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FSU RULES OF DECORUM

[DISCIPLINARY PROCEEDINGS]

Responsible Executive: Vice President for Student Affairs

Approving Official: Vice President for Student Affairs

Effective Date: 9-24-21

Revision History: New, 9-24-21

I. INTRODUCTION

This Policy provides requirements for party conduct and procedure for student disciplinary proceedings

II. POLICY (Including any Forms and Attachments)

The following Rules of Decorum are to be observed throughout the investigation and student conduct process, including in the hearing, and apply equally to respondents, complainants, witnesses, and representatives of student organizations (herein referred to as individuals) and their advisor, advocate, or legal representative (herein referred to as advisor):

Florida State University's conduct process embraces the University's commitment to an educational experience that provides students with an understanding of the complex issues inherent in human life and develops the knowledge and skills for effective and responsible participation as a member of the FSU community. The conduct process reemphasizes the dignity and worth of each person and substantiates the need for an inclusive environment to support the betterment of all persons associated with the University. The conduct process complies with the Florida Board of Governors Regulation 6.0105 and the Rules of Decorum establish reasonable order during a disciplinary proceeding.

Individuals may be accompanied by a single advisor of their choice. The advisor may participate during disciplinary proceedings (informal, outcomes only, or formal hearings) in the student conduct process in the same way that their advisee may participate. The individual must be present at the proceeding in order for their designated advisor to participate. Advisor participation is also permitted in investigation meetings, information sessions, alternative resolution proceedings and other administrative meetings, however, is limited to providing guidance to the advisee without participating directly nor speaking on behalf of the advisee.

General

1. No individual or advisor involved in the student conduct process, including the hearing, may act in an abusive, degrading, hostile, or intentionally intimidating

manner toward any other individual, witnesses, advisors, administrator, or decision-makers. Individuals and advisors may not act in a manner that is disruptive and intended to unnecessarily delay or interrupt the student conduct process, including the hearing.

2. Individuals and advisors may not yell, scream, badger, use profanity, or physically “lean in” to the personal space of an individual, advisor or hearing officer. Individuals and advisors may take no action that a reasonable person in the shoes of the affected individual would see as intended to intimidate that person (whether individual or hearing officer) into not participating in the process or meaningfully modifying their participation in the process.
3. Advisors may not knowingly provide false information, or include any information prohibited by Rape Shield Law. As a general rule, past behavior of the respondent(s) or complainant(s) will be excluded from the hearing unless deemed relevant by the hearing officer or chair of the hearing body.

Questions

The purpose of questioning in a hearing is to discover information relevant to the allegation(s). At the hearing officer or chair’s sole discretion, any question that does not serve that purpose may be excluded or asked to be rephrased. Further, questions cannot serve as an advisor’s mechanism to provide testimony in the form of a question.

1. In hearings within Title IX Jurisdiction as defined by the Title IX Compliance Policy (2-2a), all questioning must be conducted by an advisor and cannot be conducted by the Complainant or Respondent.
2. While questioning may be direct, oral, and in real time, the hearing officer or chair must be able to review and consider relevance for each individual question before the questioned individual answers. Before answering a question, the witness or questioned individual should pause to allow the hearing officer, or chair, to consider the question.

Warning and Removal Process

The administrator, hearing officer or chair shall have sole discretion to determine if any individual or advisor involved in the student conduct process, including the hearing, has violated the Rules of Decorum. The student conduct administrator, hearing officer or chair will notify the offending person of any violation of the Rules. Upon a first violation, the administrator or hearing officer will issue a warning to the offending person. (However, if the first violation is so egregious that the offending person’s continued involvement and/or presence cannot be tolerated then an offending person can be removed upon first violation.)

Upon further or egregious violation of the Rules of Decorum, the administrator or hearing officer shall have discretion to remove the offending person or allow them to continue participating in the hearing or other part of the process, depending upon the severity of the violations and whether such violations were intentional.

Where the hearing officer or chair removes an individual’s advisor, the individual may continue in the hearing without an advisor, select a different advisor of their choice, or accept an advisor provided by the institution. Reasonable delays, including the temporary

adjournment of the hearing, may be anticipated should an advisor be removed, in order to provide reasonable time for a replacement advisor to be secured. In a hearing falling under jurisdiction of the Title IX Compliance Policy, an individual cannot serve as their own advisor for the purpose of questioning.

Please reference the Student Conduct Code for more information regarding the role of an advisor. In the event that the individual and/or their advisor needs further clarification regarding these expectations, it is their responsibility to seek such clarification from the appropriate Student Conduct Authority.

III. LEGAL SUPPORT, JUSTIFICATION, AND REVIEW OF THIS POLICY

Article IX, Section 7, Florida Constitution, BOG Regulation 1.001(4), 6.0105

Approved 9-24-21

Vice President for Student Affairs