a financial cost to the student. If a student does not complete a sanction by the required deadline, a hold may be placed on the student's record. 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.

(b) List of Sanctions. The sanctions listed below are not intended to serve as an exhaustive list of all sanctions 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. Attendance at educational programs, interviews with appropriate officials, planning and implementing educational programs, or other educational activities.
4. Counseling Assessment. Referral for assessment at a counseling center for alcohol/drug dependence, 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 sanctions 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 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 a sanction 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 at least two years and up to seven years. Readmission is possible but not guaranteed and will only be considered after the two to seven-year time allotted from the effective date of the dismissal, based on meeting all readmission criteria and obtaining clearance from the Dean of Students or designee. This may include restricted access to campus and/or other specified activities.

12. Expulsion. Separation from the University without the possibility of readmission. This may include restricted access to campus and /o r other specified activities.

13. Withholding of diplomas, transcripts, or other records.

14. Transcript Notations. A written notation indicating that student conduct action was taken. This sanction 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.

Students who are separated from the University as a result of a student conduct sanction (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 with the University's Withdrawal Services office.

Sanctions 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 party is responsible for communicating with the Office of Admissions to identify appropriate steps for possible re-entry, after all student conduct restrictions are satisfied.

(3) Appeals

(a) Function

An appeal may be requested on any first-level decision, provided 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 student to show clearly a fundamental due process error that would substantially impact the outcome of the hearing has occurred during the first level hearing process. The appellate body varies depending on the initial hearing body and is outlined

below. All appellate decisions are considered recommended decisions to the Vice President (or designee).

(b) Appeals Involving Reporting and Responding Parties

In the event an incident involves a reporting party (including but not limited cases involving allegations of sexual misconduct, endangerment, harassment, stalking and hazing), both the responding party and the reporting party have the right to appeal the first- level decision. In the event both parties submit an appeal request within the stated timeframe (see “Appeal Requests” below), one appellate officer will be assigned and one appeal hearing will be conducted (see “Appellate Officers” below). Both parties will be provided the opportunity to attend the appeal hearing and the appeal decision outcome will be communicated to both parties. If the responding party appeals, the reporting party will be notified of the appeal, will be provided the opportunity to attend the appeal meeting, and will be notified of the appeal outcome. If the reporting party appeals, the responding party will be notified of the appeal, will be provided the opportunity to attend the appeal hearing, and will be notified of the appeal outcome. If either party wishes to respond to the original appeal request, the other party will be afforded an opportunity to respond to the appeal, specifically if said individual is unavailable to attend a possible appeal meeting.

(c) Appellate Officers

As noted in the section titled “Authority” of this Code, the Vice President and Dean of Students 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 decisions of the University Housing Conduct Board may be appealed to the Executive Director of University Housing (or designee).
3. Recommended decisions of Administrative Hearing Panels may be appealed to the Dean of Students (or designee).
4. 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).
5. 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).
6. 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).
7. Recommended decisions of the Dean of Students may be appealed to the Vice President (or designee).

(d) Appeal Requests

1. A written request shall be submitted to the Office of Student Rights and Responsibilities or University Housing within five (5) business days after the student is notified of the initial hearing decision.
2. The request shall state the reason(s) for appeal (see numeral 3 below), the supporting facts, and the recommended way to correct the error.

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 party's fundamental due process rights (see "Procedures") or a reporting party's rights (see "Reporting Party Rights") 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. A sanction that is extraordinarily disproportionate to the violation committed.
 - e. The preponderance of the information 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.

(e) 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 Decisions”).

2. If the appellate officer determines a need for additional information, that officer may request written materials and/or an appeal meeting with the responding party and/or reporting party (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 appeal meeting will involve speaking with the responding party and/or reporting party 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. An appeal meeting will be audio recorded; this recording will serve as the official record of the meeting.

6. The responding party and/or reporting party will be afforded the opportunity to bring an advisor to the appellate meeting.

7. All appellate meetings will be fair and impartial. The responding party and/or reporting party may submit a written challenge to the impartiality of any appellate officer to the Office of Student Rights and Responsibilities or University Housing.

8. If the responding party and/or reporting party fails to appear at the scheduled appeal meeting after proper notice or otherwise fails to cooperate with the Student Conduct Code 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 first-level decision is placed on hold until the full conclusion of the

appellate process. Discretion is provided to the appropriate Student Conduct Authority if the immediate health and safety needs of a community may require a modification of this expectation.

(f) Appellate Recommendations and Decisions

1. The appellate officer may recommend to affirm, modify, or reverse the first-level decision; or order that a new hearing be held. The appellate officer may not modify or reverse a finding of "not responsible," but may recommend that the finding be set aside and a new hearing be held.

2. All appellate recommendations are transmitted 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 party's status will remain unchanged until the internal 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 suspension or a less severe sanction shall be destroyed in compliance with Florida Public Records law. 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 five years beyond the date of readmission. Expulsion records shall not be removed from the official files under any circumstances. Any records kept beyond this limit is for statistical purposes will not be considered or released as official student conduct records.

(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. The Office of Student Rights and Responsibilities 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 Disciplinary Action.** Based upon a student's alleged behavior, the Vice President, the Dean of Students, (or their designee(s)) may impose an interim disciplinary action prior to the initiation of formal charges under the Student Conduct Code or to a student's hearing on the facts of the case.

(a) When the student's actions /behaviors affect the safety, health, or general welfare of a student and/or the University community, an interim disciplinary action may also include prohibiting the student from being on University property, attending classes, attending programs and activities, and using University facilities.

(b) The interim disciplinary action may include notification of appropriate faculty and staff, and restrictions including but not limited to, suspension, limited class attendance, use of University facilities, participation in student activities, representation of the University on athletic teams or in other leadership positions, entrance into University residence halls or other areas controlled, leased or used by the University, or contact with specified person(s).

(c) An interim disciplinary action requires that 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 action.

(d) Interim disciplinary action does not supplant the student conduct process, which shall proceed on normal schedule and follow established procedures noted in the Code.

(e) The student may request a challenge of the interim disciplinary 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 disciplinary action

should continue. The burden falls on the responding party to demonstrate why the interim disciplinary action should be modified.

(f) If a challenge is requested on the interim disciplinary 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.

(g) The student is afforded the right to have an advisor present at this meeting. The student is 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 student unless expressly authorized to do so by the administrator conducting the meeting. The responding party, reporting party, and any witnesses shall provide the advisor's name in writing to the Office of Student Rights and Responsibilities or University Housing two (2) business days prior to the meeting. The advisor may not serve as a witness.

(h) The student may present any information during the challenge of the interim disciplinary action. The presentation of witnesses is at the discretion of the administrator conducting the meeting.

(i) 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 disciplinary action, pending the final results of the Student Conduct Code process. In the event there is a reporting party involved, said individual will be informed of the outcome of an interim disciplinary action challenge.

(j) Formal student conduct charges may be filed at the completion of all law enforcement and relevant University investigations or as soon as practicable, even if law enforcement investigations or criminal proceedings are ongoing.

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, 3-4-2016, Substantially Rewritten, 2-22-2017

FSU-3.0041 Student Organization Conduct Code

(1) General Provisions and Hearing Procedures

(a) Preface. The Student Organization Conduct Code (further referred to as “The Code”) is a guiding document at Florida State University that emphasizes the University’s commitment to a campus community that exercises the responsible engagement of student freedoms. The pursuit of responsible freedom is consistent with the tenets of the Seminole Creed and the purpose of Uphold the Garnet and Gold, as students balance their pursuit of excellence and exploration with consideration to the impact of behavior on others.

Engagement in student life at Florida State University is 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” (Florida State University, 2016). 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 in the Florida State University community. “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 right of all students to seek knowledge, debate ideas, form opinions, and freely express their ideas is fully recognized by Florida State University. This Code applies to student conduct and will not be used to impose discipline for the lawful expression of ideas. Specific restrictions on time and place of meetings and assemblies are found in Oglesby Union and other University rules, regulations, or policies.

This Code applies to student organization conduct and will not be used to impose discipline for the lawful expression of ideas. Specific restrictions on time and place of meetings and assemblies are found in Oglesby Union and other University rules, regulations, or policies.

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 organization conduct process, the Vice President for Student Affairs or designee remains the final authority on any discrepancy.

1. Advisor. The term “advisor” means any one person chosen by the student organization representative or witness to assist an individual throughout the student organization conduct process, unless service in this capacity would unreasonably conflict with the fair administration of the student organization conduct process as determined by the appropriate Student Conduct Authority. The University is

not responsible for selecting an advisor for any organization navigating the student organization conduct process.

2. Business day. The term “business day” refers to any weekday Monday through Friday in which Florida State University is in operation. This does not include University holidays and closures.

3. Hearing. The term “hearing” means an informal or formal proceeding, conducted by a hearing body in accordance with the Student Organization Conduct Code, through which determinations of responsibility and non-responsibility are made and sanctions imposed.

4. Hearing Body. The term “hearing body” means any person or persons authorized by the Dean of Students to conduct hearings to make recommended findings as to whether a student organization has violated the Student Organization Conduct Code and to recommend sanctions.

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 14, “University,” below.

6. Policy. The term “policy” means the written statements of the University as found in, but not limited to, 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 that 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 Organization Conduct Code.

8. Recognized Student Organization. The term “recognized student organization” refers to an organization approved by the Student Activities Center, as designee of the Vice President for Student Affairs, to function at Florida State University. Further stipulations regarding recognition are outlined in FSU-3.0015 Student Organizations and Activities.

9. Reporting Party. The term “reporting party” means any individual who has reported an organization’s alleged violation of the Code. The reporting party is the individual who files a report or on whose behalf a report is filed.

10. Responding Party. The term “responding party” means an organization that has been accused of an alleged violation of the Code.

11. 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, 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.

12. 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.

13. Student Organization Representative. A student designated by an organization to serve as its representative through any student organization conduct

proceedings. Typically, this individual serves on the executive board of an organization and may particularly serve in the role of president.

14. University. The terms “University” and “University properties” mean Florida State University, including the main campus, all property leased, used, or controlled by the University, all branch campuses, facilities, and University International Programs’ locations. 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.

15. 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 other person employed by the University. It also includes recognized student organizations and their members (active or inactive), officers, guests, contractors, and agents.

16. University Defender. The term “University Defender” means any person provided by the Student Government Association, either through formal appointment or informal referral, to serve as a resource and advisor to a responding party under the authority of University Regulation FSU-3.006.

17. University Official. The term “University official” means any person employed or appointed by the University to perform assigned teaching, research, administrative, professional, or other responsibilities.

(c) Scope. Florida State University’s jurisdiction regarding student organization conduct is generally limited to the conduct of any recognized student organization on Florida State University premises. In addition, the University reserves the right to examine conduct, regardless of location, when that conduct may adversely affect the University community or its international programs. 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 reserves the right to determine how the timing of the incident impacts the initiation or completion of the student organization conduct process.

3. The University reserves the right to determine how an organization's status with the University impacts initiation or completion of the student organization conduct process.

4. The University reserves the right to restrict contact with specified people when facts and circumstances dictate such action. Such restrictions include but are not limited to No Contact Orders. There is no need for present student organization conduct action in order for a No Contact Order to be issued. No Contact Orders can be administratively issued to all parties involved in a conflict.

5. The University reserves the right 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 Director of Student Rights & Responsibilities or designee.

(d) Authority. Authority for student organization discipline ultimately rests with the President of Florida State University (hereinafter "President") and the Florida State University Board of Trustees, who delegate this authority to the Vice President for Student Affairs (hereinafter "Vice President"). The Vice President delegates this authority to the Dean of Students and Assistant Dean of Students/Director of the Office of Student Rights & Responsibilities.

1. The Vice President and the Dean of Students or designee have the authority to designate individuals as hearing or appellate officers, when appropriate.

2. Under the direction of the Dean of Students and Associate Deans of Students, the Assistant Dean of Students/Director of the Office of Student Rights & Responsibilities is responsible for implementing the student organization conduct system. Implementation includes, but is not limited to, selection and training of hearing officers.

3. All hearing bodies have the authority to consult with other appropriate University officials in order to resolve a student organization conduct case effectively.

4. Resolutions of a first-level student organization conduct action are further addressed under “Procedures.”

5. The initial decision or recommendation of a hearing body is considered a first-level student organization conduct action. If a first-level student organization conduct action is not appealed as provided within the Code, the initial decision becomes final agency action.

6. The authority of appellate officers is further enumerated in the 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) Group Responsibility. Any student organization can be held responsible for its actions or the actions of those affiliated with the organization, including but not limited to: one or more of its members (active or inactive), former members, alumni, guests, contractors, and agents. Every organization has the duty to take all reasonable steps to prevent violations of University regulations and state laws growing out of or related to the activities of the organization. To this end, each organization is expected to educate its members and any other affiliated entities regarding their risk management policy and all applicable University policies and state laws.

1. In determining whether a group may be held collectively responsible for the individual actions of its members, guests, contractors, and/or agents, all of the available factors and circumstances surrounding the specific incident will be reviewed and evaluated. There is no minimum number of group members who must be involved in an incident to determine group responsibility. A student organization may be subject to discipline for activities not sponsored by the student organization where the majority of the persons present or responsible for the activity are members or guests of members of the student organization.

2. Misconduct on the part of the organization may be addressed when one or more of the following factors exist:

- a. Members of the organization (active or inactive), alumni, former members, agents, contractors, or guests act together to violate the Student Conduct Code or Student Organization Conduct Code;
- b. One or more officers or members of an organization are present at an organization-sponsored, organization-financed, or otherwise supported activity or event has knowledge of the event, planned unlawful conduct and/or conduct in violation of the Student Conduct Code or the Student Organization Conduct Code before it occurs and fails to take preventative or corrective action or fails to stop unlawful behavior while it is occurring at such event;
- c. A violation occurs on premises and/or transportation owned, operated, or rented exclusively by the student organization;
- d. A pattern of individual violations has occurred and/or continues to occur without adequate control, response, or sanction on the part of the student organization or its leaders;
- e. The student organization or related activities provided the context for the violation(s); or

f. The student organization chooses to protect one or more individuals in violation who are members (active or inactive), alumni, former members, agents, contractors, or guests of the student organization from official actions.(f) Violations. The following behaviors, or the aiding, abetting, conspiring, soliciting, or inciting of, or attempt to commit these behaviors, constitute violations of the Student Organization Conduct Code.

1. Sexual Misconduct

a. Sexual Violence. Any sexual act performed without the consent of the reporting party, or that occurs when the reporting party is 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.

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. Past consent to sexual activity does not imply consent to future sexual activity. 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; or under 18 years old cannot give consent to sex (no matter what they say or do). "Incapacitation" is a state where a person cannot make a rational, coherent decision because the person lacks the ability to understand the nature of the act.

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 widespread that, both subjectively (to the reporting party) 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.

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 person;

ii. Prostituting another person (i.e., personally gaining money, privilege, or power from the sexual activities of another; sex trafficking);

iii. Non-consensual videotaping, photographing, or audio-taping of sexual activity and/or distributing these materials via media

such as, but not limited to, the Internet and other electronic/digital media;

iv. Exceeding the boundaries of consent (e.g., allowing another person to observe consensual sex without the knowledge of or consent from all participants);

v. Engaging in indecent exposure (i.e., intentionally exposing one's sexual organs in public) with the intention of alarming, distressing, and/or offending others;

vi. Voyeurism; and

vii. 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 or 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, 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. Behaviors may include, but are not limited to: threats, name-calling, put-downs, isolation, withholding of money, physical harm, and sexual assault.

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 employment/academic 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.

3. Harassment

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

b. Action(s) or statement(s) that threaten harm or intimidate another person or group.

c. Acts that invade the privacy of another person or group.

d. Bullying behavior, defined as: the systematic and chronic infliction of physical hurt or psychological distress by teasing, social exclusion, threat, intimidation, stalking, 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 of an organization may be considered hazing. Hazing includes, but is not limited to:

- i. Unreasonable interference with a student's academic performance
- ii. Forced or coerced consumption of food, alcohol, drugs, or any other substance
- iii. Forced or coerced wearing of apparel which is conspicuous and/or inappropriate
- iv. Forced or coerced exclusion from social contact
- v. Branding
- vi. Creation of unnecessary fatigue (including but not limited to acts that stem from forced physical activity, such as calisthenics and deprivation of sleep)

- vii. Deprivation of food
- viii. Beating, whipping, or paddling in any form
- ix. Line-ups and berating
- x. Physical and/or psychological shocks
- xi. Personal servitude
- xii. Kidnapping or abandonment
- xiii. Unreasonable exposure to the weather
- xiv. Any activity that would be viewed by a reasonable person as subjecting any person to embarrassment, degradation, or humiliation
- xv. Expectation of 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 dangerous 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 firearm is not carried on the person and provided that a handgun must be kept securely encased; or otherwise not readily accessible for immediate 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 and 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, skyrocketers, 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 790.001, 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. Arson, or the setting of any unauthorized fire in or on University property.

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, 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. Driving 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. Failure of a student organization to take all necessary steps to see that no person under the legal drinking age possesses alcoholic beverages at functions its sponsors or within any property or transportation it owns, operates, and/or rents.
- l. Any other violation of the University Alcohol Policy, FSU Regulation FSU-6.012.

9. Disruption

a. Failure to comply with a lawful order of a University official or any non-University law enforcement official.

b. Providing false 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 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. Knowingly participating in an event or participating in an event and failing to take necessary actions to determine whether a student organization is currently on disciplinary probation with restrictive conditions or has been suspended or dismissed.

g. Urination or defecation in a public space.

h. Bribing another individual to gain an unauthorized advantage or to improperly affect an unbiased process or proceeding.

- i. The unauthorized sale or attempted sale of University-issued student tickets.
 - j. Duplication, replication, or alteration of University-issued student tickets.
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. Impersonation, or misrepresenting the authority to act on behalf of another 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 of 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.

f. Misuse or mishandling of organizational funds by any officer, member, or other individual

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 and when such a recording is likely to cause injury, distress, or damage to reputation. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, 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, University Housing Publication - Graduate / Undergraduate, 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.

(d) Due Process Rights. Student organizations at Florida State University are afforded due process rights throughout the student organization conduct process. Any and all rights afforded to a responding party during any student conduct action will also be afforded to a reporting party as appropriate.

The two (2) fundamental due process rights are:

1. Notice: Responding parties will be given written notice of the Student Organization Conduct Code charge(s) and the allegations upon which the charge(s) is /are based.

2. Hearing: Student organizations will be given an opportunity to present information, including witness testimony and/or statements, during a fair and impartial hearing.

These rights will be executed in a fair and impartial manner with respect to all parties involved in a student organization conduct action.

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

(e) Procedures. The Office of Student Rights and Responsibilities is charged with implementing the Code in ways that are congruent with the FSU "Statement on Values and Moral Standards" and with all applicable laws and administrative regulations. The procedures implemented by this office will be consistent with all appropriate due process rights accorded to student organizations in University student organization conduct proceedings.

1. Charges. A review for possible charges may be initiated in the following ways:

- a. Filing a police report with the FSU Police Department or requesting that a report from another law enforcement agency be sent to the FSU Police Department.
- b. Providing a signed statement to the Office of Student Rights and Responsibilities or providing a statement through a secure University reporting function.
- c. All information received related to recognized student organizations affiliated with one of the four governing Greek councils at Florida State University is reviewed by representatives from all four Greek councils (i.e., Interfraternity Council, Multicultural Greek Council, National Pan-Hellenic Council, Panhellenic Association) and representatives from the Office of Fraternity & Sorority Life and the Office of Student Rights & Responsibilities. This group recommends to the Director for the Office of Student Rights & Responsibilities or designee as to whether formal Code charges will be filed or if alternative action, including mediation, is appropriate. When practical, reports should be submitted to the appropriate Student Conduct Authority in a timely manner.
- d. If a case involving alleged sexual misconduct is reported to a Student Conduct Authority, said authority has an obligation to report this 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.
- e. Formal Code charges may be filed at the completion of all law enforcement and relevant University investigations or as soon as practical, even if a law enforcement investigation or criminal proceeding is ongoing.

2. Notice. The written notice given to any student organization will include the following:
 - a. Sufficient detail to prepare a response (including source of information, alleged violation, and specific Student Organization Conduct Code charges).
 - b. An invitation to attend an information session, during which the student organization's representative may view all materials related to the case, receive instruction regarding the student organization conduct process and the student organization's rights, and confirm the forum in which the case will be heard.
 - c. Notice of a formal hearing will occur at least five (5) business days prior to the hearing of the case. Informal proceedings will be scheduled at the convenience of the responding party and the hearing body.
 - d. Parent(s) of any student under the age of eighteen at the time of the alleged violation may also be notified of pending charges.
 - e. The Office of Student Rights and Responsibilities working in conjunction with appropriate University offices and/or organization advisors may place restrictions on the student organization if the representative fails to address the Student Organization Conduct Code charges in a timely manner.
 - f. The contact information on file with the Student Activities Center and/or relevant University offices will be used for all notices sent to the student organization and the organization's advisor regarding the conduct process.
3. Hearing Bodies and Authorities. Any specific procedures used by hearing bodies will comply with the requirements of the Code. The range of available hearing bodies may differ on branch campuses or International Programs locations.

- a. The Director of Student Rights and Responsibilities (and designee(s)) may conduct both informal and formal hearings.
- b. A hearing officer designated by the Dean of Students may conduct formal hearings on student organization cases.
- c. The Dean of Students and Associate Deans of Students may conduct formal hearings on student organization cases.
- d. The Student Conduct Board may conduct formal hearings on student organization cases. Panels are composed of five (5) Student Conduct Board members selected by the Office of Student Rights and Responsibilities. 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 Director of Student Rights & Responsibilities (or designee) will designate appropriate staff to serve as advisors to the Student Conduct Board.
- e. An Administrative Hearing Panel may conduct formal hearings on student organization cases. Panels are composed of one (1) faculty member, one (1) staff member, both designated by the Dean of Students (or designee), and two (2) Student Conduct Board members. In times of limited student availability, panels may proceed with one (1) Student Conduct Board member, with approval from the Office of Student Rights and Responsibilities and consent of the responding party and reporting party (if any). The Director of Student Rights & Responsibilities (or designee) will serve as an advisor to the administrative hearing panel.
- f. Greek Conduct Boards may conduct formal hearings involving Student Organization Conduct Code charges against registered student organizations affiliated with one of four governing Greek councils at Florida

State University. Greek Conduct Boards are composed of five (5) members selected by the Office of Student Rights & Responsibilities. 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) Greek Conduct Board members.

4. Types of Hearings. Two (2) distinct types of resolution are provided for by the Code. Informal hearings are held when cases involve few or no disputed questions of fact and possible sanctions do not include separation from the University. Formal hearings are held when cases involve disputed questions of fact or serious alleged violations of the Code (i.e. violations that could lead to separation from the University or loss of recognition of the student organization).

a. Formal Hearings:

i. Require the hearing body to call appropriate witnesses or obtain witness statements, reports, or other information in support of the charges.

ii. Will be held no sooner than five (5) business days after notice is received by the responding party. The student organization 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 Office of Student Rights and Responsibilities.

iii. Will be audio recorded. This recording will serve as the official record of the proceedings.

iv. A formal decision letter will be sent to the student organization 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.

v. 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 party, if applicable. This party may waive the right to provide an opening statement.

D. Opening Statement by the responding party.

This party may waive the right to provide an opening statement.

E. Presentation of information and witnesses by the reporting party, if applicable. The reporting party may open with questions to their witnesses, followed by the University, and then the responding party. Witnesses are dismissed when all related parties (i.e., reporting party, University, and responding party) have exhausted all questions.

F. Presentation of information and witnesses by the University. The University will open with questions, followed by the reporting party, and then the responding party. Witnesses are dismissed when all related parties (i.e., University, reporting party, and responding party) have exhausted all questions.

G. Presentation of information and witnesses by the responding party, if applicable. The responding party may open with questions to their witnesses, followed by the University, and then the reporting party. Witnesses are dismissed when all

related parties (i.e., responding party, University, and reporting party) have exhausted all questions.

H. Questions directed to the responding party by the hearing body followed by the reporting party, if applicable.

I. Closing statement by the University, followed by the closing statement of the reporting party and the responding party. Either party may waive the right to provide a closing statement.

b. Informal hearings:

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 party will be informed of any additional information gathered by the hearing body. The responding party may call witnesses and present evidence.

ii. Hearings are scheduled at the convenience of both the responding party and the hearing body.

iii. In cases of a first-time violation or a case which would not result in possibly significant sanctions, the Director of Student Rights & Responsibilities (or designee) can approve for a responding party to resolve their student organization conduct case through an Informal Hearing Case Resolution. This option allows a responding party to accept responsibility and agree to assigned sanctions from an informal hearing officer.

A. Before signing an Informal Hearing Case

Resolution form, a responding party will be afforded no more than five business days to consider their options.

B. Option 1- Sign an Informal Hearing Case

Resolution form. This action constitutes the responding party accepting responsibility for the alleged behavior and agreeing to the assigned sanctions. Signing this document will constitute final action.

C. Option 2 – A responding party may choose to

Petition Sanctions. The responding party must write a letter to the Director of Student Rights & Responsibilities to demonstrate why a change in sanctions is warranted. This option still requires the student organization to accept responsibility for the alleged action.

D. Option 3 – The responding party may choose to

move forward with selecting a formal hearing with the Student Conduct Board or Greek Conduct Board.

E. Informal Hearing Case Resolution is not

available in matters that involve a reporting party or the possibility of suspension, dismissal, or expulsion as sanctions.

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 student organization. This time limit may be extended if additional consideration of evidence and deliberations are required.

5. Hearing. Hearings will follow these guidelines:

- a. All hearings will use a reasonable person standard when assessing whether the information presented constitutes a preponderance of the information.
- b. Unrelated past behavior of the responding party will be excluded from the hearing. The hearing body will decide if such information is unrelated.
- c. In instances of alleged sexual misconduct, past sexual history of the reporting party and responding party is not relevant, unless deemed essential by the hearing body to protect fundamental due process.
- d. A responding party and reporting party will have the opportunity to present evidence on their behalf, including presenting witnesses, if available, and /or signed, written statements from witnesses, and other documentary evidence. Witness testimony is not required and the inability of the responding party or reporting party to question a witness who has provided a written statement is not a violation of the due process rights of either party, as both parties have the opportunity to review and respond to the written statement and may offer evidence to rebut the witness statement and other evidence presented at the hearing. Witness statements are entitled to be given the same weight by the hearing body as live witness testimony. Witness statements need not be sworn or in affidavit form.
- e. A responding party or reporting party may submit a challenge to the impartiality of any member of a hearing body to the Office of Student Rights and Responsibilities or the hearing body. Decisions on challenges shall be final and not subject to appeal.
- f. The responding party, reporting party, and any witnesses may be accompanied during the hearing by an advisor. According to FSU

Regulation FSU-3 .006, the University Defender may serve as an advisor.

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 organization unless expressly authorized to do so by the hearing body. The responding party, reporting party, and any witnesses shall provide the advisor's name in writing to the Office of Student Rights and Responsibilities two (2) business days prior to the hearing. The advisor may not serve as a witness.

g. A student or witness may choose not to answer any or all questions posed by a hearing body. However, protection from self-incrimination does not extend to student organizations.

h. The burden of proof at a first-level hearing always rests with the University. The standard of proof will be the preponderance of the information, meaning that the information, as a whole, shows that the information sought to be proved is more probable than not.

i. The formal rules of evidence do not apply to Code proceedings.

j. All hearings for student organizations will be public. There is no requirement to obtain a larger hearing room to accommodate members of the public who wish to attend the hearing, so long as one (1) member of the public may be present. Charges involving alleged sexual misconduct will not be heard in public without prior written consent of all involved parties (i.e., the reporting party and the responding party).

k. Appropriate witnesses will be called by the University to all formal hearings (see below for a description of formal versus informal hearings). Those witnesses who appear may be cross-examined 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. In the event a witness is not reasonably available or the witness's presence may disrupt the hearing, a written statement from the witness may be substituted. Witness statements need not be sworn or in affidavit form.

l. In certain cases, the responding party or reporting party requests to testify in a separate room will be considered. Considerations may include but is not limited to unduly compromising the responding party's fundamental due process right to question any witness.

m. Hearings may be held in the responding party's or reporting party's absence, if either party fails to appear after proper notice or fails to cooperate in the Code process.

n. In certain cases, a reporting party may be allowed to submit an impact statement to the appropriate Student Conduct Authority. The responding party may request to view the impact statement. The request will be considered by the appropriate Student Conduct Authority in consultation with the reporting party.

o. Prior records of Student Organization Conduct Code action and witness/reporting party 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 party and reporting party and both parties have an opportunity to respond to the information. In cases involving multiple students or organizations 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 the Office of Student Rights and Responsibilities five (5) business days prior to the hearing date. At the discretion of the Director of the Office of Student Rights and Responsibilities (or designee), the hearing may be rescheduled or conducted in the absence of the responding party or reporting party.

r. All first-level recommended decisions will be communicated in writing to the responding party and reporting party (if applicable). Decisions will include the findings of fact, determination of responsibility, sanctions (if applicable), and notice of appellate rights.

6. Hearing Decisions. Decisions of all authorized hearing bodies constitute first-level student conduct action. Decisions of specific hearing bodies may require further review before constituting first-level student conduct action.

a. Decisions of single administrators constitute first-level student conduct action.

b. Decisions of all Student Conduct Board and Greek Conduct Board hearings are considered recommendations to the Director of Student Rights & Responsibilities or designee.

c. Decisions of administrative hearing panels are recommendations to an Associate Dean of Students or the designee of the Dean of Students.

d. All recommended Student Organization Conduct Code decisions must be approved in writing by the appropriate authority or designee and only then will be communicated to the student organization. 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.

e. All resolution of first-level student organization conduct hearings where suspension, dismissal, or expulsion are assigned as a sanction will be reviewed by the Dean of Students or designee prior to decision notification.

f. If a first-level student organization conduct action is not appealed as provided herein, that decision becomes final agency action.

g. Appellate officers are listed in Section 3 “Appeals.” Appellate decisions are considered recommendations to the Vice President and become final agency action upon approval by the Vice President (or designee).

(2) Sanctions

(a) Philosophy and Approach. Florida State University believes sanctions facilitate learning through the student organization conduct process, providing tools and resources to recognized student organizations in an effort for students to make better decisions in the future. Hearing bodies are encouraged to consider educational sanctions which encourage critical thinking as well as sanctions that consider accountability for one’s actions and the safety and security of the University community.

In light of the facts and circumstances of each case, the following sanctions, or combination of sanctions (with or without appropriate modifications) may be imposed upon any recognized student organization found to have violated the Code. Certain sanctions may result in a financial cost to the student organization. If a student organization does not complete a sanction

by the required deadline, the Office of Student Rights & Responsibilities, working in conjunction with University offices and/or organization advisors, may place restrictions on the organization. This includes but is not limited to a loss of recognition by the University until all sanctions are complete.

(b) List of Sanctions. The sanctions listed below are not intended to serve as an exhaustive list of all sanctions the University may be able to utilize regarding a given student organization 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. Attendance by members of the student organization at educational programs, interviews with appropriate officials, planning and implementing educational programs, or other educational activities.
4. 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.
5. Probation and Suspension-Related Restrictions. As a condition of a sanctioned probation or suspension from the University, restrictions can be applied as well. Some of the restrictions that may be placed on the student organization during the probationary period include, but are not limited to barring or limiting some or all of the organization's activities and/or privileges (including but not limited to: social activities; intramural competition; organizational competition; Homecoming; eligibility to receive any University award or honorary recognition; privilege to occupy a position of leadership or responsibility in any University student organization governing body, publication, or activity; or ability to represent the University in an official capacity or

position), entrance into University residence halls or other areas of campus, or contact with other specified person(s).

6. Conduct Probation. A period of time during which any further violations of the Student Conduct Code may result in more serious sanctions 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 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 Organization Conduct Code puts the student organization's status with the University in jeopardy. If the student organization is found "responsible" for another violation of the Code during the period of Disciplinary Probation, serious consideration will be given to imposing a sanction of Suspension or Dismissal from the University. Restrictions listed in Sanction #5 (listed above) can also be applied as a condition of Disciplinary Probation.

8. 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. Restrictions listed in Sanction #5 (listed above) can also be applied as a condition of Suspension. While an organization is suspended, it may not use University resources or participate as an organization in any University activities or events. Regaining recognition with related Oglesby Union offices (e.g., Student Activities Center) and/or governing Greek councils (if applicable) is possible but not guaranteed and will only be considered after the conclusion of the suspension period, based on meeting all recognition criteria as set by the aforementioned areas and obtaining clearance from the Office of Student Rights & Responsibilities.

9. Dismissal. Prohibition for any University organization recognition and all University activities for at least two (2) years and up to seven (7) years. Restrictions listed in Sanction #6 (listed above) can also be applied as a condition of Dismissal. Regaining recognition with related Oglesby Union offices (e.g., Student Activities Center) and/or governing Greek councils (if applicable) is possible but not guaranteed and will only be considered after the conclusion of the dismissal period, based on meeting all recognition criteria as set by the aforementioned areas and obtaining clearance from the Office of Student Rights & Responsibilities.

10. Restrictions on contact with specified people.

Additional sanctions may be imposed that are specific to student organizations, found in organizational constitutions, or in Oglesby Union and Student Activities Center policies.

(3) Appeals

(a) Function.

An appeal may be requested on any first-level 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 student organization to show clearly that a fundamental due process error that would substantially impact the outcome of the hearing has occurred during the first level hearing process. The appellate body varies depending on the initial hearing body and is outlined below.

(b) Appeals Involving Reporting and Responding Parties

In the event that an incident involves a reporting party (including but not limited cases involving allegations of sexual misconduct, endangerment, harassment, stalking and hazing), both the responding party and the reporting party have the right to appeal the first-level decision. In the event that both parties submit an appeal request within the stated timeframe (see “Appeal Requests” below), one appellate officer will be assigned and one appeal hearing will be conducted (see “Appellate Officers” below). Both parties will be provided the opportunity to attend the appeal hearing and the appeal decision outcome will be communicated to both parties.

If the responding party appeals, the reporting party will be notified of the appeal, will be provided the opportunity to attend the appeal meeting and will be notified of the appeal outcome. If the reporting party appeals, the responding party will be notified of the appeal, will be provided the opportunity to attend the appeal hearing and will be notified of the appeal outcome. If either party wishes to respond to the original appeal request, the other party will be afforded an opportunity to respond to the appeal, specifically if said individual is unavailable to attend a possible appeal meeting.

(c) Appellate Officers

As noted in the section titled “Authority” of this Code, the Vice President and Dean of Students have the authority to designate individuals as hearing or appellate officers, when appropriate.

1. Recommended decisions of the Student Conduct Board may be appealed to the Dean of Students (or designee).
2. Recommended decisions of the Greek Conduct Board may be appealed to the Dean of Students (or designee).
3. Recommended decisions of Administrative Hearing Panels may be appealed to the Dean of Students (or designee).
4. 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).
5. 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).
6. Recommended decisions of the Dean of Students may be appealed to the Vice President (or designee).

(d) Appeal Requests

1. A written request must be submitted to the Office of Student Rights and Responsibilities or University Housing within five (5) business days after the student organization is notified of the initial hearing decision.

2. The request shall state the reason(s) for appeal (see numeral 3 below), the supporting facts, and the recommended way to correct the error.

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 party's fundamental due process rights (see "Procedures") or a reporting party's rights (see "Reporting Party Rights") 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. A sanction that is extraordinarily disproportionate to the violation committed.

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.

(e) 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 Section 3.F “Appellate Recommendations and Decisions”).

2. If the appellate officer determines a need for additional information, that officer may request written materials and/or an appeal meeting with the responding party and/or reporting party (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 appeal meeting will involve speaking with the responding party and/or reporting party 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. An appeal meeting will be audio recorded; this recording will serve as the official record of the meeting.

6. The responding party and/or reporting party will be afforded the opportunity to bring an advisor to the appellate meeting.

7. All appellate meetings will be fair and impartial. The responding party and/or reporting party may submit a written challenge to the impartiality of any appellate officer to the Office of Student Rights and Responsibilities.

8. If the responding party and/or reporting party fails to appear at the scheduled appeal meeting after proper notice or otherwise fails to cooperate with the Student Organization Conduct Code 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 first-level decision is placed on hold until the full conclusion of the appellate process. Discretion is provided to the appropriate Student Conduct Authority if the immediate health and safety needs of a community may require a modification of this expectation.

(f) Appellate Recommendations and Decisions

1. The appellate officer may recommend to affirm, modify, or reverse the first-level decision; or order that a new hearing be held. The appellate officer may not modify or reverse a finding of "not responsible," but may recommend that the finding be set aside and a new hearing be held.

a. All appellate recommendations are transmitted 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.

b. 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.

c. 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.

d. Except in the case of an interim disciplinary action pursuant to Section (5) below, the responding party's status will remain unchanged until the internal appellate process is final.

(4) Records

a. Records Maintenance. Records of all student organization 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 suspension or a less severe sanction shall be destroyed in compliance with Florida Public Records law. Records of student organization conduct actions which result in a change in the organization's recognition status will be removed seven (7) years after the date of completion. Records of student organization conduct actions which result in an organization's permanent separation from the University will not be removed from the official record under any circumstances. Any records kept beyond this limit is for statistical purposes and will not be considered or released as official student conduct records.

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. The Office of Student Rights and Responsibilities 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 Disciplinary Action.** Based upon a student organization's alleged behavior, the Vice President, the Dean of Students, (or their designee(s)) may impose an interim disciplinary action prior to the initiation of formal charges under the Student Organization Conduct Code or to a student organization's hearing on the facts of the case.

(a) When the student organization's actions /behaviors affect the safety, health, or general welfare of a student and/or the University community, an interim disciplinary action may be issued. Some of the restrictions that may be placed on the student organization during the interim disciplinary period also include, but are not limited to barring or limiting some or all of the organization's activities and/or privileges (e.g., social activities; intramural competition; organizational competition; Homecoming; eligibility to receive any University award or honorary recognition; privilege to occupy a position of leadership or responsibility in any University student organization governing body, publication, or activity; or ability to represent the University in an official capacity or position), entrance into University residence halls or other areas of campus, or contact with other specified person(s). While on interim disciplinary action, the student organization temporarily loses its status as a recognized student organization for the duration of the interim disciplinary action period. At the conclusion of the student organization conduct process, the loss of recognition either continues as a condition of sanctions or is restored as a result of a student organization conduct hearing decision. During a student organization's interim disciplinary action period, the student organization may not use University resources or participate as an organization in any University activities or events.

(b) The interim disciplinary action may include notification of appropriate faculty and staff, and restrictions including but not limited to, suspension, limited class attendance, use of

University facilities, participation in student activities, representation of the University on athletic teams or in other leadership positions, entrance into University residence halls or other areas controlled, leased or used by the University, or contact with specified person(s).

(c) An interim disciplinary action requires that the student organization be notified in writing. Various forms of correspondence (e.g., in-person delivery, certified mail, electronic) may be used to communicate the interim action.

(d) Interim disciplinary action does not supplant the student organization conduct process, which shall proceed on normal schedule and follow established procedures noted in the Code.

(e) The student organization may request a challenge of the interim disciplinary action to address the restrictions imposed. The student organization's challenge must be in writing and submitted to the Dean of Students. The focus of a challenge of interim disciplinary action is to determine whether immediate action is warranted to protect the safety and well-being of the University community regarding concerns of alleged student organization misconduct.

(f) If a challenge is requested on the interim disciplinary 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.

(g) At any requested challenge, information will be presented in support of any challenged interim disciplinary action. The responding party may offer statements or other information to rebut any grounds offered in support of the interim disciplinary action.

(h) A student organization is afforded the right to have an advisor present at this meeting. The student organization is required to utilize an organization representative to address the Dean of Students (or designee) in person, on behalf of the student organization, although the organization representative 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 student organization unless expressly authorized to do so by the administrator

conducting the meeting. The responding party shall provide the advisor's name in writing to the Office of Student Rights and Responsibilities or University Housing two (2) business days prior to the meeting. The advisor may not serve as a witness.

(i) The student organization may present any information during the challenge of the interim disciplinary action. The presentation of witnesses is at the discretion of the administrator conducting the meeting.

(j) The student organization will be notified of the outcome of the meeting in writing. The written notification of the outcome is final as to the interim disciplinary action, pending the final results of the Student Organization Conduct Code process. In the event there is a reporting party involved, said individual(s) will be informed of the outcome of an interim disciplinary action challenge.

(k) Formal student organization conduct charges may be filed at the completion of all law enforcement and relevant University investigations or as soon as practical, even if law enforcement investigations or criminal proceedings are ongoing.

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, 3-4-2016, Substantially Rewritten, 2-22-2017

FSU- 3.0045 Involuntary Medical Withdrawal.

(1) Students are considered adults when attending the University, and students have a responsibility to not cause harm to themselves or others and to participate in University life safely. A student whose conduct, actions, or statements pose a significant danger of serious harm to the health or safety of themselves or others at the University may be subject to involuntarily withdrawal from the University by the Dean of Students or

designee. Such action will be taken only after an individualized assessment of the student and his or her conduct and consultation with appropriate colleagues (or designee) including but not limited to: Director of the Student Health Care Center, Director of the University Counseling Center, Office of the General Counsel and Chief of Police. Involuntary withdrawal of a student is intended as a last resort, when all other options have been considered and are inapplicable, incompatible, or ineffective. Nothing in this policy shall, nor is intended to, override or interfere with a student's right to reasonable accommodations under the Americans with Disabilities Act. The University restates here its commitment to providing reasonable accommodations for students with disabilities.

(2) A student subject to involuntary withdrawal shall be afforded written notice of the University's intended decision to seek an involuntary withdrawal stating the reasons for the action and the opportunity to provide a response to the notice for consideration by the Vice President for Student Affairs or designee within ten (10) days of the notice.

(3) Should circumstances warrant, a student may be subject to an immediate temporary withdrawal, pending a further determination. A student subject to an immediate temporary withdrawal shall be provided notice of such withdrawal stating the reasons and an opportunity to respond to the Dean of Students or designee as soon as reasonably possible after such withdrawal. After so responding, the temporary withdrawal may be rescinded, modified, or allowed to stand pending further determination. Notice of this decision shall be given to the student.

(4) Failure of a student to take the opportunity to respond at the time and in the manner provided by the University shall not affect the validity of or delay any decision made under this Regulation.

(5) A student subject to involuntary withdrawal may receive a refund of tuition and fees

(6) A student subject to involuntarily withdrawal shall have a hold placed on his or her records and enrollment, and the University may impose conditions for readmission, including but not limited to one or more of the following:

(a) Requiring the student to provide the Dean of Students or designee a complete

written assessment (using the form provided by the University) from student's treating physician or independent licensed psychiatrist or other licensed mental health provider that the student is ready and able to safely return to his or her educational pursuits;

(b) When necessary, a determination from an outside independent licensed psychiatrist or other licensed mental health provider retained by the University and at the cost of the student, that the student is ready and able to safely return to the University;

(c) A written agreement from the student to attend and participate in any treatment/programs/meetings to the extent recommended by student's treating physician or licensed mental health provider and/or an independent licensed psychiatrist or other licensed mental health provider retained by the University; and/or

(d) A determination by a University official or officials, made after consultation with appropriate personnel, that student has met conditions for readmission and that the University has appropriate resources to support and meet any ongoing needs of the student.

Authority: BOG Regulation 1.001, 6.001; Florida Statutes 1006.60, 1001.61 History- New 6-12-2014

FSU-3.005 Academic Honor Policy.

The University Academic Honor Policy shall be that as stated in the Florida State University Academic Honor Policy approved December 4, 2013 which is hereby adopted by reference.

Authority BOG Regulation 1.001(3)(j), (4)(a)10.; Related Laws 1002.22, 1006.52, 1006.62 FS.; History- Formerly 6C2--3.05, New 9-30-75, Amended 1-26-87, 11-25-87, 8-3-05. 6-25-2010, 6-12-2014

FSU-3.006 The University Defender.

(1) The University Defender shall be appointed by the Chief Justice of the Supreme Court, subject to ratification by the Student Senate.

(2) It shall be his function to:

(a) Serve as Chief Defense Counsel for the Student Judicial System.

(b) Maintain and supervise a staff of defense investigators.

(c) Counsel each defendant as to his rights under the law, and to appoint a defense counselor to the case.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005 Law Implemented 1001.74(2)(f), , 1006.60 FS. History–New 9-30-75, Formerly 6C2-3.06.

FSU-3.035 Activity and Service (A & S) Fee Fund Management.

(1) Purpose. The purpose of this rule is to provide a procedure which:

(a) Assures full and complete implementation of Section 240.235(1), F.S.;

(b) Assures that continued compliance with other law and regulation is not impeded;
and

(c) Facilitates effective interaction between the University staff and the Student Government Association (SGA) in the allocation and expenditure of funds derived from Activity and Service (A & S) Fees.

(2) A & S Recipient. The term A & S recipient as used throughout this rule means:

A & S RECIPIENT	A & S RECIPIENT
NAME	HEAD
Campus Recreation	Director, Campus Recreation
Student Activities and Organizations (SA&O)	President of Student Body
Oglesby Union (OU)	Director, Oglesby Union

Other units, offices, and activities may be allocated A & S funds regularly or sporadically but are not identified as designated A & S recipients.

(3) General Policies.

(a) The allocation and expenditure of the student activity fund shall be determined by the Student Senate provided that it shall act in accord with the applicable provisions of the Florida State University rules and the laws of the State of Florida.

(b) The authority and responsibility of SGA to determine the allocation and expenditure of A & S funds does not include:

1. Administrative authority over the expenditure of funds by the A & S recipients; Campus Recreation and the Oglesby Union.

2. Authority to enter into contractual agreements not otherwise authorized;
3. Authority to in any way deviate from laws, regulations, and procedures pertaining to budgeting, allocation and/or expenditure of public funds of the State of Florida;
4. Authority to impose upon Campus Recreation and the Oglesby Union a requirement to obtain SGA approval prior to expenditure of budget;
5. Authority to hire, supervise, or terminate personnel of the A & S recipients; and
6. Authority to make operational decisions of the A & S recipients; Campus Recreation and the Oglesby Union.

(c) No A & S fee recipient may discriminate, as defined by the Student Body Constitution and Statutes, in membership or otherwise.

(d) The Student Senate President and the Vice President for Student Affairs (VPSA) or their designees will schedule a joint orientation training workshop for the new Student Senate in each senate session.

(e) A & S fees, minus any applicable association Dues, paid by students enrolled at Panama City Campus, and Florence/ London Study centers will be remitted to the appropriate campus.

(f) The allocation and expenditure of Panama City Campus (PCC) A & S fees shall be determined by the PCC Student Government Council in accord with the applicable provisions of the Florida State University policies and procedures, the Board of Regents rules, and the laws of the State of Florida, and shall not be subject to the A & S Guidelines that govern the Tallahassee SGA. The policies, procedures, and controls governing the allocation and expenditure of PCC A & S fees shall be delineated in the FSU-PCC A & S Guidelines, Chapter 603 of the Student Body Statutes, and the PCC-SGC bylaws.

(4) Depreciation and Reserve Accounts.

(a) Campus Recreation and the Oglesby Union will be required to establish a depreciation account for repair, replacement, and renovation of physical plant, furniture/equipment, and budgetary emergencies. A minimum annual amount and policies for these accounts will be established by student statute. The required contribution will be the first priority on self-generated funds from these two departments.

(b) The Vice President for Student Affairs' Office will be required to establish a

reserve account or A & S fees. This reserve will be utilized for cash flow needs, enrollment shortfalls, and budgetary emergencies. The minimum amount for the funds shall be established by student statute. In order to bring the reserve account for the A & S fees up to the required minimum, it shall have first claim on A & S dollars unencumbered or unexpended on June 30.

(c) In the event the A & S Reserve Accounts fall below the required level, the Vice President for Student Affairs (chair, no-voting), the recipient heads, the Student Senate President, and the Student Body Comptroller shall decide on an equitable contribution schedule.

(5) Allocation Procedure.

(a) Projected collections of A & S fees for the period July 1 through June 30 comprise the A & S funds available for allocation for the first year. The VPSA will determine in collaboration with the University Budget Officer, the projected enrollment and projected collections. The VPSA will estimate the amount of A & S fees to be available and explain the estimate to Student Government.

(b) APPROXIMATE CALENDAR

April 15	VPSA informs Student Senate and each recipient of the projected credit hours for FY2.
April 25	The schedule of budget hearings, budget request forms, and instructions are delivered to A & S recipients.
May 2	Deadline for receipt of all budget requests.
June	Student Senate conducts budget hearings.
July	Student President submits recommended A & S budget and fee level to VPSA.
October	A & S fee Committee meets and recommends A & S fee level. If a higher fee level is approved than is recommended by Student Senate, any additional revenue over the approved budgets shall go to the Senate for reallocation. If a lower fee is approved, all three recipients budgets shall be reduced at the same percentage. Exception to this procedure shall be allowed for increases/decreases in legislative mandate.

(c) The Oglesby Union Board and Campus Recreation Board will each approve their budget and will present the budget to the Student Senate at the category (OPS, Expense, Salary, OCO) level. The Student Senate will allocate the Oglesby Union Board and the Campus Recreation Board by category. Budget policies and procedures for the Union Board and the Campus Recreation Board will be established by their respective boards and approved by Student Senate.

(d) Student Activates and Organization (SA & O) will present their budget requests as determined by the Student Senate procedures.

(e) Special A & S requests may be submitted to the Student Senate by any recipient and an ensuing allocation may be submitted to the VPSA at any time that unallocated funds are available.

(f) Upon approval of allocations by the University President, or his designee, the VPSA shall notify the recipients and authorize them to establish budget accordingly.

(g) If the University President, or his designee, vetoes the budget, a rationale must be provided to the Student Senate at the time of the veto with suggested alternatives for reallocation.

(6) Expenditure Control.

(a) Expenditures shall be consistent with the purpose and intent expressed in the allocation. After an allocation is approved by the VPSA, budget for SA & O may be transferred from one account to another and may be revised from one expenditure category to another with prior approval by Senate action. Prior approval is not needed for the Oglesby Union Board or Campus Recreation Board for changes within category. Changes from one category to another shall require the prior approval of the Student Body President and the Senate President.

(b) A & S recipients shall maintain separate accounting of A & S funds to facilitate audit and/or review by Student Senate President and others. The departmental ledger and supporting documents shall be reconciled each month and shall be available for review by the Student Body Comptroller to ascertain propriety of A & S expenditures.

(c) At the end of each fiscal year, each recipient shall determine the amount of A & S funds expended, the amount encumbered and not yet expended, and the amount available for sweepings. This information plus similar information on non-A & S income will be

reported to the Student Body Comptroller two weeks after the inauguration of the fall Senate. The format will be decided upon by the recipients and Student Government.

(d) Both the Oglesby Union and Campus Recreation shall be required to report to the Student Senate, all their revenue on a monthly basis. This shall include, but is not limited to A & S Fees, E & G Funds and all self generated revenue.

(7) Sweepings.

(a) After required allocation to the reserve account, the next priority on sweepings that come from the Oglesby Union and Campus Recreation will be to restore amounts expended from the Oglesby Union and Campus Recreation's replacement and renovation (R&R) accounts in that fiscal year. The remaining balance will be remitted to Student Senate.

(b) All recipients shall be informed of the sweepings amount available and shall be eligible to request additional funding.

(c) Once allocated funds, monies may be returned to Student Senate only through sweepings or by prior approval of the recipient.

(8) Amendment Procedure. These guidelines will be reviewed on a timely basis. Amendments to the A & S Guidelines may be considered at any time upon the written request of any recipient, Student Senate, or the VPSA. At that time a committee shall be formed, composed of VPSA or his designee, each A & S recipient head, the Student Body Comptroller, the Student Senate President, Chair of the Union Board, Chair of the Recreation Board, a representative of the University Budget Office, and the head of SA & O Accounting. The committee shall prepare the proposed amendment and submit it to the Student Senate for approval. Following Student Senate approval, the amendment will be forwarded to the VPSA for approval and initiation of formal rule promulgation.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005. Law Implemented 1004.74(3), 1009.24 FS. History—New 9-30-75, Amended 4-7-83, 1-6-86, Formerly 6C2-3.35, Amended 4-18-96.

FSU-3.037 Financial Aid.

(1) Introduction. Florida State University operates a comprehensive program of student aid consisting of grants and scholarships (gift aid), loans, fee waivers and employment. The program provides assistance to students who without such aid would be

unable to attend or remain in the University and has as a goal the attainment of equality of educational opportunity. It is the policy of the Office of Financial Aid to administer financial aid awards uniformly and equitably in accordance with existing regulations and without regard to sex, race, color or creed.

Financial assistance is awarded on the basis of demonstrated need. Assistance is normally provided as a package combining a loan, a grant or scholarship to those who qualify, and a work-study award. The Office of Financial Aid follows the requirements of both state and federal law pertaining to student financial aid including the requirements that students meet standards of satisfactory progress and academic good standing to be eligible to receive funds.

(2) Definitions.

(a) Academic Good Standing – a status in which grade point average (GPA) is high enough to allow a student continued enrollment in a degree granting program at FSU.

(b) Deferment – an authorized delay in payment of fees owed the university.

(c) Dependent Student – one who is not an independent student.

(d) Documented Financial Need – the amount of financial aid needed by a student to supplement the student resources to meet a standard budget as determined by the University.

(e) Full-time Student – one enrolled for a minimum of 12 semester hours.

(f) Guaranteed Student Loan – moderately low interest loans made available to students through private lenders such as banks and S & L associations. An analysis of financial need must be submitted.

(g) Independent Student – a student who:

1. Has not been claimed and will not be claimed as an exemption for federal income tax purposes by his/her parents;

2. Has not received and will not receive financial assistance of more than \$750 in each year from his or her parent(s); and

3. Has not lived and will not live for more than six weeks (a total of 42 days) in each year in the home of his or her parent(s).

(h) Half-time Student – one enrolled for a minimum of 6 semester hours but fewer than 12 hours.

(i) Probationary/warning – notification of impending ineligibility for future receipt of financial aid.

(j) Resided in – means principal presence in Florida exclusive of temporary periods of absence such as vacations or study abroad.

(k) Resources – resources include, but are not limited to:

1. Funds a student may be entitled to receive from a Pell grant upon application.

2. Tuition and fee waivers.

3. Scholarships or grants, including athletic scholarships.

4. Fellowships or assistantships.

5. Insurance programs for the student's education.

6. Social Security benefits (except that part included as a part of student's estimated family contribution).

7. Guaranteed student loans.

8. Parent Loans for Undergraduate Students (PLUS), or Auxiliary Loans to Assist Students (ALAS).

9. Long term loans made by the University.

10. Net earnings from employment (gross earnings minus taxes and job related costs).

(l) Satisfactory Progress – academic credit progression toward successful completion of course requirements for a degree or certificate.

(m) Suspension – a temporary status creating ineligibility of student to continue receiving financial aid.

(n) Termination – cessation of financial aid eligibility.

(3) Financial Aid Committee. The Vice President for Academic Affairs shall periodically appoint a Financial Aid Committee which shall make policy recommendations regarding the administration of scholarships, grants, loans and student employment. The Committee shall recommend specific financial aid programs' objectives and shall facilitate the operation of financial aid activities.

(4) The University has been designated to certify student eligibility and to verify financial aid information and applications for federal and state financial aid available under Title IV Pt B of the Higher Education Act of 1965 and through Chapter 240, F.S.

(5) All information and data collection coordination regarding financial aid, except

fee waivers, shall be available through the Office of Financial Aid. Information about fee waivers is available through the departments or divisions offering the waivers. For students on the Panama City campus, all information is available from the Office of Student Services on that campus. The Office of Financial Aid shall publish annually, and shall make available upon request a list of financial aid sources available through that office including grants, scholarships, loans, and work-study programs and shall include criteria for application and selection. It shall also distribute information about financial aid resources available through state and federal aid programs. The Office of Financial Aid shall publish, distribute and post application deadline dates not later than January 15 of each year.

(6) Application Procedure.

(a) All student aid applicants must file a University application for assistance. A completed application should be in the Office of Financial Aid on or before April 1 for the following school year. Those who complete the application process after that date and who are eligible will be considered and assisted to the extent that funds permit.

(b) The student and/or his/her parent(s) must submit a need determination form, either the American College Testing Program (ACT) Family Financial Statement (FFS) – the preferred document – or the College Scholarship Service (CSS) Financial Aid Form (FAF). The parent(s), the student, or both complete(s) the information form based upon the student's dependency status as specified now or in the future by the U. S. Department of Education.

In addition to the ACT FFS or CSS FAF, other forms required for University financial aid assistance include:

1. Application for admission (if applicable);
2. Financial aid transcripts from previously attended institutions (if applicable);
3. Copies of signed income tax forms for the previous year;
4. Alien registration card (if applicable);
5. Veterans benefit documentation (if applicable);
6. Social security benefit documentation (if applicable);
7. Certification of registration with selective service or certification that student is not required to register;

8. Signed statement of educational purpose. The financial aid award process cannot begin until all required documentation has been received by the Office of Financial Aid. Failure to accurately report information such as one's financial aid history, including previous loan defaults, may result in the suspension or termination of financial aid eligibility.

(c) Financial assistance is normally granted by the University on an academic year basis. It is necessary to file a new application for all types of financial aid each year. Reapplications should be filed annually beginning no earlier than January 1st. Applications for summer term assistance are available each year on or about February 15.

(d) A student does not have to be accepted for admission to the University before applying for financial assistance. Awards, however, are not made until the student is admitted to the University. Admission decisions are made without regard to the financial need of the applicant.

(7) Family Contribution. The applicant and the applicant's parents have the primary responsibility to finance a college education. Financial assistance from the University is to be used to supplement, not replace, the resources of the student. Students who need financial assistance are expected to provide self-help through programs of borrowing and/or employment. Any changes in the student's personal or family financial status must be reported immediately to the Office of Financial Aid. Failure to properly notify the Office of Financial Aid of changes in financial situations may result in cancellation, reduction or repayment of financial aid.

(8) Awarding. Students are notified of awards by the Office of Financial Aid as soon as possible. This notification date depends on a number of factors, the most significant of which is receipt of federal and state allocations. In awarding assistance, financial need and academic merit as appropriate shall be given primary consideration.

(9) Overawards. A student is considered overawarded if he receives assistance that is \$200.00 greater than his demonstrated need. All financial assistance including fee waivers, scholarships, fellowships, assistantships, on and off-campus employment shall be considered as part of a student's assets. Adjustments in award amounts will be made when a student is found to be receiving more than their determined need or the allowable cost of attendance. Special needs (e.g. medical bills, burial expenses and other

emergencies documented by the student or counselor, and approved by the director), may result in review and possible recalculation of demonstrated need.

(10) Tuition Fee Payments.

(a) Current semester tuition charges are assessed against each student's financial aid check(s) at the time of check distribution. When the student signs all checks, a deduction for the assessed tuition amount will be made.

Financial aid students who pay tuition in advance of check distribution should get a receipt to present at the check distribution site for clearance. The student must present proof of payment to avoid being charged twice for tuition. Acceptable proof of payment consists of a receipt, cancelled check, or copy of billing or waivers. A validated ID is not proof of payment.

(b) Deferments. Tuition fee deferments may be granted only to student aid recipients whose authorized aid is unavoidably delayed. Students seeking a deferment of tuition payments must complete an application for a tuition deferment by the last scheduled day of check distribution in each school term to avoid payment of the \$25 late fee. Deferments expire no later than the last day of classes for the semester. Failure to pay the deferred tuition fees will result in cancellation of the student's registration. Tuition deferments may not be given when a student, due to his own fault, does not receive his assistance on time. Deferments are good for only one (1) semester and do not extend across semesters.

(c) University Housing Deferment Policy. Students receiving enough aid to cover both tuition and a portion of their housing may have payments on their housing deferred until check distribution week. The housing office will defer payment until check distribution based on a listing provided by the Office of Financial Aid of students receiving financial aid.

(d) Installment Plan. Financial aid recipients unable to pay a tuition bill can apply for the tuition installment plan. The initial installment payment must include the health fee (if required by law as a separate fee) and half of the total tuition fees less waivers and third party billing. The balance of tuition fees is due by the end of the seventh week of classes regardless of whether financial aid checks have been received. Failure to pay by that date will result in the cancellation of registration. Students on the installment plan cannot be issued deferments.

(11) Confidentiality. All records and conversations between an aid applicant, his family and financial aid administrators are confidential and no public announcement shall

be made of amounts awarded. Requirements set forth in Section 228.093, F.S. and in 20 USC 1232(g) with regard to confidentiality of student records will be adhered to.

(12) Financial Need Determination. Student need will be determined by subtracting family and student financial contributions, plus other outside resources and assistance, from budgets as shown on the standard budget description, available from the Office of Financial Aid.

(13) Emergency and Delayed Delivery Loans.

(a) The Office of Financial Aid may provide emergency loans in order to ease undue hardships or contingencies. The maximum loan is \$150 and a cosigner is required; however, a cosigner is not required for loans of \$100 or less. Emergency loans have an interest charge and must be repaid within three (3) months. Exceptions may be made at the discretion of the Director of Financial Aid. Other emergency loan funds may be available to students from other offices and the purpose and intent of those loans and the eligibility criteria may vary.

(b) Delayed Delivery Loan. If a student's awarded financial aid is not available at the time fees are to be paid, the student may be eligible for a delayed delivery loan, to a maximum of \$150. Delayed delivery loans are available to full-time students enrolled in the current semester whose anticipated financial aid is sufficient to cover all charges owed to the University plus the amount of the loan. Delayed delivery loans accrue no interest and must be repaid when the financial aid check is received. Exceptions may be made at the discretion of the Director of Financial Aid.

(14) Student Contributions. All applicants are expected to work and to save funds to be used in meeting their educational needs. The expected yearly contribution from a student's earnings and savings is \$900 for dependent students and \$1200 for independent students. Special family circumstances as determined by a financial aid professional counselor may alter the student's contribution.

(15) Required Hours of Enrollment. Registration for twelve hours is considered full-time enrollment and registration for six to eleven hours is considered half-time for financial aid eligibility purposes. All half- or full-time students receiving financial aid must meet the Standards of Satisfactory Progress and Academic Good Standing as outlined below. Students in attendance for less than six hours are ineligible for financial

aid. Special students are categorically ineligible for financial aid with the exception of Guaranteed Student Loans.

(16) Standards of Satisfactory Progress. Standards of satisfactory progress and academic good standing are applied to the cumulative academic record of the student. Undergraduate students must:

(a) Meet the cumulative grade point average required by the retention policy of the university. Cumulative grade point averages are reviewed at the end of each term from academic retention data furnished by the Office of Records and Registration. Students who are allowed to continue a degree granting program are eligible for future financial aid consideration.

(b) Complete their educational objectives within a time frame of 240 semester hours attempted. The 240 hour time frame evaluation will be made at the end of each term.

(c) Progress toward earning a degree by satisfactorily completing at least 50 percent of all hours attempted (cumulative) as calculated by the university. The 50 percent progress increment (the ratio of hours completed to hours attempted) will be calculated annually at the completion of the spring term. Graduate and professional students must meet the intent of the policy and procedures outlined above. The time frame for each graduate or professional degree is 120 hours attempted and the progress increment is 50 percent. Attendance in a degree granting program attests to academic good standing.

(17) Financial Aid Probation, Suspension and Termination. Student financial aid may be suspended or terminated under the following conditions:

(a) Suspension. Students who do not meet the minimum standards of satisfactory progress and academic good standing described above will be notified in writing of their probationary status or of the suspension or termination of their financial aid eligibility. The communication will be sent to the address on record for the student in the Office of Records and Registration. Students placed on academic warning or probation by the University are considered to be on financial aid probation. Students who do not meet the minimum incremental progress requirement of 50 percent will also be placed on financial aid probation until the following annual review. Financial aid eligibility will be suspended or terminated when the student has:

1. Been academically dismissed by the university.

2. Attempted the equivalent of 240 course hours of study as determined by the university, or

3. Not met the 50 percent incremental requirement following the one-year probationary period.

The suspension period will remain in effect until the student meets the standards of satisfactory progress and academic good standing. Students in attendance in a degree granting program via academic exception or reinstatement may be eligible for financial aid. Students who regain financial aid eligibility may apply for available funds at that time.

(b) Effects of Incompletes, Remedial and Repeated Courses. Students who receive “I” or “NG” grades at the time of evaluation will receive a one-semester grace period on financial aid. Records will be re-evaluated at the end of the next semester for which the student is enrolled. If the “I” or “NG” has not been changed to a letter grade and the Office of Records and Registration has not been informed of an extension, the student will be assigned the grade of “IE” or “NG” which will be computed as an “F”. Such action may result in the student being placed on financial aid probation or suspension. All grades, including remedial coursework, will be considered at face value for the purpose of determining the cumulative grade point average for financial aid eligibility.

(c) Effect Of Withdrawal. Withdrawal from classes may result in failure to meet the Standards of Satisfactory Progress and Academic Good Standing. Students who officially withdraw from classes because of mitigating circumstances such as, but not limited to, medical, military or death in the family, may appeal their financial aid probationary or suspension status. Upon withdrawal from the University all or part of a financial aid award may have to be repaid. If the withdrawal occurs before classes begin, all financial aid issued must be returned. If withdrawal occurs after classes begin, repayment of the disbursed aid is expected on a pro-rated basis. If a student withdraws before full financial aid disbursement has occurred, the financial aid sources specified in the University financial aid refund/repayment procedures will be applied to University charges accrued by the student, including housing and tuition and fee costs.

(d) Overaward. If a student has been overawarded, further financial aid may be suspended.

(18) Appeals from the decisions of the Office of Financial Aid with regard to financial aid status or awards may be made in the following ways:

(a) Appeal of Award Decision. If a student believes the award request was not given

proper or adequate consideration, the student is afforded the opportunity to appeal.

1. If a student upon receiving notice of an award decision disagrees with that decision, the student must first attempt to resolve the issue through discussion with a financial aid officer within 10 work days of the date of notice from the University.

2. If the problem results from policy, the student shall meet with an Assistant Director of Financial Aid who will review the student's file in detail and attempt to resolve the student's concern. Such meeting shall be within 10 work days of the above meeting with a financial aid officer. If the matter is not resolved, the student shall submit an appeal form to the Assistant Director who will prepare a recommendation for the Associate Director. Such recommendation shall be filed with the Associate Director within 5 work days of receipt of the appeal form.

3. The Associate Director of Financial Aid will review the appeal and recommendation and take action within 5 work days of receipt.

4. The Associate Director will notify the student of the decision in writing.

5. If the student is dissatisfied with the appeal decision, the student may request in writing to have the appeal file forwarded to the Director of Financial Aid for review and reconsideration. The Director will make the final departmental decision concerning the appeal within 5 work days and notify the student in writing.

6. If the student is still dissatisfied with the decision, the student may file a written request for review by the Dean of Undergraduate Studies within 10 work days after the date of decision from the Director of Financial Aid.

(b) Appeal upon Failure to Meet Standards of Academic Progress.

1. Upon receipt from the University of notice of suspension or termination of financial aid a student may file a written appeal with the Office of Financial Aid. Such appeal must be filed within 15 work days from the date of the suspension/termination notice from the University. The written appeal shall state with specificity the basis on which the student is appealing and should include all documentation of mitigating circumstances such as change in program of study, illness, etc.

2. Written appeals will be reviewed by an Appeals Committee appointed by the Director of Financial Aid. The Appeals Committee shall approve or deny the student's appeal.

3. The Appeals Committee shall notify the student in writing of approval or denial of the appeal within 10 work days of the receipt date of that appeal. Notification will be sent to the address on file in the Office of Records & Registration.

(c) Appeal of Financial Aid Probation/Suspension Based on Academic Probation/Suspension. Grade point averages are calculated by the Office of Records & Registration and probation or suspension status is determined by that office. All appeals with regard to grade point averages, academic status, and total hours attempted are governed by Rule 6C2-5.004, F.A.C.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005. Law Implemented 1002.22, 1009.27, 1009.42, 1011.43 FS. History—New 9-30-75, Amended 1-19-86, Formerly 6C2-3.37.

FSU-3.045 College of Law Student Conduct Code.

(1) Definitions and Violations. This Code defines and prohibits:

(a) Cheating. Cheating is receiving or giving unauthorized aid or assistance in the completion of examinations or of any other work used in evaluating a student's academic performance.

(b) Plagiarism. Plagiarism is representing the work of another as the student's own. Students are expected to know and employ accepted conventions of citation and attribution. Failure to indicate quoted or paraphrased sources constitutes plagiarism. More specific definitions of plagiarism for particular courses or in particular contexts may be supplied by a course instructor, editor, or faculty employer of a student. A student should request clarification in case of doubt. Any student charged under this section may prove by a preponderance of the evidence that the misrepresentation of work resulted from mistake or inadvertence as a complete defense.

(c) Library Offenses. Library offenses are sequestering, hiding or mutilating library materials, or using the library or library materials in a manner which violates official library rules on manner or length of use.

(d) Disruption. Disruption is disturbance of or interference with the scholarly pursuits of the College. It includes, but is not limited to, interference with the conduct of an examination, defiance of rulings or instructions issued by an instructor or proctor in the course of an examination, and defacing or destroying class notes, drafts, or any other

scholarly or administrative work product of faculty, fellow students, or other users of College facilities.

(e) Fraud. Fraud is material falsification of documents or any other form of deceit or misrepresentation committed in regard to the administrative or academic processes of the College of Law.

(f) Other Serious Misconduct. Other serious misconduct is intentional and serious offenses involving acts for which criminal or other punitive sanctions are provided by federal, state, or local law, or ordinance that directly relate to a student's fitness to continue as a student at the College.

(2) Procedures.

(a) Initiation of Code Violation Investigation. Students, faculty and staff of the College are expected to inform the Dean of any facts constituting cause to believe a violation of this Code has been committed, or will be committed. Failure to report information is not a violation of this Code. The information required under this section may be communicated in confidence, and the fact that such a communication has been received shall not be disclosed until the Dean determines that probable cause exists.

(b) Investigation.

1. The Dean shall appoint a faculty member as investigator upon determining that the reported facts constitute probable cause to believe a violation of this Code has occurred. The investigator should not be either an accuser or anticipated witness in the matter.

2. The investigator shall:

a. Notify the accused of the allegations, the investigation, and the accuser;

b. Interview all persons believed to have knowledge of the facts and circumstances surrounding the alleged offense, provided such persons are within the reach of the investigator without subpoena powers;

c. Interview the accused if considered appropriate and if the accused agrees, provided that the accused may terminate the interview at any time;

d. Report findings and recommendations to the Dean. A recommendation to proceed shall be supported by a complaint. A recommendation to terminate shall give reasons. In either case, a recommendation shall be supported by documentation as to the findings.

(c) Dean's Review of Recommendations. The Dean shall review the investigator's

findings and recommendations. The Dean may accept or reject recommendations in whole or in part, and may adopt or revise a proposed complaint. The Dean may also initiate a complaint although the investigator has recommended a termination of proceedings, but the Dean must provide a statement of reasons and documentation explaining the decision to proceed.

(d) Proceedings After Dean's Review.

1. After review the Dean shall advise the accused in writing of a decision to terminate proceedings or to proceed with a complaint. A decision to terminate is final and concludes the matter. A decision to proceed shall be accompanied by copies of the complaint, the investigator's findings and recommendations, and the documentation supporting them. The accused shall also be provided with a copy of this Code.

2. Unless the accused admits guilt in writing within fifteen school days after receiving a decision to proceed, the Dean shall appoint a panel to hear the case. The accused, upon admission of guilt, may also demand a hearing for the sole purpose of presenting matters in mitigation.

3. Every hearing panel shall consist of three permanent faculty members and two students, all of the College of Law. Student members shall be appointed after consultation with the Student Bar Association. Notice of appointment shall be given to panel members and to the accused, with the notice designating the Chair. The Chair shall make arrangements for meetings, the attendance of witnesses, the reproduction of necessary documents, and the recording of proceedings.

4. Unless the Dean directs otherwise, the investigator shall present the case against the accused. The investigator shall also present any evidence tending to exonerate the accused. However, no accuser or potential witness may present the case.

(e) Hearings.

1. Hearings shall be scheduled at the convenience of all participants, and upon notice to the accused. Unless the accused consents, the first hearing shall not be scheduled within ten school days of the appointment of the panel.

2. Hearings shall not be governed by formal rules of evidence. An accused is entitled to present evidence in person, or through an attorney or other counselor, or both. No faculty member shall represent an accused. Paid counsel must be supplied by the accused.

An accused is entitled to present witnesses and documentary evidence, to cross-examine any witnesses, and to inspect and inquire concerning any evidence. Upon request, the Chair shall make every reasonable effort to secure the presence of witnesses or documentary evidence for the accused. In exercising any of these procedural rights, an accused may address both innocence and matters in mitigation.

(f) Panel Procedure After Hearings.

1. After final hearing the panel shall meet in closed session upon call of the Chair to discuss and consider the case, to determine guilt or innocence, and to consider sanctions upon determination or admission of guilt. One or more sessions may be held.

2. The standard of proof for conviction is clear and convincing evidence. Findings of fact shall be based exclusively on evidence of record.

3. A vote to convict and a vote as to any sanction requires the concurrence of at least four members.

4. The panel shall submit to the Dean a written summary of its factual findings, its finding of guilt or innocence, and its recommendations as to sanctions. The panel may also recommend terms for suspension of any sanctions. This summary should be made within five school days of the final hearing. The Dean shall make available to the accused a copy of the panel's recommendation and shall allow the accused at least ten calendar days in which to submit written exceptions to the recommendation. When a case involves multiple charges and/or multiple accused persons, each charge and accused shall be separately covered in the findings and recommendations.

(g) Sanctions. A student convicted of a violation of this Code is subject to one or more of these sanctions:

1. Expulsion from the College of Law;
2. Suspension from the College of Law for a specified period of time;
3. Loss of privileges to participate in any nonrequired course, program or activity of the College of Law;
4. Replacement, repair or restitution for damaged, destroyed or stolen property;
5. Written reprimand to be included in the student's permanent records;
6. Oral reprimand;
7. Disclosure by the Dean to the College of Law and Bar agencies.

(h) Disclosure. Disclosure to the Bar of any proceeding, regardless of the result, by the Dean or the accused student, may be required by Bar rules.

(i) Imposition of Sanctions.

1. A panel finding of innocence as to any charge terminates the proceedings, upon delivery of the written report to the Dean. A panel recommendation that no sanctions be imposed upon a finding of guilt as to any charge terminates the proceedings as to sanctions.

2. The Dean shall review all findings as to guilt and mitigating matters, and all recommendations to impose sanctions. Rejection by the Dean of a finding of guilt terminates the proceedings.

3. When sanctions have been recommended, the Dean may determine to impose them or to reduce or suspend them in whole or in part. The Dean shall promptly communicate this determination to the student in writing.

4. Upon being informed of sanctions proposed by the Dean, the student may request a faculty review provided five faculty members join in the request. If faculty review is requested, the faculty by majority vote may reduce or suspend the proposed sanctions in whole or in part. Faculty review must be requested in writing within five school days after a student is informed of proposed sanctions.

5. The Dean imposes those sanctions not reduced or suspended as a result of faculty review.

(j) Action by Dean's Representative. Whenever this Code specifies that any action is to be taken by the Dean, it may be performed by an Associate Dean, except that only the Dean or an Acting Dean designated by the University may perform those duties specified in subsection (i) of this rule (Imposition of Sanctions).

(k) Timeliness. All actions prescribed or authorized by this Code shall be accomplished as expeditiously as possible, except where the Code expressly provides otherwise or where prejudice to an accused or convicted student would result.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005. Law Implemented 1001.74(2)(f), 1002.22, 1006.52, 1006.60, 1006.62, 1006.63 FS History—New 8-25-83, Formerly 6C2-5.146.

FSU-3.050 Educational Research Center for Child Development.

(1) The Educational Research Center for Child Development (Center) operates under the supervision of the Division of Student Affairs at the Florida State University (FSU).

(a) The Center's goals are:

1. To provide quality affordable child care;
2. To give an educational experience to children;
3. To conduct child research; and
4. To provide a setting for experimental learning.

(2) The Center shall be governed by a Board of Directors.

(a) The Board of Directors (Board) shall include the University President, the Student Body President, the Chairman of each Department participating in the Center, or their designees, one parent representing each 50 students; and the Director of the Center shall serve as an ex officio, nonvoting member.

(b) The University President designates the Vice President of Student Affairs to be his representative on the Board of Directors.

(c) The parent member(s) of the Board shall be elected as follows:

1. One parent shall be elected to represent 50 children enrolled in the Center.
2. Each January all parents shall have the opportunity to nominate a representative for placement on an election ballot.
3. An election ballot shall be prepared and ballot shall be sent to each parent for voting.
4. In the case of a tie, a runoff election shall be held.

(d) The Board shall:

1. Adopt admission policies;
2. Adopt criteria for identifying major research projects; and
3. Not allow major research projects to be conducted at the Center without the Board's prior approval.
4. Be responsible for ensuring that the Center is operated in accordance with the laws of the State of Florida and the rules of the Board of Regents and FSU.

(3) The Center's admission policy shall be designed to provide educational opportunities for a cross-section of the University and local communities. The Center

may admit students whose parents are not students, faculty or staff at FSU, when necessary to achieve a balance of characteristics for research purposes.

(4) The establishment and operation of the Center may be funded from the Capital Improvement Trust Fund, grants, donations, user fees and other sources consistent with existing law and rules.

(5) The Center may charge user fees. The Board may adopt a sliding scale and a procedure for calculating user fees based on the parents ability to pay and other relevant factors. The calculation process and the sliding scale adopted by the Board shall not be implemented until approved by the Board of Regents. Any subsequent changes in the sliding scale, the calculation process, or the factors upon which they are based, shall not be implemented until approved by the Board of Regents.

(6) The Center furnishes internships and clinical experiences for FSU graduate and undergraduate students who may be classified as participating or work-study students, or interns.

(a) Interns shall be supervised primarily by an academic faculty member and secondarily by the Center's staff. To establish an internship program the Center and the academic department shall jointly adopt guidelines for the use and supervision of student interns. No internship program shall be implemented until the Board has adopted guidelines for that program.

(b) The Board shall also adopt guidelines for the use and supervision of work-study and participating students. The Center shall be primarily responsible for all supervision of work-study and participating students. Students may be appointed to the roles of teacher aide, teacher assistant, graduate assistant or research assistant. The student's role shall be based on:

1. The student's needs and skills;
2. The academic requirements of the student's degree program; and
3. The staffing needs of the Center.

(c) Students may also visit the Center for the purpose of observation. To preserve the orderly functioning of the Center, student observers shall be required to follow any instructions given by the Center's staff.

(7) Research projects shall meet all Florida State University rules, policies and

procedures addressing experimentation on human subjects. No research project shall be implemented unless the Board's prior approval has been obtained.

(8) Guidelines for the receipt and monitoring of funds. The Center shall comply with all applicable state laws, FSU and Board of Regents rules, policies and procedures for receiving, disbursing, monitoring, accounting for, and auditing funds. The Center's annual budget, and any significant changes, shall not be implemented until approved by the Board.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005. Law Implemented 1011.48 FS 6C-10.004 History--New 6-10-86.