II. Approval of Minutes
June 4, 2020, ZOOM Virtual Meeting Minutes
June 18, 2020, ZOOM Virtual Meeting Minutes
Members Participating: Max Alvarez, Kathryn Ballard, Billy Buzzett, Ed Burr, Jim Henderson, Brent Sembler, June Duda, Bob Sasser, John Thiel, Jorge Gonzalez, Craig Mateer, Jonathan Levin and Eric Chicken

I. Call to Order and Welcome
   Mr. Ed Burr, Chair

   Chair Burr called the meeting to order at 9:00 am. Lynna Sands conducted the Roll Call and confirmed a quorum.

II. Approval of Minutes (Action)
    The April 17, 2020, meeting minutes were approved as presented.

III. Public Comments
    Public Comments were provided by the following:

    Vincenza Antonetta Berardo, Chief Negotiator, UFF-FSU-GAU, stated she stands in solidarity with the Graduate Assistants Union.

    Michael Yost, PhD student in economics, requested that the Trustees consider Fee relief for graduate assistants.

    Katie Moore, PhD student in modern languages, requested the Trustees to consider Fee reduction or reimbursement during the duration of the campus closure due to COVID-19.

    Hayley Lemoine, PhD student, requested the Trustees to consider reimbursement of Fees for student services not used during the closure of the campus due to COVID-19.

IV. President's Report
    Mr. John Thrasher, President

    President Thrasher opened with a thank you to everyone for their dedication and support of Florida State University during these unusual and challenging times.

    He spoke about the recent protests here in Tallahassee and across the country in response to the killing of George Floyd in Minneapolis on May 25. He has publicly condemned this police brutality and called for justice. He acknowledged that many of our students, faculty and staff are rightfully upset and angry about this case as well as other incidents of racial violence across the nation. He and Vice President Amy Hecht have had several candid conversations with student leaders and will be sharing their
concerns with our city leaders to improve relations here in Tallahassee. Additionally, President Thrasher assures our students and others that they are listening and committed to making long-term changes to ensure that FSU and the surrounding community is a place where every single person is treated with respect and dignity and feels safe and at home here.

President Thrasher said he is proud of the fact that FSU has one of the best graduation rates in the country, and that there are no disparities in our graduation rate across races and ethnicities.

President Thrasher spoke regarding FSU’s recently celebrated spring graduates with a very successful, virtual commencement ceremony on May 2nd, which was streamed on Facebook, YouTube and WFSU, and we estimate that we had a live audience of 20,000 or more people. It was gratifying to know that even though we were apart during this momentous occasion, our graduates and their families and friends all shared this experience at the same time. The highlight of the event was the commencement speech by School of Communication Teaching Professor Mark Zeigler. Due to the practice of social distancing on campus, we will hold another virtual commencement ceremony July 31 for our summer graduates, and we will announce more details about that ceremony in the coming days.

President Thrasher noted that the FSU family recently lost Dean Karen Laughlin as she died on May 4th. He talked about how he took part in several recognition ceremonies with Dean Laughlin over the years. He recognized that her love for our students always shone through and she will be missed by all very much.

Assistant Provost Joe O’Shea has been named the Dean of Undergraduate Studies, and he will honor Karen’s legacy by carrying on her commitment to student success.

President Thrasher spoke regarding our student achievements and achieving at the highest levels, winning national awards, fellowships, including several that have been announced in the past month including: 9 Student Fulbrights, 7 NSF Graduate Fellows, 4 Boren Scholars, 2 Critical Language Scholars (offered by the U.S. State Dept.), 2 P.E.O. Scholars (the only two in Florida), and a Hollings Scholar (offered by the National Oceanic and Atmospheric Administration (NOAA). President Thrasher thanked Adrienne Stephenson at the Office of Graduate Fellowships and Awards and Craig Filar and the Office of National Fellowships for the work they do to help our students excel at the highest levels.

The summer sessions (A, B, F, and Law) are now underway with classes being taught remotely, and we are preparing for our most popular session, Summer C, which will begin June 22.

With the fall semester around the corner, we expect about 2,200 new freshmen will begin their college careers at FSU by taking online classes during Summer C.
Student Affairs, Undergraduate Studies and other divisions are offering online programming and doing a few things to ensure that these new students feel welcome and part of the FSU community, even though we are not all together on campus yet.

President Thrasher discussed the process of completing a plan that will include a combination of face-to-face classes and remote learning. Provost Sally McRorie is leading this effort, and we look forward to your feedback at our June 18th meeting. We will then present the plan to the Board of Governors for approval on June 23rd. President Thrasher assured everyone that every component of this plan was developed with the health, safety and well-being of our students, faculty, and staff in mind.

President Thrasher thanked Vice President Tom Jennings for his service to FSU for the past 10 years. Tom has accepted a position as vice president for University Advancement at Washington and Lee University, where he previously worked. He acknowledged that Tom has done a terrific job creating a culture of giving at FSU, and we are so grateful for his leadership during the university's $1 billion Raise the Torch campaign. And more recently, he and the Foundation staff have launched successful fundraising efforts to support students and employees who are struggling with job loss and unexpected expenses during the COVID-19 pandemic. We will miss Tom, but we know he and Dawn are excited to get back to Virginia and we wish them all the best!

Additionally, President Thrasher acknowledged the senior leadership team and the entire board for your work on the important university business we are tackling today — particularly Vice President Clark and Trustee Bob Sasser for their work on the budget. I know it has been made more challenging as we work remotely during this pandemic.

V. CONSENT ITEMS
A. Requesting Approval of the 2021-2022 Academic Calendar
B. Requesting Approval of the Amended FSU Naming Policy
C. Requesting Approval of the DSO Board Member Nominees
D. Requesting Approval of the Student Government Association Bills and Resolutions
E. Requesting Approval of the FSU Foundation Bylaws
F. Requesting to Enter into an Audit Contract for FSU Department of Collegiate Athletics and FSU Athletics Association
G. Requesting Approval of Termination of Master's in Marketing
H. Requesting Approval of the COVID-19 Conditions Tuition Waiver

Chairman Burr moved to remove Consent Item A to be heard individually under the Academic Affairs portion of the Agenda. The board agreed unanimously to move Consent Item A.

Trustee Henderson moved to approve Consent Items B-G. Trustee Alvarez seconded the motion and the motion was approved unanimously.
VI. New Business
   A. Academic Affairs Committee
      Dr. Sally McRorie, Provost
      Trustee Jim Henderson, Chair

      Trustee Henderson provided a summary of the Committee meeting. He thanked Provost McRorie and her staff for making dealing with the tasks for scheduling the academic schedule.

      Provost McRorie provided an update for Academic Affairs which included:

      Academic Plans for Fall Reopening
      - Academic Space Planning
        - Maximizing physical separation in classes
        - Optimizing where each class will be taught
        - Prioritizing which classes need to be F2F

      - Assuring Quality Instruction
        - Summer training on instructional media
        - Center for the Advancement of Teaching (CAT)
        - Office of Distance Learning
        - Information Technology Services
        - Faculty in Education and Communication

      Applications and Enrollment
      - Record number of undergraduate applications at 64,500
      - Record number of graduate applications at 11,007
      - Summer enrollment is up 17.5% with 2200 expected to attend Summer Session C and 4000 for the fall

      Dean of Undergraduate Studies
      - Honoring Karen Laughlin
        - Career at FSU
        - Helped lead FSU students to success for over 15 years
        - Dean serves as academic dean for almost all 1st and 2nd year students and provides support and engagement for undergraduates throughout their time at FSU
        - Joe O'Shea name Dean of Undergraduate Studies

      Top Student Awards
      - 9 Student Fulbright Awards
      - Jonathan Marcus receives Ernest Hollings Award

      Top Faculty Awards
      - 9 Faculty Fulbright Awards
      - 3 NSF Career Grantees
      - National Humanities Center Residential Fellowship
      - National Endowment for Humanities Fellowship
      - Sloan Research Fellowship
**Action Item**
1. Requesting Approval of the 2021-2022 Academic Calendar

   *The 2021-2022 Academic Calendar was moved from the Consent Items to be heard individually.*

   *Trustee Henderson moved to approve the 2021-2022 Academic Calendar. Trustee Chicken seconded the motion and was approved unanimously.*

B. **Student Affairs Committee**

   *Dr. Amy Hecht, Vice President for Student Affairs*
   *Trustee John Thiel, Chair*

   Trustee John Thiel, Chair of the Student Affairs Committee, opened with comments from the committee meeting. In light of recent events, Chair Thiel applauded Vice President Hecht and her team for “building out more ways for kids to build skills that will help them deal with the uncertainties, but prepare themselves better for the workforce and help them succeed.”

   Vice Amy Hecht provided an update regarding Student Affairs. Considering recent events, Student Affairs has been working closely with students. The challenge of being virtual while trying to bring people together, have dialogue and move forward.

   She also highlighted Virtual FSU during the final spring and summer months they have created a Florida State experience – completely virtual from chapter and advisor training, teaching workshops, fitness classes, mental health counseling sessions and telehealth, which has received a lot of national attention and from many other institutions are looking at the model. She acknowledged Dr. Danielle Acosta and her efforts to bring this together.

C. **Finance and Business Committee**

   *Mr. Kyle Clark, Vice President for Finance & Administration*
   *Trustee Bob Sasser, Chair*

   Vice President Clark reviewed the General Budget Timeline, budget fund definitions, the FSU Operating Budget, 2020-2021 Construction Budget, 2019-2020 SUS Operating Budgets, and the 2020-2021 FSU Undergraduate Tuition and Fees.

**Action Items**
1. Requesting Approval of the University’s fiscal year 2020-2021 Operating Budget.

   *Trustee Sasser moved to approve the 2020-2021 Operating Budget. Trustee Alvarez seconded the motion and the motion was approved unanimously.*

2. Requesting Approval of the Florida Medical Practice Plan Operating Budget

   *Trustee Thiel moved to approve the Florida Medical Practice Plan Operating Budget. Trustee Sembler seconded the motion and the motion was approved unanimously.*
3. Requesting Approval for the FY 2020-2021 DSO Operating Budget

*Trustee Ballard moved to approve the 2020-2021 DSO Operating Budget. Trustee Chicken seconded the motion and the motion was approved unanimously.*

4. Requesting Approval for the University President to make any changes to the budget and capital projects within available resources and as prescribed by laws and rules of the State of Florida

*Trustee Alvarez moved to approve the University President to make any changes to the budget and capital projects within available resources and as prescribed by laws and rules of the State of Florida. Trustee Mateer seconded the motion and the motion was approved unanimously.*

5. Requesting Approval for continuation of existing Student Tuition and Fees Regulation at current rates and approve an amendment of the current regulation to that effect

*Trustee Gonzalez moved to approve the continuation of existing Student Tuition and Fees Regulations at current rates and approve an amendment of the current regulation to that effect. Trustee Sembler seconded the motion and the motion was approved unanimously.*

6. Requesting for approval for the FY 2021-2022 Fixed Capital Outlay Budget Request

*Trustee Sembler moved to approve the 2021-2022 Fixed Capital Outlay Budget. Trustee Ballard seconded the motion and the motion was approved unanimously.*

D. **Audit and Compliance Committee**

*Mr. Sam McCall, Chief Audit Officer*

*Ms. Robyn Blank, Chief Compliance & Ethics Officer*

*Trustee. Jorge Gonzalez, Chair*

Trustee Gonzalez provide a brief update regarding the Audit & Compliance Committee including the review and approval of the new audit contract for FSU Department of Collegiate Athletics and FSU Athletics Association and reviewed and reaffirmed the Committee’s Charter.

Ms. Robyn Blank provided a reminder to trustees that the Financial Disclosures should be July 1 and returned to the Department on Ethics.

Mr. Sam McCall provide a brief update that included Audits on the College of Law and Graduate Student Tuition Waivers in the College of Medicine. Audit is currently working on the National High Magnetic Field Laboratory, cybersecurity areas, Seminole Boosters Athletics Financials and College of Engineering.
E. Athletics Update
Mr. David Coburn, Athletics Director

Mr. Coburn's athletics update included three NCAA/ACC issues beginning with Name, Image and Likeness Bill, which passed the legislature and is waiting on the Governor's signature. This would go into effect July 2021. Senator (Marco) Rubio is filing a bill to address issues and would preempt state law giving regulatory jurisdiction to the Federal Trade Commission. We are supportive of his bill due to the use of university marks and symbols, a lack of recruiting controls and our ability to effectively monitor for compliance.

The next issue, the Ninth Circuit affirmed the Federal District Court decision in the Alston case. The NCAA violated federal antitrust law by limiting the value of education scholarships that may be awarded to student athletes. The court took the position that this may be done school by school or conference by conference but not national basis. The court's decision also expanded the definition of quote educational benefits unquote, quote, that may be awarded to student athletes. Institutions would be permitted to give money to athletes, paying for things such as computers and musical instruments and quote. Other products and services used for academic pursuits, which is not defined and could mean almost anything, including. I need a car to get to class. The NCAA may also not bar scholarships to athletes for study abroad programs or financial aid given after athletes have exhausted their eligibility to compete. This could have serious impact on costs for athletic programs and potentially opens the door for some serious recruiting issues.

The final issue is the transfer issue, which has two pieces. The graduate transfer piece - the NCAA has substantially loosened the restrictions on graduate transfers and will now be able to enroll in on additional undergraduate majors or minors, or in some cases for programs at their new institutions.

The undergraduate transfer, which will allow one-time transfer exception for undergraduates, was tabled in May, and is undecided until at least the beginning of next year and will not take effect until at least the 2122 academic year. Our coaches continue to have concerns regarding the proposal including out of the transfer flexibility will interact with the scholarship caps, the impact on APR and potential for poach. When we put all three of those issues together, there is potential for recruiting violations.

We are currently in a recruiting dead period through June 30th. Additionally, no athletic camps will be permitted this summer in football. Due to recruiting dead period through June 30th and no football camps this summer, Coach Norvell and staff have a challenge of establishing relationships with coaches and student athletes. We have twice the number of verbal commitments we have had in last three years. In the last week alone, we have added two very good transfers and three commitments from high school athletes.

The NCAA is granting spring sport athletes an additional year of eligibility because their seasons have been canceled. We have 23 seniors who are going to return and take advantage of that additional year. The cost to us will be little over $500,000. Half of that money will be provided from funding reserved for
academics. The coaches in the individual sports are responsible for the remainder funding from either their operating budgets or from their restricted accounts.

We are currently planning to begin (fall) seasons on-time and play a full slate of contests. The final decisions will be determined by the ACC and NCAA. They currently have several contingency plans being developed.

Testing for COVID in stages with football student-athletes. Men's and women's basketball will be tested next as well as soccer, volleyball, and cross country.

Sports beyond football remain uncertain and need to see how it goes with football before we proceed.

Voluntary campus activities have been authorized by the NCAA. Football has begun voluntary strengthen and conditioning workouts in stages. These have been carefully constructed to protect the health and the safety of both the student athlete and the staff. Anyone who tests positive for the virus will be isolated, or university protocol and tracing will be done.

A working group planning for the resumption of sports and are examining many different scenarios. A detailed plan in place for the use of the Moore Center. This includes signage, symptom checks, distancing, mask requirements and sanitation. A similar plan for basketball and the other falls sports will be in place.

Boosters' staff are working on several scenarios for home games this football season, which include various levels of seating capacity in the stadium from zero to 100%. This is very complicated because distancing is involved and families or couples who have been living together who want to sit together.

Additionally, student seating, Marching Chiefs and some visiting fans will need to be accommodated. Potentially, only those with season tickets could be the only ones able to physically attend.

Boosters continues to raise money and are close to the goal for the annual fund. The Unconquered Campaign now has commitments of up to about $93 million, which includes about $15 million from the Renaissance.

The search for the new executive director continues. Round one of interviews were very good and have an excellent group of candidates remaining.

The athletics GPA was 3.44 for the spring semester and our football GPA was 3.177. The department GPA for the academic year was 3.229. A very successful year academically. The degree completion program continues to produce very, very good results since last Spring 2019, we have 10 former student-athletes return to complete their degrees.

Mr. Coburn, considering recent national events, touched on a meeting with Coach Norvell and the football team that included open dialogue and very candid conversations. Additionally, he spoke about a conversation he had with 75 student-athletes to discuss Mr. Floyd's death and other similar incidents here in Tallahassee and across the country. It was and interesting, educational, and an emotional conversation. Although, open and candid, emotions ran the gamut, they
were angry, hurt, frustrated, concerned, and some of them are scared. Several good ideas were suggested to help athletes to better understand each other. Several talked about police training, and communications with coaches. A concern about offending rich, powerful boosters and supporters was discussed. Mr. Coburn reminded everyone that it is important that to listen because they represent our future and our current situation. Athletics is more than a mirror, in which we see the reflection of society as the good and the bad. It’s also the lens through which we see society as it could ensure athletics is where we see young men and women of all races and nationalities, cooperating with each other, cooperating with knocking each other down, helping each other up, screaming at each other one minute leaping into each other’s arms and sheer joy, the next. As we see all these things in athletics, our children and our grandchildren see, and that changes their perception of how society could and should be.

Mr. Coburn shared that coaches in America are going to have to become comfortable with the uncomfortable. What has happened in the last few days has changed America forever. We are all going to have to become comfortable with the uncomfortable. He asks that happens here and when student-athletes speak up, and they are going to speak up all over America. When it happens here at Florida State, he asks that we not be upset or angry, but to be understanding and supporting.

The Administration, athletics, coaches, staff, and everyone are determined to help them and to help them make real sustainable change happen.

F. Legislative Update

Ms. Kathleen Daly, Associate Vice President for University Relations

Ms. Daly provided a legislative update regarding the recent legislative session. The Governor has until June 30th to review and act on the budget. Included in the proposed budget is $3 billion in emergency funding and $4.6 billion federal funding in the State Cares Act. State leaders are getting direction on how it can be spent. A revenue estimating conferences is scheduled for June 25th. They will discuss the revenue collection report with sales tax activities from April as well as Corporate Income Tax.

FSU will continue to monitor elections for FSU alumni in the fall with the qualifying deadline on Friday, June 12th.

G. Student Government Update

Ms. Natassia Janvier, Vice President

Ms. Janvier provided a Student Government Association update. She shared information regarding the focus of the Levin – Janvier – Hall administration. Including Advance Student life, Amplify Diverse Student Voices, Enhancing SGA Internally, Expand External Relationships, Further the FSU Strategic Plan, and Increase Student Engagement.

She introduced the new executive branch as well as reviewed the various agencies as well as their events and programs provided to students including “Ignite Your Nole” for incoming students.
H. Faculty Senate Steering Committee Update

*Dr. Erin Ryan, Vice Chair*

Dr. Ryan provided an update on the Faculty Senate Steering Committee. The Faculty Senate met recently to respond to the COVID-19 crisis and to prepare for the upcoming academic year. Some of the challenges raised by the pandemic that were addressed were grading, remote instruction, tenure, promotion, remote exams, faculty evaluations, travel, and research.

Additionally, the Faculty Senate voted on proposed changes to the Liberal Studies program, eliminating an easier requirement and liberalizing collective choices, modification of undergraduate retention policy, amended a conflict of interest policy for graduate committees, formalized distinctions between thesis coursework only and project based master's program. In an emergency session, the University's ADA Service Statement was updated. Faculty discussed concerns about the implementation of certain ADA accommodation policies. An ad hoc committee has convened to identify opportunities to better faculty coordination with the ADA Services and working together to meet students and University's obligations under the law. Finally, the first Faculty Senate orientation session took place remotely to better prepare new Senators for their roles. Faculty participation was strong indicating the seriousness with which our members take on responsibilities.

I. University Advancement Update

*Dr. Tom Jennings, Vice President for University Advancement*

Dr. Jennings provided an update regarding University Advancement including Direct Support Organization.

Dr. Jennings provided "Predictions for University Fundraising During COVID-19"

- Consequence #1: Philanthropic revenues have already taken a swift hit and declines will likely accelerate next year.

- Consequence #2: Small and mid-sized gifts will likely fall across institutions in FY 2020 and FY 2021; the biggest drops may come at the top of the gift pyramid.

- Consequence #3: Visits may rebound next year, but the current cultivation drop-off will continue to affect gift proposals.

- Consequence #4: New campaign launches might continue apace, but institutions already in campaign will likely delay major milestones.

Dr. Jennings reviewed Fiscal Year 2020 DSO Gift Commitments.

Considering recent issues raised in America, the Alumni Association has reached out to the black alumni network leaders who helped shape a message for a network meeting/webinar series forum hosted by the Alumni Association to discuss recent issues.
J. **Office of Research Update**  
*Dr. Gary Ostrander, Vice President for Research*

Dr. Ostrander provided a brief update regarding Research funding – proposals, awards, and dollars through federal, state, and other funding – for FY 2019-2020.

Additionally, Dr. Ostrander reviewed the communication with the Research Community, which includes weekly Research Continuity Zoom Meetings with over 150 participants, COVID-19 Research Continuity Committee, COVID Testing Center and COVID-19 Collaborative Collision Grant Program.

K. **General Counsel Update**  
*Ms. Carolyn Egan, General Counsel*

Ms. Egan reviewed the General Counsel’s perspective of process the University has been undergoing to reopen. This includes reviewing innovative ideas, HIPPA information, sharing ideas with ACC General Council, assisting with K-12 schools, high school athletics, and continuing to navigate court systems.

VII. **CHAIR’S REPORT**  
*Mr. Ed Burr, Chair*

**Action Items**

A. President’s Evaluation & Contract

*Chair Burr asked Trustee Buzzett, Chair of the Governance Committee, provide an update on the Committee Meeting as well as the process for the President’s Evaluation. Evaluations will be sent out shortly for completion and return.*

*Chair Burr also provided an update regarding the President’s Contract and after conversations the proposed Contract extension until November 2021. The previous contract extension that would have ended February 2021, was not taken to the Board of Governors, and therefore voided.*

*Trustee Henderson moved to approve the President’s Contract extension to November 2021. Trustee Duda seconded the motion and was approved unanimously.*

VIII. **OPEN FORUM FOR BOARD OF TRUSTEES**  
*Mr. Ed Burr, Chair*

Chair Burr reminded the Trustees of the upcoming special Board of Trustees meeting to discuss the reopening of campus on Thursday, June 18th at 1:30 pm.

IX. **ADJOURNMENT**

Chair Burr adjourned the meeting at 12:00 noon.
FLORIDA STATE UNIVERSITY
BOARD OF TRUSTEES VIRTUAL ZOOM MEETING
MINUTES

THURSDAY, JUNE 18, 2020
1:30 PM

Members Participating: Max Alvarez, Kathryn Ballard, Billy Buzzett, Ed Burr, Jim Henderson, Brent Sembler, June Duda, Bob Sasser, John Thiel, Jorge Gonzalez, Craig Mateer, Jonathan Levin and Eric Chicken

I. CALL TO ORDER AND WELCOME
   Mr. Ed Burr, Chair

II. PUBLIC COMMENTS

Ben Serber, Graduate Assistant, indicated concern regarding reopening of registration in mid-July and the cancellation deadline for housing (June 26) do not coincide. Students are unable to cancel their housing contract until the registration reopens.

John Schwenkler, Professor – Department of Philosophy, expressed his disappointment regarding the reopening plan, which requires many of the classes to be move to online.

Michael Yost, Graduate Assistant, commented that the Reopening Plan that is presented is cautious and wise given the current circumstances. He commended the campus-wide mask mandate for this fall. He is requesting that the masks be distributed to students and employees without cost to the individuals.

III. DISCUSSION AND APPROVAL OF FLORIDA STATE UNIVERSITY’S CAMPUS REOPENING PLAN

Provost Sally McRorie provided an overview of the Reopening Plan for FSU’s campus as directed by the Florida Board of Governors. With the safety of students and employees some of the requirements highlighted:
- Social distancing
- Mandatory face mask requirement while in campus buildings
- Cleaning procedures recommended by the CDC
- Athletics adhering to the NCAA and ACC guidance – daily screenings at entrances, testing of athletes,
- Briefing of safety precautions to visitors coming onto campus
- Contact tracing plan with Florida Department of Health and local hospitals
- Encourage FSU Community to take the Flu vaccination
- Aspirational goal to have baseline testing for faculty, staff, and students (not mandated)
- Testing will be available on campus, residence hall available for quarantine of students, if needed
- Remote classes following Thanksgiving holiday
International Learning in Europe are currently closed – London, Florence, and Valencia

President Thrasher provided comments regarding the collaboration that took place to put the plan together with faculty, staff, and students. The plan follows the guidelines provide by the FLBOG. President Thrasher would like as many face-to-face classes, as possible, while following the CDC guidelines. This is not a final plan and work in progress that will be updated

Vice President Kyle Clark reviewed the availability of masks to the students, employees, and visitors. The masks that are available and meet the CDC guidelines. Students will be provided masks at the beginning of the fall semester at no charge.

Chair Burr inquired about the dorm contract deadline concern. Provost McRorie and Vice President Amy Hecht addressed the concern that the deadline has been extended to July 3rd and any other exemptions should be requested through email.

Trustee Sembler requested an updated from Vice President Gary Ostrander regarding the FSU CTI testing and safety of personal information. Vice President Ostrander responded that the Office of Research is responsible for setting up of the actual test facility. The testing will be a QTPCBR based test onsite. Facilities in Innovation Park are currently set-up with equipment. We are partnering with Tallahassee Memorial Health Care and they will be responsible for staffing of the facility. TMHC holds the CLIA Certification that is required for us to be able to do this type of testing on humans. The FSU College of Medicine, College of Nursing and University Health Center are working to establish how the collection of specimens. They continue to work to partner with other laboratories to be able to turn results around in 8 to 24 hours, which will make a significant impact on their ability to quickly respond.

Vice President Clark reiterated Dr. Ostrander's comments. Vice President Ostrander's group is focused on processing the specimens, while partnering with the College of Medicine and the College of Nursing in the fall, to collect the specimen. There are several people working through the logistical issues on the drive-thru sites, collecting the specimens and swabbing. Currently, the Wellness Center is able to collect the specimens for the drive thru. The General Counsel's Office has been working on issues regarding HIPAA and other privacy requirements associated with adhering to federal requirements in the letter of the law. Results will not be shared with anyone outside of the medical community. The University will receive information related to the test or who has been tested and whether someone was cleared, or not cleared to return to work. Testing issues or inconclusive test could give reason for someone not being cleared to return to work. The University also has opportunities to mail testing kits to people so that they do not have to come to a drop through testing site. This will be useful for students that live outside of Tallahassee with the goal to get as many of students to test before they come to campus. The cost to perform the test will be less than if we used one of our third-party partner. If insurance does not cover the cost, then University funds are allocated to cover the cost. The Wellness Center will process billing to insurance. Test results will be delivered through a secure portal.
Trustee Sembler inquired about the budget for the process of COVID-19 testing on campus. Vice President Clark responded that some of the insurance companies are not paying for the test and some of the insurance companies are. The cost has been covered by the Office of Research for running the tests, FSU received $14 million in Federal CARES money due to the pandemic and the FLBOG has authorized the use of non-recurring money to prepare to repopulate campus.

Vice President Hecht reviewed the off-campus support plan for students that may test positive. The Department of Health will perform the contact tracing. FSU will communicate with the roommate their risks to make sure the student is self-isolated and their risks. We will ensure the student self-isolates and make sure they are in touch with case management to insure they have food or any other resources they need during that time, making sure they understand cleaning protocol. The sorority houses are to come up with a plan for positive cases.

*Trustee Sembler moved to approve the Florida State University Campus Reopening Plan. Trustee Thiel seconded the motion and was approved unanimously.*

IV. **CHAIR'S REPORT**

*Mr. Ed Burr, Chair*

V. **OPEN FORUM FOR BOARD OF TRUSTEES**

*Mr. Ed Burr, Chair*

President Thrasher shared words regarding recent issues around campus. He condemns all forms of hate, racism, discrimination, and police brutality. He is committed to long term changes so every person feels safe and treated with respect and dignity.

He spoke about a recent virtual meeting that was held with several students, athletes, TCC and FAMU students to discuss local issues with Mayor John Daily, Chief Lawrence Revell, Chief Terri Brown, and other community leaders. The dialogue and discussions were productive and positive while giving students an opportunity to voice their concerns and recommendations on how to improve relationships here in Tallahassee.

Trustee Eric Chicken spoke regarding the Faculty Senate passing a Resolution asking the Legislature to give FSU the naming rights for the BK Roberts Law building. The faculty and administration of the College of Law also called for the law change. The student body is currently working on a similar resolution. These are continuing efforts from the past few years that President Thrasher and College of Law have worked on to get the building renamed. The name change will require legislative action. Trustee Chicken is requesting the support of the FSU Board of Trustees. President Thrasher endorses the call for action. Chair Burr said the Board would take it under advisement at the September 11, 2020, FSU Board of Trustees Meeting.

VI. **ADJOURNMENT**

Chair Burr adjourned the meeting at 3:00 pm.
V. STUDENT AFFAIRS

1. Emergency Regulation FSU-3.004 Student Conduct Code

2. Emergency Regulation FSU-3.0041 Student Organization Conduct Code
MEMORANDUM

TO: John Thrasher, President

FROM: Amy Hecht
      Vice President for Student Affairs

DATE: August 3, 2020

SUBJECT: Approval of Proposed Emergency Conduct Regulations to Comply with Title IX Amendments [Emergency Regulations effective for 90 days]

1. Requesting Approval of Emergency Regulation to update FSU-3.004 Student Conduct Code [Adopt FSU-ER20-1 Student Conduct Code]


These Emergency Regulations are necessary as they need to be adopted effective immediately without the full regular notice to comply with Federal law and will be followed by identical regularly noticed Regulations at the Board’s meeting on September 11, 2020.

Attached are the Emergency Regulations and redlined versions from the existing Code. Also, the Title IX Policy which is referenced in all. The Emergency Regulations are identical to what will be proposed as changes to the Codes at the next meeting.

On May 6, the U.S. Department of Education released its final regulations governing campus sexual assault under Title IX, which is the Federal law prohibiting sex discrimination at federally funded institutions. These are the first such formal regulations and colleges and universities will be required to comply with the regulations by Aug. 14. The regulations extended to over 2000 pages addressing both substance and procedure in great detail. There has been extended discussion among all higher education institutions about their meaning and the required response.

Amendment of university regulations to comply with these Regulations required extended staff and official review. The relatively short time between the Title IX Regulations release and the required compliance date requires adoption of Emergency University Regulations to meet the August 14 compliance deadline. Such Emergency Regulations are only effective for 90 days and will be followed by identical normally adopted amendments to be noticed for the required 30 days followed by review and possible approval by the University Board of Trustees at their meeting on September 11, 2020.

1. Student Conduct Code [FSU-ER20-1]
Summary

The following are significant changes to the Student Conduct Code:

--Incorporates and references 2-2a, the Supplemental Title IX Policy.

--Changes definition of Advisor to include a higher level of participation beyond in a Title IX Hearing including questioning of hearing participants by an Advisor.

--Changes terminology from “reporting individual” and “responding student” to “complainants” and “respondents”.

--Initial reporting document for a Title IX hearing must be in the form of a formal complaint, but other hearings and resolutions may be based upon a more informal report.

--Qualifies use of law enforcement affidavit and witness statements which is more restrictive for Title IX hearings.

--Name change of Office of Student Rights and Responsibilities to Office of Student Conduct and Community Standards

--Adds definition of program or activity

--Clarifies scope of the Code and jurisdiction of the Title IX Policy and which procedures may be used for all non-Title IX Policy cases which must use Title IX Policy procedures and definitions.

--Amnesty provisions applicable for necessary public health reporting

--Provides specific definitions of Title IX Sexual Harassment in addition to existing definitions of sexual misconduct.

--Alternative resolution is allowed for all proceedings but no-contest procedure, informal hearing and outcome-only hearing not allowed for cases falling under the jurisdiction of the Title IX Policy.

--All statements utilized in a Title IX hearing must be subject to cross-examination to be relied upon for a determination of responsibility.

--Interim Health and Safety Actions may be utilized for all types of cases but for Title IX cases they require a showing of an immediate physical threat to an individual.

--Bias in the proceeding is added as a specific basis for appeal.

2. Student Organization Conduct [FSU-ER20-2]

Except for those changes specific to individual students, any changes are parallel to those in the Student Conduct Code.

Approved for Agenda
EMERGENCY REGULATION

FSU-ER20-1  Student Conduct Code

I. Introduction .................................................................................................................. 2
II. Definitions .................................................................................................................... 2
III. Authority ..................................................................................................................... 5
IV. Scope .......................................................................................................................... 6
V. Amnesty .......................................................................................................................... 7
VI. Amendments ............................................................................................................... 7
VII. Violations ................................................................................................................... 7
     A. Sex Discrimination and Sexual Misconduct ......................................................... 7
     B. Endangerment ........................................................................................................ 10
     C. Harassment and Bullying Behavior ...................................................................... 10
     D. Invasion of Privacy ............................................................................................... 11
     E. Hazing ..................................................................................................................... 11
     F. Weapons and Dangerous Substances .................................................................. 12
     G. Fire and Safety ....................................................................................................... 12
     H. Alcohol, Controlled Substances, and Illegal Drugs ............................................ 13
     I. Disruption and Obstruction ................................................................................. 13
     J. Falsification and Misrepresentation ...................................................................... 14
     K. Property ................................................................................................................... 14
     L. Computers ............................................................................................................... 14
     M. Gambling ............................................................................................................... 14
     N. Other Violations ..................................................................................................... 15
VIII. Procedural Standards .............................................................................................. 16
     A. Advisors .................................................................................................................. 16
     B. Reports .................................................................................................................... 16
     C. Review and Investigation ...................................................................................... 16
     D. Notice of Alleged Violations ............................................................................... 17
     E. Information Session .............................................................................................. 17
     F. Resolutions ............................................................................................................. 18
     G. Outcomes ............................................................................................................... 23
     H. Appeal Procedures .............................................................................................. 26
     I. Record Keeping Practices ..................................................................................... 28
I. Introduction

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

The Student Conduct Authority at the 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 develops the knowledge and skills for effective and responsible participation in the world. The Code reemphasizes the dignity and worth of each person and substantiates the need for an inclusive environment to support the betterment of all persons associated with the University. “The University is a compassionate community. In its treatment of students, it recognizes the wisdom both of letting students experience the consequences of their actions and of providing the opportunity to learn and grow in ways that can overcome past difficulties” (General Bulletin, Florida State University, 2016).

The University fully recognizes and values the right of all students and individuals to seek knowledge, debate ideas, form opinions, and freely express views in accordance with the expectations set forth in this Code. 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 (for more information, see the University’s Freedom of Expression Rights and Responsibilities regulation). Additional expectations for student organizations are outlined in the Student Organization Conduct Code and other University rules, regulations, and/or policies.

The student conduct process is designed to be educational in nature and promotes the University’s mission. Being a member of the University community is a privilege, and the conduct process will determine if a student’s conduct warrants modification of or restriction upon that privilege.

II. Definitions

Terms specific to conduct prohibited by the Sex Discrimination and Sexual Misconduct Policy (FSU Policy 2-2 supplemented by 2-2a relating to Title IX specific requirements, also referenced as Title IX Policy) are defined in Appendix D of 2-2: Definitions and accessible at https://regulations.fsu.edu/policies/office-president

A. Advisor. The term “advisor” means any one person chosen by a respondent, complainant, or witness to provide guidance throughout the student conduct process or in the case of a Title IX formal hearing, ask questions of a complainant, respondent, or witness. Examples of advisors include, but are not limited to, law students affiliated with a Student Government Association-sponsored program, University faculty, staff, or administrators, and attorneys. Individuals are highly encouraged to select an advisor with reasonable availability.

B. Alternative Resolution. If deemed appropriate by the University, complainants and respondents may agree to forego a student conduct process in favor of reaching a mutually agreed upon resolution. The University adopts the resolution of the Alternative Resolution
process in lieu of adjudicating the case, and failure to adhere to the agreed-upon resolution by any individual may result in further student conduct action.

C. Day. The term “day” refers to any weekday Monday through Friday in which the University is in operation. This includes days when the University is in operation but classes are not in session.

D. Hearing. The term “hearing” means an informal or formal proceeding, conducted by a hearing body in accordance with the Code, following which determinations of “responsible” or “not responsible” are made with regard to alleged Code violations and outcomes are assigned as appropriate.

E. Hearing Body. The term “hearing body” means any person or persons authorized by the Code to conduct hearings, to make a finding of whether a student has violated the Code, and recommend or assign outcomes as appropriate.

F. 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 the definition of “University” below.

G. Policy. The term “policy” means the written statements governing the University as found in, but not limited to, the State of Florida Board of Governors regulations, the University’s Board of Trustees regulations, policies adopted by the President or Vice Presidents, the Student Conduct Code, the Undergraduate General Bulletin, the Graduate General Bulletin, the Student Policy Handbook, the Registration Guide, the University Housing Guide to Residence Living, the Sex Discrimination and Sexual Misconduct policy and other written requirements of departments, organizations, and clubs.

H. Preponderance of the Information. “Preponderance of the information” is the standard of evidence upon which a determination of “responsible” or “not responsible” is made, and is used in adjudicating all student conduct cases under this Code. It means that the information, as a whole, demonstrates it is more likely than not that the fact sought to be proved is true.

I. Complainant. The term “complainant” refers to any individual who is alleged to be the victim of conduct that could constitute one or more violation(s) of the Code. The complainant is the individual who is affected and files a report or formal complaint or on whose behalf a report or formal complaint is filed.

J. Respondent. The term “respondent” refers to a student who has been reported to be the perpetrator of conduct that could constitute one or more violation(s) of the Code.

K. Report. The term “report” refers to information submitted to a Student Conduct Authority alleging conduct that could constitute one or more violation(s) of the Code.

L. Formal Complaint. The term “formal complaint” refers to information from a complainant or a University official alleging conduct that could constitute one or more violation(s) of the Code by a respondent.

K. Student. The term “student” applies to any individual meeting one or more of the criteria below. The term applies to all campuses, sites, locations and delivery methods of credit-bearing course offerings.

1. Admitted. Any person, regardless of academic career, who is admitted to the University and is present on campus for the purpose of participating in any University program, course, or activity leading toward enrollment, including but not limited to orientation, graduate student orientation, teaching assistant orientation, or workshops.

2. Enrolled. Enrolled in any credit-bearing course or program offered by Florida State University at the time any alleged violation(s) occurred.
3. Active student. Any person who has been enrolled at the University and continues to be associated with the University in order to complete the course or program in which the student was enrolled. “Active” status is determined by academic policy and is enforced by the Registrar’s Office. This can include periods of non-enrollment during which the student is still eligible to enroll in classes. The term also includes any student who has been issued an Interim Health and Safety Action (IHSA) pending the outcome of a student conduct proceeding.

4. Dual enrollment. Any student enrolled in a credit-bearing course on a dual-enrollment basis. Jurisdiction over a dual-enrollment student’s conduct will be determined in consultation with appropriate officials at the student’s home institution.

L. Student Conduct Authority. The term “Student Conduct Authority” refers to an individual or administrative unit whose administrative duties include the administration of the student conduct process, including alternative resolutions or formal or informal action. Please see the section on “Authority” for more information. This definition includes, but is not limited to, the Office of the Vice President for Student Affairs, the Office of Student Conduct and Community Standards, University Housing, and International Programs or their successors.

M. University. The term “University” means Florida State University, each of the programs and activities under its control, and all property owned, leased, used, or controlled by the University, including all branch campuses, study centers, facilities, and University International Programs’ locations and property.

N. University Community. The term “University community” includes any person who is a student, faculty member, University official, visitor, contractor, volunteer, representative of the University, or any person employed by the University.

O. University Official. The term “University official” means any person assigned to engage in teaching, research, administrative, professional, or other responsibilities while acting within the scope of their employment, appointment, or volunteer role with the University.

P. Student Conduct Board. The term “student conduct board” refers to a group of currently enrolled students in good conduct standing selected and trained by the Office of Student Conduct and Community Standards to adjudicate student conduct cases as a hearing body excluding cases of alleged violations of the Sex Discrimination and Sexual Misconduct policy and cases that may result in a respondent’s separation from the University.

Q. Administrative Hearing Panel. The term “Administrative Hearing Panel” refers to a group of Student Conduct Board members in addition to faculty or staff selected and trained by the Office of Student Conduct and Community Standards who serve as a hearing body with responsibility for adjudicating student conduct cases. Panels are composed of two (2) faculty or staff members, both designated by the Director of Student Conduct and Community Standards, and three (3) Student Conduct Board members.

R. Single Hearing Administrator. Any faculty or professional staff member at the University designated and trained by the Office of Student Conduct and Community Standards to facilitate meetings or information sessions and administer alternative resolutions, or to serve as the hearing body for informal or formal hearings.

S. Residential Conduct Board. The term “residential conduct board” refers to a group of currently enrolled students in good conduct standing who each reside in University Housing and are selected and trained by University Housing to adjudicate student conduct cases for students residing in University Housing, excluding cases of alleged violations of the sex discrimination or sexual misconduct and cases that may result in a respondent’s separation from the University.
T. **Consent.** As related to alleged violations of the Code not involving sex discrimination or sexual misconduct, consent is the voluntary, informed, and freely given agreement, through words and/or actions, to participate in mutually agreed-upon behavior or activity.

U. **Student Organization.** The term “student organization” refers to an organization that has been approved by the Student Activities, as designee of the Vice President for Student Affairs, to function at the University. Further stipulations regarding recognition are outlined in FSU-3.0015 Student Organizations and Activities. For purposes of the Code, the term “student organization” also refers to a student group which is defined as any number of persons who are associated with the University and each other, but who have not registered, or are not required to register, as a student organization that conducts business or participates in University-related activities. This includes, but is not limited to, student organizations that are no longer recognized by the University and/or (inter)national organization.

V. **Law Enforcement Affidavit.** The term “law enforcement affidavit” means a sworn statement or report by a duly authorized law enforcement officer that may be relied upon by a hearing body in a student conduct proceeding with the exception of a formal hearing in a Title IX process. In those cases only, information may only be relied upon as described in the Title IX Policy.

W. **University Official Report.** The term “university official report” means a narrative or document prepared by a University employee in the course of their employment that provides information about an incident. Examples include, but are not limited to, Title IX Office investigation reports and University Housing Incident Reports. In the case of a Title IX formal hearing, information may only be relied upon as described in the Title IX Policy.

X. **Witness Statement.** The term “witness statement” means a narrative or document that is not part of a law enforcement affidavit or university official report and that is prepared and submitted as a part of the reporting of an incident or in lieu of a witness’s live appearance at a conduct proceedings, which provides the information that the witness has regarding an alleged violation of the Code. In the case of a Title IX formal hearing, a witness statement may only be relied upon as described in the Title IX Policy.

Y. **Informal Resolution.** The term “informal resolution” means the process by which a student may accept responsibility and outcomes for an alleged violation of the Student Conduct Code. This resolution is noted as a finding of responsibility and results in a student conduct record for the respondent.

Z. **Notice.** Notice is considered given to a student when it is sent to the student’s official University email address, is hand-delivered to the student or current residence, or upon the University’s receipt of a certified mail return receipt when communication is sent to the local address on file with the Office of the University Registrar or to the permanent address on file if a local address has not been provided.

AA. **University Program or Activity.** The term “University program or activity” includes locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the conduct occurs, and also includes any building owned or controlled by a student organization that is recognized by the University. A program or activity may include events, programs, and circumstances that occur in person, on a virtual platform, or via electronic communication or publication including but not limited to phone, email, text, or social media.
III. Authority

A. Authority for student conduct ultimately rests with the Florida State University Board of Trustees which has delegated such authority to the President of Florida State University (hereinafter "President"). The Board further assigns authority through this Code, a Board Regulation. The President has delegated direct authority to the Vice President for Student Affairs (hereinafter "Vice President"). The Vice President delegates this authority to the Dean of Students and to the Executive Director of University Housing. Under the direction of the Dean of Students and the Executive Director of University Housing, the Associate Dean(s) of Students/Director of the Office of Student Conduct and Community Standards, the Assistant Dean(s) of Students, directors/program leaders of International Programs, and appropriate University Housing staff are responsible for implementing the student conduct system. Implementation includes, but is not limited to, selection and training of hearing bodies.

B. The President, Vice President, Dean of Students, Executive Director of University Housing or their designees, or directors/program leaders in International Programs or their designees may take direct jurisdiction of any case when it is determined by the immediate circumstances that taking direct jurisdiction is in the best interest of the University.

C. The President, Vice President, and Dean of Students or designee have the authority to designate individuals internal or external to the University as advisors or hearing or appellate officers, when appropriate.

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

E. The initial decision or recommendation of a hearing body is considered a hearing decision. If a hearing decision is not appealed as provided within the Code, the hearing decision becomes final agency action.

F. The authority of appellate officers is further enumerated in the Code section on “Appeal Procedures.” Appellate decisions are considered recommendations to the Vice President or designee and become final agency action upon approval by the Vice President or designee.

G. Any reference in the Code to the role or responsibilities of a specific University official may be delegated by the University official to an appropriate designee.

IV. Scope

Florida State University may address the alleged misconduct of any student as specified in Section VII., “Violations,” of this Code pursuant to the following:

A. In any proceeding to determine whether a student has violated the Code, the University will apply the substantive Code provisions defining conduct violations that are in effect on the date the alleged conduct occurred. The University will apply the procedural standards outlined in section VIII. “Procedural Standards”, that are in effect at the time the student is provided notice of the specific allegation(s) of code, regulation, or other policy violations, regardless of the date of the alleged violation.

B. The Code will apply to student conduct that occurs on University premises, at University-sponsored activities and off-campus as determined by the Student Conduct Authority. Factors that will be considered when determining whether to address off campus conduct include, but are not limited to, whether the incident is documented by a verifiable source, adversely affects the University community, occurs at a University program or activity, or endangers the health or safety of a student or others.
C. The Code applies to the University as defined in this Code. Non-substantive procedural modifications that reflect the particular circumstances of each campus or international program are permitted as approved by the Student Conduct Authority.

D. The Code includes procedural standards that apply specifically to the resolution of violations of the Student Conduct Code that are not encompassed under Sexual Harassment as defined in, or that fall outside of the jurisdiction of the Title IX Policy. The University reserves the authority to determine what level of procedural standards will apply to a report or formal complaint and whether application of the appropriate procedural standards should change based on new or evolving information regarding a specific case. The University may, in its discretion, address conduct that has been dismissed during or as a result of the Title IX investigation process if the conduct or circumstances fall outside of the jurisdiction of the Title IX Policy but would fall within the other jurisdictions and provisions of the Code.

E. Student conduct proceedings may be initiated for alleged conduct that potentially violates both law and University policy without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under these procedural standards may be carried out prior to, concurrently with, or following civil or criminal proceedings at the discretion of the Student Conduct Authority. Determinations made or outcomes imposed will not be subject to change because criminal charges or civil complaints arising out of the same facts giving rise to violation of University policy were dismissed, reduced, or resolved in favor of the respondent.

F. The University may adopt the finding of fact in a criminal or civil proceeding with a similar or higher standard of proof and conduct an outcomes-only proceeding if appropriate.

G. The University has up to 180 calendar days to resolve an alleged violation(s) of the Code with a respondent upon receipt of a report of a possible violation that includes enough substantive information to conduct an investigation by the Student Conduct Authority or upon receipt of an investigation report from the Title IX Office. However, the University has discretion to extend this time period if deemed necessary to perform a thorough investigation, preserve fundamental due process, or due to other extraordinary circumstances.

H. The University may restrict a student’s contact with specified individuals when determined appropriate based on the facts or information and circumstances of each unique incident. The Student Conduct Authority can administratively issue such a restriction to any individuals involved in a conflict or incident, regardless of whether a determination of alleged violations has been made. Such restrictions are valid and enforceable only with respect to individuals who are students at the University.

I. The University may determine what University personnel have an educational need-to-know regarding the status and/or outcome of conduct processes and to provide notice to relevant University personnel as determined by the Student Conduct Authority.

V. Amnesty.

A. An element of promoting safety is providing clear, responsible methods of reporting and addressing incidents of misconduct. Therefore, in order to remove potential barriers to reporting, the Student Conduct Authority, may in its discretion, not charge a complainant with a violation for conduct originating from the same incident if reported by that student in good faith to a University official, or otherwise discovered in investigation.

B. The University’s highest priority is the physical and mental health and safety of students and members of the University community. Therefore, no student seeking assistance for
themselves or others as a result of a hazing incident, intoxication, or medical emergency from alcohol or other drugs will be charged with violation of the alcohol, controlled substances, and illegal drug or hazing provisions of the Code if:
1. The student calls local or University law enforcement or medical assistance;
2. The student cooperates fully with University, law enforcement, and medical personnel as applicable; and
3. The student remains at the scene with the person in need until assistance has arrived.
C. The University recognizes that during times of a public health emergency as declared by local, state, or national authorities the priority of gathering information regarding contact and exposure to contagion may be greater than resolution of a violation of the Student Conduct Code. Therefore, the University has discretion over whether a student will be charged with a violation of the Student Conduct Code if information is a result of providing important contact tracing information to University or public health officials.

VI. Amendments
This Code will be reviewed in its entirety every two years. Any substantive changes will be reviewed by the Vice President for Student Affairs and presented to the Board of Trustees for approval. Any amendments can be proposed by University community members for review by submitting to the Vice President for Student Affairs.

VII. Violations
Each student is expected to abide by these rules of conduct and to be accountable for their behavior. Lack of familiarity with the Code is not a justification for violating any provision of this Code. Unless specifically noted, intent is not a required element to establish a Code violation. Intoxication or impairment from alcohol, drugs, or other substances is not a justification for violating any provision of this Code. These rules of conduct should be read broadly and are not designed to define prohibited acts in exhaustive terms. See section VIII. For Title IX Policy violations.

A. Sex Discrimination and Sexual Misconduct

1. Sex/Gender-based Discrimination.
   a. Conduct toward a person based on sex, gender, sexual orientation, gender identity, or gender expression which adversely impacts academic, employment, or other decisions related to University programs and activities; or
   b. Maintaining seemingly neutral policies, practices, or requirements that have a disparate impact on academic or employment opportunities without a valid academic or business reason.

2. Sex/Gender-based Harassment. Conduct toward a person based on sex, gender, sexual orientation, gender identity, or gender expression that is so severe, pervasive, and objectively offensive that it creates a hostile work or educational environment for the person; and
   a. Unreasonably denies, interferes with, or limits an individual’s ability to participate in or benefit from University programs, opportunities, or activities; or
   b. Alters the terms, conditions, or privileges of the person’s University employment.
The totality of the circumstances will be considered in determining whether conduct is harassment, including frequency of the conduct, its severity, whether it is physically threatening or humiliating, or merely offensive. These circumstances are considered from both subjective and objective viewpoints, considering not only the effect the conduct actually had on the person, but also the impact it likely would have had on a reasonable person in the same situation. Repeated incidents, where each would not, on its own, constitute harassment, may collectively constitute harassment. Harassment may also be found in a single severe incident, as well as a pattern of behavior.

3. Sexual Harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature when:
   a. Submission to such conduct is made an explicit or implicit term or condition of employment, academic status, receipt of University services, or participation in University programs or activities, or submission to or rejection of such conduct is used as a factor in, or the basis for, an academic or employment decision; or
   b. The conduct is so severe, pervasive, and objectively offensive that it creates a hostile work or educational environment for the person; and
      i. Unreasonably denies, interferes with, or limits an individual's ability to participate in or benefit from University programs, opportunities, or activities; or
      ii. Alters the terms, conditions, or privileges of the person's University employment.

The totality of the circumstances will be considered in determining whether conduct is harassment, including frequency of the conduct, its severity, whether it is physically threatening or humiliating, or merely offensive. These circumstances are considered from both subjective and objective viewpoints, considering not only the effect the conduct actually had on the person, but also the impact it likely would have had on a reasonable person in the same situation. Repeated incidents, where each would not, on its own, constitute sexual harassment, may collectively constitute sexual harassment.

   c. Sexual Harassment may also be found in a single severe incident, as well as a pattern of behavior. Examples of behavior that could constitute sexual harassment when it meets the standard set forth above include, but are not limited to:
      i. Verbal Conduct: sexual teasing, sexual jokes, sexual innuendoes, sexual remarks about a person's body or sexual attractiveness, unwelcome demands for sexual favors, continuing unwelcome sexual advances or flirting, and sexual whistling (cat-calling).
      ii. Non-Verbal Conduct: staring at someone's sexual body parts (breasts, buttocks, groin), sexual gestures, and inappropriate display of sexual graffiti, posters, pictures, cartoons, drawings, emails, texts, body parts, or objects.
      iii. Physical Conduct: unwelcome touching of another's body, not otherwise defined by Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact, such as massaging, patting, hugging, rubbing, etc.

4. Non-Consensual Sexual Contact. Any unwelcome, intentional contact with a person's breasts, buttocks, groin, genitals, mouth, or other intimate parts; touching another with any of these body parts or making another touch you, or themselves, or another with any of these body parts; or any other intentional bodily contact in a sexual manner. Touching may be over or under clothing.
5. Non-Consensual Sexual Intercourse. Any vaginal or anal penetration by a penis, tongue, finger, or object, or any mouth to genital contact, no matter how slight the penetration or contact, without consent or by force.

6. Relationship Abuse. A single severe incident or pattern of behaviors used by an individual to maintain power and control over another individual with whom they are currently, or were previously, involved in an intimate interaction or relationship. Relationship Abuse includes, but is not limited to, behaviors that physically harm, arouse fear, prevent an individual from doing what they wish, or force them to behave in ways they do not want. It can include the use of physical and/or sexual violence, threats, intimidation, property damage, emotional abuse, verbal abuse, or economic deprivation.

7. Stalking. A course of conduct (i.e. more than one act) directed at a specific individual which would cause a reasonable person (under similar circumstances and with similar identities to the Affected Individual), to experience substantial emotional distress, or to fear for their safety or the safety of another. Acts that together constitute stalking may be direct actions or may be communicated by a third party, and can include, but are not limited to, threats of harm to self, another, or property; pursuing or following; non-consensual communication by any means; unwanted gifts; trespassing; and surveillance or other related types of observation. Stalking also includes cyber-stalking through electronic means including electronic mail, social media, cell phones, text messages, other communication applications, or the internet.

8. Sexual Exploitation. Any act where one person violates the sexual privacy of another or takes unjust or abusive sexual advantage of another without their consent for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual misconduct under this Policy. Sexual exploitation may include:
   a. Sexual voyeurism, such as watching a person undressing, using the bathroom or engaging in sexual acts without the consent of the person being observed;
   b. Invasion of sexual privacy, including sharing information about an individual’s sexual orientation, history, or preferences;
   c. Recording, photographing, transmitting, showing, viewing, streaming, or distributing intimate, nude, or sexual images or audio recordings when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity; or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person’s consent), including the making or posting of revenge pornography;
   d. Prostituting another or engaging in sex trafficking;
   e. Soliciting a minor; creation, possession, transmission, or distribution of child pornography;
   f. Administering alcohol or drugs (such as “date rape” drugs) to another person without their knowledge or consent (assuming the act is not completed); or
   g. Exposing one’s genitals in non-consensual circumstances (not including streaking, which may be disruptive conduct under this Code), including unwelcome sexting.

9. Retaliation. Any creation of a hostile environment or adverse action threatened or taken against an individual because they: make a report pursuant to this Policy; assist another person in making a report; participate in the investigation or resolution of such a
report; or in good faith and in a reasonable manner opposes conduct that they believe constitutes a violation of this Code.

10. Complicity. Engaging in any action or behavior with the intent of aiding, facilitating, promoting, or encouraging the commission of an act of sex discrimination or sexual misconduct.

B. Endangerment
1. Use of physical violence or unwelcome force against a person or the property of any person or group.
2. Action(s) that imminently endanger the health, or safety of another person or group.
3. Interference with the freedom of another person to move about in a lawful manner by force, threat, intimidation, or other means without consent.
4. Action(s) that endanger the health, safety, or well-being of an animal. This includes, but is not limited to, intentionally or unintentionally torturing or in a cruel manner killing or causing serious bodily injury to an animal; failing to provide necessary food, water, or care for an animal; unreasonably abandoning an animal in the student’s custody; transporting or confining an animal in a cruel manner; causing one animal to fight with another animal; or inappropriately overworking an animal. This provision does not prohibit any activity conducted as part of an approved academic or research program within the University.

C. Harassment and Bullying Behavior
1. Conduct, not of a sexual nature, including any gesture, written, verbal or physical act, or any electronic communication (includes text messages and postings on web-sites or social media), that places a person in reasonable fear of harm to their person or damage to their property, infringes upon rights of personal privacy, has the effect of substantially interfering with a reasonable person’s academic performance or ability to participate in opportunities or benefits provided by the University, or has the effect of substantially interfering with the orderly operation of the University.
2. Stalking, not of a sexual nature, defined as a course of conduct (i.e. more than one act) directed at a specific individual which would cause a reasonable person to experience substantial emotional distress, or to fear for their safety or the safety of another.

D. Invasion of Privacy
1. Unauthorized intrusion upon a person’s private property or communications.
2. Unauthorized appropriation and/or use of someone’s identifying or personal data or documents.
3. 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 halls rooms, private bedrooms, and restrooms. The sharing and/or distributing of such unauthorized records by any means is also prohibited.
4. Using electronic or other means to make an oral record of any person where there is a reasonable expectation of privacy without the person’s consent. Such oral communications include, but are not limited to, recordings made using any device and any wire, oral, or electronic communication.

E. Hazing
1. Any individual action or situation, which occurs on or off University property, that intentionally, recklessly, or negligently endangers the mental or physical health or safety of a student for purposes including, but not limited to, initiation or admission into or affiliation with any University student organization or other group whether or not
officially recognized by the University, or the perpetuation or furtherance of a tradition or ritual of any such student organization or group. Hazing includes, but is not limited to:

a. brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of food, liquor, drug, or other substance;
b. subjecting a person to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of a reasonable person;
c. pressuring or coercing a person into violating local, state, feceral law and/or University policy;
d. interfering with or impeding a person’s academic pursuits, employment, religious observances, or affiliation with other individuals, groups, or activities; or
e. otherwise infringing upon a person’s personal or property rights or substantially interfering with a reasonable person’s ability to participate in or benefit from the services, activities, or privileges provided by the University.

A student may commit an act of hazing whether the student is a prospective, current, or former member of the organization or group. The actions of active, associate, new and/or prospective members, former members, or alumni of a student organization or group may be considered hazing under this Code. The following circumstances are not a defense to a violation of this provision: express or implied consent of a victim, the conduct or activity was not part of any official organizational event or otherwise sanctioned or approved by the student organization, or the conduct or activity was not a condition of membership into a student organization.

2. Soliciting another or aiding or assisting another to engage in any act of hazing as defined in this Code, or active involvement in the planning of such action.

3. Observing or participating in any conduct defined as hazing pursuant to the Code by a member of the student organization or group who is not themselves a complainant, without reporting the incident to a University official.

Florida State University Hazing Policy, BOG 6.021, and Section 1006.63, Florida Statutes are considered part of this Code and incorporated as applicable.

F. Weapons and Dangerous Substances

1. On-campus possession or use of firearms, destructive devices, or other 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. This section shall not apply to:

a. 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
b. any student whose possession of a weapon as described above is approved by the FSU Police Department for a bona fide educational purpose; or
c. a concealed firearm or other weapon kept for lawful purposes with or without a license by persons 18 years or older within the interior of a private vehicle, provided that such a firearm is not carried on the person and provided that a firearm or other weapon must be kept securely encased; or otherwise not readily accessible for use, consistent with section 790.25(5), Florida Statutes; or
d. 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.

2. 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 are prohibited and 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, ornamental daggers, and swords.

3. 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.

4. Off-campus, unlawful, or unauthorized possession or use of firearms, explosives, or other weapons or dangerous articles or substances in violation of state or federal law.

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

G. Fire and Safety

1. Inappropriate activation of any emergency warning equipment or the false reporting of any emergency.

2. Unauthorized possession, or removal of, damage to, or tampering with fire, safety, or other emergency warning equipment.

3. Failure to evacuate a University building or facility within a reasonable amount of time after a fire alarm is sounded.

4. Setting or attempting to set any unauthorized fire or creating a safety hazard.

5. Obstructing the egress of an emergency exit or leaving exit, fire, and/or smoke doors propped open, or entering or exiting buildings through emergency-only doors or egresses during non-emergencies.

6. Presence on the roofs of University buildings, fire escapes, ledges, service elevators, balconies, and other areas that are designated as closed or where access is prohibited.

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

H. Alcohol, Controlled Substances, and Illegal Drugs

1. Unlawful possession, purchase or attempted purchase, misuse, or misappropriation of controlled substances, including prescription medication.

2. Possession, purchase or attempted purchase, or use of illegal drugs.

3. Actual or intended distribution, delivery, manufacture, or sale of illegal drugs or controlled substances.

4. Possession or use of drug paraphernalia.

5. Students must comply with all federal, state, and local laws pertaining to alcohol. No person under the legal drinking age may possess, purchase, attempt to purchase, consume, be under the influence of, distribute, sell, provide, or be provided alcoholic beverages.
6. Control or operation of a wheeled conveyance while under the influence of alcohol or any controlled substances or illegal drugs.

7. Disrupting the campus or off-campus community or engaging in any law or policy violation while under the influence of alcohol, controlled substances, or illegal drug.

8. Hosting by owners, residents, or others in control of the event or property where the underage consumption of alcohol, illegal use of controlled substances, or illegal drug use occurs, including in a residence hall room, residence hall common area, or off-campus personal residence or any space that is occupied by, under the control of, or reserved for the use of a student or student organization.

9. Any other violation of the University Alcohol Policy, FSU Regulation FSU-6.012.

I. Disruption and Obstruction

1. Failure to comply with the lawful order or reasonable request of an identified University official, any non-University law enforcement official, any non-University emergency responder, or any protective order.

2. Providing false or misleading information to a University official, law enforcement official, paramedics, or other medical staff.

3. Commercial solicitation on campus without prior written approval from appropriate University officials.

4. Acts that disrupt the University student conduct process or other University investigation, adjudication, or resolution process. Examples may include, but are not limited to: attempting to coerce or influence a person regarding the reporting of a student conduct violation or a person’s participation in any student conduct proceeding; avoiding or impeding communication in regard to a conduct proceeding; or actively disrupting a meeting or proceeding.

5. Urination or defecation in a public space.

6. The unauthorized sale or attempted sale of University-issued student tickets.

7. Any disruption of normal University operations caused by a student’s guest or animal.

8. Behavior which disrupts or obstructs student learning, instruction, research, administrative or other University operations or previously scheduled or reserved on-campus activities.

9. Obstruction of free flow of pedestrian or vehicular traffic.

10. Unreasonable disruption of peace, academic study, or sleep of others on or off campus.

11. Retaliation against another for making a report of conduct that may be in violation of this Code or other University policy, or for participating in an investigation, process, or hearing. Making a report that is not made in good faith may be considered retaliation. See the Sex Discrimination and Sexual Misconduct policy for prohibited conduct defined as retaliation in that policy.

J. Falsification and Misrepresentation

1. Permitting another person to use any form of the student’s identification.

2. Inappropriate use of any form of another person’s identification.

3. Impersonating or misrepresenting the authority to act on behalf of another individual, organization, group, or the University.

4. Forgery, alteration, unauthorized duplication, or misuse of identification, documents, communications, event tickets, records, keys, or access codes.

5. Falsifying, or being party to the falsification of, any official identification card, record (including oral or written communication), or document. This includes providing false information in report, investigation, or University conduct resolution meeting or proceeding.
7. Possession, ownership, or use of false identification.

K. Property
1. Malicious or negligent defacement, damage, or destruction of public or private property.
2. Theft, defined as removing or using the property or services of another person, off-campus entity, or of the University, with the intent to permanently deprive the person, off-campus entity, or University of the property or services.
3. Misappropriation, defined as temporarily removing or using the property or services of another person, off-campus entity, or the University, but without the intent to permanently deprive the person, off-campus entity, or the University of the Property or services.
4. Receipt, possession, sale, or purchase of property or services that are known or reasonably should have been known to have been stolen or obtained through unlawful means.
5. Entering or using the property or facilities of the University, off-campus entity, or another person without the proper consent or authorization.

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

M. Gambling
1. Engaging in or offering games of chance for money or other gain in violation of Florida law.

N. Other Violations
1. Violation of federal or state law, local ordinance, or laws of other national jurisdictions.
2. Violation of any Florida Board of Governors Regulation.
3. Aiding, abetting, furthering, conspiring, soliciting, inciting, or attempting to commit any other violation of University policy, federal law, state law, local ordinance, or laws of other national jurisdictions.
4. Violation of any other University regulation or policy as defined in section II. Definitions, G. Policy in this Code.
5. 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.

VIII. Title IX Policy Violations
Title IX Policy violations are resolved through specific procedural standards outlined in the Title IX Policy as well as applicable standards in the Student Conduct Code not in conflict with specific Title IX Policy provisions. Alleged conduct will be resolved under the jurisdiction of the Title IX Policy and applicable procedural standards if: i) the alleged conduct may meet one or more of the defined violations below, and ii) the conduct occurred within the context of a University program or activity within the United States.

Each student is expected to abide by these rules of conduct and to be accountable for their behavior. Lack of familiarity with the Title IX Policy is not a justification for violating any
provision of this Code. Unless specifically noted, intent is not a required element to establish a Code violation. Intoxication or impairment from alcohol, drugs, or other substances is not a justification for violating any provision of this Code. These terms should be read broadly and are not designed to define prohibited acts in exhaustive terms.

A. Sexual Harassment. Conduct on the basis of sex that satisfies one or more of the following:

1. A student employee of the University conditioning the provision of aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity (may include sexual exploitation that also meets this definition); or
3. Sexual Assault: an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation:
   a. Forcible Sex Offense (Rape): Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the complainant, or the touching of private body parts of another person for the purpose of sexual gratification, forcibly or against that person’s will, or not forcibly or against the person’s will in instances where the complainant is incapable of giving consent because of temporary or permanent mental or physical incapacity; or
   b. Nonforcible Sex Offense:
      i. Incest: Nonforcible sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by state law; or
      ii. Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent; or
4. Dating Violence: violence, not limited to sexual or physical abuse or the threat of sexual or physical abuse, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant; and where the existence of such a relationship shall be determined based on a consideration of the following factors: i) the length of the relationship, ii) the type of relationship, and iii) the frequency of interaction between the persons involved in the relationship; or
5. Domestic Violence: includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabited with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth complainant who is protected from that person’s acts under the domestic or family violence laws of their jurisdiction; or
6. Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.
VIII. Procedural Standards

A. Advisors

1. An advisor may not participate directly in any proceedings or speak on behalf of the respondent, complainant, or witness with the exception of a formal hearing in a Title IX process. In those cases only, an advisor is responsible for the conducting of questioning as described in the Title IX Policy.

2. Consultation with an advisor during a meeting, proceeding or hearing must take place in a manner that is not disruptive.

3. Identity of an advisor is required to be reported to the Student Conduct Authority at least three business days prior to a meeting, proceeding, or hearing.

4. Advisors may not be individuals who serve other roles in the process as outlined in this Code (i.e. hearing administrator, witness, etc.), or if service in an advisory capacity would unreasonably conflict with the fair administration of the student conduct process as determined by the appropriate Student Conduct Authority.

5. The University is not responsible for selecting or compensating an advisor for any student navigating the student conduct process. If a student does not have access to an advisor for purposes of the student conduct procedural standards, the University will provide an advisor.

6. The availability of an advisor to attend a student conduct meeting, proceeding, or hearing will not unreasonably interfere with or delay the student conduct process. For Title IX hearing proceedings, if a student’s advisor does not appear the University will assign an advisor or delay proceedings as outlined in the Title IX Policy.

7. Once a meeting, proceeding, or hearing has been scheduled it will rarely be rescheduled due to later unavailability of an advisor.

8. A representative from the University’s Office of the General Counsel may also be present at any meeting, proceeding, or hearing.

B. Reports

1. Anyone may file a report with the University alleging that a student has violated the Code. Any report should be submitted as soon as possible after the incident takes place, preferably within 60 calendar days. When there is significant delay, the Student Conduct Authority’s ability to resolve an incident may be difficult due to access to reliable information and witnesses. Therefore, the Student Conduct Authority has discretion whether or not to pursue resolution of a report and will only pursue a significantly delayed report when the conduct or respondent are deemed to pose a potential threat to the health or safety of an individual or the University community or other exceptional circumstances.

2. The Office of Student Conduct and Community Standards may receive reports or information on the disposition of criminal cases from the FSU Police Department, Tallahassee Police Department, Leon County Sheriff’s Office, Division of Alcoholic Beverages and Tobacco, other law enforcement agency, or any municipal, state, or federal court.

3. Reports may be accepted through alternate reporting mechanisms at the discretion of the Student Conduct Authority including but not limited to written or verbal communication, published information, or referral from another University department.

4. For reports alleging sex discrimination or sexual misconduct, the reporting process can be found in the Sex Discrimination and Sexual Misconduct Policy and/or the Title IX Policy. If a report alleges sexual misconduct and is reported via report.fsu.edu, the Student
Conduct Authority will report the matter to the appropriate Title IX Office authority, in accordance with the University's Sex Discrimination and Sexual Misconduct Policy and/or Title IX Policy. The Title IX office will evaluate the report pursuant to the policy before it will be referred to the Office of Student Conduct and Community Standards to review for possible violations of the Code.

B. Review and Investigation

1. All reported information will be reviewed by an appropriate Student Conduct Authority to determine appropriate next steps.

2. Interim Health or Safety Actions may be issued pursuant to section F. Outcomes, 1. Interim Health and Safety Action herein.

3. Investigation
   a. Upon receipt of a report, except for reports that are referred to the Title IX Office, a prompt, thorough, and impartial investigation may be conducted by the Office of Student Conduct and Community Standards, other designated staff, or FSUPD if further information is required to determine appropriate resolution by the Student Conduct Authority.
   
   b. Investigations will include a review of the submitted report, and other additional information, such as that gathered from investigation meetings with involved individuals or groups. Any involved individuals or groups will be interviewed and asked to share information they have regarding the incident including documents (text messages, emails, photos, etc.) and identification of any additional witnesses who may provide direct information regarding the incident.
   
   c. Students may be accompanied by an advisor of their choice. Individuals are highly encouraged to participate in the process in order to allow for as thorough an investigation as possible; however, an individual may decline to participate in the investigation process.
   
   d. At the conclusion of an investigation, the investigating office or designated staff will produce an investigation report and forward to the Student Conduct Authority for determination for next steps including, but not limited to, no action, issuance of an admonishment, referral to another department or governing body, or an information session to determine resolution of the allegation of misconduct.

C. Notice of Alleged Violations

1. Absent exigent circumstances, the Student Conduct Authority will notify a respondent of any alleged Code violation(s) within five business days after receiving all appropriate information.

2. Written notice given to any complainant(s) or respondent(s) will include:
   a. Sufficient detail to allow the student to prepare a response (including source of information, description of the alleged behavior(s), and specific alleged Code violation(s)); and
   
   b. The date, time, and location of an information session, during which the complainant or respondent may view all materials related to the case, receive instruction regarding the student conduct process and the student’s rights, and discuss the type of resolution process to be utilized.
   
   c. Notice that a student may waive the information session and advance directly to a formal hearing process by submitting notification in writing within two business days after the sending of the notice of alleged violation(s).

3. Parent(s) of any student under the age of eighteen at the time of the alleged violation(s) may also be notified of pending alleged violation(s).
D. Information Session

1. During the information session the complainant or respondent may view all materials related to the case, review procedural standards, and discuss options for resolution, which include alternative resolution, no-contest resolution, informal hearing, formal hearing, or an outcomes-only hearing.

2. The Student Conduct Authority will determine what resolution process is appropriate after considering the expressed preferences of any complainants and respondents, and the totality of the circumstances.
   a. An alternative resolution process will only be considered if both a complainant and respondent mutually agree. An alternative resolution process may be considered in cases falling under the jurisdiction of the Title IX Policy.
   b. If a respondent elects either a no-contest resolution or informal hearing and the Student Conduct Authority deems appropriate, the administrator conducting the information session may immediately facilitate a no-contest resolution process or conduct the informal hearing as the hearing administrator, or schedule the informal hearing or no-contest resolution process to take place within a reasonable time. In cases involving a complainant, the administrator will gather the necessary information and conclude the no-contest resolution or informal hearing within a reasonable time. A no-contest resolution or informal hearing for resolution of a case falling under the jurisdiction of the Title IX Policy is not permitted.
   c. A formal hearing process will be utilized if elected by the respondent or if determined by the Student Conduct Authority to be the appropriate resolution process based on the totality of the circumstances of the case. If selected, a single hearing administrator is the only option for a formal hearing if the incident alleges violations of the Sex Discrimination and Sexual Misconduct policy.
   d. An outcomes-only hearing may be utilized when a student has been found guilty or at fault in a criminal or civil court with a preponderance of the evidence or higher standard at the discretion of the Student Conduct Authority.

3. When a respondent has two or more outstanding incidents, those incidents may be heard as a single case at the discretion of the Student Conduct Authority.

E. Resolutions

1. Alternative Resolution
   a. Alternative resolution is a voluntary process that allows the respondent to accept responsibility for their behavior. The alternative resolution process is designed to eliminate the behavior, prevent its recurrence, and remedy its effects in a manner that meets the needs of the complainant while maintaining the safety of the campus community. The alternative resolution process will only be used with the agreement of both the complainant and respondent and under the direction of the Student Conduct Authority, who may elect to cease the resolution process at any time and revert to an investigation, hearing, or other resolution. The complainant may be a University Official, or a University Official representing a University department.
   b. The alternative resolution options available under this Code recognize:
      i. Participation in this process is voluntary and either the complainant or respondent can choose to end the process at any time prior to signing a resolution agreement.
ii. Both the complainant and respondent must participate in individual information sessions with appropriate staff to learn more about the resolution process prior to participating.

iii. The process is only intended to be used once by a respondent, and may not be considered if a respondent has previously been alleged to have violated the Code. Further, the resolution process will not be considered for any incident that alleges any of the following: violence against a member of a vulnerable population, such as a minor or individual with a developmental disability; the use of a weapon; significant physical injury; that there are multiple alleged perpetrators of violence; or that the respondent has engaged in violence against multiple individuals.

iv. If the complainant and respondent mutually agree to participate in an alternative resolution process, they must agree to follow a timeline to be established in the information session for meeting schedules and response deadlines. An agreement resolution must be reached within 30 calendar days from agreement to proceed with the alternative resolution process. The University reserves the right to adjust established timelines if necessary to accommodate for limited staffing resources or other unforeseen circumstances.

v. The complainant and respondent must agree to all terms established upon agreeing to engage in alternative resolution, or the case will be resolved through an investigation or other resolution process pursuant to the Code.

vi. The respondent may be charged with a violation of the Code for failure to adhere to the requirements laid out in the resolution agreement.

vii. Resolution agreements that are finalized through the alternative resolution process are not categorized as a student conduct record at the University, but can be referred to as an aggravating factor in assigning outcomes in the event of any future violations.

viii. Resolution agreements must be signed by both the complainant and respondent as well as the Student Conduct Authority, Assistant Dean of Investigations or Executive Director of Housing. If an agreement is unable to be reached, the matter will be referred to the Student Conduct Authority for further action or adjudication.

ix. Resolution agreements reached at the conclusion of the resolution process are final and not subject to any other review or appeal. Individuals participating in the resolution process and mutually agree with the final resolution are waiving the ability to utilize a formal investigation and hearing process through the Student Conduct Authority.

c. Both the complainant and respondent may be accompanied by an advisor at any meeting during the alternative resolution process.

2. No-Contest Resolution

a. A respondent may elect to resolve an outstanding violation(s) through a no-contest resolution in lieu of a hearing if deemed appropriate by the Student Conduct Authority and if the student accepts both responsibility for the alleged violation(s) and assigned outcomes.

b. In a no-contest resolution, because the student accepts responsibility, the proceeding will be focused on potential appropriate outcomes.

c. No-contest resolutions may take place during the information session or scheduled within a reasonable time thereafter.
d. No-contest resolutions are noted as a finding of responsibility for violation(s) of the Code and are considered a student conduct record.

e. No-contest resolutions are not permitted for cases falling under the jurisdiction of the Title IX Policy.

3. Informal Hearing
   a. A respondent may elect to resolve an outstanding violation(s) through an informal hearing if deemed appropriate by the Student Conduct Authority. Informal hearings are typically utilized when there is not conflicting, complex, or additional information that would be best examined through a formal hearing setting.
   b. Informal hearings may take place as an element of the information session or scheduled within a reasonable time.
   c. The respondent may provide information including reports, witness statements, communications, or other documentation in the hearing.
   d. A hearing administrator may temporarily adjourn the informal hearing if the administrator determines that further review of clarification is necessary including, but not limited to interviewing the complainant or witnesses.
   e. A hearing administrator may utilize information gathered from information sessions, investigation meetings, or other proceedings involving students from the same incident in making a determination on responsibility. If such information is under consideration, a respondent will be informed of the information and have an opportunity to respond.
   f. Informal hearings are not permitted for cases falling under the jurisdiction of the Title IX Policy.

4. Formal Hearing
   a. A formal hearing may be heard by a single hearing administrator, Administrative Hearing Panel, or Residential Conduct Board. For cases that include allegations of sex discrimination or sexual misconduct either under the Student Conduct Code or the Title IX Policy, if a formal hearing is selected, the hearing will be conducted by a single administrator.

   b. Notice of a formal hearing, including the identity of the hearing administrator or body, will occur at least five business days prior to the hearing. Any objection regarding selected hearing administrator or hearing body must be submitted three business days prior to the start of a hearing.

   c. Formal Hearing Guidelines
      i. Private hearing. A formal hearing is conducted in private. The complainant(s) (if applicable), respondent(s), and advisor(s) are allowed to attend the entire portion of the hearing at which information is presented. Admission of any other individual to the hearing is at the discretion of the Student Conduct Authority.

      ii. Scheduling. Formal hearings are scheduled based on the availability of the complainant(s) (if applicable), respondent(s), person providing information on behalf of the University, and the hearing body. Student availability is determined based on academic class schedules and requirements. Absent exigent circumstances, lack of availability based upon personal matters, employment schedules, or the availability of an advisor are not considered in scheduling a formal hearing. A student should select as an advisor a person
whose schedule reasonably allows attendance at the scheduled date and time for the hearing.

iii. Witnesses. In a formal hearing, appropriate witnesses identified by the Student Conduct Authority, complainant(s), or respondent(s) may be invited to the hearing to provide information in support of, or challenging responsibility of the alleged violation(s). Absent extraordinary circumstances, any witnesses must be identified at the information session or by the date otherwise given in a notice of allegations or other communication from the Student Conduct Authority. Witnesses will be invited by the Student Conduct Authority. Formal hearings will be scheduled within a timeframe to allow witnesses reasonable notice to participate, but a proceeding will not be unreasonably delayed or disrupted based on the availability of witnesses. In the case of a formal hearing, the University will make reasonable efforts to secure in-person testimony from law enforcement officers in cases where a student conduct charge results from an incident that was reported to law enforcement, and any University personnel who were involved in investigating a matter. However, sworn affidavits of law enforcement officers and official university reports may be considered by a hearing body in the absence of in-person testimony of the law enforcement officer or appropriate University employee(s), provided that the hearing body reasonably finds that the affidavit or report is otherwise reliable and the respondent has an adequate opportunity to respond to all facts alleged in the affidavit. Other written witness statements will be accepted for review in a formal hearing if the witness does not attend at the discretion of the hearing administrator or body. However, such statements will not be considered as having equal weight as witness information presented in a hearing, and cannot be used as the sole information supporting a finding of responsibility. In formal hearings of cases falling under the jurisdiction of the Title IX Policy, witness statements may be relied upon for determination of responsibility if subject to cross examination as described in the Title IX Policy.

iv. Questions. The hearing administrator or body may pose questions directly to any individual providing information in the hearing. The complainant(s) (if applicable) and respondent(s), and may propose questions to be answered by one another, but questions must be directed to the hearing administrator or chair of the hearing body rather than to the individual directly. The hearing administrator or chair will determine whether questions or potential information are appropriate for review as part of the formal hearing at their discretion. In formal cases falling under the jurisdiction of the Title IX Policy, questioning of participants in the hearing and determinations of relevancy will be made as described in the Title IX Policy.

v. Information.

a. Additional information, including, but not limited to, reports, witness statements, communications, or other documentation may also be reviewed in a hearing. Any such documentation that was reasonably available during a University investigation, but which was not provided during the course of the investigation by individuals afforded an opportunity to do so, will not be considered. Any additional information must be submitted to the Student Conduct Authority immediately upon discovery of such information. In cases falling under the jurisdiction of the Title IX Policy,
information will be relied upon for determination of responsibility if subject to cross examination as described in the Title IX Policy.

b. Individuals may decline to provide information or answer questions posed in a hearing. However, the hearing body will make a decision on responsibility after considering the information that is shared as a part of the formal hearing.

c. Past behavior of the respondent(s) or complainant(s) will be excluded from the hearing unless deemed relevant by the administrator or chair of the hearing body.

d. Past behavior of a respondent may be reviewed as an aggravating or mitigating factor for consideration in assigning appropriate outcomes if the respondent is found responsible for a violation.

e. Complainants and respondents may submit an impact statement to the appropriate Student Conduct Authority three business days prior to the formal hearing. Impact statements are considered an element of the hearing record and accessible for review by a complainant and respondent in the event there is a finding of responsibility. If applicable, the complainant and respondent may review the impact statement and provide a response within a reasonable time and by such method as determined by the Student Conduct Authority.

f. Consideration of information for a determination regarding responsibility is limited to that information presented in the formal hearing. Information that is discovered in a separate hearing or proceeding originating from the same reported incident may be introduced in a formal hearing.

vi. Hearing record. There will be a single record, such as a digital audio recording of all formal hearings. Deliberations will not be recorded. This recording will be the property of the University but will be made available for the complainant(s) or respondent(s) to review upon request. Any recordings of the hearing without the acknowledgement and permission of involved individuals is prohibited.

5. Outcomes-Only Hearing

a. The Student Conduct Authority may determine that an outcomes-only hearing is appropriate to resolve a case where a student is found guilty or at fault in a criminal or civil court based on a preponderance of the evidence or higher standard.

b. Outcome-only hearings may take place as an element of the information session or be scheduled within a reasonable time. If a student does not participate in the hearing, the Student Conduct Authority will issue the appropriate outcomes based on the information available.

c. The respondent may provide information, including an impact statement, for consideration.

d. An outcomes-only hearing is not permitted for violations charged under the jurisdiction of the Title IX Policy.

6. General Guidelines

a. Basis for decision(s). The basis for any decision of responsibility in an informal or formal hearing will be whether upon a preponderance of the information, it is more likely than not that a violation or violations of the Code occurred. The burden to demonstrate that this standard has been met rests with the
University, and all respondents are considered to be not responsible for a violation until and unless a hearing body makes a finding of responsibility.

b. Informal procedural standards. Formal rules of process, procedure, and/or technical rules of evidence such as are applied in criminal or civil court are not used in student conduct proceedings.

c. Personal health and safety accommodations. The Student Conduct Authority may accommodate individuals with concerns for their personal health or safety during a proceeding or hearing by providing separate facilities or physical dividers, and/or by permitting participation by video conference or other viable means as determined by the Student Conduct Authority as appropriate and do not infringe upon fundamental due process.

d. Accommodations for qualified individuals with a disability. Any student with a qualified disabling condition may work with the Office of Accessibility Services (OAS) to request a reasonable accommodation in order to equally participate in the student conduct process. All requests for reasonable accommodations must be made either through the Office of Student Conduct and Community Standards or the OAS. All accommodation requests must be made in a timely manner and coordinated with the student’s appropriate disability specialist within the SDRC. Non-students may make a reasonable request for accommodation with the Student Conduct Authority.

e. Decision in absentia. If a complainant, respondent, or witness does not appear for a proceeding or hearing after notice, the Student Conduct Authority or hearing body may postpone the proceeding or review any information in support of or challenging the violations in the individual’s absence and determine a finding regarding responsibility and any related outcomes based upon the available information.

f. Status pending conduct proceedings.
An individual who leaves the University before a conduct matter or assigned outcomes are resolved or completed may be prohibited from future enrollment or obtaining University records until the matter is resolved. Degrees, credentials, transcripts, enrollment certifications, diplomas, or other academic records may be withheld until the matter is resolved including completion of any assigned outcomes or suspension period. Final determination in a case that occurs after the awarding of an academic degree or credential with a result of expulsion may result in revocation of the academic degree or credential.

g. Any question of application of or objection to procedural standards, authority, scope or other provisions of the Code must be referred to the Director of Student Conduct and Community Standards at least three days prior to a conduct hearing.

h. A hearing body or the Student Conduct Authority may impose other reasonable procedural requirements for the orderly administration of student conduct proceedings, provided that such requirements are not inconsistent with this Code and do not infringe upon a student’s procedural due process rights.

i. Joint hearing. In cases involving more than one respondent, whether a formal or informal hearing, the hearing body may permit the hearing concerning each student to be conducted either separately or jointly.
F. Outcomes

Outcomes are interim action(s) or final status or education assignments that alone or in any combination are assigned to a student as an interim health or safety measure or as a final outcome at the conclusion of a resolution process.

1. Interim Health and Safety Actions. Interim actions may be initiated to protect the health or safety of individuals involved in an incident or investigation or in circumstances when a student is alleged to have engaged in conduct that poses a substantial risk to the University community or operations. IHSAs may be issued in conjunction with, or pending the outcome of, an investigatory or adjudicative process of the Student Conduct Code, Student Organization Conduct Code, Sex Discrimination and Sexual Misconduct policy, or Title IX Policy. For cases falling under the jurisdiction of the Title IX Policy, an interim health and safety action temporarily separating a student from the University or precluding participation in a course or courses must only be assigned when there is an immediate threat to physical health or safety of an individual that arises out of a report or formal complaint, or other aspect of the procedures described in the Title IX Policy. Other supportive measures and remedies may be instituted as described in the Title IX Policy.

   a. Interim action(s) will be communicated in writing consistent with the notice provisions of this Code.

   b. Interim action(s) are temporary measures applied through the duration of an investigation and/or resolution process and do not replace a resolution process as outlined in this Code.

   c. A student may request a review of an interim action in writing to the Dean of Students. The scope of the request is limited to whether the interim action(s) should remain in place, based on the information available. The respondent in an IHSAS is afforded an opportunity to respond to the allegations or information presented by the University as the basis for the IHSAS. The Dean of Students will schedule a review meeting with the requesting student within three business days of receiving the written request. The requesting student may provide information including reports, witness statements, communications, or other documentation in the meeting. When applicable, a complainant may provide information to the Dean of Students for purposes of this review. Interim actions may be affirmed, modified, or lifted as a result of a requested review. The Dean of Students or designee will communicate the final decision in writing within one business day of the review meeting.

   d. Interim Action(s) may include any actions deemed appropriate to mitigate the threat to health, safety, or welfare of the University community or individuals involved in an incident, ranging from interim suspension to restrictions on participation in university-sponsored programs or activities or presence on campus.

2. Status Outcomes

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

   a. Reprimand. A notice in writing to the student that the student is violating or has violated University expectations for behavior and that further violations may result in more severe disciplinary action.

   b. Housing Probation. This status is assigned to a student for a specified period of time. While on this status, any further violation(s) may result in termination or
reassignment of housing. In addition, this status constitutes a disciplinary record that will remain on file with the Student Conduct Authority in a manner consistent with University records retention policies.

c. Termination or reassignment of housing. Removal or reassignment of an individual in University housing after a specific date and for a specified period of time. If removed, the student may be restricted from entering all University residence halls. This status constitutes a disciplinary record that will remain on file with the Student Conduct Authority in a manner consistent with University records retention policies.

d. Disciplinary Probation. This status is assigned to a student for a specified period of time. While on this status, any further violations may result in suspension or expulsion from the University. Other restrictions that may be placed upon a student on disciplinary probation 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 facilities or campus areas, or contact with any specified individual(s). In addition, this status constitutes a disciplinary record that will remain on file with the Office of Rights and Responsibilities in a manner consistent with University records retention policies.

e. Suspension. Separation from the University after a specific date and for a specified period. Through the duration of the suspension period the individual may be restricted from University property and may be required to provide prior notice and receive approval from the Student Conduct Authority for the purpose of conducting University business. Before a student may be readmitted to the University after a designated period of time, that person must meet with the Dean of Students to show satisfactory completion of any assigned directives or to discuss stipulated conditions set for their return to the University. In addition, this status constitutes a disciplinary record that will remain on file with the Office of Student Conduct and Community Standards indefinitely. The University will withdraw the student from any current courses and cancel any future enrollment. Whether an individual is eligible for a refund upon withdrawal or cancellation is dependent upon the University’s refund schedule. Depending on the length of the suspension, a suspended student may be subject to University policies and requirements regarding readmission. If a student is required to apply for readmission, readmission is not guaranteed after a period of suspension is served; and the student is responsible for communicating with the Office of Admissions to identify appropriate process(es) for re-entry at the expiration of the suspension period and when any terms of suspension or other outcomes are satisfied.

f. Expulsion. Separation from the University without the possibility of readmission. The University will withdraw the student from any current courses and cancel any future enrollment. Whether an individual is eligible for a refund upon withdrawal or cancellation is dependent upon the University’s refund schedule. In addition, the individual may be restricted from University property. This status will be noted on the individual’s academic transcript and will constitute a disciplinary record that will remain on file with the Office of Student Conduct and Community Standards indefinitely.
g. Degree Withdrawal or Revocation. A degree may be withdrawn or revoked when a student has graduated and an incident occurred before graduation in the following circumstances:
   i. The student has a pending conduct hearing that was scheduled before or as the student graduated; or
   ii. At any time after the student has graduated or received a degree, the University becomes aware of an incident involving an alleged violation of this Code that took place before the student graduated or received a degree from the University.

The student will receive the degree once the matter is resolved and any outcomes (when applicable) are completed unless the outcome is expulsion, in which case the degree may be revoked.

3. Education Outcomes
   a. Service Hours. Completion of service under the supervision of a University department or outside agency.
   b. Discretionary outcomes. Work assignments, essays, presentations, research projects, conduct contracts, or other discretionary assignments.
   c. Master Education Plan. Develop a master education plan with the aid of the Student Conduct Authority and assigned mentor with continuous evaluation and support for a specified period of time.
   d. Counseling Assessment. Referral for assessment at University Counseling Center for alcohol/drug concerns, general mental health, or other wellness concerns.

4. Administrative Directive Outcomes
   a. Restitution. Compensation for loss, damage, or injury to University property. This may take the form of appropriate service, monetary, or material replacement.
   b. No contact directive/extension of existing no contact directive. A no contact directive is an official University directive that serves as notice to an individual that they must not have physical contact with or proximity to, or direct verbal, electronic, written, and/or indirect communication intentionally made through another individual for a specified period of time. This may be a new directive, extension of an existing directive, or include altered or additional parameters or instructions to an existing directive. No contact directives may only be removed prior to the specified period of time at the discretion of the Student Conduct Authority and at the written request of all involved individuals.
   d. Loss of privilege. Denial of any specified privilege for a specified period of time. Examples include, but are not limited to: guest privileges, restriction from a University event or program, or restriction from an area or building.
   e. Parental notification. Notification may be sent to parents or guardians of a student who is under 18 years of age, or financially dependent on their parents or guardians, depending on the circumstances surrounding the incident. Parents or guardians may also be notified of alcohol and other Drug incidents for students under 21 years of age, regardless of financial dependency or resulting outcome.
   f. Behavioral Plan. This is a directive to the student from the Student Conduct Authority and/or in consultation with another appropriate office (including, but not limited to Housing, Title IX, etc.) which outlines expected behaviors to aid in a student’s success.
5. Alternative Resolution Agreement Outcomes
   a. Any individual or combination of outcomes listed in the education outcomes section of this policy.
   b. Administrative directive outcomes including, but limited to restitution, no contact directive or extension of existing no contact directive, loss of privilege and behavior plan as defined in the administrative directives outcomes section of this policy.
   c. Voluntary time away from the University for a specified period of time.

G. Appeal Procedures
1. Student appeal. Both a complainant (if applicable) and a respondent are afforded a single opportunity to appeal decisions and/or any outcomes issued by a hearing body within five business days of the date of the written decision and outcomes. Only complainants who are students are eligible to submit an appeal request with the exception of cases of sex discrimination or sexual misconduct or Title IX Policy violations in which a complainant may submit an appeal regardless of student status. Any interim actions will remain in effect at the discretion of the Student Conduct Authority, however any outcome(s) resulting from the original hearing decision will be held in abeyance pending the conclusion of the Florida State University appeal process. A complainant (when applicable) and a respondent will be notified of an appeal submission by the other individual, given the opportunity to review the submitted appeal request, and given the opportunity to submit a response.
2. Required Format. All appeal requests must be in writing using the appropriate form, identify the basis or bases for appeal, and include any supporting documentation the appealing individual or student wishes to be considered.
3. Scope of Review. Deference is given to the original hearing body’s findings of fact and decision on responsibility and/or any outcomes; therefore, the burden is on the individual filing an appeal request to sufficiently demonstrate cause to alter the decision of the hearing body or any outcomes. An appeal review will generally be limited to a review of the record of the hearing and supporting documents for one or more of the bases of appeal listed below, provided however, that under extraordinary circumstances the appeal administrator may request additional information or clarification from the University, investigator(s), hearing body, Student Conduct Authority, complainant, respondent, or witnesses for purposes of this review.
4. Appellate Administrator(s). The Vice President for Student Affairs designates University administrators to facilitate policies and procedural standards as outlined in this Code, including appellate review. All appellate reviews are considered recommendations for review and action for the Vice President for Student Affairs’ final agency action on behalf of Florida State University.
   a. Decisions of the Administrative Hearing Panel, Student Conduct Board, or hearing administrators appointed by the Office of Student Conduct and Community Standards may be appealed to the Dean of Students.
   b. Decisions of the Residential Conduct Board or administrators appointed by University Housing may be appealed to the Executive Director of University Housing.
   c. Decisions of the Dean of Students may be appealed to the Vice President.
5. Bases for Appeal. Appeal reviews are not a “re-hearing” of a student conduct matter, rather, a review of process and submitted information to ensure stated procedural standards were followed. Appeal considerations are limited to one or more of the following bases:
   a. Process Review. That the proceeding was not conducted in accordance with established procedural standards. Such procedural errors must have substantially affected the outcome of the hearing.
   b. Bias Review. That the proceedings were not conducted without bias or prejudice on the part of the hearing body. May include but is not limited to demonstration of a conflict of interest, or failure to objectively evaluate all relevant information.
   c. Information Review. That the information presented in a proceeding does not support the finding of the hearing body that a violation of Code exists.
   d. Outcome Review. That the outcomes are extraordinarily disproportionate given the nature of the violations and any aggravating or mitigating circumstances presented.
   e. New Information. That new information exists that was not known to the individual appealing and could not reasonably have been known or discovered at the time of the original proceeding, and which would have substantially affected the outcome of the proceeding. This does not include statements from an complainant or respondent who did not appear for a proceeding or hearing.

6. Appeal Decision. An appeal administrator reviewing an appeal request may make one of the following recommendations:
   a. Affirm. The administrator may affirm the decision and/or outcomes of the original hearing body.
   b. Alter outcome. The administrator may alter the outcome(s) issued by the original hearing body. Alteration in the outcome may include reducing or increasing the severity of outcome(s) or requirements.
   c. New hearing. The administrator may determine a new hearing by a different hearing body is warranted to correct procedural irregularity or to consider new information. A student may appeal any decision by a hearing body assigned to adjudicate a new hearing.
   d. Remand. The administrator may direct the original hearing body to review their original decision subject to any instructions from the appeal administrator. The hearing body may affirm its original decision or render a new decision consistent with those instructions. A student may appeal a decision made on remand; however if a hearing body affirms its original decision, a student may not appeal the decision on the same grounds as in the previous appeal.

7. Final Agency Action. The appeal administrator will forward findings and recommendations to the Vice President for Student Affairs for review. The Vice President’s review and decision is considered the final decision of the University and will be communicated in writing within fifteen business days to the respondent and if applicable, simultaneously to the complainant. This timeline may be extended if necessary in consideration of the record on appeal. Final agency action decisions are only appealable by writ of certiorari to the Second Judicial Circuit in and for Leon County, Florida.

H. Record Keeping Practices.
1. File maintenance. A student who participates in a student conduct process as a complainant, respondent or witness has a file created and maintained by the Office of Student Conduct and Community Standards or University Housing respectively. Files are maintained in a manner consistent with University record retention policy and in compliance with Florida Public Record Law. Files regarding cases resulting in a respondent’s suspension or expulsion are maintained indefinitely.

2. Access to and Copies of Records. Students are permitted access and review of their records pursuant to FERPA for the purpose of reviewing information that is subject to consideration as part of a student conduct proceeding.

3. Transcriptions of hearings. Any student desiring a transcript of a recorded hearing that is a part of their education record 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.

4. Petition for clearing a disciplinary record. Student conduct records may be cleared upon review and approval by the Dean of Students. When a record is cleared, the information it contains is no longer considered a disciplinary record. However, the University may be required to produce the record regardless of its status in order to comply with a subpoena or other information request consistent with federal or state law. The University is required by law and policy to retain student education records for specified periods of time, and for certain purposes. Clearing a record affects only information maintained by the Office of Student Conduct and Community Standards and University Housing, respectively. Copies of letters distributed by or to other University departments, incident reports, police reports, and the results of previous background checks reported outside of the Office of Student Conduct and Community Standards are not affected by this process. Petitions for clearing a record may be made no sooner than one year after the date of the respondent’s last finding of responsibility from the student conduct process or one calendar year prior to their anticipated graduation, whichever is later. The request must be made in writing to the Dean of Students and will not be granted for conduct that resulted in suspension or expulsion from the University. A petition may also be denied for any records related to conduct that posed a threat to a member of the University community or serious damage to University property.

Law implemented 1011.48 Adopted__________
EMERGENCY REGULATION

FSU-ER20-2 STUDENT ORGANIZATION CONDUCT CODE

I. Introduction ........................................................................................................................................ 1
II. Definitions ........................................................................................................................................ 2
III. Authority ........................................................................................................................................ 6
IV. Scope .............................................................................................................................................. 6
V. Amnesty ............................................................................................................................................ 7
VI. Amendments .................................................................................................................................. 7
VII. Student Organization Responsibility .............................................................................................. 7
VIII. Violations ..................................................................................................................................... 8
      A. Sex Discrimination and Sexual Misconduct ............................................................................. 8
      B. Endangerment ............................................................................................................................ 8
      C. Harassment and Bullying Behavior ......................................................................................... 9
      D. Invasion of Privacy ................................................................................................................... 9
      E. Hazing ........................................................................................................................................ 10
      F. Alcohol, Controlled Substances, and Illegal Drugs ................................................................. 11
      G. Disruption and Obstruction ....................................................................................................... 12
      H. Property ..................................................................................................................................... 12
      I. Other Violations ......................................................................................................................... 13
IX. Procedural Standards ....................................................................................................................... 13
      A. Advisors .................................................................................................................................... 13
      B. Reports ..................................................................................................................................... 14
      C. Review and Investigation .......................................................................................................... 14
      D. Notice of Alleged Violations ...................................................................................................... 15
      E. Information Session .................................................................................................................. 15
      F. Resolutions ................................................................................................................................. 16
      G. Outcomes .................................................................................................................................. 22
      H. Appeal Procedures ..................................................................................................................... 24
      I. Record Keeping Practices .......................................................................................................... 26

I. Introduction

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

The University is proud of the plethora of student organizations thriving on campus. Student organizations play a key role in the campus culture at the University and are valuable in upholding the values of the University. Student organizations are the backbone of student engagement at the
University. Students can select academic, social, service, honorary, sports clubs, political, religious and many other organizations to connect with during their time at the University. Student organizations at the University are actively involved in leading, supporting, and serving the University community. Student organizations foster interpersonal relationships, explore educational opportunities, develop professional skills, and enhance academic experiences. Student organizations provide students spaces to develop skills for life after graduation as active citizens.

The Student Conduct Authority at the 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. The Student Code of Conduct and Student Organization Code of Conduct reemphasize the dignity and worth of each person and substantiates the need for an inclusive environment to support the betterment of all persons associated with the University. “The University is a compassionate community. In its treatment of students, it recognizes the wisdom both of letting students experience the consequences of their actions and of providing the opportunity to learn and grow in ways that can overcome past difficulties” (General Bulletin, Florida State University, 2016).

The University fully recognizes and values the right of all students and individuals to seek knowledge, debate ideas, form opinions, and freely express views in accordance with the expectations set forth in this Code. 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 (for more information, see the University’s Freedom of Expression Rights and Responsibilities regulation). Additional expectations for student organizations are outlined in University rules, regulations, and/or policies.

The student conduct process is designed to be educational in nature and promotes the University’s mission. Being a member of the University community is a privilege, and the conduct process will determine if a student organization’s conduct warrants modification of or restriction upon that privilege.

II. Definitions

Terms specific to conduct prohibited by the Sex Discrimination and Sexual Misconduct policy (FSU Policy 2-2 supplemented by 2-2a relating to Title IX specific requirements, also referenced as Title IX Policy) are defined in Appendix D of 2-2: Definitions and accessible at https://regulations.fsu.edu/policies/office-president

A. Advisor. The term “advisor” means any one person chosen by an complainant, student organization representative, or witness to provide guidance throughout the student organization conduct process. Examples of advisors include, but are not limited to organization advisors, alumni, organization staff, law students affiliated with a Student Government Association-sponsored program, University faculty, staff, or administrators, and attorneys. Individuals are highly encouraged to select an advisor with reasonable availability.

B. Alternative Resolution. If deemed appropriate by the University, complainants, and the responding student organization may agree to forego a student organization conduct process in favor of reaching a mutually agreed upon resolution. The University adopts the resolution of the Alternative Resolution process in lieu of adjudicating the case, and failure to adhere to the agreed-upon resolution by any individual or the student organization may result in further student organization conduct action.

C. Day. The term “day” refers to any weekday Monday through Friday in which the University is in operation. This includes days when the University is in operation but classes are not in session.
D. **Hearing.** The term “hearing” means an informal or formal proceeding, conducted by a hearing body in accordance with the Code, following which determinations of “responsible” or “not responsible” are made with regard to alleged Code violations and outcomes are assigned as appropriate.

E. **Hearing Body.** The term “hearing body” means any person or persons authorized in the Code to conduct hearings, make a finding of whether a Student Organization has violated the Code, and recommend or assign outcomes as appropriate.

F. **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 the definition of “University” below.

G. **Organization Facility.** The location where organization events occur. This may include a live-in component for members.

H. **Organization Event.** An organization event is defined as any event consisting of prospective, new, active, recently active, and alumni members (or some combination thereof) that a reasonable observer would associate with the Student Organization, or was sponsored, financed, or endorsed by the Student Organization, or required advanced planning on behalf of the Student Organization.

I. **Policy.** The term “policy” means the written statements governing the University as found in, but not limited to, the State of Florida Board of Governors regulations, the University’s Board of Trustees regulations, policies adopted by the President or Vice Presidents, the Student Organization Conduct Code, the Undergraduate General Bulletin, the Graduate Bulletin, the Student Policy Handbook, the Registration Guide, the Guide to Residence Living, the Sex Discrimination and Sexual Misconduct policy, and other written requirements of departments and other written requirements of departments, organizations, and clubs.

J. **Preponderance of the Information.** “Preponderance of the information” is the standard of evidence upon which a determination of “responsible” or “not responsible” is made, and is used in adjudicating all student organization cases under this Code. It means that the information, as a whole, demonstrates it is more likely than not that the fact sought to be proved is true.

K. **Student Organization.** The term “student organization” refers to a Student Organization that has been approved by Student Activities, as designee of the Vice President for Student Affairs, to function at the University. Further stipulations regarding recognition are outlined in FSU-3.0015 Student Organizations and Activities. In this Code, the term “student organization” also refers to a student group which is defined as any number of persons who are associated with the University and each other, but who have not registered, or are not required to register, as a student organization that conducts business or participates in University-related activities. This includes, but is not limited to, student organizations that are no longer recognized by the University and/or (inter)national organization.

L. **Complainant.** The term “complainant” refers to any individual or student organization who is alleged to be the victim of conduct that could constitute one or more violation(s) of the Code. The complainant is the individual or student organization who is affected, and files a report or formal complaint, or on whose behalf a report or formal complaint is filed.

M. **Responding Student Organization.** The term “responding student organization” refers to a student organization that has been reported to be the perpetrator of conduct that could constitute one or more violation(s) of the Code.

N. **Report.** The term “report” refers to information submitted to a Student Conduct Authority alleging conduct that could constitute one or more violation(s) of the Code.

O. **Formal Complaint.** The term “formal complaint” refers to information from a compliant or a University official alleging conduct that could constitute one or more violation(s) of the Code by a responding student organization.
P. **Student.** The term "student" applies to any individual meeting one or more of the criteria below. The term applies to all campus, sites, locations and delivery methods of credit-bearing course offerings.

1. **Admitted.** Any person, regardless of academic career, who is admitted to the University and is present on campus for the purpose of participating in any University program, course, or activity leading toward to enrollment, including but not limited to orientation, graduate student orientation, teaching assistant orientation, or workshops.
2. **Enrolled.** Enrolled in any credit-bearing course or program offered by Florida State University at the time any alleged violation(s) occurred.
3. **Active student.** Any person who has been enrolled at the University and continues to be associated with the University in order to complete the course or program in which the student was enrolled. “Active” status is determined by academic policy and is enforced by the Registrar’s Office. This can include periods of non-enrollment during which the student is still eligible to enroll in classes. The term also includes any student who has been issued an Interim Health and Safety Action (IHSA) pending the outcome of a student conduct proceeding.
4. **Dual enrollment.** Any student enrolled in a credit-bearing course on a dual-enrollment basis. Jurisdiction over a dual-enrollment student’s conduct will be determined in consultation with appropriate officials at the student’s home institution.

Q. **Student Conduct Authority.** The term “Student Conduct Authority” refers to an individual or administrative unit whose administrative duties include the administration of the student conduct process, including formal, informal action, or alternative resolution. See the section on “Authority” for more information.

R. **Student Organization Representative.** A student designated by a Student Organization to serve as its representative through any Student Organization conduct proceedings. Typically, this individual serves on the executive board of a Student Organization and may particularly serve in the role of president. In some cases a representative of the (inter)national headquarters or leadership may be designated by a(n) (inter)national organization to represent the Student Organization, however this role is separate and apart from that of an advisor, including but limited to legal counsel. The Student Conduct Authority may choose to require a Student Organization to designate a non-student representative or designate a different student representative when deemed necessary.

S. **University.** The term “University” means Florida State University, each of the programs and activities under its control and all property owned, leased, used, or controlled by the University, including all branch campuses, facilities, and University International Programs’ locations and property.

T. **University Community.** The term “University community” includes any person who is a student, faculty member, University official, visitor, contractor, volunteer, representative of the University, or any person employed by the University. It also includes student organizations and their members (active or inactive), officers, guests, contractors, and agents.

U. **University Official.** The term “University official” means any person assigned to engage in teaching, research, administrative, professional, or other responsibilities while acting within the scope of their employment or volunteer role with the University.

V. **Student Conduct Board.** The term “student conduct board” refers to a group of currently enrolled students in good conduct standing selected and trained by the Office of Student Conduct and Community Standards to adjudicate student organization conduct cases as a hearing body excluding cases of alleged violations of the Sex Discrimination and Sexual Misconduct policy and cases that may result in a responding student organization’s suspension or loss of recognition.
W. **Administrative Hearing Panel.** The term “Administrative Hearing Panel” refers to a group of Student Conduct Board members in addition to faculty or staff selected and trained by the Office of Student Conduct and Community Standards who serve as a formal hearing body with responsibility for adjudicating Student Organization conduct cases. Panels are composed of two (2) faculty or staff members, both designated by the Director of Student Conduct and Community Standards, and three (3) Student Conduct Board members.

X. **Single Hearing Administrator.** Any faculty or professional staff member at the University designated and trained by the Office of Student Conduct and Community Standards to facilitate meetings or information sessions and administer alternative resolutions, or to serve as the hearing body for informal or formal hearings.

Y. **Consent.** As related to alleged violations of the Code not involving sex discrimination or sexual misconduct, consent is the voluntary, informed, and freely given agreement, through words and/or actions, to participate in mutually agreed-upon behavior or activity.

Z. **Law Enforcement Affidavit.** The term “law enforcement affidavit” means a sworn statement or report by a duly authorized law enforcement officer that may be relied upon by a hearing body in a student conduct proceeding with the exception of a formal hearing in a Title IX process. In those cases only, information may only be relied upon as described in the Title IX Policy.

AA. **University Official Report.** The term “university official report” means a narrative or document prepared by a University employee in the course of their employment that provides information about an incident. Examples include, but are not limited to, Title IX Office investigation reports and University Housing Incident Reports. In the case of a Title IX formal hearing, information may only be relied upon as described in the Title IX Policy.

BB. **Witness Statement.** The term “witness statement” means a narrative or document that is not part of a law enforcement affidavit or university official report and that is prepared and submitted as a part of the reporting of an incident or in lieu of a witness’s live appearance at a conduct proceedings, which provides the information that the witness has regarding an alleged violation of the Code. In the case of a Title IX formal hearing, a witness statement may only be relied upon as described in the Title IX Policy.

CC. **Student Organization Member.** A University student currently enrolled in classes who participates in a Student Organization. Student Organization participation may include, but is not limited to, paying dues, being listed on a roster, participating in activities or meetings, or receiving communication from the Student Organization.

DD. **Informal Resolution.** The term “informal resolution” means the process by which a student organization may accept responsibility and outcomes, or not contest responsibility for an alleged violation of the Student Organization Conduct Code. This resolution is noted as a finding of responsibility and results in a record for the responding student organization.

EE. **Notice.** Notice is considered given to an organization when it is sent to the student organization representative's official University email address, is hand-delivered to the student organization representative or current residence, or upon the University’s receipt of a certified mail return receipt when communication is sent to the local address on file with the Office of the University Registrar, to the permanent address on file if a local address has not been provided, or to the address of the national organization when applicable.

FF. **University Program or Activity.** The term “University program or activity” includes locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the conduct occurs, and also includes any building owned or controlled by a student organization that is recognized by the University. A program or activity may include events, programs, and circumstances that occur in person, or a virtual platform, or via
III. Authority

A. Authority for student organization conduct ultimately rests with the Florida State University Board of Trustees which has delegated such authority to the President of Florida State University (hereinafter “President”). The Board further assigns authority through this Code, a Board Regulation. The President has delegated direct authority to the Vice President for Student Affairs (hereinafter “Vice President”). The Vice President delegates this authority to the Dean of Students and the Director of the Office of Student Conduct and Community Standards.

B. The President, Vice President, and Dean of Students have the authority to designate individuals internal and external to the University as hearing or appellate officers when appropriate.

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

D. The hearing decision or recommendation of a hearing body is considered a hearing decision. If a hearing decision is not appealed as provided within the Code, the hearing decision becomes final agency action.

E. The authority of appellate officers is further enumerated in the Code section on “Appeal Procedures.” Appellate decisions are considered recommendations to the Vice and become final agency action upon approval by the Vice President.

F. Any reference in the Code to the role or responsibilities of a specific University official may be delegated by the University official to an appropriate designee.

IV. Scope

Florida State University may address the alleged misconduct of any Student Organization as specified in Section VII. “Violations of Expectations” of this Code pursuant to the following:

A. In any proceeding to determine whether a student organization has violated the Code, the University will apply the substantive code provisions defining conduct violations that are in effect on the date the alleged conduct occurred. The University will apply the procedural standards outlined in section VI. “Procedural Standards”, that are in effect at the time the student organization is provided notice of the specific allegation(s) of code, regulation or other policy violations, regardless of the date of the alleged violation.

B. The Code will apply to student organization conduct that occurs on University premises, at University-sponsored activities and off-campus as determined by the Student Conduct Authority. Factors that will be considered when determining whether to address off campus conduct include, but are not limited to, whether the incident is documented by a verifiable source, adversely affects the University community, occurs at a University program or activity, or endangers the health or safety of a student or others.

C. The Code applies to the University as defined in this Code. Non-substantive procedural modifications that reflect the particular circumstances of each campus or international program are permitted as approved by the Student Conduct Authority.

D. The Code includes procedural standards that apply specifically to the resolution of violations of the Student Organization Conduct Code that are not encompassed under Sexual Harassment as defined in, or that fall outside of the jurisdiction of the Title IX Policy. The University reserves the authority to determine what level of procedural standards will apply to a report or formal complaint and whether application of the appropriate procedural
standards should change based on new or evolving information regarding a specific case. The University may, in its discretion, address conduct that has been dismissed during or as a result of the Title IX investigation process if the conduct or circumstances fall outside of the jurisdiction of the Title IX Policy but would fall within the other jurisdictions and provisions of the Code.

E. Student Organization conduct proceedings may be initiated for alleged conduct that potentially violates both law and University policy without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under these procedural standards may be carried out prior to, concurrently with, or following civil or criminal proceedings at the discretion of the Student Conduct Authority. Determinations made or outcomes imposed will not be subject to change because criminal charges or civil complaints arising out of the same facts giving rise to violation(s) of University policy were dismissed, reduced, or resolved in favor of an individual or student organization.

F. The University may adopt the finding of fact in a criminal or civil proceeding with a similar or higher standard of proof and conduct an outcomes-only proceeding if appropriate.

G. The University has up to 180 calendar days to resolve an alleged violation(s) of the Code with a responding student organization upon receipt of a report of a possible violation that includes enough substantive information to conduct an investigation by the Student Conduct Authority or upon receipt of an investigation report from the Title IX Office. However, the University has discretion to extend this time period if deemed necessary to perform a thorough investigation, preserve fundamental due process, or due to other extraordinary circumstances.

H. Student Organization decisions and outcomes may be published by the University.

I. The University may restrict a student’s or student members of a student organization’s contact with specified individuals when determined appropriate based on the facts or information and circumstances of each unique incident. The Student Conduct Authority can administratively issue such restrictions to any individuals involved in a conflict or incident, regardless of whether a determination of alleged violations has been made. Such restrictions are valid and enforceable only with respect to individuals who are students at the University.

J. The University may determine what University personnel have an educational need-to-know regarding the status and/or outcome of student organization conduct processes and to provide notice to relevant University personnel as determined by the Student Conduct Authority.

V. Amnesty.

A. An element of promoting safety is providing clear, responsible methods of reporting and addressing incidents of misconduct. Therefore, in order to remove potential barriers to reporting, the Student Conduct Authority may in its discretion, not charge a complainant with a violation for conduct originating from the same incident if reported by that student in good faith to a University official, or otherwise discovered in investigation.

B. The University’s highest priority is the physical and mental health and safety of students and members of the University community. Therefore, no student seeking assistance for themselves or others as a result of a hazing incident, intoxication, or medical emergency from alcohol or other drugs will be charged with violation of the alcohol, controlled substances, and illegal drug or hazing provisions of this Code if:

1. That student calls local or University law enforcement or medical assistance;
2. That student cooperates fully with University, law enforcement, and medical personnel, as applicable; and
3. That student remains at the scene with the person in need until assistance has arrived.

C. Amnesty provisions may extend beyond individual students to a student organization at the discretion of the Student Conduct Authority.

D. The University recognizes that during times of a public health emergency as declared by local, state, or national authorities the priority of gathering information regarding contact and exposure to contagion may be greater than resolution of a violation of the Student Organization Conduct Code. Therefore, the University has discretion over whether a student organization will be charged with a violation of the Student Organization Conduct Code if information is a result of providing important contact tracing information to the University or public health officials.

VI. Amendments

This Code will be reviewed in its entirety every two years. Any substantive changes will be reviewed by the Vice President and presented to the Board of Trustees for approval. Any amendments can be proposed by University community members for review by submitting to the Vice President for Student Affairs.

VII. Student Organization Responsibility

A Student Organization may be held responsible for the actions of those affiliated with the organization, including but not limited to: one or more of its members (active or inactive), new members, former members, alumni, guests, contractors, and agents if action on behalf of, in the interest of, or as affiliates of the student organization. Every Student 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 Student Organization. Each Student Organization is expected to educate its members regarding their risk management policy and all applicable University policies and state laws.

A. In determining whether a Student Organization 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 student organization members who must be involved in an incident to determine group responsibility. A Student Organization may be subject review under the provisions of this Code for activities not sponsored by the Student Organization where persons present or responsible for the activity are members or guests of members of the Student Organization.

B. Misconduct on the part of the Student Organization may be addressed when factors including, but not limited to the following are found:

1. Members of the Student Organization (active or inactive), new members, alumni, former members, agents, contractors, or guests act together to violate the Student Conduct Code or Student Organization Conduct Code; or

2. Officers or members of a Student Organization are present at a student organization-sponsored, financed, or otherwise supported activity or event; or

3. Student Organization leadership had knowledge or should have had knowledge of the event, or planned unlawful conduct and/or conduct in violation of the Student Conduct Code or the Student Organization Conduct Code before it occurred and failed to take preventative or corrective action or failed to stop unlawful behavior as it occurred at such event; or
4. An event or conduct in violation of the Student Conduct Code or the Student Organization Conduct Code occurred on premises and/or transportation owned, operated, controlled, or rented by the Student Organization; or

5. A pattern of individual violation(s) occurred and/or continues to occur without adequate control, response, or discipline on the part of the Student Organization or its leaders; or

6. The Student Organization or members interfere with the investigation or conduct proceedings of any individuals who are members (active or inactive), new members, alumni, former members, agents, contractors, guests, of the Student Organization.

C. Other Student Organization Privileges and Expectations

1. There are many privileges and expectations associated with being a Recognized Student Organization (RSO) at Florida State University. Refer to Student Activities regarding the privileges afforded RSO’s on campus and refer to the RSO Handbook for expectations of an RSO.


VIII. Violations

Each Student Organization is expected to abide by these rules of conduct and to be accountable for the behavior of student organization members. Lack of familiarity with University policy is not a justification for violating any provision of this Code. Unless specifically noted, intent is not a required element to establish a Code violation. Intoxication or impairment from alcohol, drugs, or other substances is not a justification for violating any provision of this Code. These rules of conduct should be read broadly and are not designed to define prohibited acts in exhaustive terms. See section IX. for Title IX Policy violations.

A. Sex Discrimination and Sexual Misconduct

The Student Organization will not participate in, tolerate, or condone any actions defined as “prohibited conduct” in the Sex Discrimination and Sexual Misconduct policy.

B. Title IX Policy Violations

The Student Organization will not participate in, tolerate, or condone any actions defined under “sexual harassment” in the Title IX Policy. Title IX Policy violations are resolved through specific procedural standards outlined in the Title IX Policy as well as applicable standards in the Student Organization Conduct Code not in conflict with specific Title IX Policy provisions. Alleged conduct will be resolved under the jurisdiction of the Title IX Policy and applicable procedural standards if: i) the alleged conduct may meet one or more of the violations defined as sexual harassment in the Title IX Policy, and ii) the conduct occurred within the context of a University program or activity within the United States.

C. Endangerment

1. The Student Organization will not participate in, tolerate, or condone any of the following actions:
   a. Physical violence or unwelcome force against a person or the property of any person or group.
   b. Action(s) that imminently endanger the health, or safety of another person or group.
c. Interference with the freedom of another person to move about in a lawful manner by force, threat, intimidation, or other means without consent.

d. Action(s) that endanger the health, safety, or well-being of an animal. This includes, but is not limited to, intentionally or unintentionally torturing or in a cruel manner killing or causing serious bodily injury to an animal; failing to provide necessary food, water, or care for an animal; unreasonably abandoning an animal in the student's custody; transporting or confining an animal in a cruel manner; causing one animal to fight with another animal; or inappropriately overworking an animal. This provision does not prohibit any activity conducted as part of an approved academic or research program within the University.

D. Harassment and Bullying Behavior

1. The Student Organization will not participate in, tolerate, or condone any of the following actions:

   a. Conduct, not of a sexual nature, including any gesture, written, verbal or physical act, or any electronic communication (includes text messages and postings on web-sites or social media), that places a person in reasonable fear of harm to their person or damage to their property, infringes upon rights of personal privacy or property, has the effect of substantially interfering with a reasonable person's academic performance or ability to participate in opportunities or benefits provided by the University, or has the effect of substantially interfering with the orderly operation of the University.

   b. Stalking, not of a sexual nature, defined as a course of conduct (i.e. more than one act) directed at a specific individual which would cause a reasonable person to experience substantial emotional distress, or to fear for their safety or the safety of another.

E. Invasion of Privacy

1. The Student Organization will not participate in, tolerate, or condone any of the following actions:

   a. Unauthorized intrusion upon a person's private property or communications.

   b. Unauthorized appropriation and/or use of someone's identifying or personal data or documents.

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

   d. Using electronic or other means to make an oral record of any person where there is a reasonable expectation of privacy without the person's consent. Such oral communications include, but are not limited to, recordings made using any device and any wire, oral, or electronic communication.
F. Hazing

The Student Organization will not participate in, tolerate, or condone any Student Organization or individual action or situation, which occurs on or off University property, that intentionally, recklessly, or negligently endangers the mental or physical health or safety of a student for purposes including, but not limited to, initiation or admission into or affiliation with any University student organization or other group whether or not officially recognized by the University, or the perpetuation or furtherance of a tradition or ritual of any such student organization or group.

1. Hazing includes, but is not limited to:
   a. Brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of food, liquor, drug, or other substance;
   b. Subjecting a person to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of a reasonable person;
   c. Pressuring or coercing a person into violating state or federal/national law and/or University policy;
   d. Interfering with or impeding a person’s academic pursuits, employment, religious observances, or affiliation with other individuals, groups, or activities; or
   e. Otherwise infringing upon a person’s personal or property rights or substantially interfering with a reasonable person’s ability to participate in or benefit from the services, activities, or privileges provided by the University.

A student may commit an act of hazing whether the student is a prospective, current, or former member of the organization or group. The actions of active, associate, new and/or prospective members, former members, or alumni of a student organization or group may be considered hazing under this Code. The following circumstances are not a defense to a violation of this provision: express or implied consent of a victim, the conduct or activity was not part of any official organizational event or otherwise sanctioned or approved by the student organization, or the conduct or activity was not a condition of membership into a student organization.

2. Soliciting another or aiding or assisting another to engage in any act of hazing as defined in this Code, or active involvement in the planning of such action.

3. Observing or participating in any conduct defined as hazing pursuant to the Code by a member of the Student Organization or group who is not themselves an complainant, without reporting the incident to a University official.

Florida State University Hazing Policy, BOG 6.021, and Section 1006.63, Florida Statutes, are considered part of and incorporated as applicable.

G. Alcohol, Controlled Substances, and Illegal Drugs

1. The Student Organization, members, and guests must comply with all federal, state, and local laws pertaining to alcohol. No person under the legal drinking age may possess, consume, provide, or be provided alcoholic beverages.
2. The Student Organization, members, and guests must follow federal, state, and local laws regarding illegal drugs, controlled substances and drug paraphernalia. No person may possess, use, purchase, provide, distribute, sell, and/or manufacture illegal drugs, other controlled substances, or drug paraphernalia while on the premises of or premises under the control of the Student Organization, while attending an organization event, or engaging in Student Organization activities or business, or acting within the scope of membership. The Student Organization may be held responsible for the distribution of illegal drugs and controlled substances in or adjacent to any organization facility or any facility operating as the organization’s facility or in the control of the organization.

3. Alcoholic beverages must either be
   a. Provided and sold on a per-drink basis by a licensed and insured third-party vendor (e.g., restaurant, bar, caterer, etc.); or
   b. Brought by individual members and guests through a bring your own beverage ("BYOB") system. The presence of alcohol products above 15% by volume ("ABV") is prohibited at any organization event, except when served by a licensed and insured third-party vendor.

4. Common sources of alcohol, including bulk quantities, which are not being served by a licensed an insured third party vendor, are prohibited (i.e., amounts of alcohol greater than what a reasonable person should consume over the duration of an event).

5. Alcoholic beverages must not be purchased with student organization funds or funds pooled by members or guests (e.g., admission fees, cover fees, collecting funds through digital apps, etc.)

6. A Student Organization must not co-host or co-sponsor an organization event with a bar, event promoter or alcohol distributor; however, a student organization may rent a bar, restaurant, or other licensed and insured third-party vendor to host an organization event.

7. Attendance by non-members at any event where alcohol is present must be by invitation only, and the student organizations must utilize a guest list and identification/banding system. Attendance at events with alcohol is limited to a reasonable guest-to-member ratio and must not exceed local fire or building code capacity of the student organization facility or host venue.

8. The Student Organization, members, and guests must not permit, encourage, coerce, or participate in any activities involving the rapid consumption of alcohol, including, but not limited to, drinking games and rapid consumption.

9. Any organization event or activity related to the new member joining process (e.g. recruitment, intake, rush) must be substance free. No alcohol, illegal drugs, or controlled substances may be present if the organization event or activity is related to new member activities, meetings, or initiation into the Student Organization, including, but not limited, to “bid night,” “Big/Little” events or activities, “family” events or activities, and any ritual or ceremony.

10. Hosting by owners, residents, student organization members, or others in control of the organization event where the underage consumption of alcohol, illegal use of controlled substances, or illegal drug use occurs, including in a residence hall room, residence hall common area, or off-campus personal residence or any space that is occupied by, under the control of, or reserved for the use of a Student Organization.
11. Failure of a Student Organization to take all necessary steps to ensure no person under the legal drinking age possesses alcoholic beverages at organization events or within any property or transportation it owns, operates, occupies, and/or rents, or is in control of is a violation of this policy.

12. Any violation of the University Alcohol Policy, FSU Regulation FSU-6.012.

H. Disruption and Obstruction

1. Student Organizations and student organization members must comply with the lawful order or reasonable request of an identified University official, any non-University law enforcement official, any non-University emergency responder, or any protective order.

2. The Student Organization will not engage in, tolerate, or condone:
   a. Providing false or misleading information by members of the Student Organization, or on behalf of the Student Organization to a University official, law enforcement official, paramedics, or other medical staff.
   b. Providing false or misleading information in a University and/or law enforcement investigation or hearing process.
   c. Acts that disrupt the University student organization or student conduct process or other University investigation, adjudication, or resolution process. Examples may include, but are not limited to: attempting to coerce or influence a person regarding the reporting of a student or Student Organization conduct violation, or a person's participation in any conduct proceeding; avoiding or impeding communication in regard to a conduct proceeding; or actively disrupting a meeting or proceeding.
   d. Informed participation in an event with another student organization and failing to take necessary actions to determine whether a Student Organization is currently on disciplinary probation, recognition is suspended with restrictive conditions, or the student organization has lost recognition.
   e. Unreasonable disruption of peace, academic study, or sleep on or off campus.
   f. Behavior which disrupts or obstructs student learning, instruction, research, administrative, or other University operations or previously scheduled or reserved on-campus activities.
   g. Retaliation against another for making a report of conduct that may be in violation of this Code or other University policy, or participating in an investigation, process, or hearing. Making a report that is not made in good faith may be considered retaliation. See the Sex Discrimination and Sexual Misconduct policy for prohibited conduct defined as retaliation in that policy.

I. Property

1. The Student Organization will not engage in, tolerate, or condone:
   a. Malicious or negligent defacement, damage, or destruction of public or private property.
   b. Theft, defined as removing or using the property or services of another person, off-campus entity, or of the University, with the intent to permanently deprive the person, off-campus entity, or University of the property or services.
c. Misappropriation, defined as temporarily removing or using the property or services of another person, off-campus entity, or the University, but without the intent to permanently deprive the person, off-campus entity, or the University of the property or services.

d. Receipt, possession, sale, or purchase of property or services that are known or reasonably should have been known to have been stolen or obtained through unlawful means.

e. Entering or using the property or facilities of the University, off-campus entity, or another person without the proper consent or authorization.

J. Other Violations

1. Student Organizations will not engage in, tolerate, or condone the violation of; or the aiding, abetting, furthering, conspiring, soliciting, inciting, or attempting to commit any of the following:

a. Violation of Federal or State law, local ordinance, or laws of other national jurisdictions.

b. Violation of any Florida Board of Governors Regulation.

c. Violation of any other University regulation or policy as defined in section II. Definitions, J. Policy in this Code.

d. 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.

e. Violation of policy of local or (inter)national governing entities including but not limited to member councils and (inter)national organizations.

IX. Procedural Standards

A. Advisors

1. An advisor may not participate directly in any proceedings or speak on behalf of the responding student organization, complainant, or witness with the exception of a formal hearing in a Title IX process. In those cases only, an advisor is responsible for the conducting of questioning as described in the Title IX Policy.

2. Consultation with an advisor during a meeting, proceeding or hearing must take place in a manner that is not disruptive.

3. Identity of an advisor is required to be reported to the Student Conduct Authority at least three business days prior to a meeting, proceeding, or hearing.

4. Advisors may not be individuals who serve other roles in the process as outlined in this Code (i.e. hearing administrator, witness, etc.), or if service in an advisory capacity would unreasonably conflict with the fair administration of the student conduct process as determined by the appropriate Student Conduct Authority.

5. The University is not responsible for selecting or compensating an advisor for any student organization navigating the student conduct process.

6. The availability of an advisor to attend a student conduct meeting, proceeding, or hearing will not unreasonably interfere with or delay the student organization conduct process. For Title IX hearing proceedings, if a student organization's advisor does not appear the University will assign an advisor or delay proceedings as outlined in the Title IX Policy.

7. Once a meeting, proceeding, or hearing has been scheduled it will rarely be rescheduled due to later unavailability of an advisor.
8. A representative from the University’s Office of the General Counsel may also be present at any meeting, proceeding, or hearing.

B. Reports
1. Anyone may file a report with the University alleging that a student organization has violated the Code. Any report should be submitted as soon as possible after the incident takes place, preferably within 60 calendar days. When there is significant delay, the Student Conduct Authority’s ability to resolve an incident may be difficult due to access to reliable information and witnesses. Therefore, the Student Conduct Authority has discretion whether or not to pursue resolution of a report and will only pursue a significantly delayed report when the conduct or responding student organization are deemed to pose a potential threat to the health or safety of an individual or the University community, or other exceptional circumstances.
2. The Office of Student Conduct and Community Standards also may receive reports or information on the disposition of criminal cases from the FSU Police Department, Tallahassee Police Department, Leon County Sheriff’s Office, Division of Alcoholic Beverages and Tobacco, other law enforcement agency, or any municipal, state, or federal court.
3. Reports may be accepted through alternate reporting mechanisms at the discretion of the Student Conduct Authority including but not limited to written or verbal communication, published information, or referral from another University department.
4. For reports alleging sex discrimination or sexual misconduct, the reporting process can be found in the Sex Discrimination and Sexual Misconduct policy and/or Title IX Policy. If a report alleges sexual misconduct and is reported via report.fsu.edu, the Student Conduct Authority will report the matter to the appropriate Title IX Office authority, in accordance with the University’s Sex Discrimination and Sexual Misconduct Policy and/or Title IX Policy. The Title IX office will evaluate the report pursuant to the policy before it will be referred to the Office of Student Conduct and Community Standards to review for possible violations of this Code.

C. Review and Investigation
1. All reported information will be reviewed by an appropriate Student Conduct Authority to determine appropriate next steps.
2. Interim Health or Safety Actions may be issued pursuant to section “F. Outcomes, 1. Interim Health and Safety Action” herein.
3. Investigation
   a. Upon receipt of a report, except for reports that are referred to the Title IX Office, a prompt, thorough, and impartial investigation may be conducted by the Office of Investigations and Assessment or FSUPD if further information is required to determine appropriate resolution by the Student Conduct Authority.
   b. Investigations will include a review of the submitted report, and other additional information, such as that gathered from investigation meetings with involved individuals or groups. Any involved individuals or groups will be interviewed and asked to share information they have regarding the incident including documents (text messages, emails, photos, etc.) and identification of any additional witnesses who may provide direct information regarding the incident.
   c. Students and student organization representatives may be accompanied by an advisor of their choice. Individuals are highly encouraged to participate in the
process in order to allow for as thorough an investigation as possible; however an individual may decline to participate in the investigation process.

d. At the conclusion of an investigation, the Office of Investigations and Assessment will produce an investigation report and forward to the Student Conduct Authority for determination for next steps including, but not limited to, no action, issuance of an admonishment, referral to another department, governing body, or national organization, or an information session to determine resolution of the allegation of misconduct.

D. Notice of Alleged Violations

1. Absent exigent circumstances, the Student Conduct Authority will notify a responding student organization of any alleged Code violation(s) within five business days after receiving all appropriate information.
2. Written notice given to any reporting individual(s) or responding student organizations will include:
   a. Sufficient detail to allow a student organization representative to prepare a response (including source of information, description of the alleged behavior(s), and specific alleged Code violation(s)); and
   b. The date, time, and location of an information session, during which the complainant or responding student may view all materials related to the case, receive instruction regarding the student conduct process and the student’s rights, and discuss the type of resolution process to be utilized.
   c. Notice that a student organization representative may waive the information session and advance directly to a formal hearing process by submitting notification in writing within two business days after the sending of the notice of alleged violation(s).

E. Information Session

1. During the information session the complainant or responding student organization representative may view all materials related to the case, review procedural standards, and discuss options for resolution, which include alternative resolution, no-contest resolution, informal hearing, formal hearing, or an outcomes-only hearing.
2. The Student Conduct Authority will determine what resolution process is appropriate after considering the expressed preferences of any complainant(s) (if applicable) and responding student organization representative(s), and the totality of the circumstances.
   a. An alternative resolution process will only be considered if both a complainant (if applicable) and responding student mutually agree. An alternative resolution process may be considered in cases falling under the jurisdiction of the Title IX Policy.
   b. If a responding student organization representative elects either a no-contest resolution or informal hearing and the Student Conduct Authority deems appropriate, the administrator conducting the information session may immediately facilitate a no-contest resolution process or conduct the informal hearing as the hearing administrator, or schedule the informal hearing or no-contest resolution process to take place within a reasonable time. In cases involving a complainant, the hearing administrator will gather the necessary information and conclude the no-contest resolution or hearing within a
reasonable time. A no-contest resolution or informal hearing for resolution of a case falling under the jurisdiction of the Title IX Policy is not permitted.

c. A formal hearing process will be utilized if elected by the responding student organization representative or if determined by the Student Conduct Authority to be the appropriate resolution process based on the totality of the circumstances of the case. If selected, a single hearing administrator is the only option for a formal hearing if the incident alleges violations of the Sex Discrimination and Sexual Misconduct policy.

d. An outcomes-only hearing may be utilized when a student organization has been found at fault in civil court with a preponderance of the evidence or higher standard at the discretion of the Student Conduct Authority.

3. When a responding student organization has two or more outstanding incidents, those incidents may be heard as a single case at the discretion of the Student Conduct Authority.

F. Resolutions
   1. Alternative Resolution

   a. Alternative resolution is a voluntary process that allows the responding student organization to accept responsibility for a violation of expectations. The alternative resolution process is designed to eliminate the behavior, prevent its recurrence, and remedy its effects in a manner that meets the needs of the complainant or entity while maintaining the safety of the campus community. The alternative resolution process will only be used with the agreement of both the complainant or entity and responding student organization and under the direction of the Student Conduct Authority, who may elect to cease the resolution process at any time and revert to an investigation, hearing, or other resolution. Please note that the complainant or entity may be a University Official, or a University Official representing a University department.

   b. The alternative resolution options available under this Code recognize:

      i. Participation in this process is voluntary and either the complainant or responding student organization representative can choose to end the process at any time prior to signing a resolution agreement.

      ii. Both the complainant and responding student organization representative must participate in individual information sessions with appropriate staff to learn more about the resolution process prior to participating.

      iii. The process is only intended to be used once by a responding student organization, and may not be considered if a responding student organization has previously been alleged to have violated the Code within a three year period. Further, the resolution process will not be considered for any incident that alleges any of the following: violence against a member of a vulnerable population, such as a minor or individual with a developmental disability; the use of a weapon; significant physical injury; that there are multiple alleged perpetrators of violence; or that there has been alleged violence against multiple individuals.

      iv. If the complainant and responding student organization representative mutually agree to participate in an alternative resolution process, they must agree to follow a timeline to be
established in the information session for meeting schedules and response deadlines. An agreement resolution must be reached within 30 calendar days from agreement to proceed with the alternative resolution process. The University reserves the right to adjust established timelines if necessary to accommodate for limited staffing resources or other unforeseen circumstances.

v. The complainant and responding student organization representative must agree to all terms established upon agreeing to engage in alternative resolution, or the case will be resolved through an investigation or other resolution process pursuant to the Code.

vi. The responding student organization may be charged with a violation of the Code for failure to adhere to the requirements laid out in the resolution agreement.

vii. Resolution agreements that are finalized through the alternative resolution process are not categorized as a student organization conduct record at the University, but can be referred to as an aggravating factor in assigning outcomes in the event of any future violations.

viii. Resolution agreements must be signed by both the complainant and responding student organization representative as well as the Student Conduct Authority or Office of Investigations and Assessment. If an agreement is unable to be reached, the matter will be referred to the Student Conduct Authority for further action and adjudication.

ix. Resolution agreements reached at the conclusion of the resolution process are final and not subject to any other review or appeal. Individuals participating in the resolution process and mutually agree with the final resolution are waiving the ability to utilize a formal investigation and hearing process through the Student Conduct Authority.

c. Both the complainant and responding student organization representative may be accompanied by an advisor at any meeting during the alternative resolution process.

2. No-Contest Resolution

a. A responding Student Organization may elect to resolve an outstanding violation(s) through a no-contest resolution in lieu of a hearing if deemed appropriate by the Student Conduct Authority and if the student organization representative accepts both responsibility or does not contest responsibility for the alleged violation(s) and assigned outcomes.

b. In a no-contest resolution, because the student organization accepts responsibility, the proceeding will be focused on potential appropriate outcomes.

c. No-contest resolutions may take place during the information session or scheduled within a reasonable time thereafter.

d. No-contest resolutions are noted as a finding of responsibility for violation(s) of the Code and are considered a student organization conduct record.
e. No-contest resolutions are not permitted for cases falling under the jurisdiction of the Title IX Policy.

3. Informal Hearing
   a. A responding Student Organization may elect to resolve an outstanding violation(s) through an informal hearing if deemed appropriate by the Student Conduct Authority. Informal hearings are typically utilized when there is not conflicting, complex, or additional information that would be best examined through a formal hearing setting.
   b. Informal hearings may take place as an element of the information session or scheduled within a reasonable time.
   c. The responding student organization representative may provide information including reports, witness statements, communications, or other documentation in the hearing.
   d. A hearing administrator may temporarily adjourn the informal hearing if the administrator determines that further review of clarification is necessary including, but not limited to interviewing the complainant or witnesses.
   e. A hearing administrator may utilize information gathered from information sessions, investigation meetings, or other proceedings involving individuals associated with the incident in making a determination on responsibility. If such information is under consideration, a responding student organization representative will be informed of the information and have an opportunity to respond.
   f. Informal hearings are not permitted for cases falling under the jurisdiction of the Title IX Policy.

4. Formal Hearing
   a. A formal hearing may be heard by a single hearing administrator or Administrative Hearing Panel. For cases that include allegations of sex discrimination or sexual misconduct either under the Sex Discrimination and Sexual Misconduct Policy or the Title IX Policy, if a formal hearing is selected, the hearing will be conducted by a single administrator.
   b. Notice of a formal hearing, including the identity of the hearing administrator or body, will occur at least five business days prior to the hearing. Any objection regarding selected hearing administrator or hearing body must be submitted three business days prior to the start of a hearing.
   c. Formal Hearing Guidelines
      i. Private hearing. A formal hearing is conducted in private. The complainant(s) (if applicable), responding student organization representative, and advisor(s) are allowed to attend the entire portion of the hearing at which information is presented. Admission of any other individual to the hearing is at the discretion of the Student Conduct Authority.
      ii. Scheduling. Formal hearings are scheduled at the earliest availability of the complainant(s) (if applicable), responding student organization representative, person providing information on behalf of the University, and the hearing body. Student availability is determined based on academic class schedules and requirements. Absent exigent circumstances, lack of availability based upon personal matters, employment schedules, or the availability of an
advisor are not considered in scheduling a formal hearing. A student or student organization should select as an advisor a person whose schedule reasonably allows attendance at the scheduled date and time for the hearing.

iii. Witnesses. In a formal hearing, appropriate witnesses identified by the Student Conduct Authority, reporting individual(s), or the responding student organization representative may be invited to the hearing to provide information in support of, or challenging responsibility of the alleged violation(s). Absent extraordinary circumstances, any witnesses must be identified at the information session or by the date otherwise given in a notice of allegations or other communication from the Student Conduct Authority. Witnesses will be invited by the Student Conduct Authority. Formal hearings will be scheduled within a timeframe to allow witnesses reasonable notice to participate, but a proceeding will not be unreasonably delayed or disrupted based on the availability of witnesses. In the case of a formal hearing, the University will make reasonable efforts to secure in-person testimony from law enforcement officers in cases where a student conduct charge results from an incident that was reported to law enforcement, and any University personnel who were involved in investigating a matter. However, sworn affidavits of law enforcement officers and official university reports may be considered by a hearing body in the absence of in-person testimony of the law enforcement officer or appropriate University employee(s), provided that the hearing body reasonably finds that the affidavit or report is otherwise reliable and the responding student has an adequate opportunity to respond to all facts alleged in the affidavit. Other written witness statements will be accepted for review in a formal hearing if the witness does not attend at the discretion of the hearing administrator or body. However, such statements will not be considered as having equal weight as witness information presented in a hearing, and cannot be used as the sole information supporting a finding of responsibility. In formal hearings of cases falling under the jurisdiction of the Title IX Policy, witness statements may be relied upon for determination of responsibility if subject to questioning as described in the Title IX Policy.

iv. Questions. The hearing administrator or body may pose questions directly to any individual providing information in the hearing. The complainant(s) (if applicable), and responding student organization representative may propose questions to be answered by one another, but questions must be directed to the hearing administrator or chair of the hearing body rather than to the individual directly. The hearing administrator or chair will determine whether questions or potential information are appropriate for review as part of the formal hearing at their discretion. In formal hearings falling under the jurisdiction of the Title IX Policy,
questioning of participants in the hearing and determinations of relevancy will be made as described in the Title IX Policy.

v. Information.

a. Additional information, including, but not limited to, reports, witness statements, communications, or other documentation may also be reviewed in a hearing. Any such documentation that was reasonably available during a University investigation, but which was not provided during the course of the investigation by the student organization representative or other individuals afforded an opportunity to do so, will not be considered. Any additional information must be submitted to the Student Conduct Authority immediately upon discovery of such information. In cases falling under the jurisdiction of the Title IX Policy, information will be relied upon for determination of responsibility if subject to questioning as described in the Title IX Policy.

b. Individuals may decline to provide information or answer questions posed in a hearing. However, the hearing body will make a decision on responsibility after considering the information that is shared as a part of the formal hearing.

c. Past violations of the responding student organizations, witnesses, or reporting individual(s) will be excluded from the hearing unless deemed relevant by the administrator or chair of the hearing body.

d. Past behavior of a responding student organization may be reviewed as an aggravating or mitigating factor for consideration in assigning appropriate outcomes if the responding student organization is found responsible for a violation.

e. Complainants and responding student organization representatives may submit an impact statement to the appropriate Student Conduct Authority three business days prior to the formal hearing. Impact statements are considered an element of the hearing record and accessible for review by a complainant and responding student organization in the event there is a finding of responsibility. If applicable, the complainant and responding student organization representative may review the impact statement and provide a response within a reasonable time and by such method as determined by the Student Conduct Authority.

f. Consideration of information for a determination regarding responsibility is limited to that information presented in the formal hearing. Information that is discovered in a separate hearing or proceeding originating from the same reported incident may be introduced in a formal hearing.
vi. Hearing record. There will be a single record, such as a digital audio recording of all formal hearings. Deliberations will not be recorded. This recording will be the property of the University but will be made available for the complainant(s) or responding student organization representatives to review upon request. Any recordings of the hearing without the acknowledgement and permission of involved individuals is prohibited.

5. Outcomes-Only Hearing
   a. The Student Conduct Authority may determine that an outcomes-only hearing is appropriate to resolve a case where a student organization is found at fault in civil court based on a preponderance of the evidence or higher standard.
   b. Outcome-only hearings may take place as an element of the information session or be scheduled within a reasonable time. If a student organization representative does not participate in the hearing, the Student Conduct Authority will issue the appropriate outcomes based on the information available.
   c. The responding student organization representative may provide information, including an impact statement, for consideration.
   d. An outcomes-only hearing is not permitted for violations charged under the jurisdiction of the Title IX Policy.

6. General Guidelines
   a. Basis for decision(s). The basis for any decision of responsibility in an informal or formal hearing will be whether upon a preponderance of the information, it is more likely than not that a violation or violations of the Code occurred. The burden to demonstrate that this standard has been met rests with the University, and all responding student organizations are considered to be not responsible for a violation until and unless a hearing body makes a finding of responsibility.
   b. Informal procedural standards. Formal rules of process, procedure, and/or technical rules of evidence such as are applied in criminal or civil court are not used in student organization conduct proceedings.
   c. Personal Health and Safety Accommodations. The Student Conduct Authority may accommodate individuals with concerns for their personal health or safety during a proceeding or hearing by providing separate facilities or physical dividers, and/or by permitting participation by video conference or other viable means as determined by the Student Conduct Authority as appropriate and do not infringe upon fundamental due process.
   d. Accommodations for qualified individuals with a disability. Any student with a qualified disabling condition may work with the Office of Accessibility Services (OAS) to request a reasonable accommodation in order to equally participate in the student or student organization conduct process. All requests for reasonable accommodations must be made either through the Office of Student Conduct and Community Standards or the OAS. All accommodation requests must be made in a timely manner and coordinated with the student’s appropriate disability specialist within the
OAS. Non-students may make a reasonable request for accommodation with the Student Conduct Authority.

c. Decision in absentia. If a complainant, responding student organization representative, or witness does not appear for a proceeding or hearing after notice, the Student Conduct Authority or hearing body may postpone the proceeding or review any information in support of or challenging the violations in the individual’s absence and determine a finding regarding responsibility and any related outcomes based upon the available information.

f. Holds. The Student Conduct Authority may place a hold on the privileges of recognition of any student organization who fails to resolve allegations of a violation(s) of the Code in a timely manner.

g. Any question of application of or objection to procedural standards, authority, scope or other provisions of the Code must be referred to the Student Conduct Authority at least 3 days prior to a conduct hearing.

h. A hearing body or the Student Conduct Authority may impose other reasonable procedural requirements for the orderly administration of student conduct proceedings, provided that such requirements are not inconsistent with this Code and do not infringe upon a student organization’s procedural due process rights.

i. Joint hearing. In cases involving more than one responding student organization, whether in a formal or informal hearing, the hearing body may permit the hearing concerning each student organization to be conducted either separately or jointly.

G. **Outcomes.** Outcomes are interim action(s) or final status or education assignments that alone or in any combination are assigned to a student organization as an interim health or safety measure or as a final outcome at the conclusion of a resolution process.

1. **Interim Health and Safety Actions.** Interim actions may be initiated to protect the health or safety of individuals involved in an incident or investigation or in circumstances when an organization is alleged to have engaged in conduct that poses a substantial risk to the operation of the University. IHSAs may be issued in conjunction with, or pending the outcome of, an investigative or adjudicative process of the **Student Conduct Code, Student Organization Conduct Code, Sex Discrimination and Sexual Misconduct** policy, or **Title IX** policy.

   a. Interim action(s) will be communicated in writing consistent with the notice provisions of this Code.

   b. Interim action(s) are temporary measures applied through the duration of an investigation and/or resolution process and do not replace a resolution process as outlined in this Code.

   c. A student organization may request a review of an interim action in writing to the Dean of Students. The scope of the request is limited to whether the interim action(s) should remain in place, based on the information available. The responding student organization in an IHSAs is afforded an opportunity to respond to the allegations or information presented by the University as the basis for the IHSAs. The Dean of Students will schedule a review meeting with the requesting student organization representative within three business days of receiving the written request. The requesting student organization may provide information including reports, witness statements, communications, or other documentation...
in the meeting. When applicable, a complainant may provide information to the Dean of Students for purposes of this review. Interim actions may be affirmed, modified, or lifted as a result of a requested review. The Dean of Students will communicate the final decision in writing within one business day of the review meeting.

d. Interim Action(s) may include any actions deemed appropriate to mitigate the threat to health, safety, or welfare of the University community or individuals involved in an incident, ranging from interim suspension to restrictions on participation in university-sponsored programs or activities or presence on campus.

2. Status Outcomes

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

a. Reprimand. A notice in writing to the student organization that the group is violating or has violated University expectations for behavior and that further violations may result in more severe disciplinary action.

b. Disciplinary Probation. This status is assigned to a student organization for a specified period of time. While on this status, any further violations may result in suspension or loss of recognition from the University. Other restrictions that may be placed upon a student organization on disciplinary probation may include, but are not limited to the following:
   i. Participation in University or student activities,
   ii. Representation of the University in leadership positions or eligibility for awards or honors,
   iii. Use or entrance into University facilities or campus areas,
   iv. Contact with any specified individual(s), and/or
   v. Student Organization events under the auspices of the Student Organization such as organization social events and tailgates.

c. Suspension of recognition. Suspension of recognition with the University after a specific date and for a specified period. Through the duration of the suspension period the student organization will be prohibited from utilizing the support and services afforded a recognized student organization and will be restricted from the following:
   vi. Participation in University or student activities,
   vii. Representation of the University in leadership positions or eligibility for awards or honors,
   viii. Use or entrance into University facilities or campus areas,
   ix. Student organization events under the auspices of the student organization such as organization social events, and tailgates.

To regain recognition at the conclusion of the suspension period, a student organization must demonstrate compliance with any terms of the suspension, and meet requirements of any applicable recognition processes(es) through Student Activities and fraternity and sorority life governing councils (if applicable).

d. Loss of recognition. Loss of recognition from the University after a specific date and for an indefinite period of time. During which time, the student organization will be prohibited from utilizing the support and services afforded a recognized
student organization and privileges as outlined under the “suspension of recognition” section. The University may set a designated timeframe during which the organization will not be eligible to apply for re-recognition. This timeframe may be extended if there are further violations of University policy by the student organization or student organization members.

3. Education Outcomes
   a. Service Hours. Completion of service under the supervision of a University department or outside agency.
   b. Discretionary outcomes. Work assignments, essays, presentations, research projects, conduct contracts, or other discretionary assignments.

4. Administrative Directive Outcomes
   a. Restitution. Compensation for loss, damage, or injury to University property. This may take the form of appropriate service, monetary, or material replacement.
   b. No contact directive/extension of existing no contact directive. A no contact directive is an official University directive that serves as notice to an individual or individual(s) that they must not have physical contact with or proximity to, or direct verbal, electronic, written, and/or indirect communication intentionally made through another individual with an identified individual for a specified period of time. This may be a new directive, extension of an existing directive, or include altered or additional parameters or instructions to an existing directive. No contact directives may only be removed prior to the specified period of time at the discretion of the Student Conduct Authority and at the written request of all involved individuals.
   c. Loss of privilege. Denial of any specified privilege for a specified period of time.
   d. Behavioral Plan. This is a directive to the student organization from the Office of Student Conduct and Community Standards and/or in consultation with another appropriate office (including, but not limited to Student Activities, Fraternity and Sorority Life, Housing, Title IX, etc.) which outlines expected behaviors.

5. Alternative Resolution Agreement Outcomes
   a. Any individual or combination of outcomes listed in the education outcomes section of this policy.
   b. Administrative directive outcomes including, but limited to restitution, no contact directive or extension of existing no contact directive, loss of privilege and behavior plan as defined in the administrative directives outcomes section of this policy.
   c. Voluntary membership reviews or cease and desist of student organization activities to determine a strategic plan for the future of the student organization.

H. Appeal Procedures
   1. Both a complainant (if applicable) and a responding student organization are afforded a single opportunity to appeal decisions and/or any outcomes issued by a hearing body within five business days of the date of the written decision and outcomes. Only complainants who meet the definition of a student are eligible to submit an appeal request with the exception of cases of sex discrimination or sexual misconduct in which a complainant may submit an appeal regardless of student status. Any interim actions will remain in effect at the discretion of the Student Conduct Authority, however any outcome(s) resulting from the original hearing decision will be held in abeyance pending the conclusion of the Florida State University appeal process. A complainant (when applicable) and a responding student organization will be notified of an appeal.
submission by the other, given the opportunity to review the submitted appeal request, and given the opportunity to submit a response.

2. **Required Format.** All appeal requests must be in writing, identify the basis or bases for appeal, and include any supporting documentation the appealing individual or student organization wishes to be considered.

3. **Scope of Review.** Reference is given to the original hearing body's findings of fact and decision on responsibility and/or any outcomes; therefore, the burden is on the individual or Student Organization filing an appeal request to sufficiently demonstrate cause to alter the decision of the hearing body or any outcomes. An appeal review will generally be limited to a review of the record of the hearing and supporting documents for one or more of the bases of appeal listed below, provided however, that under extraordinary circumstances the appeal administrator may request additional information or clarification from the University, investigator(s), hearing body, Student Conduct Authority, reporting individual, responding student organization, or witnesses for purposes of this review.

4. **Appellate Administrator(s).** The Vice President designates University administrators to facilitate policies and procedural standards as outlined in this Code, including appellate review. All appellate reviews are considered recommendations for review and action for the Vice President for Student Affairs's final agency action on behalf of Florida State University.

   a. Decisions of the Administrative Hearing Panel, Student Conduct Board, or hearing administrators appointed by the Office of Student Conduct and Community Standards may be appealed to the Dean of Students.

   b. Decisions of the Dean of Students may be appealed to the Vice President.

5. **Bases for Appeal.** Appeal reviews are not a "re-hearing" of a student organization conduct matter, rather a review of process and submitted information to ensure stated procedural standards were followed. Appeal considerations are limited to one or more of the following bases:

   a. **Process Review.** That the proceeding was not conducted in accordance with established procedural standards. Such procedural errors must have substantially affected the outcome of the hearing.

   b. **Bias Review.** That the proceedings were not conducted without bias or prejudice on the part of the hearing body. May include but is not limited to demonstration of a conflict of interest, or failure to objectively evaluate all relevant information.

   b. **Information Review.** That the information presented in a proceeding does not support the finding of the hearing body that a violation of Code occurred.

   c. **Outcome Review.** That the outcomes are extraordinarily disproportionate given the nature of the violations and any aggravating or mitigating circumstances presented.

   d. **New Information.** That new information exists that was not known to the individual or student organization appealing and could not reasonably have been know or discovered at the time of the original proceeding, and which would have substantially affected the outcome of the proceeding. This does not include statements from a complainant or responding student organization representative who did not appear for a proceeding or hearing.

6. **Appeal Decision.** An appeal administrator reviewing an appeal request may make one of the following recommendations for final agency action:
a. **Affirm.** The administrator may affirm the decision and/or outcomes of the original hearing body.

b. **Alter outcome.** The administrator may alter the outcome(s) issued by the original hearing body. Alteration in the outcome may include reducing or increasing severity of outcome(s) or requirements.

c. **New hearing.** The administrator may determine a new hearing by a different hearing body is warranted to correct procedural irregularity or to consider new information. An individual or student organization may appeal any decision by a hearing body assigned to adjudicate a new hearing.

d. **Remand.** The administrator may direct the original hearing body to review their original decision subject to any instructions from the appeal administrator. The hearing body may affirm its original decision or render a new decision consistent with those instructions. An individual or student organization may appeal a decision made on remand; however if a hearing body affirms its original decision, an individual or student organization may not appeal the decision on the same grounds as in the previous appeal.

7. **Final Agency Action.** The appeal administrator will forward findings and recommendations to the Vice President for Student Affairs for review. The Vice President’s review and decision is considered the final decision of the University and will be communicated in writing within fifteen business days to the responding Student Organization and if applicable, simultaneously to the complainant. This timeline may be extended if necessary in consideration of the record on appeal. Final agency action decisions are only appealable by writ of certiorari to the Second Judicial Circuit in and for Leon County, Florida.

I. **Record Keeping Practices.**

1. **File Maintenance.** Records of all Student Organization conduct cases will be maintained in the Office of Student Conduct and Community Standards indefinitely.

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

3. **Access to and Copies of Records.** A student organization representative is permitted access and review of information in the conduct file for the purpose of reviewing information that is subject to consideration as part of a student organization conduct proceeding.

4. **Transcriptions of hearings.** Any student organization representative or a student desiring a transcript of a recorded hearing that is a part of their education record 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.

Law implemented 1011.48 FS  Adopted___________
PROPOSED REVISIONS TO REGULATION IN COMPLIANCE WITH TITLE IX-SAME AS EMERGENCY REGULATION

FSU-3.004  Student Conduct Code

I. Introduction ................................................................................................................................. 2
II. Definitions ...................................................................................................................................... 2
III. Authority .......................................................................................................................................... 5
IV. Scope ............................................................................................................................................. 6
V. Amnesty .......................................................................................................................................... 7
VI. Amendments .................................................................................................................................. 7
VII. Violations ...................................................................................................................................... 7
     A. Sex Discrimination and Sexual Misconduct .............................................................................. 7
     B. Endangerment .......................................................................................................................... 10
     C. Harassment and Bullying Behavior ......................................................................................... 10
     D. Invasion of Privacy .................................................................................................................... 11
     E. Hazing ......................................................................................................................................... 11
     F. Weapons and Dangerous Substances ....................................................................................... 12
     G. Fire and Safety .......................................................................................................................... 12
     H. Alcohol, Controlled Substances, and Illegal Drugs ................................................................. 13
     I. Disruption and Obstruction ........................................................................................................ 13
     J. Falsification and Misrepresentation ............................................................................................ 14
     K. Property ....................................................................................................................................... 14
     L. Computers ..................................................................................................................................... 14
     M. Gambling ...................................................................................................................................... 14
     N. Other Violations .......................................................................................................................... 15
VIII. Procedural Standards .................................................................................................................. 16
      A. Advisors ..................................................................................................................................... 16
      B. Reports ...................................................................................................................................... 16
      C. Review and Investigation .......................................................................................................... 16
      D. Notice of Alleged Violations ..................................................................................................... 17
      E. Information Session .................................................................................................................... 17
      F. Resolutions .................................................................................................................................. 18
      G. Outcomes .................................................................................................................................... 23
      H. Appeal Procedures ...................................................................................................................... 26
      I. Record Keeping Practices ............................................................................................................ 28
I. Introduction

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

The Student Conduct Authority at the 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 develops the knowledge and skills for effective and responsible participation in the world. The Code reemphasizes the dignity and worth of each person and substantiates the need for an inclusive environment to support the betterment of all persons associated with the University. "The University is a compassionate community. In its treatment of students, it recognizes the wisdom both of letting students experience the consequences of their actions and of providing the opportunity to learn and grow in ways that can overcome past difficulties" (General Bulletin, Florida State University, 2016).

The University fully recognizes and values the right of all students and individuals to seek knowledge, debate ideas, form opinions, and freely express views in accordance with the expectations set forth in this Code. 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 (for more information, see the University’s Freedom of Expression Rights and Responsibilities regulation). Additional expectations for student organizations are outlined in the Student Organization Conduct Code and other University rules, regulations, and/or policies.

The student conduct process is designed to be educational in nature and promotes the University’s mission. Being a member of the University community is a privilege, and the conduct process will determine if a student’s conduct warrants modification of or restriction upon that privilege.

II. Definitions

Terms specific to conduct prohibited by the Sex Discrimination and Sexual Misconduct Policy (FSU Policy 2-2 supplemented by 2-2a relating to Title IX specific requirements, also referenced as Title IX Policy) are defined in Appendix D of 2-2: Definitions and accessible at https://regulations.fsu.edu/policies/office-president

A. Advisor. The term “advisor” means any one person chosen by a responding respondent, reporting individual, complainant, or witness to provide guidance throughout the student conduct process or in the case of a Title IX formal hearing, ask questions of a complainant, respondent, or witness. Examples of advisors include, but are not limited to, law students affiliated with a Student Government Association-sponsored program, University faculty, staff, or administrators, and attorneys. Individuals are highly encouraged to select an advisor with reasonable availability.

B. Alternative Resolution. If deemed appropriate by the University, affected/reporting individuals, complainants, and responding students/respondents may agree to forego a
student conduct process in favor of reaching a mutually agreed upon resolution. The University adopt the resolution of the Alternative Resolution process in lieu of adjudicating the case, and failure to adhere to the agreed-upon resolution by any individual may result in further student conduct action.

C. Day. The term “day” refers to any weekday Monday through Friday in which the University is in operation. This includes days when the University is in operation but classes are not in session.

D. Hearing. The term “hearing” means an informal or formal proceeding, conducted by a hearing body in accordance with the Code, following which determinations of “responsible” or “not responsible” are made with regard to alleged Code violations and outcomes are assigned as appropriate.

E. Hearing Body. The term “hearing body” means any person or persons authorized by the Code to conduct hearings, to make a finding of whether a student has violated the Code, and recommend or assign outcomes as appropriate.

F. 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 the definition of “University” below.

G. Policy. The term “policy” means the written statements governing the University as found in, but not limited to, the State of Florida Board of Governors regulations, the University’s Board of Trustees regulations, policies adopted by the President or Vice Presidents, the Student Conduct Code, the Undergraduate General Bulletin, the Graduate General Bulletin, the Student Policy Handbook, the Registration Guide, the University Housing Guide to Residence Living, the Sex Discrimination and Sexual Misconduct policy and other written requirements of departments, organizations, and clubs.

H. Preponderance of the Information. “Preponderance of the information” is the standard of evidence upon which a determination of “responsible” or “not responsible” is made, and is used in adjudicating all student conduct cases under this Code. It means that the information, as a whole, demonstrates it is more likely than not that the fact sought to be proved is true.

I. Affected/Reporting Individual/Complainant. The term “affected/reporting individual/complainant” refers to any individual who is alleged to be the victim of conduct that could constitute one or more violation(s) of the Code. The affected/reporting individual/complainant is the individual who is affected and files a report or formal complaint or on whose behalf a report or formal complaint is filed.

J. Responding Student/Respondent. The term “responding student/respondent” refers to a student who has been reported to be the perpetrator of conduct that could constitute one or more violation(s) of the Code.

K. Report. The term “report” refers to information submitted to a Student Conduct Authority alleging conduct that could constitute one or more violation(s) of the Code.

L. Formal Complaint. The term “formal complaint” refers to information from a complainant or a University official alleging conduct that could constitute one or more violation(s) of the Code by a respondent.

K. Student. The term “student” applies to any individual meeting one or more of the criteria below. The term applies to all campuses, sites, locations and delivery methods of credit-bearing course offerings.

1. Admitted. Any person, regardless of academic career, who is admitted to the University and is present on campus for the purpose of participating in any University program,
2. Enrolled. Enrolled in any credit-bearing course or program offered by Florida State University at the time any alleged violation(s) occurred.

3. Active student. Any person who has been enrolled at the University and continues to be associated with the University in order to complete the course or program in which the student was enrolled. "Active" status is determined by academic policy and is enforced by the Registrar’s Office. This can include periods of non-enrollment during which the student is still eligible to enroll in classes. The term also includes any student who has been issued an Interim Health and Safety Action (IHSA) pending the outcome of a student conduct proceeding.

4. Dual enrollment. Any student enrolled in a credit-bearing course on a dual-enrollment basis. Jurisdiction over a dual-enrollment student’s conduct will be determined in consultation with appropriate officials at the student’s home institution.

L. Student Conduct Authority. The term “Student Conduct Authority” refers to an individual or administrative unit whose administrative duties include the administration of the student conduct process, including alternative resolutions or formal or informal action. Please see the section on “Authority” for more information. This definition includes, but is not limited to, the Office of the Vice President for Student Affairs, the Office of Student Rights and Responsibilities Conduct and Community Standards, University Housing, and International Programs or their successors.

M. University. The term “University” means Florida State University, each of the programs and activities under its control, and all property owned, leased, used, or controlled by the University, including all branch campuses, study centers, facilities, and University International Programs’ locations and property.

N. University Community. The term “University community” includes any person who is a student, faculty member, University official, visitor, contractor, volunteer, representative of the University, or any person employed by the University.

O. University Official. The term “University official” means any person assigned to engage in teaching, research, administrative, professional, or other responsibilities while acting within the scope of their employment, appointment, or volunteer role with the University.

P. Student Conduct Board. The term “student conduct board” refers to a group of currently enrolled students in good conduct standing selected and trained by the Office of Student Rights and Responsibilities Conduct and Community Standards to adjudicate student conduct cases as a hearing body excluding cases of alleged violations of the Sex Discrimination and Sexual Misconduct policy and cases that may result in a responding student respondent’s separation from the University.

Q. Administrative Hearing Panel. The term “Administrative Hearing Panel” refers to a group of Student Conduct Board members in addition to faculty or staff selected and trained by the Office of Student Rights and Responsibilities Conduct and Community Standards who serve as a hearing body with responsibility for adjudicating student conduct cases. Panels are composed of two (2) faculty or staff members, both designated by the Director of Student Rights and Responsibilities Conduct and Community Standards, and three (3) Student Conduct Board members.

R. Single Hearing Administrator. Any faculty or professional staff member at the University designated and trained by the Office of Student Rights and Responsibilities Conduct and
Community Standards to facilitate meetings or information sessions and administer alternative resolutions, or to serve as the hearing body for informal or formal hearings.

S. Residential Conduct Board. The term “residential conduct board” refers to a group of currently enrolled students in good conduct standing who each reside in University Housing and are selected and trained by University Housing to adjudicate student conduct cases for students residing in University Housing, excluding cases of alleged violations of the sex discrimination or sexual misconduct and cases that may result in a responding student respondent’s separation from the University.

T. Consent. As related to alleged violations of the Code not involving sex discrimination or sexual misconduct, consent is the voluntary, informed, and freely given agreement, through words and/or actions, to participate in mutually agreed-upon behavior or activity.

U. Student Organization. The term “student organization” refers to an organization that has been approved by the Student Activities, as designee of the Vice President for Student Affairs, to function at the University. Further stipulations regarding recognition are outlined in FSU-3.0015 Student Organizations and Activities. For purposes of the Code, the term “student organization” also refers to a student group which is defined as any number of persons who are associated with the University and each other, but who have not registered, or are not required to register, as a student organization that conducts business or participates in University-related activities. This includes, but is not limited to, student organizations that are no longer recognized by the University and/or (inter)national organization.

V. Law Enforcement Affidavit. The term “law enforcement affidavit” means a sworn statement or report by a duly authorized law enforcement officer that may be relied upon by a hearing body in a student conduct proceeding with the exception of a formal hearing in a Title IX process. In those cases only, information may only be relied upon as information may only be considered as described in the Title IX Policy.

W. University Official Report. The term “university official report” means a narrative or document prepared by a University employee in the course of their employment that provides information about an incident. Examples include, but are not limited to, Title IX Office investigation reports and University Housing Incident Reports. In the case of a Title IX formal hearing, information may only be relied upon as described in the Title IX Policy.

X. Witness Statement. The term “witness statement” means a narrative or document that is not part of a law enforcement affidavit or university official report and that is prepared and submitted as a part of the reporting of an incident or in lieu of a witness’s live appearance at a conduct proceedings, which provides the information that the witness has regarding an alleged violation of the Code. In the case of a Title IX formal hearing, a witness statement may only be relied upon as described in the Title IX Policy.

Y. Informal Resolution. The term “informal resolution” means the process by which a student may accept responsibility and outcomes for an alleged violation of the Student Conduct Code. This resolution is noted as a finding of responsibility and results in a student conduct record for the responding student respondent.

Z. Notice. Notice is considered given to a student when it is sent to the student’s official University email address, is hand-delivered to the student or current residence, or upon the University’s receipt of a certified mail return receipt when communication is sent to the local address on file with the Office of the University Registrar or to the permanent address on file if a local address has not been provided.
AA. University Program or Activity. The term “University program or activity” includes locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the conduct occurs, and also includes any building owned or controlled by a student organization that is recognized by the University. A program or activity may include events, programs, and circumstances that occur in person, on a virtual platform, or via electronic communication or publication including but not limited to phone, email, text, or social media.

III. Authority

A. Authority for student conduct ultimately rests with the Florida State University Board of Trustees which has delegated such authority to the President of Florida State University (hereinafter “President”). The Board further assigns authority through this Code, a Board Regulation. The President has delegated direct authority to the Vice President for Student Affairs (hereinafter “Vice President”). The Vice President delegates this authority to the Dean of Students and to the Executive Director of University Housing. Under the direction of the Dean of Students and the Executive Director of University Housing, the Associate Dean(s) of Students/Director of the Office of Student Rights and Responsibilities, the Assistant Dean(s) of Students, directors/program leaders of International Programs, and appropriate University Housing staff are responsible for implementing the student conduct system. Implementation includes, but is not limited to, selection and training of hearing bodies.

B. The President, Vice President, Dean of Students, Executive Director of University Housing or their designees, or directors/program leaders in International Programs or their designees may take direct jurisdiction of any case when it is determined by the immediate circumstances that taking direct jurisdiction is in the best interest of the University.

C. The President, Vice President, and Dean of Students or designee have the authority to designate individuals internal or external to the University as advisors or hearing or appellate officers, when appropriate.

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

E. The initial decision or recommendation of a hearing body is considered a hearing decision. If a hearing decision is not appealed as provided within the Code, the hearing decision becomes final agency action.

F. The authority of appellate officers is further enumerated in the Code section on “Appeal Procedures.” Appellate decisions are considered recommendations to the Vice President or designee and become final agency action upon approval by the Vice President or designee.

G. Any reference in the Code to the role or responsibilities of a specific University official may be delegated by the University official to an appropriate designee.

IV. Scope

Florida State University may address the alleged misconduct of any student as specified in Section VII., “Violations,” of this Code pursuant to the following:

A. In any proceeding to determine whether a student has violated the Code, the University will apply the substantive Code provisions defining conduct violations that are in effect on the date the alleged conduct occurred. The University will apply the procedural standards, outlined in section VIII. “Procedural Standards”, that are in effect at the time the student is
provided notice of the specific allegation(s) of code, regulation, or other policy violations, regardless of the date of the alleged violation.

B. The Code will apply to student conduct that occurs on University premises, at University-sponsored activities and off-campus as determined by the Student Conduct Authority. Factors that will be considered when determining whether to address off campus conduct include, but are not limited to, whether the incident is documented by a verifiable source, adversely affects the University community, occurs at a University-affiliated event, program or activity, or endangers the health or safety of a student or others.

C. The Code applies to the University as defined in this Code. Non-substantive procedural modifications that reflect the particular circumstances of each campus or international program are permitted as approved by the Student Conduct Authority.

D. The Code includes procedural standards that apply specifically to the resolution of violations of the Student Conduct Code that are not encompassed under Sexual Harassment as defined in, or that fall outside of the jurisdiction of the Title IX Policy. The University reserves the authority to determine what level of procedural standards will apply to a report or formal complaint and whether application of the appropriate procedural standards should change based on new or evolving information regarding a specific case. The University may, in its discretion, address conduct that has been dismissed during or as a result of the Title IX investigation process if the conduct or circumstances fall outside of the jurisdiction of the Title IX Policy but would fall within the other jurisdictions and provisions of the Code.

E. Student conduct proceedings may be initiated for alleged conduct that potentially violates both law and University policy without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under these procedural standards may be carried out prior to, concurrently with, or following civil or criminal proceedings at the discretion of the Student Conduct Authority. Determinations made or outcomes imposed will not be subject to change because criminal charges or civil complaints arising out of the same facts giving rise to violation of University policy were dismissed, reduced, or resolved in favor of the responding student/respondent.

F. The University may adopt the finding of fact in a criminal or civil proceeding with a similar or higher standard of proof and conduct an outcomes-only proceeding if appropriate.

G. The University has up to 180 calendar days to resolve an alleged violation(s) of the Code with a responding student/respondent upon receipt of a report of a possible violation that includes enough substantive information to conduct an investigation by the Student Conduct Authority or upon receipt of an investigation report from the Title IX Office. However, the University has discretion to extend this time period if deemed necessary to perform a thorough investigation, preserve fundamental due process, or due to other extraordinary circumstances.

H. The University may restrict a student’s contact with specified individuals when determined appropriate based on the facts or information and circumstances of each unique incident. The Student Conduct Authority can administratively issue such a restriction to any individuals involved in a conflict or incident, regardless of whether a determination of alleged violations has been made. Such restrictions are valid and enforceable only with respect to individuals who are students at the University.

I. The University may determine what University personnel have an educational need-to-know regarding the status and/or outcome of conduct processes and to provide notice to relevant University personnel as determined by the Student Conduct Authority.
V. Amnesty.

A. An element of promoting safety is providing clear, responsible methods of reporting and addressing incidents of misconduct. Therefore, in order to remove potential barriers to reporting, the Student Conduct Authority, may in its discretion, not charge an affected/reporting student complainant with a violation for conduct originating from the same incident if reported by that student in good faith to a University official, or otherwise discovered in investigation.

B. The University’s highest priority is the physical and mental health and safety of students and members of the University community. Therefore, no student seeking assistance for themselves or others as a result of a hazing incident, intoxication, or medical emergency from alcohol or other drugs will be charged with violation of the alcohol, controlled substances, and illegal drug or hazing provisions of the Code if:
1. The student calls local or University law enforcement or medical assistance;
2. The student cooperates fully with University, law enforcement, and medical personnel as applicable; and
3. The student remains at the scene with the person in need until assistance has arrived.

C. The University recognizes that during times of a public health emergency as declared by local, state, or national authorities the priority of gathering information regarding contact and exposure to contagion may be greater than resolution of a violation of the Student Conduct Code. Therefore, the University has discretion over whether a student will be charged with a violation of the Student Conduct Code if information is a result of providing important contact tracing information to University or public health officials.

VI. Amendments

This Code will be reviewed in its entirety every two years. Any substantive changes will be reviewed by the Vice President for Student Affairs and presented to the Board of Trustees for approval. Any amendments can be proposed by University community members for review by submitting to the Vice President for Student Affairs.

VII. Violations

Each student is expected to abide by these rules of conduct and to be accountable for their behavior. Lack of familiarity with the Code is not a justification for violating any provision of this Code. Unless specifically noted, intent is not a required element to establish a Code violation. Intoxication or impairment from alcohol, drugs, or other substances is not a justification for violating any provision of this Code. These rules of conduct should be read broadly and are not designed to define prohibited acts in exhaustive terms. See section VIII. For Title IX Policy violations.

A. Sex Discrimination and Sexual Misconduct

1. Sex/Gender-based Discrimination.
   a. Conduct toward a person based on sex, gender, sexual orientation, gender identity, or gender expression which adversely impacts academic, employment, or other decisions related to University programs and activities; or
b. Maintaining seemingly neutral policies, practices, or requirements that have a disparate impact on academic or employment opportunities without a valid academic or business reason.

2. Sex/Gender-based Harassment. Conduct toward a person based on sex, gender, sexual orientation, gender identity, or gender expression that is so severe, pervasive, and objectively offensive that it creates a hostile work or educational environment for the person; and
   a. Unreasonably denies, interferes with, or limits an individual’s ability to participate in or benefit from University programs, opportunities, or activities; or
   b. Alters the terms, conditions, or privileges of the person’s University employment.

   The totality of the circumstances will be considered in determining whether conduct is harassment, including frequency of the conduct, its severity, whether it is physically threatening or humiliating, or merely offensive. These circumstances are considered from both subjective and objective viewpoints, considering not only the effect the conduct actually had on the person, but also the impact it likely would have had on a reasonable person in the same situation. Repeated incidents, where each would not, on its own, constitute harassment, may collectively constitute harassment. Harassment may also be found in a single severe incident, as well as a pattern of behavior.

3. Sexual Harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature when:
   a. Submission to such conduct is made an explicit or implicit term or condition of employment, academic status, receipt of University services, or participation in University programs or activities, or submission to or rejection of such conduct is used as a factor in, or the basis for, an academic or employment decision; or
   b. The conduct is so severe, pervasive, and objectively offensive that it creates a hostile work or educational environment for the person; and
      i. Unreasonably denies, interferes with, or limits an individual’s ability to participate in or benefit from University programs, opportunities, or activities; or
      ii. Alters the terms, conditions, or privileges of the person’s University employment.

   The totality of the circumstances will be considered in determining whether conduct is harassment, including frequency of the conduct, its severity, whether it is physically threatening or humiliating, or merely offensive. These circumstances are considered from both subjective and objective viewpoints, considering not only the effect the conduct actually had on the person, but also the impact it likely would have had on a reasonable person in the same situation. Repeated incidents, where each would not, on its own, constitute sexual harassment, may collectively constitute sexual harassment.

c. Sexual Harassment may also be found in a single severe incident, as well as a pattern of behavior. Examples of behavior that could constitute sexual harassment when it meets the standard set forth above include, but are not limited to:
   i. Verbal Conduct: sexual teasing, sexual jokes, sexual innuendoes, sexual remarks about a person’s body or sexual attractiveness, unwelcome demands for sexual favors, continuing unwelcome sexual advances or flirting, and sexual whistling (cat-calling).
ii. Non-Verbal Conduct: staring at someone's sexual body parts (breasts, buttocks, groin), sexual gestures, and inappropriate display of sexual graffiti, posters, pictures, cartoons, drawings, emails, texts, body parts, or objects.

iii. Physical Conduct: unwelcome touching of another's body, not otherwise defined by Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact, such as massaging, patting, hugging, rubbing, etc.

4. Non-Consensual Sexual Contact. Any unwelcome, intentional contact with a person's breasts, buttocks, groin, genitals, mouth, or other intimate parts; touching another with any of these body parts or making another touch you, or themselves, or another with any of these body parts; or any other intentional bodily contact in a sexual manner. Touching may be over or under clothing.

5. Non-Consensual Sexual Intercourse. Any vaginal or anal penetration by a penis, tongue, finger, or object, or any mouth to genital contact, no matter how slight the penetration or contact, without consent or by force.

6. Relationship Abuse. A single severe incident or pattern of behaviors used by an individual to maintain power and control over another individual with whom they are currently, or were previously, involved in an intimate interaction or relationship.

   Relationship Abuse includes, but is not limited to, behaviors that physically harm, arouse fear, prevent an individual from doing what they wish, or force them to behave in ways they do not want. It can include the use of physical and/or sexual violence, threats, intimidation, property damage, emotional abuse, verbal abuse, or economic deprivation.

7. Stalking. A course of conduct (i.e. more than one act) directed at a specific individual which would cause a reasonable person (under similar circumstances and with similar identities to the Affected Individual), to experience substantial emotional distress, or to fear for their safety or the safety of another. Acts that together constitute stalking may be direct actions or may be communicated by a third party, and can include, but are not limited to, threats of harm to self, another, or property; pursuing or following; non-consensual communication by any means; unwanted gifts; trespassing; and surveillance or other related types of observation. Stalking also includes cyber-stalking through electronic means including electronic mail, social media, cell phones, text messages, other communication applications, or the internet.

8. Sexual Exploitation. Any act where one person violates the sexual privacy of another or takes unjust or abusive sexual advantage of another without their consent for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual misconduct under this Policy. Sexual exploitation may include:
   a. Sexual voyeurism, such as watching a person undressing, using the bathroom or engaging in sexual acts without the consent of the person being observed;
   b. Invasion of sexual privacy, including sharing information about an individual’s sexual orientation, history, or preferences;
   c. Recording, photographing, transmitting, showing, viewing, streaming, or distributing intimate, nude, or sexual images or audio recordings when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity; or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of revenge pornography;
d.Prostituting another or engaging in sex trafficking;
e. Soliciting a minor; creation, possession, transmission, or distribution of child pornography;
f. Administering alcohol or drugs (such as “date rape” drugs) to another person without their knowledge or consent (assuming the act is not completed); or
g. Exposing one’s genitals in non-consensual circumstances (not including streaking, which may be disruptive conduct under this Code), including unwelcome sexting.

9. Retaliation. Any creation of a hostile environment or adverse action threatened or taken against an individual because they: make a report pursuant to this Policy; assist another person in making a report; participate in the investigation or resolution of such a report; or in good faith and in a reasonable manner opposes conduct that they believe constitutes a violation of this Code.

10. Complicity. Engaging in any action or behavior with the intent of aiding, facilitating, promoting, or encouraging the commission of an act of sex discrimination or sexual misconduct.

B. Endangerment
1. Use of physical violence or unwelcome force against a person or the property of any person or group.
2. Action(s) that imminently endanger the health, or safety of another person or group.
3. Interference with the freedom of another person to move about in a lawful manner by force, threat, intimidation, or other means without consent.
4. Action(s) that endanger the health, safety, or well-being of an animal. This includes, but is not limited to, intentionally or unintentionally torturing or in a cruel manner killing or causing serious bodily injury to an animal; failing to provide necessary food, water, or care for an animal; unreasonably abandoning an animal in the student’s custody; transporting or confining an animal in a cruel manner; causing one animal to fight with another animal; or inappropriately overworking an animal. This provision does not prohibit any activity conducted as part of an approved academic or research program within the University.

C. Harassment and Bullying Behavior
1. Conduct, not of a sexual nature, including any gesture, written, verbal or physical act, or any electronic communication (includes text messages and postings on web-sites or social media), that places a person in reasonable fear of harm to their person or damage to their property, infringes upon rights of personal privacy, has the effect of substantially interfering with a reasonable person’s academic performance or ability to participate in opportunities or benefits provided by the University, or has the effect of substantially interfering with the orderly operation of the University.
2. Stalking, not of a sexual nature, defined as a course of conduct (i.e. more than one act) directed at a specific individual which would cause a reasonable person to experience substantial emotional distress, or to fear for their safety or the safety of another.

D. Invasion of Privacy
1. Unauthorized intrusion upon a person’s private property or communications.
2. Unauthorized appropriation and/or use of someone’s identifying or personal data or documents.
3. Using electronic or other means to make a video or photographic record of any person where there is a reasonable expectation of privacy without the person’s consent. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, private bedrooms, and restrooms. The
sharing and/or distributing of such unauthorized records by any means is also prohibited.

4. Using electronic or other means to make an oral record of any person where there is a reasonable expectation of privacy without the person’s consent. Such oral communications include, but are not limited to, recordings made using any device and any wire, oral, or electronic communication.

E. Hazing

1. Any individual action or situation, which occurs on or off University property, that intentionally, recklessly, or negligently endangers the mental or physical health or safety of a student for purposes including, but not limited to, initiation or admission into or affiliation with any University student organization or other group whether or not officially recognized by the University, or the perpetuation or furtherance of a tradition or ritual of any such student organization or group. Hazing includes, but is not limited to:
   a. brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of food, liquor, drug, or other substance;
   b. subjecting a person to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of a reasonable person;
   c. pressuring or coercing a person into violating local, state, federal law and/or University policy;
   d. interfering with or impeding a person’s academic pursuits, employment, religious observances, or affiliation with other individuals, groups, or activities; or
   e. otherwise infringing upon a person’s personal or property rights or substantially interfering with a reasonable person’s ability to participate in or benefit from the services, activities, or privileges provided by the University.

A student may commit an act of hazing whether the student is a prospective, current, or former member of the organization or group. The actions of active, associate, new and/or prospective members, former members, or alumni of a student organization or group may be considered hazing under this Code. The following circumstances are not a defense to a violation of this provision: express or implied consent of a victim, the conduct or activity was not part of any official organizational event or otherwise sanctioned or approved by the student organization, or the conduct or activity was not a condition of membership into a student organization.

2. Soliciting another or aiding or assisting another to engage in any act of hazing as defined in this Code, or active involvement in the planning of such action.

3. Observing or participating in any conduct defined as hazing pursuant to the Code by a member of the student organization or group who is not themselves a complainant affected/reporting individual, without reporting the incident to a University official.

Florida State University Hazing Policy, BOG 6.021, and Section 1006.63, Florida Statutes are considered part of this Code and incorporated as applicable.

F. Weapons and Dangerous Substances

1. On-campus possession or use of firearms, destructive devices, or other 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. This section shall not apply to:
a. 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
b. any student whose possession of a weapon as described above is approved by the
FSU Police Department for a bona fide educational purpose; or
c. a concealed firearm or other weapon kept for lawful purposes with or without a
license by persons 18 years or older within the interior of a private vehicle,
provided that such a firearm is not carried on the person and provided that a
firearm or other weapon must be kept securely encased; or otherwise not readily
accessible for use, consistent with section 790.25(5), Florida Statutes; or
d. 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.

2. 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 are prohibited and 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, ornamental daggers, and swords.

3. On-campus possession or use of fireworks, sparklers, and any item designed with the
primary intention of exploding, including but not limited to: firecrackers, skyrocket, rockets, roman candles, and cherry bombs.

4. Off-campus, unlawful, or unauthorized possession or use of firearms, explosives, or other
weapons or dangerous articles or substances in violation of state or federal law.

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

G. Fire and Safety
1. Inappropriate activation of any emergency warning equipment or the false reporting of
any emergency.
2. Unauthorized possession, or removal of, damage to, or tampering with fire, safety, or
other emergency warning equipment.
3. Failure to evacuate a University building or facility within a reasonable amount of time
after a fire alarm is sounded.
4. Setting or attempting to set any unauthorized fire or creating a safety hazard.
5. Obstructing the egress of an emergency exit or leaving exit, fire, and/or smoke doors
propped open, or entering or exiting buildings through emergency-only doors or egresses
during non-emergencies.
6. Presence on the roofs of University buildings, fire escapes, ledges, service elevators,
balconies, and other areas that are designated as closed or where access is prohibited.
7. Unauthorized on-campus use of any remote-controlled aircraft or vehicle (i.e., drones) or
failure to comply with established guidelines for authorized use of remote-controlled
aircraft on or off-campus.
H. Alcohol, Controlled Substances, and Illegal Drugs
1. Unlawful possession, purchase or attempted purchase, misuse, or misappropriation of controlled substances, including prescription medication.
2. Possession, purchase or attempted purchase, or use of illegal drugs.
3. Actual or intended distribution, delivery, manufacture, or sale of illegal drugs or controlled substances.
4. Possession or use of drug paraphernalia.
5. Students must comply with all federal, state, and local laws pertaining to alcohol. No person under the legal drinking age may possess, purchase, attempt to purchase, consume, be under the influence of, distribute, sell, provide, or be provided alcoholic beverages.
6. Control or operation of a wheeled conveyance while under the influence of alcohol or any controlled substances or illegal drugs.
7. Disrupting the campus or off-campus community or engaging in any law or policy violation while under the influence of alcohol, controlled substances, or illegal drug.
8. Hosting by owners, residents, or others in control of the event or property where the underage consumption of alcohol, illegal use of controlled substances, or illegal drug use occurs, including in a residence hall room, residence hall common area, or off-campus personal residence or any space that is occupied by, under the control of, or reserved for the use of a student or student organization.
9. Any other violation of the University Alcohol Policy, FSU Regulation FSU-6.012.

I. Disruption and Obstruction
1. Failure to comply with the lawful order or reasonable request of an identified University official, any non-University law enforcement official, any non-University emergency responder, or any protective order.
2. Providing false or misleading information to a University official, law enforcement official, paramedics, or other medical staff.
3. Commercial solicitation on campus without prior written approval from appropriate University officials.
4. Acts that disrupt the University student conduct process or other University investigation, adjudication, or resolution process. Examples may include, but are not limited to: attempting to coerce or influence a person regarding the reporting of a student conduct violation or a person’s participation in any student conduct proceeding; avoiding or impeding communication in regard to a conduct proceeding; or actively disrupting a meeting or proceeding.
5. Urination or defecation in a public space.
6. The unauthorized sale or attempted sale of University-Issued student tickets.
7. Any disruption of normal University operations caused by a student’s guest or animal.
8. Behavior which disrupts or obstructs student learning, instruction, research, administrative or other University operations or previously scheduled or reserved on-campus activities.
9. Obstruction of free flow of pedestrian or vehicular traffic.
10. Unreasonable disruption of peace, academic study, or sleep of others on or off campus.
11. Retaliation against another for making a report of conduct that may be in violation of this Code or other University policy, or for participating in an investigation, process, or hearing. Making a report that is not made in good faith may be considered retaliation. See the Sex Discrimination and Sexual Misconduct policy for prohibited conduct defined as retaliation in that policy.
J. Falsification and Misrepresentation
   1. Permitting another person to use any form of the student’s identification.
   2. Inappropriate use of any form of another person’s identification.
   3. Impersonating or misrepresenting the authority to act on behalf of another individual,
      organization, group, or the University.
   4. Forgery, alteration, unauthorized duplication, or misuse of identification, documents,
      communications, event tickets, records, keys, or access codes.
   5. Falsifying, or being party to the falsification of, any official identification card, record
      (including oral or written communication), or document. This includes providing false
      information in report, investigation, or University conduct resolution meeting or
      proceeding.
   7. Possession, ownership, or use of false identification.

K. Property
   1. Malicious or negligent defacement, damage, or destruction of public or private property.
   2. Theft, defined as removing or using the property or services of another person, off-
      campus entity, or of the University, with the intent to permanently deprive the person,
      off-campus entity, or University of the property or services.
   3. Misappropriation, defined as temporarily removing or using the property or services of
      another person, off-campus entity, or the University, but without the intent to
      permanently deprive the person, off-campus entity, or the University of the Property or
      services.
   4. Receipt, possession, sale, or purchase of property or services that are known or
      reasonably should have been known to have been stolen or obtained through unlawful
      means.
   5. Entering or using the property or facilities of the University, off-campus entity, or another
      person without the proper consent or authorization.

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

M. Gambling
   1. Engaging in or offering games of chance for money or other gain in violation of Florida
      law.

N. Other Violations
   1. Violation of federal or state law, local ordinance, or laws of other national jurisdictions.
   2. Violation of any Florida Board of Governors Regulation.
   3. Aiding, abetting, furthering, conspiring, soliciting, inciting, or attempting to commit any
      other violation of University policy, federal law, state law, local ordinance, or laws of
      other national jurisdictions.
   4. Violation of any other University regulation or policy as defined in section II. Definitions,
      G. Policy in this Code.
   5. 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.
VIII. Title IX Policy Violations

Title IX Policy violations are resolved through specific procedural standards outlined in the Title IX Policy as well as applicable standards in the Student Conduct Code not in conflict with specific Title IX Policy provisions. Alleged conduct will be resolved under the jurisdiction of the Title IX Policy and applicable procedural standards if: i) the alleged conduct may meet one or more of the defined violations below, and ii) the conduct occurred within the context of a University program or activity within the United States.

Each student is expected to abide by these rules of conduct and to be accountable for their behavior. Lack of familiarity with the Title IX Policy is not a justification for violating any provision of this Code. Unless specifically noted, intent is not a required element to establish a Code violation. Intoxication or impairment from alcohol, drugs, or other substances is not a justification for violating any provision of this Code. These terms should be read broadly and are not designed to define prohibited acts in exhaustive terms.

A. Sexual Harassment. Conduct on the basis of sex that satisfies one or more of the following:

1. A student employee of the University conditioning the provision of aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity (may include sexual exploitation that also meets this definition); or
3. Sexual Assault: an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation:
   a. Forcible Sex Offense (Rape): Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the complainant/victim, or the touching of private body parts of another person for the purpose of sexual gratification, forcibly or against that person’s will, or not forcibly or against the person’s will in instances where the complainant is incapable of giving consent because of temporary or permanent mental or physical incapacity; or
   b. Nonforcible Sex Offense:
      i. Incest: Nonforcible sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by state law; or
      ii. Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent; or

4. Dating Violence: violence, not limited to sexual or physical abuse or the threat of sexual or physical abuse, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant/victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: i) the length of the relationship, ii) the type of relationship, and iii) the frequency of interaction between the persons involved in the relationship; or
5. Domestic Violence: includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the complainant/victim, by a person with whom the complainant/victim shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant/victim as a spouse or intimate partner, by
a person similarly situated to a spouse of the complainant/victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth complainant/victim who is protected from that person’s acts under the domestic or family violence laws of their jurisdiction; or

6. Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

VIII. Procedural Standards

A. Advisors

1. An advisor may not participate directly in any proceedings or speak on behalf of the responding student/respondent, affected/reporting individual/complainant, or witness with the exception of a formal hearing in a Title IX process. In those cases only, an advisor is responsible for the conducting of questioning as described in the Title IX Policy.

2. Consultation with an advisor during a meeting, proceeding or hearing must take place in a manner that is not disruptive.

3. Identity of an advisor is required to be reported to the Student Conduct Authority at least three business days prior to a meeting, proceeding, or hearing.

4. Advisors may not be individuals who serve other roles in the process as outlined in this Code (i.e. hearing administrator, witness, etc.), or if service in an advisory capacity would unreasonably conflict with the fair administration of the student conduct process as determined by the appropriate Student Conduct Authority.

5. The University is not responsible for selecting or compensating an advisor for any student navigating the student conduct process. If a student does not have access to an advisor for purposes of the student conduct procedural standards, the University will provide an advisor.

6. The availability of an advisor to attend a student conduct meeting, proceeding, or hearing will not unreasonably interfere with or delay the student conduct process. For Title IX hearing proceedings, if a student’s advisor does not appear the University will assign an advisor or delay proceedings as outlined in the Title IX Policy.

7. Once a meeting, proceeding, or hearing has been scheduled it will rarely be rescheduled due to later unavailability of an advisor.

8. A representative from the University’s Office of the General Counsel may also be present at any meeting, proceeding, or hearing.

B. Reports

1. Anyone may file a report with the University alleging that a student has violated the Code. Any report should be submitted as soon as possible after the incident takes place, preferably within 60 calendar days. When there is significant delay, the Student Conduct Authority’s ability to resolve an incident may be difficult due to access to reliable information and witnesses. Therefore, the Student Conduct Authority has discretion whether or not to pursue resolution of a report and will only pursue a significantly delayed report when the conduct or responding student/respondent are deemed to pose a potential threat to the health or safety of an individual or the University community or other exceptional circumstances.

2. The Office of Student Rights and Responsibilities, Conduct and Community Standards may receive reports or information on the disposition of criminal cases from the FSU Police Department, Tallahassee Police Department, Leon County Sheriff’s Office, Division of
Alcoholic Beverages and Tobacco, other law enforcement agency, or any municipal, state, or federal court.

3. Reports may be accepted through alternate reporting mechanisms at the discretion of the Student Conduct Authority including but not limited to written or verbal communication, published information, or referral from another University department.

4. For reports alleging sex discrimination or sexual misconduct, the reporting process can be found in the Sex Discrimination and Sexual Misconduct Policy or the Title IX Policy. If a report alleges sexual misconduct and is reported via report.fsu.edu, the Student Conduct Authority will report the matter to the appropriate Title IX Office authority, in accordance with the University’s Sex Discrimination and Sexual Misconduct Policy and/or Title IX Policy. The Title IX office will evaluate the report pursuant to the policy before it will be referred to the Office of Student Rights and Responsibilities Conduct and Community Standards to review for possible violations of the Code.

C. Review and Investigation

1. All reported information will be reviewed by an appropriate Student Conduct Authority to determine appropriate next steps.

2. Interim Health or Safety Actions may be issued pursuant to section F. Outcomes, 1. Interim Health and Safety Action herein.

3. Investigation

   a. Upon receipt of a report, except for reports that are referred to the Title IX Office, a prompt, thorough, and impartial investigation may be conducted by the Office of Student Conduct and Community Standards, other designated staff, Assistant Dean of Investigations or FSUPD if further information is required to determine appropriate resolution by the Student Conduct Authority.

   b. Investigations will include a review of the submitted report, and other additional information, such as that gathered from investigation meetings with involved individuals or groups. Any involved individuals or groups will be interviewed and asked to share information they have regarding the incident including documents (text messages, emails, photos, etc.) and identification of any additional witnesses who may provide direct information regarding the incident.

   c. Students may be accompanied by an advisor of their choice. Individuals are highly encouraged to participate in the process in order to allow for as thorough an investigation as possible; however, an individual may decline to participate in the investigation process.

   d. At the conclusion of an investigation, the Assistant Dean of Investigations or designated office will produce an investigation report and forward to the Student Conduct Authority for determination for next steps including, but not limited to, no action, issuance of an admonishment, referral to another department or governing body, or an information session to determine resolution of the allegation of misconduct.

D. Notice of Alleged Violations

1. Absent exigent circumstances, the Student Conduct Authority will notify a responding student respondent of any alleged Code violation(s) within five business days after receiving all appropriate information.

2. Written notice given to any reporting individual complainant(s) or responding student respondent(s) will include:
a. Sufficient detail to allow the student to prepare a response (including source of information, description of the alleged behavior(s), and specific alleged Code violation(s)); and

b. The date, time, and location of an information session, during which the reporting individual complainant or responding student respondent may view all materials related to the case, receive instruction regarding the student conduct process and the student's rights, and discuss the type of resolution process to be utilized.

c. Notice that a student may waive the information session and advance directly to a formal hearing process by submitting notification in writing within two business days after the sending of the notice of alleged violation(s).

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

E. Information Session

1. During the information session the affected/reporting individual complainant or responding respondent student may view all materials related to the case, review procedural standards, and discuss options for resolution, which include alternative resolution, no-contest informal resolution, informal hearing, formal hearing, or an outcomes-only hearing.

2. The Student Conduct Authority will determine what resolution process is appropriate after considering the expressed preferences of any reporting complainants and responding respondents individuals, and the totality of the circumstances.

a. An alternative resolution process will only be considered if both a affected/reporting individual complainant and responding student respondent mutually agree. An alternative resolution process may be considered in cases falling under the jurisdiction of the Title IX Policy.

b. If a responding student respondent elects either a no-contest informal resolution or informal hearing and the Student Conduct Authority deems an informal resolution to be appropriate, the administrator conducting the information session may immediately facilitate a no-contest informal resolution process or conduct the informal hearing as the hearing administrator, or schedule the informal hearing or no-contest informal resolution process to take place within a reasonable time. In cases involving a complainant an affected/reporting individual, the administrator will gather the necessary information and conclude the no-contest informal resolution or informal hearing within a reasonable time. A no-contest resolution or informal hearing for resolution of a case falling under the jurisdiction of the Title IX Policy is not permitted.

c. A formal hearing process will be utilized if elected by the responding student respondent or if determined by the Student Conduct Authority to be the appropriate resolution process based on the totality of the circumstances of the case. If selected, a single hearing administrator is the only option for a formal hearing if the incident alleges violations of the Sex Discrimination and Sexual Misconduct policy.

d. An outcomes-only hearing may be utilized when a student has been found guilty or at fault in a criminal or civil court with a preponderance of the evidence or higher standard at the discretion of the Student Conduct Authority.
3. When a responding student respondent has two or more outstanding incidents, those incidents may be heard as a single case at the discretion of the Student Conduct Authority.

F. Resolutions
1. Alternative Resolution
   a. Alternative resolution is a voluntary process that allows the responding student respondent to accept responsibility for their behavior. The alternative resolution process is designed to eliminate the behavior, prevent its recurrence, and remedy its effects in a manner that meets the needs of the reporting individual complainant or entity while maintaining the safety of the campus community. The alternative resolution process will only be used with the agreement of both the affected/reporting individual or entity complainant and responding student respondent and under the direction of the Student Conduct Authority, who may elect to cease the resolution process at any time and revert to an investigation, hearing, or other resolution. The affected/reporting individual or entity complainant may be a University Official, or a University Official representing a University department.
   b. The alternative resolution options available under this Code recognize:
      i. Participation in this process is voluntary and either the reporting individual complainant or responding student respondent can choose to end the process at any time prior to signing a resolution agreement.
      ii. Both the reporting individual complainant and responding student respondent must participate in individual information sessions with appropriate staff to learn more about the resolution process prior to participating.
      iii. The process is only intended to be used once by a responding student respondent, and may not be considered if a responding student respondent has previously been alleged to have violated the Code. Further, the resolution process will not be considered for any incident that alleges any of the following: violence against a member of a vulnerable population, such as a minor or individual with a developmental disability; the use of a weapon; significant physical injury; that there are multiple alleged perpetrators of violence; or that the responding student respondent has engaged in violence against multiple individuals.
      iv. If the reporting individual complainant and responding student respondent mutually agree to participate in an alternative resolution process, they must agree to follow a timeline to be established in the information session for meeting schedules and response deadlines. An agreement resolution must be reached within 30 calendar days from agreement to proceed with the alternative resolution process. The University reserves the right to adjust established timelines if necessary to accommodate for limited staffing resources or other unforeseen circumstances.
      v. The affected/reporting individual complainant and responding student respondent must agree to all terms established upon agreeing to engage in alternative resolution, or the case will be resolved through an investigation or other resolution process pursuant to the Code.
      vi. The responding student respondent may be charged with a violation of the Code for failure to adhere to the requirements laid out in the resolution agreement.
vii. Resolution agreements that are finalized through the alternative resolution process are not categorized as a student conduct record at the University, but can be referred to as an aggravating factor in assigning outcomes in the event of any future violations.

viii. Resolution agreements must be signed by both the reporting individual/complainant and responding student/respondent as well as the Student Conduct Authority, Assistant Dean of Investigations or Executive Director of Housing. If an agreement is unable to be reached, the matter will be referred to the Student Conduct Authority for further action or adjudication.

ix. Resolution agreements reached at the conclusion of the resolution process are final and not subject to any other review or appeal. Individuals participating in the resolution process and mutually agree with the final resolution are waiving the ability to utilize a formal investigation and hearing process through the Student Conduct Authority.

c. Both the affected/reporting individual/complainant and responding student/respondent may be accompanied by an advisor at any meeting during the alternative resolution process.

2. No-Contest Informal Resolution
   a. A responding student/respondent may elect to resolve an outstanding violation(s) through a no-contest informal resolution in lieu of a hearing if deemed appropriate by the Student Conduct Authority and if the student accepts both responsibility for the alleged violation(s) and assigned outcomes.
   b. In a no-contest informal resolution, because the student accepts responsibility, the proceeding will be focused on potential appropriate outcomes.
   c. No-contest informal resolutions may take place during the information session or scheduled within a reasonable time thereafter.
   d. No-contest informal resolutions are noted as a finding of responsibility for violation(s) of the Code and are considered a student conduct record.
   f. No-contest informal resolutions are not permitted for cases falling under the jurisdiction of the Title IX Policy.

3. Informal Hearing
   a. A responding student/respondent may elect to resolve an outstanding violation(s) through an informal hearing if deemed appropriate by the Student Conduct Authority. Informal hearings are typically utilized when there is not conflicting, complex, or additional information that would be best examined through a formal hearing setting.
   b. Informal hearings may take place as an element of the information session or scheduled within a reasonable time.
   c. The responding student/respondent may provide information including reports, witness statements, communications, or other documentation in the hearing.
   d. A hearing administrator may temporarily adjourn the informal hearing if the administrator determines that further review of clarification is necessary including, but not limited to interviewing the reporting/affected individual/complainant or witnesses.
   e. A hearing administrator may utilize information gathered from information sessions, investigation meetings, or other proceedings involving students from the same incident in making a determination on responsibility. If such information is under
consideration, a responding student\textit{respondent} will be informed of the information and have an opportunity to respond.

4. Informal Hearing are not permitted for cases falling under the jurisdiction of the Title IX Policy.

4. Formal Hearing

a. A formal hearing may be heard by a single hearing administrator, Administrative Hearing Panel, or Residential Conduct Board. For cases that include allegations of sex discrimination or sexual misconduct, either under the Student Conduct Code or the Title IX Policy, if a formal hearing is selected, the hearing will be conducted by a single administrator.

b. Notice of a formal hearing, including the identity of the hearing administrator or body, will occur at least five business days prior to the hearing. Any objection regarding selected hearing administrator or hearing body must be submitted three business days prior to the start of a hearing.

c. Formal Hearing Guidelines

i. Private hearing. A formal hearing is conducted in private. The affected/reporting individual/complainant(s) (if applicable), responding student/respondent(s), and advisor(s) are allowed to attend the entire portion of the hearing at which information is presented. Admission of any other individual to the hearing is at the discretion of the Student Conduct Authority.

ii. Scheduling. Formal hearings are scheduled based on the availability of the affected/reporting individual/complainant(s) (if applicable), responding student/respondent(s), person providing information on behalf of the University, and the hearing body. Student availability is determined based on academic class schedules and requirements. Absent exigent circumstances, lack of availability based upon personal matters, employment schedules, or the availability of an advisor are not considered in scheduling a formal hearing. A student should select as an advisor a person whose schedule reasonably allows attendance at the scheduled date and time for the hearing.

iii. Witnesses. In a formal hearing, appropriate witnesses identified by the Student Conduct Authority, affected/reporting individual/complainant(s), or responding student/respondent(s) may be invited to the hearing to provide information in support of, or challenging responsibility of the alleged violation(s). Absent extraordinary circumstances, any witnesses must be identified at the information session or by the date otherwise given in a notice of allegations or other communication from the Student Conduct Authority. Witnesses will be invited by the Student Conduct Authority. Formal hearings will be scheduled within a timeframe to allow witnesses reasonable notice to participate, but a proceeding will not be unreasonably delayed or disrupted based on the availability of witnesses. In the case of a formal hearing, the University will make reasonable efforts to secure in-person testimony from law enforcement officers in cases where a student conduct charge results from an incident that was reported to law enforcement, and any University personnel who were involved in investigating a matter. However, sworn affidavits of law enforcement officers and official university reports may be considered by a hearing body in the absence of in-person testimony of the law enforcement officer or appropriate University employee(s), provided that the hearing body reasonably finds that the affidavit or report is otherwise reliable and the responding
student respondent has an adequate opportunity to respond to all facts alleged in the affidavit. Other written witness statements will be accepted for review in a formal hearing if the witness does not attend at the discretion of the hearing administrator or body. However, such statements will not be considered as having equal weight as witness information presented in a hearing, and cannot be used as the sole information supporting a finding of responsibility. In formal hearings of cases falling under the jurisdiction of the Title IX Policy, witness statements may be relied upon for determination of responsibility if subject to cross examination as described in the Title IX Policy.

iv. Questions. The hearing administrator or body may pose questions directly to any individual providing information in the hearing. The affected/reporting individual complainant(s) (if applicable) and responding student respondent(s), and may propose questions to be answered by one another, but questions must be directed to the hearing administrator or chair of the hearing body rather than to the individual directly. The hearing administrator or chair will determine whether questions or potential information are appropriate for review as part of the formal hearing at their discretion. In formal cases falling under the jurisdiction of the Title IX Policy, questioning of participants in the hearing and determinations of relevancy will be made as described in the Title IX Policy.

v. Information.

a. Additional information, including, but not limited to, reports, witness statements, communications, or other documentation may also be reviewed in a hearing. Any such documentation that was reasonably available during a University investigation, but which was not provided during the course of the investigation by individuals afforded an opportunity to do so, will not be considered. Any additional information must be submitted to the Student Conduct Authority immediately upon discovery of such information. In cases falling under the jurisdiction of the Title IX Policy, information will be relied upon for determination of responsibility if subject to cross examination as described in the Title IX Policy.

b. Individuals may decline to provide information or answer questions posed in a hearing. However, the hearing body will make a decision on responsibility after considering the information that is shared as a part of the formal hearing.

c. Past behavior of the responding student respondent(s) or reporting individual complainant(s) will be excluded from the hearing unless deemed relevant by the administrator or chair of the hearing body.

d. Past behavior of a responding student respondent may be reviewed as an aggravating or mitigating factor for consideration in assigning appropriate outcomes if the responding student respondent is found responsible for a violation.

e. Affected/reporting individuals Complainants and responding students respondents may submit an impact statement to the appropriate Student Conduct Authority three business days prior to the formal hearing. Impact statements are considered an element of the hearing record and accessible for review by a complainant an affected/reporting individual and responding student respondent in the event there is a finding of responsibility. If applicable, the affected/reporting individual complainant
and responding student respondent may review the impact statement and provide a response within a reasonable time and by such method as determined by the Student Conduct Authority.

f. Consideration of information for a determination regarding responsibility is limited to that information presented in the formal hearing. Information that is discovered in a separate hearing or proceeding originating from the same reported incident may be introduced in a formal hearing.

vi. Hearing record. There will be a single record, such as a digital audio recording of all formal hearings. Deliberations will not be recorded. This recording will be the property of the University but will be made available for the reporting individual complainant(s) or responding student respondent(s) to review upon request. Any recordings of the hearing without the acknowledgement and permission of involved individuals is prohibited.

5. Outcomes-Only Hearing
a. The Student Conduct Authority may determine that an outcomes-only hearing is appropriate to resolve a case where a student is found guilty or at fault in a criminal or civil court based on a preponderance of the evidence or higher standard.

b. Outcome-only hearings may take place as an element of the information session or be scheduled within a reasonable time. If a student does not participate in the hearing, the Student Conduct Authority will issue the appropriate outcomes based on the information available.

c. The responding student respondent may provide information, including an impact statement, for consideration.

d. An outcomes-only hearing is not permitted for violations charged under the jurisdiction of the Title IX Policy.

6. General Guidelines
a. Basis for decision(s). The basis for any decision of responsibility in an informal or formal hearing will be whether upon a preponderance of the information, it is more likely than not that a violation or violations of the Code occurred. The burden to demonstrate that this standard has been met rests with the University, and all responding student respondents are considered to be not responsible for a violation until and unless a hearing body makes a finding of responsibility.

b. Informal procedural standards. Formal rules of process, procedure, and/or technical rules of evidence such as are applied in criminal or civil court are not used in student conduct proceedings.

c. Personal health and safety accommodations. The Student Conduct Authority may accommodate individuals with concerns for their personal health or safety during a proceeding or hearing by providing separate facilities or physical dividers, and/or by permitting participation by video conference or other viable means as determined by the Student Conduct Authority as appropriate and do not infringe upon fundamental due process.

d. Accommodations for qualified individuals with a disability. Any student with a qualified disabling condition may work with the Student Disability Resource Center Office of Accessibility Services (SDRCOAS) to request a reasonable accommodation in order to equally participate in the student conduct process. All requests for reasonable accommodations must be made either through the
Office of Student Rights and Responsibilities Conduct and Community Standards or the OASDRC. All accommodation requests must be made in a timely manner and coordinated with the student’s appropriate disability specialist within the SDRC. Non-students may make a reasonable request for accommodation with the Student Conduct Authority.

e. Decision in absentia. If a reporting individual, complainant, responding student respondent, or witness does not appear for a proceeding or hearing after notice, the Student Conduct Authority or hearing body may postpone the proceeding or review any information in support of or challenging the violations in the individual’s absence and determine a finding regarding responsibility and any related outcomes based upon the available information.

f. Status pending conduct proceedings.
An individual who leaves the University before a conduct matter or assigned outcomes are resolved or completed may be prohibited from future enrollment or obtaining University records until the matter is resolved. Degrees, credentials, transcripts, enrollment certifications, diplomas, or other academic records may be withheld until the matter is resolved including completion of any assigned outcomes or suspension period. Final determination in a case that occurs after the awarding of an academic degree or credential with a result of expulsion may result in revocation of the academic degree or credential.

g. Any question of application of or objection to procedural standards, authority, scope or other provisions of the Code must be referred to the Director of Student Rights and Responsibilities Conduct and Community Standards at least three days prior to a conduct hearing.

h. A hearing body or the Student Conduct Authority may impose other reasonable procedural requirements for the orderly administration of student conduct proceedings, provided that such requirements are not inconsistent with this Code and do not infringe upon a student’s procedural due process rights.

i. Joint hearing. In cases involving more than one responding student respondent, whether a formal or informal hearing, the hearing body may permit the hearing concerning each student to be conducted either separately or jointly.

G. Outcomes
Outcomes are interim action(s) or final status or education assignments that alone or in any combination are assigned to a student as an interim health or safety measure or as a final outcome at the conclusion of a resolution process.

1. Interim Health and Safety Actions. Interim actions may be initiated to protect the health or safety of individuals involved in an incident or investigation or in circumstances when a student is alleged to have engaged in conduct that poses a substantial risk to the University community or operations. IHSAs may be issued in conjunction with, or pending the outcome of, an investigative or adjudicative process of the Student Conduct Code, Student Organization Conduct Code, or Sex Discrimination and Sexual Misconduct policy, or Title IX Policy. For cases falling under the jurisdiction of the Title IX Policy, an interim health and safety action temporarily separating a student from the University or precluding participation in a course or courses must only be assigned when there is an immediate threat to physical health or safety of an individual that arises out of a report or formal complaint, or other aspect of the procedures described in the Title IX Policy.
Other supportive measures and remedies may be instituted as described in the Title IX Policy.

a. Interim action(s) will be communicated in writing consistent with the notice provisions of this Code.

b. Interim action(s) are temporary measures applied through the duration of an investigation and/or resolution process and do not replace a resolution process as outlined in this Code.

c. A student may request a review of an interim action in writing to the Dean of Students. The scope of the request is limited to whether the interim action(s) should remain in place, based on the information available. The responding student/respondent in an IHSA is afforded an opportunity to respond to the allegations or information presented by the University as the basis for the IHSA. The Dean of Students will schedule a review meeting with the requesting student within three business days of receiving the written request. The requesting student may provide information including reports, witness statements, communications, or other documentation in the meeting. When applicable, a complainant/affected/reporting individual may provide information to the Dean of Students for purposes of this review. Interim actions may be affirmed, modified, or lifted as a result of a requested review. The Dean of Students or designee will communicate the final decision in writing within one business day of the review meeting.

d. Interim Action(s) may include any actions deemed appropriate to mitigate the threat to health, safety, or welfare of the University community or individuals involved in an incident, ranging from interim suspension to restrictions on participation in university-sponsored programs or activities or presence on campus.

2. Status Outcomes

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

a. Reprimand. A notice in writing to the student that the student is violating or has violated University expectations for behavior and that further violations may result in more severe disciplinary action.

b. Housing Probation. This status is assigned to a student for a specified period of time. While on this status, any further violation(s) may result in termination or reassignment of housing. In addition, this status constitutes a disciplinary record that will remain on file with the Student Conduct Authority in a manner consistent with University records retention policies.

c. Termination or reassignment of housing. Removal or reassignment of an individual in University housing after a specific date and for a specified period of time. If removed, the student may be restricted from entering all University residence halls. This status constitutes a disciplinary record that will remain on file with the Student Conduct Authority in a manner consistent with University records retention policies.

d. Disciplinary Probation. This status is assigned to a student for a specified period of time. While on this status, any further violations may result in suspension or expulsion from the University. Other restrictions that may be placed upon a student on disciplinary probation 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 facilities or campus areas, or contact with any specified individual(s). In addition, this status constitutes a disciplinary record that will remain on file with the Office of Rights and Responsibilities in a manner consistent with University records retention policies.

e. Suspension. Separation from the University after a specific date and for a specified period. Through the duration of the suspension period the individual may be restricted from University property and may be required to provide prior notice and receive approval from the Student Conduct Authority for the purpose of conducting University business. Before a student may be readmitted to the University after a designated period of time, that person must meet with the Dean of Students to show satisfactory completion of any assigned directives or to discuss stipulated conditions set for their return to the University. In addition, this status constitutes a disciplinary record that will remain on file with the Office of Student Rights and Responsibilities Conduct and Community Standards indefinitely. The University will withdraw the student from any current courses and cancel any future enrollment. Whether an individual is eligible for a refund upon withdrawal or cancellation is dependent upon the University’s refund schedule. Depending on the length of the suspension, a suspended student may be subject to University policies and requirements regarding readmission. If a student is required to apply for readmission, readmission is not guaranteed after a period of suspension is served; and the student is responsible for communicating with the Office of Admissions to identify appropriate process(es) for re-entry at the expiration of the suspension period and when any terms of suspension or other outcomes are satisfied.

f. Expulsion. Separation from the University without the possibility of readmission. The University will withdraw the student from any current courses and cancel any future enrollment. Whether an individual is eligible for a refund upon withdrawal or cancellation is dependent upon the University’s refund schedule. In addition, the individual may be restricted from University property. This status will be noted on the individual’s academic transcript and will constitute a disciplinary record that will remain on file with the Office of Student Rights and Responsibilities Conduct and Community Standards indefinitely.

g. Degree Withdrawal or Revocation. A degree may be withdrawn or revoked when a student has graduated and an incident occurred before graduation in the following circumstances:

   i. The student has a pending conduct hearing that was scheduled before or as the student graduated; or

   ii. At any time after the student has graduated or received a degree, the University becomes aware of an incident involving an alleged violation of this Code that took place before the student graduated or received a degree from the University.

The student will receive the degree once the matter is resolved and any outcomes (when applicable) are completed unless the outcome is expulsion, in which case the degree may be revoked.

3. Education Outcomes

   a. Service Hours. Completion of service under the supervision of a University department or outside agency.
b. Discretionary outcomes. Work assignments, essays, presentations, research projects, conduct contracts, or other discretionary assignments.

c. Master Education Plan. Develop a master education plan with the aid of the Student Conduct Authority and assigned mentor with continuous evaluation and support for a specified period of time.

d. Counseling Assessment. Referral for assessment at University Counseling Center for alcohol/drug concerns, general mental health, or other wellness concerns.

4. Administrative Directive Outcomes

a. Restitution. Compensation for loss, damage, or injury to University property. This may take the form of appropriate service, monetary, or material replacement.

b. No contact directive/extension of existing no contact directive. A no contact directive is an official University directive that serves as notice to an individual that they must not have physical contact with or proximity to, or direct verbal, electronic, written, and/or indirect communication intentionally made through another individual for a specified period of time. This may be a new directive, extension of an existing directive, or include altered or additional parameters or instructions to an existing directive. No contact directives may only be removed prior to the specified period of time at the discretion of the Student Conduct Authority and at the written request of all involved individuals.

c. Loss of privilege. Denial of any specified privilege for a specified period of time. Examples include, but are not limited to: guest privileges, restriction from a University event or program, or restriction from an area or building.

d. Parental notification. Notification may be sent to parents or guardians of a student who is under 18 years of age, or financially dependent on their parents or guardians, depending on the circumstances surrounding the incident. Parents or guardians may also be notified of alcohol and other Drug incidents for students under 21 years of age, regardless of financial dependency or resulting outcome.

e. Behavioral Plan. This is a directive to the student from the Student Conduct Authority and/or in consultation with another appropriate office (including, but not limited to Housing, Title IX, etc.) which outlines expected behaviors to aid in a student’s success.

5. Alternative Resolution Agreement Outcomes

a. Any individual or combination of outcomes listed in the education outcomes section of this policy.

b. Administrative directive outcomes including, but limited to restitution, no contact directive or extension of existing no contact directive, loss of privilege and behavior plan as defined in the administrative directives outcomes section of this policy.

c. Voluntary time away from the University for a specified period of time.

H. Appeal Procedures

1. Student appeal. Both a complainant/affected/reporting (if applicable) and a responding student/respondent are afforded a single opportunity to appeal decisions and/or any outcomes issued by a hearing body within five business days of the date of the written decision and outcomes. Only affected/reporting individuals/complainants who are students are eligible to submit an appeal request with the exception of cases of sex discrimination or sexual misconduct or Title IX Policy violations in which a complainant/affected/reporting individual may submit
an appeal regardless of student status. Any interim actions will remain in effect at
the discretion of the Student Conduct Authority, however any outcome(s) resulting
from the original hearing decision will be held in abeyance pending the conclusion
of the Florida State University appeal process. A complainant-affected/reporting
individual (when applicable) and a respondent-student respondent will be notified of
an appeal submission by the other individual, given the opportunity to review the
submitted appeal request, and given the opportunity to submit a response.
2. Required Format. All appeal requests must be in writing using the appropriate form,
identify the basis or bases for appeal, and include any supporting documentation
the appealing individual or student wishes to be considered.
3. Scope of Review. Deference is given to the original hearing body’s findings of fact and
decision on responsibility and/or any outcomes; therefore, the burden is on the
individual filing an appeal request to sufficiently demonstrate cause to alter the
decision of the hearing body or any outcomes. An appeal review will generally be
limited to a review of the record of the hearing and supporting documents for one
or more of the bases of appeal listed below, provided however, that under
extraordinary circumstances the appeal administrator may request additional
information or clarification from the University, investigator(s), hearing body,
Student Conduct Authority, reporting individual/complainant, responding
students/respondent, or witnesses for purposes of this review.
4. Appellate Administrator(s). The Vice President for Student Affairs designates
University administrators to facilitate policies and procedural standards as outlined
in this Code, including appellate review. All appellate reviews are considered
recommendations for review and action for the Vice President for Student Affairs’
final agency action on behalf of Florida State University.
a. Decisions of the Administrative Hearing Panel, Student Conduct Board, or hearing
administrators appointed by the Office of Student Rights and
Responsibilities/Conduct and Community Standards may be appealed to the
Dean of Students.
b. Decisions of the Residential Conduct Board or administrators appointed by
University Housing may be appealed to the Executive Director of University
Housing.
c. Decisions of the Dean of Students may be appealed to the Vice President.
5. Bases for Appeal. Appeal reviews are not a “re-hearing” of a student conduct matter,
rather, a review of process and submitted information to ensure stated procedural
standards were followed. Appeal considerations are limited to one or more of the
following bases:
a. Process Review. That the proceeding was not conducted in accordance with
established procedural standards, or with bias or prejudice on the part of the
hearing body. Such procedural errors must have substantially affected the
outcome of the hearing.
b. Bias Review. That the proceedings were not conducted without bias or prejudice
on the part of the hearing body. May include but is not limited to demonstration
of a conflict of interest, or failure to objectively evaluate all relevant
information.
c. b. Information Review. That the information presented in a proceeding does not
support the finding of the hearing body that a violation of Code exists.
d. e. Outcome Review. That the outcomes are extraordinarily disproportionate given the nature of the violations and any aggravating or mitigating circumstances presented.

e. d. New Information. That new information exists that was not known to the individual appealing and could not reasonably have been know or discovered at the time of the original proceeding, and which would have substantially affected the outcome of the proceeding. This does not include statements from an affected/reporting individual/complainant or responding student/respondent who did not appear for a proceeding or hearing.

6. Appeal Decision. An appeal administrator reviewing an appeal request may make one of the following recommendations:
a. Affirm. The administrator may affirm the decision and/or outcomes of the original hearing body.
b. Alter outcome. The administrator may alter the outcome(s) issued by the original hearing body. Alteration in the outcome may include reducing or increasing the severity of outcome(s) or requirements.
c. New hearing. The administrator may determine a new hearing by a different hearing body is warranted to correct procedural irregularity or to consider new information. A student may appeal any decision by a hearing body assigned to adjudicate a new hearing.
d. Remand. The administrator may direct the original hearing body to review their original decision subject to any instructions from the appeal administrator. The hearing body may affirm its original decision or render a new decision consistent with those instructions. A student may appeal a decision made on remand; however if a hearing body affirms its original decision, a student may not appeal the decision on the same grounds as in the previous appeal.

7. Final Agency Action. The appeal administrator will forward findings and recommendations to the Vice President for Student Affairs for review. The Vice President’s review and decision is considered the final decision of the University and will be communicated in writing within fifteen business days to the responding student/respondent and if applicable, simultaneously to the affected/reporting individual/complainant. This timeline may be extended if necessary in consideration of the record on appeal. Final agency action decisions are only appealable by writ of certiorari to the Second Judicial Circuit in and for Leon County, Florida.

I. Record Keeping Practices.

1. File maintenance. A student who participates in a student conduct process as a complainant, affected/reporting individual, responding student/respondent or witness has a file created and maintained by the Office of Student Rights and Responsibilities, Conduct and Community Standards or University Housing respectively. Files are maintained in a manner consistent with University record retention policy and in compliance with Florida Public Record Law. Files regarding cases resulting in a responding student/respondent’s suspension or expulsion are maintained indefinitely.

2. Access to and Copies of Records. Students are permitted access and review of their records pursuant to FERPA for the purpose of reviewing information that is subject to consideration as part of a student conduct proceeding.

3. Transcriptions of hearings. Any student desiring a transcript of a recorded hearing that is a part of their education record 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.

4. Petition for clearing a disciplinary record. Student conduct records may be cleared upon review and approval by the Dean of Students. When a record is cleared, the information it contains is no longer considered a disciplinary record. However, the University may be required to produce the record regardless of its status in order to comply with a subpoena or other information request consistent with federal or state law. The University is required by law and policy to retain student education records for specified periods of time, and for certain purposes. Clearing a record affects only information maintained by the Office of Student Rights and Responsibilities Conduct and Community Standards and University Housing, respectively. Copies of letters distributed by or to other University departments, incident reports, police reports, and the results of previous background checks reported outside of the Office of Student Rights and Responsibilities Conduct and Community Standards are not affected by this process. Petitions for clearing a record may be made no sooner than one year after the date of the responding student respondent's last finding of responsibility from the student conduct process or one calendar year prior to their anticipated graduation, whichever is later. The request must be made in writing to the Dean of Students and will not be granted for conduct that resulted in suspension or expulsion from the University. A petition may also be denied for any records related to conduct that posed a threat to a member of the University community or serious damage to University property.

I. Introduction

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

The University is proud of the plethora of student organizations thriving on campus. Student organizations play a key role in the campus culture at the University and are valuable in upholding the values of the University. Student organizations are the backbone of student engagement at the University. Students can select academic, social, service, honorary, sports clubs, political, religious and
many other organizations to connect with during their time at the University. Student organizations at the University are actively involved in leading, supporting, and serving the University community. Student organizations foster interpersonal relationships, explore educational opportunities, develop professional skills, and enhance academic experiences. Student organizations provide students spaces to develop skills for life after graduation as active citizens.

The Student Conduct Authority at the 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. The Student Code of Conduct and Student Organization Code of Conduct reemphasize the dignity and worth of each person and substantiates the need for an inclusive environment to support the betterment of all persons associated with the University. “The University is a compassionate community. In its treatment of students, it recognizes the wisdom both of letting students experience the consequences of their actions and of providing the opportunity to learn and grow in ways that can overcome past difficulties” (General Bulletin, Florida State University, 2016).

The University fully recognizes and values the right of all students and individuals to seek knowledge, debate ideas, form opinions, and freely express views in accordance with the expectations set forth in this Code. 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 (for more information, see the University’s Freedom of Expression Rights and Responsibilities regulation). Additional expectations for student organizations are outlined in University rules, regulations, and/or policies.

The student conduct process is designed to be educational in nature and promotes the University’s mission. Being a member of the University community is a privilege, and the conduct process will determine if a student organization’s conduct warrants modification of or restriction upon that privilege.

II. Definitions

Terms specific to conduct prohibited by the Sex Discrimination and Sexual Misconduct policy (FSU Policy 2-2 supplemented by 2-2a relating to Title IX specific requirements, also referenced as Title IX Policy) are defined in Appendix D of 2-2: Definitions and accessible at https://regulations.fsu.edu/policies/office-president

A. Advisor. The term “advisor” means any one person chosen by a affected/reporting individual complainant, student organization representative, or witness to provide guidance throughout the student organization conduct process. Examples of advisors include, but are not limited to organization advisors, alumni, organization staff, law students affiliated with a Student Government Association-sponsored program, University faculty, staff, or administrators, and attorneys. Individuals are highly encouraged to select an advisor with reasonable availability.

B. Alternative Resolution. If deemed appropriate by the University, affected/reporting individuals complainants, and the responding student organization may agree to forego a student organization conduct process in favor of reaching a mutually agreed upon resolution. The University adopts the resolution of the Alternative Resolution process in lieu of adjudicating the case, and failure to adhere to the agreed-upon resolution by any individual or the student organization may result in further student organization conduct action.

C. Day. The term “day” refers to any weekday Monday through Friday in which the University is in operation. This includes days when the University is in operation but classes are not in session.
D. **Hearing.** The term “hearing” means an informal or formal proceeding, conducted by a hearing body in accordance with the Code, following which determinations of “responsible” or “not responsible” are made with regard to alleged Code violations and outcomes are assigned as appropriate.

E. **Hearing Body.** The term “hearing body” means any person or persons authorized in the Code to conduct hearings, make a finding of whether a Student Organization has violated the Code, and recommend or assign outcomes as appropriate.

F. **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 the definition of “University” below.

G. **Organization Facility.** The location where organization events occur. This may include a live-in component for members.

H. **Organization Event.** An organization event is defined as any event consisting of prospective, new, active, recently active, and alumni members (or some combination thereof) that a reasonable observer would associate with the Student Organization, or was sponsored, financed, or endorsed by the Student Organization, or required advanced planning on behalf of the Student Organization.

I. **Policy.** The term “policy” means the written statements governing the University as found in, but not limited to, the State of Florida Board of Governors regulations, the University’s Board of Trustees regulations, policies adopted by the President or Vice Presidents, the Student Organization Conduct Code, the Undergraduate General Bulletin, the Graduate Bulletin, the Student Policy Handbook, the Registration Guide, the Guide to Residence Living, the Sex Discrimination and Sexual Misconduct policy, and other written requirements of departments and other written requirements of departments, organizations, and clubs.

J. **Preponderance of the Information.** “Preponderance of the information” is the standard of evidence upon which a determination of “responsible” or “not responsible” is made, and is used in adjudicating all student organization cases under this Code. It means that the information, as a whole, demonstrates it is more likely than not that the fact sought to be proved is true.

K. **Affected/Reporting Individual.** The term “affected/reporting individual” means any individual who has been directly affected by or reported an alleged violation(s) of the Code. The affected/reporting individual is the individual who is affected and files a report or on whose behalf a report is filed.

L. **Student Organization.** The term “student organization” refers to a Student Organization that has been approved by Student Activities, as designee of the Vice President for Student Affairs, to function at the University. Further stipulations regarding recognition are outlined in FSU-3.0015 Student Organizations and Activities. In this Code, the term “student organization” also refers to a student group which is defined as any number of persons who are associated with the University and each other, but who have not registered, or are not required to register, as a student organization that conducts business or participates in University-related activities. This includes, but is not limited to, student organizations that are no longer recognized by the University and/or (inter)national organization.

M. **Affected/Reporting Individual/Complainant.** The term “affected/reporting individual/complainant” refers to means any individual or student organization who is alleged to be the victim of conduct that could constitute one or more have been directly affected by or reported a student organization’s alleged violation(s) of the Code. The affected/reporting individual/complainant is the individual or student organization who is affected, and files a report or formal complaint, or on whose behalf a report or formal complaint is filed.
M. **Responding Student Organization.** The term “responding student organization” refers to a student organization that has been reported to be the perpetrator of conduct that could constitute one or more violation(s) of is alleged to have violated the Code.

N. **Report.** The term “report” refers to information submitted to a Student Conduct Authority alleging conduct that could constitute one or more violation(s) of the Code.

N.O. **Formal Complaint.** The term “formal complaint” refers to information from a complainant or a University official alleging conduct that could constitute one or more violation(s) of the Code by a responding student organization.

O. **P. Student.** The term “student” applies to any individual meeting one or more of the criteria below. The term applies to all campus, sites, locations and delivery methods of credit-bearing course offerings.

1. **Admitted.** Any person, regardless of academic career, who is admitted to the University and is present on campus for the purpose of participating in any University program, course, or activity leading toward enrollment, including but not limited to orientation, graduate student orientation, teaching assistant orientation, or workshops.

2. **Enrolled.** Enrolled in any credit-bearing course or program offered by Florida State University at the time any alleged violation(s) occurred.

3. **Active student.** Any person who has been enrolled at the University and continues to be associated with the University in order to complete the course or program in which the student was enrolled. “Active” status is determined by academic policy and is enforced by the Registrar’s Office. This can include periods of non-enrollment during which the student is still eligible to enroll in classes. The term also includes any student who has been issued an Interim Health and Safety Action (IHSA) pending the outcome of a student conduct proceeding.

4. **Dual enrollment.** Any student enrolled in a credit-bearing course on a dual-enrollment basis. Jurisdiction over a dual-enrollment student’s conduct will be determined in consultation with appropriate officials at the student’s home institution.

P. **Q. Student Conduct Authority.** The term “Student Conduct Authority” refers to an individual or administrative unit whose administrative duties include the administration of the student conduct process, including formal, informal action, or alternative resolution. See the section on “Authority” for more information.

Q. **R. Student Organization Representative.** A student designated by a Student Organization to serve as its representative through any Student Organization conduct proceedings. Typically, this individual serves on the executive board of a Student Organization and may particularly serve in the role of president. In some cases a representative of the (inter)national headquarters or leadership may be designated by a(n) (inter)national organization to represent the Student Organization, however this role is separate and apart from that of an advisor, including but limited to legal counsel. The Student Conduct Authority may choose to require a Student Organization to designate a non-student representative or designate a different student representative when deemed necessary.

R. **S. University.** The term “University” means Florida State University, each of the programs and activities under its control and all property owned, leased, used, or controlled by the University, including all branch campuses, facilities, and University International Programs’ locations and property.

S. **T. University Community.** The term “University community” includes any person who is a student, faculty member, University official, visitor, contractor, volunteer, representative of the University, or any person employed by the University. It also includes student organizations and their members (active or inactive), officers, guests, contractors, and agents.
University Official. The term “University official” means any person assigned to engage in teaching, research, administrative, professional, or other responsibilities while acting within the scope of their employment or volunteer role with the University.

Student Conduct Board. The term “student conduct board” refers to a group of currently enrolled students in good conduct standing selected and trained by the Office of Student Rights and Responsibilities to adjudicate student organization conduct cases as a hearing body excluding cases of alleged violations of the Sex Discrimination and Sexual Misconduct policy and cases that may result in a responding student organization’s suspension or loss of recognition.

Administrative Hearing Panel. The term “Administrative Hearing Panel” refers to a group of Student Conduct Board members in addition to faculty or staff selected and trained by the Office of Student Rights and Responsibilities to serve as a formal hearing body with responsibility for adjudicating Student Organization conduct cases. Panels are composed of two (2) faculty or staff members, both designated by the Director of Student Rights and Responsibilities, and three (3) Student Conduct Board members.

Single Hearing Administrator. Any faculty or professional staff member at the University designated and trained by the Office of Student Rights and Responsibilities to facilitate meetings or information sessions and administer alternative resolutions, or to serve as the hearing body for informal or formal hearings.

Consent. As related to alleged violations of the Code not involving sex discrimination or sexual misconduct, consent is the voluntary, informed, and freely given agreement, through words and/or actions, to participate in mutually agreed-upon behavior or activity.

Law Enforcement Affidavit. The term “law enforcement affidavit” means a sworn statement or report by a duly authorized law enforcement officer that may be relied upon by a hearing body in a student conduct proceeding with the exception of a formal hearing in a Title IX process. In those cases only, information may only be relied upon as described in the Title IX Policy.

University Official Report. The term “university official report” means a narrative or document prepared by a University employee in the course of their employment that provides information about an incident. Examples include, but are not limited to, Title IX Office investigation reports and University Housing Incident Reports. In the case of a Title IX formal hearing, information may only be relied upon as described in the Title IX Policy.

Witness Statement. The term “witness statement” means a narrative or document that is not a part of a law enforcement affidavit or university official report and that is prepared and submitted as a part of the reporting of an incident or in lieu of a witness’s live appearance at a conduct proceedings, which provides the information that the witness has regarding an alleged violation of the Code. In the case of a Title IX formal hearing, a witness statement may only be relied upon as described in the Title IX Policy.

Student Organization Member. A University student currently enrolled in classes who participates in a Student Organization. Student Organization participation may include, but is not limited to, paying dues, being listed on a roster, participating in activities or meetings, or receiving communication from the Student Organization.

Informal Resolution. The term “informal resolution” means the process by which a student organization may accept responsibility and outcomes, or not contest responsibility for an alleged violation of the Student Organization Conduct Code. This resolution is noted as a finding of responsibility and results in a conduct record for the responding student organization.

Notice. Notice is considered given to an organization when it is sent to the student organization representative’s official University email address, is hand-delivered to the student organization
representative or current residence, or upon the University’s receipt of a certified mail return receipt when communication is sent to the local address on file with the Office of the University Registrar, to the permanent address on file if a local address has not been provided, or to the address of the national organization when applicable.

**University Program or Activity.** The term “University program or activity” includes locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the conduct occurs, and also includes any building owned or controlled by a student organization that is recognized by the University. A program or activity may include events, programs, and circumstances that occur in person, or a virtual platform, or via electronic communication or publication including but not limited to phone, email, text, or social media.

### III. Authority

A. Authority for student organization conduct ultimately rests with the Florida State University Board of Trustees which has delegated such authority to the President of Florida State University (hereinafter “President”). The Board further assigns authority through this Code, a Board Regulation. The President has delegated direct authority to the Vice President for Student Affairs (hereinafter “Vice President”). The Vice President delegates this authority to the Dean of Students and the Director of the Office of Student Rights and Responsibilities Conduct and Community Standards.

B. The President, Vice President, and Dean of Students have the authority to designate individuals internal and external to the University as hearing or appellate officers when appropriate.

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

D. The hearing decision or recommendation of a hearing body is considered a hearing decision. If a hearing decision is not appealed as provided within the Code, the hearing decision becomes final agency action.

E. The authority of appellate officers is further enumerated in the Code section on “Appeal Procedures.” Appellate decisions are considered recommendations to the Vice and become final agency action upon approval by the Vice President.

F. Any reference in the Code to the role or responsibilities of a specific University official may be delegated by the University official to an appropriate designee.

### IV. Scope

Florida State University may address the alleged misconduct of any Student Organization as specified in Section VII. “Violations of Expectations” of this Code pursuant to the following:

A. In any proceeding to determine whether a student organization has violated the Code, the University will apply the substantive code provisions defining conduct violations that are in effect on the date the alleged conduct occurred. The University will apply the procedural standards outlined in section VI. “Procedural Standards”, that are in effect at the time the student organization is provided notice of the specific allegation(s) of code, regulation or other policy violations, regardless of the date of the alleged violation.

B. The Code will apply to student organization conduct that occurs on University premises, at University-sponsored activities and off-campus as determined by the Student Conduct Authority. Factors that will be considered when determining whether to address off campus conduct include, but are not limited to, whether the incident is documented by a verifiable
source, adversely affects the University community, occurs at a University program or activity-affiliated event, or endangers the health or safety of a student or others.

C. The Code applies to the University as defined in this Code. Non-substantive procedural modifications that reflect the particular circumstances of each campus or international program are permitted as approved by the Student Conduct Authority.

C.D. The Code includes procedural standards that apply specifically to the resolution of violations of the Student Organization Conduct Code that are not encompassed under Sexual Harassment as defined in, or that fall outside of the jurisdiction of the Title IX Policy. The University reserves the authority to determine what level of procedural standards will apply to a report or formal complaint and whether application of the appropriate procedural standards should change based on new or evolving information regarding a specific case. The University may, in its discretion, address conduct that has been dismissed during or as a result of the Title IX investigation process if the conduct or circumstances fall outside of the jurisdiction of the Title IX Policy but would fall within the other jurisdictions and provisions of the Code.

D.E. Student Organization conduct proceedings may be initiated for alleged conduct that potentially violates both law and University policy without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under these procedural standards may be carried out prior to, concurrently with, or following civil or criminal proceedings at the discretion of the Student Conduct Authority. Determinations made or outcomes imposed will not be subject to change because criminal charges or civil complaints arising out of the same facts giving rise to violation(s) of University policy were dismissed, reduced, or resolved in favor of an individual or student organization.

E.F. The University may adopt the finding of fact in a criminal or civil proceeding with a similar or higher standard of proof and conduct an outcomes-only proceeding if appropriate.

F.G. The University has up to 180 calendar days to resolve an alleged violation(s) of the Code with a responding student organization upon receipt of a report of a possible violation that includes enough substantive information to conduct an investigation by the Student Conduct Authority or upon receipt of an investigation report from the Title IX Office. However, the University has discretion to extend this time period if deemed necessary to perform a thorough investigation, preserve fundamental due process, or due to other extraordinary circumstances.

G.H. Student Organization decisions and outcomes may be published by the University.

H.I. The University may restrict a student’s or student members of a student organization’s contact with specified individuals when determined appropriate based on the facts or information and circumstances of each unique incident. The Student Conduct Authority can administratively issue such restrictions to any individuals involved in a conflict or incident, regardless of whether a determination of alleged violations has been made. Such restrictions are valid and enforceable only with respect to individuals who are students at the University.

I.J. The University may determine what University personnel have an educational need-to-know regarding the status and/or outcome of student organization conduct processes and to provide notice to relevant University personnel as determined by the Student Conduct Authority.

V. Amnesty.

A. An element of promoting safety is providing clear, responsible methods of reporting and addressing incidents of misconduct. Therefore, in order to remove potential barriers to reporting, the Student Conduct Authority may in its discretion, not charge an
affected/reporting student complainant with a violation for conduct originating from the same incident if reported by that student in good faith to a University official, or otherwise discovered in investigation.

B. The University’s highest priority is the physical and mental health and safety of students and members of the University community. Therefore, no student seeking assistance for themselves or others as a result of a hazing incident, intoxication, or medical emergency from alcohol or other drugs will be charged with violation of the alcohol, controlled substances, and illegal drug or hazing provisions of this Code if:
   1. That student calls local or University law enforcement or medical assistance;
   2. That student cooperates fully with University, law enforcement, and medical personnel, as applicable; and
   3. That student remains at the scene with the person in need until assistance has arrived.

C. Amnesty provisions may extend beyond individual students to a student organization at the discretion of the Student Conduct Authority.

D. The University recognizes that during times of a public health emergency as declared by local, state, or national authorities the priority of gathering information regarding contact and exposure to contagion may be greater than resolution of a violation of the Student Organization Conduct Code. Therefore, the University has discretion over whether a student organization will be charged with a violation of the Student Organization Conduct Code if information is a result of providing important contact tracing information to the University or public health officials.

VI. Amendments
This Code will be reviewed in its entirety every two years. Any substantive changes will be reviewed by the Vice President and presented to the Board of Trustees for approval. Any amendments can be proposed by University community members for review by submitting to the Vice President for Student Affairs.

VII. Student Organization Responsibility
A Student Organization may be held responsible for the actions of those affiliated with the organization, including but not limited to: one or more of its members (active or inactive), new members, former members, alumni, guests, contractors, and agents if action on behalf of, in the interest of, or as affiliates of the student organization. Every Student 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 Student Organization. Each Student Organization is expected to educate its members regarding their risk management policy and all applicable University policies and state laws.

A. In determining whether a Student Organization 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 student organization members who must be involved in an incident to determine group responsibility. A Student Organization may be subject review under the provisions of this Code for activities not sponsored by the Student Organization where persons present or responsible for the activity are members or guests of members of the Student Organization.

B. Misconduct on the part of the Student Organization may be addressed when factors including, but not limited to the following are found:
1. Members of the Student Organization (active or inactive), new members, alumni, former members, agents, contractors, or guests act together to violate the Student Conduct Code or Student Organization Conduct Code; or
2. Officers or members of a Student Organization are present at a student organization-sponsored, financed, or otherwise supported activity or event; or
3. Student Organization leadership had knowledge or should have had knowledge of the event, or planned unlawful conduct and/or conduct in violation of the Student Conduct Code or the Student Organization Conduct Code before it occurred and failed to take preventative or corrective action or failed to stop unlawful behavior as it occurred at such event; or
4. An event or conduct in violation of the Student Conduct Code or the Student Organization Conduct Code occurred on premises and/or transportation owned, operated, controlled, or rented by the Student Organization; or
5. A pattern of individual violation(s) occurred and/or continues to occur without adequate control, response, or discipline on the part of the Student Organization or its leaders; or
6. The Student Organization or members interfere with the investigation or conduct proceedings of any individuals who are members (active or inactive), new members, alumni, former members, agents, contractors, guests, of the Student Organization.

C. Other Student Organization Privileges and Expectations

1. There are many privileges and expectations associated with being a Recognized Student Organization (RSO) at Florida State University. Refer to Student Activities regarding the privileges afforded RSO’s on campus and refer to the RSO Handbook for expectations of an RSO.

VIII. Violations

Each Student Organization is expected to abide by these rules of conduct and to be accountable for the behavior of student organization members. Lack of familiarity with University policy is not a justification for violating any provision of this Code. Unless specifically noted, intent is not a required element to establish a Code violation. Intoxication or impairment from alcohol, drugs, or other substances is not a justification for violating any provision of this Code. These rules of conduct should be read broadly and are not designed to define prohibited acts in exhaustive terms. See section IX for Title IX Policy violations.

A. Sex Discrimination and Sexual Misconduct

The Student Organization will not participate in, tolerate, or condone any actions defined as “prohibited conduct” in the Sex Discrimination and Sexual Misconduct policy.

B. Title IX Policy Violations

The Student Organization will not participate in, tolerate, or condone any actions defined under “sexual harassment” in the Title IX Policy. Title IX Policy violations are resolved through specific procedural standards outlined in the Title IX Policy as well as applicable standards in the Student Organization Conduct Code not in conflict with specific Title IX Policy provisions. Alleged conduct will be resolved under the jurisdiction of the Title IX Policy and applicable procedural standards if: i) the alleged conduct may meet one or more of the violations
defined as sexual harassment in the Title IX Policy, and ii) the conduct occurred within the context of a University program or activity within the United States.

D-C. Endangerment

1. The Student Organization will not participate in, tolerate, or condone any of the following actions:
   a. Physical violence or unwelcome force against a person or the property of any person or group.
   b. Act(s) that imminently endanger the health, or safety of another person or group.
   c. Interference with the freedom of another person to move about in a lawful manner by force, threat, intimidation, or other means without consent.
   d. Act(s) that endanger the health, safety, or well-being of an animal. This includes, but is not limited to, intentionally or unintentionally torturing or in a cruel manner killing or causing serious bodily injury to an animal; failing to provide necessary food, water, or care for an animal; unreasonably abandoning an animal in the student’s custody; transporting or confining an animal in a cruel manner; causing one animal to fight with another animal; or inappropriately overworking an animal. This provision does not prohibit any activity conducted as part of an approved academic or research program within the University.

D-D. Harassment and Bullying Behavior

1. The Student Organization will not participate in, tolerate, or condone any of the following actions:
   a. Conduct, not of a sexual nature, including any gesture, written, verbal or physical act, or any electronic communication (includes text messages and postings on web-sites or social media), that places a person in reasonable fear of harm to their person or damage to their property, infringes upon rights of personal privacy or property, has the effect of substantially interfering with a reasonable person’s academic performance or ability to participate in opportunities or benefits provided by the University, or has the effect of substantially interfering with the orderly operation of the University.
   b. Stalking, not of a sexual nature, defined as a course of conduct (i.e. more than one act) directed at a specific individual which would cause a reasonable person to experience substantial emotional distress, or to fear for their safety or the safety of another.

D-E. Invasion of Privacy

1. The Student Organization will not participate in, tolerate, or condone any of the following actions:
   a. Unauthorized intrusion upon a person’s private property or communications.
   b. Unauthorized appropriation and/or use of someone’s identifying or personal data or documents.
   c. Using electronic or other means to make a video or photographic record of any person where there is a reasonable expectation of privacy without the person’s consent. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms,
private bedrooms, and restrooms. The sharing and/or distributing of such unauthorized records by any means is also prohibited.

d. Using electronic or other means to make an oral record of any person where there is a reasonable expectation of privacy without the person’s consent. Such oral communications include, but are not limited to, recordings made using any device and any wire, oral, or electronic communication.

E.F. Hazing

The Student Organization will not participate in, tolerate, or condone any Student Organization or individual action or situation, which occurs on or off University property, that intentionally, recklessly, or negligently endangers the mental or physical health or safety of a student for purposes including, but not limited to, initiation or admission into or affiliation with any University student organization or other group whether or not officially recognized by the University, or the perpetuation or furtherance of a tradition or ritual of any such student organization or group.

1. Hazing includes, but is not limited to:

   a. Brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of food, liquor, drug, or other substance;

   b. Subjecting a person to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of a reasonable person;

   c. Pressuring or coercing a person into violating state or federal/national law and/or University policy;

   d. Interfering with or impeding a person’s academic pursuits, employment, religious observances, or affiliation with other individuals, groups, or activities; or

   e. Otherwise infringing upon a person’s personal or property rights or substantially interfering with a reasonable person’s ability to participate in or benefit from the services, activities, or privileges provided by the University.

A student may commit an act of hazing whether the student is a prospective, current, or former member of the organization or group. The actions of active, associate, new and/or prospective members, former members, or alumni of a student organization or group may be considered hazing under this Code. The following circumstances are not a defense to a violation of this provision: express or implied consent of a victim, the conduct or activity was not part of any official organizational event or otherwise sanctioned or approved by the student organization, or the conduct or activity was not a condition of membership into a student organization.

2. Soliciting another or aiding or assisting another to engage in any act of hazing as defined in this Code, or active involvement in the planning of such action.

3. Observing or participating in any conduct defined as hazing pursuant to the Code by a member of the Student Organization or group who is not themselves an
affected/reporting individual as complainant, without reporting the incident to a University official.

Florida State University Hazing Policy, BOG 6.021, and Section 1006.63, Florida Statutes, are considered part of and incorporated as applicable.

F-G. Alcohol, Controlled Substances, and Illegal Drugs
1. The Student Organization, members, and guests must comply with all federal, state, and local laws pertaining to alcohol. No person under the legal drinking age may possess, consume, provide, or be provided alcoholic beverages.
2. The Student Organization, members, and guests must follow federal, state, and local laws regarding illegal drugs, controlled substances and drug paraphernalia. No person may possess, use, purchase, provide, distribute, sell, and/or manufacture illegal drugs, other controlled substances, or drug paraphernalia while on the premises of or premises under the control of the Student Organization, while attending an organization event, or engaging in Student Organization activities or business, or acting within the scope of membership. The Student Organization may be held responsible for the distribution of illegal drugs and controlled substances in or adjacent to any organization facility or any facility operating as the organization’s facility or in the control of the organization.
3. Alcoholic beverages must either be
   a. Provided and sold on a per-drink basis by a licensed and insured third-party vendor (e.g., restaurant, bar, caterer, etc.); or
   b. Brought by individual members and guests through a bring your own beverage (“BYOB”) system. The presence of alcohol products above 15% by volume (“ABV”) is prohibited at any organization event, except when served by a licensed and insured third-party vendor.
4. Common sources of alcohol, including bulk quantities, which are not being served by a licensed an insured third party vendor, are prohibited (i.e., amounts of alcohol greater than what a reasonable person should consume over the duration of an event).
5. Alcoholic beverages must not be purchased with student organization funds or funds pooled by members or guests (e.g., admission fees, cover fees, collecting funds through digital apps, etc.)
6. A Student Organization must not co-host or co-sponsor an organization event with a bar, event promoter or alcohol distributor; however, a student organization may rent a bar, restaurant, or other licensed and insured third-party vendor to host an organization event.
7. Attendance by non-members at any event where alcohol is present must be by invitation only, and the student organizations must utilize a guest list and identification/banding system. Attendance at events with alcohol is limited to a reasonable guest-to-member ratio and must not exceed local fire or building code capacity of the student organization facility or host venue.
8. The Student Organization, members, and guests must not permit, encourage, coerce, or participate in any activities involving the rapid consumption of alcohol, including, but not limited to, drinking games and rapid consumption.
9. Any organization event or activity related to the new member joining process (e.g. recruitment, intake, rush) must be substance free. No alcohol, illegal drugs, or
controlled substances may be present if the organization event or activity is related to new member activities, meetings, or initiation into the Student Organization, including, but not limited, to “bid night,” “Big/Little” events or activities, “family” events or activities, and any ritual or ceremony.

10. Hosting by owners, residents, student organization members, or others in control of the organization event where the underage consumption of alcohol, illegal use of controlled substances, or illegal drug use occurs, including in a residence hall room, residence hall common area, or off-campus personal residence or any space that is occupied by, under the control of, or reserved for the use of a Student Organization.

11. Failure of a Student Organization to take all necessary steps to ensure no person under the legal drinking age possesses alcoholic beverages at organization events or within any property or transportation it owns, operates, occupies, and/or rents, or is in control of is a violation of this policy.

12. Any violation of the University Alcohol Policy, FSU Regulation FSU-6.012.

G.H. Disruption and Obstruction

1. Student Organizations and student organization members must comply with the lawful order or reasonable request of an identified University official, any non-University law enforcement official, any non-University emergency responder, or any protective order.

2. The Student Organization will not engage in, tolerate, or condone:
   a. Providing false or misleading information by members of the Student Organization, or on behalf of the Student Organization to a University official, law enforcement official, paramedics, or other medical staff.
   b. Providing false or misleading information in a University and/or law enforcement investigation or hearing process.
   c. Acts that disrupt the University student organization or student conduct process or other University investigation, adjudication, or resolution process. Examples may include, but are not limited to: attempting to coerce or influence a person regarding the reporting of a student or Student Organization conduct violation, or a person’s participation in any conduct proceeding; avoiding or impeding communication in regard to a conduct proceeding; or actively disrupting a meeting or proceeding.
   d. Informed participation in an event with another student organization and failing to take necessary actions to determine whether a Student Organization is currently on disciplinary probation, recognition is suspended with restrictive conditions, or the student organization has lost recognition.
   e. Unreasonable disruption of peace, academic study, or sleep on or off campus.
   f. Behavior which disrupts or obstructs student learning, instruction, research, administrative, or other University operations or previously scheduled or reserved on-campus activities.
   g. Retaliation against another for making a report of conduct that may be in violation of this Code or other University policy, or participating in an investigation, process, or hearing. Making a report that is not made in good faith may be considered retaliation. See the Sex Discrimination and Sexual
Misconduct policy for prohibited conduct defined as retaliation in that policy.

I-I. Property
1. The Student Organization will not engage in, tolerate, or condone:
   a. Malicious or negligent defacement, damage, or destruction of public or private property.
   b. Theft, defined as removing or using the property or services of another person, off-campus entity, or of the University, with the intent to permanently deprive the person, off-campus entity, or University of the property or services.
   c. Misappropriation, defined as temporarily removing or using the property or services of another person, off-campus entity, or the University, but without the intent to permanently deprive the person, off-campus entity, or the University of the property or services.
   d. Receipt, possession, sale, or purchase of property or services that are known or reasonably should have been known to have been stolen or obtained through unlawful means.
   e. Entering or using the property or facilities of the University, off-campus entity, or another person without the proper consent or authorization.

I-J. Other Violations
1. Student Organizations will not engage in, tolerate, or condone the violation of; or the aiding, abetting, furthering, conspiring, soliciting, inciting, or attempting to commit any of the following:
   a. Violation of Federal or State law, local ordinance, or laws of other national jurisdictions.
   b. Violation of any Florida Board of Governors Regulation.
   c. Violation of any other University regulation or policy as defined in section II. Definitions, J. Policy in this Code.
   d. 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.
   e. Violation of policy of local or (inter)national governing entities including but not limited to member councils and (inter)national organizations.

IX. Procedural Standards
A. Advisors
1. An advisor may not participate directly in any proceedings or speak on behalf of the responding student organization, affected/reporting individual/complainant, or witness with the exception of a formal hearing in a Title IX process. In those cases only, an advisor is responsible for the conducting of questioning as described in the Title IX Policy.
2. Consultation with an advisor during a meeting, proceeding or hearing must take place in a manner that is not disruptive.
3. Identity of an advisor is required to be reported to the Student Conduct Authority at least three business days prior to a meeting, proceeding, or hearing.
4. Advisors may not be individuals who serve other roles in the process as outlined in this Code (i.e. hearing administrator, witness, etc.), or if service in an advisory
capacity would unreasonably conflict with the fair administration of the student conduct process as determined by the appropriate Student Conduct Authority.

5. The University is not responsible for selecting or compensating an advisor for any student organization navigating the student conduct process.

6. The availability of an advisor to attend a student conduct meeting, proceeding, or hearing will not unreasonably interfere with or delay the student organization conduct process. For Title IX hearing proceedings, if a student organization's advisor does not appear the University will assign an advisor or delay proceedings as outlined in the Title IX Policy.

7. Once a meeting, proceeding, or hearing has been scheduled it will rarely be rescheduled due to later unavailability of an advisor.

8. A representative from the University's Office of the General Counsel may also be present at any meeting, proceeding, or hearing.

B. Reports

1. Anyone may file a report with the University alleging that a student organization has violated the Code. Any report should be submitted as soon as possible after the incident takes place, preferably within 60 calendar days. When there is significant delay, the Student Conduct Authority's ability to resolve an incident may be difficult due to access to reliable information and witnesses. Therefore, the Student Conduct Authority has discretion whether or not to pursue resolution of a report and will only pursue a significantly delayed report when the conduct or responding student organization are deemed to pose a potential threat to the health or safety of an individual or the University community, or other exceptional circumstances.

2. The Office of Student Rights and Responsibilities Conduct and Community Standards also may receive reports or information on the disposition of criminal cases from the FSU Police Department, Tallahassee Police Department, Leon County Sheriff's Office, Division of Alcoholic Beverages and Tobacco, other law enforcement agency, or any municipal, state, or federal court.

3. Reports may be accepted through alternate reporting mechanisms at the discretion of the Student Conduct Authority including but not limited to written or verbal communication, published information, or referral from another University department.

4. For reports alleging sex discrimination or sexual misconduct, the reporting process can be found in the Sex Discrimination and Sexual Misconduct policy and/or Title IX Policy. If a report alleges sexual misconduct and is reported via report.fsu.edu, the Student Conduct Authority will report the matter to the appropriate Title IX Office authority, in accordance with the University's Sex Discrimination and Sexual Misconduct Policy and/or Title IX Policy. The Title IX office will evaluate the report pursuant to the policy before it will be referred to the Office of Student Rights and Responsibilities Conduct and Community Standards to review for possible violations of this Code.

C. Review and Investigation

5. All reported information will be reviewed by an appropriate Student Conduct Authority to determine appropriate next steps.

6. Interim Health or Safety Actions may be issued pursuant to section “F. Outcomes, 1. Interim Health and Safety Action” herein.

7. Investigation
   a. Upon receipt of a report, except for reports that are referred to the Title IX Office, a prompt, thorough, and impartial investigation may be conducted by
the Assistant Dean of Investigations Office of Investigations and Assessment or FSUPD if further information is required to determine appropriate resolution by the Student Conduct Authority.

b. Investigations will include a review of the submitted report, and other additional information, such as that gathered from investigation meetings with involved individuals or groups. Any involved individuals or groups will be interviewed and asked to share information they have regarding the incident including documents (text messages, emails, photos, etc.) and identification of any additional witnesses who may provide direct information regarding the incident.

c. Students and student organization representatives may be accompanied by an advisor of their choice. Individuals are highly encouraged to participate in the process in order to allow for as thorough an investigation as possible; however an individual may decline to participate in the investigation process.

d. At the conclusion of an investigation, the Assistant Dean of Investigations Office of Investigations and Assessment will produce an investigation report and forward to the Student Conduct Authority for determination for next steps including, but not limited to, no action, issuance of an admonishment, referral to another department, governing body, or national organization, or an information session to determine resolution of the allegation of misconduct.

D. Notice of Alleged Violations

8. Absent exigent circumstances, the Student Conduct Authority will notify a responding student organization of any alleged Code violation(s) within five business days after receiving all appropriate information.

9. Written notice given to any reporting individual(s) or responding student organizations will include:

   a. Sufficient detail to allow a student organization representative to prepare a response (including source of information, description of the alleged behavior(s), and specific alleged Code violation(s)); and

   b. The date, time, and location of an information session, during which the affected/reporting individual/complainant or responding student may view all materials related to the case, receive instruction regarding the student conduct process and the student’s rights, and discuss the type of resolution process to be utilized.

   c. Notice that a student organization representative may waive the information session and advance directly to a formal hearing process by submitting notification in writing within two business days after the sending of the notice of alleged violation(s).

E. Information Session

10. During the information session the affected/reporting individual/complainant or responding student organization representative may view all materials related to the case, review procedural standards, and discuss options for resolution, which include alternative resolution, no-contest informal resolution, informal hearing, formal hearing, or an outcomes-only hearing.

11. The Student Conduct Authority will determine what resolution process is appropriate after considering the expressed preferences of any reporting individual/complainant(s) (if
applicable] and responding student organization representative(s), and the totality of the circumstances.

   a. An alternative resolution process will only be considered if both a reporting individual/complainant (if applicable) and responding student mutually agree. An alternative resolution process may be considered in cases falling under the jurisdiction of the Title IX Policy.

   b. If a responding student organization representative elects either a no-contest informal resolution or informal hearing and the Student Conduct Authority deems an informal resolution to be appropriate, the administrator conducting the information session may immediately facilitate a no-contest informal resolution process or conduct the informal hearing as the hearing administrator, or schedule the informal hearing or no-contest informal resolution process to take place within a reasonable time. In cases involving an affected/reporting individual/complainant, the hearing administrator will gather the necessary information and conclude the no-contest informal resolution or hearing within a reasonable time. A no-contest resolution or informal hearing for resolution of a case falling under the jurisdiction of the Title IX Policy is not permitted.

   c. A formal hearing process will be utilized if elected by the responding student organization representative or if determined by the Student Conduct Authority to be the appropriate resolution process based on the totality of the circumstances of the case. If selected, a single hearing administrator is the only option for a formal hearing if the incident alleges violations of the Sex Discrimination and Sexual Misconduct policy.

   d. An outcomes-only hearing may be utilized when a student organization has been found at fault in civil court with a preponderance of the evidence or higher standard at the discretion of the Student Conduct Authority.

12. When a responding student organization has two or more outstanding incidents, those incidents may be heard as a single case at the discretion of the Student Conduct Authority.

F. Resolutions

1. Alternative Resolution

   a. Alternative resolution is a voluntary process that allows the responding student organization to accept responsibility for a violation of expectations. The alternative resolution process is designed to eliminate the behavior, prevent its recurrence, and remedy its effects in a manner that meets the needs of the affected/reporting individual/complainant or entity while maintaining the safety of the campus community. The alternative resolution process will only be used with the agreement of both the affected/reporting individual/complainant or entity and responding student organization and under the direction of the Student Conduct Authority, who may elect to cease the resolution process at any time and revert to an investigation, hearing, or other resolution. Please note that the affected/reporting individual/complainant or entity may be a University Official, or a University Official representing a University department.

   b. The alternative resolution options available under this Code recognize:

      i. Participation in this process is voluntary and either the affected/reporting individual/complainant or responding student
organization representative can choose to end the process at any
time prior to signing a resolution agreement.

ii. Both the affected/reporting individual/complainant and responding
student organization representative must participate in individual
information sessions with appropriate staff to learn more about the
resolution process prior to participating.

iii. The process is only intended to be used once by a responding
student organization, and may not be considered if a responding
student organization has previously been alleged to have violated
the Code within a three year period. Further, the resolution process
will not be considered for any incident that: alleges any of the
following: violence against a member of a vulnerable population,
such as a minor or individual with a developmental disability; the
use of a weapon; significant physical injury; that there are multiple
alleged perpetrators of violence; or that there has been alleged
violence against multiple individuals.

iv. If the affected/reporting individual/complainant and responding
student organization representative mutually agree to participate in
an alternative resolution process, they must agree to follow a
timeline to be established in the information session for meeting
schedules and response deadlines. An agreement resolution must
be reached within 30 calendar days from agreement to proceed
with the alternative resolution process. The University reserves the
right to adjust established timelines if necessary to accommodate
for limited staffing resources or other unforeseen circumstances.

v. The affected/reporting individual/complainant and responding
student organization representative must agree to all terms
established upon agreeing to engage in alternative resolution, or
the case will be resolved through an investigation or other
resolution process pursuant to the Code.

vi. The responding student organization may be charged with a
violation of the Code for failure to adhere to the requirements laid
out in the resolution agreement.

vii. Resolution agreements that are finalized through the alternative
resolution process are not categorized as a student organization
conduct record at the University, but can be referred to as an
aggravating factor in assigning outcomes in the event of any future
violations.

viii. Resolution agreements must be signed by both the
affected/reporting individual/complainant and responding student
organization representative as well as the Student Conduct
Authority or Assistant Dean of Investigations/Office of Investigations
and Assessment. If an agreement is unable to be reached, the
matter will be referred to the Student Conduct Authority for further
action and adjudication.

ix. Resolution agreements reached at the conclusion of the resolution
process are final and not subject to any other review or appeal.
Individuals participating in the resolution process and mutually
agree with the final resolution are waiving the ability to utilize a formal investigation and hearing process through the Student Conduct Authority.

c. Both the affected/reporting individual/complainant and responding student organization representative may be accompanied by an advisor at any meeting during the alternative resolution process.

2. **No-Contest** Informal Resolution
   a. A responding Student Organization may elect to resolve an outstanding violation(s) through a no-contest informal resolution in lieu of a hearing if deemed appropriate by the Student Conduct Authority and if the student organization representative accepts both responsibility or does not contest responsibility for the alleged violation(s) and assigned outcomes.
   b. In a no-contest informal resolution, because the student organization accepts responsibility, the proceeding will be focused on potential appropriate outcomes.
   c. No-contest informal resolutions may take place during the information session or scheduled within a reasonable time thereafter.
   d. No-contest informal resolutions are noted as a finding of responsibility for violation(s) of the Code and are considered a student organization conduct record.
   e. No-contest resolutions are not permitted for cases falling under the jurisdiction of the Title IX Policy.

3. Informal Hearing
   a. A responding Student Organization may elect to resolve an outstanding violation(s) through an informal hearing if deemed appropriate by the Student Conduct Authority. Informal hearings are typically utilized when there is not conflicting, complex, or additional information that would be best examined through a formal hearing setting.
   b. Informal hearings may take place as an element of the information session or scheduled within a reasonable time.
   c. The responding student organization representative may provide information including reports, witness statements, communications, or other documentation in the hearing.
   d. A hearing administrator may temporarily adjourn the informal hearing if the administrator determines that further review of clarification is necessary including, but not limited to interviewing the reporting/affected individual/complainant or witnesses.
   e. A hearing administrator may utilize information gathered from information sessions, investigation meetings, or other proceedings involving individuals associated with the incident in making a determination on responsibility. If such information is under consideration, a responding student organization representative will be informed of the information and have an opportunity to respond.
   f. Informal hearings are not permitted for cases falling under the jurisdiction of the Title IX Policy.

4. Formal Hearing
   a. A formal hearing may be heard by a single hearing administrator or
Administrative Hearing Panel. For cases that include allegations of sex discrimination or sexual misconduct either under the Sex Discrimination and Sexual Misconduct Policy or the Title IX Policy, if a formal hearing is selected, the hearing will be conducted by a single administrator.

b. Notice of a formal hearing, including the identity of the hearing administrator or body, will occur at least five business days prior to the hearing. Any objection regarding selected hearing administrator or hearing body must be submitted three business days prior to the start of a hearing.

c. Formal Hearing Guidelines

i. Private hearing. A formal hearing is conducted in private. The affected/reporting individual/complainant(s) (if applicable), responding student organization representative, and advisor(s) are allowed to attend the entire portion of the hearing at which information is presented. Admission of any other individual to the hearing is at the discretion of the Student Conduct Authority.

ii. Scheduling. Formal hearings are scheduled at the earliest availability of the affected/reporting individual/complainant(s) (if applicable), responding student organization representative, person providing information on behalf of the University, and the hearing body. Student availability is determined based on academic class schedules and requirements. Absent exigent circumstances, lack of availability based upon personal matters, employment schedules, or the availability of an advisor are not considered in scheduling a formal hearing. A student or student organization should select as an advisor a person whose schedule reasonably allows attendance at the scheduled date and time for the hearing.

iii. Witnesses. In a formal hearing, appropriate witnesses identified by the Student Conduct Authority, reporting individual(s), or the responding student organization representative may be invited to the hearing to provide information in support of, or challenging responsibility of the alleged violation(s). Absent extraordinary circumstances, any witnesses must be identified at the information session or by the date otherwise given in a notice of allegations or other communication from the Student Conduct Authority. Witnesses will be invited by the Student Conduct Authority. Formal hearings will be scheduled within a timeframe to allow witnesses reasonable notice to participate, but a proceeding will not be unreasonably delayed or disrupted based on the availability of witnesses. In the case of a formal hearing, the University will make reasonable efforts to secure in-person testimony from law enforcement officers in cases where a student conduct charge results from an incident that was reported to law enforcement, and any University personnel who were involved in investigating a matter. However, sworn affidavits of law enforcement officers and official university reports may be considered by a hearing body in the absence of in-person testimony of the law enforcement officer or appropriate University employee(s), provided that the hearing body reasonably finds that the affidavit or report is otherwise
reliable and the responding student has an adequate opportunity to respond to all facts alleged in the affidavit. Other written witness statements will be accepted for review in a formal hearing if the witness does not attend at the discretion of the hearing administrator or body. However, such statements will not be considered as having equal weight as witness information presented in a hearing, and cannot be used as the sole information supporting a finding of responsibility. \textit{In formal hearings of cases falling under the jurisdiction of the Title IX Policy, witness statements may be relied upon for determination of responsibility if subject to questioning as described in the Title IX Policy.}

iv. Questions. The hearing administrator or body may pose questions directly to any individual providing information in the hearing. The affected/reporting individual/complainant(s) (if applicable), and responding student organization representative may propose questions to be answered by one another, but questions must be directed to the hearing administrator or chair of the hearing body rather than to the individual directly. The hearing administrator or chair will determine whether questions or potential information are appropriate for review as part of the formal hearing at their discretion. \textit{In formal hearings falling under the jurisdiction of the Title IX Policy, questioning of participants in the hearing and determinations of relevancy will be made as described in the Title IX Policy.}

v. Information.

a. Additional information, including, but not limited to, reports, witness statements, communications, or other documentation may also be reviewed in a hearing. Any such documentation that was reasonably available during a University investigation, but which was not provided during the course of the investigation by the student organization representative or other individuals afforded an opportunity to do so, will not be considered. Any additional information must be submitted to the Student Conduct Authority immediately upon discovery of such information. \textit{In cases falling under the jurisdiction of the Title IX Policy, information will be relied upon for determination of responsibility if subject to questioning as described in the Title IX Policy.}

b. Individuals may decline to provide information or answer questions posed in a hearing. However, the hearing body will make a decision on responsibility after considering the information that is shared as a part of the formal hearing.

c. Past violations of the responding student organizations, witnesses, or reporting individual(s) will be excluded from the hearing unless deemed relevant by the administrator or chair of the hearing body.
d. Past behavior of a responding student organization may be reviewed as an aggravating or mitigating factor for consideration in assigning appropriate outcomes if the responding student organization is found responsible for a violation.

e. Affected/reporting individuals, Complainants, and responding student organization representatives may submit an impact statement to the appropriate Student Conduct Authority three business days prior to the formal hearing. Impact statements are considered an element of the hearing record and accessible for review by an affected/reporting individual complainant and responding student organization in the event there is a finding of responsibility. If applicable, the affected/reporting individual complainant and responding student organization representative may review the impact statement and provide a response within a reasonable time and by such method as determined by the Student Conduct Authority.

f. Consideration of information for a determination regarding responsibility is limited to that information presented in the formal hearing. Information that is discovered in a separate hearing or proceeding originating from the same reported incident may be introduced in a formal hearing.

vi. Hearing record. There will be a single record, such as a digital audio recording of all formal hearings. Deliberations will not be recorded. This recording will be the property of the University but will be made available for the affected/reporting individual complainant(s) or responding student organization representatives to review upon request. Any recordings of the hearing without the acknowledgement and permission of involved individuals is prohibited.

5. Outcomes-Only Hearing

a. The Student Conduct Authority may determine that an outcomes-only hearing is appropriate to resolve a case where a student organization is found at fault in civil court based on a preponderance of the evidence or higher standard.

b. Outcome-only hearings may take place as an element of the information session or be scheduled within a reasonable time. If a student organization representative does not participate in the hearing, the Student Conduct Authority will issue the appropriate outcomes based on the information available.

c. The responding student organization representative may provide information, including an impact statement, for consideration.

d. An outcomes-only hearing is not permitted for violations charged under the jurisdiction of the Title IX Policy.

6. General Guidelines

a. Basis for decision(s). The basis for any decision of responsibility in an informal or formal hearing will be whether upon a preponderance of the
information, it is more likely than not that a violation or violations of the Code occurred. The burden to demonstrate that this standard has been met rests with the University, and all responding student: organizations are considered to be not responsible for a violation until and unless a hearing body makes a finding of responsibility.

b. Informal procedural standards. Formal rules of process, procedure, and/or technical rules of evidence such as are applied in criminal or civil court are not used in student organization conduct proceedings.

c. Personal Health and Safety Accommodations. The Student Conduct Authority may accommodate individuals with concerns for their personal health or safety during a proceeding or hearing by providing separate facilities or physical dividers, and/or by permitting participation by video conference or other viable means as determined by the Student Conduct Authority as appropriate and do not infringe upon fundamental due process.

d. Accommodations for qualified individuals with a disability. Any student with a qualified disabling condition may work with the Student Conduct Authority or the Office of Accessibility Services (SDRCOAS) to request a reasonable accommodation in order to equally participate in the student or student organization conduct process. All requests for reasonable accommodations must be made either through the Office of Student Rights and Responsibilities or the SDRCOAS. All accommodation requests must be made in a timely manner and coordinated with the student’s appropriate disability specialist within the SDRCOAS. Non-students may make a reasonable request for accommodation with the Student Conduct Authority.

e. Decision in absentia. If an affected/reporting individual or complainant, responding student organization representative, or witness does not appear for a proceeding or hearing after notice, the Student Conduct Authority or hearing body may postpone the proceeding or review any information in support of or challenging the violations in the individual’s absence and determine a finding regarding responsibility and any related outcomes based upon the available information.

f. Holds. The Student Conduct Authority may place a hold on the privileges of recognition of any student organization who fails to resolve allegations of a violation(s) of the Code in a timely manner.

g. Any question of application of or objection to procedural standards, authority, scope or other provisions of the Code must be referred to the Student Conduct Authority at least 3 days prior to a conduct hearing.

h. A hearing body or the Student Conduct Authority may impose other reasonable procedural requirements for the orderly administration of student conduct proceedings, provided that such requirements are not inconsistent with this Code and do not infringe upon a student organization’s procedural due process rights.

i. Joint hearing. In cases involving more than one responding student organization, whether in a formal or informal hearing, the hearing body may permit the hearing concerning each student organization to be conducted either separately or jointly.
G. **Outcomes.** Outcomes are interim action(s) or final status or education assignments that alone or in any combination are assigned to a student organization as an interim health or safety measure or as a final outcome at the conclusion of a resolution process.

1. Interim Health and Safety Actions. Interim actions may be initiated to protect the health or safety of individuals involved in an incident or investigation or in circumstances when an organization is alleged to have engaged in conduct that poses a substantial risk to the operation of the University. IHSAs may be issued in conjunction with, or pending the outcome of, an investigative or adjudicative process of the *Student Conduct Code, Student Organization Conduct Code,* or *Sex Discrimination and Sexual Misconduct policy,* or *Title IX policy.*
   
   a. Interim action(s) will be communicated in writing consistent with the notice provisions of this Code.
   
   b. Interim action(s) are temporary measures applied through the duration of an investigation and/or resolution process and do not replace a resolution process as outlined in this Code.
   
   c. A student organization may request a review of an interim action in writing to the Dean of Students. The scope of the request is limited to whether the interim action(s) should remain in place, based on the information available. The responding student organization in an IHSAs is afforded an opportunity to respond to the allegations or information presented by the University as the basis for the IHSAs. The Dean of Students will schedule a review meeting with the requesting student organization representative within three business days of receiving the written request. The requesting student organization may provide information including reports, witness statements, communications, or other documentation in the meeting. When applicable, an affected/reporting individual/complainant may provide information to the Dean of Students for purposes of this review. Interim actions may be affirmed, modified, or lifted as a result of a requested review. The Dean of Students will communicate the final decision in writing within one business day of the review meeting.
   
   d. Interim Action(s) may include any actions deemed appropriate to mitigate the threat to health, safety, or welfare of the University community or individuals involved in an incident, ranging from interim suspension to restrictions on participation in university-sponsored programs or activities or presence on campus.

2. Status Outcomes

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

   a. Reprimand. A notice in writing to the student organization that the group is violating or has violated University expectations for behavior and that further violations may result in more severe disciplinary action.

   b. Disciplinary Probation. This status is assigned to a student organization for a specified period of time. While on this status, any further violations may result in suspension or loss of recognition from the University. Other restrictions that may be placed upon a student organization on disciplinary probation may include, but are not limited to the following:

      i. Participation in University or student activities.
ii. Representation of the University in leadership positions or eligibility for awards or honors,

iii. Use or entrance into University facilities or campus areas,

iv. Contact with any specified individual(s), and/or

v. Student Organization events under the auspices of the Student Organization such as organization social events and tailgates.

c. Suspension of recognition. Suspension of recognition with the University after a specific date and for a specified period. Through the duration of the suspension period the student organization will be prohibited from utilizing the support and services afforded a recognized student organization and will be restricted from the following:

vi. Participation in University or student activities,

vii. Representation of the University in leadership positions or eligibility for awards or honors,

viii. Use or entrance into University facilities or campus areas,

ix. Student organization events under the auspices of the student organization such as organization social events, and tailgates.

To regain recognition at the conclusion of the suspension period, a student organization must demonstrate compliance with any terms of the suspension, and meet requirements of any applicable recognition processes(es) through Student Activities and fraternity and sorority life governing councils (if applicable).

d. Loss of recognition. Loss of recognition from the University after a specific date and for an indefinite period of time. During which time, the student organization will be prohibited from utilizing the support and services afforded a recognized student organization and privileges as outlined under the “suspension of recognition” section. The University may set a designated timeframe during which the organization will not be eligible to apply for re-recognition. This timeframe may be extended if there are further violations of University policy by the student organization or student organization members.

3. Education Outcomes

a. Service Hours. Completion of service under the supervision of a University department or outside agency.

b. Discretionary outcomes. Work assignments, essays, presentations, research projects, conduct contracts, or other discretionary assignments.

4. Administrative Directive Outcomes

a. Restitution. Compensation for loss, damage, or injury to University property. This may take the form of appropriate service, monetary, or material replacement.

b. No contact directive/extension of existing no contact directive. A no contact directive is an official University directive that serves as notice to an individual or individual(s) that they must not have physical contact with or proximity to, or direct verbal, electronic, written, and/or indirect communication intentionally made through another individual with an identified individual for a specified period of time. This may be a new directive, extension of an existing directive, or include altered or additional parameters or instructions to an existing directive. No contact directives may only be removed prior to the specified period of time at the discretion of the Student Conduct Authority and at the written request of all involved individuals.

25
c. Loss of privilege. Denial of any specified privilege for a specified period of time.
d. Behavioral Plan. This is a directive to the student organization from the Office of Student Rights and Responsibilities, Conduct and Community Standards and/or in consultation with another appropriate office (including, but not limited to Student Activities, Fraternity and Sorority Life, Housing, Title IX, etc.) which outlines expected behaviors.

5. Alternative Resolution Agreement Outcomes
   a. Any individual or combination of outcomes listed in the education outcomes section of this policy.
   b. Administrative directive outcomes including, but limited to restitution, no contact directive or extension of existing no contact directive, loss of privilege and behavior plan as defined in the administrative directives outcomes section of this policy.
   c. Voluntary membership reviews or cease and desist of student organization activities to determine a strategic plan for the future of the student organization.

H. Appeal Procedures
   1. Both an affected/reporting student/complainant (if applicable) and a responding student organization are afforded a single opportunity to appeal decisions and/or any outcomes issued by a hearing body within five business days of the date of the written decision and outcomes. Only affected/reporting individuals/complainants who meet the definition of a student are eligible to submit an appeal request with the exception of cases of sex discrimination or sexual misconduct in which an affected/reporting individual/complainant may submit an appeal regardless of student status. Any interim actions will remain in effect at the discretion of the Student Conduct Authority, however any outcome(s) resulting from the original hearing decision will be held in abeyance pending the conclusion of the Florida State University appeal process. A complainant, affected/reporting individual (when applicable) and a responding student organization will be notified of an appeal submission by the other, given the opportunity to review the submitted appeal request, and given the opportunity to submit a response.

2. Required Format. All appeal requests must be in writing, identify the basis or bases for appeal, and include any supporting documentation the appealing individual or student organization wishes to be considered.

3. Scope of Review. Reference is given to the original hearing body’s findings of fact and decision on responsibility and/or any outcomes; therefore, the burden is on the individual or Student Organization filing an appeal request to sufficiently demonstrate cause to alter the decision of the hearing body or any outcomes. An appeal review will generally be limited to a review of the record of the hearing and supporting documents for one or more of the bases of appeal listed below, provided however, that under extraordinary circumstances the appeal administrator may request additional information or clarification from the University, investigator(s), hearing body, Student Conduct Authority, reporting individual, responding student organization, or witnesses for purposes of this review.

4. Appellate Administrator(s). The Vice President designates University administrators to facilitate policies and procedural standards as outlined in this Code, including appellate review. All appellate reviews are considered recommendations for review and action for the Vice President for Student Affairs’ final agency action on behalf of Florida State University.
a. Decisions of the Administrative Hearing Panel, Student Conduct Board, or hearing administrators appointed by the Office of Student Rights and Responsibilities may be appealed to the Dean of Students.
b. Decisions of the Dean of Students may be appealed to the Vice President.

5. Bases for Appeal. Appeal reviews are not a “re-hearing” of a student organization conduct matter, rather a review of process and submitted information to ensure stated procedural standards were followed. Appeal considerations are limited to one or more of the following bases:

a. Process Review. That the proceeding was not conducted in accordance with established procedural standards or with bias or prejudice on the part of the hearing body. Such procedural errors must have substantially affected the outcome of the hearing.
b. Bias Review. That the proceedings were not conducted without bias or prejudice on the part of the hearing body. May include but is not limited to demonstration of a conflict of interest, or failure to objectively evaluate all relevant information.
c. Information Review. That the information presented in a proceeding does not support the finding of the hearing body that a violation of Code occurred.
d. Outcome Review. That the outcomes are extraordinarily disproportionate given the nature of the violations and any aggravating or mitigating circumstances presented.
e. New Information. That new information exists that was not known to the individual or student organization appealing and could not reasonably have been known or discovered at the time of the original proceeding, and which would have substantially affected the outcome of the proceeding. This does not include statements from an affected/reporting individual/complainant or responding student organization representative who did not appear for a proceeding or hearing.

6. Appeal Decision. An appeal administrator reviewing an appeal request may make one of the following recommendations for final agency action:

a. Affirm. The administrator may affirm the decision and/or outcomes of the original hearing body.
b. Alter outcome. The administrator may alter the outcome(s) issued by the original hearing body. Alteration in the outcome may include reducing or increasing severity of outcome(s) or requirements.
c. New hearing. The administrator may determine a new hearing by a different hearing body is warranted to correct procedural irregularity or to consider new information. An individual or student organization may appeal any decision by a hearing body assigned to adjudicate a new hearing.
d. Remand. The administrator may direct the original hearing body to review their original decision subject to any instructions from the appeal administrator. The hearing body may affirm its original decision or render a new decision consistent with those instructions. An individual or student organization may appeal a decision made on remand; however if a hearing body affirms its original decision, an individual or student organization may not appeal the decision on the same grounds as in the previous appeal.
7. Final Agency Action. The appeal administrator will forward findings and recommendations to the Vice President for Student Affairs for review. The Vice President’s review and decision is considered the final decision of the University and will be communicated in writing within fifteen business days to the responding Student Organization and if applicable, simultaneously to the affected/reporting individual/complainant. This timeline may be extended if necessary in consideration of the record on appeal. Final agency action decisions are only appealable by writ of certiorari to the Second Judicial Circuit in and for Leon County, Florida.

I. Record Keeping Practices.

1. File Maintenance. Records of all Student Organization conduct cases will be maintained in the Office of Student Rights and Responsibilities/Conduct and Community Standards indefinitely.

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

3. Access to and Copies of Records. A student organization representative is permitted access and review of information in the conduct file for the purpose of reviewing information that is subject to consideration as part of a student organization conduct proceeding.

4. Transcriptions of hearings. Any student organization representative or a student desiring a transcript of a recorded hearing that is a part of their education record 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.

FSU Policy 2-2a

Title of Policy: Title IX Compliance
Responsible Executive: University President
Approving Official: University President
Effective Date: August 14, 2020
Revision History: New, August 14, 2020

I. INTRODUCTION

Florida State University (FSU or University) is committed to eliminating sexual harassment in all forms on its campus and in the University community, while ensuring compliance with federal law and fairness in its investigative and disciplinary processes. To that end, the University adopts this policy that addresses the significant changes to the federal government’s 2020 interpretation of Title IX of the Education Amendments of 1972, commonly known as “Title IX,” found at 34 C.F.R. §106 (The Rule).

The University’s Sex Discrimination and Sexual Misconduct Policy (Policy 2-2) continues to operate as the University’s comprehensive statement on and mechanism to address alleged violations of Title IX (other than that of actual athletics participation). This policy supplements Policy 2-2 providing compliance with new requirements under The Rule and will apply and provide controlling definitions and procedures to the extent that Policy 2-2 is not in compliance. Policy 2-2 will be later updated to incorporate those changes. This policy also yields to any applicable regulatory changes made by the Florida Board of Governors that implement The Rule.

Through this policy it is the intent of the University to 1) ensure compliance with federal law, 2) provide fair and equitable processes that are impartial and free of bias to address, resolve, and prevent incidents of sexual harassment, 3) preserve and respect the autonomy of complainants, and 4) treat respondents fairly and safeguard their due process rights. It is further the intent of the University to implement this policy in a way that does not infringe on the First Amendment rights of any participant.

To the extent that The Rule conflicts with any provision of one or more of the University’s agreements with its bargaining units, The Rule, as a statement of controlling Federal Law, will govern, with an expectation that changes to the relevant collective bargaining agreement(s) will be negotiated at a later date.
II. **SCOPE**

This policy prohibits sexual harassment in all educational programs or activities of FSU within the United States, including:

A. Locations, events, and circumstances in which FSU exercises substantial control over:
   1. The respondent; and
   2. The context in which the sexual harassment occurs; or

B. Buildings owned or controlled by recognized student organizations.

C. On FSU Campuses

Within FSU’s educational programs and activities, this policy applies to the following individuals:

A. University employees, including faculty, full-time staff and part-time staff.

B. Students

C. Vendors

D. Third-party contractors

E. Visitors/guests

III. **POLICY**

A. Authority and Delegations. The Title IX Coordinator/Director is the University authority responsible for ensuring compliance with this policy. At the discretion of the Title IX Director/Coordinator and in a manner not inconsistent with this policy, any of the duties or responsibilities described herein as belonging to the Title IX Director/Coordinator may be delegated or assigned.

B. Computation of Time. Unless specifically indicated otherwise, timelines in this policy will be calculated using University business days (i.e., non-holiday weekdays on which the University is open and operating, whether or not classes are in session).

C. Definitions
   a. Sexual Harassment
      i. Quid Pro Quo. An employee conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct.
      ii. Hostile Environment. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person the ability to
perform their job functions or denies a person equal access to the relevant education program or activity.

iii. Sexual Assault

1. Forcible Rape. Penetration or attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent of the complainant.

2. Forcible Sodomy. Oral or anal sexual intercourse or attested intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

3. Sexual Assault With An Object. To use or attempt to use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

4. Forcible Fondling. The touching or attempted touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person’s will in instances where the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

5. Incest. Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by state law.

6. Statutory Rape. Nonforcible sexual intercourse with a person who is under the statutory age of consent.

iv. Dating Violence. Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of
interaction between the persons involved in the relationship.

For the purposes of this definition:

1. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
2. Dating Violence does not include acts covered under the definition of Domestic Violence.

v. Domestic Violence. A felony or misdemeanor crime of violence, including those listed in section 741.28, Florida Statutes, committed:

1. By a current or former spouse or intimate partner of the complainant;
2. By a person with whom the complainant shares a child in common;
3. By a person who is cohabitating with, or who has cohabitated with, the complainant as a spouse or intimate partner;
4. By a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the state; or
5. By any other person against an adult or youth complainant who is protected from that person’s acts under the domestic or family violence laws of the state.

vi. Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for the person’s safety or the safety of others; or
2. Suffer substantial emotional distress.

For the purposes of this definition,

“Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

“Reasonable person” means a reasonable person under similar circumstances and with similar identities to the complainant.

“Substantial emotional distress” means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

b. Actual Knowledge
i. Postsecondary Standard. The University has actual knowledge of, and is required to respond to, allegations of sexual harassment when notice is provided to the Title IX Coordinator or an official with authority to institute corrective measures on behalf of FSU.

Whether an employee is an official with authority to institute corrective measures will depend largely on the circumstances of the allegation. Therefore, complainants are encouraged to file complaints directly with the Title IX Coordinator/Director, a Deputy Title IX Coordinator, or through one of the University’s online reporting systems.

ii. K-12 Standard. The school has actual knowledge of, and is required to respond to, allegations of sexual harassment when notice is provided to any employee.

Nothing in this definition or standards is intended to interfere with FSU’s current practices of reporting child abuse, defining mandatory reporters, or providing confidential services.

c. Complainant. An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

d. Respondent. An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

e. Formal Complaint

i. A document that alleges sexual harassment against a respondent and requests an investigation of the allegation that is either:
   1. Filed by a complainant, or
   2. Signed by the Title IX Coordinator/Director or designee; and

ii. Is filed at the time the complainant is participating or attempting to participate in the educational program or activity of the University.

f. Supportive Measures. Individualized services reasonably and equitably available to complainants and respondents that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party, while designed to ensure equal educational access, protect safety, or deter sexual harassment. See Policy 2-2, sections X.C. and X.D (interim measures).

D. The Grievance Process

a. Equitable Treatment. Throughout the grievance process, complainants and respondents shall be treated equitably, including access to supportive measures, notices and opportunities to be heard as
described in this policy, and imposition of disciplinary sanctions only after completion of the grievance process.

b. Grounds for Mandatory Dismissal. If, upon examination, the formal complaint does not allege facts which, if true, would meet the definition of sexual harassment or are not alleged to have occurred within the scope of this policy, the formal complaint shall be dismissed.

i. Nothing in this section, specifically including dismissal on any basis, prohibits the University from utilizing other processes or policies to address the alleged conduct, including other policies prohibiting harassing or inappropriate behavior by students, employees or others.

ii. A decision to proceed with an alternate investigative or disciplinary process after a mandatory dismissal, standing alone, does not constitute retaliation against a respondent or violate double jeopardy principles.

iii. For cases in which the allegations of sexual harassment could also constitute violations of Title VII and/or University policies implementing Title VII, including Policy 2-2, the University may utilize the process described in this policy to address all allegations and rely on the outcome for disciplinary purposes. The University shall give reasonable notice to the respondent if it intends to utilize this policy to engage in fact-finding or adjudication of a Title VII matter in a particular case.

c. Grounds for Discretionary Dismissal

i. The University may dismiss a formal complaint in whole or in part if at any time during the investigation or hearing process:

1. The complainant notifies the Title IX Office in writing that the complainant wishes to withdraw the formal complaint or any allegations therein;

2. The respondent is no longer enrolled at or employed by the University; or

3. Other specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or any allegation therein.

ii. Both parties shall be notified in writing within five days of a dismissal under this section, and the reasons for the dismissal.

iii. A decision to proceed with an alternate investigative or disciplinary process after a discretionary dismissal, standing alone, does not constitute retaliation against a respondent or run afoul of double jeopardy principles.
d. Grounds for Proceeding Contrary to a Complainant’s Request for Dismissal

1. The University may decline to dismiss a formal complaint or any allegation therein after receiving notification from a complainant of a wish to withdraw the complaint, in whole or in party. The University will utilize the following factors in determining whether to move forward with the complaint:
   a. Whether the former complainant is willing to appear at a live hearing as a witness;
   b. The seriousness of the alleged offense (including, but not limited to, whether the allegation involved use of a weapon or included severe physical injury to the complainant;
   c. The risk that the respondent will commit additional acts of sexual harassment, such as whether:
      a. There have been other disclosures or reports against the respondent;
      b. The respondent has a history of arrests or records from a prior school/employer indicating a history of sexual harassment or a history of violence;
      c. The respondent threatened further sexual harassment or violence against the complainant or others; or
      d. The offense was committed by multiple individuals.
   4. Whether the report or formal complaint reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group or person;
   5. Whether the complainant is a minor;
   6. The level of fear for safety expressed by the complainant;
   7. Whether the University possesses other means to obtain relevant evidence; or
   8. The level of threat posed by the respondent to the complainant or to the University community at large.

ii. Both parties shall be notified of a decision to proceed with a formal complaint despite a request for dismissal and the specific grounds on which the decision to proceed is based.

e. Remedies, Disciplinary Outcomes. At the conclusion of a process that finds the respondent responsible for, or substantiates allegations of conduct prohibited by, this policy, it shall be the goal of the hearing
officer to design or choose sanctions that preserve equal access to the education program or activity for the complainant and others affected by the respondent’s actions. The hearing officer shall refer to existing disciplinary policies or codes for guidance on outcomes, with the discretion to impose tailored disciplinary or educational outcomes, including ones that have a punitive effect on the respondent, if appropriate.

E. The Live Hearing Process
   a. Application. The live hearing process shall be used to resolve formal complaints at the University level that are not resolved via the informal resolution process. The live hearing process shall not apply to any complaint involving a K-12 student or K-12 employee as a complainant or respondent.
   b. Standard of Proof. All hearings held pursuant to this policy shall utilize the preponderance of evidence standard when determining responsibility for violations or deciding whether allegations are substantiated.
   c. Administration. Live hearings shall be held before a single hearing officer.
   d. Virtual Participation. At the discretion of the hearing officer, or upon request of either party, virtual participation via videoconference or other technology of parties, witnesses, advisors, or others is permitted, provided participants can simultaneously see and hear each other and confidentiality of the proceedings is not compromised.
   e. Questioning of the Parties and Witnesses.
      i. Relevance. Only relevant questions may be asked of a party or witness. Relevancy determinations shall be made by the hearing officer. The hearing officer shall give a reason for the decision as to relevancy at the time the decision is made.
         1. The hearing officer must provide an explanation to exclude a question as not relevant.
         2. Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant and shall be excluded, unless such questions are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.
      ii. Testimony of the Complainant and Respondent. Each party is entitled to present their own testimony.
iii. Examination of Witnesses. The party’s advisor of choice shall conduct examination of the other party and any witnesses. The parties are not permitted to examine each other.

1. University-Provided Advisors. If a party does not have an advisor present at the live hearing, the University will provide, upon request and without fee or charge, an advisor of the University’s choice, to conduct examination on behalf of that party.

2. Refusal to Submit to Examination. If a party or witness does not submit to examination at the live hearing, the decision-maker must not rely on any statement of that party or witness in reaching a determination of responsibility or substantiation. However, a party’s absence from the live hearing or refusal to submit to examination alone may not form the basis for a finding of responsibility or substantiation.

iv. Additional Examination. The parties shall be allowed reasonable opportunity to follow up on examination of parties and witnesses via additional examination, to be conducted in the same manner as the initial examination. A party’s advisor may conduct additional examination of the party the advisor is serving.

f. Determination of Responsibility or Substantiation of Allegations. The determination of responsibility or whether allegations are substantiated shall be in writing, provided simultaneously to the parties, and include the following elements:

i. Identification of the allegations potentially constituting sexual harassment.

ii. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including notifications to parties, interviews, gathering of evidence, and hearings held.

iii. Findings of fact.

iv. Conclusions regarding the application of the relevant policy or regulation to the facts.

v. As to each allegation, a statement of, and rationale for, the determination of responsibility or substantiation.

vi. A description of any disciplinary sanctions imposed upon the respondent.

vii. A description of any remedies designed to restore or preserve equal access that will be provided to the complainant.

viii. A statement of procedures and bases for appeal of the decision.
g. Records. The University shall create and maintain an audio recording of the hearing, which shall constitute the official record of the proceedings. The parties shall be permitted to inspect and review the recording, subject to reasonable conditions to ensure confidentiality.

F. Appeals
a. Decisions Subject To Appeal. Either party may appeal the following decisions, within five days of notification of the decision:
   i. To dismiss a formal complaint or any allegation therein.
   ii. A finding of responsibility or substantiation.

b. Appellate Officers. A single appellate officer shall be appointed to hear an appeal as soon as practicable after the appeal is received.

c. Grounds for Appeal. The appeal must state one or more of the following grounds:
   i. Procedural irregularity that affected the outcome.
   ii. Newly discovered evidence that could affect the outcome.
   iii. Actual conflict of interest or actual bias by an administrator or decision maker that affected the outcome.

d. Dismissal of Appeal. If, upon review of the appeal, the appellate officer determines that the appeal fails to state proper grounds or was not timely filed, the appeal shall be dismissed, and the parties notified of the outcome.

e. Appellate Review.
   i. A timely appeal that states proper grounds shall be provided to all parties and their advisors, with the non-appealing party given five days to provide a written response to the appellate officer.
   ii. A party that did not initially appeal may be given an opportunity to appeal, based on the information in the initial appeal, in the same manner as the initial appeal.

f. Appellate Standard of Review. Deference is given to the original findings of fact and decision on responsibility or substantiation and/or any outcomes; therefore, the burden is on the individual filing an appeal request to sufficiently demonstrate cause to alter the challenged decision or any outcomes. An appellate review will generally be limited to a review of the record of the hearing and supporting documents for one or more of the bases of appeal listed below, provided however, that under extraordinary circumstances the appellate officer may request additional information or clarification from the University, investigator(s), hearing officer, complainant, respondent, or witnesses for purposes of this review.

g. Appellate Decisions. Upon review of a timely appeal that states proper grounds, the appellate officer may choose one of the following outcomes, which shall be communicated in writing to the parties and
their advisors. The decision shall include a statement of the materials reviewed and the reasoning for the appellate officer’s decision on each of the raised grounds for appeal:

i. Affirmation of the original decision of responsibility or substantiation and/or disciplinary outcome.

ii. Vacation of the original decision of responsibility or substantiation or disciplinary outcome, with instruction to hold a new appropriate proceeding or review on remand.

iii. Modification of disciplinary outcome. For cases involving University employee respondents, the appellate officer shall consult with the Office of Human Resources prior to the modification.

h. Stays Pending Appeal. Any disciplinary sanctions imposed as a result of a hearing are stayed during the internal appellate process. Disciplinary sanctions shall be implemented as soon as practicable after the internal appellate process has completed (i.e., upon expiration of the window for external appeal, or upon notice that an external appeal has been initiated).

i. For purposes of this section, disciplinary sanctions do not include registration or diploma holds, which may be placed to ensure continuation of supportive measures or no-contact orders.

ii. If it is determined by the hearing officer that sanctions should be immediately implemented, the student respondent is entitled to an expedited hearing, utilizing the procedures outlined in section VIII.F.1. of the Student Conduct Code related to interim health and safety actions. If the respondent is an employee, the respondent maybe placed on administrative leave, in accordance with existing University policies.

i. Nothing in this section prevents the University from continuing to offer or implement supportive measures, including no-contact orders, during or after an appellate review process.

G. Informal Resolutions

a. Definition. “Informal resolution” refers to a process by which a formal complaint of sexual harassment is resolved without a full investigation and adjudication.

b. Scope. Informal resolution may be used in all cases under this policy except those in which the complaint alleges employee-on-student sexual harassment.

c. Notice. For all cases in which informal resolution is available, the parties shall be provided written notice disclosing the following:

   i. A brief recitation of the allegations.

   ii. The requirements of the informal resolution process.
iii. The right of each party to withdraw from the informal resolution process at any time prior to agreeing to a final resolution and proceed to a live hearing or other applicable process.

d. Consent. All parties must provide voluntary, written consent to participation in the informal resolution process.

IV. LEGAL SUPPORT, JUSTIFICATION, AND REVIEW OF THIS POLICY

The Board of Trustees has authority granted by the Board of Governors in BOG 1.001 over student and personnel conduct.
The President holds delegated authority from the Board of Trustees to establish University policies. Constitutional authority, federal statutes, state statutes, Florida Board of Governors, and University regulations authorize the policy:
The Federal Civil Rights Act of 1964
The Education Amendments of 1972, Title IX
The Campus Sexual Violence Elimination Act of 2013
The Jeanne Clery Act, 20 U.S.C. section 1092(f)
The Violence Against Women Act of 1994, 42 U.S.C. sections 12701-14040
34 U.S.C. section 106
Executive Order 11246
Florida Constitution, Article IX, Section 7
Florida Statutes Section 760.10, Florida Civil Rights Act of 1992
Florida Statutes Section 39.201
Florida Statutes Sections 119.071, 1000.05, and 1012.91
Board of Governors Regulation 6.0105
FSU Regulations FSU-4.013 and FSU-6.013
V.C. FINANCE & BUSINESS
1. FSU-2.009 Parking and Traffic Regulations

2. FSU 2.024 Tuition and Fees
FSU-2.009 Parking and Traffic Regulations.

(1) General Information.

(a) Applicability of Traffic Regulation. This regulation shall be applicable to all vehicles operated or parked on the Florida State University (FSU) campus at any time, including examination periods, semester breaks, and registration periods. The fines, penalties and other sanctions provided herein may be imposed against any person who shall cause, allow, permit or suffer any vehicle registered in any state or at the Office of Transportation and Parking Services in the name of, or operated by such person to be parked or operated in violation of any provision of this Regulation. It is the policy of FSU to enforce the provisions of this Regulation and seek to impose the fines, penalties or other sanctions provided herein:

1. In the case of a vehicle registered with the Office of Transportation and Parking Services, against the person in whose name such vehicle is so registered.

2. In the case of a vehicle not so registered, if it is determined that the operator at the time of the violation is affiliated with FSU and, in fact, should have registered the vehicle with the Office of Transportation and Parking Services, against the person affiliated with FSU.

3. In the case of a vehicle not so registered and whose operator at the time of the violation cannot be identified, against the title holder of said vehicle.

(b) Applicability of Florida Statutes and Ordinances of the City of Tallahassee. All ordinances of the City of Tallahassee relating to traffic which are not in conflict or inconsistent with this Regulation shall extend and be applicable to the grounds of the University. A copy of said ordinances shall be available for inspection at the Office of Transportation and Parking Services.
In addition, the provisions of Chapter 316, Florida Statutes, shall extend and be applicable to the grounds of the University.

(c) Responsibility for Implementation. Unless otherwise noted, the Director of Transportation and Parking Services shall be responsible for the supervision and implementation of this Regulation. All requests for individual consideration with regard to the parking and traffic regulations contained in this Regulation must be directed to that person at the Office of Transportation and Parking Services.

(d) Definitions. The following words and phrases, when used in this Regulation, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

1. Access Lane. Any area that is not designated as a parking space, and that provides an avenue for traffic flow and emergency vehicles.

2. Automobile. Any motor vehicle having three (3) or more wheels.

3. Back-in Parking. Parking a vehicle so that the front-end of the vehicle is pointing toward the drive aisle. It does not matter if the vehicle actually backed into the parking space or drove through an adjacent space.

4. Commuter Lot. Designated lots/facilities that prohibit the parking of vehicles between the hours of midnight and 5:45 AM, except on Friday and Saturday evenings or as posted on the entrance of the lot.

5. Commuter Student. Any person not classified as faculty, administrative and professional personnel or University support personnel system staff that is enrolled and carrying 1 or more
credit hours of undergraduate or graduate work at FSU that does not pay for on-campus housing and does not reside in an on-campus FSU residential hall.

6. Designated Parking Space. Areas governed by FSU parking Regulations with parking spaces delineated by red, white, yellow, green or blue striping, a parking meter, or other physical barriers to include, but not be limited to railroad ties and bumper blocks intended to delineate parking parameters.

7. Director of Transportation and Parking Services. An FSU employee who has been assigned the specific duties of supervising and managing the Office of Transportation and Parking Services.

8. Employee. Any employee of FSU including (but not limited to) executive staff, faculty, administrative and professional personnel, University support personnel system staff, and OPS staff.

9. Employees of Recognized FSU Organizations or Contracted Services. Personnel who work on campus, but who are not University employees (including, but not limited to: bookstore employees, beauticians, barbers, food service personnel, credit union employees, golf course employees, postal/shipping employees, staff of religious houses, event personnel, and employees of the Greek houses).

10. Financial Aid Disbursement. The period of time defined each semester by the Controller's Office for the disbursement of financial aid funds.

11. Fire Lanes. Those areas of campus that must be kept clear of all obstructions so as not to interfere with the movement of fire-fighting equipment and which are marked as fire lanes by signs and red painted curbing or fluorescent red and white painted areas, or both.
12. Loading Dock. Areas specifically designated for the sole purpose of loading or unloading materials or equipment at the delivery entrance or designated location to a building. Properly identified service vehicles, commercial vehicles, or vehicles properly displaying loading dock permits issued by the Office of Transportation and Parking Services are authorized to use loading docks. Loading docks are delineated by signs and/or pavement markings. Vehicles parked without proper authorization will be issued a citation and/or towed at owner’s expense.

13. Loading Zones. Areas specifically designated for the sole purpose of loading or unloading materials or equipment. Properly identified service vehicles, commercial vehicles, vehicles registered for valid FSU virtual permits, or vehicles properly displaying a valid loading zone parking credential issued by the Office of Transportation and Parking Services are authorized to use loading zones. Loading zones are delineated by signs and/or pavement markings. Use of these areas is limited to 20 minutes. Vehicles exceeding the 20-minute maximum period may be issued a parking citation. Additional citations may be issued every hour after the original citation and/or vehicles may be towed at owner’s expense.

14. Motorcycle, Moped, or Motor Scooter. Any motor vehicle having less than three (3) wheels.

15. Overnight Lot. Designated lots/facilities that allow parking twenty-four (24) hours a day.

16. Parking. The standing of a vehicle, whether occupied or not and whether the engine is running or not., as may be permitted by law under the State Uniform Traffic Control Law, Chapter 316, Florida Statutes, or this Regulation pursuant to Section 1006.66.

17. Parking Credential. A virtual parking permit, parking placard, parking hang-tag, or other designated pass/permit that authorizes parking in one or more campus parking lots/facilities.
18. Parking Hang-Tag. A parking hang-tag is a physical parking permit that is hung from an automobile’s rearview mirror. A parking hang-tag authorizes parking in the lots, facilities, and/or spaces as shown on the hang-tag. The parking hang-tag does not authorize parking in any lots, facilities, or spaces not noted on the hang-tag.

19. Parking Placard. A parking placard is a physical parking permit that is placed on an automobile’s dashboard. A parking placard authorizes parking in the lots, facilities, and/or spaces as shown on the placard. The parking placard does not authorize parking in any lots, facilities, or spaces not noted on the placard.

20. Permit Registration Year. The period from August 15 of one year to August 15 of the succeeding year

21. Persons Affiliated with FSU. Employees or students of FSU or employees of recognized FSU on-campus organizations or contracted services.

22. Reserved Space. A parking space that is reserved for a specific user, user group, event/function, or vehicle. The space will be marked with signage, pavement markings, and/or temporary barricades. Any parking space on campus may be reserved for events or other University functions.

23. Resident Student. Any person not classified as faculty, administrative and professional personnel or University support personnel system staff that is enrolled and carrying 1 or more credit hours of undergraduate or graduate work at FSU that also pays for on-campus housing and resides in an on-campus FSU residential hall.

24. Restricted Hours. Between 7:30 AM and **10:00 6:00** PM, Monday through Friday on all class days, examination periods, semester breaks, and registration periods.
25. Service Vehicle Area. Areas reserved for properly identified service or emergency vehicles performing maintenance or repair of University owned or leased equipment or facilities, commercial vehicles, or vehicles bearing proper authorization from the Office of Transportation and Parking Services. Non-Service State vehicles are prohibited from parking in service vehicle spaces. Service vehicle areas are reserved during restricted hours and are delineated by signs and/or pavement marking. Vehicles without proper authorization will be issued a citation and/or towed at owner’s expense for parking in a reserved space without authorization (fine code – 01 if the space is not reserved for a specific vehicle or fine code – 06 if the space is reserved).

26. Short Term Parking. Those spaces designated by signage with a two-hour maximum stay. An appropriate parking placard or hang-tag must be obtained from the Office of Transportation and Parking Services and appropriately displayed on the vehicle.

27. Transportation Violations Appeals Board. The University traffic authority established pursuant to Section 1006.66, Florida Statutes, to review disputes regarding citations and to render decisions regarding the appropriate penalty to be imposed, including the restriction, removal, or restoration of driving or parking privileges on campus. The Transportation Violations Appeals Board will consist of 2 or more divisions of equal authority. Each shall be composed of 4 members appointed for a period of 1 year. There shall also be appointed a pool of alternate members who shall be eligible to serve when called upon by the Board Coordinator, when a regular member is unavailable. All appointments shall be made by the Vice President for Finance and Administration. The positions on each division of the Board shall be occupied by faculty, staff (A&P or USPS) and student members. The Chairperson shall be
elected annually from among the members of the Board and shall have full voting rights. This Board shall function on a year-round basis. A quorum shall consist of at least 2 members of the Board. When a quorum is not available, and the appellant has arrived on time for their scheduled hearing, the citation(s) will be dismissed.

28. Vehicle. Any automobile, motorcycle, moped or motor scooter as defined. Motorized scooters and micromobility devices governed by s. 316.2128, F.S., have certain rights of bicycles and are governed by that law, University regulation and policy including those governing bicycles, city ordinance and the provisions of any vendor contract.

29. Virtual Permit. Vehicle registration which allows the registered vehicle to be parked on the grounds of the University, as set out in this Regulation. A virtual permit is not a physical permit. Instead, the registered vehicle’s license plate is used to determine whether or not the vehicle is properly registered with the Office of Transportation and Parking Services. Up to five automobiles may be registered to a single virtual permit. However, a vehicle may not be registered to more than one virtual permit at a time. Automobile virtual permits are only issued to vehicles with three (3) or more wheels and motorcycle virtual permits are only issued to vehicles with fewer than three (3) wheels.

30. Visitors. Persons who are not employees or students of FSU and who do not work on campus for other organizations.

31. Working Day. Any day that the University is officially open. This does not include official holidays or winter break.

(2) Virtual Permits, Parking Placards, and Parking Hang-Tags.
(a) All vehicles parked on the campus by persons affiliated with FSU must be registered for a valid virtual permit or display the appropriate placard or hang-tag as instructed. The following, however, are excepted:

1. Board of Trustees. Vehicles bearing a valid "Board of Trustees" parking placard may be parked in any designated, unreserved parking space on campus.

2. "State" Tag Vehicles. Vehicles owned by or assigned to an FSU department or organization and bearing a duly issued "State" license tag must be registered for a valid virtual permit, but are not required to pay parking meter fees. Such vehicles may be parked in any designated, unreserved parking space, short-term space (2-hour maximum) or loading zone (20-minute maximum) on campus. Vehicles bearing a duly issued "State" license tag but are not owned or assigned to an FSU department or organization must either purchase a virtual permit, purchase a visitor parking placard or hang-tag, park at a parking meter and pay the appropriate fee, or park in a designated visitor parking lot/facility and pay the appropriate fee.

3. News Media Vehicles. Press representatives, reporters, correspondents, and other representatives of the news media not otherwise affiliated with FSU, who are on campus on official news or press business, may park in any designated, unreserved space, short-term space (2-hour maximum) and loading zone (20-minute maximum). A virtual permit is not required if a valid press identification is prominently displayed on the vehicle(s). Students, faculty and staff are not eligible for this exemption.

4. Commercial Representatives in Commercial Vehicles. Marked delivery trucks, telephone and power service vehicles, limousine service automobiles, taxis, and buses making brief stops (less than 10 minutes) at 1 or more points on campus are not required to register for a virtual permit
or display a parking placard or hang-tag. Vehicles used by persons required to perform service or regular maintenance on University-owned or leased equipment or facilities must have a valid FSU parking hang-tag displayed. These vehicles may be parked in any designated, unreserved parking space. Parking meter and visitor lot/facility fees must be paid.

5. Contractors. Contractors and contractor personnel engaged in FSU construction projects may park within the fenced enclosure of the construction site. Other parking must be off campus or other on-campus locations specifically designated by the Office of Transportation and Parking Services. Construction placards or hang-tags must be displayed in the windshield of each parked vehicle, whether or not the vehicle is parked in a parking lot/facility or within a fenced enclosure.

6. Vehicles Transporting Disabled Individuals; Disabled Veterans.

   a. In accordance with Florida Statutes, a vehicle bearing a disabled parking permit issued pursuant to Sections 320.0848, 320.0842, 320.0843, and 320.0845, Florida Statutes, or a disabled license plate issued pursuant to Section 320.084 or Section 320.0848, Florida Statutes (disabled veterans and veterans confined to wheel chairs), may park in designated accessible spaces if such vehicle is transporting a person eligible for such parking permit or license plate. Any person who is chauffeuring a disabled person shall be allowed momentary parking in any such parking space for the purpose of loading or unloading a disabled person. No penalty shall be imposed upon the driver for such momentary parking. Such vehicles shall not, however, be parked in a reserved space, bus loading zone, fire zone, disabled space access aisle, service vehicle space, non-designated parking area or any other area posted as a "No Parking" zone. All employee and student affiliates are required to purchase the appropriate virtual permit in
order to park on campus. Vehicles appropriately registered for a valid virtual permit and
displaying a disabled permit issued by the state may park in metered, loading zone, short-term,
and other unreserved permit designated spaces as long as time restrictions are observed.
Visitors displaying a disabled permit issued by the state may park in designated accessible
spaces, parking meters (at no charge), and/or visitor parking lots/facilities (provided the regular
rate/fee is paid).

b. Any person who fraudulently obtains or unlawfully displays a disabled parking permit that
belongs to another person while occupying a disabled parking space or an access aisle as
defined in s.553.5041 while the owner of the permit is not being transported in the vehicle or
who uses an unauthorized replica of such a disabled parking permit with the intent to deceive is
guilty of a misdemeanor of the second degree, punishable as provided in s.775.082 or s.
775.083.

c. Transportation and Parking services will immobilize any vehicle displaying a fraudulent
disabled permit and contact the FSU Police Department.

7. Visitors may park in metered parking spaces or in any designated visitor parking lot/facility
provided appropriate fees are paid and time limits are not exceeded. All vehicles must be
parked with the flow of traffic.

(b) The virtual permit year begins on August 15 and ends the following August 15. All permits,
placards, and hang-tags will expire on August 15 each year.

(c) Permit Information: All persons affiliated with FSU that park on University property are
required to register for a virtual permit and pay all related charges/fees.
(d) The Office of Transportation and Parking Services reserves the right to deny, restrict or revoke parking privileges to any individual who is in violation of the provisions of this Regulation. The fraudulent acquisition of a permit by giving incorrect information, falsified proof of status, or by any other means shall result in the issuance of violation(s), false registration -- fine code 05, to the individual(s) involved.

(e) Replacement Gate Access Cards and Virtual Permit Refunds. A replacement gate access card, if applicable, will be issued when a gate card is no longer serviceable. The original gate card must be returned to the Office of Transportation and Parking Services to qualify the holder for a replacement gate card due to defect. Virtual permit refunds will be given on a pro-rated basis as contained in (3) Parking Fees and Penalties. No refunds will be issued for returned temporary permits, gate cards or remote gate openers. Refunds for student permits will be given on a pro-rated basis as contained in (3) Parking Fees and Penalties (for the separate parking fee portion) and be consistent with the University refund policy for local fees (for the Transportation Access Fee portion).

(f) Virtual Permit Classifications.

1. Faculty, Administrative and Professional personnel, and University Support Personnel System staff are eligible to register for “RP” virtual permits. Faculty, Administrative and Professional personnel, University Support Personnel System staff, Non-Student OPS employees of recognized FSU affiliated organizations or contracted services are eligible to register for "R" virtual permits. Both the “RP” and “R” virtual permits authorize parking only in designated "R" parking areas (as identified by red stall lines and/or entrance signage) or in areas specified for shared parking (as identified by alternating red and white stall lines and/or entrance signage).
In order to be appropriately registered for an “RP” or “R” virtual permit, the employee must provide the make, model, color, year, and license plate of each vehicle registered to the virtual permit (up to five vehicles per permit) and pay all required fees.

2. Visitors are eligible to purchase a "V" parking hang-tag, authorizing parking only in designated "W" and non-gated “R” parking areas. Faculty, staff and student affiliates, as well as employees of FSU affiliated organizations or contracted services, are not eligible to purchase a "V" hang-tag.

3. Students and Non-Student OPS employees are eligible to register for “VW” virtual permits. Vehicles that are registered to a "VW" virtual permit are authorized to park in designated "W" parking areas (identified by white stall lines and/or entrance signage) between the hours of 5:45 AM and 12:00 a.m. on all class days in areas designated for commuter parking and 24-hours per day in areas designated for overnight parking. “VW” virtual permits can also park in areas specified for shared parking (as identified by alternating red and white stall lines and/or entrance signage).

4. Persons with FSU retired status who are no longer receiving any form of financial compensation for active employment may purchase an Emeritus or "E" virtual permit. The "E" virtual permit authorizes parking in any designated non-reserved faculty/staff parking area.

5. Individuals operating motorcycles, mopeds or motor scooters may purchase a "VMC" virtual permit authorizing parking in motorcycle parking spaces only.

6. A temporary parking permit must be obtained when a substitute vehicle is parked on campus in lieu of an appropriately permitted vehicle. Temporary parking permits provide the same parking and driving restrictions as do virtual permits, based on the parking access
provided to the virtual permit registrant. Except as otherwise stated, temporary permits are issued for a maximum of 10 working days per academic year. Anyone requesting a temporary permit for more than 10 working days must file a written statement certifying the extraordinary circumstances for the extension and certifying that the temporary permit and the registered virtual permit will not be used on campus simultaneously during the period. There is no charge for a temporary permit issued to virtual permit registrant for use on a substitute vehicle for a maximum of 10 working days per year.

7. Commercial vendors and sales and service representatives are eligible to purchase commercial ("C") hang-tags. Vehicles bearing "C" hang-tags may park in any designated, non-gated unreserved parking space on campus. Commercial hang-tag holders may also utilize designated loading areas for 20-minute periods only, short-term parking spaces (2 hour maximum), and unreserved service vehicle spaces, as well as parking meters and visitor parking lots/facilities (provided appropriate fees are paid).

8. Loading Zone hang-tags may be purchased on an individual basis to afford access to designated loading zones for loading or unloading of materials or equipment. "LZ" hang-tags are not valid in any other parking spaces on campus.

9. Service vehicle hang-tags may be purchased by eligible service and technical support representatives. Vehicles bearing a valid "SV" hang-tag are eligible to park in designated unreserved service vehicle spaces with no time restriction and loading zones for a maximum of twenty (20) minutes. "SV" hang-tags are not valid in any other parking spaces on campus.

10. Departmental hang-tags may be purchased by eligible FSU departments for use by employees to conduct departmental business. Vehicles bearing a valid departmental hang-tag
are eligible to park in unreserved “R” parking spaces and loading zones for a maximum of
twenty (20) minutes.

11. Back-in hang-tags may be purchased by individuals with valid FSU virtual permits. Vehicles
bearing a valid back-in hang-tag are authorized to park in appropriate campus parking lots a
back-in style. Back-in hang-tags are not valid in parking garages or in parking lots with angled
parking spaces.

12. Temporary disabled parking placards or hang-tags will be issued by the Office of
Transportation and Parking Services, upon determining eligibility, for a period not to exceed 21
calendar days. To be eligible to apply for a temporary disabled parking permit, the individual
must have properly registered and paid for a valid virtual permit. Extension of the eligibility of a
temporary permit for more than 21 calendar days will only occur upon receipt of a duly
executed Florida Department of Highway Safety and Motor Vehicles Form 83039 S, which is
incorporated herein by reference which contain "Disabled Person's Parking Permit a Physician's
Statement of Certification", for issuing disabled parking permits at which time a placard or
hang-tag will be issued for an additional period not to exceed 35 calendar days. This temporary
disabled parking permit is non-renewable.

(g) Virtual permits, parking placards and hang-tags are issued to specific individuals or
departments/organizations and are not transferable. The registered owner of the virtual
permit, parking placard or parking hang-tag accepts responsibility of all fines when the permit is
used by or displayed on any vehicle.
(h) An individual may purchase and maintain only 1 automobile virtual permit and 1 motorcycle virtual permit at a time during each permit year. This excludes any replacement permits issued.

(i) On the day preceding a home football game (including the spring football game) or as designated on lot/facility entrance signage, all vehicles must be removed by 11:59 PM in designated football lots. A map of football parking lots and facilities will be available on the Office of Transportation and Parking Services website.

(j) Back-in Parking Limitations. Vehicles cannot back-in park in any campus parking lots without the appropriate “back-in” parking hang-tag. Vehicles cannot back-in park in any parking garages at any time, regardless of whether or not a “back-in” parking hang-tag is displayed. Vehicles cannot back-in park in any parking lots with angled parking spaces at any time, regardless of whether or not a “back-in” parking hang-tag is displayed.

(3) Parking Fees and Penalties.

(a) "VW" Student Transportation Access Fee. To be assessed each semester to all registered students. At the beginning of each academic year or upon the first registered semester for the academic year a virtual permit can be obtained by each student who has registered for classes. Each student who registers for a virtual permit and pays all related fees/rates shall be granted a "VW" virtual permit for their automobile or a “VMC” virtual permit for their motorcycle, scooter or moped. If a student owns both an automobile and a motorcycle, they shall have the option to purchase both a virtual permit for their automobile and a virtual permit for their motorcycle. It is the responsibility of the student to properly register their vehicle(s) for a
virtual permit from the designated point of distribution. All annual permits shall expire on August 15 of each year.

(b) Fees for Transportation Services. The fees assessed for each type of parking credential, with the exception of the Student Transportation Fee and departmental charges, are subject to a sales tax mandated by the State Legislature. All transportation fees shall be posted on appropriate websites. Any fee increase/decrease to the Student Transportation Fee shall be approved by the Board of Trustees. The University President or designee shall have the authority to regulate all other fees associated with Transportation and Parking Services not addressed in this regulation.

(c) Fees for Visitor Parking Spaces/Lots/Facilities, Contractor Parking, and Special Event Parking. Fees for visitor, contractor, and event parking passes, parking meters, designated visitor parking lots/facilities, and campus special event reservations shall be determined by the Director of Transportation and Parking Services. All visitor, contractor and event parking rates will be posted on parking meters, at the entrance of each visitor lot/facility, and on the Transportation and Parking Services website, as appropriate.

(d) Refund of Fees.

1. The Student Transportation Access Fee refund policy will be in accordance with University refund guidelines for local fees.

2. Virtual permits, parking placards, and parking hang-tags purchased on an annual or semester basis will not be refunded/canceled unless student has withdrawn from the University or employee is no longer employed by the University. In these cases refunds will be made on a pro-rated basis on a monthly scale for unused parking and/or payroll
deductions will cease at separation from the University will be prorated on a monthly scale and must be deactivated for a refund at the Office of Transportation and Parking Services by the last day of the month to receive credit for future months. Gate cards and remote gate-openers must be returned at the same time as fees are refunded or when parking is canceled.

3. No refunds will be issued for temporary permits or payroll deducted permits.

(e) Towing and Related Charges. If a vehicle is towed from University property, the standard towing fees will be paid by the owner or user of the vehicle directly to the commercial towing companies providing services authorized at the request of the University.

(4) Operation of Vehicles. Persons who drive vehicles on campus are subject at all times to the motor vehicle laws of the State of Florida, the Regulations of Florida State University and to the ordinances of the City of Tallahassee, where applicable.

(5) Parking of Vehicles.

(a) FSU reserves the right to regulate the use of any or all parking facilities, including the right to deny or revoke vehicle parking privileges to an individual or groups of individuals and to reserve parking facilities for the exclusive use of selected and designated individuals.

(b) The responsibility of locating a legal parking space rests with the operator of the motor vehicle. Lack of space will not be considered a valid excuse or reason for violating any parking regulation.

(c) Wrecker Services. Due to the nature of the University's on and off street parking control activities the University utilizes local wrecker services on a rotational basis.

(d) Vehicles parked in violation of the provisions of this Regulation, abandoned on campus, deemed as a safety hazard by the FSU Police Department or Environmental Health and Safety,
or failing to be registered for a valid virtual permit or display a current and valid parking placard or hang-tag shall be towed away and placed in commercial or University storage. Towing and storage charges, and any appropriate University fines, will be borne by the vehicle owner and must be paid before the vehicle will be released.

(e) All parking and traffic regulations apply 24 hours a day, 7 days a week except as follows:

1. "R" parking areas are reserved for the use of vehicles registered for "R", "RP", and "E" virtual permits, or vehicles displaying placards and hang-tags that provide parking in “R” parking areas, between the hours of 7:30 AM and 4:30 PM on all class days (or as otherwise noted by signage and/or gate equipment), examination periods, semester breaks and registration periods. "V" hang-tags may utilize ungated “R” parking areas only. These areas are delineated by signs and/or red parking lines. After 4:30 PM Monday through Friday, all valid FSU virtual permits, placards, and hang-tags are honored unless otherwise noted by signage.

2. "W" parking areas are reserved for the use of vehicles registered for valid "VW" virtual permits, or vehicles displaying placards and hang-tags that provide parking in “W” parking areas, between the hours of 7:30 AM and 4:30 PM Monday through Friday. These parking areas are delineated by signs and/or white painted parking lines.

3. Shared parking areas are reserved for the use of vehicles registered for valid FSU virtual permits, or vehicles displaying placards and hang-tags that provide parking in shared parking areas, between the hours of 7:30 AM and 4:30 PM Monday through Friday. These parking areas are delineated by signs and/or alternating red and white painted parking lines.

4. Between 4:30 PM and **10:00 6:00 PM, Monday through Friday**, all parked vehicles must be registered for a valid FSU virtual permit or display a valid parking credential and may park in any
marked space in any unreserved parking area without regard to permit designation and may park in general metered or hourly parking spaces provided applicable fee has been paid without charge. Reserved and disabled parking regulations are still enforced.

5. Between **10:00 P.M. 6:00 PM and 7:30 AM**, no virtual permit or valid parking credential is required to park in any marked space in any unreserved parking area. Metered and hourly spaces may be used without charge. Reserved and disabled parking regulations are still enforced.

(f) General disabled spaces are restricted 24 hours a day, 7 days a week to vehicles bearing valid State disabled parking permits as provided in section (2)(a)6 of this Regulation, or temporary disabled parking permit as provided in section (2)(f)11.

(g) General disabled spaces may be designated as time limited. The time limitation will be posted on the sign. Vehicles parked in the time limited disabled space for longer than the maximum time are subject to the issuance of a fine code (01) citation. Accessible spaces in gated lots shall be designated for faculty, staff or student affiliates whose vehicle is properly registered to a valid FSU virtual permit and valid Department of Motor Vehicle Disabled Parking Permit. Vehicles without a valid FSU virtual permit are not authorized to park in the restricted disabled spaces.

(h) Spaces reserved for individuals, University/State vehicles or specific University facilities are restricted 24 hours per day, 7 days a week, unless otherwise posted.

(i) Motorcycle, moped, or motor scooter spaces are restricted to motorcycles, mopeds or motor scooters 24 hours per day, 7 days a week. Motorcycles, mopeds, or motor scooters may
park in metered spaces as long as all fees are appropriately paid. Motorcycles may not park in non-metered automobile spaces and may not park in any gated lot or facility.

(6) Fine Structure.

(a) The following practices are specifically prohibited. The fine for each infraction shall be as follows:

1. Parking illegally on University property to include but not limited to: parking without a valid virtual permit, parking placard, or parking hang-tag in restricted lots; parking multiple vehicles on campus that are assigned to a single virtual permit; back-in parking without authorization; back-in parking in a campus parking garage or parking lot with angled parking; parking in an access lane; blocking access to spaces, lots, facilities, drive aisles, or streets; parking without the appropriate virtual permit, parking placard, or parking hang-tag for the space, lot, or facility used; obstructed license plate; virtual permit vehicle information entered incorrectly; improper parking in a loading zone; parking on lawns, landscape or sidewalks; parking in a "No Parking" or non-designated parking area; overtime parking in a metered space, hourly spaces or time limited space -- fine code 01. The fee assessed for this violation: $30.00.

2. Boot Fee. Administrative charge for vehicle that is immobilized for unpaid parking citations. Citation is placed on identified vehicle and the payment must be paid with other outstanding citations before the boot is removed from the vehicle. Fine code 02 violation. The fee assessed for this violation: $50.00.

3. Parking in a fire lane or any area designated and marked as a fire lane -- fine code 03. The fee assessed for this violation: $100.00.
4. Parking in a disabled space without authorization, blocking disabled spaces or access aisles, or with a disabled permit being used fraudulently -- fine code 04. The fee assessed for this violation: $250.00.

5. False registration. Falsification of proof of status to obtain an FSU virtual permit, motorcycle permit, parking placard, or parking hang-tag or purchase of a virtual permit, motorcycle permit, parking placard, or parking hang-tag by an authorized individual for use by or resale to an unauthorized individual. Failure to provide correct vehicle information within seven working days. Use of a parking permit, placard, or hang-tag listed as stolen or lost. Use of an altered or forged parking permit, placard, or hang-tag. Misuse and fraudulent use of a virtual permit, motorcycle permit, parking placard, or parking hang-tag or unauthorized use or possession of a gate opening device -- fine code 05. The fee assessed for this violation: $100.00.

6. Parking in a designated reserved space, reserved lot/facility, or bagged meter -- fine code 06. The fee assessed for this violation: $100.00.

7. Parking in designated bus loading zone during operating hours -- fine code 07. The fee assessed for this violation: $100.00

(b) Late Fee. A $10.00 late fee is assessed on all parking citations that are unpaid or uncontested after thirty (30) calendar days from issuance.

(7) Disposition of University Parking Citations.

(a) Uncontested. Persons wishing to pay the fine for any University Parking Citation shall do so at Student Financial Services or designated point of payment, in accordance with the schedule of fines.
(b) Contested. Any person wishing to contest a University Parking Citation shall proceed as follows:

1. Notice. Such person shall, within 30 calendar days from the date on which the citation was issued, file a written notice of election to contest the citation with the Office of Transportation and Parking Services.

2. The Florida State University Parking Violations Appeal Form, identified as FSU Form No. MP-03, Eff. 8-89, and the instructions contained therein are adopted by reference. Copies of the form may be obtained from the Florida State University Office of Transportation and Parking Services, Tallahassee, Florida.

3. Disposition by Director. The Director or designee shall review timely received written appeals or completed Form MP-03, and as soon thereafter as practicable, issue a written finding that the person charged is either in violation or not in violation of the University parking Regulation designated on the citation. Any person found to be in violation shall within 14 calendar days of issuance of the Director's written findings, either pay the applicable fine or give notice of his or her intent to seek review by the Transportation Violations Appeals Board. Such notice shall be given by completing a Transportation Violations Appeals Board Form MP-01 and filing it with the Board Coordinator. At the time of filing Form MP-01, if applicant wishes to have the issuing officer present at the Appeal Board hearing they must specifically indicate this request on Form MP-01. This is the only time the request can be made.

4. The Florida State University Transportation Violations Appeal Board Form, identified as FSU Form No. MP-01, Eff. 8-89, and the instructions contained therein are adopted by reference.
Copies of the form may be obtained from the Florida State University Office of Transportation and Parking Services, Tallahassee, Florida.

5. Transportation Violations Appeals Board. Any person for whom an appearance before the Board has been scheduled may appear personally, or submit a written presentation, or both. Any person making a written submission only, must submit it to the Board Coordinator at least 1 working day prior to the date on which the appearance is scheduled. A person appearing in person before the Board desiring to have the presence of the issuing officer at the hearing must request the presence of the officer at the time of scheduling the date and time of hearing. This request will be indicated on the filed Form MP-01. If an individual indicates a desire to appear personally, the Coordinator will schedule an appearance and give the person written notice of the date, time, and place thereof. A person appearing in person before the Board may also introduce witnesses, but shall be responsible for securing the presence of such witnesses. In any appearance before the Board, whether in person or in writing, a person may raise any matter relevant to the Board's decision. Any person who is unable to appear personally at the time scheduled, but wishes to do so, can reschedule an appearance by contacting the Board Coordinator at least 3 working days prior to the originally scheduled appearance and showing good cause why the appearance should be rescheduled. The Board shall have the authority to continue any person's appearance to a subsequent date, time, and place, whenever the Board Chairperson determines that such a continuance is necessary to dispose of the matter. The Appellant may only cancel and have rescheduled one Board hearing. After one such cancellation the Board will proceed with the rescheduled hearing and in the absence of the Appellant, will consider the Appellant's completed Transportation Violations Appeal Form MP-
03 as the Appellant's appeal presentation. After the conclusion of a proceeding before the Board, the Board shall issue in writing its decision to either affirm the Director's findings, affirm the Director's decision and reduce the fine, or reverse the Director's decision and dismiss the citation. The decision of the Board shall be final. The proper initiation of a proceeding to contest a citation shall serve to suspend the 14 working day deadline for timely payment of fines for the period that the proceeding is pending.

(c) Automatic Adjudication. All persons are subject to an automatic adjudication of guilt for failure to respond to a citation within 30 calendar days following the violation. In such case, the appropriate fine, plus an additional penalty, shall be imposed. Any person who is automatically adjudicated guilty may appeal in writing to the Transportation Violations Appeals Board for waiver of the automatic adjudication of guilt and the additional penalty. This appeal must be made within 180 calendar days from the date of the issuance of the citation. If the Board determines that there are extenuating circumstances justifying a waiver, the individual shall be given the prerogative of appealing the citation itself to the Board.

(d) Confidentiality. In any case in which a student is the alleged violator, the records of proceedings before the Director and the Board shall be disclosed only in accord with Sections 1002.22 and 1006.52, Florida Statutes.

(e) Non-Compliance, Sanctions. In addition to the obligation to pay the appropriate fine and penalty, the following additional actions shall be taken and sanctions imposed in the following circumstances:

1. In the case of a person who fails to either pay the applicable fine or give notice of his or her election to contest a University Parking Citation, within 30 calendar days of the date of issuance
of such citation; or who fails to pay the applicable fine within 30 calendar days of the date of issuance of written decision of the Transportation Violations Appeals Board, affirming the individual’s adjudication of violation, the Director of Transportation and Parking Services is authorized to revoke, suspend, or restrict the on-campus driving and parking privileges of such individual and take such further action as necessary to enforce the revocation or restriction of privileges and shall cause the matter to be referred as appropriate to the University Controller, the Dean of Students or the University Personnel Relations Department, or some combination thereof, for further action.

2. All matters so referred to the University Controller shall be deemed to be accounts receivable and the Controller shall take the necessary action to collect such debts. In the case of students, such necessary action shall include: refusal of permission for such students to register and withholding of transcripts and diplomas from such students until the debt has been paid. In the case of employees such necessary action shall include: involuntary payroll deductions, pursuant to Regulation FSU-2.022, F.A.C., until the debt has been paid.

3. All matters involving faculty employees shall be referred to the Office of the Dean of the Faculties for appropriate action taken in accordance with applicable provisions of the Florida Statutes, University Regulations governing faculty employment, and any applicable faculty collective bargaining agreement. All matters involving non-faculty employees shall be referred to the Assistant Vice-President and Chief Human Resources Officer or designee for appropriate action taken in accordance with applicable provisions of Florida Statutes, Regulation FSU-4.070, and any applicable collective bargaining agreement.
4. Following revocation, suspension or restriction of on-campus driving and parking privileges, the Director shall lift said revocation, suspension or restriction once the applicable fines, charges, and penalties have been paid and all other requirements for registration have been met.

5. Either the Director of Transportation and Parking Services or the Parking Violations Appeals Board, shall, for good cause shown, provide for a longer period of time in which to pay the applicable fine. Good cause shall include, but not be limited to: (1) compelling personal or family financial obligations or inability to pay; or (2) percent of fine in relation to an individual's available income exceeds 25%. In such cases, no further sanction or penalty as described herein shall be imposed on account of the outstanding fine, until such time period has elapsed without full payment being made.

6. Immobilization; "Booting". A motor vehicle parked upon the University campus may, at any time, by or under the direction of an officer or staff member of the Department of Public Safety or an employee of the Office of Transportation and Parking Services, be immobilized in such a manner as to prevent its operation. A vehicle will be considered "bootable" in accordance with due process and based on a citation history, when 3 or more parking citations are outstanding against a responsible individual or if pending parking citations total $90.00 or more.

   a. Upon immobilization of such motor vehicle, the officer or employee shall cause to be placed on such vehicle, in a conspicuous manner, sufficient notice to warn any individual that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage to the vehicle and is grounds for criminal charges for grand theft.
b. The individual responsible for the vehicle shall have the right to a probable cause hearing before the chairperson of the Transportation Violations Appeals Board or his or her designee, provided such a hearing is requested within 15 calendar days from the date the notice of immobilization is received. The purpose of the hearing is to determine if there is probable cause for continued detention of the vehicle. No hearing will be held unless requested in writing by the individual responsible for the vehicle or his or her agent at the Office of Transportation and Parking Services. The hearing shall be held within 72 hours from receipt of said written request, and the decision shall be issued in writing within 24 hours from the close of the hearing. In lieu of the probable cause hearing, or pending such hearing, where probable cause is found at such hearing, the individual responsible for the vehicle or his or her agent may obtain release of the vehicle by depositing security in the amount of immobilization charges and all delinquent fines and penalties to the Director of Transportation and Parking Services, or his/her designee.

c. If the chairperson or his or her designee finds probable cause to immobilize a vehicle, upon request of the individual responsible for the motor vehicle, a date shall be set for full evidentiary hearing before the Transportation Violations Appeals Board. Pending this hearing, the vehicle may be released as provided in (6) (b) above.

d. If no probable cause is found to impound a motor vehicle, it shall be released without requiring the individual responsible for the vehicle to pay the administrative charge for immobilization. If the motor vehicle was previously released upon payment of security, such payment shall be refunded.
e. Failure to request a probable cause hearing within 15 calendar days from the date of the notice of impoundment is received constitutes a waiver of said hearing and the vehicle shall be released only upon payment of the impoundment charges and delinquent fines or penalties.

f. The immobilization device or mechanism shall remain in place for 48 hours, unless the individual responsible for the vehicle has complied with subsection (b) above. If such compliance has not occurred within 48 hours, the vehicle shall be towed and impounded. This subsection does not preclude the towing in the first instance of the vehicle which, because of the number of outstanding parking citations against it, is subject to towing and impoundment pursuant to the other provisions of this Regulation.
MEMORANDUM

TO: John Thrasher, President

FROM: Kyle Clark, Vice President for Finance & Administration

DATE: August 5, 2020

SUBJECT: FSU-2.024 Tuition and Fees
Final Approval after Notice

The extension of all Tuition and Fees at the current rate and amendment of the necessary
regulation(s) was approved at the June meeting but the formal Regulation change to implement
that requires notice before final approval. The Regulation change has now been noticed.

The Board of Trustees also approved a change in the Nurse Anesthesia Program from a Master’s
to a Doctoral Program beginning in 2021 at its meeting on February 12. That name change is
also included in the Regulating amendment. This was approved by the Board at the same rate
per semester.

/kc

214 Westcott Building, P.O. Box 3061320, Tallahassee, Florida, 32306-1320
850.644.4444 • Fax 850.644.4447
FSU-2.024  Tuition and Fees.

The following tuition and fees shall be levied and collected in U.S. dollars for each student regularly enrolled, unless specifically provided otherwise, for Fall 2019, 2020, Spring 2020, 2021, Summer 2020, 2021. Per Credit Hour in U.S. Dollars

[Note: Graduate references all graduate degree programs and areas other than as may be specifically provided such as Medicine, Law, Other Professional Programs effective date applies to all but Medicine]
### Main Campus

<table>
<thead>
<tr>
<th></th>
<th>Undergraduate</th>
<th>Graduate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuition</td>
<td>105.07</td>
<td>403.51</td>
</tr>
<tr>
<td>Tuition Differential</td>
<td>49.59</td>
<td></td>
</tr>
<tr>
<td>Student Financial Aid Fee</td>
<td>5.25</td>
<td>20.17</td>
</tr>
<tr>
<td>Capital Improvement Trust Fund Fee</td>
<td>4.76</td>
<td>4.76</td>
</tr>
<tr>
<td>Athletics Fee</td>
<td>7.90</td>
<td>7.90</td>
</tr>
<tr>
<td>Activity &amp; Service Fee</td>
<td>12.86</td>
<td>12.86</td>
</tr>
<tr>
<td>Student Health Fee</td>
<td>13.97</td>
<td>13.97</td>
</tr>
<tr>
<td>Transportation Access Fee</td>
<td>8.90</td>
<td>8.90</td>
</tr>
<tr>
<td>Student Facility Use Fee [+ 20.00/semester]</td>
<td>2.00</td>
<td>2.00</td>
</tr>
<tr>
<td>Technology Fee</td>
<td>5.25</td>
<td>5.25</td>
</tr>
</tbody>
</table>

**Total Per Credit Hour (PCH) Resident Rate**

<table>
<thead>
<tr>
<th></th>
<th>Undergraduate</th>
<th>Graduate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Per Credit Hour (PCH) Resident Rate</td>
<td><strong>215.55</strong></td>
<td><strong>479.32</strong></td>
</tr>
</tbody>
</table>

**Out-of-State Fees**

<table>
<thead>
<tr>
<th></th>
<th>Undergraduate</th>
<th>Graduate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total PCH Resident Rate</td>
<td>215.55</td>
<td>479.32</td>
</tr>
<tr>
<td>Out-of-State Fee</td>
<td>481.48</td>
<td>601.34</td>
</tr>
<tr>
<td>Out-of-State Student Financial Aid Fee</td>
<td>24.07</td>
<td>30.06</td>
</tr>
</tbody>
</table>

**Total PCH Out-of-State Rate**

<table>
<thead>
<tr>
<th></th>
<th>Undergraduate</th>
<th>Graduate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total PCH Out-of-State Rate</td>
<td><strong>721.10</strong></td>
<td><strong>1,110.72</strong></td>
</tr>
</tbody>
</table>

**Student Facility Use Fee Per Semester**

<table>
<thead>
<tr>
<th></th>
<th>Undergraduate</th>
<th>Graduate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student Facility Use Fee Per Semester</td>
<td>20.00</td>
<td>20.00</td>
</tr>
</tbody>
</table>
### Law

<table>
<thead>
<tr>
<th>Fee</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuition</td>
<td>602.36</td>
</tr>
<tr>
<td>Student Financial Aid Fee</td>
<td>30.11</td>
</tr>
<tr>
<td>Capital Improvement Trust Fund Fee</td>
<td>4.76</td>
</tr>
<tr>
<td>Athletics Fee</td>
<td>7.90</td>
</tr>
<tr>
<td>Activity &amp; Service Fee</td>
<td>12.86</td>
</tr>
<tr>
<td>Student Health Fee</td>
<td>13.97</td>
</tr>
<tr>
<td>Transportation Access Fee</td>
<td>8.90</td>
</tr>
<tr>
<td>Student Facility Use Fee</td>
<td>2.00</td>
</tr>
<tr>
<td>Technology Fee</td>
<td>5.25</td>
</tr>
<tr>
<td><strong>Total (PCH) Resident Rate</strong></td>
<td><strong>688.11</strong></td>
</tr>
<tr>
<td>Student Facility Use Fee Per Semester</td>
<td>20.00</td>
</tr>
</tbody>
</table>

### Out-of-State Fees

<table>
<thead>
<tr>
<th>Fee</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total PCH Resident Rate</td>
<td>688.11</td>
</tr>
<tr>
<td>Out-of-State Fee</td>
<td>635.31</td>
</tr>
<tr>
<td>Out-of-State Student Financial Aid Fee</td>
<td>31.76</td>
</tr>
<tr>
<td><strong>Total PCH Out-of-State Rate</strong></td>
<td><strong>1,355.18</strong></td>
</tr>
<tr>
<td>Student Facility Use Fee Per Semester</td>
<td>20.00</td>
</tr>
</tbody>
</table>
## Panama City Campus

<table>
<thead>
<tr>
<th></th>
<th>Undergraduate</th>
<th>Graduate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuition</td>
<td>105.07</td>
<td>403.51</td>
</tr>
<tr>
<td>Tuition Differential</td>
<td>49.59</td>
<td></td>
</tr>
<tr>
<td>Student Financial Aid Fee</td>
<td>5.25</td>
<td>20.17</td>
</tr>
<tr>
<td>Capital Improvement Trust Fund Fee</td>
<td>4.76</td>
<td>4.76</td>
</tr>
<tr>
<td>Athletics Fee</td>
<td>0.69*</td>
<td>0.69*</td>
</tr>
<tr>
<td>Activity &amp; Service Fee</td>
<td>9.88</td>
<td>9.88</td>
</tr>
<tr>
<td><strong>Student Health Fee</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Technology Fee</td>
<td>5.25</td>
<td>5.25</td>
</tr>
<tr>
<td><strong>Total PCH Resident Rate</strong></td>
<td><strong>180.49</strong></td>
<td><strong>444.26</strong></td>
</tr>
</tbody>
</table>

### Out-of-State Fees

<table>
<thead>
<tr>
<th></th>
<th>Undergraduate</th>
<th>Graduate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total PCH Resident Rate</td>
<td>180.49</td>
<td>444.26</td>
</tr>
<tr>
<td>Out-of-State Fee</td>
<td>481.48</td>
<td>601.34</td>
</tr>
<tr>
<td>Out-of-State Student Financial Aid Fee</td>
<td>24.07</td>
<td>30.06</td>
</tr>
<tr>
<td><strong>Total PCH Out-of-State Rate</strong></td>
<td><strong>685.04</strong></td>
<td><strong>1,075.66</strong></td>
</tr>
</tbody>
</table>

*Panama City Students may opt to pay Main Campus rate in exchange for Main Campus Athletic Fee benefits.*
<table>
<thead>
<tr>
<th></th>
<th>Undergraduate</th>
<th>Graduate</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sarasota Campus</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tuition</td>
<td>105.07</td>
<td>403.51</td>
</tr>
<tr>
<td>Tuition Differential</td>
<td>49.59</td>
<td></td>
</tr>
<tr>
<td>Student Financial Aid Fee</td>
<td>5.25</td>
<td>20.17</td>
</tr>
<tr>
<td>Capital Improvement Trust Fund Fee</td>
<td>4.76</td>
<td>4.76</td>
</tr>
<tr>
<td>Athletics Fee</td>
<td>0.69</td>
<td>0.69</td>
</tr>
<tr>
<td>Activity &amp; Service Fee</td>
<td>11.69</td>
<td>11.69</td>
</tr>
<tr>
<td>Student Health Fee</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Technology Fee</td>
<td>5.25</td>
<td>5.25</td>
</tr>
<tr>
<td><strong>Total PCH Resident Rate</strong></td>
<td>182.30</td>
<td>446.07</td>
</tr>
<tr>
<td><strong>Out-of-State Fees</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total PCH Resident Rate</td>
<td>182.30</td>
<td>446.07</td>
</tr>
<tr>
<td>Out-of-State Fee</td>
<td>481.48</td>
<td>601.34</td>
</tr>
<tr>
<td>Out-of-State Student Financial Aid Fee</td>
<td>24.07</td>
<td>30.06</td>
</tr>
<tr>
<td><strong>Total PCH Out-of-State Rate</strong></td>
<td>687.85</td>
<td>1,077.97</td>
</tr>
<tr>
<td>Medicine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>In State Fees Assessed:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Following assessed per year</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tuition</td>
<td>22,408.12</td>
<td></td>
</tr>
<tr>
<td>Student Financial Aid Fee</td>
<td>1,120.41</td>
<td></td>
</tr>
<tr>
<td>Capital Improvement Trust Fund Fee</td>
<td>190.40</td>
<td></td>
</tr>
<tr>
<td>Athletics Fee</td>
<td>284.40</td>
<td></td>
</tr>
<tr>
<td>Activity &amp; Service Fee</td>
<td>462.96</td>
<td></td>
</tr>
<tr>
<td>Student Health Fee</td>
<td>502.92</td>
<td></td>
</tr>
<tr>
<td><strong>Following assessed per credit hour</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Technology Fee</td>
<td>189.00</td>
<td></td>
</tr>
<tr>
<td>Transportation Access Fee</td>
<td>320.40</td>
<td></td>
</tr>
<tr>
<td>Student Facility Use Fee</td>
<td>132.00</td>
<td></td>
</tr>
<tr>
<td><strong>Out-of-State Fees (Per Year)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Out-of-State Fee</td>
<td>32,905.90</td>
<td></td>
</tr>
<tr>
<td>Out-of-State Student Financial Aid Fee</td>
<td>1,645.29</td>
<td></td>
</tr>
</tbody>
</table>
College of Medicine Notes:

The academic year for the College of Medicine consists of Summer, Fall, and Spring Semesters.

The Student Facilities Use Fee is not assessed to 3rd & 4th Year College of Medicine students, as their studies are conducted off-campus.

A College of Medicine student taking six or more semester hours will pay the full rate as provided herein for tuition and fees. Any student approved to attend fewer than six semester hours will pay the tuition and fees at the Graduate Student Rate for the actual number of semester hours.
### Other Professional Programs

**Master of Science-Nurse Anesthesia (Panama City Campus)-per semester**

**Doctor of Nurse Anesthesia Practice (DNAP). (Panama City Campus)-per semester (beginning Summer 2021)**

<table>
<thead>
<tr>
<th>Fee</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuition</td>
<td>8,475.00</td>
</tr>
<tr>
<td>Student Financial Aid Fee</td>
<td>423.75</td>
</tr>
<tr>
<td>Capital Improvement Trust Fund Fee</td>
<td>51.12</td>
</tr>
<tr>
<td>Athletics Fee</td>
<td>8.26</td>
</tr>
<tr>
<td>Activity &amp; Service Fee</td>
<td>118.56</td>
</tr>
<tr>
<td>Student Health Fee</td>
<td>423.75</td>
</tr>
</tbody>
</table>

**Physician Assistant**

**Following assessed per year**

*[Local and other per-credit fees set at 36-hour year]*

<table>
<thead>
<tr>
<th>Fee</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuition</td>
<td>28,000.00</td>
</tr>
<tr>
<td>Student Financial Aid Fee</td>
<td>1,400.00</td>
</tr>
<tr>
<td>Capital Improvement Trust Fund Fee</td>
<td>171.36</td>
</tr>
<tr>
<td>Athletics Fee</td>
<td>284.40</td>
</tr>
<tr>
<td>Activity &amp; Service Fee</td>
<td>462.96</td>
</tr>
<tr>
<td>Student Health Fee</td>
<td>502.92</td>
</tr>
<tr>
<td>Technology Fee</td>
<td>189.00</td>
</tr>
<tr>
<td>Transportation Access Fee</td>
<td>320.40</td>
</tr>
<tr>
<td>Student Facility Use Fee [20.00/semester + 2.00/credit hr.]</td>
<td>132.00</td>
</tr>
</tbody>
</table>

**Total In-State Fee**                         | **31,463.04**

### Out-of-State Fees (Per Year)

<table>
<thead>
<tr>
<th>Fee</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Out-of-State Fee</td>
<td>10,000.00</td>
</tr>
<tr>
<td>Out-of-State Student Financial Aid Fee</td>
<td>500.00</td>
</tr>
</tbody>
</table>

**Total Out-of-State Fee**                     | **41,963.04**
<table>
<thead>
<tr>
<th>Distance Learning</th>
<th>Undergraduate</th>
<th>Graduate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuition</td>
<td>105.07</td>
<td>403.51</td>
</tr>
<tr>
<td>Tuition Differential</td>
<td>49.59</td>
<td></td>
</tr>
<tr>
<td>Student Financial Aid Fee</td>
<td>5.25</td>
<td>20.17</td>
</tr>
<tr>
<td>Capital Improvement Trust Fund Fee</td>
<td>4.76</td>
<td>4.76</td>
</tr>
<tr>
<td>Athletics Fee</td>
<td>0.69</td>
<td>0.69</td>
</tr>
<tr>
<td>Activity &amp; Service Fee</td>
<td>9.88</td>
<td>9.88</td>
</tr>
<tr>
<td>Student Health Fee</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Transportation Access Fee</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Student Facility Use Fee [+ 20.00/semester]</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Technology Fee</td>
<td>5.25</td>
<td>5.25</td>
</tr>
<tr>
<td>Total Per Credit Hour (PCH) Resident Rate</td>
<td>180.49</td>
<td>444.26</td>
</tr>
</tbody>
</table>
Total PCH Resident Rate 180.49 444.26
Out-of-State Fee 481.48 601.34
Out-of-State Student Financial Aid Fee 24.07 30.06
Total PCH Out-of-State Rate 686.04 1,075.66

Definition:

Distance Learning Student: A distance learning student is one who is coded as such in the Office of the University Registrar. Note that students are assessed distance learning rates when they are coded as a distance learner student based on policies established by the Registrar but that all students enrolled in online courses are not automatically deemed distance learners for tuition purposes.

Tuition and Fees: For the purposes of this regulation, tuition and fees refers to the standard charges assessed pursuant to State Statute, Board of Governors and Florida State University Regulation.

Specific Authority; Art. IX, Sec 7, Florida Constitution, BOG Regulation 1.001(3) Law
Implemented: BOG Regulation 7.001; s. 1009. 24, Florida Statutes History-New 7-21-05,
V.D. ATHLETICS
1. 2020-2021 ACC Governing Board Certification
July 2, 2020

TO: Presidents/Chancellors of the Atlantic Coast Conference Member Institutions

FROM: John D. Swofford
       Commissioner

DATE: July 2, 2020

SUBJECT: 2020-21 ACC Governing Board Certification Form

Please find attached a copy of the 2020-21 Atlantic Coast Conference Governing Board Certification form. The form is to be completed annually by the Chair of the Governing Board in order for a member institution to enter a team or individual competitors in an ACC Championship as indicated in ACC Bylaw 2.11.2.

Please review this policy with your Governing Board and return the signed form to me at the Conference office by October 16, 2020.

Thank you and best regards.

Attachment

JDS/BH:th

cc: Faculty Athletics Representative
    Athletics Director
    Compliance Director
Atlantic Coast Conference

Governing Board Certification Form
Academic Year 2020-21

As Chair of the Governing Board at Florida State University, I attest that:

1) Responsibility for the administration of the athletics program has been delegated to the President/Chancellor of the Institution.

2) The President/Chancellor has the mandate and support of the board to operate a program of integrity in full compliance with NCAA, Conference and all other relevant rules and regulations.

3) The President/Chancellor, in consultation with the Faculty Athletics Representative and the Athletics Director, determines how the institutional vote shall be cast on issues of athletics policy presented to the NCAA and the Conference.

Date Presented to the Governing Board: August 13, 2020

Signed: ____________________________
(Chair of the Governing Board)

Signed: ____________________________
(President/Chancellor of Member Institution)

Please return completed form before October 16, 2020 to:

Commissioner John D. Swofford
Atlantic Coast Conference
4512 Weybridge Lane
Greensboro, NC 27407
V.E. FACULTY SENATE
STEERING COMMITTEE

1. Resolution in Support of the College of Law Building Legislative Action
Proposed Action for FSU Board of Trustees re: B.K. Roberts Hall

The Florida State University Faculty and College of Law request the Board of Trustees to adopt the below resolution in support of ongoing efforts to secure legislative permission to change the name of the main classroom building at the College of Law:

FSU Board of Trustees Resolution in Support of Renaming B.K. Roberts Hall

The FSU Board of Trustees supports efforts by the University and the College of Law to remove from the main Law building the name of B.K. Roberts, the Florida Supreme Court Chief Justice who openly defied the U.S. Supreme Court in steadfastly resisting the racial integration of Florida’s public law schools. We share the unanimously avowed hope of the College of Law, the FSU Faculty Senate, and countless students and alumni that the building be renamed to reflect FSU’s core values of justice, equality, compassion, and respect. We call on the Florida Legislature to move swiftly in enacting the changes that will enable us to right this wrong.

Background

The main Law building is currently named for B. K. Roberts, a former Chief Justice of the Florida Supreme Court who championed continued racial segregation in higher education. He did so most infamously in *State Ex Rel. Hawkins v. Board of Control*, 83 So. 2d 20 (Fla. 1955), his decision refusing to require the University of Florida to admit Virgil Hawkins, a qualified African American applicant denied entrance to its law school solely on the basis of race. Chief Justice Roberts refused to order his admission even after the U.S. Supreme Court directly intervened in the case, citing *Brown vs. Board of Education* to overturn the “separate but equal” rationale the Florida Supreme Court had previously relied on in refusing to require Hawkin’s admission.

In 2018, President Thrasher’s Advisory Panel concluded that although Chief Justice Roberts had been instrumental in the creation of the College of Law, the university community is not well-served by continuing to honor a segregationist who openly defied the United States Supreme Court’s application of core constitutional principles. The Law School found that it is not only inherently demoralizing, but poses real obstacles to recruiting a more diverse faculty. However, because the law building was named by an act of the legislature, legislative action is required to change it. In 2019, following request by the President of the University, the Dean of the Law School, and vast numbers of interested students, alumni, faculty, and staff, the Florida Senate passed a bill that would enable the University to change the name. However, the bill never reached the floor of the House of Representatives, and so it was never enacted into law.

In June of 2020, the College of Law faculty and administration authored an open letter calling for the completion of this legislative action, and the Faculty Senate unanimously passed the attached resolution in support of the effort. Both the President of the University and the Dean of the Law School continue to support the renaming. Student and alumni organizations from both the Law School and wider community have also rallied in support. It is our hope that the unified voice of the students, faculty, administration, and with this resolution, the Board of Trustees, will persuade the Florida Legislature to act quickly in enacting the needed legislation.
Faculty Senate Resolution

The following resolution was passed unanimously by the Faculty Senate, sitting in emergency session, on June 16, 2020:

FSU Faculty Senate Resolution on Renaming B.K. Roberts Hall

The FSU Faculty Senate supports outstanding University efforts and the College of Law’s current campaign to remove from its main classroom building the name of B.K. Roberts, a man who steadfastly resisted the racial integration of Florida’s public law schools as Chief Justice of the Florida Supreme Court. We affirm the unanimously shared hope of law school faculty that their building be renamed to reflect our shared values of justice, equality, respect, compassion, and advocacy.

In 2018, the President’s Advisory Panel concluded that although Chief Justice Roberts had been instrumental in the creation of the College of Law, the university community is not well-served by so honoring a segregationist who openly defied the United States Supreme Court’s application of core constitutional principles. However, because the law building was named by an act of the legislature, legislative action is required to change it. In 2019, following request by the President of the University, the Dean of the Law School, and vast numbers of interested students, alumni, faculty, and staff, the Florida Senate passed a bill that would enable the University to change the name—but the House of Representatives failed to act.

The irredeemable contradiction between the name of the Law School’s main building and the principles for which it stands can no longer be justified. On June 12, 2020, nearly every member of the Law School’s faculty and administration formally called on the House of Representatives to complete the outstanding legislative process that will allow the name of the building to be changed. In this statement, we hereby join in their petition that the House of Representatives partner with the Senate in enacting the needed legislation without delay. As the law school faculty and administrators declared in their letter to the Speaker of the House,

“It is shameful that our main building continues to bear the name of B.K. Roberts. That the building that houses most of our faculty offices and classrooms carries the name of someone who persistently resisted the racial integration of Florida’s public law schools is deeply painful and offensive. As a Florida Supreme Court justice, Roberts openly defied the U.S. Supreme Court in his quest to maintain segregation. The battle for racial integration was waged during a gruesome time in our country’s history. B.K. Roberts was vehemently and unmistakably on the wrong side of that battle. The time has long since come to stop celebrating segregationists. ... As faculty and administrators, it is our moral responsibility to advocate for our students and our community.”

We share in that moral responsibility, and we echo their demand for decisive action.
June 12, 2020

Via Electronic Mail

Speaker of the House José Oliva
Speaker of the House-Designate Chris Sprowls
The Florida House of Representatives
The Florida Capitol
Tallahassee, FL 32399

Dear Speaker Oliva and Speaker-Designate Sprowls:

As members of the faculty and administration at the Florida State University College of Law, we write to call on the Florida House of Representatives to complete the legislative work that will allow us to rename the law school building. As you are aware, the Florida Senate overwhelmingly approved a bill in 2019 that would have allowed B.K. Roberts’s name to be removed from the law school building, but the House did not take up the legislation. In 2020, a Senate committee again approved a measure to allow the renaming of the law school, but Florida lawmakers did not complete the process. It is time to act decisively.

It is shameful that our main building continues to bear the name of B.K. Roberts. That the building that houses most of our faculty offices and classrooms carries the name of someone who persistently resisted the racial integration of Florida’s public law schools is deeply painful and offensive. As a Florida Supreme Court justice, Roberts openly defied the U.S. Supreme Court in his quest to maintain segregation. The battle for racial integration was waged during a gruesome time in our country’s history. B.K. Roberts was vehemently and unmistakably on the wrong side of that battle. The time has long since come to stop celebrating segregationists.

The building was not named for B.K. Roberts because he favored segregation. The naming of the building was meant to honor his role in chairing a committee that helped to found the College of Law. The fact that B.K. Roberts helped to achieve a valuable goal does not, by itself, warrant memorializing him in stone. Many important accomplishments are not acknowledged or honored in such public and enduring ways. Indeed, throughout our country’s history, the significant accomplishments of people of color have been overlooked.

The law school community was never part of naming the building for Roberts and a strong contingent opposed it when the decision was announced. The law naming the building slid through the legislature on the back of unrelated legislation without
discussion or debate. The dean of the College of Law at the time declined to support naming the building for Roberts and a large group of students protested with picket signs on the day of the naming ceremony. We are asking now to be allowed to correct a longstanding error that was imposed upon us and that members of our community have protested from the start.

It is our hope that when the law school’s main building can be renamed, its name will reflect our shared values of justice, equality, respect, compassion, and advocacy.

As faculty and administrators, it is our moral responsibility to advocate for our students and our community. In these difficult times, we hope that this is just the first of many steps we take to do better by them.

Sincerely,

Fred Abbott
Paolo Annino
Rob Atkinson
Shawn Bayern
Nancy Benavides
Richard Benham
Tamara Blenkhorn
Christopher Busch
Courtney Cahill
Donna Christie
Margaret Clark
Elizabeth Farrell Clifford
Kathryn Crandall
Aviana Eisenberg
Elissa Philip Gentry
Debra Henley
Shi-Ling Hsu
Steve Johnson
Jeffrey Kahn
Jennifer Kessinger
Jay Kesten
Kat Klepfer
Lawrence Krieger
David Landau
Carla Laroche
Jennifer LaVia

Tahirih Lee
Jake Linford
Amy Lipford
Wayne Logan
Catherine Miller
Katrina Miller
Michael Morley
Erin O’Hara O’Connor
Hillary Powell
Adria Quintela
Maribel Roig
Erin Ryan
Lauren Scholz
Darby Kerrigan Scott
Mark Seidenfeld
Justin Sevier
Mark Spottswood
Nat Stern
Sarah Swan
Charlee Taylor
Fernando Tesón
Glenda Thornton
Manuel Utset
Kelli Alces Williams
Mary Ziegler
MEMORANDUM

To: President John Thrasher

From: Renisha Gibbs
Chair, President’s Advisory Panel on University Namings and Recognitions
Associate Vice President for Human Resources and Chief Diversity Officer

Date: July 12, 2018

Subject: Panel Recommendations for B.K. Roberts Hall, Francis Eppes Hall, and the Francis Eppes Statue

In fall 2017, you appointed a 15-member panel comprised of University students, faculty, staff, administrators, and alumni to listen, learn, and make recommendations on policies concerning campus names, including buildings and statues.

Members of the panel included:

Renisha Gibbs, Panel Chair
Norman Anderson, Faculty
Karen Bearor, Faculty
Kyle Doney, Alumnus
Lane Forsman, Student
Miguel Hernandez, Staff/Student
Kyle Hill, Student
Robyn Jackson, Staff
Maxine Jones, Faculty
Andrew Melville, Student
Maxine Montgomery, Faculty
Walter Moore, Faculty (Retired)
Christopher Pinango, Student
Janet Stoner, Alumnus
Allisson Yu, Alumnus

The panel convened for the first time in October 2017 to begin this very important work. During the first meeting, you addressed the panel to outline your specific expectations with regard to our charge, which included: researching the issues, meeting and engaging with University constituencies to seek input and feedback, determining criteria for appropriate naming policies, and making any other recommendations deemed necessary.
Over the next few months, the panel examined current university policies concerning campus names and markers, including statues and other recognitions. Panel members took a considerable amount of time on their own to become educated on the subject by thoroughly reviewing applicable materials, such as the University’s current Naming Policy, the naming policies and practices being used by other institutions of higher education, and numerous articles that detailed the actions taken by universities and municipalities facing similar tasks across the nation.

In addition, the panel convened regularly in open forums that were advertised to the campus and external community to discuss the aforementioned materials, hear presentations made by historians, archivists, and other subject matter experts, and listen to feedback given by various members of the University community in the form of public comments. University constituents who were unable to attend and/or declined to comment publicly were encouraged to submit their feedback anonymously via an option made available on the panel’s website.

Narrowing of the Charge

You recognized, as we did, that there were members of our community who felt very passionately about three campus landmarks in particular. As a result, and in an attempt to be responsive to campus concerns, on February 2, 2018, you asked the panel to prioritize an evaluation of B.K. Roberts Hall, Francis Eppes Hall, and the Francis Eppes statue as we continued our work.

Process

As the panel moved forward to consider the priorities identified, input was sought from the entire University, including students, faculty, staff, alumni, and members of our local community. The panel hosted five town hall meetings at various locations and times in an effort to hear from as many interested parties as possible.

Town hall attendees were asked the following questions:

- What impact have these landmarks had on you and/or others? What message do you and/or others think these landmarks are communicating?
- What role should University history play in our current day campus environment?
- What do you think should be done and why (i.e., suggestions for solutions)? Are there additional options besides removing and/or renaming?

The panel was committed to all of its work being open, deliberate, comprehensive, accurate, and inclusive. In addition to the five aforementioned town hall meetings, a total of nine panel meetings were held over six months. When possible, the panel focused on fact-finding and analysis with an eye towards primary sources using facts that could be established via reliable historical evidence. The panel engaged in a significant amount of analysis aimed at separating verifiable facts from anecdotes. To that end, subject matter experts were identified and invited to present to the panel and public comment sessions were included in every panel meeting wherein any individual was welcome to present evidence or opinion. The panel heard from six invited speakers and many
members of the public who appeared to address the panel. Included in one public comment session was a retired justice of the Florida Supreme Court.

*Public Comments during panel meetings/town halls: 74
Comments submitted to the panel website: 183*

**Principles**

After careful consideration and considerable research, the following principles were adopted to guide the panel through its discussion of the three issues currently under consideration and for guidance in future decision-making.

- **Presumption** – Requests should be reviewed with a strong bias toward maintaining a naming or recognition. Renaming and/or removal of recognition should only be considered in exceptional circumstances.

- Is a prominent legacy of the namesake (honoree) fundamentally at odds with the current values or the mission of the University?

- Was the relevant prominent legacy significantly contested in the time in which the namesake lived?

- Did the University, at the time of a naming, honor a namesake for reasons that are fundamentally at odds with the current values or mission of the University?

- Were the reason(s) provided as justification for honoring the namesake reasonably substantiated based on the records and information available at the time? Since then, have new records of relevance been discovered that discredited, contextualized, and/or shed new light on the information previously available and/or the justification for the recognition? Given that history, do the contributions of the namesake to the University justify the recognition that currently exists?

- Does the building or other recognition play a substantial role in constructing or dismantling community at the University?

- Is the honorific recognition of the namesake having a significantly adverse impact on members of our current University community or the community at large?

- Does the manner in which the recognition is currently being displayed provide sufficient historical contextualization so as to advance the University’s educational mission?

It is the intent of the panel that these principles be long-lasting as future honorific opportunities are considered by the University. As such, it is the recommendation that these principles be incorporated into the University’s naming policy. The panel also suggests that one of its current members be included on the Committee on Campus Names going forward. The panel members are steeped in expertise at this point and I am certain that the panel members stand willing to serve the University in that capacity.

**Actions to be Considered**
With respect to the three recognitions currently under consideration by the panel, the following options, as well as any potential combinations thereof, were identified and discussed as potential outcomes:

- **Affirm** – Leave recognition (naming or statue) as is; take no additional action.
- **Add** – Add another recognition (naming or statue) separate from the current one (i.e., commissioning an additional statue or purposefully naming another structure/landmark).
- **Contextualize/Modify** – Change existing recognition based on updated, relevant historical records by altering the content and/or the physicality of the current recognition (i.e., provide context in a plaque, history course, campus tour, etc., or modify by covering or altering structure, or adding names).
- **Rename/Remove** – Discard current recognition (naming or statue).
- **Remove and Relocate** – Remove naming and recognize the individual elsewhere; remove statue and place elsewhere.
- **Remove and retire** – Remove name and retire recognition. Retirement would acknowledge the recognition as positive but also indicate that it may not be relevant in the current environment.

**Recommendations**

**B.K. Roberts Hall**

*The panel recommends that the University administration seek legislative action to legally remove B. K. Roberts’s name from the law school building and alternatively provide some form of contextualized recognition of B.K. Roberts somewhere within the Law School.*

The panel scheduled a two-hour town hall meeting at the College of Law to provide a forum for participation by students, faculty, staff, alumni, members of the community, and anyone else interested in the B.K. Roberts building name. This session was well attended and the panel heard from approximately 17 speakers, the vast majority of whom were current students of the College of Law. It is abundantly clear from both the attendance level and extent of student engagement at the town hall meeting that the B.K. Roberts Building name is an issue of significant and ongoing impact on the law school community. The law school students should be commended for both their engagement and for the civility and professionalism with which they have conducted themselves while discussing this very challenging topic. It was essential to the panel’s work to hear the various perspectives of the law school community, which were varied and well presented.

It is undisputed that former Chief Justice Roberts made significant contributions to the legal system as a whole and was instrumental in the creation of the College of Law. These facts should not go unrecognized. However, the application of the principles stated above led the panel to definitively conclude that the law school community is not well served by continuing the B. K. Roberts name in as prominent and honorific a role as the current building name.
Moreover, the College of Law aspires to instill in its students a strong sense of professionalism and respect for the rule of law and the court system. The College of Law’s core curriculum includes a required course in professional responsivity, and the ethical responsibilities of practicing attorneys is an integral part of the law school curriculum. It cannot be said that violating an order in open defiance of the United States Supreme Court exemplifies this core mission of the College of Law. It is even more significant that years later, the Florida Supreme Court felt compelled to issue a formal apology for Justice Robert’s actions relating to the Virgil Hawkins case, something it has never done before or since then.

Francis Eppes Hall/Francis Eppes Statue

The panel recommends that Francis Eppes’ name be removed from the College of Criminology building and that an educational/historical record of the building having previously been named for Eppes be provided somewhere on campus. The record would include an outline of the panel’s process for reviewing the recognition and the reasoning for our recommendation that Eppes’ name be removed.

The panel recommends that the Francis Eppes Statue be removed and curated in a historically accurate manner and replaced with a more complete and historically accurate recognition of the University’s founders, the participation of slavery in the construction of the University, and the Seminole Tribe or other First Nation people.

In reviewing the historical record relating to Francis Eppes, our research confirmed that he was a prominent citizen, community leader, four-time (intendant) mayor of Tallahassee, and grandson of Thomas Jefferson. Historical records also documented other aspects of Eppes’ life, including his ownership of slaves at both of his Florida plantations and his service as Justice of the Peace in Tallahassee, for which his duties would have included establishing “frontier” law and order for the area and patrols for escaped slaves. Recognizing the vastly different social norms of Eppes’ time, our recommendation was not solely influenced by these previously understood facts alone. Additional information shed a different light on the role Francis Eppes played in the founding of our University and brings into question the justification for his recognition. An accurate representation of the University’s founding became a key determining factor to panel members.

Through the course of our research, we found that Eppes is not credited with, nor does he ever claim responsibility for, establishing the Seminary that evolved into the University we know today. Based on the historical records currently available and presentations regarding said documentation, Eppes worked with a group of leaders in 1836 to petition Congress to create an institution of higher education in the area. He was also part of the group that successfully tried again in 1856, proposing to the Legislature to establish a Seminary West of the Suwanee, offering a building, $10,000 in cash, and an annual endowment. It is also significant to note that when former FSU President Sandy D’Alemberte addressed the panel, he indicated that he had not vetted the information that had been provided to him with regard to Eppes’ proposed recognition. Former President D’Alemberte noted that he should have conducted his own research and agreed that he had inaccurately identified Francis Eppes as the “founder” of FSU. Upon further review and
consideration of the information available to us, it is the Panel’s belief that Eppes should still be recognized, but in a manner that is consistent with an accurate representation of his contributions.

Conclusion

Diversity, respect and inclusion are at the very core of all that we do at Florida State University. With these key values in mind and the aforementioned principles, the panel appreciates the opportunity to weigh in on this important issue as representatives of our campus community.

We recognize the significance of the above recommendations and the consideration that must be given to all related issues. We look forward to supporting you and your leadership team on any next steps.
State Ex Rel. Hawkins v. Board of Control


83 So. 2d 20 (1955)


Supreme Court of Florida. En Banc.

October 19, 1955.

*21 Horace E. Hill, Daytona Beach, and Robert L. Carter, New York City, for relator.


ROBERTS, Justice.

This cause came on for reconsideration in accordance with the mandate of the Supreme Court of the United States entered on May 24, 1954. The history of the case is set forth in State ex rel. Hawkins v. Board of Control of Florida, Fla., 47 So. 2d 608; Id., Fla., 53 So. 2d 116, certiorari denied 342 U.S. 877, 72 S. Ct. 166, 96 L. Ed. 659; Id., Fla., 60 So. 2d 162, certiorari granted 347 U.S. 971, 74 S. Ct. 783, 98 L. Ed. 1112. By and through this litigation, the relator seeks admission to the College of Law of the University of Florida on the basis that it is a tax-supported institution, that he is in all respects qualified, and that his admission has been refused solely because he is a member of the Negro race. His admission was denied by this court and his case dismissed on August 1, 1952, for the reason that there was available to him adequate opportunity for legal education at the Law School of the Florida A. & M. University, an institution supported by the State of Florida for the higher education of Negroes, and that, although the facilities were not identical, they were substantially equal and were sufficient to satisfy his rights under the "separate but equal" doctrine announced by the Supreme Court of the United States in 1896, in Plessy v. Ferguson, 163 U.S. 537, 16 S. Ct. 1138, 1144, 41 L. Ed. 256, and subsequent cases. See State ex rel. Hawkins v. Board of Control, supra, 60 So. 2d 162.

The relator appealed our decision to the Supreme Court of the United States, where it was considered with other comparable appeals there, one of which was Brown v. Board of Education of Topeka. On May 17, 1954, the Supreme Court of the United States handed down its first opinion in the Brown case, reported in 347 U.S. 483, 74 S. Ct. 686, 691, 98 L. Ed. 873, 38 A.L.R.2d 1180, by which it announced the end of *22
segregation in the public schools and rejected the "separate but equal" doctrine established in Plessy v. Ferguson, supra, in the following language:

"In Sweatt v. Painter, supra (339 U.S. 629, 70 S. Ct. 848 [94 L.Ed. 1114]) in finding that a segregated law school for Negroes could not provide them equal educational opportunities, this Court relied in large part on 'those qualities which are incapable of objective measurement but which make for greatness in a law school.' In McLaurin v. Oklahoma State Regents, supra, (339 U.S. 637, 70 S.Ct. 853) the Court, in requiring that a Negro admitted to a white graduate school be treated like all other students, again resorted to intangible considerations: '*** his ability to study, to engage in discussions and exchange views with other students, and, in general, to learn his profession.' Such considerations apply with added force to children in grade and high schools. To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone. *** 'Whatever may have been the extent of psychological knowledge at the time of Plessy v. Ferguson, this finding is amply supported by modern authority. Any language in Plessy v. Ferguson contrary to this finding is rejected. 'We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. This disposition makes unnecessary any discussion whether such segregation also violates the Due Process Clause of the Fourteenth Amendment.'"

On May 24, 1954, the Supreme Court of the United States 347 U.S. 971, 74 S. Ct. 783, 98 L. Ed. 1112 vacated our judgment of August 1, 1952, and directed our reconsideration of the instant case in the light of its opinion of May 17, 1954, in the Brown case, supra, 347 U.S. 483, 74 S. Ct. 686 "and conditions that now prevail." Under order of this court, all pleadings were brought down to date and now pose the single question of whether or not the relator is entitled to be admitted to the University of Florida Law School upon showing that he has met the routine entrance requirements. In its May 17, 1954, opinion in the Brown case, the Supreme Court of the United States reserved jurisdiction for the purpose of making further orders, judgments and decrees and, pursuant to that reservation of jurisdiction, on May 31, 1955, entered a supplemental opinion (reported in 349 U.S. 294, 75 S. Ct. 753, 756, 99 L.Ed. ____ and referred to hereafter as the "implementation decision") in which it said:

"Full implementation of these constitutional principles may require solution of varied local school problems. School authorities have the primary responsibility for elucidating, assessing, and solving these problems; courts will have to consider whether the action of school authorities constitutes good faith implementation of the governing constitutional principles. Because of their proximity to local conditions and the possible need for further hearings, the courts which originally heard these cases can best perform this judicial appraisal. Accordingly, we believe it appropriate to remand the
cases to those courts. "In fashioning and effectuating the decrees, the courts will be
guided by equitable principles. Traditionally, equity has been characterized by a
practical flexibility in shaping its remedies and by a facility for adjusting and reconciling
public and private needs. These cases call for the exercise of these traditional attributes
of equity power. *23 "At stake is the personal interest of the plaintiffs in admission to
public schools as soon as practicable on a non-discriminatory basis. To effectuate this
interest may call for elimination of a variety of obstacles in making the transition to
school systems operated in accordance with the constitutional principles set forth in our
May 17, 1954, decision. Courts of equity may properly take into account the public
interest in the elimination of such obstacles in a systematic and effective manner. But it
should go without saying that the vitality of these constitutional principles cannot be
allowed to yield simply because of disagreement with them. "While giving weight to
these public and private considerations, the courts will require that the defendants make
a prompt and reasonable start toward full compliance with our May 17, 1954, ruling.
Once such a start has been made, the courts may find that additional time is necessary
to carry out the ruling in an effective manner. The burden rests upon the defendants to
establish that such time is necessary in the public interest and is consistent with good
faith compliance at the earliest practicable date. To that end, the courts may consider
problems related to administration, arising from the physical condition of the school
plant, the school transportation system, personnel, revision of school districts and
attendance areas into compact units to achieve a system of determining admission to
the public schools on a non-racial basis, and revision of local laws and regulations
which may be necessary in solving the foregoing problems. They will also consider the
adequacy of any plans the defendants may propose to meet these problems and to
effectuate a transition to a racially nondiscriminatory school system. During this period
of transition, the courts will retain jurisdiction of these cases. "The judgments below,
except that in the Delaware case, are accordingly reversed and remanded to the District
Courts to take such proceedings and enter such orders and decrees consistent with this
opinion as are necessary and proper to admit to public schools on a racially
nondiscriminatory basis with all deliberate speed the parties to these cases. ***

"It is so ordered."

Article VI of the Constitution of the United States provides, among other things, the
following:

"This Constitution, and the Laws of the United States which shall be made in Pursuance
thereof; and all Treaties made, or which shall be made, under the Authority of the
United States, shall be the supreme Law of the Land; and the Judges in every State
shall be bound thereby, any Thing in the Constitution or Laws of any State to the
Contrary notwithstanding." (Emphasis added).

The theory of "separate but equal" facilities under which this state has developed its
educational system since Plessy v. Ferguson, supra, was decided in 1896, has been
abolished by the decision of the Supreme Court in Brown v. Board of Education of
Topeka, supra, 347 U.S. 483, 74 S. Ct. 686; and we deem it to be our inescapable duty
to abide by this decision of the United States Supreme Court interpreting the federal constitution. It therefore follows that the respondents may not lawfully refuse to admit the relator to the University of Florida Law School merely because he is a member of the Negro race and "separate but equal" facilities have been provided for him at a separate law school. Nor can we sustain the contention of respondents that "the adverse psychological effect of segregation on Negro children on which the case of Brown v. Board of Education, supra, rested would have no application to the petitioner who is a college graduate and 48 years of age," which they present in defense of their action in refusing to admit relator to the University of Florida Law School.

The respondents also state, however, as a third defense to such action, that "the admission of 24 of students of the Negro race to the University of Florida, as well as to other institutions of higher learning established for white students only, presents grave and serious problems affecting the welfare of all students and the institutions themselves and will require numerous adjustments and changes at the institutions of higher learning; and respondents cannot satisfactorily make the necessary changes and adjustments until all questions as to time and manner of establishing the new order shall have been decided on the further consideration by the United States Supreme Court * * *"

"This, in my opinion, constitutes a valid defense to issuance of the peremptory writ at this time.

The "implementation decision" of May 31, 1955, quoted at length above, does not impose upon the respondents a clear legal duty to admit the relator to its Law School immediately, or at any particular time in the future; on the contrary, the clear import of this decision and, indeed, its express direction is that the state courts shall apply equitable principles in the determination of the precise time in any given jurisdiction when members of the Negro race shall be admitted to white schools. The Supreme Court of the United States said in that decision that these cases call for the exercise by the courts of the traditional powers of an equity court with particular reference to "its facility for adjusting and reconciling public and private needs," and the "practical flexibility in shaping its remedies." In entering its "implementation decision," it is very likely that the high court had before it, and may well have considered, the decision of this court rendered November 16, 1954, in Board of Public Instruction v. State, Fla., 75 So. 2d 832, 837, in which speaking through Mr. Justice Terrell, we discussed the necessity of gradual desegregation, and, among other things, said:

"School systems are developed on long range planning. Since the Brown case reverses a trend that has been followed for generations certainly there should be a gradual adjustment from the existing segregated system to the non-segregated system. This is the more true in most of the states with segregated school systems because plants and physical facilities have not kept pace with the growth of population, hence they are bursting at the seams from overcrowded conditions. * * * * * * * * * * * When segregation comes in the democratic way it will be under regulations imposed by local authority who will be fair and just to both races in view of the lights before them. If it comes in any other way it will follow the fate of national prohibition and some other 'noble experiments'. If there is anything settled in our democratic theory, it is that there must be
a popular yearning for laws that invade settled concepts before they will be enforced. The U.S. Supreme Court has recognized this."

The respondents have alleged that the admission of Negroes to the institutions of higher learning under their jurisdiction and control "presents grave and serious problems affecting the welfare of all students and the institutions themselves and will require numerous adjustments and changes at the institutions of higher learning; * * *" And, under the express language of the "implementation decision," this court "may properly take into account the public interest in the elimination of such obstacles in a systematic and effective manner." Moreover, the relator has chosen as the vehicle for enforcing his lawful right in this court our extraordinary remedy of mandamus, and it has long been held in this state that the granting of the writ of mandamus "is governed by equitable principles, and that the enforcement of the writ if granted may be modified or postponed in particular circumstances when the carrying it out according to the strict letter of the command would be of no great advantage to the relator but would tend to work a serious public mischief, or result in irreparable injury or embarrassment in the orderly functioning of the government with regard to its financial affairs, unless so restricted." City of Safety Harbor v. State, 1939, 136 *25 Fla. 636, 187 So. 173. See also State ex rel. Carson v. Bateman, 131 Fla. 625, 180 So. 22; State ex rel. Gibson v. City of Lakeland, 126 Fla. 342, 171 So. 227; State ex rel. Bottome v. City of St. Petersburg, 126 Fla. 233, 170 So. 730.

It is our opinion that, both under the equitable principles applicable to mandamus proceedings and the express command of the United States Supreme Court in its "implementation decision" the exercise of a sound judicial discretion requires this court to withhold, for the present, the issuance of a peremptory writ of mandamus in this cause, pending a subsequent determination of law and fact as to the time when the relator should be admitted to the University of Florida Law School; and, to that end and for that purpose, Honorable John A.H. Murphree, Circuit Judge, is hereby appointed as a commissioner of this court to take testimony from the relator and respondents and such witnesses as they may produce, material to the issues alleged in the third defense of the respondents, as follows:

"That the admission of students of the negro race to the University of Florida, as well as to other state institutions of higher learning established for white students only, presents grave and serious problems affecting the welfare of all students and the institutions themselves, and will require numerous adjustments and changes at the institutions of higher learning; and respondents cannot satisfactorily make the necessary changes and adjustments until all questions as to time and manner of establishing the new order shall have been decided on the further consideration thereof by the United States Supreme Court, at which time the necessary adjustments can be made as a part of one over-all pattern for all levels of education as may be finally determined, and thereby greatly decrease the danger of serious conflicts, incidents and disturbances,"

and with directions to file a transcript of such testimony without recommendations or findings of fact to this court within four months from the date hereof; such testimony to
be limited in scope to conditions that may prevail, and that may lawfully be taken into account, in respect to the College of Law of the University of Florida.

We adopt this procedure pursuant to the directive of the "implementation decision" to the effect that we retain jurisdiction "during this period of transition" so that we "may properly take into account the public interest" as well as the "personal interest" of the relator in the elimination of such obstacles as otherwise might impede a systematic and effective transition to the accomplishment of the results ordered by the Supreme Court of the United States. Based upon such evidence as may be offered at the hearing above directed, this court will thereupon determine an effective date for the issuance of a peremptory writ of mandamus.

It is so ordered.

DREW, C.J., and HOBSON and THORNAL, JJ., concur.

TERRELL, J., concurs specially.

THOMAS and SEBRING, JJ., concur in part and dissent in part.

TERRELL, Justice (concurring with ROBERTS, Justice).

I agree with the opinion of Mr. Justice ROBERTS. Were it not for the far-reaching effect of Brown v. Board of Education of Topeka, hereinafter referred to as the Brown Case, I would refrain from expanding my concurrence. The Brown Case, reported in 347 U.S. 483, 74 S. Ct. 686, 98 L. Ed. 873, 38 A.L.R.2d 1180, was decided May 17, 1954. The gist of the court's opinion rejected the doctrine of "separate but equal", pronounced in Plessy v. Ferguson, 163 U.S. 537, 16 S. Ct. 1138, 41 L. Ed. 256, and held that racial segregation in the public schools was discriminatory and unconstitutional and had no place in the field of public education.

*26 The case was restored to the docket for further consideration with reference to formulating a final decree which was promulgated May 31, 1955, reported in 349 U.S. 294, 75 S. Ct. 753, 756, 99 L. Ed. 1083. (Pertinent part of text quoted in opinion of Mr. Justice ROBERTS.) It reiterated the holding of May 17, 1954, but remanded the cause to the Federal Court from which it originated with instruction to consider problems related to administration arising from physical condition of school plant, school transportation system, personnel, revision of school districts, attendance areas, local laws and regulations that may be proposed by school authorities to effectuate a transition to racially nonsegregated schools.

The inferior federal courts, said the Supreme Court, may determine whether or not proposals to implement the decision are sufficient to establish a racially nondiscriminatory school system. In implementing its determination that racial discrimination in the public schools is unconstitutional, the inferior federal courts, sitting as courts of equity, "will be guided by equitable principles *** characterized by a
practicable flexibility in shaping its remedies and by a facility for adjusting and reconciling public and private needs."

This opinion will be directed to a discussion of what I conceive to be the import of the last sentence in the preceding paragraph. It is not a criticism of the Brown Case but a defense of the equities herein pointed out and others that may arise. I trust that it will be of aid to school authorities in working out this vexatious problem. Florida and every state with a segregated school system will be confronted with a host of problems in shifting from a segregated to a nonsegregated school system. Some of these problems will be common but many of them will be different. In requiring the inferior federal courts to be "guided by equitable principles * * * characterized by a practicable flexibility in shaping its remedies and by a facility for adjusting and reconciling public and private needs", what did the Supreme Court mean? The answer to this question is the most important aspect of the decision because it is not only the guide for inferior federal courts to interpret the proposals of local school authorities to comply with the law, but the Department of Education will be expected to follow it in shaping its pattern for a desegregated university and public school system.

The Brown Case throws no light whatever on this point, nor are we enlightened by a study of the facts in that case. It arose in the State of Kansas where less than three percent of its school population is Negro. There is a respectable body of opinion in the country which subscribes to the view that transition from segregated to desegregated schools in states where the Negro population is very small, not exceeding eight or ten percent of the whole population, will be a simple matter. This is true because many of these states have never had a segregated system and those which have had such a system have not been required to incur the heavy burden that the segregated school system requires.

In Florida the ratio of white school population to Negro school population is approximately 79 to 21. In some of the states with segregated schools the ratio of white to Negro school population is approximately 50 to 50. Other segregated states have ratios between these two extremes. In said states, segregation has been the school pattern since the public school system was instituted. Billions of dollars have been expended by them in providing and improving physical school facilities, the preparation of teachers and provision for other equipment to raise the general standard of education. All of this expenditure was based on legislative and judicial assurance that it was proper school policy. Plessy v. Ferguson, supra, and other cases, upholding the doctrine of "separate but equal" facilities for the races heretofore alluded to. Now after generations the same court which decided Plessy v. Ferguson, and after the states with segregated school systems in reliance on it had spent many billions of dollars in providing the latest approved school equipment, has decided that it is unconstitutional and must be discarded. This in the face of the fact that there is no local agitation for the change. It seems to me that these circumstances *27 suggest equity enough to stay desegregation until the schools provided in reliance on the doctrine of Plessy v. Ferguson have ceased to be adequate and must be replaced by others to meet the new requirement.
There is an intangible aspect to the integrated school question that speaks louder for equity than the one discussed in the preceding paragraph. It has to do with the diverse moral, cultural and I.Q. or preparation response of the white and Negro races. It may also be said to embrace the economy of the Negro teachers. Account of the differential these factors present, it is a matter of common knowledge that whites and Negroes in mass are totally unprepared in mind and attitude for change to nonsegregated schools. The degree of one's culture and manners may resolve these differentials, but they will not resolve under the impact of court decrees or statutes. Closing cultural gaps is a long and tedious process and is not one for court decrees or legislative acts. I content myself with merely calling attention to this aspect of the segregation question. The confusion, frustration and disaster that will result from failure to take it into account can best be presented to the federal courts and adjudicated by them when a concrete case arises making it necessary to invoke "equitable principles characterized by practicable flexibility." There is no known yardstick to measure the equity that this observation may provoke. Innate deficiencies in self-restraint and cultural acuteness always engender stresses, especially when they are infected with a racial element that is difficult to control.

Since the effect of desegregation on Florida is of primary concern at the present, it would be impressive to consider a concrete example at close range. The ratio of white to Negro population in Leon County is 60 to 40. Most of the Negroes are residents of the section known as "Frenchtown" and the area near "Bond School." In fact Lincoln High and Bond School are located to accommodate these communities. Leon High, Sealey, Kate Sullivan and others are located to accommodate white children in the communities surrounding them. The whites and the Negroes in other words voluntarily segregate themselves by community. Leon County has millions of dollars invested in school plants and school facilities all of which are crowded. This is the rule in Florida and in other areas in states where segregation is the rule. If "equitable principles characterized by practicable flexibility" is to be the rule, can desegregation mean that the public school program of Leon County is to be scrapped and another instituted at the cost of millions to the taxpayers so that Negro and white children can attend the same school. Reduced to the language of the street, "equity" or "equitable principles" is nothing more than a polite name for the plowboys' concept of justice.

In the western part of the City of Tallahassee, Florida State University with approximately 7,000 white students is located and in the southwestern part of the city, about one mile away, Florida A. & M. University with approximately 3,000 colored students is located. The state has many millions of dollars invested in buildings and equipment to administer these institutions, both of which are crowded. If "equitable principles characterized by practicable flexibility" is to be the guide, does desegregation mean that attendance at these institutions is to be scrambled and one of them abandoned and the other enlarged at great expense in order that white and Negroes may attend the new school? A negative answer to this question would appear to be evident.
I might venture to point out in this connection that segregation is not a new philosophy generated by the states that practice it. It is and has always been the unvarying law of the animal kingdom. The dove and the quail, the turkey and the turkey buzzard, the chicken and the guinea, it matters not where they are found, are segregated; place the horse, the cow, the sheep, the goat and the pig in the same pasture and they instinctively segregate; the fish in the sea segregate into "schools" of their kind; when the goose and duck arise from the Canadian marshes and take off for the Gulf of Mexico and other points in the south, they are *28 always found segregated; and when God created man, he allotted each race to his own continent according to color, Europe to the white man, Asia to the yellow man, Africa to the black man, and America to the red man, but we are now advised that God's plan was in error and must be reversed despite the fact that gregariousness has been the law of the various species of the animal kingdom.

In a democracy, law, whether by statute, regulation or judge made, does not precede, but always follows a felt necessity or public demand for it. In fact when it derives from any other source, it is difficult and often impossible to enforce. The genius of the people is as resourceful in devising means to evade a law they are not in sympathy with as they are to enforce one they approve. The early patriots turned Boston harbor into a teapot one night because they did not like the tax on tea. President Jackson is said to have once defied the order of the Supreme Court and challenged them to enforce it. He did not subtract from his fame or his integrity in doing so. Our country went to war to overthrow the Dred Scott decision and prohibition petered out, was made a campaign issue and was repealed because sympathy for it was so indifferent that it could not be enforced.

States with segregated schools have them from a deep-seated conviction. They are as loyal to that conviction as they are to any other philosophy to which they are devoted. They are as honest and law-abiding as the people of any state where desegregation is the rule. Convinced as they are of the justice of their position, they will not readily renounce it if they are required to forfeit abruptly their conviction and their investment, are not convinced that their position is wrong or are required to adopt a system not shown them to be an improvement over the one they are required to forfeit.

If "equitable principles characterized by practicable flexibility" is to be the polestar to guide the courts and school authorities in the solution of this question, I think the potential sources of equity pointed out herein are so impelling that desegregation in the public schools must come by sane and sensible application of the equities pointed out herein, including others that will arise, to the facts of the particular case. I think the local school authorities have the character, integrity and the good judgment required to do this. The Supreme Court used the Brown case as the criterion to evolve the decree that we are confronted with, the circumstances out of which it arose are so different from those which precipitated the case at bar that I do not think it (Brown Case) rules the instant case. It is true that cases from South Carolina, Virginia and the District of Columbia were before the court and were considered with the Brown Case but the latter
appears to have been the basis of decision. Desegregation in the public schools will be much more difficult than desegregation in the institutions of higher learning.

In the case at bar relator seeks entry to the law school, comparable to the graduate school of the University of Florida. I think when required showing is made his case will be ultimately controlled by Sweatt v. Painter, 339 U.S. 629, 70 S. Ct. 848, 94 L. Ed. 1114; McLaurin v. Oklahoma State Regents, 339 U.S. 637, 70 S. Ct. 851, 94 L. Ed. 1149; Sipuel v. Board of Regents, 322 U.S. 631, 68 S. Ct. 299, 92 L. Ed. 247; Lucy v. Adams, 76 S. Ct. 33, and similar cases, but I think the pleadings here raise questions or equities that should be resolved by evidence. The opinion of Mr. Justice ROBERTS provides the orthodox method to explore these equities for which I feel impelled to concur.

It is so ordered.

SEBRING, Justice (concurring in part and dissenting in part).

This cause is now before the Court for a reconsideration of the issues, pursuant to the mandate of the Supreme Court of the United States entered May 24, 1954.


The cause was initiated by the relator, Hawkins, when he filed a petition for an original writ of mandamus to require the Board of Control of Florida to admit him as a student to the College of Law of the University of Florida, a tax-supported institution maintained for white persons only. In his petition Hawkins averred that he possessed all the educational and moral requirements and qualifications necessary for admission to the College but that the Board had refused to admit him solely because he was a Negro.

In a return filed to an alternative writ issued in the cause the respondents admitted that they had refused to admit Hawkins to the College of Law of the University of Florida but that they had offered to admit him to the College of Law of the Florida A. & M. University, a tax-supported institution established and maintained for Negro students only, and that at the latter institution he would be afforded opportunities and facilities for study that were substantially equal to those afforded white students at the University of Florida.

After the return had been filed, the respondent filed a motion for the entry of a peremptory writ the return notwithstanding on the ground that the return showed affirmatively that the relator was entitled to the relief for which he had prayed. The motion was denied, and the cause was dismissed on August 1, 1952, for the reason that although the facilities offered members of the white and Negro races to obtain an education were not identical they were substantially equal and this satisfied the
requirements of the Fourteenth Amendment to the Federal Constitution, under the
principle enunciated in Plessy v. Ferguson, 163 U.S. 537, 16 S. Ct. 1138, 41 L. Ed. 256,
and kindred cases.

After the judgment had been entered the relator filed a petition in the Supreme Court of
the United States for a writ of certiorari to review the judgment. On May 24, 1954, that
court granted the petition for certiorari, vacated our judgment, and remanded the cause
to this Court with directions that the cause be reconsidered "in the light of
the Segregation Cases decided May 17, 1954, Brown v. Board of Education, etc., and
conditions that now prevail * * * in order that such proceedings may be had in the said
cause, in conformity with the judgment and decree of this [United States Supreme]
Court above stated, as, according to right and justice, and the Constitution and laws of
the United States, ought to be had therein. * * *" State ex rel. Hawkins v. Board of
Control, 347 U.S. 971, 74 S. Ct. 783, 98 L. Ed. 1112.

Pursuant to the mandate of the Supreme Court of the United States, this Court, on July
31, 1954, entered an order directing the relator to amend his original petition in
mandamus "so as to place before this Court the issues raised by the original petition "in
the light of the Segregation Cases decided May 17, 1954, Brown v. Board of Education,
etc., and conditions that now prevail," and directing the respondents "to amend their
return so as to present to this Court any answer they may have to said amended
petition which will enable this Court to carry out the mandate of the Supreme Court of
the United States."

Thereafter, the relator filed an amended petition in which he averred, in substance, that
he possessed all the educational and moral qualifications necessary for admission to
the College of Law of the University of Florida; that he had an A.B. degree from Lincoln
University, Pennsylvania; that he had duly applied for admission to said College of Law
but had been refused admission "solely because of certain provisions of the Constitution
and Statutes of the State of Florida which deny the right of your petitioner admission to
the said University solely because of * * * petitioner's race and color, thus denying * * *
petitioner the equal protection of laws solely on the ground of his race and color,
contrary to the Constitution of the United States * * * that in addition to the College of
Law of the University of Florida, the board of Control by legislative authority and from
public funds has established, supported and maintained the Florida Agricultural and
Mechanical *30 College of law specifically for Negroes only;" that the Board has
"refused to admit your petitioner to the University of Florida solely because of race and
color but have offered admittance to the Florida Agricultural and Mechanical College of
Law on the basis of his race and color. That the arbitrary and illegal refusal and offer of
admittance to the respective colleges by the respondents are in violation of the equal
protection of the laws guaranteed by the Constitution of the State of Florida and of the
United States in light of the decision handed down on May 17, 1954 by the Supreme
Court of the United States in Brown v. Board of Education. That the separate
educational facilities hereinbefore alleged are inherently unequal. That by virtue of the
segregation complained herein your petitioner has been deprived of the equal protection
of the laws guaranteed under and by virtue of the 14th amend [sic] of the Constitution."
In due course the respondents filed an amended return to the amended petition admitting all of the material allegations of the return, except that they denied that the separate educational facilities which respondent had been offered were unequal, and denied that the segregation complained of deprived the relator of the equal protection of the law guaranteed to him by the Fourteenth Amendment to the Constitution of the United States.

The cause is now before this Court for final decision on the amended petition, the amended return, and the motion of the relator for a judgment in his favor the allegations of the amended return to the contrary notwithstanding.

Brown v. Board of Education of Topeka, 347 U.S. 483, 74 S. Ct. 686, 691, 98 L. Ed. 873, 38 A.L.R.2d 1180, which we have been directed by the Supreme Court of the United States to consider in our determination of the right of the relator to the relief prayed, was decided on May 17, 1954, some nine months after the judgment of dismissal was entered by this Court in the case at bar. It was a suit brought by a Negro to gain admission to a public school maintained exclusively for white children and involved the question as to whether or not the "segregation of children in the public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal educational opportunities." Except for the fact that the school facilities involved were maintained for grade and high school students, and not for college students, the essential facts in the Brown case are identical with those presented by the amended petition of the relator.

In arriving at its conclusion that the facilities maintained by the Board of Education of the City of Topeka did not afford to the children of that city the equal educational opportunities which the Federal Constitution requires, the Supreme Court of the United States had this to say:

"In Sweatt v. Painter [339 U.S. 629, 70 S. Ct. 848, 94 L. Ed. 1114], [this Court] in finding that a segregated law school for Negroes could not provide them equal educational opportunities *** relied in large part on 'those qualities which are incapable of objective measurement but which make for greatness in a law school.' In McLaurin v. Oklahoma State Regents, (339 U.S. 637, 70 S. Ct. 853 [94 L. Ed. 1149]), *** the Court, in requiring that a Negro admitted to a white graduate school be treated like all other students, again resorted to intangible considerations: '*** his ability to study, to engage in discussions and exchange views with other students, and, in general, to learn his profession.' Such considerations apply with added force to children in grade and high schools. To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone. ***

"Whatever may have been the extent of psychological knowledge at the time of Plessy v. Ferguson [163 U.S. 537, 16 S. Ct. 1138, 41 L. Ed. 256], this finding is amply
supported by modern authority. Any language *31 in Plessy v. Ferguson contrary to this finding is rejected. (Emphasis supplied.)

"We conclude that in the field of public education the doctrine of `separate but equal' has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. ** **"

As we have noted, this Court, in reaching its conclusion in the case at bar, that the facilities offered by the State of Florida to the relator Hawkins afforded him the equal educational opportunities guaranteed by the Federal Constitution, relied heavily, if not entirely, upon the principle stated in Plessy v. Ferguson, supra, respecting the effect of the Fourteenth Amendment upon state laws and regulations requiring segregation of races in state supported institutions: "The object of the [Fourteenth] amendment was undoubtedly to enforce the absolute equality of the two races before the law, but, in the nature of things, it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political, equality, or a commingling of the two races upon terms unsatisfactory to either. Laws permitting, and even requiring, their separation, in places where they are liable to be brought into contact, do not necessarily imply the inferiority of either race to the other, and have been generally, if not universally, recognized as within the competency of the state legislatures in the exercise of their police power. The most common instance of this is connected with the establishment of separate schools for white and colored children, which have been held to be a valid exercise of the legislative power even by courts of states where the political rights of the colored race have been longest and most earnestly enforced. ** ** The distinction between laws interfering with the political equality of the Negro and those requiring the separation of the two races in schools ** ** has been frequently drawn by this court." [163 U.S. 537, 16 S. Ct. 1140.]

But now that the Supreme Court of the United States had expressly repudiated the long-standing principle established in Plessy v. Ferguson, supra, so far as it relates to public education, the only Federal judicial guide that we have as to what the States must do in order to provide "equal educational opportunities" to its citizens, within the purview of the Fourteenth Amendment to the Federal Constitution, is that laid down in Brown v. Board of Education, supra, which expressly holds "that in the field of public education the doctrine of `separate but equal' has no place."

That it is our judicial duty to give effect to this new pronouncement cannot be seriously questioned. For the Federal Constitution, which all Florida judges have taken a solemn oath to "support, protect and defend", Article XVI, Section 2, Constitution of Florida, F.S.A., specifically provides that "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof ** ** shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." Article VI, Constitution of the United States. (Emphasis supplied.) Therefore, whatever may be our personal views and
desires in respect to the matter, we have the binding obligation imposed by our oath of office, to apply to the issue at hand the Federal Constitution, as presently interpreted by the Supreme Court of the United States, and in its application to recognize and give force and effect to this new principle enunciated in Brown v. Board of Education, supra, that the doctrine of "separate but equal" facilities, upon which the original decision of this Court was based, and upon which the respondents now bottom their defense to the amended petition of the relator, has no place in the field of public education in Florida, even though our own Constitution and statutes contain provisions that require in our schools the separation of the races.

While it might be suggested that the principle enunciated in Brown v. Board of Education, supra, is not binding upon us, under *32 the facts of the case at bar, because the cause in which the principle was stated involved grade and high schools and not institutions of higher learning, we think that a close analysis of the opinion in the Brown case, and of the decisions upon which the court bottomed its conclusion, make it plain that the principle was meant to apply to public schools at all levels. For, as is specifically pointed out in the Brown case, the court, in reaching its conclusion that the doctrine of separate but equal facilities has no place in the field of public education, relied on its earlier case of Sweatt v. Painter, 339 U.S. 629, 70 S. Ct. 848, 94 L. Ed. 1114, which involved the right of a Negro to attend the law school of the University of Texas, an institution maintained under the Constitution of Texas for white persons only. It also relied on, and brought forward into the Brown opinion, what it had said, in effect, in McLaurin v. Oklahoma State Regents, 339 U.S. 637, 70 S. Ct. 851, 853, 94 L. Ed. 1149, that a Negro student, whom the court had required the State of Oklahoma to admit to a graduate school maintained by the State for white persons only, must be accorded the same treatment as a white student that the furnishing of equal educational opportunities to a Negro student at any educational level involved something more than equal physical facilities, and required that he be afforded the full opportunity, without discrimination to mingle freely with white students so that he could exchange views and engage in full discussion with them "and, in general ** learn his profession."

It is clear from these citations, and from the action of the Court in respect to our own judgment of dismissal in the instant case, that the new doctrine formulated in Brown v. Board of Education, supra, to the effect that in order for educational opportunities to be equal they must also be identical, was meant to apply to tax-supported schools at every level; because under the order that was entered by the Court in the case at bar, the judgment of this Court, which was based upon the doctrine of "separate but equal" was vacated and set aside, with directions that the cause be reconsidered in the light of the Segregation Cases, Brown v. Board of Education, decided May 17, 1954, 74 S. Ct. 686, "in order that such proceedings may be had *** in conformity with the [said order] *** as, according to * * * the Constitution and laws of the United States, ought to be had therein. ** **" (Emphasis supplied).

In considering, from this point of view, the case presently before us, it should be noted that in its opinion in the Brown case, decided May 17, 1954, the Supreme Court of the United States expressly retained jurisdiction of the cause and the parties, in order to
have "the full assistance of the parties in formulating decrees"; and that on May 31, 1955, after extensive argument by the parties and amici curiae, a final opinion and judgment was entered in the case. Brown v. Board of Education of Topeka, and companion cases, 349 U.S. 294, 75 S. Ct. 753, 99 L. Ed. 1083. While it is elementary that the opinion and judgment dated May 31, 1955, is binding only upon the parties that were actually involved in the cases in which it was entered, it cannot be doubted that in the rendition of its opinion and judgment the court laid down certain principles and rules which we must follow in the instant case in determining the nature of the relief that should be afforded the relator:

"The opinions of [May 17, 1954] declaring the fundamental principle that racial discrimination in public education is unconstitutional, are incorporated herein by reference. All provisions of federal, state, or local law requiring or permitting such discrimination must yield to this principle. *** Full implementation of these constitutional principles may require solution of varied local school problems. School authorities have the primary responsibility for elucidating, assessing, and solving these problems; courts will have to consider whether the action of school authorities constitutes good faith implementation of the governing constitutional principles. *** At stake is the personal interest of the plaintiffs in admission to public schools as soon as practicable on a nondiscriminatory basis. To effectuate this interest may call **33 for elimination of a variety of obstacles in making the transition to school systems operated in accordance with the constitutional principles set forth in our May 17, 1954, decision. Courts of equity may properly take into account the public interest in the elimination of such obstacles in a systematic and effective manner. But it should go without saying that the vitality of these constitutional principles cannot be allowed to yield simply because of disagreements with them. ***

When these principles and rules are applied to the facts revealed by the pleadings in the instant case, it is clear that no lawful reason has been shown by the respondents as to why the relator should not be admitted to the College of Law of the University of Florida on the same basis as any white student. As we have heretofore stated, the fact, averred in the amended return of the respondent, that the State of Florida maintains a Law College exclusively for Negroes at the Florida Agricultural and Mechanical University to which the relator has been offered admittance, fails to present, under Brown v. Board of Education, a valid defense to the action. The second defense presented by the respondents, that the relator is now more than 48 years of age and, consequently, "the adverse psychological effect of segregation on Negro children on which the case of Brown v. Board of Education, supra, rested would have no application to the petitioner who is a college graduate and 48 years of age," does not, in our opinion, present a valid defense to the action.

The third defense presented by the respondents is that "the admission of students of the Negro race to the University of Florida, as well as to other institutions of higher learning established for white students only, presents grave and serious problems affecting the welfare of all students and the institutions themselves and will require numerous adjustments and changes at the institutions of higher learning; and respondents cannot
satisfactorily make the necessary changes and adjustments until all questions as to time and manner of establishing the new order shall have been decided on the further consideration by the United States Supreme Court. ** * 

In respect to this defense, it must be noted that on May 31, 1955, which was more than six months after the respondents had filed their amended return, the Supreme Court of the United States rendered its opinion and judgment "establishing the new order" to which the respondents refer in their amended return. And in the establishment of the "new order" it specifically stated that "at stake is the personal interest of the plaintiffs in admission to public schools as soon as practicable on a nondiscriminatory basis;" and that the effectuation of this interest "may call for elimination of a variety of obstacles in making the transition to school systems operated in accordance with the Constitutional principles set forth in [the] May 17, 1954, decision." It also said that while the courts "may properly take into account the public interest in the elimination of such obstacles in a systematic and effective manner. ** * The vitality of these constitutional principles cannot be allowed to yield simply because of disagreements with them. ** *

Undoubtedly certain adjustments will have to be made by the respondents to accommodate the desires of the relator to attend the College of Law of the University of Florida. But it is impossible for us to believe, when we confine, as we must, our consideration of the issues to the case made by the pleadings, that these adjustments will be of such a major nature that the constitutional right of the relator to attend the school of his choice should be denied at this time simply because of the inconveniences that may be suffered by the respondents in eliminating the administrative obstacles that now prevent his attendance.

I am of the opinion, therefore, that the amended return of the respondents fails to present any valid defense to the allegations of the amended petition and that consequently a peremptory writ in favor of the relator should be issued commanding the respondents to consider the application of the relator for admission to the College of Law of the University of Florida on precisely the same basis that the respondents would consider the application of a white person, and that if, upon this basis, the relator is found to have the necessary qualifications for admission, he should be admitted to the College of Law of the University of Florida under the same rules and regulations, and upon the same conditions, that a white person would be admitted.

THOMAS, Justice.

In view of the decision of the Supreme Court of the United States cited in the mandate of that court issued in this case, I think this court has no alternative but to grant the motion for a peremptory writ notwithstanding the answer so I concur in the conclusion of SEBRING, J., that such should be the disposition of this controversy now.
Senate proposal would repeal law that led to FSU Law building being named for B.K. Roberts

Byron Dobson, Tallahassee Democrat Published 12:26 p.m. ET Jan. 21, 2020 | Updated 4:15 p.m. ET Jan. 21, 2020

B.K. Roberts Hall at Florida State University in Tallahassee, Florida, 1986. (Photo: State Archives of Florida (Florida Memory))

A legislative panel on Tuesday unanimously cleared legislation to repeal a state law allowing for the main academic building at the Florida State University College of Law to be named for former Florida Supreme Court Justice B.K. Roberts.

The Senate Governmental Oversight and Accountability Committee OK'd the measure (SB 7042) with no debate on a 4-0 vote.

Late last week, the proposal was filed to give the State University System’s Board of Governors authority to come up with guidelines on the naming or renaming of state university facilities, or give that authority to individual university Board of Trustees and presidents.
It also would repeal a 1973 law involving FSU's College of Law.

Roberts, who also was the state's chief justice, was an avowed segregationist who used his position to thwart the efforts of African American student Virgil Hawkins to gain admittance to the University of Florida's law school.

“Florida State University is supportive of the proposed legislation,” said Kathleen Daly, FSU’s associate vice president for university relations. “We’re grateful the Legislature has been receptive to allowing the Board of Governors and the state’s public universities to have the responsibility for naming campus buildings.”

Sen. Bill Montford, D-Tallahassee, said the new legislation has been in the works for several weeks.

“I’m hoping to put this to bed this year and give FSU the authority to make the decision they think is best,” said Montford, who is serving his last session.

“The intent of this is to give authority to the local universities and the Board of Governors,” he added. “This, in effect, will allow FSU to take the action they feel is appropriate.”
Then-state Sen. John Thrasher, left, confers with Bill Montford on the floor of the Senate in this 2013 file photo. Thrasher now is FSU's president. *(Photo: Tallahassee Democrat files)*

The legislation closely mirrors a similar committee bill filed at the beginning of last year's session. It passed through Senate committees and was approved by a 34-1 Senate vote.

It wasn't taken up by the House, however, where no companion bill had been filed. The path for this year's Senate bill — that is, which committees will next hear it — wasn't immediately clear, but a companion bill is expected to be introduced this session in the House.

In July 2018, FSU President John Thrasher agreed to recommendations from the 15-member President's Advisory Panel on University Namings and Recognitions, created to examine campus names and markers.

Thrasher appointed the panel in September 2017 in the wake of violent protests over a Confederate statue in Charlottesville, Virginia.

The controversial Frances Eppes statue was installed in the Mina Jo Powell Green at Florida State University Sunday. The statue was removed last July after it was found that Eppes owned slaves. *(Photo: Tori Schneider/Tallahassee Democrat)*

Following extensive public hearings, the panel recommended removing Roberts' name from the College of Law, as well as removing a statue of Francis Eppes from its prominent location near the campus' Westcott building.
Naming the main academic building at the College of Law after Roberts Hall was approved in 1973, for his work in bringing a law school to FSU. The action was taken after lobbying by the college’s founding dean, Mason Ladd.

More: Thrasher: FSU will try again next year to remove B.K. Roberts' name from law school

More: Senate passes bill that would allow FSU to remove B.K. Roberts name from College of Law building

More: Senate committee OKs bill that lets FSU strike B.K. Roberts name from College of Law

The university removed the Eppes statue from near the Westcott Building in July 2018 and placed it in storage until May 2019, when it was relocated to the nearby Mina Jo Powell Green.

The advisory panel agreed the statue should be removed after research discovered Eppes was a slave owner and sided with the Confederacy during the Civil War.

The advisory panel also learned Eppes was not the founder of FSU and determined such recognition did not fit the values of the university’s mission of diversity and inclusion.