



FLORIDA STATE UNIVERSITY

BOARD OF TRUSTEES

*Student Affairs Committee*



# FLORIDA STATE UNIVERSITY

## BOARD OF TRUSTEES

### *Student Affairs Committee*

---

#### MEETING AGENDA

Thursday, September 7, 2023

12:30 – 1:45 pm

Augustus B. Turnbull Conference Center  
555 W Pensacola St, Tallahassee, FL 32306  
Room 214

*The agenda will be followed in subsequent order and items may be heard earlier than the scheduled time.*

**I. Call to Order and Welcome**

*Trustee Drew Weatherford, Chair*

**II. Approval of Minutes**

*June 15, 2023, meeting minutes*

**III. Student Affairs Update**

*Dr. Amy Hecht, Vice President for Student Affairs*

- a. Fall Opening
- b. Career Center
- c. Campus Recreation Boutique Fitness Update
- d. On-Campus Housing Update
- e. Fraternity and Sorority Life
  - Piazza Center Review
  - Future Plans

**IV. Action Items: Regulation Updates**

*Angela Chong J.D., Associate Vice President for Student Affairs and Dean of Students*

**Action Item I: Request for Approval:** Student Conduct Code Regulation 3.004

**Action Item II: Request for Approval:** Student Organization Conduct Code Regulation 3.0041

**Action Item III: Request for Approval:** Involuntary Medical Withdrawal Regulation 3.0045

**V. Open Forum for Trustees**

**VI. Adjournment**



FLORIDA STATE UNIVERSITY  
BOARD OF TRUSTEES  
*Student Affairs Committee*

# MEETING MINUTES

## June 15, 2023



# FLORIDA STATE UNIVERSITY

## BOARD OF TRUSTEES *Student Affairs Committee*

---

### MEETING MINUTES (DRAFT)

Thursday, June 15, 2023

8:00 a.m. – 9:00 a.m.

Virtual Meeting via Zoom

**Attended via Zoom:** Drew Weatherford (committee chair), Vivian de las Cuevas-Diaz (committee), Jack Hitchcock (committee), Deborah Sargeant (committee), BOT Chair Peter Collins, BOT Vice-Chair Bob Sasser, Kathryn Ballard, Bridgett Birmingham, Jim Henderson, Justin Roth.

**Trustees Absent:** Max Alvarez, Jorge Gonzalez, John Thiel.

**Staff:** Richard McCullough, President; Amy Hecht, Vice President for Student Affairs; Angela Chong, Associate Vice President, Student Affairs; and other university staff.

#### **I. Call to Order and Welcome**

Chairman Weatherford called the meeting to order at 8:03 AM.  
Welcomed the newest Trustee on the committee, Jack Hitchcock.

#### **II. Approval of Minutes from February 20, 2023**

*Trustee de las Cuevas-Diaz moved to approve the committee meeting minutes from February 20, 2023. Trustee Sargeant seconded the motion, and the minutes were approved unanimously by all committee members present on the call.*

#### **III. Student Affairs Update, Dr. Amy Hecht, Vice President for Student Affairs**

##### **a. Reimagining Career Services**

- i. We have reclassified the Director position to Assistant Vice President for Career Services and are working on finding a firm to assist us in this job search. We

currently have an RFP out to hire a marketing firm to help overhaul the structure of the center. This will allow us to better organize our career center and the programs they offer. We are also hiring a Data Analyst, who will help us determine where our students are after they graduate, and what their career trajectories are. This information will be used to assist our alumni engagement and advancement opportunities. We also aim to combine this data with the data collected by individual colleges, to create a dashboard that will allow for early intervention of college students to help steer them toward success post-graduation. We have also launched Industry Travel for staff in the Career Center to meet with companies across the state to gain a better understanding of what each industry is currently facing, while also promoting our students and their efforts.

b. Fraternity and Sorority Life

- i. Our Fraternity and Sorority Life has worked hard in the last five years to improve the community and annually we look at this accountability matrix. We keep track of membership in each council, conduct, advisor support, recruitment, service hours, and academics, as well as other metrics. Chairman Collins asked what the capacity of the communities is, specifically Panhellenic, where 64.1% of participants were placed in the community after recruitment. Panhellenic recruitment utilizes a mutual selection process, so we have spots available across the community for everyone who participates, but they might not have received a spot they wanted and released from the process. If this number continues to trend down, we will look at opportunities to expand the community, such as bringing another chapter to campus. Chairman Weatherford asked if we have similar data on a national level. The board discussed the Piazza Center scorecard and the

benefits of joining a different matrix. Trustee Sargeant raised the concern if these membership numbers were just freshman in the fall semester. This data is for the entire year, and we have students who join as sophomores, juniors, and seniors. We also track the number of students who participate in leadership and development trainings, as well as hazing and prevention education.

c. Other Notable Accomplishments

- i. This was the first year for Build Your Foundation HB1261. 99% of the students enrolled in the program completed the module. We also implemented HB1507 and awarded the Fundamentals of Written Communication Badge to 6,902 students.
- ii. Highlighted our amazing Sports Clubs at Florida State University and their National Championship Results. These clubs provide a way for our students to stay involved with sports they may have played varsity for in high school and are entirely student run.
- iii. UHS providers served 17,021 unique students for a total of 32,505 in the fall and spring. We also provided 180 Narcan doses to the campus for potential later use, along with 7 training events.
- iv. Our LIFT Recovery Community is thriving. They've received over \$125,000 in support from donors and hosted over 100 people at the premiere of our Safety Net documentary in March of this year. The community has reached over 1,000 unique student engagements, with over 64 active events and programs, and currently has 45 active members.
- v. Our Center for Leadership and Service helps students register to vote and was recognized with the highest possible distinction from ALL IN Democracy Challenge as a Highly Established Voting Campus for 2022. The Center also

hosted two Alternative Spring Breaks. One in Boone, NC, on a sustainable farm, and the other in Naples, FL, for Hurricane Ian relief.

- vi. Florida State University celebrated 25 years of Living Learning Communities known as LLCs. 10 LLCs were offered last year, totaling 527 students. Our first-generation college student LLC opened last August, titled FGen Noles. We are also working to open a Film LLC and Business LLC, planned to launch in Fall 2024.
- vii. Childcare received a grant for \$1,353,400 per year for four years to provide no-cost childcare to FSU students, faculty and staff. The capacity is determined by the state, and we prioritize students. We have not turned away a student from this service, but there is a waitlist for our faculty and staff.

d. Future Project Updates

- i. Housing Expansion - our Scion Consultants report is in progress, due to us in the beginning of July. Following the report will be an RFP for an architect, scheduled for October of this year.
- ii. Campus Recreation- there is an RFP in progress for ALW and Sasaki to revise our strategic facility plan. The process has started with hiring an additional consultant for the boutique fitness project and to assist in refining the business proposal. Funds have been confirmed to off-set the \$1.3m shortfall due to increased minimum wage. The committee will continue to discuss the budget issues and campus recreation projects in order to best enhance the student experience. Chairman Collins would also like the Finance and Business Committee to assist VP Kyle Clark and President McCullough with these projects, alongside Trustee Hitchcock and the student population.

- iii. E-Sports- We have identified space for a centrally located E-Sports program near our current gaming area in Askew. We are working with ITS and E-Sports RSOs to implement, also working with facilities to determine if a minor renovation to the space is necessary. We expect to launch this program in Fall 2023.

**IV. Open Forum for Board of Trustees**

**V. Adjournment**

*Trustee Sargeant moved to adjourn the meeting. Trustee Hitchcock seconded the motion, and the meeting was adjourned at 9:04 am.*





FLORIDA STATE UNIVERSITY  
BOARD OF TRUSTEES  
*Student Affairs Committee*

# ACTION ITEM I



FLORIDA STATE UNIVERSITY  
DIVISION OF STUDENT AFFAIRS

**MEMORANDUM**

**TO:** Richard McCullough, President

**FROM:** Amy Hecht  
Vice President for Student Affairs

**DATE:** August 21, 2023

**SUBJECT:** Approval of Student Conduct Regulations Amendments

**FSU-3.004 Student Conduct Code**  
**FSU-3.0041 Student Organization Conduct Code**

These amendments bring the Regulations in closer conformance with current Office of Civil Rights advice and also clarify the provisions based on experience and changes since the last revisions.

**1. FSU-3.004 Student Conduct Code**

**Summary**

The following are significant changes to the Student Conduct Code, please refer to text for exact detail:

- \* Clarifies definition of admitted student to include online student
- \* Expands amnesty provisions to include sexual misconduct cases
- \* Exclude legitimate athletic contests from the definition of hazing and defines circumstances not considered defenses to hazing
- \* Revision of offenses for on-campus possession or use of firearms, destructive devices, or other weapons consistent with current law
- \* Includes trespass within offense of unlawful entry
- \* Includes unlawful entry into opposite sex restroom as a property offense



FLORIDA STATE UNIVERSITY  
DIVISION OF STUDENT AFFAIRS

- \* Sets deadline for review of reconsideration of interim action and allows the scheduling of a review meeting
- \* Includes “mind altering drugs” within scope of offense related to “Alcohol, Controlled Substances, and Illegal Drugs”
- \* Includes student representation in periodic review of Code

## **2. FSU-3.0041 Student Organization Conduct**

### **Summary**

- \* Applicable changes parallel to Student Conduct Code as above

I recommend the Board approve these amendments.

Approved for Agenda

\_\_\_\_\_  
President



**Florida State University**  
**Student Conduct Code**  
**3.004**

## Table of Contents

I. Definitions.....	4
II. Authority .....	9
III. Scope.....	10
IV. Amnesty.....	11
V. Violations.....	12
A. Sex Discrimination and Sexual Misconduct .....	12
B. Endangerment.....	16
C. Harassment.....	17
D. Invasion of Privacy.....	17
E. Hazing .....	17
F. Weapons and Dangerous Substances .....	18
G. Fire and Safety .....	19
H. Alcohol, Tobacco, Controlled Substances, and Illegal Drugs.....	20
I. Disruption and Obstruction .....	21
J. Falsification and Misrepresentation .....	22
K. Property .....	22
L. Computers .....	22
M. Gambling.....	23
N. Other Violations .....	23
O. Title IX Compliance Policy.....	23
VI. Procedural Standards .....	25
A. Advisors .....	25
B. Reports .....	26
C. Review and Investigation .....	26
D. Notice of Alleged Violation(s).....	29
E. Information Session.....	30
F. Resolutions.....	30
G. Outcomes.....	39
H. Appeal Procedures.....	41
I. Record Keeping Practices .....	44
J. Amendments.....	45

## 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. The University supports the principles of free speech and civil discourse outlined in the Board of Governors' "Statement of Free Expression" ("Statement of Free Expression", Florida Board of Governors, 2019). 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.

## I. 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 Compliance Policy) are defined in Appendix D of 2-2: Definitions and accessible at <https://regulations.fsu.edu/policies/office-president>

- A. **Advisor** - Any one person, who may also be an advocate or legal representative, chosen by a respondent, complainant, or witness to provide guidance throughout the student conduct process, and who may be permitted to participate fully during a disciplinary proceeding. Individuals are highly encouraged to select an advisor with reasonable availability. The advisor serves at the individual's own expense and may present at any proceeding. An involved party may permit their advisor to directly participate in all aspects of a proceeding, including the presentation of relevant information and questioning of witnesses.
- B. **Allegation** - An assertion that someone has engaged in behavior that may be a violation of the Student Conduct Code.
- C. **Administrative Measure** - Actions taken by the University to address or remedy a behavior separate and apart from a Conduct outcome. Actions include but are not limited to holds on student accounts, No Contact Orders, and additional non conduct University Directives.
- D. **Administrative Panel** - A group of students in addition to faculty or staff selected and trained by Student Conduct and Community Standards who serve as a hearing body with responsibility for adjudicating student conduct cases. Students shall comprise at least one-half of the membership.
- E. **Consent** - Consent to sexual activity must be: knowing, intelligent, unambiguous, and voluntary. Consent is active, not passive. This means there must be clear and willing participation, through words or actions, for each sexual act.
  - I. Consent to one type of sexual activity does not imply consent to other types of sexual activity. There must be consent at every stage of the sexual encounter
  - II. Past consent to sexual activity does not imply consent to future sexual activity.
  - III. Consent can be withdrawn at any time, including in the middle of a sexual encounter, if the withdrawal of consent is clearly indicated by words or actions. Meaning any indication of unwillingness, including but not limited to the following, terminates consent.
    - a. Any verbalization of no, stop, don't; I do not want, I am not sure, that hurts, etc.
    - b. Ceasing participation in sexual activity (e.g. freezing, or not actively engaging), pulling away, pushing someone away, removing someone's touch from a specific area, blocking someone from touching a specific area, etc.



IV. Individuals who are not of legal age, are incapacitated, or are forced cannot give consent to sex (no matter what they say or do); see definition of incapacitation.

V. Consent cannot be obtained by force. Force includes the use of coercion, intimidation, physical violence, and/or threats.

- a. Coercion. Using an unreasonable amount of pressure, including alcohol or drugs, to have sexual contact with someone. Coercion is more than an effort to persuade, entice, or attract another person to have sexual contact. When a person makes clear a decision not to participate in a particular sexual activity, continued pressure can be coercive. In evaluating whether coercion was used, the University will consider frequency of the application; intensity; duration of the pressure and the degree of isolation imposed upon the individual being pressured.
- b. Intimidation. An implied threat that menaces or causes reasonable fear in another person. A person's size alone does not constitute intimidation; however, it may be a contributing factor (e.g., blocking access to an exit.)
- c. Physical violence. Use of physical violence and/or imposing on someone physically to control and engage in sexual contact or intercourse. Physical violence includes but is not limited to hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.
- d. Threats. Words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person's reputation, or to cause a person academic or economic harm.

F. **Incapacitation** - A state where a person cannot make knowing, intelligent, unambiguous, and voluntary decisions and therefore cannot give consent (e.g. cannot understand the who, what, when, where, why, or how of the sexual interaction). An individual can be incapacitated by voluntary or involuntary use of drugs (legal, illegal, or prescription) or alcohol, illness, mental impairment/disability, or by a state of being asleep or unconscious.

- I. Incapacitation is a state beyond drunkenness or intoxication. The impact of drug and alcohol use varies from person to person. Whether an individual was incapacitated by substance use will be assessed by the totality of the information. Relevant factors include but are not limited to: stumbling or otherwise exhibited loss of equilibrium; slurred speech or word confusion; combativeness or emotional volatility; vomiting; incontinence; being disoriented or confused as to time, place, etc.; and/or loss of consciousness. In matters of accountability/culpability, the University will consider whether a Respondent knew or should have known that the Complainant was incapacitated. However, the use of drugs or alcohol by the person initiating the sexual activity is not an excuse for failing to obtain consent.



II. **Legal age.** The legal age of consent in Florida is 18; however, this Policy recognizes exceptions as defined by section 794.05, Florida Statutes. Legal age of consent may differ in various jurisdictions.

- G. **Day** - 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.
- H. **Hearing** - Any informal or formal disciplinary proceeding, conducted by a hearing body in accordance with the Code, following which determinations on responsibility and/or outcomes are made with regard to alleged Code violations and outcomes are assigned as appropriate. Alternative resolutions, restorative resolutions, information sessions, investigation meetings, or other meetings conducted by the University are not considered to be a disciplinary proceeding.
- I. **Hearing Body** - 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.
- J. **On-Campus** - 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.
- K. **Policy** - 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 Anti-Sexual Misconduct Policy, the Title IX Compliance Policy, and other written requirements of departments, organizations, and clubs.
- L. **Preponderance of the Information** - The standard of evidence upon which a determination of "responsible" or "not responsible" is made and is used in adjudicating all hearings 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. The individual bearing the burden of proof must present evidence/information which is more credible and convincing than that presented by the other individual or which shows that the fact to be proven is more probable than not.
- M. **Complainant** - 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.
- N. **Non-Sexual Consent** - As related to alleged violations of the Code that do not involve 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.

- O. **Respondent** - A student who has been reported to be the perpetrator of conduct that could constitute one or more violation(s) of the Code.
- P. **Report** - Information submitted to a Student Conduct Authority alleging conduct that could constitute one or more violation(s) of the Code.
- Q. **Formal Complaint** - Information from a complainant or a University official alleging conduct that could constitute one or more violation(s) of the Code by a respondent.
- R. **Student** - 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.
- I. **Admitted.** Any person, regardless of academic career, who is admitted to the University and accepts an offer of admission to participate~~is present on campus for the purpose of participating~~ in any University program, course, or activity leading to enrollment, including but not limited to online or in-person orientation, graduate student orientation, teaching assistant orientation, or workshops.
- II. **Enrolled.** Enrolled in any credit-bearing course or program offered by Florida State University at the time any alleged violation(s) occurred.
- III. **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.
- IV. **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.
- S. **Student Conduct Authority** - An individual or administrative unit whose administrative duties include the administration of the student conduct process, including 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 Department of Student Conduct and Community Standards, University Housing, and International Programs or their successors.
- T. **University** - 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.

**Commented [AC1]:** The language in the scope section 2. would adequately limit the cases that we would pursue as a policy violation regardless of "student" definition change.

- U. **University Community** - Any person who is a student, faculty member, University official, visitor, contractor, volunteer, representative of the University, or any person employed by the University.
- V. **University Official** - 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.
- W. **Student Conduct Board** - A group of currently enrolled students in good conduct standing selected and trained by the Department of Student Conduct and Community Standards to adjudicate student conduct cases as a hearing body excluding cases of alleged violations of the Anti-Sexual Misconduct policy (2-2) or Title IX Compliance Policy (2-2a) and cases that may result in a respondent's separation from the University.
- X. **Single Hearing Administrator** - Any University Official designated and trained by a Student Conduct Authority to facilitate meetings or information sessions and administer alternative resolutions, or to serve as the hearing body for informal or formal hearings.
- Y. **Residential Conduct Board** - 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 Anti-Sexual Misconduct policy (2-2) or Title IX Compliance Policy (2-2a) and cases that may result in a respondent's separation from the University.
- Z. **Student Organization** - 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.
- AA. **Law Enforcement Statement** - 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.
- BB. **University Official Report** - 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, Office of Title IX investigation reports and University Housing Incident Reports.

**CC. Witness Statement** - A narrative or document that is not part of a law enforcement statement 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 proceeding, which provides the information that the witness has regarding an alleged violation of the Code.

**DD. Informal Resolution** - 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.

**EE. 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.

**FF. University Program or Activity** - 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.

## II. 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.

### III. SCOPE

Florida State University may address the alleged misconduct of any student as specified in the "Violations" section 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 [VIVIII](#), "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 Compliance Policy. The University reserves the authority to determine what level of procedural standards will apply to a report

**Commented [CM2]:** Updated to reflect the right section where the procedural standards are located.

**Commented [CM3]:** Non substantive grammatical correction.

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 Compliance 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 Office of Title IX . 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.

#### **IV. 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, sexual misconduct, 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.

**Commented [CM4]:** Added sexual misconduct to reflect that we would not pursue violations of substance use, if student in good faith was reporting potential sexual misconduct violations.

## V. 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 O for Title IX Compliance Policy violations.

### A. Sex Discrimination and Sexual Misconduct

1. Sex/Gender-based Discrimination
  - a. Disparate treatment 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.
  - 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 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. Sexual Violence. Includes any sexual act performed without the consent of the Complainant (or when the Complainant is unable to give consent), whether referred to as sexual violence, rape, sexual battery, or sexual assault. For purposes of this policy, sexual violence includes:
  - a. Non-Consensual Sexual Contact. Any unwelcome, intentional contact of a sexual nature either under or over clothing, without consent with a person's breasts, buttocks, groin, genitals, mouth, or other intimate parts. This includes: touching of any of these intimate body parts; touching another with any of these body parts; forcing a person to touch you, or themselves, or another with any of these body parts; or any other intentional bodily contact in a sexual manner with any other body part.
  - b. 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.
5. Dating/Domestic Violence (Intimate Partner Violence). Is a single severe incident or pattern of abusive behavior in a relationship that is used by one partner to maintain power and control over another current or former intimate partner. Dating/Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes but is not limited to any behavior that intimidates, manipulates, humiliates, isolates, frightens, terrorizes, coerces, threatens, hurts, inures, wounds someone, prevents an individual from doing what they wish, or forces them to behave in ways they do not want, or property damage. It can also include abuse through the use of technology.
  - a. Dating Violence. Violence between an individual who is or recently has been in a continuing and significant relationship of a romantic or sexual nature and

the other party. The existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

- b. Domestic Violence. Violence between family or household members. Family/household members are, or are similarly situated to, spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and person who are legal guardians of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

Dating/Domestic Violence also includes assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal violation.

- 6. Stalking. Engaging in a course of conduct (i.e. more than one act) directed at a specific person which would cause a reasonable person (under similar circumstances and with similar identities to the Affected Individual), to fear for the person's safety or the safety of others; or suffer substantial emotional distress. 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.
- 7. 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. Sexual exploitation includes but is not limited to:
  - a. Causing or attempting to cause the incapacitation of another person for the purpose of gaining sexual advantage;
  - b. Prostituting another person (i.e., personally gaining money, privilege or power from the sexual activities of another) or sex trafficking;
  - c. Where there is a reasonable expectation of privacy, or without consent, the videotaping photographing or audio-recording of intimate, nude or sexual activity and/or distribution of these materials via media such as, but not limited to, the internet and other electronic/digital media;

- d. Exceeding the boundaries of consent. Including but not limited to: deviation from the agreed upon sexual contact with regards to use of a birth control method/option or other medication for prevention of pregnancy and sexually transmitted disease/infection transmission; knowingly exposing another to a sexually transmitted disease/infection without their knowledge or consent; or other omissions or falsifications that would imminently endanger the health or safety of the other party.
  - e. Engaging in indecent exposure (i.e. intentionally exposing one's genitals in public, or via electronic communication) with the intention of alarming, distressing, and/or offending others.
  - f. Soliciting a minor, or creation, possession, transmission, or distribution of child pornography.
  - g. Voyeurism, such as, watching a person undressing, using the bathroom, or engaging in sexual acts without the consent of the person being observed.
8. 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; in good faith and in a reasonable manner opposes conduct that they believe constitutes a violation of this Policy. An individual filing a good faith complaint, in and of itself is not retaliatory.
  9. Complicity. Engaging in any action or behavior with the intent of aiding, facilitating, promoting, or encouraging the commission of an act of 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. Intentionally or negligently inserts or causes ingestion of a foreign substance into the body of another person without their consent. This includes, but is not limited to, drugs and substances not meant for human consumption.
5. 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

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. This section is not intended to restrict recordings of those expressive activities protected under s.1004.097, F.S. or other specific provisions of law.
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 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.

Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

- 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.

The following circumstances do not constitute a defense to allegations of hazing:

- a. the consent of the victim had been obtained;
- b. the conduct or activity that resulted in the death or injury of a person was not part of any official organizational event or otherwise sanctioned or approved by the student organization or group; or
- c. the conduct or activity that resulted in the death or injury of a person was not done as a condition of membership into a student organization or group.

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

**Formatted:** Normal, No bullets or numbering

**Formatted:** Indent: Left: 0.1"

**Commented [AC5]:** BOG requirement (2) Required to add this sentence verbatim.

**Formatted:** Normal, No bullets or numbering

**Commented [AC6]:** BOG requirement (3) must list verbatim.

1. On-campus possession or use of firearms, destructive devices, or other dangerous articles or substances not permitted under state or federal law, including but not limited to non-lethal weapons such as pellet guns, ~~bbB.B.~~ guns, paintball markers, slingshots, crossbows, ~~stun guns, Tasers, metallic knuckles, -Tasers,~~ 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; or-
  - e. Pepper spray/mace for the purpose of personal protection where permitted by local, state, or federal law.
2. On-campus possession or use of unauthorized knives. Bladed instruments 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.
  - a. Culinary knives used in designated areas for their intended purpose and common pocket knives with blades ~~se~~ of less than four inches are permitted
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 790.001<sup>2</sup>, 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, Tobacco, 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 and tobacco. No person under the legal age may possess, purchase, attempt to purchase, consume, be under the influence of, distribute, sell, provide, or be provided alcoholic beverages or tobacco products.
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, [mind-altering substances](#), 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. This may include allowing an advisor, advocate, or legal representative to submit false or misleading information on behalf of the student.
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 space not designated for such use.
6. The unauthorized sale or attempted sale of University provided resources or facilities, including but not limited to University-issued student tickets, seats in a class, etc.
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 Title IX Compliance Policy or Anti-Sexual Misconduct Policy for prohibited conduct defined as retaliation in that policy.
12. Interfering or attempting to interfere with an individual's attempt to contact law enforcement, emergency responders, or other form of aid.

J. Falsification and Misrepresentation

1. Engaging in the falsifications or misrepresentation of identity, including but not limited to:
  - a. Possession, ownership, or use of false identification or another person's identification.
  - b. Impersonating or misrepresenting the authority to act on behalf of another individual, organization, group, or the University.
  - c. Manufacture, distribution, delivery, sale, or purchase of false identification.
  - d. Permitting another person to use any form of the student's identification.
2. Forgery, alteration, unauthorized duplication, or misuse of identification, documents, communications, event tickets, records, keys, or access codes.
3. 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.

K. Property

1. Defacement, damage, or destruction of property.
2. Theft, defined as removing, relocating, or using the property or services of another person, off-campus entity, or of the University.

3. 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.

4. Entering or using the property or facilities of another person(s) or entity without consent or authorization or refusing to depart when directed by a university official.

~~5.~~ Willfully entering a restroom or changing facility designated for the opposite sex on campus, and refusing to depart when directed by a university official with the exception of the following circumstances:

- a. to accompany a person of the opposite sex for the purpose of assisting or chaperoning a child under the age of 12, an elderly person, or a person with a disability or developmental disability;
- b. For law enforcement or governmental regulatory purposes;
- c. For the purpose of rendering emergency medical assistance or to intervene in any other emergency situation where the health or safety of another person is at risk;
- d. For custodial, maintenance, or inspection purposes, provided that the restroom or changing facility is not in use; or
- e. If the appropriate designated restroom or changing facility is out of order or under repair and the restroom or changing facility designated for the opposite sex contains no person of the opposite sex.

For purposes of this violation only, "sex" is defined as under the provisions of ~~Section~~ 553.865, Florida Statutes.

#### 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, property, goods, services, 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.

Formatted: Normal, No bullets or numbering

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Formatted: Space After: 0 pt, Line spacing: single

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 “Definitions” 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.

O. Title IX Compliance Policy Violations

The alleged conduct listed below will be resolved under the jurisdiction of the Title IX Compliance Policy and applicable procedural standards if the conduct occurred within a University program or activity within the United States

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; or
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 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 the consent of the complainant, or
  - b. 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; or

- c. 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; or
  - d. 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 the 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; or
  - e. Incest: Nonforcible sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by state law; or
  - f. Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent.
- 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 cohabitated 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.

## **VI. PROCEDURAL STANDARDS**

### **A. Advisors**

- 1. An advisor may participate in any disciplinary proceedings or speak on behalf of the respondent, complainant, or witness. Advisors will conduct themselves in compliance

with Rules of Decorum. In Title IX hearings only, the advisor must conduct questioning as described in the Title IX Compliance 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 student conduct procedural standards, a list of trained University community members is available upon request for the student to utilize if desired. In a process falling under the Title IX Compliance Policy, if a student does not have access to an advisor for purposes of the student conduct hearing, the University will provide a University representative to serve as 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 Compliance Policy.
7. Once a meeting, proceeding, or hearing has been scheduled it will rarely be rescheduled due to 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.
9. An advisor will be required to comport with the expectations and guidelines outlined in the Rules of Decorum Policy to participate in any administrative meeting, investigation meeting, alternative resolution process, or disciplinary proceeding at the University.

#### 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 to pursue resolution of a report and will only pursue a significantly delayed report when:

- a. The behavior falls under the Anti-Sexual Misconduct Policy (2-2) or Title IX Compliance Policy (2-2a); or
  - b. 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 Student Conduct Authority may receive reports or information pertaining to criminal or civil 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 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 Anti-Sexual Misconduct Policy and/or the Title IX Compliance Policy. If a report alleges sexual misconduct and is reported via [report.fsu.edu](http://report.fsu.edu), the Student Conduct Authority will report the matter to the appropriate Office of Title IX authority, in accordance with the University's Anti-Sexual Misconduct Policy and/or Title IX Compliance Policy. The Office of Title IX will evaluate the report pursuant to the policy before it will be referred to Student Conduct and Community Standards to review for possible violations of the Code.

#### C. Review and Investigation

1. All reported information will be reviewed by the Student Conduct Authority to determine appropriate next steps.
2. Interim Health and Safety Actions may be issued pursuant to the Administrative Measures section of the Code.
3. Investigation
  - a. Upon receipt of a report, except for reports that are referred to the Office of Title IX, a prompt, thorough, and impartial investigation may be conducted by the Student Conduct Authority, 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 incident/investigation report and forward to the Student Conduct Authority for determination of appropriate referral, resolution or dismissal in accordance with University policy.

#### 4. Administrative Measures

- a. 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, Anti-Sexual Misconduct policy, or Title IX Compliance Policy. For cases falling under the jurisdiction of the Title IX Compliance 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 Compliance Policy. Other supportive measures and remedies may be instituted as described in the Title IX Compliance Policy.

- i. Interim action(s) will be communicated in writing consistent with the notice provisions of this Code.
- ii. 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.
- iii. A student may request a review of an interim action in writing to the Department of Student Conduct and Community Standards. 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 IHSA is afforded an opportunity to request a review of the allegations or information presented by the University as the basis for the Interim Health and Safety Action. The Dean of Students, or designee, will review the reconsideration request and any other materials provided by the respondent within three business days of receiving the written request. 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 Department of Student Conduct and Community Standards for purposes of this review. The Dean of Students, or designee, may schedule a meeting to review submitted materials and to hear directly from the student why they believe the University Directive is not necessary or appropriate. Interim actions may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The Dean of Students or designee will communicate the final decision in writing within one business day of the review meeting.

- iv. 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.
- b. 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.
- c. 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. University Directive. As an administrative measure, the University, at its discretion, may adopt the terms and conditions of a court order or other similar directive, with reasonable modification to apply to the University setting. The University Directive may be issued independently, preceding, or concurrent with the University conduct process. For the duration of the directive, an involved individual may submit documentation of any modifications issued by the originating source. The University may adjust the University Directive as new information becomes available.



- i. An individual may request reconsideration of the University Directive. The Dean of Students, or designee, will review the reconsideration request and any other materials provided by the respondent within three business days of receiving the written request, schedule a review meeting with the requesting individual within three business days of receiving the written request. The requesting individual may provide information including reports, witness statements, communications, or other documentation in the meeting. When applicable, a complainant may provide information to the Department of Student Conduct and Community Standards for purposes of this review. The Dean of Students, or designee, may schedule a meeting to review submitted materials and to hear directly from the student why they believe the University Directive is not necessary or appropriate. The University Directive 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 of submitted material or scheduled review meeting.
- ii. University Directives issued as a result of a signed Restorative Resolution Agreement signed by all necessary parties are considered final and are not subject to any further review or appeal.

**Commented [CM7]:** Edited language in this section to reflect practice of reviewing materials and then meeting with student in the event additional information or clarification was needed.

**Formatted:** Font: (Default) Times New Roman, 12 pt

**Formatted:** Font: (Default) Times New Roman, 12 pt

#### D. Notice of Alleged Violation(s)

1. Written notice given to any complainant(s) or respondent(s) will include the following:
  - a. Sufficient detail to allow the individual to prepare a response (including source of information if possible, description of the alleged behavior(s), and specific alleged Code violation(s)); and the date, time, and location of a disciplinary proceeding to address the allegations. Absent exigent circumstances, the Student Conduct Authority will notify a respondent of any alleged Code violation(s) a minimum of within seven business days before a disciplinary proceeding.
  - b. The date, time, and location of an information session, during which the complainant or respondent may review all known inculpatory or exculpatory information related to the allegation, a listing of all known witnesses who have or will provide information in a proceeding, receive instruction regarding the student conduct process and the student's rights, and discuss the type of resolution process to be utilized.
  - c. The identity of the hearing body and a listing of all relevant known witnesses will be made available a minimum of five business days in advance of the disciplinary proceeding.
  - d. Applicable deadlines for submissions by the individuals including, but not limited to, impact statements, information, objections, and witness identification where

not otherwise specified will be specified in the notice letter. The University may adjust these deadlines with written notice in a reasonable amount of time prior to the disciplinary proceeding.

2. Legal Guardians 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 complainant or respondent may view all materials related to the case, review procedural standards, and discuss available options for resolution.
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.
3. If a respondent elects to resolve the allegation and the Student Conduct Authority deems appropriate, the administrator conducting the information session may immediately facilitate a resolution or schedule the resolution to take place within a reasonable time. Options for resolution will be scheduled no sooner than five days after the information session, unless a student waives their right for a resolution to be scheduled sooner.
4. 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.
5. In cases involving a complainant, the administrator will gather the necessary information and conduct an appropriate resolution within a reasonable time.
6. 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.

#### F. Resolutions

1. Alternative Resolution
  - a. If deemed appropriate by the Student Conduct Authority a student may agree to resolve their student conduct process with an Alternative Resolution. Factors that the University will consider when determining whether a student is eligible for an Alternative resolution include, but are not limited to, the following:

- i. Whether the respondent has a previous conduct record.
  - ii. Whether the respondent has previously resolved an allegation with an alternative resolution or restorative resolution.
  - iii. The number and severity of the alleged violations.
- b. In an Alternative Resolution, the respondent accepts responsibility for the behaviors and agrees to complete the assigned outcomes. Once the Alternative Resolution Agreement is signed by the respondent, it constitutes a University Directive.
- c. A respondent may be charged with a violation of the Code or have a hold placed on their account for failure to adhere to the required outcomes of an Alternative Resolution.
- d. Cases resolved through an Alternative Resolution are not categorized as a student conduct record at the University but may be referred to as an aggravating factor in assigning outcomes if a future violation occurs.

## 2. Restorative Resolution

- a. Participation is voluntary and both the Responsible Party and the Impacted Party must consent in writing to participate in a Restorative Resolution via the Restorative Resolution Opt-In Form.
- b. The Restorative Resolution process is used for incidents which allege behavior that violates a specific University policy.
- c. The Restorative Resolution process will not be used for incidents that allege violence against a member of a vulnerable population, the use of a dangerous weapon, or significant physical injury.
- d. The Responsible Party must acknowledge responsibility for having violated the alleged policy to participate in a Restorative Resolution.
- e. The University will not pressure or compel any party to participate in any form of Restorative Resolution.
- f. The Restorative Resolution process is not a disciplinary proceeding and therefore, a Supporting Party may not speak on behalf of the Responsible Party, Impacted Party, or Affected Party.

- g. Any party may withdraw from the Restorative Resolution process until the signing of the Restorative Resolution Agreement.
- h. In the event that any party withdraws from the Restorative Resolution or if parties are not able to reach an agreement through the Restorative Resolution Agreement, the incident will be referred back to the Student Conduct Authority, Office of Title IX, or other relevant University department based on the nature of the allegation, for further action.
- i. Information obtained through the Restorative Resolution process may not be utilized in any other form of investigation or resolution. Additionally, information obtained through the Restorative Resolution will be kept confidential except when otherwise required by the University.
- j. Separate meetings in the Restorative Resolution process may be merged by the Facilitator based on their discretion and the needs of the students or University.
- k. A Restorative Resolution concludes with the drafting of a Restorative Resolution Agreement detailing the agreed upon outcomes for the Responsible Party. Restorative Resolution Agreements must be signed by both the Responsible Party and the Impacted Party as well as the Facilitator. Restorative Resolution Agreements signed by all necessary parties are considered final and are not subject to any further review or appeal. Upon signing, the outcomes agreed upon in the Agreement constitute a University Directive.
- l. Cases resolved by a signed Restorative Resolution Agreement through the Restorative Resolution process are not categorized as a student conduct record at the University but may be referred to as an aggravating factor in assigning outcomes if a future violation occurs. Further, parties agreeing to a final resolution waive the ability to utilize a formal investigation and disciplinary proceeding through the University to resolve the same matter.
- m. Involved Parties may be accompanied by a Supporting Party at any meeting during the alternative resolution process.
- n. The Responsible Party may be charged with a violation of the Code or have a hold placed on their account for failure to adhere to the requirements agreed upon in the signed Restorative Resolution Agreement.

### 3. 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 the finding of responsibility for the alleged violation(s).

- b. In a no-contest resolution, because the student accepts the finding of 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 Compliance Policy.

#### 4. 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 Compliance Policy.

#### 5. Formal Hearing

- a. A formal hearing may be heard by a single hearing administrator, Student Conduct Board, 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 Compliance 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 by the deadline specified in the notice.

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, advocate, or legal representative 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. 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. Potential witnesses who could have been reasonably known or identified during the course of the University investigation, but who were not otherwise provided by the individual afforded the opportunity to do so, will not be invited to a Formal Hearing. Only witnesses providing relevant and permissible information will be invited. Witnesses identified solely on the basis of character reference will not be allowed to participate in the fact-finding portion of a hearing. In identifying appropriate witnesses, individuals shall supply the name, email and a summary of information the witness will provide to address the student conduct code allegations. 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. 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 statement 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 statement or report is otherwise reliable, and the respondent has an adequate opportunity to respond to all facts alleged in the statement. If the witness does not attend, other written witness statements will be accepted for review in a formal hearing 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.

- iv. Questions. The hearing administrator or body may pose questions directly to any individual providing information in the hearing. The complainant(s) (if applicable), respondent(s), and/or advisors may propose questions to be answered by any individual providing information during a disciplinary proceeding. At their discretion, the hearing administrator or chair will retain the responsibility to 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 Compliance Policy, questioning of participants in the hearing and determinations of relevancy will be made as described in the Title IX Compliance Policy.
- v. Information
  2. 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.
  3. 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.
  4. 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.

5. 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.
6. Complainants and respondents may submit an impact statement to the appropriate Student Conduct Authority by the deadline set in the notice letter. 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.
7. 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.

#### 6. Asynchronous Hearing

- a. At the discretion of the Student Conduct Authority, hearings may be conducted asynchronously by written statements. This format is generally only offered in cases where a court order or other protective order prevents contact between one or more of the involved parties or key witnesses. Other possible circumstances may be reviewed upon request.
- b. To resolve the allegation through an asynchronous hearing, the respondent, and complainant if applicable, must agree to participate in writing and waive their ability to conduct live questioning. The respondent, and complainant if applicable, may submit their questions for the other involved parties and witnesses by the specified deadline.
- c. All relevant individuals will be given the opportunity to submit written statements in lieu of live hearing participation. The respondent, and complainant if applicable, will be given the opportunity to review and submit a response to the hearing officer about the received statements and hearing record.

#### 7. Outcomes-Only Hearing

- a. The Student Conduct Authority may determine that an outcomes-only hearing is appropriate to resolve a case in the following scenarios:
  - i. 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; or



- ii. there has been a determination by another investigation/disciplinary proceeding at Florida State University for the same or comparable policy violation based on a preponderance of information or higher standard.
  - b. Outcomes-only hearings may take place as an element of the information session, be scheduled within a reasonable time, or be conducted in writing with the consent of the student. 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 Compliance Policy.
  - e. An outcomes-only decision is not eligible for appeal on the basis of information review.
8. 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 Student Conduct Authority 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.

- 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.
  - i. A respondent will remain eligible to attend classes and university activities pending the final outcome of a student conduct matter with the exception of when a Student Conduct Authority determines that an Interim Health and Safety Action, restricting a respondent from classes or activities is necessary to preserve the health, safety, or welfare of the community.
  - ii. If a respondent's eligibility to attend classes or university activities are temporarily suspended as noted above, but are subsequently found not responsible for any violation of the Student Conduct Code, the University will correct any record of enrollment status and refund a pro rata portion of any charges for tuition and out-of-state fees as appropriate.
  - iii. 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 by the deadline specified in the notice letter.
- 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.

- j. Hearing audio record. There will be a single record, such as a digital audio recording of all disciplinary proceedings. 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.
- k. The decision of any hearing or resolution must be presented to the respondent and complainant (if applicable) in writing and within a reasonable period of time after the conclusion of the proceeding.

#### G. Outcomes

Outcomes are status designations or education assignments that alone or in any combination are assigned to a student as a final outcome at the conclusion of a resolution process.

The purpose of outcomes through the student conduct process is to facilitate student accountability, learning, and overall wellness. The outcomes listed below are not intended to serve as an exhaustive list of all outcomes the University may be able to utilize regarding a given student conduct concern.

##### 1. Status Outcomes.

- 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 in a manner consistent with University records retention policies.
- c. 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 may apply when a student is on disciplinary probation including but 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 in a manner consistent with University records retention policies.
- d. 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. In addition, this status constitutes a disciplinary record that will remain on file 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 completed; 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.

- e. **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 indefinitely.
- f. **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.

## 2. Educational Outcomes

- a. **Reflective Outcomes.** Assignments, essays, presentations, research projects, conduct contracts, or other discretionary assignments.
- b. **Restorative outcomes.** Completion of service or work assignments under the supervision of a University or outside agency.

- c. Educational Plan. Develop an educational 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.

### 3. 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. 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.
- c. Restrictions. Denial or modification 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. Guardian notification. Notification may be sent to family, guardians, or the emergency contact of a student who is under 18 years of age, or financially dependent on their legal guardians, depending on the circumstances surrounding the incident. Legal 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.

## H. 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 Compliance 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 intermediate 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 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 a complainant or respondent who did not appear for a proceeding or hearing.

For cases falling under the jurisdiction of the Title IX Compliance Policy, the appeal grounds are limited to those identified in the policy.

- 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, including the requirement of further clarification of the rationale supporting the decision. 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.

#### I. 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 Department 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, or designee. 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 Department 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 Student Conduct Authority 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 [involved a student complainant](#), posed a threat to a member of the University community or serious damage to University property.

#### J. Amendments

1. This Code will be reviewed in its entirety every two years [by a committee that includes student representation](#). 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.
2. If any portion of state or federal statute or regulation is stayed or held invalid by a court of law, any impacted elements of this policy will be deemed revoked as of the publication date of the opinion or order.

Law implemented 1011.48 FS History-New 9-30-75, Formerly FSU-3.04, Amended 9-4-86, 3-20-88, 7-18-96, 7-20-99, 11-13-00, 5-9-2007, Substantially Rewritten, 6-9-2012, Amended 3-4-2016, Substantially rewritten 2-22-2017, Amended 6-8-2018, Substantially Rewritten 9-20-2019, Amended 9-11-2020, 9-24-2021, 9-23-2022

**Commented [AC8]:** BOG requirement.(10) "Each university shall establish a committee, which shall include student representation, for the periodic evaluation of its student disciplinary system"



FLORIDA STATE UNIVERSITY  
BOARD OF TRUSTEES  
*Student Affairs Committee*

# ACTION ITEM II



FLORIDA STATE UNIVERSITY  
DIVISION OF STUDENT AFFAIRS

**MEMORANDUM**

**TO:** Richard McCullough, President

**FROM:** Amy Hecht  
Vice President for Student Affairs

**DATE:** August 21, 2023

**SUBJECT:** Approval of Student Conduct Regulations Amendments

**FSU-3.004 Student Conduct Code**  
**FSU-3.0041 Student Organization Conduct Code**

These amendments bring the Regulations in closer conformance with current Office of Civil Rights advice and also clarify the provisions based on experience and changes since the last revisions.

**1. FSU-3.004 Student Conduct Code**

**Summary**

The following are significant changes to the Student Conduct Code, please refer to text for exact detail:

- \* Clarifies definition of admitted student to include online student
- \* Expands amnesty provisions to include sexual misconduct cases
- \* Exclude legitimate athletic contests from the definition of hazing and defines circumstances not considered defenses to hazing
- \* Revision of offenses for on-campus possession or use of firearms, destructive devices, or other weapons consistent with current law
- \* Includes trespass within offense of unlawful entry
- \* Includes unlawful entry into opposite sex restroom as a property offense



FLORIDA STATE UNIVERSITY  
DIVISION OF STUDENT AFFAIRS

- \* Sets deadline for review of reconsideration of interim action and allows the scheduling of a review meeting
- \* Includes “mind altering drugs” within scope of offense related to “Alcohol, Controlled Substances, and Illegal Drugs”
- \* Includes student representation in periodic review of Code

**2. FSU-3.0041 Student Organization Conduct**

**Summary**

- \* Applicable changes parallel to Student Conduct Code as above

I recommend the Board approve these amendments.

Approved for Agenda

\_\_\_\_\_  
President



**Florida State University**  
**Student Organization Code of**  
**Conduct**  
**3.0041**

## Table of Contents

I.	Introduction.....	3
II.	Definitions.....	4
III.	Authority .....	8
IV.	Scope.....	9
V.	Amnesty .....	10
VI.	Student Organization Responsibility.....	11
VII.	Violations.....	12
	A. Sex Discrimination and Sexual Misconduct .....	12
	B. Title IX Compliance Policy.....	13
	C. Endangerment.....	13
	D. Harassment.....	14
	E. Invasion of Privacy.....	14
	F. Hazing.....	14
	G. Alcohol, Controlled Substances, and Illegal Drugs .....	15
	H. Disruption and Obstruction.....	17
	I. Property.....	18
	J. Gambling.....	18
	K. Other Violations .....	18
VIII.	Procedural Standards.....	19
	A. Advisors .....	19
	B. Reports.....	20
	C. Review and Investigation .....	20
	D. Notice of Alleged Violation(s).....	23
	E. Information Session.....	24
	F. Resolutions.....	24
	G. Outcomes.....	33
	H. Appeal Procedures .....	35
	I. Record Keeping Practices .....	38

## 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 student 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 the values and 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. The University supports the principles of free speech and civil discourse outlined in the Board of Governors’ “Statement of Free Expression” (“Statement of Free Expression”, Florida Board of Governors, 2019). 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** - Any one person, which may also be an advocate or legal representative, chosen by a complainant, student organization representative any one person chosen by a complainant, student organization representative, or witness to provide guidance throughout the student organization conduct process and may be permitted to participate fully during a disciplinary proceeding. Individuals are highly encouraged to select an advisor with reasonable availability. The advisor serves at the student's or student organization's own expense and may present at any proceeding. An involved party may permit their advisor to directly participate in all aspects of a disciplinary proceeding, including the presentation of relevant information and questioning of witnesses.
- B. **Allegation** - An assertion that someone has engaged in behavior that may be a violation of the Student Conduct Code.
- C. **Administrative Measure** - Actions taken by the University to address or remedy a behavior separate and apart from a Conduct outcome. Actions include but are not limited to holds on student accounts, No Contact Orders, and additional non-conduct University Directives.
- D. **Administrative Panel** - A group of students in addition to faculty or staff selected and trained by Student Conduct and Community Standards who serve as a hearing body with responsibility for adjudicating student conduct cases. Students shall comprise at least one-half of the membership.
- E. **Day** - 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.
- F. **Hearing** - An informal or formal disciplinary 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. Alternative dispute resolution proceedings, information sessions, investigation meetings, or other meetings conducted by the University are not considered to be a disciplinary proceeding.
- G. **Hearing Body** - Any person or persons authorized in the Code to conduct hearings, make a finding of whether or a Student Organization has violated the Code, and recommend or assign outcomes as appropriate.



- H. **On-Campus** - 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.
- I. **Organization Facility** - The location where organization events occur. This may include a live-in component for members.
- J. **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.
- K. **Policy** - 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 Resident Living*, the *Sex Discrimination and Sexual Misconduct* policy, and other written requirements of departments, organizations and clubs.
- L. **Preponderance of the Information** - The standard of evidence upon which a determination of 'responsible' or 'not responsible' is made and is used in adjudicating all hearings 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. The individual bearing the burden of proof must present evidence/ information which is more credible and convincing than that presented by the other individual or which shows that the fact to be proven is more probable than not.
- M. **Student Organization** - 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.
- N. **Complainant** - 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.
- O. **Responding Student Organization** - A student organization that has been reported to be the perpetrator of conduct that could constitute one or more violation(s) of the Code.

P. **Report** - A Student Conduct Authority alleging conduct that could constitute one or more violation(s) of the Code.

Q. **Formal Complaint** - A complaint or a University official alleging conduct that constitute one or more violation(s) of the Code by a responding student organization.

R. **Student** - 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 accepts an offer of admission to participate ~~is present on campus for the purpose of participating~~ in any University program, course, or activity leading to enrollment, including but not limited to online or in-person 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 continued 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 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 the appropriate officials at the student's home institution.

S. **Student Conduct Authority** - 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. This definition includes, but is not limited to, the Office of the Vice President of Student Affairs, Student Conduct and Community Standards, University Housing, and International Programs or their successors.

T. **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.

- U. **University** - 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
- V. **University Community** - 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.
- W. **University Official** - 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.
- X. **Student Conduct Board** - A group of currently enrolled students in good conduct standing selected and trained by the Student Conduct and Community Standards to adjudicate student organization conduct cases as a hearing body excluding cases of alleged violations of the Anti-Sexual Misconduct policy (2-2) or Title IX Compliance Policy (2-2a) and cases that may result in a responding student organization's suspension or loss of recognition.
- Y. **Single Hearing Administrator** - Any University Official designated and trained by Student [Conduct](#) Authority to facilitate meetings or information sessions and administer alternative resolutions, or to serve as the hearing body for informal or formal hearings.
- Z. **Residential Conduct Board** - 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 Anti-Sexual Misconduct policy (2-2) or Title IX Compliance Policy (2-2a) and cases that may result in a respondent's separation from the University.
- AA. **Non-Sexual 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.
- BB. **Law Enforcement Statement** - A sworn statement or report by a duly authorized law enforcement officer that may be relied upon by a hearing body in a student organization conduct proceeding
- CC. **University Official Report** - 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, Office of Title IX investigation reports and University Housing Incident Reports.

**DD. Witness Statement** - A narrative or document that is not part of a law enforcement statement 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 proceeding, which provides the information that the witness has regarding an alleged violation of the Code.

**EE. 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.

**FF. Informal Resolution** - 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.

**GG. 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.

**HH. University Program or Activity** - 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 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 specified in "Violations" section 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, sexual misconduct, 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.

**Commented [CM1]:** Add to reflect that we would not pursue violations of substance abuse policy in the event student was in good faith report allegations of sexual misconduct.

## VI. 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 member regarding their risk management policy and all applicable University 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 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.

## **VII. 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.

A. Sex Discrimination and Sexual Misconduct



The Student Organization will not participate in, tolerate, or condone any actions defined as "prohibited conduct" in the Anti -Sexual Misconduct Policy.

#### B. Title IX Compliance Policy Violations

The Student Organization will not participate in, tolerate, or condone any actions defined under "sexual harassment" in the Title IX Compliance Policy. Title IX Compliance Policy violations are resolved through specific procedural standards outlined in the Title IX Compliance 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 Compliance Policy and applicable procedural standards if:

1. The alleged conduct may meet one or more of the violations defined as sexual harassment in the Title IX Compliance Policy, and
2. 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. Intentionally or negligently inserts or causes ingestion of a foreign substance into the body of another person without their consent. Includes, but not limited to, drugs, substances not meant for human consumption.
  - e. 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

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

#### 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.

Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

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.

4. The following circumstances do not constitute a defense to allegations of hazing:

5. a. the consent of the victim had been obtained;
6. b. the conduct or activity that resulted in the death or injury of a person was

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

- not  
part of any official organizational event or otherwise  
sanctioned or approved  
by the student organization or group; or  
7. c. the conduct or activity that resulted in the death or injury of a person was  
not  
done as a condition of membership into a student  
organization or group.

~~3-8.~~

~~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, other mind-altering substances and drug paraphernalia. No person may possess, use, purchase, provide, distribute, sell, and/or manufacture illegal drugs, other controlled substances, other mind-altering 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 maybe held responsible for the distribution of illegal drugs, other mind-altering substances 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, other mind-altering substances, 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.

**Commented [CM2]:** Changes made to be more inclusive of other substances becoming available that written law has not caught up with yet.

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. This may include allowing an advisor, advocate, or legal representative to submit false or misleading information on behalf of the student organization.
- 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, 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 Anti-Sexual Misconduct policy for prohibited conduct defined as retaliation in that policy.
- h. Interfering or attempting to interfere with an individual's attempts to contact law enforcement, emergency responders, or other form of aid.

I. Property

1. The Student Organization will not engage in, tolerate, or condone:

- a. Defacement, damage, or destruction of property.

- b. Theft, defined as removing, relocating or using the property or services of another person, off-campus entity, or of the University without authorization.
- c. 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.
- d. Entering or using the property or facilities of another person or entity without the consent or authorization or refusing to depart when directed by a university official.

**Commented [CM3]:** Non-Substantive change, grammar - spacing.

#### J. Gambling

- 1. Engaging in or offering games of chance for money, property, goods, or services or other gain in violation of Florida law.

#### K. 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.

### VIII. Procedural Standards

#### A. Advisors

- 1. An advisor may be present to advise a student organization, complainant, or witness and may participate in all aspects of any disciplinary proceedings but shall not testify on behalf of the student organization. In Title IX hearings only, an advisor must conduct the questioning as described in the Title IX-Compliance 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, advocate, or legal representative 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, advocate, or legal representative.
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 Student Conduct Authority may receive reports or information pertaining to criminal or civil 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 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 Anti-Sexual Misconduct policy and/or Title IX Compliance 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 Anti-Sexual Misconduct Policy and/or Title IX Compliance Policy. The Office of Title IX will evaluate the report pursuant to the policy before it will be referred to the Department 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 and Safety Actions may be issued pursuant to section the Administrative Measures section of this Code.
3. Investigation
  - a. Upon receipt of a report, except for reports that are referred to the Office of Title IX, 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 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 of appropriate referral, resolution, or dismissal in accordance with University policy.

#### 4. Administrative Measures

- a. 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. IHSA's 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, Anti-Sexual Misconduct policy, or Title IX Compliance Policy. For cases falling under the jurisdiction of the Title IX Compliance 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 Compliance Policy. Other supportive measures and remedies may be instituted as described in the Title IX Compliance Policy.

- i. Interim action(s) will be communicated in writing consistent with the notice provisions of this Code.
- ii. 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.
- iii. A student organization may request a review of an interim action in writing to the Department of Student Conduct and Community Standards. The scope of the request is limited to whether the interim action(s) should remain in place, based on the information available. The student organization representative of an responding student organization on an IHSA is afforded an opportunity to request a review of the Interim Health and Safety Action. The Dean of Students, or designee, will ~~schedule a review~~ the materials provided by the student organization within meeting with the requesting student within a reasonable timeframe 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 Department of Student Conduct and Community Standards for purposes of this review. The Dean of Students, or designee, may schedule a meeting with the student organization upon receipt of the written request to review the request or to gather additional information. Interim actions may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available.

**Commented [CM4]:** Changes made to reflect proposed changes also made in the student code to better reflect practice.

The Dean of Students or designee will communicate the final decision in writing within a reasonable timeframe of the review meeting.

- iv. 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.
- b. 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.
- c. 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. University Directive. As an administrative measure, the University, at its discretion, may adopt the terms and conditions of a court order or other similar directive, with reasonable modification to apply to the University setting. The University Directive may be issued independently, preceding, or concurrent with the University conduct process. For the duration of the directive, an involved student organization may submit documentation of any modifications issued the originating source. The University may adjust the University Directive as new information becomes available.
  - i. A student organization may request reconsideration of the University Directive. The Dean of Students, or designee, will ~~schedule a review meeting with the requesting~~ review the materials provided by the student organization within a reasonable timeframe 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 Department of Student Conduct and Community Standards for purposes of this review. The Dean of Students, or designee, may schedule a meeting with the student

**Formatted:** Indent: Hanging: 0.25", Line spacing: Multiple 1.08 li

**Commented [CM5]:** Changes made to reflect proposed changes also made in the student code to better reflect practice.

organization upon receipt of the written request to review the request or to gather additional information. The University Directive 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 a reasonable timeframe following the review meeting.

University Directives issued as a result of a signed Restorative Resolution Agreement signed by all necessary parties are considered final and are not subject to any further review or appeal.

#### D. Notice of Alleged Violations

1. Written notice given to any reporting individual(s) or responding student organizations will include the following:
  - a. Sufficient detail to allow a student organization representative to prepare a response (including source of information, description of the alleged behavior(s), specific alleged Code violation(s); and date, time, and location of a disciplinary proceeding to address the allegations. Absent exigent circumstances, this notice will be provided a minimum of seven business days before the disciplinary proceeding.
  - b. The date, time, and location of an information session, during which the complainant or responding student organization may view all exculpatory or exculpatory information related to the allegation, receive instruction regarding the student organization conduct process and the student organization's rights, and discuss the type of resolution process to be utilized. Absent exigent circumstances, the information session will be scheduled a minimum of five business days prior to the disciplinary proceeding.
  - c. The identity of hearing body and a listing of all relevant witnesses will be sent a minimum of five business days in advance of the disciplinary proceeding. This information may alternatively be included in the written notice.
  - d. Applicable deadlines for submissions by the involved parties including, but not limited to, impact statements, information, objections, and witness identification where not otherwise specified. For cases involving a complainant, these deadlines will typically be required further in advance to allow both parties adequate notice to prepare for the disciplinary proceeding. The University may adjust these deadlines with written notice in a reasonable amount of time prior to the disciplinary proceeding.

#### 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. The Student Conduct Authority will determine what resolution process is appropriate after considering the expressed preferences of any complainants and responding student organization, and the totality of the circumstances.

If a responding student organization elects to resolve the allegation and the Student Conduct Authority deems appropriate, the administrator conducting the information session may immediately facilitate a resolution or schedule the resolution to take place within a reasonable time. Options for resolution will be scheduled no sooner than five days after the information session, unless a student organization waives their right for a resolution to be scheduled sooner.

2. In cases involving a complainant, the administrator will gather the necessary information and conduct a appropriate resolution within a reasonable time.
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. In an Alternative Resolution, the responding student organization accepts responsibility for the behaviors and agrees to complete assigned outcomes. Once the Alternative Resolution Agreement is signed by the student organization representative, it constitutes a University Directive. By agreeing to resolve the allegation with an alternative resolution the responding student organization waives their right to resolve the allegation through a hearing and the signed agreement constitutes final agency action.
- b. Failure to complete the agreed upon outcomes by their specified deadline may result in a violation of this Code other administrative restriction.
- c. Alternative Resolution Agreements are not categorized as a student organization conduct record at the University but may be referred to as an aggravating factor in assigning outcomes if a future violation occurs.
- d. If deemed appropriate by the Student Conduct Authority a student organization may agree to resolve an allegation violation with an Alternative Resolution. Factors that the University will consider when determining whether a student is eligible for an Alternative resolution include, but is not limited to, the following:
  - i. Whether the pending student organization has recent conduct record.

- ii. Whether the responding student organization has recently resolved an allegation with an alternative resolution.
- iii. The number and severity of the alleged violations.
- e. Allegations involving an identified complainant will not be eligible for an Alternative Resolution.

## 2. Restorative Resolution

- a. Participation is voluntary and both the Responsible Organization Representative and the Impacted Party must consent in writing to participate in a Restorative Resolution via the Restorative Resolution Opt-In Form.
- b. The Restorative Resolution process is used for incidents which allege behavior that violates a specific University policy.
- c. The Restorative Resolution process will not be used for incidents that allege violence against a member of a vulnerable population, the use of a dangerous weapon, or significant physical injury.
- d. The Responsible Organization must take responsibility for having violated the alleged policy to participate in a Restorative Resolution.
- e. The University will not pressure or compel any party to participate in any form of Restorative Resolution.
- f. The Restorative Resolution process is not a disciplinary proceeding and therefore, an advisor may not speak on behalf of the Responsible Organization Representative, Impacted Party, or Affected Party.
- g. Any party may withdraw from the Restorative Resolution process until the signing of the Restorative Resolution Agreement.
- h. In the event that any party withdraws from the Restorative Resolution or if parties are not able to reach an agreement through the Restorative Resolution Agreement, the incident will be referred back to the Student Conduct Authority or Office of Title IX, based on the nature of the allegation, for further action.
- i. Information obtained through the Restorative Resolution process may not be utilized in any other form of investigation or resolution. Additionally, Information obtained through the Restorative Resolution will be kept confidential except when otherwise required by the University.

- j. Separate meetings in the Restorative Resolution process may be merged by the Facilitator based on their discretion and the needs of the students or University.
- k. A Restorative Resolution concludes with the drafting of a Restorative Resolution Agreement detailing the agreed upon outcomes for the Responsible Organization. Restorative Resolution Agreements must be signed by both the Responsible Organization and the Impacted Party as well as the Facilitator. Restorative Resolution Agreements signed by all necessary parties are considered final and are not subject to any further review or appeal. Upon signing, the outcomes agreed upon in the Agreement constitute a University Directive. Cases resolved by a signed Restorative Resolution Agreement through the Restorative Resolution process are not categorized as a student conduct record at the University but may be referred to as an aggravating factor in assigning outcomes if a future violation occurs.

The Responsible Organization may be charged with a violation of the Code for failure to adhere to the requirements agreed upon in the signed Restorative Resolution Agreement.

### 3. 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 the finding of responsibility for the alleged violation(s).
- b. In a no-contest resolution, because the student organization accepts the finding of 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 Compliance Policy.

### 4. 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 Compliance Policy.

#### 5. 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 Compliance 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 by the deadline specified in the notice
- 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, advocate, or legal representative 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. 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. Potential witnesses who could have been reasonably known or identified during the course of the University investigation, but who were not otherwise provided by the organization or individual afforded the opportunity to do so, will not be invited to a Formal Hearing. Only witnesses providing relevant and permissible information will be invited. Witnesses identified solely on the basis of character reference will not be allowed to participate in the fact-finding portion of a hearing. In identifying appropriate witnesses, the student organization representative or complainant shall supply the name, email and a summary of information the witness will provide to address the student conduct code allegations. Witnesses will be invited by the Student Conduct Authority. 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 statements 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 statements or report is otherwise reliable, and the responding student has an adequate opportunity to respond to all facts alleged in the statement. 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.

- 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 advisor may propose questions to be answered by a complainant, responding student organization, or witness on behalf of the student organization they are representing, 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 Compliance Policy, questioning of participants in the hearing and determinations of relevancy will be made as described in the Title IX Compliance 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.
  - 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 by the deadline specified in the notice letter. 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 mishearing. Information that is discovered in a separate 1-mtgor proceeding originating from the same reported incident may be introduced in a formal hearing.

#### 6. Asynchronous Hearing

- a. At the discretion of the Student Conduct Authority, hearings may be conducted asynchronously by written statements. This format is generally only offered in cases where a court order or other protective order prevents contact between one or more of the involved parties or key witnesses. Other possible circumstances may be reviewed upon request.
- b. To resolve the allegation through an asynchronous hearing, the responding student organization, and complainant if applicable, must agree to participate in writing and waive their ability to conduct live questioning. The responding student organization, and complainant if applicable, may submit their questions for the other involved parties and witnesses by the specified deadline.
- c. All relevant individuals will be given the opportunity to submit written statements in lieu of live hearing participation. The responding student organization, and complainant if applicable, will be given the opportunity to review and submit a response to the hearing officer about the received statements and hearing record.

#### 7. Outcomes-Only Hearing

- a. The Student Conduct Authority may determine that an outcomes-only hearing is appropriate to resolve a case in the following scenarios:
  - i. where a student organization as an entity is found guilty or at fault in a criminal or civil court based on a preponderance of the evidence or higher standard; or
  - ii. there has been a determination by another investigation/disciplinary proceeding at Florida State University for the same or comparable policy violation.
- b. Outcome resolutions 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. In cases involving an identified complainant, the Outcome Resolution may not be conducted as a part of the information session.
- d. The responding student organization representative and complainant(s) may provide information, including an impact statement, for consideration.
- e. An outcomes-only hearing is not permitted for violations charged under the jurisdiction of the Title IX Compliance Policy.
- f. An outcomes-only decision is not eligible for appeal on the basis of information review.

#### 4. 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 Student Conduct Authority 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.
- e. 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.
- VI. 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.
- 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 by the deadline specified in the notice letter.
- 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.
- j. Hearing record. There will be a single record, such as a digital audio recording of all disciplinary proceedings. 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 are prohibited.

- k. The decision of any hearing or resolution must be presented to the respondent and complainant (if applicable) in writing and within a reasonable period of time after the conclusion of the proceeding.

#### G. Outcomes

Outcomes are status designations or education assignments that alone or in any combination are assigned to a student organization as a final outcome at the conclusion of a resolution process. The purpose of outcomes through the student organization conduct process is to facilitate accountability, learning, and overall wellness. The outcomes listed below are not intended to serve as an exhaustive list of all outcomes the University may be able to utilize regarding a given student conduct concern.

##### 1. 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 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 by a recognized student organization and will be restricted from 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. 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.

## 2. Educational 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.

## 3. 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.

#### 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. 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 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 intermediate 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 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.
  - 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 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 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, including the requirement of further clarification of the rationale supporting the decision. 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

- a. 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 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.

#### J. Amendments

1. This Code will be reviewed in its entirety every two years by a committee that includes student representation. 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.
2. If any portion of state or federal statute or regulation is stayed or held invalid by a court of law, any impacted elements of this policy will be deemed revoked as of the publication date of the opinion or order.

Law implemented 1011.48 FS History-New 9-30-75, Formerly FSU-3.04, Amended 9-4-86, 3-20-88, 7-18-96, 7-20-99, 11-13-00, 5-9-2007, Substantially Rewritten, 6-9-2012, Amended 3-4-2016, Substantially rewritten 2-22-2017, Amended 6-8-2018, Substantially Rewritten 9-20-2019, Amended 9-11-2020, September 24, 2021, September 23, 2022

**Formatted:** List Paragraph, Indent: Left: 0", Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 10 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

**Formatted:** Indent: Left: 0.25", No bullets or numbering

**Formatted:** List Paragraph, Indent: Left: 0.38", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

**Formatted:** Indent: Left: 0.63", No bullets or numbering

**Formatted:** List Paragraph, Indent: Left: 0.38", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"



FLORIDA STATE UNIVERSITY  
BOARD OF TRUSTEES  
*Student Affairs Committee*

# ACTION ITEM III



FLORIDA STATE UNIVERSITY  
DIVISION OF STUDENT AFFAIRS

**MEMORANDUM**

**TO:** Richard McCullough, President

**FROM:** Amy Hecht  
Vice President for Student Affairs

**DATE:** August 21, 2023

**SUBJECT:** Approval of Regulations Amendments

**FSU - 3.0045 Involuntary Medical Withdrawal**

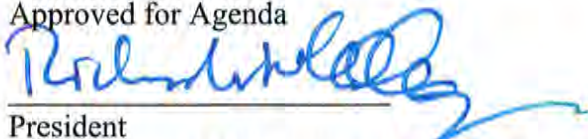
The amendment substantially rewrites the prior regulation. The regulation provides the condition and the procedures under which a student may be involuntarily withdrawn. That the action shall be based on actual conduct or behavior and not on any discriminatory basis. A student may be involuntarily withdrawn from the university if determined that a student's conduct, actions, or statements in totality may present a significant risk of harm to the health or safety of another person or poses a significant disruption to university operations. Such withdrawn student may have a hold placed on re-enrollment but may receive a refund of tuition and fees.

The regulation has been re-written to provide clarity of the current policy and procedural standards. Note the following highlighted substantive changes:

- The regulation now refers to the Student Behavior Intervention Structure policy approved by Cabinet, linking the complementing policy, procedural standards and structure that has been a source of confusion in the past.
- The procedural standards clarify the process for a student to challenge an interim involuntary withdrawal action.
- The procedural standards clarify the non-interim involuntary withdrawal action from the interim action and outlines an additional opportunity to respond to the action if there is additional information.
- The regulation includes information and procedural standards for undergoing a required mental health and risk assessment, which was not in the regulation previously. Including a provision if the student's health insurance will not cover the cost of the assessment that the student may request the university consider covering the cost on a case-by-case basis.

I recommend the Board approve these amendments.

Approved for Agenda



President

## FSU – 3.0045 Involuntary Medical Withdrawal

### (1) Introduction

Florida State University is committed to ensuring equality of education opportunity while cultivating an environment that is supportive of student learning and safe for all community members. The university has a comprehensive student behavior intervention structure that reviews, plans appropriate intervention and support, and monitors reports of concerning student behavior. The involuntary medical withdrawal process is reserved for those interventions when a student's behavior may present a significant risk of harm to the health or safety of another person or poses a significant disruption to university operations.

### (2) Policy

(a) A student may be involuntarily withdrawn from the university if determined that a student's conduct, actions, or statements in totality may present a significant risk of harm to the health or safety of another person or poses a significant disruption to university operations.

(b) This policy will be applied in a nondiscriminatory manner, and determinations will be based on consideration of reported student conduct, actions, or statements in totality and not on knowledge or belief that a student has a disability. The university remains committed to reasonable accommodations for students with disabilities, and nothing in this policy should override or interfere with a student's right to reasonable accommodations under the Americans with Disabilities Act.

(c) An involuntary medical withdrawal should only be considered when any other administrative actions have been considered and are inapplicable, incompatible, or ineffective.

(d) A student subject to an involuntary medical withdrawal may receive a refund of tuition and fees.

(e) A student subject to involuntary medical withdrawal will have a hold placed on their records and enrollment pending fulfillment of any identified conditions for re-enrollment or re-admission.

(f) When a student's conduct, actions, or statements in totality are determined to pose a possible significant risk of harm to the health or safety of another person the student is subject to an immediate interim involuntary withdrawal.

### (3) Procedural Standards

#### (a) Interim Involuntary Withdrawal.

1. The Dean of Students or designee makes this determination in consultation with members of the Behavior Intervention Team or Threat Assessment Team after an individualized assessment of information available as outlined in the Student Behavior Intervention policy.

2. The Dean of Students or designee will send the student written notification of the interim involuntary withdrawal status that includes the basis for the determination and

the opportunity to respond in writing to the action. The student has the responsibility of sharing information or justification that demonstrates that the basis of the determination does not support the action.

3. The Vice President for Student Affairs or designee will review the student's response within 3 business days and may rescind, modify, or affirm the interim involuntary withdrawal action pending further review as outlined in the next section for an involuntary medical withdrawal. The Dean of Students or designee will notify the student of the outcome in writing.

(b) Involuntary Medical Withdrawal. When a student's conduct, actions, or statements in totality are determined to pose a possible significant risk of harm to the health or safety of another person or a significant disruption to university operations the student is subject to an involuntary medical withdrawal.

1. The Dean of Students or designee makes this determination in consultation with members of the Behavior Intervention Team or Threat Assessment Team after an individualized assessment of information available as outlined in the Student Behavior Intervention policy.

2. The Dean of Students or designee will send the student written notification of the intention to involuntarily withdraw the student pending the outcome of the procedural standards outlined in this regulation. This notice may be included in the outcome of the review of an interim involuntary withdrawal outlined in the previous section, or as an independent notice without an interim action. Notice will include the basis for the determination and the opportunity to respond in writing to the action within ten business days of the notice. (If the student was subject to an interim involuntary withdraw review, they may provide any additional information available for review within the ten-day period.) Failure of a student to take the opportunity to respond to the notice by the deadline and in the manner instructed will not delay or negate any procedural standards or determinations.

3. The student's written response will be reviewed by the Dean of Students or designee in consultation with the Behavior Intervention Team or Threat Assessment Team as outlined in the Student Behavior Intervention policy.

4. A student will be notified in writing of the determination of the response review.

a. If the involuntary withdrawal is rescinded, the notice may include referral to other appropriate university processes such as student conduct or application for readmission, or university support resources. In addition, the student may be subject conditions for continued enrollment at the university.

b. If the involuntary withdrawal is affirmed, the notice will include any restrictions and requirements for readmission.

5. An involuntary withdrawal includes the following restrictions:

a. The student is not permitted to access or attend any university courses online or in person.

b. The student is not permitted to hold membership in any registered student organization, employment, or participation in university activity, event, or program.

c. The student is not permitted on any university property including residential assignment or place of employment.

d. Any communication is limited to the Dean of Students or designee regarding the involuntary withdrawal or in designated cases, FSUPD.

e. The student may not contact or approach any university personnel in person or come within 1000 feet of any personnel or personnel's residence.

6. Any relevant information will be shared with FSUPD and/or Student Conduct and Community Standards for review and any potential action at the appropriate time.

(c) Conditions for readmission.

1. The university may impose conditions for readmission, including but not limited to one or more of the following:

a. Requiring the student to provide the Dean of Students or designee a complete written assessment and recommendations from an independent, licensed mental health provider selected by the university, with competency in the relevant area of psychological or psychiatric assessment.

b. A written agreement from the student to attend and participate in any treatment, programs, or meetings to the extent recommended by the mental health provider retained by the university.

c. A determination by the Dean of Students or designee with consultation with the Behavior Intervention Team, Threat Assessment Team, and/or other university personnel that the student has met conditions for readmission and that the university has appropriate resources to support and meet any ongoing needs of the student.

2. Required assessment.

a. In cases that require a written assessment and recommendations from an independent, licensed mental health provider, the provider is identified and retained by a representative of Counseling and Psychological Services (CAPS).

b. The Director of CAPS or designee will work with the student to identify an appropriate provider and assessment specific to the circumstances that have led to the administration of the involuntary withdrawal process. All efforts will be made to identify an appropriate provider and assessment that is covered by the student's health insurance.

c. A signed authorization for the release of information (ROI) is required to grant permission of the exchange of clinical information between the Director of CAPS or designee and the provider.

d. The provider will be supplied all relevant information and circumstances leading to the administration of the involuntary withdrawal as well as a scope document that includes questions to be addressed or recommendations sought.

e. The student retains the responsibility for making all necessary arrangements with the provider including scheduling and payment agreement. (In situations in which a student does not have health insurance that covers the course of recommended assessment the student may request that the university consider whether the student's circumstances are such that the cost of the assessment will be covered by the university).

e. At the conclusion of the assessment, the provider will share a comprehensive report and recommendations with the student. That assessment must be released to the Director of CAPS or designee for review. The Director of CAPS or designee will review and interpret any recommendations outlined in the report to the Dean of Students and relevant university personnel to determine a student's eligibility to return to the university including any required participation in meetings, programs, or treatment.

f. The university retains the authority to require additional assessment, continued treatment, or the resolution of any pending university processes such as student conduct or application for admission before a student is eligible to return.



Authority: BOG Regulation 1.001, 6.001; Florida Statutes 1006.60, 1001.61

History: ~~Established~~ New 6/12/2014. Substantial Rewrite: September XX, 2023.