

FSU-3.0041 Student Organization Conduct Code

(1) General Provisions and Hearing Procedures

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

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

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

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SOURCES:

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

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

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

1. Advisor. The term “advisor” means any one person chosen by the student organization representative or witness to assist an individual throughout the student organization conduct process, unless service in this capacity would unreasonably conflict with the fair administration of the student organization conduct process as determined by the appropriate Student Conduct Authority. The University is not responsible for selecting an advisor for any organization navigating the student organization conduct process.

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

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

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

5. On-Campus. The term “on-campus” means all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University, including adjacent streets, sidewalks, and parking lots. See also subsection 14, “University,” below.

6. Policy. The term “policy” means the written statements of the University as found in, but not limited to, the Student Conduct Code, the General Bulletin, the Online Student Policy Handbook, the Directory of Classes, the Guide to Residence Living and other written requirements of departments, organizations, and clubs.

7. Preponderance of the Information. “Preponderance of the information” means that the information, as a whole, shows the fact sought to be proved is more probable than not. This standard shall be used in adjudicating all student conduct cases within this Student Organization Conduct Code.

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

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

10. Responding Party. The term “responding party” means an organization

that has been accused of an alleged violation of the Code.

11. Student. The term “student” means any person who is admitted to and enrolled in any credit-bearing course or program in any school or division of Florida State University, any person who is admitted to the University and is present on campus for the purpose of being enrolled in any University course or program, including Orientation, or any person who has been enrolled in any credit-bearing course or program at the University and continues to be associated with the University, because the student has not completed the course or program in which the student was enrolled. In cases of dual enrollment, jurisdiction over a student’s conduct will be determined in consultation with appropriate officials at the student’s other institution.

12. Student Conduct Authority. The term “Student Conduct Authority” refers to an individual or administrative unit whose administrative duties include the fair administration of the student conduct process, including formal and informal action in response to behavioral concerns. Please see the section on “Authority” for more information.

13. Student Organization Representative. A student designated by an organization to serve as its representative through any student organization conduct proceedings. Typically, this individual serves on the executive board of an organization and may particularly serve in the role of president.

14. University. The terms “University” and “University properties” mean Florida State University, including the main campus, all property leased, used, or controlled by the University, all branch campuses, facilities, and University International Programs’ locations. The Code applies to the University as defined herein. Non-substantive procedural modifications that reflect the particular circumstances of each campus and international program are permitted.

15. University Community. The term “University community” includes any

person who is a student, faculty member, University official, visitor, contractor, volunteer, representative of the University, or any other person employed by the University. It also includes recognized student organizations and their members (active or inactive), officers, guests, contractors, and agents.

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

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

(c) Scope. Florida State University’s jurisdiction regarding student organization conduct is generally limited to the conduct of any recognized student organization on Florida State University premises. In addition, the University reserves the right to examine conduct, regardless of location, when that conduct may adversely affect the University community or its international programs. In addition, the following stipulations are considered regarding scope.

1. The processes for adjudicating violations of federal law, state law, or local ordinance and violations of the Code are separate and may be pursued independently and/or simultaneously.

2. The University reserves the right to determine how the timing of the incident impacts the initiation or completion of the student organization conduct process.

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

4. The University reserves the right to restrict contact with specified

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

5. The University reserves the right to determine what University personnel have an educational need-to-know regarding the status and/or outcome of conduct processes and to provide notice to relevant University personnel as determined by the Director of Student Rights & Responsibilities or designee.

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

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

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

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

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

5. The initial decision or recommendation of a hearing body is considered

a first-level student organization conduct action. If a first-level student organization conduct action is not appealed as provided within the Code, the initial decision becomes final agency action.

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

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

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

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

a. Members of the organization (active or inactive), alumni,

former members, agents, contractors, or guests act together to violate the Student Conduct Code or Student Organization Conduct Code;

b. One or more officers or members of an organization are present at an organization-sponsored, organization-financed, or otherwise supported activity or event has knowledge of the event, planned unlawful conduct and/or conduct in violation of the Student Conduct Code or the Student Organization Conduct Code before it occurs and fails to take preventative or corrective action or fails to stop unlawful behavior while it is occurring at such event;

c. A violation occurs on premises and/or transportation owned, operated, or rented exclusively by the student organization;

d. A pattern of individual violations has occurred and/or continues to occur without adequate control, response, or sanction on the part of the student organization or its leaders;

e. The student organization or related activities provided the context for the violation(s); or

f. The student organization chooses to protect one or more individuals in violation who are members (active or inactive), alumni, former members, agents, contractors, or guests of the student organization from official actions.

(f) Violations. The following behaviors, or the aiding, abetting, conspiring, soliciting, or inciting of, or attempt to commit these behaviors, constitute violations of the Student Organization Conduct Code.

1. Sexual Misconduct

a. Sexual Violence. Any sexual act performed without the consent of the reporting party, or that occurs when the reporting party is unable to give consent. Consent to sexual activity must be knowing, intelligent, unambiguous,

and voluntary. Consent is active, not passive. There must be a clear and willing participation, through words or actions, for each sexual act. Submission to sexual activity that is the result of force, coercion, or threats is not valid consent.

Consent to one type of sexual activity does not imply consent to other types of sexual contact. There must be consent at every stage of the sexual encounter. Past consent to sexual activity does not imply consent to future sexual activity. Consent can be withdrawn at any time, including in the middle of a sexual encounter, if the withdrawal of consent is clearly indicated by words or actions. Individuals who are incapacitated by voluntary or involuntary alcohol or drug use (legal, illegal, or prescription); asleep; unconscious; mentally impaired by disease or illness; or under 18 years old cannot give consent to sex (no matter what they say or do). “Incapacitation” is a state where a person cannot make a rational, coherent decision because the person lacks the ability to understand the nature of the act.

b. Sexual Harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature when:

i. Submission to such conduct is made an explicit or implicit term or condition of employment, academic status, receipt of University services, participation in University programs; or

ii. Submission to or rejection of such conduct is used as the basis for an academic or employment decision; or

iii. The conduct is sufficiently severe, frequent, or widespread that, both subjectively (to the reporting party) and objectively (to a reasonable person), it: (1) creates an intimidating, hostile, or offensive

work environment; or (2) denies, interferes with, or limits an individual's ability to participate in or benefit from opportunities, university programs, or activities.

c. Sexual Exploitation. Any act of taking non-consensual, unjust, or abusive sexual advantage of another person for one's own advantage or benefit or to benefit or advantage anyone other than the person being exploited.

Sexual Exploitation includes but is not limited to:

i. Causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such person;

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

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

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

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

vi. Voyeurism; and

vii. Knowingly or recklessly transmitting a sexually transmitted disease (including HIV) to another individual.

d. Stalking. Willfully, maliciously, and repeatedly following,

harassing, or cyberstalking another person. “Cyberstalking” means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic email or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose. Stalking can involve:

i. Following a person

ii. Appearing at a person’s home, class, or work

iii. Frequently calling, texting, e-mailing, or electronically chatting

iv. Leaving written messages or objects

v. Vandalizing a person’s property.

e. Dating Violence/Relationship Violence. Violence between an individual who is or recently has been in a continuing and significant relationship of a romantic or sexual nature and the other party. Dating Violence/Relationship Violence includes hurtful, repeated, and intentional behavior that one person uses to maintain power and control over another in an intimate relationship. The behavior can manifest as abuse that is verbal, emotional, psychological, physical, or sexual. Behaviors may include, but are not limited to: threats, name-calling, put-downs, isolation, withholding of money, physical harm, and sexual assault.

f. Domestic Violence. Hurtful, repeated, and intentional behavior that one person uses to maintain power and control over another in an intimate relationship. The behavior can manifest as abuse that is verbal, emotional, psychological, physical, or sexual. Examples of Domestic Violence include assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any

criminal offense resulting in physical injury or death of one family or household member by another.

g. Sex Discrimination. Treating individuals unequally because of their sex, gender, sexual orientation, gender identity, or gender expression.

Examples of sex discrimination include:

i. Gender Based Hostility. Negative treatment or use of derogatory or offensive language toward a person because of that person's gender, whether or not the language itself is sexual.

ii. Sex and/or Gender Stereotyping. Taking a negative employment/academic action, creating a hostile environment, or denying a benefit because the individual does not conform to sexual stereotypical notions of masculinity and femininity.

h. Retaliation. Any creation of a hostile environment or adverse action threatened or taken against an individual who makes a report of Sexual Misconduct, assists another in making a report of Sexual Misconduct, participates in the investigation of a report of Sexual Misconduct, or who in good faith and in a reasonable manner opposes conduct believed to constitute Sexual Misconduct.

i. Complicity. Any action or behavior done with the intent of aiding, facilitating, promotion, or encouraging the commission of an act of Sexual Misconduct.

2. Endangerment

a. Physical violence towards another person or group.

b. Action(s) that endanger the health, safety, or well-being of another person or group.

c. Interference with the freedom of another person to move about

in a lawful manner.

3. Harassment

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

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

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

d. Bullying behavior, defined as: the systematic and chronic infliction of physical hurt or psychological distress by teasing, social exclusion, threat, intimidation, stalking, physical violence, theft, harassment, or destruction of property.

e. Stalking, not of a sexual nature, defined as: to follow or otherwise contact another person repeatedly, so as to put that person in fear for said individual's life or personal safety.

4. Hazing

a. Hazing is defined as any group or individual action or activity that endangers the mental or physical health or safety or which may demean, disgrace, or degrade any person, regardless of location, intent, or consent of participant(s). Although hazing is generally related to a person's initiation or admission into, or affiliation with, any group or organization, it is not necessary that a person's initiation or continued membership is contingent upon participation in the activity, or that the activity was sanctioned or approved by the organization, for a charge of hazing to be upheld. The actions of active, associate, new, and/or prospective members of an organization may be considered hazing. Hazing includes, but is not limited to:

i. Unreasonable interference with a student's academic

performance

ii. Forced or coerced consumption of food, alcohol, drugs,

or any other substance

iii. Forced or coerced wearing of apparel which is

conspicuous and/or inappropriate

iv. Forced or coerced exclusion from social contact

v. Branding

vi. Creation of unnecessary fatigue (including but not

limited to acts that stem from forced physical activity, such as

calisthenics and deprivation of sleep)

vii. Deprivation of food

viii. Beating, whipping, or paddling in any form

ix. Line-ups and berating

x. Physical and/or psychological shocks

xi. Personal servitude

xii. Kidnapping or abandonment

xiii. Unreasonable exposure to the weather

xiv. Any activity that would be viewed by a reasonable

person as subjecting any person to embarrassment, degradation, or

humiliation

xv. Expectation of participation in activities that are

unlawful, lewd, or in violation of University policy

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

5. Remote Controlled Aircraft

a. Unauthorized on-campus use of any remote controlled aircraft

or vehicle (i.e, drones).

b. Failure to comply with established guidelines for authorized use of remote controlled aircraft.

6. Weapons

a. On-campus possession or use of firearms, antique firearms, ammunition, destructive devices, or other weapons or dangerous articles or substances, including but not limited to non-lethal weapons such as pellet guns, bb guns, paintball markers, slingshots, crossbows, stun guns, Tasers, metallic knuckles, archery equipment, or any dangerous chemical or biological agent.

Note: This section shall not apply to:

i. any law enforcement officer who is a student or to any student ROTC member acting under the supervision of an ROTC unit in a manner proscribed by military regulations of the United States Government; or

ii. any student whose possession of a weapon as described above is approved by the FSU Police Department for a bona fide educational purpose; or

iii. a concealed firearm kept for lawful purposes with or without a license by persons 18 years or older within the interior of a private vehicle, provided that such firearm is not carried on the person and provided that a handgun must be kept securely encased; or otherwise not readily accessible for immediate use, or

iv. a student who possesses a concealed weapon or firearm license and is in possession of a stun gun or non-lethal electric weapon or device designed solely for defensive purposes and which weapon does not fire a dart or projectile as provided in Section 790.06(12) (a) 13., Florida Statutes.

b. On-campus possession or use of unauthorized knives. Culinary knives used in kitchen areas for their intended purpose and pocket knives with blades less than four inches in length are permitted in the residence halls. Other knives or objects with longer than a four-inch blade, include but are not limited to: swords, hunting knives, daggers, dirks, stiletto knives, machetes, axes, hatchets, and switchblades are not permitted. This also includes items that may be considered decorative in manner, such as sword canes and ornamental daggers and swords.

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

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

This section is authorized by Section 790.115, Florida Statutes. In accordance with Section 790.33, Florida Statutes, nothing in this section is intended to prohibit or regulate the lawful possession of a weapon or firearm as defined in Section 790.001, Florida Statutes, except as permitted by law.

7. Fire and Safety

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

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

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

d. Arson, or the setting of any unauthorized fire in or on

University property.

8. Alcohol, Controlled Substances, and Illegal Drugs

a. Unlawful possession or use of controlled substances, including prescription medicine belonging to another individual.

b. Possession or use of illegal drugs.

c. Purchase of illegal drugs or controlled substances.

d. Distribution, delivery, or sale of illegal drugs or controlled substances.

e. Possession or use of drug paraphernalia.

f. Possession or consumption of alcohol when under the age of 21 as specified by the State of Florida.

g. Providing alcoholic beverages to an individual who is under the age of 21 as specified by the State of Florida.

h. Driving while under the influence of alcohol or any controlled substances or illegal drugs.

i. Intoxicated behavior.

j. Open Party. An open party is defined as an event at any location where hosts, owners, residents, or others in control of the event fail to take reasonable steps to ensure legal compliance, reduce the risk of harm, and ensure the safety of guests (including, but not limited to, removing those in violation or requesting law enforcement to assist) if alcoholic beverages are known to have been consumed at the residence by person/s under the age of twenty-one and/or illegal drugs or controlled substances are unlawfully possessed, distributed, or used.

k. Failure of a student organization to take all necessary steps to see that no person under the legal drinking age possesses alcoholic beverages at

functions its sponsors or within any property or transportation it owns, operates, and/or rents.

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

9. Disruption

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

b. Providing false information to a University official or to a non-University law enforcement official, including student conduct hearing bodies.

c. Acts that impair, interfere with, or obstruct the orderly conduct, processes, and functions of the University or the rights of other members of the University community. This includes acts that occur both inside and outside of the classroom setting and may involve use of electronic or cellular equipment. This also includes behavior off campus during a university sanctioned event or activity or an event where the student serves as a representative of the university, including, but not limited to an organizational leadership role.

d. Commercial solicitation on campus without prior approval from University officials.

e. Acts that disrupt the University student conduct process including attempting to coerce or influence a person regarding the reporting of a student conduct violation or a person's participation in any student conduct proceeding.

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

g. Urination or defecation in a public space.

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

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

j. Duplication, replication, or alteration of University-issued student tickets.

10. Misrepresentation or Misuse of Identity or Identification

a. Permits another person to use his or her identification.

b. Inappropriate use of another person's identification.

c. Impersonation, or misrepresenting the authority to act on behalf of another or the University.

d. Forgery, alteration, or misuse of identification, documents, records, keys, or access codes.

e. Manufacture, distribution, delivery, sale, or purchase of false identification.

f. Possession or use of false identification.

11. Property

a. Damage or destruction of public or private property.

b. Theft. Without authorization removes or uses the property or services of another person or of the University, with the intent to permanently deprive the person or University of the property.

c. Misappropriation. Without authorization temporarily removes or uses the property or services of another person or the University, but without the intent to permanently deprive the person or the University of the property.

d. Receipt, possession, sale, or purchase of property or services

that are known or reasonably should have been known to have been stolen.

e. Enters or uses the property or facilities of the University or of another person without the proper consent or authorization.

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

12. Computers

a. Unauthorized access or entry into a computer, computer system, network, database account, software, or data.

b. Unauthorized alteration of computer equipment, software, network, or data.

c. Unauthorized downloading, copying, or distribution of computer software or data.

d. Any other act that violates Florida law or the Florida State University Policies and Responsibilities for Use of Campus Computer and Network Resources.

13. Recording of Images without Consent. Using electronic or other means to make a video or photographic record of any person where there is a reasonable expectation of privacy without the person's consent and when such a recording is likely to cause injury, distress, or damage to reputation. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and restrooms. The sharing and/or distributing of such unauthorized records by any means is also prohibited.

14. Recording of Oral Communications without Consent. Using electronic or other means to make a record of any person when such oral communication is uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation (e.g., a situation in which

the person has a reasonable expectation of privacy), and the person has not given consent to the acquisition or recording of the communication. Such oral communications include but are not limited to recordings made using any device and any wire, oral, or electronic communication.

15. Publication of Explicit Images. Publication of an explicit image of a person that conveys personal identifying information of that person on a website, via social media, or other means without the depicted person's consent, even if the depicted person originally consented to the creation of the image or voluntarily provided it to the person responsible for the publication.

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

17. Other Violations

a. Violation of Federal or State law or local ordinance.

b. Violation of any Florida Board of Governors Regulation.

c. Aids, abets, conspires, solicits, incites, or attempts to commit, any other violation of Federal law, State law, or local ordinance.

d. Violation of any other University regulation or policy as described in the FSU General Bulletin, University Housing contract, University Housing Publication - Graduate / Undergraduate, The Guide to Residence Living, other University Housing publications, the FSU Online Student Policy Hand book, the official FSU website, Student Activities and Organizational Policies (Student Organizational Manual or other University policies and Student Organization Advisor's Manual), or other University policies directly related to departments, organizations or clubs.

e. Violation of the Academic Honor Policy when the student is not currently enrolled in the related course or when the incident cannot otherwise

be processed under the Academic Honor Policy. Refer to the Academic Honor Policy for violations and descriptions.

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

The two (2) fundamental due process rights are:

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

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

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

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

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

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

a. Filing a police report with the FSU Police Department or requesting that a report from another law enforcement agency be sent to the

FSU Police Department.

b. Providing a signed statement to the Office of Student Rights and Responsibilities or providing a statement through a secure University reporting function.

c. All information received related to recognized student organizations affiliated with one of the four governing Greek councils at Florida State University is reviewed by representatives from all four Greek councils (i.e., Interfraternity Council, Multicultural Greek Council, National Pan-Hellenic Council, Panhellenic Association) and representatives from the Office of Fraternity & Sorority Life and the Office of Student Rights & Responsibilities. This group recommends to the Director for the Office of Student Rights & Responsibilities or designee as to whether formal Code charges will be filed or if alternative action, including mediation, is appropriate. When practical, reports should be submitted to the appropriate Student Conduct Authority in a timely manner.

d. If a case involving alleged sexual misconduct is reported to a Student Conduct Authority, said authority has an obligation to report this matter to the appropriate Title IX authority, in adherence with the University's Sex Discrimination and Sexual Misconduct Policy. A Title IX investigation of the matter must occur, with a recommendation to review for possible student conduct charges, before any Student Conduct Authority can review said matter.

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

2. Notice. The written notice given to any student organization will include the following:

a. Sufficient detail to prepare a response (including source of information, alleged violation, and specific Student Organization Conduct Code charges).

b. An invitation to attend an information session, during which the student organization's representative may view all materials related to the case, receive instruction regarding the student organization conduct process and the student organization's rights, and confirm the forum in which the case will be heard.

c. Notice of a formal hearing will occur at least five (5) business days prior to the hearing of the case. Informal proceedings will be scheduled at the convenience of the responding party and the hearing body.

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

e. The Office of Student Rights and Responsibilities working in conjunction with appropriate University offices and/or organization advisors may place restrictions on the student organization if the representative fails to address the Student Organization Conduct Code charges in a timely manner.

f. The contact information on file with the Student Activities Center and/or relevant University offices will be used for all notices sent to the student organization and the organization's advisor regarding the conduct process.

3. Hearing Bodies and Authorities. Any specific procedures used by hearing bodies will comply with the requirements of the Code. The range of available hearing bodies may differ on branch campuses or International Programs locations.

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

b. A hearing officer designated by the Dean of Students may conduct formal hearings on student organization cases.

c. The Dean of Students and Associate Deans of Students may conduct formal hearings on student organization cases.

d. The Student Conduct Board may conduct formal hearings on student organization cases. Panels are composed of five (5) Student Conduct Board members selected by the Office of Student Rights and Responsibilities. In times of limited student availability or when conflicts are identified, hearings may proceed with less than five (5), but not less than three (3), Student Conduct Board members. The Director of Student Rights & Responsibilities (or designee) will designate appropriate staff to serve as advisors to the Student Conduct Board.

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

f. Greek Conduct Boards may conduct formal hearings involving Student Organization Conduct Code charges against registered student organizations affiliated with one of four governing Greek councils at Florida State University. Greek Conduct Boards are composed of five (5) members selected by the Office of Student Rights & Responsibilities. In times of limited

student availability or when conflicts are identified, hearings may proceed with less than five (5), but not less than three (3) Greek Conduct Board members.

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

a. Formal Hearings:

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

ii. Will be held no sooner than five (5) business days after notice is received by the responding party. The student organization may submit a written request to hold the hearing before the five (5) business days. The request will be considered and acted upon by the Office of Student Rights and Responsibilities.

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

iv. A formal decision letter will be sent to the student organization within ten (10) business days from the conclusion of the hearing. This time limit may be extended if additional consideration of evidence and deliberation is required.

v. The following order of presentation is recommended for use in formal hearings. The hearing body may change the order if deemed appropriate.

A. Presentation of formal charges.

B. Opening statement by the University.

C. Opening statement by the reporting party, if applicable. This party may waive the right to provide an opening statement.

D. Opening Statement by the responding party.

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

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

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

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

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

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

b. Informal hearings:

i. The University does not automatically call witnesses to support the charges, although the hearing body may gather any additional information needed, including calling witnesses. The responding party will be informed of any additional information gathered by the hearing body. The responding party may call witnesses and present evidence.

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

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

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

B. Option 1- Sign an Informal Hearing Case Resolution form. This action constitutes the responding party accepting responsibility for the alleged behavior and agreeing to

the assigned sanctions. Signing this document will constitute final action.

C. Option 2 – A responding party may choose to Petition Sanctions. The responding party must write a letter to the Director of Student Rights & Responsibilities to demonstrate why a change in sanctions is warranted. This option still requires the student organization to accept responsibility for the alleged action.

D. Option 3 – The responding party may choose to move forward with selecting a formal hearing with the Student Conduct Board or Greek Conduct Board.

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

iv. Brief written decisions (including findings of fact) will serve as records of informal hearings and will be communicated within ten (10) business days of the hearing body's final meeting with the student organization. This time limit may be extended if additional consideration of evidence and deliberations are required.

5. Hearing. Hearings will follow these guidelines:

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

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

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

d. A responding party and reporting party will have the opportunity to present evidence on their behalf, including presenting witnesses, if available, and /or signed, written statements from witnesses, and other documentary evidence. Witness testimony is not required and the inability of the responding party or reporting party to question a witness who has provided a written statement is not a violation of the due process rights of either party, as both parties have the opportunity to review and respond to the written statement and may offer evidence to rebut the witness statement and other evidence presented at the hearing. Witness statements are entitled to be given the same weight by the hearing body as live witness testimony. Witness statements need not be sworn or in affidavit form.

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

f. The responding party, reporting party, and any witnesses may be accompanied during the hearing by an advisor. According to FSU Regulation FSU-3 .006, the University Defender may serve as an advisor. Students are required to address the hearing body in person, on their own behalf, although they may consult with their advisor during the hearing. This consultation must take place in a manner that does not disrupt the proceedings. The advisor shall not speak on behalf of the student organization unless expressly authorized to do so by the hearing body. The responding party,

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

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

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

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

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

k. Appropriate witnesses will be called by the University to all formal hearings (see below for a description of formal versus informal hearings). Those witnesses who appear may be cross-examined by all involved parties. If called witnesses do not appear, their written or taped statements may be considered by the hearing body. In some cases, student witnesses who fail to appear may be charged with a violation of the Student Conduct Code.

Appropriate witnesses may also be called by the involved parties to all hearings, provided they are reasonably available and do not disrupt or delay the hearing. In the event a witness is not reasonably available or the witness's

presence may disrupt the hearing, a written statement from the witness may be substituted. Witness statements need not be sworn or in affidavit form.

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

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

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

o. Prior records of Student Organization Conduct Code action and witness/reporting party impact statements are considered by the hearing body only in the sanctioning phase of deliberations.

p. The hearing body's determination of "responsible" or "not responsible" will be based solely on the information presented at the hearing. However, when additional information that affects this determination is gathered outside the hearing, it may be used, provided it is shared with the responding party and reporting party and both parties have an opportunity to respond to the information. In cases involving multiple students or organizations charged, information provided at one hearing may be used as evidence in the related case(s).

q. To request the cancellation of a previously scheduled formal

hearing, involved parties must submit a written statement to the Office of Student Rights and Responsibilities five (5) business days prior to the hearing date. At the discretion of the Director of the Office of Student Rights and Responsibilities (or designee), the hearing may be rescheduled or conducted in the absence of the responding party or reporting party.

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

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

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

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

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

d. All recommended Student Organization Conduct Code decisions must be approved in writing by the appropriate authority or designee and only then will be communicated to the student organization. The appropriate authority may adopt or amend the recommended decision, or order a new hearing. Prior to amending or ordering a new hearing, the authority will confer with the appropriate hearing body.

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

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

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

(2) Sanctions

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

In light of the facts and circumstances of each case, the following sanctions, or combination of sanctions (with or without appropriate modifications) may be imposed upon any recognized student organization found to have violated the Code. Certain sanctions may result in a financial cost to the student organization. If a student organization does not complete a sanction by the required deadline, the Office of Student Rights & Responsibilities, working in conjunction with University offices and/or organization advisors, may place restrictions on the organization. This includes but is not limited to a loss of recognition by the University until all sanctions are complete.

(b) List of Sanctions. The sanctions listed below are not intended to serve as an

exhaustive list of all sanctions the University may be able to utilize regarding a given student organization conduct concern.

1. Reprimand (written or verbal).

2. Service Hours. Completion of tasks under the supervision of a University department or outside agency.

3. Educational Activities. Attendance by members of the student organization at educational programs, interviews with appropriate officials, planning and implementing educational programs, or other educational activities.

4. Restitution. Only in cases involving University property. Restitution must be submitted to the appropriate University department in a manner that is approved by that University department.

5. Probation and Suspension-Related Restrictions. As a condition of a sanctioned probation or suspension from the University, restrictions can be applied as well. Some of the restrictions that may be placed on the student organization during the probationary period include, but are not limited to barring or limiting some or all of the organization's activities and/or privileges (including but not limited to: social activities; intramural competition; organizational competition; Homecoming; eligibility to receive any University award or honorary recognition; privilege to occupy a position of leadership or responsibility in any University student organization governing body, publication, or activity; or ability to represent the University in an official capacity or position), entrance into University residence halls or other areas of campus, or contact with other specified person(s).

6. Conduct Probation. A period of time during which any further violations of the Student Conduct Code may result in more serious sanctions being imposed. Some of the restrictions that may be placed on the student during the probationary period include, but are not limited to: participation in student activities,

representation of the University on athletic teams or in other leadership positions, entrance into University residence halls or other areas of campus, or contact with other specified person(s).

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

8. Suspension. Separation from the University for a specified period, not to exceed two (2) years. This may include restricted access to campus and/or other specified activities. Restrictions listed in Sanction #5 (listed above) can also be applied as a condition of Suspension. While an organization is suspended, it may not use University resources or participate as an organization in any University activities or events. Regaining recognition with related Oglesby Union offices (e.g., Student Activities Center) and/or governing Greek councils (if applicable) is possible but not guaranteed and will only be considered after the conclusion of the suspension period, based on meeting all recognition criteria as set by the aforementioned areas and obtaining clearance from the Office of Student Rights & Responsibilities.

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

meeting all recognition criteria as set by the aforementioned areas and obtaining clearance from the Office of Student Rights & Responsibilities.

10. Restrictions on contact with specified people.

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

(3) Appeals

(a) Function.

An appeal may be requested on any first-level decision, provided that one or more of the reasons for appeal listed in “Appeal Requests” is relevant to the case. On appeal, the burden of proof rests with the student organization to show clearly that a fundamental due process error that would substantially impact the outcome of the hearing has occurred during the first level hearing process. The appellate body varies depending on the initial hearing body and is outlined below.

(b) Appeals Involving Reporting and Responding Parties

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

appeal outcome. If either party wishes to respond to the original appeal request, the other party will be afforded an opportunity to respond to the appeal, specifically if said individual is unavailable to attend a possible appeal meeting.

(c) Appellate Officers

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

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

(d) Appeal Requests

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

the supporting facts, and the recommended way to correct the error.

3. Appeals are not opportunities for full re-hearings of cases already decided. Appeal considerations are limited to:

a. Due process errors involving violations of a responding party's fundamental due process rights (see "Procedures") or a reporting party's rights (see "Reporting Party Rights") that substantially affected the outcome of the initial hearing.

b. Demonstrated prejudice against any party by the person presiding over the hearing. Such prejudice must be evidenced by a conflict of interest, bias, pressure, or influence that precluded a fair and impartial hearing.

c. Newly discovered, relevant information that was not reasonably available at the time of the original hearing and that would have substantially affected the outcome of the original hearing.

d. A sanction that is extraordinarily disproportionate to the violation committed.

e. The preponderance of the evidence presented at the hearing does not support the finding with regard to responsibility. Appeals based on this consideration will be limited solely to a review of the record of the first-level hearing, except newly discovered evidence under sub-bullet 3(c) above may also be considered.

(e) Appellate Review

1. Will involve an initial file review by the appellate officer. The appellate officer may make a determination based solely on this review. The outcome of the file review may become the official decision (see Section 3.F "Appellate Recommendations and Decisions").

2. If the appellate officer determines a need for additional information,

that officer may request written materials and/or an appeal meeting with the responding party and/or reporting party (see numerals 3-7 below).

3. If deemed necessary, an appeal meeting will be scheduled within ten (10) business days of receiving the written request for appeal.

4. If deemed necessary, an appeal meeting will involve speaking with the responding party and/or reporting party and any witnesses called by either party; the appellate officer may determine whether there is a need to call any further witnesses or gather additional information.

5. An appeal meeting will be audio recorded; this recording will serve as the official record of the meeting.

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

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

8. If the responding party and/or reporting party fails to appear at the scheduled appeal meeting after proper notice or otherwise fails to cooperate with the Student Organization Conduct Code process, the meeting may still be held in their absence.

9. During an appeal period, any action that would have gone into effect as a result of a first-level decision is placed on hold until the full conclusion of the appellate process. Discretion is provided to the appropriate Student Conduct Authority if the immediate health and safety needs of a community may require a modification of this expectation.

(f) Appellate Recommendations and Decisions

1. The appellate officer may recommend to affirm, modify, or reverse the

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

a. All appellate recommendations are transmitted to the Vice President. The Vice President (or designee) has the right to affirm, modify, or reverse the recommendation, or to order a new hearing.

b. The final decision is communicated in writing within fifteen (15) business days of an appellate hearing. This time period may be extended if necessary for consideration of the record on appeal.

c. Once approved by the Vice President (or designee), appellate recommendations become final agency action. Final agency action decisions may be appealed by writ of certiorari to the Second Judicial Circuit in and for Leon County, Florida.

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

(4) Records

a. Records Maintenance. Records of all student organization conduct cases will be maintained in the Office of Student Rights and Responsibilities or in University Housing. Records which result in a finding of not responsible or result in suspension or a less severe sanction shall be destroyed in compliance with Florida Public Records law. Records of student organization conduct actions which result in a change in the organization's recognition status will be removed seven (7) years after the date of completion. Records of student organization conduct actions which result in an organization's permanent separation from the University will not be removed

from the official record under any circumstances. Any records kept beyond this limit is for statistical purposes and will not be considered or released as official student conduct records.

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

c. Copies of Records

1. Recordings of hearings may be reviewed at the Office of Student Rights and Responsibilities. The Office of Student Rights and Responsibilities may require the reviewer to sign a confidentiality agreement as a condition of the review. Copies of recordings are not available unless all parties and witnesses have provided written confidentiality waivers.

2. Transcripts of recorded hearings will not be prepared by the University. Any person desiring a transcript of a recorded hearing should contact the Office of the General Counsel, which will arrange for the preparation of the transcript by a court reporting service. The court reporting service will provide the transcript to the Office of the General Counsel, which will perform a confidentiality review of the transcript and redact any confidential or exempt information pursuant to state or federal law. The requester shall bear the cost of the transcript preparation and confidentiality review.

(5) Interim Disciplinary Action. Based upon a student organization's alleged behavior, the Vice President, the Dean of Students, (or their designee(s)) may impose an interim disciplinary action prior to the initiation of formal charges under the Student Organization Conduct Code or

to a student organization's hearing on the facts of the case.

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

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

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

(d) Interim disciplinary action does not supplant the student organization conduct

process, which shall proceed on normal schedule and follow established procedures noted in the Code.

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

(f) If a challenge is requested on the interim disciplinary action, a meeting will be scheduled within three (3) business days of the receipt of a written request. The Dean of Students (or designee) will conduct the meeting.

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

(h) A student organization is afforded the right to have an advisor present at this meeting. The student organization is required to utilize an organization representative to address the Dean of Students (or designee) in person, on behalf of the student organization, although the organization representative may consult with their advisor during the meeting. This consultation must take place in a manner that does not disrupt the proceedings. The advisor shall not speak on behalf of the student organization unless expressly authorized to do so by the administrator conducting the meeting. The responding party shall provide the advisor's name in writing to the Office of Student Rights and Responsibilities or University Housing two (2) business days prior to the meeting. The advisor may not serve as a witness.

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

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

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

~~1. General Provisions and Hearing Procedures.~~

~~1. Introduction. The Student Organization Conduct Code applies the principles found in the “Statement on Values and Moral Standards at Florida State University” to student organizations through which students act and conduct their collective interests and activities. Recognized student organizations enjoy substantial privileges throughout the University community and beyond and must be held to the same standard of conduct as individual students. The Student Organization Conduct Code promotes responsible freedom for all students. Responsible freedom is exercised when actions are directed by ethical standards. This Code seeks to apply the principle of responsible freedom as it~~

~~guides the conduct of Florida State University student organizations. Moreover, the Code operates as a vehicle for informing student organizations about their rights and responsibilities while reinforcing the development of ethical standards that make responsible freedom possible. The “Statement of Values and Moral Standards at Florida State University” is found in the current FSU Online Student Policy Handbook.~~

~~2. Scope. Florida State University jurisdiction regarding student organization conduct includes conduct of any recognized student organization that occurs on Florida State University premises. In addition, the University reserves the right to examine conduct, regardless of location, when that conduct may adversely affect the University community or its international programs. The University reserves the right to restrict contact with specified people when the facts and circumstances dictate such action. The right of all students to seek knowledge, debate ideas, form opinions, and freely express their ideas is fully recognized by Florida State University. This Student Organization Conduct Code applies to student organization conduct and will not be used to impose discipline for the lawful expression of ideas. Specific restrictions on time and place of meetings and assemblies are found in Oglesby Union and other University rules, regulations, or policies. The processes for adjudicating violations of state and federal law and violations of the Student Organization Conduct Code are separate and may be pursued independently and/or simultaneously.~~

~~3. Authority.~~

~~1. Authority for student organization discipline ultimately rests with the President and the University Board of Trustees, who delegates this authority to the Vice President for Student Affairs (hereinafter “Vice President”). The Vice President delegates this~~

~~authority to the Dean of Students and the Assistant Dean of Students/Director of the Office of Student Rights and Responsibilities. The Vice President and the Dean of Students have the authority to designate individuals as hearing or appellate officers when appropriate.~~

~~2. The Vice President (or designee) also has the authority to notify the person listed as the student organization's emergency contact (or other appropriate person) in case of an emergency involving that student organization.~~

~~3. All hearing bodies have the authority to consult with other appropriate University officials in order to resolve a Student Organization Conduct Code case effectively.~~

~~4. Decisions of all the Student Conduct Boards and Greek Conduct Boards are considered recommendations to the Director of the Office of Student Rights and Responsibilities (see Section 7 below).~~

~~5. All recommended student organization conduct decisions must be approved in writing by the appropriate authority (or designee) and only then will be communicated to the student organization (see Sections 3-6 above). The appropriate authority may adopt or amend the recommended decision, or order a new hearing. Prior to amending or ordering a new hearing, the authority will confer with the appropriate hearing body. Upon approval, the recommended decision becomes a first level student conduct action.~~

~~6. Decisions of all other hearing bodies constitute first level student organization conduct actions.~~

~~7. If a first level student organization conduct action is not appealed as provided herein, that decision becomes final agency action.~~

~~8. Appellate officers are listed in Section (3), Appeals. Appellate decisions are considered recommendations to the Vice President and become final agency action upon approval by the Vice President (or designee).~~

~~4. Definitions.~~

~~1. Advisor. The term "advisor" means any one person chosen by the student president of the organization or designee or any witness to assist throughout the student organization conduct process, unless service in this capacity would unreasonably conflict with the fair administration of the student organization conduct process as determined by the Director (or designee) of the Office of Student Rights and Responsibilities.~~

~~2. Charged Student Organization. The term "charged student organization" means any student organization as defined below that is the subject of charges under the Student Organization Conduct Code.~~

~~3. Class day. The term "class day" means any day that either classes or final exams are scheduled.~~

~~4. Hearing. The term "hearing" means an informal or formal proceeding, conducted by a hearing body in accordance with the Student Organization Conduct Code, at which determinations of responsibility and non-responsibility are made and sanctions imposed.~~

~~5. Hearing Body. The term "hearing body" means any person or persons authorized by the Dean of Students to conduct hearings to make recommended findings as to whether a student organization has violated the Student Organization Conduct Code and to recommend sanctions.~~

~~6. On Campus. The term "on campus" means all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University, including~~

~~adjacent streets, sidewalks, and parking lots. See also subsection 12, "University,"~~
~~below.~~

~~7. Policy. The term "policy" means the written statements of the University as found in, but not limited to, the Student Conduct Code, Student Organization Conduct Code, the General Bulletin, the Online Student Policy Handbook, the Directory of Classes, the Guide to Residence Living and other written requirements of departments, organizations, and clubs.~~

~~8. Preponderance of the Evidence. "Preponderance of the evidence" means that the evidence, as a whole, shows that the fact sought to be proved is more probable than not. This standard shall be used in adjudicating all conduct cases within this Student Organization Conduct Code.~~

~~9. Student. The term "student" means any person who is admitted to and enrolled in any credit bearing course or program in any school or division of Florida State University, any person who is admitted to the University and is present on campus for the purpose of being enrolled in any University course or program, including Orientation, or any person who has been enrolled in any credit bearing course or program at the University and continues to be associated with the University because the student has not completed the course or program in which the student was enrolled. In cases of dual enrollment, jurisdiction over a student's conduct will be determined in consultation with appropriate officials at the student's other institution~~

~~10. Student Defender. The term "Student Defender" means any person provided by the Student Government Association, either through formal appointment or informal~~

~~referral, to serve as a resource and advisor to the charged student organization under the authority of FSU Regulation FSU 3.006.~~

~~11. Student Organization. The term “student organization” means any student organization that is officially recognized by the University. The student president (or designee who is mutually agreed upon by the University) of the organization represents the organization throughout the Student Organization Conduct Code process and shall be the person designated to receive any notice for the student organization or to take action required of the student organization as provided by this Student Organization Conduct Code.~~

~~12. University. The terms "University" and “University properties” mean Florida State University, including the main campus, all property leased, used or controlled by the University, all branch campuses, facilities and University International Programs’ locations. The Student Organization Conduct Code applies to the University as defined herein. Non-substantive procedural modifications that reflect the particular circumstances of each campus and international program are permitted.~~

~~13. University Community. The term "University community" includes any person who is a student, faculty member, University official, visitor, contractor, volunteer, representative of the University, or any other person employed by the University. It also includes registered student organizations and their members (active or inactive), officers, guests, contractors, and agents.~~

~~14. University Official. The term "University official" means any person employed or appointed by the University to perform assigned teaching, research, administrative, professional or other responsibilities.~~

~~5. Group Responsibility. Any student organization can be held responsible for its actions or the actions of one or more of its members, active or inactive, guests, contractors, and agents. Every organization has the duty to take all reasonable steps to prevent violations of University regulations and state laws growing out of or related to the activities of the organization. To this end, each organization is expected to educate its members regarding their risk management policy and all applicable University policies and state laws.~~

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

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

~~1. Members of the organization, or its alumni, former members, agents, contractors, or guests act together to violate the Student Conduct Code or Student Organization Conduct Code;~~

~~2. One or more officers or members of an organization are present at an organization sponsored, financed or otherwise supported activity or event or has knowledge of the event, planned unlawful conduct and/or conduct in violation of the Student Conduct Code~~

~~or the Student Organization Conduct Code before it occurs and fails to take preventative or corrective action or fails to stop unlawful behavior while it is occurring at such event;~~

~~3. A violation occurs on premises and/or transportation owned, operated, or rented exclusively by the student organization;~~

~~4. A pattern of individual violations has occurred and/or continues to occur without adequate control, response, or sanction on the part of the student organization or its leaders;~~

~~5. The student organization or related activities provided the context for the violation;~~
~~or~~

~~6. The student organization chooses to protect one or more individuals in violation who are members, alumni, former members, agents, contractors, or guests of the student organization from official actions.~~

~~6. Violations. The following violations, or the aiding, abetting, conspiring, soliciting, inciting of, or attempting to commit these violations, constitute violations of the Student Organization Conduct Code.~~

~~1. Sexual Misconduct.~~

~~1. Any sexual act that occurs without the consent of the victim, or that occurs when the victim is unable to give consent. Consent is defined as the willing and clear participation in the sexual act. Inability to give consent includes but is not limited to situations where the individual is:~~

~~1. under the influence of alcohol, drugs or other substances (including but not limited to prescribed medications);~~

~~2. unconscious, asleep, ill or in shock;~~

- ~~3. under the age of eighteen and therefore legally incapable of giving consent; or~~
- ~~4. known by reason of impairment, mental condition or developmental or physical disability to be reasonably unable to give consent.~~

~~Consent is not freely given if no clear verbal consent is given; if the individual is not able to give consent or if consent is achieved through force, threat of force, or coercion. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent is not the lack of resistance; there is no duty to fight in order to indicate lack of consent. Consent can be withdrawn at any time, as long as the withdrawal is clearly communicated by the person withdrawing consent through words or actions.~~

~~2. Obscene or indecent behavior, which includes, but is not limited to, exposure of one's sexual organs or the display of sexual behavior that would reasonably be offensive to others.~~

~~3. Conduct of a sexual nature that creates an intimidating, hostile, or offensive environment for another person. This includes unwanted, unwelcome, inappropriate, or irrelevant sexual or gender-based behaviors, actions or comments.~~

~~2. Endangerment.~~

~~1. Physical violence towards another person or group.~~

~~2. Action(s) that endanger the health, safety, or well-being of another person or group.~~

~~3. Interference with the freedom of another person to move about in a lawful manner.~~

~~3. Harassment.~~

~~1. Conduct, not of a sexual nature, that creates an intimidating, hostile, or offensive environment for another person.~~

~~2. Action(s) or statement(s) that threaten harm or intimidate another.~~

~~3. Acts that invade the privacy of another person.~~

~~4. Bullying behavior, defined as: the systematic and chronic infliction of physical hurt or psychological distress by teasing, social exclusion, threat, intimidation, stalking, physical violence, theft, harassment, or destruction of property.~~

~~5. Stalking, defined as: to follow or otherwise contact another person repeatedly, so as to put that person in fear for his or her life or personal safety.~~

~~4. Hazing.~~

~~1. Hazing is defined as any group or individual action or activity that endangers the mental or physical health or safety or which may demean, disgrace, or degrade any person, regardless of location, intent, or consent of participant(s). Although hazing is generally related to a person's initiation or admission into, or affiliation with, any group or organization, it is not necessary that a person's initiation or continued membership is contingent upon participation in the activity, or that the activity was sanctioned or approved by the organization, for a charge of hazing to be upheld. The actions of active, associate, new, and/or prospective members of an organization may be considered hazing. Hazing includes, but is not limited to:~~

~~1. Unreasonable interference with a student's academic performance~~

~~2. Forced or coerced consumption of food, alcohol, drugs, or any other substance~~

~~3. Forced or coerced wearing of apparel which is conspicuous and/or~~

~~inappropriate~~

- ~~4. Forced or coerced exclusion from social contact~~
- ~~5. Branding~~
- ~~6. Creation of unnecessary fatigue (including but not limited to acts that stem from forced physical activity, such as calisthenics and deprivation of sleep)~~
- ~~7. Deprivation of food~~
- ~~8. Beating, whipping, or paddling in any form~~
- ~~9. Line-ups and berating~~
- ~~10. Physical and/or psychological shocks~~
- ~~11. Personal servitude~~
- ~~12. Kidnapping or abandonment~~
- ~~13. Unreasonable exposure to the weather~~
- ~~14. Any activity that would be viewed by a reasonable person as subjecting any person to embarrassment, degradation, or humiliation~~
- ~~15. Expectation of participation in activities that are unlawful, lewd or in violation of University policy~~

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

~~5. Retaliation for Reporting Hazing. Retaliating against any individual who reported a hazing violation or suspected hazing violation to University or law enforcement officials.~~

~~6. Weapons:~~

~~1. On-campus possession or use of firearms, antique firearms, explosives, destructive devices, or other weapons or dangerous articles or substances, including but~~

~~not limited to non-lethal weapons such as pellet guns, bb guns, paintball markers, slingshots, crossbows, stun guns, Tasers, metallic knuckles, archery equipment, swords, sword canes, ornamental or decorative swords/daggers/knives, or any dangerous chemical or biological agent. Note: This section shall not apply to:~~

~~(i.) any law enforcement officer who is a student or to any student ROTC member acting under the supervision of an ROTC unit in a manner proscribed by military regulations of the United States Government; or~~

~~1. any student whose possession of a weapon as described above is approved by the FSU Police Department for a bona fide educational purpose; or~~

~~2. a concealed firearm kept for lawful purposes with or without a license by persons 18 years or older within the interior of a private vehicle, provided that such firearm is not carried on the person and provided that a handgun must be kept securely encased; or otherwise not readily accessible for immediate use; or~~

~~(iv.) a student who possesses a concealed weapon or firearm license and is in possession of a stun gun or non-lethal electric weapon or device designed solely for defensive purposes and which weapon does not fire a dart or projectile as provided in Section 790.06(12)(a)13., Florida Statutes.~~

~~1. 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.~~

~~2. This section is authorized by Section 790.115, Florida Statutes. In accordance with Section 790.33, Florida Statutes, nothing in this section is intended to prohibit or~~

~~regulate the lawful possession of a weapon or firearm as defined in Section 790.001, Florida Statutes, except as permitted by law.~~

~~3. Fire and Safety.~~

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

~~2. Unlawful 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. Arson, or the setting of any unauthorized fire or explosion in or on University property.~~

~~4. Alcohol, Controlled Substances, and Illegal Drugs.~~

~~1. Unlawful possession or use of controlled substances, including prescription medicine belonging to another individual.~~

~~2. Possession or use of illegal drugs.~~

~~3. Purchase, distribution, delivery, or sale of illegal drugs or controlled substances.~~

~~4. Possession or use of drug paraphernalia.~~

~~5. Possession or consumption of alcohol when under the age of 21 as specified by the State of Florida.~~

~~6. Providing alcoholic beverages to an individual who is under the age of 21 as specified by the State of Florida.~~

~~7. Driving while under the influence of alcohol or any controlled substances or illegal drugs.~~

~~8. Intoxicated behavior.~~

~~9. Open house party. An open house party is defined as an event at a residence where the hosts, owners, or others in control of the event fail to take reasonable steps to ensure legal compliance, reduce the risk of harm, and ensure the safety of guests (including, but not limited to, removing those in violation or requesting law enforcement to assist) if alcoholic beverages are known to have been consumed at the residence by person/s under the age of twenty one) and/or illegal drugs or controlled substances are unlawfully possessed, distributed, or used.~~

~~10. ——— Failure of a student organization to take all necessary steps to see that no person under the legal drinking age possesses alcoholic beverages at functions it sponsors or within any property or transportation it owns, operates, and/or rents.~~

~~11. ——— Any other violation of the University Alcohol Policy, FSU Regulation 6C2-6.012, F.A.C.~~

~~5. Disruption.~~

~~1. Failure to comply with a lawful order of a University official or any non-University law enforcement official.~~

~~2. Providing false information to a University official or to a non-University law enforcement official, including disciplinary hearing bodies.~~

~~3. Acts that impair, interfere with, or obstruct the orderly conduct, processes, and functions of the University or the rights of other members of the University community.— This includes acts that occur both inside and outside of the classroom setting and may involve use of electronic or cellular equipment. This also includes behavior off campus during a University sanctioned event or activity or an event where the student serves as a~~

~~representative of the University, including, but not limited to an organizational leadership role.~~

~~4. Commercial solicitation on campus without prior approval from University officials.~~

~~5. Acts that disrupt the University Student Conduct Code or Student Organization Conduct Code process, including attempting to coerce or influence a person regarding their participation in any Student Conduct Code or Student Organization Conduct Code proceeding.~~

~~6. Knowingly participating in an event or participating in an event and failing to take necessary actions to determine whether the student organization is currently on disciplinary probation with restrictive conditions, has been suspended or dismissed.~~

~~6. Misrepresentation or Misuse of Identity or Identification.~~

~~1. Permits another person to use his or her identification.~~

~~2. Inappropriate use of another person's identification.~~

~~3. Impersonation, or misrepresenting the authority to act on behalf of another or the University.~~

~~4. Forgery, alteration, or misuse of identification, documents, records, keys, or access codes.~~

~~5. Manufacture, distribution, delivery, sale, purchase, possession, or use of false identification.~~

~~6. Property.~~

~~1. Damage or destruction of public or private property.~~

~~2. Theft—without authorization removes or uses the property or services of another person or of the University, with the intent to permanently deprive the person or University of the property.~~

~~3. Misappropriation—without authorization temporarily removes or uses the property or services of another person or the University, but without the intent to permanently deprive the person or the University of the property.~~

~~4. Receipt, possession, sale, or purchase of property or services that are known or reasonably should have been known to have been stolen.~~

~~5. Enters or uses the property or facilities of the University or of another person without the proper consent or authorization.~~

~~6. Unlawfully taking, attempting to take, receiving, or keeping in its possession property or services not belonging to the student organization.~~

~~7. Misuse or mishandling of organizational funds by any officer, member, or other individual.~~

~~8. Computers.~~

~~1. Unauthorized access or entry into a computer, computer system, network, 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.~~

~~5. Recording of Images without Consent.~~

~~Using electronic or other means to make a video or photographic record of any person~~

~~where there is a reasonable expectation of privacy without the person's consent and when such a recording is likely to cause injury, distress, or damage to reputation. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and restrooms. The sharing and/or distributing of such unauthorized records by any means is also prohibited.~~

~~6. Recording of Oral Communications without Consent.~~

~~Acquires, by listening or by recording using any device, any wire, oral, or electronic communication, when such communication is uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation (i.e., in a situation in which the person has a reasonable expectation of privacy), and the person has not given consent to the acquisition or recording of the communication.~~

~~7. Gambling.~~

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

~~8. Other Violations.~~

~~1. Violation of Federal or State law or local ordinance.~~

~~2. Violation of any Florida Board of Governors Regulation.~~

~~3. Aids, abets, conspires, solicits, incites, or attempts to commit, any other violation of Federal law, State law, or local ordinance.~~

~~4. Violation of any other University regulation or policy as described in the FSU General Bulletin, University Housing contract, University Housing Publication—Graduate/Undergraduate, The Guide to Residence Living, other University Housing~~

~~publications, the FSU Online Student Policy Handbook, the official FSU website, Student Activities and Organizational Policies (Student Organizational Manual or other University policies and Student Organization Advisor's Manual), or other University policies directly related to departments, organizations or clubs.~~

~~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.~~

~~1. Student Organizational Rights.~~

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

~~2. Hearing: Student organizations will be given an opportunity to present information, including witness testimony and/or statements, during a fair and impartial hearing (a more complete description of the procedures utilized to implement these rights is found in Section (h), Procedures).~~

~~2. Procedures. The Office of Student Rights and Responsibilities is charged with implementing the Student Organization Conduct Code in ways that are congruent with the FSU "Statement on Values and Moral Standards" and with all appropriate laws and administrative regulations. The procedures implemented by these offices will be consistent with all appropriate due process rights accorded to student organizations in University Student Organization Conduct Code decisions.~~

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

~~1. Filing a police report with the FSU Police Department or requesting that a report from another law enforcement agency be sent to the FSU Police Department.~~

~~2. Providing a signed statement to the Office of Student Rights and Responsibilities. All information will then be reviewed by an appropriate staff member in the Office of Student Rights and Responsibilities to determine whether Student Organization Conduct Code charges will be filed or if alternative action, including mediation, is appropriate. When practicable, reports should be submitted to either law enforcement or the appropriate administrator in a timely manner.~~

~~1. Formal Student Organization Conduct Code charges may be filed at the completion of all law enforcement and/or administrative investigations or as soon as practicable, even if an investigation or criminal proceeding is ongoing.~~

~~2. Notice. The written notice given to any charged student organization will include the following:~~

~~1. Sufficient detail to prepare a defense (including source of information, alleged violation, and specific Student Organization Conduct Code charges).~~

~~2. An invitation to attend an information session, during which the student organization's representative may view all materials related to the case, receive instruction regarding the student conduct process and the student organization's rights, and confirm the forum in which the case will be heard.~~

~~3. Notice of a formal hearing will occur at least five (5) class days prior to the hearing of the case. d. Parent(s) of any student under the age of eighteen (18) at the time of the alleged violation may also be notified of pending charges.~~

~~1. The Office of Student Rights and Responsibilities working in conjunction with University offices and/or organization advisors may place restrictions on the student organization if the representative fails to address the Student Organization Conduct Code charges in a timely manner.~~

~~2. The address on file with the University Student Government Association Student Organization Services or the Office of Greek Life will be used for all notices sent to the organization regarding the conduct process.~~

~~1. Hearing Bodies and Authorities. Any specific procedures used by hearing bodies will comply with the requirements of this Student Organization Conduct Code. The range of available hearing bodies may differ on branch campuses or International Programs locations.~~

~~1. The Director of the Office of Student Rights and Responsibilities (and designee(s)) may conduct formal hearings on student organization cases.~~

~~2. A hearing officer designated by the Dean of Students may conduct formal hearings on student organization cases.~~

~~3. The Dean of Students may conduct formal hearings on student organization cases.~~

~~4. The Student Conduct Board may conduct formal hearings on student organization cases. Panels are composed of five (5) Student Conduct Board members selected by the Office of Student Rights and Responsibilities. In times of limited student availability or when conflicts are identified, hearings may proceed with less than five (5), but not less than three (3), Student Conduct Board members.~~

~~5. An Administrative Hearing Panel may conduct formal hearings on student organization cases. Panels are composed of one (1) faculty member, one (1) staff member, both designated by the Dean of Students (or designee), and two (2) Student~~

~~Conduct Board members. In times of limited student availability, panels may proceed with one (1) Student Conduct Board member.~~

~~6. Greek Student Conduct Boards may conduct formal hearings involving Student Organization Conduct Code charges against Greek organizations. Greek Student Conduct Boards are composed of five (5) members selected by the Offices of Student Rights and Responsibilities and Greek Life. In times of limited student availability or when conflicts are identified, hearings may proceed with less than five (5), but not less than three (3), Greek Student Conduct Board members.~~

~~2. Types of Hearings. Organizational cases are heard through a formal hearing.~~

~~1. Formal Hearings:~~

~~1. Require the hearing body to call appropriate witnesses or obtain witness statements, reports, or other information in support of the charges.~~

~~2. Will be held no sooner than five (5) class days after notice is received by the charged student organization. The student organization may submit a written request to hold the hearing before the five (5) class days. The request will be considered and acted upon by the Office of Student Rights and Responsibilities.~~

~~3. Will be audio recorded. This recording will serve as the official record of the proceedings.~~

~~4. A formal decision letter will be sent to the student organization within ten (10) class days from the conclusion of the hearing. This time limit may be extended if additional consideration of evidence and deliberation is required.~~

~~5. The following order of presentation is recommended for use in formal hearings. The hearing body may change the order if deemed appropriate.~~

~~1. Presentation of formal charges.~~

~~2. Opening statement by the University, followed by the opening statement of the charged student organization. Either party may waive the right to provide an opening statement.~~

~~3. Presentation of evidence and witnesses by the University, followed by questioning of those witnesses by the hearing body and the charged student organization. Witnesses are then dismissed.~~

~~4. Presentation of evidence and witnesses by the charged student organization, followed by questioning of those witnesses by the charged student organization and the hearing body. Witnesses are then dismissed.~~

~~5. Questions directed to the charged student organization by the hearing body.~~

~~6. Closing statement by the University, followed by the closing statement of the charged student organization. Either party may waive the right to provide a closing statement.~~

~~3. Hearing. Hearings will follow these guidelines:~~

~~1. All hearings will be fair and impartial and will use a reasonable person standard when assessing whether the information presented constitutes a preponderance of the evidence. A charged student organization may submit a challenge to the impartiality of any member of a hearing body to the Office of Student Rights and Responsibilities or the hearing body. Decisions on challenges shall be final and not subject to appeal.~~

~~2. A charged student organization will have the opportunity to present evidence on its behalf, including presenting witnesses and/or signed, written statements from witnesses,~~

~~and other documentary evidence. Witness testimony is not required and the inability of the charged student organization to question a witness who has provided a witness statement is not a violation of the due process rights of the charged student organization, as the charged student organization has the opportunity to review the written statement and may offer evidence to rebut the witness statement and other evidence presented at the hearing. Witness statements are entitled to be given the same weight by the hearing body as live witness testimony. Witness statements need not be sworn or in affidavit form.~~

~~3. The charged student organization and any witnesses may be accompanied during the hearing by an advisor. The Student Defender may serve as an advisor to the charged student organization. The representative of the student organization is required to address the hearing body in person, although the representative may consult with the advisor and other members of the student organization during the hearing. This consultation must take place in a manner that does not disrupt the proceedings. The advisor shall not speak on behalf of the student organization unless expressly authorized to do so by the hearing body. The charged student organization and any witnesses shall provide the advisor's name in writing to the Office of Student Rights and Responsibilities two (2) class days prior to the hearing. The advisor may not serve as a witness.~~

~~4. Protection from self incrimination does not extend to student organizations.~~

~~5. The burden of proof at a first level hearing always rests with the University. The standard of proof will be the preponderance of the evidence, meaning that the evidence, as a whole, shows that the fact sought to be proved is more probable than not.~~

~~6. The formal rules of evidence do not apply to Student Organization Conduct Code proceedings.~~

~~7. All hearings for student organizations will be public. There is no requirement to obtain a larger hearing from to accommodate members of the public who wish to attend the hearing, so long as one (1) member of the public may be present.~~

~~8. Appropriate witnesses will be called by the University to all formal hearings. Those witnesses who appear may be cross-examined by the charged student organization. If called witnesses do not appear, their written or taped statements may be considered by the hearing body. In some cases, student witnesses who fail to appear may be charged with a violation of the Student Conduct Code. Appropriate witnesses may also be called by the charged student organization to all hearings, provided they are reasonably available and do not disrupt or delay the hearing. In the event a witness is not reasonably available or the witness's presence may disrupt the hearing, a written statement from the witness may be substituted. Witness statements need not be sworn or in affidavit form.~~

~~9. If the charged student organization fails to appear at the scheduled hearing after proper notice or fails to cooperate with the Student Organization Conduct Code process, the hearing may be held in the charged student organization's absence.~~

~~10. ——— Prior records of Student Organization Conduct Code action and complainant/witness impact statements are considered by the hearing body only in the sanctioning phase of deliberations.~~

~~11. ——— The hearing body's determination of "responsible" or "not responsible" will be based solely on the information presented at the hearing. However, when additional information that affects this determination is gathered outside the hearing, it may be used provided it is shared with the charged student organization and the student organization has an opportunity to respond to the information. In cases involving multiple students or~~

~~organizations charged, information provided at one hearing may be used as evidence in the related case(s).~~

~~12. To request the cancellation of a previously scheduled formal hearing, the charged student organization must submit a written statement to the Office of Student Rights and Responsibilities five (5) class days prior to the hearing date. At the discretion of the Director of the Office of Student Rights and Responsibilities (or designee), the hearing may be rescheduled or conducted in the charged student organization's absence.~~

~~13. All first level recommended decisions will be communicated in writing to the charged student organization and will include the findings of fact, determination of responsibility, sanctions (if applicable), and notice of appellate rights.~~

~~3. Sanctions. In light of the facts and circumstances of each case, the following sanctions, or combination of sanctions (with or without appropriate modifications) may be imposed upon any student organization found to have violated the Student Organization Conduct Code. Certain sanctions may result in a financial cost to the student organization. If a student organization does not complete a sanction by the required deadline, the Office of Student Rights and Responsibilities, working in conjunction with University officers and/or organization advisors, may place restrictions on the organization.~~

~~1. Reprimand (written or verbal).~~

~~2. Service Hours completion of tasks under the supervision of a University department or outside agency.~~

~~3. Educational Activities—attendance by members of the student organization at educational programs, interviews with appropriate officials, planning and implementing educational programs, or other educational activities.~~

~~4. Restitution—Only in cases involving University property. Restitution must be submitted to the appropriate University department in a manner that is approved by that University department.~~

~~5. Conduct Probation—A period of time during which any further violations of the Student Organization Conduct Code may result in more serious sanctions being imposed. Some of the restrictions that may be placed on the student organization during the probationary period include, but are not limited to: participation in student activities, representation of the University on athletic teams or in other leadership positions, entrance into University residence halls or other areas of campus, or contact with another specified person(s).~~

~~6. Disciplinary Probation—A period of time during which any further violation of the Student Organization Conduct Code puts the student organization's status with the University in jeopardy. If the student organization is found "responsible" for another violation of the Code during the period of Disciplinary Probation, serious consideration will be given to imposing a sanction of Suspension or Dismissal from the University. Some of the restrictions that may be placed on the student organization during the probationary period include, but are not limited to barring or limiting some or all of the organization's activities and/or privileges (including, but not limited to: social activities; intramural competition; organizational competition; Homecoming; eligibility to receive any University award or honorary recognition; privilege to occupy a position of~~

~~leadership or responsibility in any University student organization governing body, publication, or activity; or ability to represent the University in an official capacity or position), entrance into University residence halls or other areas of campus, or contact with another specified person(s).~~

~~7. Suspension—Separation from the University for a specified period, not to exceed two (2) years. This may include restricted access to campus and/or other specified activities. Some of the restrictions that may be placed on the student organization during the suspension period include, but are not limited to barring or limiting some or all of the organization's activities and/or privileges (including, but not limited to: social activities; intramural competition; organizational competition; Homecoming; eligibility to receive any University award or honorary recognition; privilege to occupy a position of leadership or responsibility in any University student organization governing body, publication, or activity; or ability to represent the University in an official capacity or position), entrance into University residence halls or other areas of campus, or contact with another specified person(s). While on suspension the student organization loses its University recognition and/or registration for the suspension period. While an organization is suspended, it may not use University resources or participate as an organization in any University activities or events. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from the University.~~

~~8. Dismissal—Prohibition of any University organization recognition and all University activities for at least two (2) years and up to seven (7) years. Re-recognition is possible but not guaranteed and will only be considered after the two to seven-year time~~

~~allotted from the effective date of the dismissal, based on meeting all re-recognition criteria and obtaining clearance from the Dean of Students or designee. This may include restrictions on any and all activities, functions, and governance of the organization.~~

~~9. Recommendation for Charter Revocation: An official request to a national office that the local chapter's charter be revoked.~~

~~10. — Restrictions on contact with specified people.~~

~~11. Additional sanctions may be imposed that are specific to student organizations and are found in Greek and other organizational constitutions and in Oglesby Union and Student Activities Center's policies.~~

~~12. — If a sanction issued by the National or other governing bodies exceeds that of the University, the University may concur with that sanction.~~

~~4. Appeals.~~

~~An appeal may be requested on any first level decision, provided that one or more of the reasons for appeal listed in (3) (c) is relevant to the case. On appeal, the burden of proof rests with the student organization to show clearly that a fundamental due process error has occurred during the first level hearing process that would substantially impact the outcome of the hearing. The appellate body varies depending on the initial hearing body and is outlined below.~~

~~1. Appellate Officers.~~

~~1. Recommended decisions of the Student Conduct Board may be appealed to the Dean of Students (or designee).~~

~~2. Recommended decisions of Greek Student Conduct Boards may be appealed to the Dean of Students (or designee).~~

~~3. Recommended decisions of Administrative Hearing Panels may be appealed to the Dean of Students (or designee).~~

~~4. Recommended decisions of the Director of the Office of Student Rights and Responsibilities (and designees) may be appealed to the Dean of Students (or designee).~~

~~5. Recommended decisions of other hearing officers appointed by the Dean of Students may be appealed to the Dean of Students (or designee, including a panel).~~

~~6. Recommended decisions of the Dean of Students may be appealed to the Vice President (or designee).~~

~~1. Appeal Requests.~~

~~1. A written request shall be submitted to the Office of Student Rights and Responsibilities within five (5) class days after the student organization is notified of the initial hearing decision.~~

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

~~1. Appeals are not opportunities for full rehearings of cases already decided. Appeal considerations are limited to:~~

~~1. Due process errors involving violations of a charged student's organization's fundamental due process rights (see Section (1(g))) that substantially affected the outcome of the initial hearing.~~

~~2. Demonstrated prejudice against any party by the person presiding over the hearing. Such prejudice must be evidenced by a conflict of interest, bias, pressure, or influence that precluded a fair and impartial hearing.~~

~~3. Newly discovered, relevant information that was not reasonably available at the time of the original hearing and that would have substantially affected the outcome of the original hearing.~~

~~4. A sanction that is extraordinarily disproportionate to the violation committed.~~

~~5. The preponderance of the evidence presented at the hearing does not support the finding with regard to responsibility. Appeals based on this consideration will be limited solely to a review of the record of the first level hearing, except newly discovered evidence under Section (c) 3. above may also be considered.~~

~~1. Appellate Review.~~

~~1. Will involve an initial file review by the appellate officer. The appellate officer may make a determination based solely on this review. The outcome of the file review may become the official decision (see Section (5) below regarding appellate decisions).~~

~~2. If the appellate officer determines a need for additional information, that officer may request written materials and/or an appeal hearing with the charged student organization.~~

~~3. If deemed necessary, an appeal hearing will be scheduled within ten (10) class days of receiving the written request for appeal.~~

~~4. If deemed necessary, an appeal hearing will involve hearing the charged student organization and any witnesses called by the student organization; the appellate officer may determine whether there is a need to call any further witnesses or gather additional information.~~

~~5. An appeal hearing will be audio recorded; this recording will serve as the official record of the hearing.~~

~~6. The charged student organization will be afforded the opportunity to bring an advisor to the appellate hearing.~~

~~7. All hearings will be fair and impartial. The charged student organization may submit a written challenge to the impartiality of any appellate officer to the Office of Student Rights and Responsibilities. Decisions on challenges shall be final and not subject to appeal.~~

~~8. If the charged student organization fails to appear at the scheduled appeal hearing (after proper notice) or otherwise fails to cooperate with the Student Organization Conduct Code process, the hearing may still be held in its absence.~~

~~1. Appellate Recommendations and Decisions.~~

~~1. The appellate officer may recommend to affirm, modify, or reverse the first level decision; or order that a new hearing be held.~~

~~2. All appellate recommendations are transmitted to the Vice President. The Vice President (or designee) has the right to affirm, modify, or reverse the recommended decision and enter a final decision, or to order a new hearing.~~

~~3. All final decisions are communicated in writing within fifteen (15) class days of an appellate hearing. This time period may be extended if necessary for consideration of the record on appeal.~~

~~4. Once approved by the Vice President (or designee), appellate decisions become final agency action. Final agency action decisions may be appealed by writ of certiorari to the Second Judicial Circuit in and for Leon County, Florida.~~

~~5. Except in the case of an interim disciplinary action pursuant to Section (5) below, the charged student organization's status will remain unchanged until appellate process is final.~~

~~6. Records.~~

~~1. Records of all student organization conduct cases will be maintained in the Office of Student Rights and Responsibilities or the Office of Greek Life.~~

~~2. 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 personal identifying information) may be released to the public.~~

~~3. Records of hearings may be reviewed at the Office of Student Rights and Responsibilities. The Office of Student Rights and Responsibilities may require the reviewer to sign a confidentiality agreement as a condition of the review. Copies of recordings are not available unless all parties and witnesses have provided written confidentiality waivers.~~

~~4. Transcripts of recorded hearings will not be prepared by the University. Any person desiring a transcript of a recorded hearing should contact the Office of the General Counsel, which will arrange for the preparation of the transcript by a court reporting service. The court reporting service will provide the transcript to the Office of the General Counsel, which will perform a confidentiality review of the transcript and redact any confidential or exempt information pursuant to state or federal law. The requestor shall bear the cost of the transcript preparation and confidentiality review.~~

~~7. Interim Disciplinary Action. Based upon a student organization's alleged behavior, the Vice President, the Dean of Students, (or their designee(s)) may impose an interim disciplinary action prior to the initiation of formal charges under the Student Organization Conduct Code or a student organization's hearing on the facts of the case.~~

~~1. When the student organization's actions/behaviors affect the safety, health, or general welfare of a student organization and/or the University community, an interim disciplinary action may be issued. Some of the restrictions that may be placed on the student organization during the interim disciplinary action period include, but are not limited to barring or limiting some or all of the organization's activities and/or privileges (including, but not limited to: social activities; intramural competition; organizational competition; Homecoming; eligibility to receive any University award or honorary recognition; privilege to occupy a position of leadership or responsibility in any University student organization governing body, publication, or activity; or ability to represent the University in an official capacity or position.); entrance into University residence halls or other areas of campus, or contact with another specified person(s). While on interim disciplinary action, the student organization loses its University recognition and/or registration for the suspension period. While an organization is suspended, it may not use the University resources or participate as an organization in any University activities or events.~~

~~2. The interim disciplinary action may include notification of appropriate faculty and staff, and restrictions including but not limited to, suspension, limited class attendance, use of University facilities, participation in student organization activities, representation of the University on athletic teams or in other leadership positions, entrance into~~

~~University residence halls or other areas controlled, leased or used by the University, or contact with specified person(s).~~

~~3. An interim disciplinary action requires that the student organization be notified in writing.~~

~~4. The student organization may request a meeting to discuss the restrictions imposed by the interim disciplinary action. The student organization's request must be in writing to the Dean of Students.~~

~~5. If a meeting is requested on the interim disciplinary action, a meeting will be scheduled within three (3) class days of the receipt of a written request. The Dean of Students (or designee) will conduct the meeting. The student organization will be notified of the outcome of the meeting in writing. The written notification of the outcome is final as to the interim disciplinary action, pending the final results of the Student Organization Conduct Code process.~~

~~6. Formal charges under the Student Organization Conduct Code may be filed at the completion of all law enforcement investigations or as soon as practicable, even if law enforcement investigations or criminal proceedings are ongoing.~~

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

Law Implemented 1011.48 FS History—New 9-30-75, Formerly FSU-3.04, Amended 9-4-86, 3-20-88, 7-18-96, 7-20-99, 11-13-00, 5-9-2007, Substantially Rewritten, 6-9-2012, 3-4-2016, Substantially Rewritten, 1- -2017.