FSU-3.001  Student Governance.

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

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

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

Specific Authority BOG Regulation 1.001(3)(j) Law Implemented 1004.26, 1009.24(10) FS. History—New 9-30-75, Amended 12-26-85, Formerly 6C2-3.01.
Recognized student organizations are defined as organizations that have been approved by the Student Activities Center, as designee of the Vice President for Student Affairs, to function at Florida State University. Recognition does not constitute university endorsement, support, or concurrence.

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

All students shall be free to join recognized student organizations.

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

(b) Non-FSU students who are enrolled in joint FSU programs or participate in partnership programs approved by the University Registrar shall be eligible for limited membership in recognized student organizations and shall be free to participate in a manner that is consistent with university policies and the constitution and bylaws of the organization.
(4) Student organizations may be officially recognized when the student organization has met appropriate requirements as outlined by the Vice President for Student Affairs or designee.

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

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

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

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

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

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

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

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

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

   (d) Recognized student organizations have the option to set standards that exceed the above stated minimum criteria.
Recognized student organizations that wish to use the university’s name as part of their organization’s name may do so as long as sponsorship or endorsement by the university is not implied or stated. If used, organizations are restricted to the following:

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

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

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

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

The university disclaims liability for any damage or injury that may arise out of the recognition of student organizations or their use of university facilities, whether arising out of the activities of students as individuals or whether participating with or as members of a recognized student organization or any other organizational part of the Student Government Association.

Specific Authority BOG Regulation 1.001(3)(j) ; Reg. Procedure July 21, 2005 Law Implemented 1001.74 (2) (g), 1004.26 FS  Law Implemented 1004.74(2) (f) History—New 9-7-86 Amended 2-6-2006
Policy Statement Concerning Freedom of Speech. The right of all students and individuals to seek knowledge, debate ideas, form opinions and freely express their views is recognized, both as an individual right and an important part of the University culture. This right must be exercised in a manner which will not interfere with the same rights and freedoms of others in their enjoyment of the benefits of the programs offered by this University, or their lawful use of University facilities, including ingress and egress. Such rights may be exercised subject to applicable laws, rules, regulations, policies and procedures, including lawful imposition of time, place, and manner restrictions that are consistent with the University’s mission and the intent of this regulation.

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

Planned Outdoor Assemblies. Certain outdoor areas of campus may be reserved by individuals or groups or otherwise may be restricted for official University use. Groups planning outdoor assemblies should provide advance notice per applicable event permitting processes to ensure space availability and the adequate provision of security; however, lawful, spontaneous assemblies may occur provided that they are in compliance with applicable time, place, and manner restrictions, do not materially and substantially disrupt university operations or the expressive activities of other individuals or groups, and do not present a threat to the health, safety, or welfare of the university community. Individuals and groups holding reservations may receive priority over spontaneous activities. Planned use of campus areas and facilities by groups and individuals is generally governed by Regulation FSU-2.007, Use of Campus Facilities.

Amplification. Public address systems and other electrical amplification equipment may be utilized for events, subject to the provisions of Regulation FSU-2.007. All such use of public address systems or other amplification equipment shall maintain a reasonable sound level which meets the communication needs of the event without excessive noise penetration to adjacent areas.
(5) Circulation of Literature (Non-Commercial). Students’ right to write and distribute
literature and to express thoughts and beliefs is acknowledged. Individual students,
recognized student organizations, and other student groups may circulate non-commercial
literature, provided it is identified by authorship and sponsorship, subject to applicable
provisions of Regulation FSU-2.0131 Posting, Chalking Advertising and Active Distribution
of Materials on FSU Campuses.

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

(7) Speaker Invitations; Speaker Contracts; Security.
(a) University and University related persons, groups, and organizations, as defined in
Regulation FSU-2.007, may invite persons from outside the University to speak to their
memberships and the public. If University facilities are to be used for holding the meeting,
prior scheduling and space reservations approval shall be obtained pursuant to Regulation
FSU-2.007. Speakers wishing to express all varieties of opinions and viewpoints are welcome
at the University.
(b) It is the responsibility of the group extending the invitation to negotiate speaker fees,
riders, and any other requests or demands from the speaker. Reasonable notice of the event
shall be given to the University in order to plan and coordinate for security and safety
concerns. The university may impose reasonable costs for security required for any
sponsored event held on campus, based on constitutionally permissible criteria.

(8) Political Activity. The Student Government Association (Tallahassee), Student
Government Council (Panama City), recognized student organizations, and other student
groups may sponsor speeches, rallies, or other events by or for political candidates for
federal, state or local office, subject to availability of suitable location based on size of crowd
and time of speech, and subject to Regulation FSU-2.007 and applicable FSU policies on
political activity.

(9) Recordings. Recordings of speeches, gatherings, rallies, or other activities at the
University may be restricted by copyright protection. Additionally, despite the open nature
of some gatherings, participants may still enjoy the expectation of privacy in certain
conversations. Any person who records an event or conversation is expected to understand
and accept the civil and criminal risks associated with the recording, and/or to take steps to
reduce those risks prior to making the recording.
Authority of the President, Time, Place, and Manner Restrictions, Campus Safety.
The President or his or her designee retains the authority to determine whether or not activities materially and substantially disrupt the functioning of the university or infringe upon the rights of other individuals or organizations to engage in expressive activities, as provided in section 1004.097, F.S., and more specifically as follows:

(a) If the President has reasonable grounds to believe that a planned speech, demonstration, or other event is likely to draw a large number of persons who are not Florida State University students, faculty, or staff; obstruct ingress or egress to or from University classrooms or other facilities or travel across campus; or interfere with the ability of students or faculty to study and enjoy a secure and peaceful academic atmosphere, the President is authorized to designate an area on University property, or secure an area off University property, that would mitigate such effects and is reasonably accessible to University students and faculty, and to limit the event to such location. Nothing in this section is intended to, nor shall be read to, imply an obligation on the part of the President or the University to secure or rent property for any speech, demonstration, or event, nor is it intended to indicate that any and all speeches, demonstrations, or events can be accommodated.

(b) If the President has reasonable grounds to believe that any event presents an imminent threat to the health, safety, and welfare of campus, the President may cancel the event provided that the threat cannot be mitigated using reasonable alternative means.

(c) No person, while participating in any demonstration, rally, picket line, or other public assembly shall carry or possess any of the following:

1. Signs exceeding the size restriction of 24” by 36”. Only signs constructed of foam, cardboard, or paper shall be permitted to be carried. Signs may be mounted on sticks or posts provided that the sticks or posts are constructed of wood, foam, or plastic and their dimensions do not exceed one-half inch in diameter (if round in shape) or one-fourth inch thick by two inches wide (if rectangular in shape).

2. Mace or pepper spray.

3. Bats or other club-like objects.

4. Face shields or gas masks.

5. Other masks or disguises that are worn with the intent of threatening the safety of others or of evading or escaping discovery, recognition, or identification in the commission of
violations of University regulations or policies, or other applicable laws or ordinances.

6. Flammable liquids.

7. Torches or other open flames, except as authorized by University officials.

8. Wagons, carts, or ladders, except as authorized by University officials, or other items that could be used to barricade or to push or manipulate crowds.

9. Any other items reasonably determined by the President to be a public safety hazard.


FSU-3.004 Student Conduct Code

(1) General Provisions and Hearing Procedures

(2) Guiding Philosophy

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

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

The University fully recognizes the right of all students to seek knowledge, form opinions, and express and discuss their ideas in accordance with the behavioral expectations set forth in this Code. Specific expectations regarding time and place of meetings and assemblies are found in Oglesby Union and other University rules, regulations, or policies. The student conduct process is designed to be educational in nature and promotes the University’s mission. Being a member of the University Community is a privilege, and the conduct process will determine if a student’s conduct warrants they should no longer share in that privilege.

SOURCES:


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

Please note some of these terms may have different meanings in other contexts.

1. **Advisor**. The term “advisor” means any one person chosen by a responding student, reporting individual, or witness to assist said individual throughout the student conduct process, unless service in this capacity would unreasonably conflict with the fair
administration of the student conduct process as determined by the appropriate
Student Conduct Authority. The University is not responsible for selecting an advisor for
any individual navigating the student conduct process. The individual selected by a
student as an Advisor may not participate in the student conduct process in any other
capacity in reference to the same incident. The availability of an Advisor to attend a
student conduct meeting or hearing shall not unreasonably interfere with or delay the
student conduct process. Examples of advisors include, but are not limited to,
attorneys, law students affiliated with a Student Government Association-sponsored
program, University administrators, University faculty or instructors, or University staff.

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

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

4. **Hearing Body**. The term “hearing body” means any person or persons authorized by
the Code to conduct hearings, determine finding regarding whether a student has or
has not violated the Student Conduct Code, and recommend or assign outcomes as
appropriate.

5. **On-Campus**. The term “on-campus” means all land, buildings, facilities, and other
property in the possession of or owned, used, or controlled by the University, including
adjacent streets, sidewalks, and parking lots. See also subsection 12 “University” below.

6. **Policy**. The term “policy” means the written statements governing the University as
found in, but not limited to, the State of Florida Board of Governors regulations, the
University’s Board of Trustees regulations, 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 the
information, as a whole, shows the fact sought to be proved is more probable than not.
This standard shall be used in adjudicating all student conduct cases within this Student
Conduct Code.

8. **Reporting Individual**. The term “reporting individual” means any individual who has
been directly impacted by and reported another person’s alleged violation of the Code.
The reporting individual is the individual who files a report or on whose behalf a report
is filed.

9. **Responding Student**. The term “responding student” refers to a student who has been
accused of an alleged violation of the Student Conduct Code.

10. **Student**. The term “student” means any person who is admitted to and enrolled in any
credit-bearing course or program in any school or division of Florida State University at
the time any alleged violation(s) occurred, 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. An individual who has been suspended from the University through the conduct process is still considered a student, for the purposes of this Code, during the suspension period. An individual who leaves the University before a conduct issue is resolved is not a student may be prohibited from future enrollment and/or accessing University records until the matter is resolved. Students who fulfill academic requirements for a degree before a conduct issue is resolved may have no change in degree status until the matter is resolved.

11. **Student Conduct Authority.** The term “Student Conduct Authority” refers to an individual or administrative unit whose administrative duties include the fair administration of the student conduct process, including formal and informal action in response to behavioral concerns. Please see the section on “Authority” for more information. This definition includes, but is not limited to, the Office of Student Rights & Responsibilities, University Housing, and International Programs or their successors.

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

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

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

15. **Student Conduct Board.** The term “student conduct board” refers to a group of currently enrolled students in good conduct standing selected and trained by the Office of Student Rights & Responsibilities to adjudicate both formal and informal student conduct cases.

16. **Administrative Hearing Panel.** The term “Administrative Hearing Panel” refers to a group of currently enrolled students in good conduct standing and University Officials selected and trained by the Office of Student Rights & Responsibilities to adjudicate both formal and informal student conduct cases.

17. **University Housing Conduct Board.** The term “University Housing conduct board” refers to a group of currently enrolled students in good conduct standing residing in University Housing selected and trained by University Housing to adjudicate both formal and informal student conduct cases for students residing in University Housing, excluding alleged violations of the Sex Discrimination and Sexual Misconduct Policy.
(4) **Scope**

Florida State University may choose to address the alleged misconduct of any student as specified in Section E, “Violations,” of this Code, regardless of location.

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 may choose to determine how the timing of the incident impacts the initiation or completion of the conduct process.
3. The University may choose to determine how an individual’s status with the University impacts initiation or completion of the conduct process.
4. The University may choose to not pursue student conduct action in circumstances where deemed appropriate. This includes, but is not limited to, individuals who report they are the alleged victim in an incident or individuals who qualify for the University’s Medical Amnesty Policy.
5. The University may choose to restrict a student’s contact with specified people when facts and circumstances dictate such action is appropriate. Such restrictions include, but are not limited to, No Contact Orders. There is no need for student conduct action in order for a No Contact Order to be issued. The Student Conduct Authority (or designee) can administratively issue No Contact Orders to any individuals involved in a conflict or incident.
6. The University may choose 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 Student Conduct Authority (or designee).
(5) Authority

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

1. Under the direction of the Dean of Students and the Executive Director of University Housing, the Associate Dean(s) of Students, the Assistant Dean of Students/Director of the Office of Student Rights & Responsibilities, directors/program leaders of International Programs, and appropriate University Housing staff are responsible for implementing the student conduct system. Implementation includes, but is not limited to, selection and training of hearing bodies.

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

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

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

5. Hearing decisions are further addressed under “Procedures.”

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

7. The authority of appellate officers is further enumerated in the Student Conduct 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.
(6) Violations

(c) Each student is expected to abide by these rules of conduct and to be accountable for their behavior. All animals are considered an extension of a student or person responsible for their care; therefore, animals must adhere to the expectations set forth in this Code. Lack of familiarity with the Code is not a justification to any violations of this Code. Unless specifically noted, intent is not a required element to establish a Code violation. Intoxication or impairment from alcohol, drugs, or other substances is not a justification to a violation of this Code. These rules of conduct should be read broadly and are not designed to define prohibited conduct in exhaustive terms.

(d) The following behaviors, or the aiding, abetting, conspiring, soliciting, promoting, encouraging, or inciting of, or attempting to commit these behaviors, constitute violations of the Student Conduct Code.

1. Sexual Misconduct
   a. Sexual Violence: Any sexual act performed without the consent of the reporting individual, or that occurs when the reporting individual(s) 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
   i. 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.
   ii. Past consent to sexual activity does not imply consent to future sexual activity.
   iii. Consent can be withdrawn at any time, including in the middle of a sexual encounter, if the withdrawal of consent is clearly indicated by words or actions.

Individuals who are incapacitated by voluntary or involuntary alcohol or drug use (legal, illegal, or prescription); asleep; unconscious; mentally impaired by disease or illness cannot give consent (no matter what they say or do). “Incapacitation” is a state where a person cannot make a rational decision because the person lacks the

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1 It is intended that the definitions used in this portion of the Student Conduct Code be consistent with FSU’s Sex Discrimination and Sexual Misconduct Policy.
ability to understand the nature of the act. In order to give effective consent, one must be of a legal age in the location of sexual contact.

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 wide-spread that, both subjectively (to the reporting individual) 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 a person;
   ii. Prostituting another person (i.e. personally gaining money, privilege, or power from the sexual activities of another; sex trafficking);
   iii. Soliciting another person for sexual activity in exchange for money, goods, or services;
   iv. Non-consensual videotaping, photographing, or audio-taping of sexual activity and/or distributing or publication of these materials via media such as, but not limited to, the Internet and other electronic/digital media 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 distribution or publication;
   v. Exceeding the boundaries of consent (e.g., allowing another person to observe consensual sex without the knowledge of or consent from all participants);
   vi. Engaging in indecent exposure (i.e., intentionally exposing one’s sexual organs in public) with the intention of alarming, distressing, and/or offending others;
   vii. Voyeurism; and
   viii. 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 and 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, or 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. A pattern of conduct or a single instance can rise to the level of dating violence/relationship violence.
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 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.
   d. Action(s) that endanger the health, safety, or well-being of an animal unless approved by the University. This includes, but is not limited to, intentionally or
unintentionally torturing or in a cruel manner killing or causing serious bodily injury to an animal; failing to provide necessary food, water, or care for an animal; unreasonably abandoning an animal in the student’s custody; transporting or confining an animal in a cruel manner; causing one animal to fight with another animal; or inappropriately overworking an animal.

e. Any harm caused by an animal when said animal is within the care of a student or person

3. Harassment
   a. Conduct, not of a sexual nature, that is severe, pervasive, or persistent to a degree it interferes with a reasonable person’s ability to participate in or benefit from the services, activities, or privileges provided by the University.
   b. Action(s) or statement(s) that threaten harm or intimidate another.
   c. Acts that invade the privacy of another person.
   d. Bullying behavior, not of a sexual nature, defined as: the systematic and chronic infliction of physical hurt or psychological distress by teasing, social exclusion, threat, intimidation, 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, former members, or alumni of a student organization or student group may be considered hazing. Hazing is not confined to the student organization or student group with which the student subjected to the hazing is associated. Hazing includes, but is not limited to:
      i. Unreasonable interference with a student’s academic performance, employment, or religious observances and activities
      ii. Forced or coerced participation or forced or coerced exclusion from participation in other University-related activities
      iii. Forced or coerced consumption of food, alcohol, drugs, or any other substance
      iv. Forced or coerced wearing of apparel which is conspicuous and/or inappropriate
      v. Forced or coerced unreasonable financial expenditures
vi. Forced or coerced exclusion from social contact
vii. Unreasonable monitoring or invasion of personal privacy
viii. Branding
ix. Creation of unnecessary fatigue (including but not limited to acts that stem from forced physical activity, such as calisthenics and sleep deprivation)
x. Food deprivation
xi. Beating, whipping, or paddling in any form
xii. Line-ups and berating
xiii. Physical and/or psychological shocks
xiv. Personal, organizational, or group servitude
xv. Kidnapping or abandonment
xvi. Unreasonable exposure to the elements
xvii. Any activity that would be viewed by a reasonable person as subjecting any person to embarrassment, degradation, or humiliation
xviii. Expectation or forced or coerced 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 dangers 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 a firearm is not carried on the person and provided that a handgun
must be kept securely encased; or otherwise not readily accessible for 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) l3., 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 or 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, skyrocket, 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 790.002, 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. Setting or attempting to set any unauthorized fire or creating a safety hazard.

   e. Obstructing the egress of an emergency exit.

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, manufacture, 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. Control or operation of a wheeled conveyance while under the influence of alcohol or any controlled substances or illegal drugs.
i. Intoxicated behavior.
j. Open Party. An open party is defined as an event at any location where hosts, owners, residents, or others in control of the event fail to take reasonable steps to ensure legal compliance, reduce the risk of harm, and ensure the safety of guests (including, but not limited to, removing those in violation or requesting law enforcement to assist) if alcoholic beverages are known to have been consumed at the residence by person/s under the age of twenty-one and/or illegal drugs or controlled substances are unlawfully possessed, distributed, or used.
k. Any other violation of the University Alcohol Policy, FSU Regulation FSU-6.012.

9. Disruption
   a. Failure to comply with the lawful order or reasonable request of a University official, any non-University law enforcement official, any non-University emergency responder, or any protective order.
b. Providing false or misleading 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, but not limited to, attempting to coerce or influence a person regarding the reporting of a student conduct violation or a person’s participation in any student conduct proceeding.
f. Urination or defecation in a public space.
g. Bribing another individual to gain an unauthorized advantage or to improperly affect an unbiased process or proceeding.
h. The unauthorized sale or attempted sale of University-issued student tickets.
i. Duplication, replication, or alteration of University-issued student tickets.
j. Any disruption of normal University operations caused by a student’s animal.
k. Behavior which materially disrupts previously scheduled or reserved activities on-campus occurring at the same time.

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. Impersonating or misrepresenting the authority to act on behalf of another individual, organization, group, 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 or another person or of the University, with the intent to permanently deprive the person or University of the property.
c. Misappropriation. Without authorization temporarily removes or uses the property or services of another person or the University, but without the intent to permanently deprive the person or the University of the property.
d. Receipt, possession, sale, or purchase of property or services that are known or reasonably should have been known to have been stolen.
e. Enters or uses the property or facilities of the University or of another person without the proper consent or authorization.

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

13. Recording of Images without Consent
Using electronic or other means to make a video or photographic record of any person where there is a reasonable expectation of privacy without the person’s consent. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, private bedrooms, 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, 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.

(7) Due Process Rights
Students at Florida State University are afforded due process rights throughout the student conduct process. Any and all rights afforded to a responding student(s) during any student conduct action will also be afforded to a reporting individual(s) as appropriate.

The two (2) fundamental due process rights are:

1. Notice: Responding students and reporting individuals (when appropriate) will be given written notice of the Student Conduct Code charge(s) and the allegations upon which the charge(s) is / are based.
2. Hearing: Responding students and reporting individuals (when appropriate) will be given an opportunity to present information, including witness testimony and/or statements, during a fair and impartial hearing.

As participants in a student conduct action, reporting individuals and responding students have the right to:

1. Present information on their behalf.
2. Choose not to answer any and all questions posed by a hearing body.
3. Be accompanied by an advisor.
4. Submit questions for witnesses.
5. Have hearings conducted in private, unless the student requests a public hearing. Requests for a public hearing must be submitted in writing to the appropriate Student Conduct Authority (or designee) at least three (3) business days prior to the scheduled hearing.
6. Have hearing decisions communicated in writing.
7. Request reasonable accommodations from the office adjudicating their student conduct case. Accommodation requests must be made three (3) business days in advance of the scheduled hearing to the appropriate Student Conduct Authority.

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

A more complete description of the procedures utilized to implement these rights is found in Section G “Procedures.”

Procedures

The procedures outlined below will be consistent with all appropriate due process rights afforded to students in University student conduct proceedings. Student conduct action
may proceed prior to, simultaneously with, or following criminal or civil proceedings at the
discretion of the Student Conduct Authority (or designee). Decisions made within a criminal
or civil process do not bind the University to establish or not establish a violation of
University policy has occurred, as there are different rules, burdens of proof, purposes, and
potential outcomes in each process

1. Initiation of Student Conduct Action

A review of information for possible student conduct action may be initiated through
any of the following:

a. Any report submitted through a secure University reporting function.
b. Receipt of a police report from the FSU Police Department, Tallahassee Police
   Department, Leon County Sheriff’s Office, or other law enforcement agency.
c. Receipt of a signed statement or report to an appropriate Student Conduct
   Authority (or designee).
d. If a case involving alleged sexual misconduct is reported to a Student Conduct
   Authority (or designee), said authority has an obligation to report the 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.

All information will be reviewed by an appropriate Student Conduct Authority (or
designee) to determine appropriate next steps. These steps include, but are not limited
to, informal resolutions, educational conversations, or student conduct action. The
University may choose to take no action on submitted information as deemed
appropriate.

2. Notice

Absent exigent circumstances, the Student Conduct Authority (or designee) will notify a
Responding student(s) of an alleged Student Conduct Code violation(s) within five (5)
business days after receiving all appropriate information. Notice is considered given to
a student if it is sent to the student’s official University email address, is hand-delivered
to the student, or is mailed to the local address on file with the Office of the University
Registrar, or to the permanent address on file if a local address has not been provided. Written notice given to any reporting individual(s) or responding student(s) will include:

a. Sufficient detail to prepare a response (including source of information, description of the alleged behavior(s), and specific alleged Code violation(s)).
b. The date, time, and location of an information session, during which the student may view all materials related to the case, receive instruction regarding the student conduct process and the student’s rights, and discuss the type of resolution process to be utilized.
c. Notice of a formal hearing will occur at least five (5) business days prior to the hearing of the case. Informal hearings will be scheduled at the earliest availability of the responding student(s) and the hearing body.
d. Parent(s) of any student under the age of eighteen (18) at the time of the alleged violation(s) may also be notified of pending alleged violation(s).
e. The Student Conduct Authority may place a conduct hold on the records and registration of any student who fails to address Code charges in a timely manner. Any pending conduct matters must be resolved prior to a student’s graduation, the release of transcripts, transfer of credits to another institution, or re-enrollment at the University.
f. Student contact information on file with the Office of the University Registrar will be used for all student conduct notices sent. The University considers students’ University email account to be the official electronic method of communication.

3. Hearing Bodies and Authorities

The information below pertains to the hearing bodies available for student conduct hearings and their authority in a student conduct action.

a. The Student Conduct Authority (or designee(s)) may conduct both informal and formal hearings.
b. A University official may be designated by the Student Conduct Authority (or designee) to conduct informal or formal student conduct cases as a single administrator or as a member of an Administrative Hearing Panel.
c. The Student Conduct Board may conduct both informal and formal hearings. Panels are composed of five (5) Student Conduct Board members selected by the Office of Student Rights and Responsibilities or designee. In times of limited student availability or when conflicts are identified, hearings may proceed with less than five (5), but not less than three (3), Student Conduct Board members. The Student Conduct Authority (or designee) will designate appropriate staff to serve as advisors to the Student Conduct Board.
d. An Administrative Hearing Panel may conduct formal hearings. Panels are composed of two (2) faculty or staff members, both designated by the Dean of Students (or designee), and three (3) Student Conduct Board members. The
Administrative Hearing Panel will be chaired by one (1) of the faculty or staff members. In times of limited student availability or when conflicts are identified, panels may proceed with two (2) Student Conduct Board members, with consent of the responding student(s) and reporting individual(s) (if appropriate). The Student Conduct Authority (or designee) will serve as an advisor to the Administrative Hearing Panel.

e. University Housing hearing officers (Executive Director, and/or designees) may conduct both informal and formal hearings regarding cases arising in University Housing and in which the responding student is a University Housing resident.

f. University Housing Conduct Board(s) may conduct both informal and formal hearings regarding cases arising in University Housing and in which the responding student is a University Housing resident, excluding alleged violations of the Sex Discrimination and Sexual Misconduct Policy. Panels are composed of five (5) University Housing Conduct Board members, all of whom are students currently living on campus. In times of limit student availability or when conflicts are identified, hearings may proceed with less than five (5), but not less than three (3), University Housing Conduct Board members. The Student Conduct Authority (or designee) will serve as an advisor to the University Housing Conduct Board.

g. The range of available hearing bodies may differ on branch campuses and International Programs in conducting informal and formal hearings. Designated Student Conduct Authorities for each location may identify hearing bodies based on circumstances appropriate for the conduct matter.

4. **Case Resolution Options**

A responding student may request both the hearing type and the hearing body to adjudicate their case subject to the restrictions stated in Section 3 above. Further restrictions to that choice include:

a. When it is determined that a case requires a formal record of proceedings, a formal hearing may be pre-selected by the Student Conduct Authority (or designee).

b. When it is determined that a case does not require a formal record of proceedings and the related incident is the responding student’s first allegation of a Code violation, the appropriate Student Conduct Authority (or designee) may offer a responding student(s) the chance to resolve the matter through an Informal Hearing Case Resolution.

c. When two (2) or more individual cases stem from the same incident, those cases should typically be heard by the same hearing body, but can be heard separately as deemed appropriate. In such cases, the Student Conduct Authority (or designee) may either pre-select the hearing type or hearing body or consult with the students involved before making the decision.

d. When a responding student has two (2) or more outstanding incidents, those incidents can be heard as a single case.
e. In cases involving one or more reporting individual(s) the reporting individual(s) and
the responding student(s) may each submit a written request for a specific hearing
type and/or hearing body to the appropriate Student Conduct Authority (or
designee). The Student Conduct Authority (or designee) will make the final
determination of the hearing type or hearing body after consideration of all
involved parties.

f. As appropriate, the Student Conduct Authority (or designee) may choose to select
the appropriate hearing type and hearing body for other administrative or case-
related reasons.

g. As appropriate, the Student Conduct Authority (or designee) may select an
appropriate alternative resolution.

5. Types of Hearings

Two (2) distinct types of hearings are provided for by the Code. Formal hearings are
held when cases involve disputed substantial and relevant information or serious
alleged violations of the Code that could lead to an outcome for the responding student
including, but not limited to, cancellation of a University Housing contract, removal
from a University-related program, or being separated from the University.

a. In addition, Formal Hearings:

i. Require the hearing body to call appropriate witnesses or obtain witness
   statements, reports, or other information in support of the alleged
   violation(s).

ii. Will be held no sooner than five (5) business days after notice is received by
    the responding student. The student may submit a written request to hold the
    hearing before the five (5) business days. The request will be considered and
    acted upon by the appropriate Student Conduct Authority (or designee).

iii. All reasonable attempts will be made to audio record the hearing. This
    recording will serve as the official record of the proceedings and acts as the
    sole recording. Any recording conducted without the express knowledge and
    permission of participants could possibly result in further action, including, but
    not limited to, student conduct action. 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 individual(s), if applicable. This
      individual may waive the right to provide an opening statement.
   D. Opening Statement by the responding student. This student may waive
      the right to provide an opening statement.
   E. Presentation of information and witnesses by the reporting individual(s), if
      applicable. The reporting individual(s) may open with questions to their
witnesses or any non-party witnesses, followed by the University, and then submit questions for the responding student(s) through the hearing body. Witnesses are dismissed when all related parties (i.e., reporting individual(s), University, and responding student(s)) have exhausted all questions. The University may choose to limit repetitive or completely irrelevant questioning.

F. Presentation of information and witnesses by the University. The University will open with questions, followed by the reporting individual(s), and then the responding student(s). Witnesses are dismissed when all related parties (i.e., University, reporting individual(s), and responding student(s)) have exhausted all questions. The University may choose to limit repetitive or completely irrelevant questioning.

G. Presentation of information and witnesses by the responding student(s), if applicable. The responding student(s) may open with questions to their witnesses, followed by the University, and then submit questions for the reporting individual(s) through the hearing body. Witnesses are dismissed when all related parties (i.e., responding student(s), University, and reporting individual(s)) have exhausted all questions. The University may choose to limit repetitive or completely irrelevant questioning.

H. Questions directed to the responding student(s) by the hearing body followed by questions submitted by the reporting individual(s) for the responding student(s) through the hearing body, if applicable. The University may choose to limit repetitive or completely irrelevant questioning.

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

A formal decision letter will be sent to the responding student(s) and the reporting individual(s) (if applicable) 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.

Informal hearings are held when cases involve little or no disputed substantial and relevant information and possible outcomes for the Responding student(s) do not include cancellation of a University Housing contract, removal from a University-related program, or being separated from the University.

b. Other considerations for Informal Hearings include:
   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 student(s) will be informed of any additional information gathered by the hearing body. The responding student(s) may call witnesses and present evidence.
Hearings are scheduled at the convenience of both the responding student(s) and the hearing body.

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

A. Before signing an Informal Hearing Case Resolution form, a responding student(s) will be afforded no more than five (5) business days to consider their options.
   i. Option 1- Sign an Informal Hearing Case Resolution form. This action constitutes the responding student(s) accepting responsibility for the alleged behavior and agreeing to the assigned sanctions. Signing this document will constitute final action.
   ii. Option 2 – A responding student(s) may choose to Petition Sanctions. The responding student(s) must write a letter to the appropriate Student Conduct Authority (e.g., Director of Student Rights & Responsibilities) to demonstrate why a change in sanctions is warranted. This option still requires the student to accept responsibility for the alleged violation(s).
   iii. Option 3 – The responding student(s) may choose to move forward with selecting a hearing body and hearing type that is approved by the appropriate Student Conduct Authority.

B. This option is not available in matters that involve a reporting individual(s) or the possibility of separation from the University as an outcome.

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

6. Hearing Procedures

Hearings will follow these guidelines:

a. Hearings are scheduled at the earliest availability of the reporting individual(s), the responding student(s), and the hearing body. Student availability is determined based on academic requirements as appropriate.

b. All hearings will use a reasonable person standard when assessing whether the information presented constitutes a preponderance of the information. This means the totality of the available information substantiates it is more likely than not the alleged violation(s) occurred.

c. Irrelevant past behavior of the responding student(s) will be excluded from the hearing. The hearing body or Student Conduct Authority (or designee) will decide if such information is irrelevant.
d. In instances of alleged sexual misconduct, past sexual history of the reporting individual(s) and responding student(s) is not relevant, unless deemed essential by the hearing body to protect fundamental due process.

e. A responding student(s) and reporting individual(s) will have the opportunity to present evidence on their behalf, including presenting witnesses and other documentary information. Written witness statements are strongly discouraged but may be accepted at the discretion of the hearing body who will determine what, if any, weight should be given to the written statement. If accepted, written statements will not be used as the sole deciding factor as to whether or not a responding student is responsible or not responsible for a violation of the Code.

f. Prior to the start of a hearing, the responding student(s) or reporting individual(s) may submit a challenge regarding the perceived impartiality of any member of a hearing body to an appropriate Student Conduct Authority (or designee). Decisions on challenges made by that Student Conduct Authority (or designee) shall be final and not subject to appeal. All concerns of perceived impartiality will be noted in the case record.

g. The responding student(s), reporting individual(s), and any witnesses may be accompanied by an advisor during a hearing. Students are required to address the hearing body in person, on their own behalf, although they may consult with their advisor during the hearing. This consultation must take place in a manner that does not disrupt the proceedings. The advisor shall not speak on behalf of the student unless expressly authorized to do so by the hearing body. The responding student(s), reporting individual(s), and any witnesses shall provide the advisor’s name in writing to the appropriate Student Conduct Authority three (3) business days prior to the hearing.

h. The burden of proof at a hearing always rests with the University. The standard of proof will be the preponderance of the information.

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

j. All individual hearings will be conducted in private. If the responding or reporting individual(s) wants to have the hearing open, the related party must submit a written request for a public hearing must be submitted to the appropriate Student Conduct Authority (or designee) at least three (3) business days prior to the hearing. Allegations of sexual misconduct will not be heard in public without prior written consent of all involved parties (i.e., the reporting individual(s) and the responding student(s)). After receiving the consent of all involved parties in the case, the Student Conduct Authority may open the hearing to the public. If the hearing is made public, there is no requirement to obtain a larger hearing room to accommodate members of the public, so long as one (1) member of the public may be present.

k. Appropriate witnesses will be contacted by the University to participate in all formal hearings. Those witnesses who appear may be questioned 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.
l. The Student Conduct Authority (or designee) may accommodate concerns for the personal safety or well-being and/or fears of confrontation of the reporting individual(s), responding student(s), or witnesses during a hearing by providing separate spaces using a visual screen and/or by permitting participation via video phone, closed circuit television, video conferencing, or other means when deemed these accommodations are appropriate and do not infringe on the fair and equitable execution of the hearing process.

m. Hearings may be held in the absence of responding student(s) reporting individual(s), or witnesses if any party fails to appear after proper notice or fails to cooperate in the student conduct process.

n. Reporting individual(s) and responding student(s) are allowed to submit an impact statement to the appropriate Student Conduct Authority (or designee). Impact statements will be part of the student conduct record and accessible by other reporting individual(s) or Responding student(s) for review. All impact statements must be submitted to the appropriate Student Conduct Authority (or designee) at least three (3) business days before the hearing and may be in written form.

o. Prior records of student conduct action and witness/reporting individual(s) 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 student(s) and reporting individual(s) and both parties have an opportunity to respond to the information. In cases involving multiple students charged, information provided at one hearing may be used as evidence in the related case(s).

q. To request the cancellation of a previously scheduled Formal Hearing, involved parties must submit a written statement to appropriate Student Conduct Authority (or designee) five (5) business days prior to the hearing date. At the discretion of the Student Conduct Authority (or designee), the hearing may be rescheduled or conducted in the absence of the responding student(s) or reporting individual(s).

r. All hearing recommended decisions will be communicated in writing to the responding student(s) and reporting individual(s) and will include the findings of fact, determination of responsibility, outcomes (if applicable), and notice of appellate rights.

s. When a criminal conviction has been entered for all or some of the conduct alleged to also violate this Code, the conduct that is the subject of the conviction is deemed established. The hearing body may limit the issues for consideration to appropriate outcome(s).

7. Hearing Decisions

Decisions of specific hearing bodies may require further review before final conduct action.
a. Decisions of single administrators where suspension, dismissal, or expulsion are not assigned as an outcome are communicated simultaneously in writing to the reporting individual(s) and responding student(s) within ten (10) business days. This time period may be extended by the appropriate Student Conduct Authority (or designee) as deemed appropriate.

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

c. Decisions of Administrative Hearing Panels are recommendations to the Dean of Students or designee.

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

e. All resolutions of student conduct hearings where University Housing contract cancellation is assigned as an outcome is a recommendation to the Executive Director of University Housing (or designee). The Executive Director of University Housing (or designee) may affirm or modify that recommendation prior to decision notification.

f. All recommended student conduct decisions must be approved in writing by the appropriate authority or designee and only then will be communicated to the responding student and reporting individual(s) (if applicable). 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.

g. All resolutions of first-level student conduct hearings where suspension, dismissal, or expulsion are assigned as an outcome is a recommendation to the Dean of Students (or designee). The Dean of Students (or designee) may affirm or modify that recommendation prior to decision notification.

h. Hearing decisions regarding falsification of admission or readmission information may be forwarded to the appropriate office for review of the application and appropriate action regarding admission.
(2) Outcomes

(a) Philosophy and Approach

Florida State University facilitates learning through the student conduct process by providing tools and resources to empower students to make better decisions in the future. Hearing bodies are encouraged to consider educational outcomes which encourage critical thinking as well as outcomes that consider accountability for one’s actions and the safety and security of the University community.

The hearing body in each case will consider a student’s prior conduct history, along with any aggravating and mitigating factors, in the assigning of appropriate educational outcomes. The following outcomes, or combination of outcomes (with or without appropriate modifications) may be assigned to any individual student found to have violated the Code. Certain outcomes may result in a financial cost to the student. If a student does not complete an outcome by the required deadline, a hold may be placed on the student’s record.

(b) List of Outcomes

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

1. Reprimand (written or verbal).
2. Service Hours. Completion of tasks under the supervision of a University department or outside agency.
3. Educational Activities. Examples include, but are not limited to, attendance at educational programs, interviews with appropriate officials, planning and implementing programs, educational essays, or other educational activities.
4. Counseling Assessment. Referral for assessment at a counseling center for alcohol/drug concerns, general mental health, or other counseling issues.
5. Restitution. Only in cases involving University property. Restitution must be submitted to the appropriate University department in a manner that is approved by that University department.
6. Conduct Probation. A period of time during which any further violations of the Student Conduct Code may result in more serious outcomes 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 the
University residence halls or other areas of campus, or contact with other specified person(s).

7. Disciplinary Probation. A period of time during which any further violation of the Student Conduct Code puts the student’s status with the University in jeopardy. If the student is found “responsible” for another violation of the Code during the period of Disciplinary Probation, serious consideration will be given to imposing an outcome of Suspension, Dismissal, or Expulsion from the University. Some of the restrictions that may be placed on the student during the probationary period include, but are not limited to, participation in University or student activities, representation of the University on athletic teams or in other leadership positions, entrance into University residence halls or other areas of campus, or contact with another specified person(s).

8. Change in University Housing assignment.

9. Exclusion (either temporary or permanent) from University Housing.

10. Suspension. Separation from the University for a specified period, not to exceed two (2) years. This may include restricted access to campus and/or other specified activities.

11. Dismissal. Separation from the University for an indefinite period of time. Dismissal is considered a final outcome, but readmission is possible in some cases under documented exceptional circumstances. No consideration will be given to readmitting a dismissed student within the first three years after a dismissal is imposed. Dismissal is noted on the student transcript.

12. Expulsion. Separation from the University without the possibility of readmission. This may include restricted access to campus and/or other specified activities. Expulsion is noted on the student transcript.

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

14. Transcript Notations. A written notation indicating that student conduct action was taken. This outcome may be applied only in cases in which the student has been permanently separated (i.e., expelled) from the University.

15. Restrictions on contact with specified people.

16. Restrictions on access to or use of University-related properties, facilities, or equipment.

Students who are separated from the University as a result of a student conduct outcome (i.e., Suspension, Dismissal, or Expulsion) are not automatically withdrawn from any classes for which the student is currently enrolled. Therefore, it is the responsibility of the student to address any withdrawal concerns from the university’s Withdrawal Services office.

Outcomes that may involve separation from campus may require readmission to the University, depending on the length of the separation from the institution. Therefore, readmission is not guaranteed after a period of separation is complete. The responding student(s) is responsible for communicating with the Office of Admissions to identify appropriate steps for possible re-entry, after all student conduct outcomes are satisfied.
(3) Appeals

(a) Function

   i. The presumption is the investigation and hearing process were appropriate conducted. An appeal may be requested on any hearing 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 individual requesting an appeal to show the appeal has merit. The appropriate Student Conduct Authority (or designee) may choose to deny an appellate request if it is determined after a full review of the request the basis for the appeal has no merit. The appellate body varies depending on the hearing body and is outlined below. All appellate decisions are considered recommended decisions to the Vice President (or designee).

(b) Appellate Officers

As noted in the section titled “Authority” of this Code, the Vice President and Dean of Students or designees have the authority to designate individuals as hearing or appellate officers, when appropriate. University Housing and International Programs are also extended the authority to identify appropriate appellate officers for the execution of student conduct concerns within their respective areas.

1. Recommended decisions of the Student Conduct Board may be appealed to the Dean of Students (or designee).
2. Recommended decision of the University Housing Conduct Board may be appealed to the Executive Director of University Housing (or designee).
3. 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).
4. 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).
5. Recommended decisions of hearing officers appointed by the Executive Director of University Housing may be appealed to the Executive Director of University Housing (or designee).
6. Recommended decisions of the Dean of Students may be appealed to the Vice President (or designee).
(c) Appeal Requests

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

2. The request shall state the reason(s) for appeal (see numeral 3 below) and supporting appellate information.

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 student(s)’s fundamental due process rights or a reporting individual(s)’s rights (see “Procedures”) 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 evidence 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. An outcome imposed is extraordinarily disproportionate for the violation(s) committed and the cumulative conduct history of the responding student.
   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.

(d) Appellate Review

1. Will involve an initial file review by the appellate officer. The appellate officer may make a determination based solely on this review. The outcome of the file review may become the official decision (see “Appellate Recommendations and Decision”). File reviews are the default appellate process.

2. If the appellate officer determines a need for additional information, that officer may request written materials and/or an appellate meeting with the responding student(s) and/or reporting individual(s) (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 appellate meeting will involve speaking with the responding student(s) and/or reporting individual(s) 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. All reasonable attempts will be made to audio record the appellate meeting. This recording will serve as the official record of the meeting and acts as the sole recording. Any recording conducted without the express knowledge and permission of participants could possibly result in further action, including, but not limited to, student conduct action.

6. The responding student(s) and/or reporting individual(s) will be afforded the opportunity to bring an advisor to the appellate meeting.
7. All appellate meeting meetings will be fair and impartial. Prior to the start of an appellate meeting, the responding individual(s) or reporting student(s) may submit a challenge regarding the perceived impartiality of the appellate officer to an appropriate Student Conduct Authority (or designee). Decisions on such challenges made by that Student Conduct Authority (or designee) shall be final and not subject to appeal. All concerns of perceived impartiality will be noted in the case record.

8. If the responding student(s) and/or reporting individual(s) fails to appear at the scheduled appellate meeting after proper notice or otherwise fails to cooperate with the appellate 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 hearing decision is placed on hold until the full conclusion of the appellate process. Discretion is provided to the appropriate Student Conduct Authority (or designee).

(e) Appeals involving Reporting and Responding Parties

For incidents involving reporting individual(s), both the reporting individual(s) and the responding student are afforded the opportunity to submit an appeal request of the Student Conduct Authority’s decision within five (5) business days after the hearing decision is sent to the reporting individual(s) and responding student.

1. Once an appeal request is received, the other party will be notified and provided with an opportunity to review the submitted appeal request and submit a written response or their own appeal on separate grounds within three (3) business days, or by the original appeal submission deadline, whichever is greater. Deadlines may be extended at the discretion of Student Conduct Authority (or designee) under exceptional circumstances. A deadline extension request must be submitted in writing.

2. The Student Conduct Authority (or designee) will also provide a written response for review by the appellate officer after reviewing all submissions from the reporting individual(s) and/or responding student. All supporting information for the appeal request from the reporting individual(s) and/or responding student must be submitted by the specified submission deadline in order to be considered by the appellate officer. Upon receipt of all documents and information, the appellate officer will conduct an efficient and narrow review of the file limited to the grounds identified by the initiator of the review.

3. If the appellate officer determines the appeal request sufficiently meets one or more of the appeal grounds, the appeal request will be forwarded to the Vice President for review.

4. There are no additional meetings with the reporting individual(s) and/or responding student unless there are exceptional circumstances as determined by the appellate officer, in which case the Vice President must offer both the reporting individual(s) and/or responding student the same opportunity to discuss the case.
5. The Vice President’s decision is considered the final University decision and will be communicated simultaneously in writing to both the reporting individual(s) and the responding student.

(f) **Appellate Recommendations and Decisions**

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

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

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

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

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

(4) **Records**

(a) **Records Maintenance**

Records of all student conduct cases will be maintained in the Office of Student Rights and Responsibilities or in University Housing. Records which result in a finding of not responsible or result in outcomes that do not include separation from the University shall be destroyed in compliance with Florida Public Records law. Suspension or dismissal records shall be permanently retained as official records, unless the student is readmitted and successfully completes a degree, at which point the record should be removed from the official files under any circumstances. Expulsion records are permanently retained as official records. Any records kept beyond this limit is for statistical purposes will not be considered or released as official student conduct records. The University may choose to retain records outside of these timeframes as deemed appropriate.

(b) **Release of Records**
b. 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 or University Housing. The Office of Student Rights and Responsibilities or University Housing 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 Health and Safety Suspension

Based upon a student’s alleged behavior, the Vice President or Dean of Students (or their designee(s)) may impose an interim health and safety suspension prior to the initiation of a student conduct action under the Code or to a student’s hearing on the facts of the case.

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

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

3. An interim health and safety suspension requires the student be notified in writing. Various forms of correspondence (e.g., in-person delivery, certified mail, electronic) may be used to communicate the interim health and safety suspension.

4. An interim health and safety suspension does not supplant the student conduct process, which shall proceed on normal schedule and follow established procedures noted in the Code.

5. The student may request a challenge of the interim health and safety suspension to address the restrictions imposed. The student’s challenge must be in writing to the Dean of Students. The scope of a challenge is limited to whether or not the interim health and safety suspension should continue. The burden falls on the responding student(s) to demonstrate why the interim health and safety suspension should not continue or be modified.

6. If a challenge is requested on the interim health and safety suspension, 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.

7. For incidents involving alleged sexual misconduct, individual challenge meetings utilizing a similar procedure will be facilitated for responding student(s) and reporting individual(s).

8. At a requested challenge meeting, information will be presented in support of any interim health and safety suspension. The responding student(s) may offer statements or other information to rebut any grounds offered in support of the interim health and safety suspension.

9. Responding student(s), reporting individual(s), and witnesses are afforded the right to have an advisor present at a challenge meeting. Responding student(s), reporting individual(s), and witnesses are required to address the Dean of Students (or designee) in person, on their own behalf, although they may consult with their advisor during the meeting. This consultation must take place in a manner that does not disrupt the proceedings. The advisor shall not speak on behalf of the responding student(s),
reporting individual(s), or any witnesses unless expressly authorized to do so by the administrator conducting the meeting. The responding student(s), reporting individual(s), and any witnesses shall provide the advisor’s name in writing to the Office of Student Rights and Responsibilities or University Housing three (3) business days prior to the meeting. The advisor may not serve as a witness.

10. Responding student(s), reporting individual(s), and witnesses are may only present information relevant as to whether the interim health and safety suspension should be continued or changed during the meeting. The presentation of witnesses is at the discretion of the administrator conducting the meeting.

11. The student will be notified of the outcome of the meeting in writing. The written notification of the outcome is final as to the interim health and safety suspension, pending the final results of the student conduct process. In the event there is a reporting individual(s) involved, said individual(s) will be informed of the outcome of an interim health and safety suspension challenge.

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


FSU-3.0041 Student Organization Conduct Code

(1) General Provisions and Hearing Procedures
   (a) Preface

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

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

The University fully recognizes the right of all students to seek knowledge, form opinions, and express and discuss their ideas in accordance with the expectations set forth in this Code. Specific expectations regarding time and place of meetings and assemblies are found in Oglesby Union and other University rules, regulations, or policies. The student conduct process is designed to be educational in nature and promotes the University’s mission. Being a member of the University Community is a privilege, and the conduct process will determine if a student’s conduct warrants they should no longer share in that privilege.

SOURCES:

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

1. **Advisor.** The term “advisor” means any one person chosen by a student organization or student group representative, responding individual, or witness to assist said individual throughout the student organization conduct process, unless service in this capacity would unreasonably conflict with the fair administration of the student conduct process as determined by the appropriate student organization Student Conduct Authority (or designee). The University is not responsible for selecting an advisor for any student organization or student group navigating the student organization conduct process. The individual selected by a student as an advisor may not participate in the student organization conduct process in any other capacity in reference to the same incident. The availability of an advisor to attend a student organization or student group conduct meeting or hearing shall not unreasonably interfere with or delay the student organization conduct process. Examples of advisors include, but are not limited to, attorneys, law students affiliated with a Student Government Association-sponsored program, University administrators, University faculty or instructors, or University staff.

2. **Business Day.** The term “business day” refers to any weekday Monday through Friday in which the University is in operation. This does not include when the University is in operation but classes are not in session.

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

4. **Hearing Body.** The term “hearing body” means any person or persons authorized in the Code to conduct hearings, determine finding regarding whether a student organization or student group has violated the Code, and recommend or assign outcomes as appropriate.

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 15 “University” below.
6. **Policy.** The term “policy” means the written statements governing the University as found in, but not limited to, the State of Florida Board of Governors regulations, the University’s Board of Trustees regulations, the 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.

7. **Preponderance of the Information.** “Preponderance of the information” means 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 Code.

8. **Student Organization.** The term “student organization” refers to an organization that has been 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. **Student Group.** The term “student group” refers to any number of persons who are associated with the University and each other, but who have not registered, or are not required to register, as a student organization that conducts business or participates in University-related activities. This includes, but is not limited to, formerly recognized student organizations whose charter has been revoked.

10. **Reporting Individual.** The term “reporting individual” means any individual, student organization, or student group who has been directly impacted by or reported a student organization or student group’s alleged violation(s) of the Code. The reporting individual is the individual, student organization, or student group who files a report or on whose behalf a report is filed.

11. **Responding Student Organization or Student Group.** The term “responding student organization or student group” refers to a student organization or student group who has been accused of an alleged violation of the Code.

12. **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 at the time any alleged violation(s) occurred, 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. An individual who has been suspended from the University through the conduct process is still considered a student during the suspension period. An individual who leaves the University before a conduct issue is resolved may be prohibited from future enrollment and/or accessing University records until the matter is resolved. Students who fulfill academic requirements for a degree before a conduct issue is resolved may have no change in degree status until the matter is resolved. For the purposes of this Code, the term “student” may include student organization or student group as the context requires.

13. **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. See the section on “Authority” for more information.

14. **Student Organization or Student Group Representative.** A student designated by a student organization or student group to serve as its representative through any student organization or student group conduct proceedings. Typically, this individual serves on the executive board of an organization and may particularly serve in the role of president. The Student Conduct Authority (or designee) may choose to require a student organization or student group to designate a non-student representative when deemed necessary.

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

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

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

18. **Student Conduct Board.** The term “student conduct board” refers to a group of currently enrolled students in good conduct standing selected and trained by the Office of Student Rights & Responsibilities to adjudicate both formal and informal student organization or student group conduct cases.

19. **Administrative Hearing Panel.** The term “Administrative Hearing Panel” refers to a group of currently enrolled students in good conduct standing and University Officials selected and trained by the Office of Student Rights & Responsibilities to adjudicate both formal and informal student organization or student group conduct cases.
(c) **Scope**

Florida State University may choose to address the alleged misconduct of any student organization or student group as specified in Section E, “Violations,” of this Code, regardless of location.

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 may choose to determine how the timing of the incident impacts the initiation or completion of the conduct organization conduct process.

3. The University may choose to determine how a student organization or student group’s status with the University impacts initiation or completion of the student organization conduct process.

4. The University may choose to not pursue student organization or student group conduct action in circumstances where deemed appropriate. This includes, but is not limited to, individuals who report they are the alleged victim in an incident or individuals who qualify for the University’s Medical Amnesty Policy.

5. The University may choose to restrict a student’s contact with specified people when facts and circumstances dictate such action is appropriate. Such restrictions include but are not limited to, No Contact Orders. There is no need for student conduct action in order for a No Contact Order to be issued. The Student Conduct Authority (or designee) can administratively issue No Contact Orders to any individuals involved in a conflict or incident.

6. The University may choose 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 Student Conduct Authority (or designee).
(d) Authority

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

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

2. Under the direction of the Dean of Students, the Student Conduct Authority is responsible for implementing the student organization and student group conduct system. Implementation includes, but is not limited to, selection and training of hearing bodies.

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

4. Hearing decision are further addressed under “Procedures.”

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

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 or student group 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 student organization or student group 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 student organization or student 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 student organization or student group members who must be involved in an incident to determine group responsibility. A student organization or student group may be subject to discipline for activities not sponsored by the student organization or student group where the majority of the persons present or responsible for the activity are members or guests of members of the student organization or student group.

2. Misconduct on the part of the student organization or student group may be addressed when one or more of the following factors exist:
   a. Members of the student organization or student group (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 a student organization or student group are present at a student organization or student group-sponsored, student organization or student group-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 or student group;

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

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

f. The student organization or student group 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 or student group from official actions.

(f) Violations

Each student organization or student group is expected to abide by these rules of conduct and to be accountable for their behavior. All animals are considered an extension of a student or person responsible for their care; therefore, animals must adhere to the expectations set forth in this Student Organization Conduct Code. Lack of familiarity with the Student Organization Conduct Code is not a justification to any violations of this Code. Unless specifically noted, intent is not a required element to establish a Student Organization Conduct Code violation. Intoxication or impairment from alcohol, drugs, or other substances is not a justification to a violation of this Code. These rules of conduct should be read broadly and are not designed to define prohibited conduct in exhaustive terms.

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 individual, or that occurs when the reporting individual(s) 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.

   i. 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.

   ii. Past consent to sexual activity does not imply consent to future sexual activity.

   iii. Consent can be withdrawn at any time, including in the middle of a sexual encounter, if the withdrawal of consent is clearly indicated by words or actions.

   Individuals who are incapacitated by voluntary or involuntary alcohol or drug use (legal, illegal, or prescription); asleep; unconscious; mentally impaired by disease or illness cannot give consent (no matter what they say or do). “Incapacitation” is a state where a person cannot make a rational decision because the person lacks the ability to understand the nature of the act. In order to give effective consent, one must be of legal age in the location of the sexual contact.

   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

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2 It is intended that the definitions used in this portion of the Student Conduct Code be consistent with FSU’s Sex Discrimination and Sexual Misconduct Policy.
iii. The conduct is sufficiently severe, frequent, or wide-spread that, both subjectively (to the reporting individual) 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 a person;

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

iii. Soliciting another person for sexual activity in exchange for money, goods, or services;

iv. 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 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 distribution or publication;

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

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

vii. Voyeurism; and

viii. 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 and 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, or 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. A pattern of conduct or a single instance can rise to the level of dating violence/relationship violence.

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.

d. Action(s) that endanger the health, safety, or well-being of an animal unless approved by the University. This includes but is not limited to, intentionally or unintentionally torturing or in a cruel manner killing or causing serious bodily injury to an animal; failing to provide necessary, food, water, or care for an animal; unreasonably abandoning an animal in the student organization or student group’s custody; transporting or confining an animal in a cruel manner; causing one animal to fight with another animal; or inappropriately overworking an animal.

e. Any harm caused by an animal when said animal is within the care of a student organization or student group.
3. **Harassment**
   a. Conduct, not of a sexual nature, that is severe, pervasive, or persistent to a degree that interferes with a reasonable person, student organization, or student group’s ability to participate in or benefit from the services, activities, or privileges provided by the University.
   b. Action(s) or statement(s) that threaten harm or intimidate another.
   c. Acts that invade the privacy of another person.
   d. Bullying behavior, not of a sexual nature, 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 student organization or student group, 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 or alumni of a student organization or student group may be considered hazing.
   Hazing is not confined to the student organization or student group with which the student subjected to the hazing is associated. Hazing includes, but is not limited to:
   i. Unreasonable interference with a student’s academic performance, employment, or religious observances and activities
ii. Forced or coerced participation or forced or coerced exclusion from participation in other University-related activities

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

iv. Forced or coerced wearing of apparel which is conspicuous and/or inappropriate

v. Forced or coerced unreasonable financial expenditures

vi. Forced or coerced exclusion from social contact

vii. Unreasonable monitoring or invasion of personal privacy

viii. Branding

ix. Creation of unnecessary fatigue (including but not limited to acts that stem from forced physical activity, such as calisthenics and sleep deprivation)

x. Food deprivation

xi. Beating, whipping, or paddling in any form

xii. Line-ups and berating

xiii. Physical and/or psychological shocks

xiv. Personal, organizational, or group servitude

xv. Kidnapping or abandonment

xvi. Unreasonable exposure to the elements

xvii. Any activity that would be viewed by a reasonable person as subjecting any person to embarrassment, degradation, or humiliation

xviii. Expectation or forced or coerced 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 dangers 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 a firearm is not carried on the person and provided that a handgun must be kept securely encased; or otherwise not readily accessible for 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 or ornamental daggers and swords.
c. On-campus possession or use of fireworks, sparklers, and any item designed with the primary intention of exploding, including but not limited to: firecrackers, skyrockets, rockets, roman candles, and cherry bombs.
d. Off-campus, unlawful, or unauthorized possession or use of firearms, explosives, or other weapons or dangerous articles or substances in violation of state or federal law.

This section is authorized by Section 790.115, Florida Statutes. In accordance with Section 790.33, Florida Statutes, nothing in this section is intended to prohibit or regulate the lawful possession of a weapon or firearm as defined in Section 790.002, 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. Setting or attempting to set any unauthorized fire or safety hazard.
   e. Obstructing the egress of an emergency exit.

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, manufacture, 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. Control or operation of a wheeled conveyance 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 or student group to take all necessary steps to see that no person under the legal drinking age possesses alcoholic beverages at functions its sponsors or within any property or transportation it owns, operates, and/or rents.

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

9. Disruption

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

b. Providing false or misleading 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, but not limited to, attempting to coerce or influence a person regarding the reporting of a student conduct violation or a person’s participation in any student conduct proceeding.

f. Knowingly participating in an event or participating in an event and failing to take necessary actions to determine whether a student organization or student group 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.

k. Any disruption of normal University operations caused by a student organization or student group’s animal.

l. Behavior which materially disrupts previously scheduled reserved activities on campus occurring at the same time.

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. Impersonating or misrepresenting the authority to act on behalf of another individual, organization, group, 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 or another person, student organization, student group, or of the University, with the intent to permanently deprive the person, student organization, student group, or University of the property.
   c. Misappropriation. Without authorization temporarily removes or uses the property or services of another person, student organization, student group, or the University, but without the intent to permanently deprive the person, student organization, student group, 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, student organization or student group without the proper consent or authorization.
   f. Misuse or mishandling of student organizational or student group 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. This
includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, private bedrooms, and restrooms. The sharing and/or distributing of such unauthorized records by any means is also prohibited.

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 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.

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.

(g) Due Process Rights

Student organizations and student groups at the University are afforded due process rights throughout the student organization conduct process. Any and all rights afforded to a responding student organization or student group during any student organization conduct action will also be afforded to a reporting individual(s) as appropriate.

The two (2) fundamental due process rights are:

1. Notice: Responding student organizations or student groups 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: Responding student organizations or student groups will be given an opportunity to present information, including witness testimony and/or statements, during a fair and impartial hearing.
As participants in a student conduct action, reporting individuals and responding student organizations and student groups have the right to:

1. Present information on their behalf.
2. Be accompanied by an advisor.
3. Submit questions for witnesses.
4. Have hearing decisions communicated in writing.
5. Request reasonable accommodations from the office adjudicating their student organization or student group conduct case. Accommodation requests must be made three (3) business days in advance of the scheduled hearing.

These rights will be executed in a fair and impartial manner with respect to all reporting individuals and responding student organizations or student groups involved in a student organization conduct action.

A more complete description of the procedures utilized to implement these rights is found in Section G “Procedures.”
(h) Procedures

The procedures outlined below will be consistent with all appropriate due process rights afforded to student organizations or student groups in University student organization conduct proceedings. Student conduct action may proceed prior to, simultaneously with, or following criminal or civil proceedings at the discretion of the Student Conduct Authority (or designee). Decisions made within a criminal or civil process do not bind the University to establish or not establish that a violation of University policy has occurred, as there are different evidence rules, burdens of proof, and potential outcomes in each process.

1. Initiation of Student Conduct Action

A review of information for possible student conduct action may be initiated through the following:

a. Any report submitted through a secure University reporting function.

b. Receipt of a police report with the FSU Police Department, Tallahassee Police Department, Leon County Sheriff’s Office, or other law enforcement agency.

c. Receipt of a signed statement to the appropriate student Conduct Authority (or designee).

d. If a case involving alleged sexual misconduct is reported to a Student Conduct Authority, said authority has an obligation to report the 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 (or designee) can review said matter.

All information will be reviewed by an appropriate Student Conduct Authority (or designee) to determine appropriate next steps. These steps include, but are not limited to, informal resolutions, educational conversations, and student organization or
student group conduct action. The University may choose to take no action on submitted information as deemed appropriate.

2. **Notice**

Absent exigent circumstances, the Student Conduct Authority (or designee) will notify a responding student organization or student group organization or student group of an alleged student organization conduct code violation(s) within five (5) business days after receiving all appropriate information. Notice is considered given to a student organization or student group if it is sent to the student organization or student group’s representative’s official university email address, is hand delivered to the representative, or is mailed to the local address on file with the Office of the University Registrar or to the permanent address if a local address had not been provided. Written notice given to any student organization or student group will include:

a. Sufficient detail to prepare a response (including source of information, description of the alleged behavior(s), and specific alleged Code violation(s)).

b. The date, time, and location of an information session, during which the student organization or student group’s rights may view all materials related to the case, receive instruction regarding the student organization conduct process and the student organization or student group’s rights, and confirm the type of resolution process to be utilized.

c. Notice of a formal hearing will occur at least five (5) business days prior to the hearing of the case. Informal hearings will be scheduled at the earliest availability of the responding student organization or student group and the hearing body.

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

e. The Student Conduct Authority (or designee) working in conjunction with appropriate University offices and/or organization advisors may place restrictions on the student organization or student group if the representative fails to address the Student Organization Conduct Code charges in a timely manner.
f. Student contact information on file with the Student Activities Center, the Office of the University Registrar, and/or relevant University offices will be used for all student organization or student group conduct notices sent. The University considers students’ University email account to be the official electronic method of communication.

3. **Hearing Bodies and Authorities**

   The information below pertains to the hearing bodies available for student organization or student group conduct hearings and their authority in a student conduct action.

   a. The Student Conduct Authority (and designee(s)) may conduct both informal and formal hearings with regards to alleged violation(s) of the Student Organization Conduct Code.

   b. A University official may be designated by the Student Conduct Authority (or designee) to conduct informal or formal student organization or student group conduct cases as a single administrator or as a member of an Administrative Hearing Panel for student organization or student group.

   c. A student organization or student group’s conduct hearing may be heard by a single-administrator when it is determined by the circumstances to be in the best interest of the University.

   d. An Administrative Hearing Panel may conduct formal hearings on student organization or student group conduct cases. Panels are composed of two (2) faculty or staff members, both designated by the Dean of Students (or designee), and three (3) Student Conduct Board members. The administrative hearing panel will be chaired by one (1) of the student conduct board members. For student organization or student group conduct cases involving an organization affiliated with the Office of Fraternity and Sorority Life, the Student Conduct Board panel members must be active members of an organization affiliated with the Office of Fraternity and Sorority Life. In times of limited student availability or when conflicts are identified, panels may proceed with two (2) Student Conduct Board members,
one of whom will serve as the Administrative Hearing Panel chair, with approval from the Student Conduct Authority (or designee) and consent of the responding student organization or student group and reporting individual(s) (if applicable). The Student Conduct Authority (or designee) will serve as an advisor to the administrative hearing panel.

4. Case Resolution Options

A responding student organization or student group may request both the hearing type and/or the hearing body to adjudicate their case subject to the restrictions stated in Section 3 above. Further restrictions to that choice include:

a. When it is determined a case requires a formal proceeding, a formal hearing may be pre-selected by the Student Conduct Authority (or designee).

b. When two (2) or more student organization or student group cases stem from the same incident, those cases should typically be heard by the same hearing body, but can be heard separately as deemed appropriate. In such cases, the Student Conduct Authority (or designee) may either pre-select the hearing type and/or hearing body and/or consult with the student organization or student group involved before making the decision.

c. When a student organization or student group has two (2) or more outstanding incidents, those incidents can be heard as a single case.

d. The Student Conduct Authority (or designee) will make the final determination of the hearing type and/or hearing body.

e. The Student Conduct Authority (or designee) may choose to select the appropriate hearing type and/or hearing body for other administrative or case-related reasons.

f. As appropriate, the Student Conduct Authority (or designee) may select an appropriate alternative resolution.
5. **Types of Hearings**

Two (2) distinct types of hearings are provided for by the Code. Formal hearings are held when cases involve disputed substantial and relevant information or serious alleged violations of the Code that could lead to an outcome for the responding student group or student organization including, but not limited to, loss of recognition or being separated from the University.

a. In addition, Formal Hearings:
   i. Require the hearing body to call appropriate witnesses or obtain witness statements, reports, or other information in support of the alleged violation(s).
   ii. Will be held no sooner than five (5) business days after notice is received by the responding student organization or student group. The student organization or student group 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 appropriate Student Conduct Authority (or designee).
   iii. All reasonable attempts will be made to audio record the hearing. This recording will serve as the official record of the proceedings and acts as the sole recording. Any recording conducted without the express knowledge and permission of participants could possibly result in further action, including, but not limited to, student conduct action.
   iv. 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 individual(s), if applicable. This party may waive the right to provide an opening statement.
      D. Opening Statement by the responding student organization or student group. This party may waive the right to provide an opening statement.
      E. Presentation of information and witnesses by the reporting individual(s), if applicable. The reporting individual(s) may open with questions to their witnesses or any non-party witnesses, followed by the University, and then the
responding student organization or student group submitting questions to the hearing body for the reporting individual(s). Witnesses are dismissed when all related parties (i.e., reporting individual(s), the University, and responding student organization or student group) have exhausted all questions. The University may choose to limit repetitive or completely irrelevant questioning.

F. Presentation of information and witnesses by the University. The University will open with questions, followed by the reporting individual(s), and then the responding student organization or student group. Witnesses are dismissed when all related parties (i.e., University, reporting individual(s), and responding student organization or student group) have exhausted all questions. The University may choose to limit repetitive or completely irrelevant questioning.

G. Presentation of information and witnesses by the responding student organization or student group, if applicable. The responding student organization and student group may open with questions to their witnesses, followed by the University, and then the reporting individual(s) submitting questions to the hearing body for the responding student organization or student group. Witnesses are dismissed when all related parties (i.e., responding student organization or student group, University, and reporting individual(s)) have exhausted all questions. The University may choose to limit repetitive or completely irrelevant questioning.

H. Questions directed to the responding student organization or student group by the hearing body followed by the reporting individual(s) submitting questions to the hearing body for the responding student organization or student group, if applicable. The University may choose to limit repetitive or completely irrelevant questioning.

I. Closing statement by the University, followed by the closing statement of the reporting individual(s) and the responding student organization or student group. Any party may waive the right to provide a closing statement.

v. A formal decision letter will be sent to the student organization or student group 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.

Informal hearings are held when cases involve little or no disputed substantial and relevant information and possible outcomes for the responding student organization or student group do not include loss of recognition or being separated from the University.

b. Other considerations for 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 student organization or student group will be informed of any additional information gathered by the hearing body. The responding student organization or student group may call witnesses and present evidence.
   ii. Hearings are scheduled at the convenience of both the responding student organization or student group and the hearing body.
   iii. 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 responding student organization or student group. This time limit may be extended if additional consideration of evidence and deliberations are required.

6. **Hearing Procedures**

Hearings will follow these guidelines:

a. Hearings are scheduled at the earliest availability of the responding student organization or student group and the hearing body. Student availability is determined based on academic requirements as appropriate.

b. All hearings will use a reasonable person standard when assessing whether the information presented constitutes a preponderance of the information. This means
the totality of the available information substantiates it is more likely than not the alleged violation(s) occurred.

c. Irrelevant past behavior of the responding student organization or student group will be excluded from the hearing. The hearing body or Student Conduct Authority (or designee) will decide if such information is irrelevant.

d. In instances of alleged sexual misconduct, past sexual history of the reporting individual(s) and responding student organization or student group is not relevant, unless deemed essential by the hearing body to protect fundamental due process.

e. A responding student organization or student group and reporting individual(s) will have the opportunity to present evidence on their behalf, including presenting witnesses, if available, and / or signed, written statements from witnesses, and other documentary information. Witness testimony is not required. Written witness statements are strongly discouraged but may be accepted at the discretion of the hearing body who will determine what, if any, weight should be given to the written statement. If accepted, written statements will not be used as the sole deciding factor as to whether the responding student organization or student group is responsible or not responsible for a violation of the Code.

f. Prior to the start of a hearing, a responding student(s) or reporting individual(s) may submit a challenge regarding the perceived impartiality of any member of a hearing body to an appropriate Student Conduct Authority (or designee). Decisions on challenges made by that Student Conduct Authority (or designee) shall be final and not subject to appeal. All concerns of perceived impartiality will be noted in the case record.

g. The responding student organization or student group, reporting individual(s), and any witnesses may be accompanied during the hearing by 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 or student group unless expressly authorized to do so by the hearing body. The responding student organization or student group, reporting individual(s), and any witnesses shall provide the advisor’s name in
writing to the Student Conduct Authority (or designee) two (2) business days prior to the hearing. The advisor may not serve as a witness.

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

i. The burden of proof at a hearing always rests with the University. The standard of proof will be the preponderance of the information.

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

k. All hearings for student organizations or student groups 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).

l. Appropriate witnesses will be contacted by the University to participate in all formal hearings. Those witnesses who appear may be questioned 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.

m. The Student Conduct Authority (or designee) may accommodate concerns for the personal safety or well-being and/or fears of confrontation of the reporting individual(s), responding student organization or student group organization or student group representative, or witnesses during a hearing by providing separate spaces using a visual screen and/or by permitting participation via video phone, closed circuit television, video conferencing, or other means when deemed these accommodations are appropriate and do not infringe on the fair and equitable execution of the hearing process. Hearings may be held in the absence of responding student organizations or student groups, reporting individual(s), or
witnesses if any party fails to appear after proper notice or fails to cooperate in the student organization conduct process.

n. In certain cases, a reporting individual(s) may be allowed to submit an impact statement to the appropriate Student Conduct Authority. The responding student organization or student group organization or student group may request to view the impact statement. The request will be considered by the appropriate Student Conduct Authority (or designee) in consultation with the reporting individual(s). Impact statements may be submitted in written form.

o. Prior records of Student Organization Conduct Code action and witness/reporting individual impact statements are considered by the hearing body only in the outcomes 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 student organization or student group and reporting individual(s) and both parties have an opportunity to respond to the information. In cases involving multiple student organizations or student groups 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 appropriate Student Conduct Authority (or designee) five (5) business days prior to the hearing date. At the discretion of the appropriate Student Conduct Authority (or designee), the hearing may be rescheduled or conducted in the absence of the responding student organization or student group or reporting individual(s).

r. All hearing decisions will be communicated in writing to the responding student organization or student group and reporting individual(s) (if applicable) and will include the findings of fact, determination of responsibility, outcomes (if applicable), and notice of appellate rights.

s. When a criminal conviction has been entered against a member or members of a student organization or student group for all or some of the conduct alleged to also
violate this Code, the conduct that is the subject of the conviction is deemed established. The hearing body may limit the issues for consideration to whether student group or organization is responsible for the conduct and, if so, appropriate sanction(s).

7. **Hearing Decisions**

Decisions of specific hearing bodies may require further review before constituting student conduct hearing action.

a. Decisions of single administrators where suspension, dismissal, or expulsion are not assigned as an outcome are communicated in writing to the reporting individual(s) and responding student organization or student group organization or student group within ten (10) business days. This time period may be extended by the appropriate Student Conduct Authority (or designee) as deemed appropriate.

b. Decisions of Administrative Hearing Panels are recommendations to the Dean of Students (or designee).

c. All recommended student conduct decisions must be approved in writing by the Student Conduct Authority (or designee) and only then will be communicated to the student. The Student Conduct Authority (or designee) may adopt or amend the recommended decision, or order a new hearing.

d. All resolution of student organization conduct hearings where suspension, dismissal, or expulsion is assigned as an outcome is a recommendation to the Dean of Students or designee. The Dean of Students or designee may affirm or modify that recommendation prior to decision notification.

e. Hearing decisions regarding falsification of admission or readmission information may be forwarded to the appropriate office for review of the application and appropriate action regarding admission.
(2) Outcomes

(a) Philosophy and Approach

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

The hearing body in each case will consider a student organization’s or student group’s prior conduct history, along with any aggravating and mitigating factors, in the assigning of appropriate educational outcomes. The following outcomes, or combination of outcomes (with or without appropriate modifications) may be assigned to any student organization or student group found to have violated the Student Organization Conduct Code. Certain outcomes may result in a financial cost to the student organization or student group. If a student organization or student group does not complete an outcome by the required deadline, the Office of Student Rights and Responsibilities, working in conjunction with University offices and/or organization advisors may place restrictions on the student organization or student group. This includes but is not limited to a loss of recognition by the University until all outcomes are complete.

(c) List of Outcomes

The outcomes 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. Examples include, but are not limited to, attendance by members of the student organization or student group at educational programs, interviews with appropriate officials, planning and implementing 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 or student group during the probationary period include, but are not limited to: barring or limiting some or all of the student organization or student group’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 Organization Conduct Code may result in more serious outcomes being imposed. Some of the restrictions that may be placed on the student organization or student group 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 the 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 or student group’s status with the University in jeopardy. If the student organization or student group is found “responsible” for another violation of
the Code during the period of Disciplinary Probation, serious consideration will be given to assigning an outcome of Suspension, Dismissal, or Expulsion from the University. Restrictions listed in Sanction #6 (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 #6 (listed above) can also be applied as a condition of Suspension. While a student organization or student group is suspended, it may not use University resources or participate as a student organization or student group 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 Student Conduct Authority (or designee).

9. Dismissal. Prohibition for any University student organization or student group 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 Student Conduct Authority (or designee). No consideration will be given to recognizing a student organization or student group within the first two (2) years after a dismissal is imposed.

10. Expulsion. Separation from the University without the possibility of regaining recognition. This may include restricted access to campus and/or other specified activities.

11. Restrictions on contact with specified people.
12. Restrictions on access to or use of University-related property, facilities, or equipment.

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

(15) Appeals

(a) Function

The presumption is the investigation and hearing process were appropriately conducted. An appeal may be requested on any hearing decision, provided that one or more of the reasons for appeal listed in Section 3.D “Appeal Requests” is relevant to the case. On appeal, the burden of proof rests with the student organization or student group requesting an appeal to show the appeal has merit. The appropriate Student Conduct Authority (or designee) may choose to deny an appellate request if it is determined after a full review of the request the basis for the appeal has no merit. The appellate body varies depending on the initial hearing body and is outlined below. All appellate decisions are considered recommended decisions to the Vice President (or designee).

(b) Appellate Officers

As noted in the section titled “Authority” of this Code, the Vice President and Dean of Students or designees have the authority to designate individuals as hearing or appellate officers, when appropriate. University Housing and International Programs are also extended the authority to identify appropriate appellate officers for the execution of student conduct concerns within their respective areas.

1. Recommended decisions of the Student Conduct Board may be appealed to the Dean of Students (or designee).
2. Recommended decisions of Administrative Hearing Panels may be appealed to the Dean of Students (or designee).

3. 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).

4. 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).

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

(c) Appeal Requests

1. A written request shall be submitted to the Student Conduct Authority (or designee) within five (5) business days after the student organization or student group is notified of the hearing decision.

2. The request must state the reason(s) for appeal (see numeral 3 below) and supporting appellate information.

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 student organization or student group’s fundamental due process rights or a reporting individual’s rights (see “Procedures”) that substantially affected the outcome of the hearing.

   b. Demonstrated prejudice against any party by the person presiding over the hearing. Such prejudice must be evidence 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. An outcome imposed is extraordinarily disproportionate for the violation(s) committed and the cumulative conduct history of the responding student.

   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.
(d) **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 Decision”). File reviews are the default appellate process.

2. If the appellate officer determines a need for additional information, that officer may request written materials and/or an appellate meeting with the responding student organization or student group and/or reporting individual(s) (see numerals 3-7 below).

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

4. If deemed necessary, an appellate meeting will involve speaking with the responding student organization or student group and/or reporting individual(s) 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. All reasonable attempts will be made to audio record the appellate meeting. This recording will serve as the official record of the meeting and acts as the sole recording. Any recording conducted without the express knowledge and permission of participants could possibly result in further action, including, but not limited to, student conduct action.

6. The responding student organization or student group and/or reporting individual(s) will be afforded the opportunity to bring an advisor to the appellate meeting.

7. All appellate meeting meetings will be fair and impartial. Prior to the start of an appellate meeting, the responding student organization or student group or reporting student(s) may submit a challenge regarding the perceived impartiality of the appellate officer to an appropriate Student Conduct Authority (or designee). Decisions on such challenges made by that Student Conduct Authority (or designee) shall be final and not subject to appeal. All concerns of perceived impartiality will be noted in the case record.

8. If the responding student organization or student group and/or reporting individual(s) 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 hearing 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.

(e) Appeals Involving Reporting and Responding Parties

For incidents involving reporting individual(s), both the reporting individual(s) and the responding student are afforded the opportunity to submit an appeal request of the Student Conduct Authority’s decision within five (5) business days after the hearing decision is sent to the reporting individual(s) and responding student.

1. Once an appeal request is received, the other party will be notified and provided with an opportunity to review the submitted appeal request and submit a written response or their own appeal on separate grounds within three (3) business days, or by the original appeal submission deadline, whichever is greater. Deadlines may be extended at the discretion of Student Conduct Authority (or designee) under exceptional circumstances. A deadline extension request must be submitted in writing.

2. The Student Conduct Authority (or designee) will also provide a written response for review by the appellate officer after reviewing all submissions from the reporting individual(s) and/or responding student. All supporting information for the appeal request from the reporting individual(s) and/or responding student must be submitted by the specified submission deadline in order to be considered by the appellate officer. Upon receipt of all documents and information, the appellate officer will conduct an efficient and narrow review of the file limited to the grounds identified by the initiator of the review.

3. If the appellate officer determines the appeal request sufficiently meets one or more of the appeal grounds, the appeal request will be forwarded to the Vice President for review.

4. There are no additional meetings with the reporting individual(s) and/or responding student unless there are exceptional circumstances as determined by the appellate officer, in which case the Vice President must offer both the reporting individual(s) and/or responding student the same opportunity to discuss the case.
The Vice President’s decision is considered the final University decision and will be communicated simultaneously in writing to both the reporting individual(s) and the responding student.

(f) Appellate Recommendations and Decisions

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

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

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

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

5. Except in the case of an interim disciplinary action pursuant to Section (5) below, the responding student organization or student group’s status will remain unchanged until the appellate process is final.
(4) Records

(a) Records Maintenance
Records of all student conduct cases will be maintained in the Office of Student Rights and Responsibilities. 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 student organization or student group’s recognition status will be removed seven (7) years after the date of completion. Records of student organization conduct actions which result in a student organization or student group’s expulsion will not be removed from the official record under any circumstances. Any records kept beyond this limit is for statistical purposes will not be considered or released as official student conduct records. The University may choose to retain records outside of these timeframes as deemed appropriate.

(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 Health and Safety Suspension

Based upon a student organization or student group’s alleged behavior, the Vice President or the Dean of Students (or their designee(s)) may impose an interim health and safety suspension prior to the initiation of formal charges under the Student Organization Conduct Code or to a student organization or student group’s hearing on the facts of the case.

1. When the student organization or student group’s actions/behaviors affect the safety, health, or general welfare of a student and/or the University community, an interim health and safety suspension may be issued.

2. The interim health and safety suspension may include notification of appropriate faculty and staff. Some of the restrictions that may be placed on the student organization or student group during the interim health and safety suspension also include, but are not limited to barring or limiting some or all of the organization or student group’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 health and safety suspension, the student organization or student group temporarily loses its status as a recognized student organization or student group for the duration of the interim health and safety suspension period. At the conclusion of the student organization conduct process, the loss of recognition either continues as a condition of outcomes or is restored as a result of a student organization conduct hearing decision. During a student organization or student group’s interim health and safety suspension period, the student organization or student group may not use University resources or participate as an organization in any University activities or events.

3. An interim health and safety suspension requires the student organization or student group be notified in writing. Various forms of correspondence (e.g., in-person delivery,
certified mail, electronic) may be used to communicate the interim health and safety suspension.

4. An interim health and safety suspension does not supplant the student organization conduct process, which shall proceed on normal schedule and follow established procedures noted in the Code.

5. The student organization or student group may request a challenge of the interim health and safety suspension to address the restrictions imposed. The student organization or student group’s challenge must be in writing to the Dean of Students. The scope of a challenge is limited to whether or not the interim health and safety suspension should continue. The burden falls on the responding student organization or student group to demonstrate why the interim health and safety suspension should not continue or be modified.

6. If a challenge is requested on the interim health and safety suspension, 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.

7. For incidents involving alleged sexual misconduct, individual challenge meetings utilizing a similar procedure will be facilitated for responding student organizations or student groups and reporting individual(s).

8. At a requested challenge meeting, information will be presented in support of any interim health and safety suspension. The responding student organization or student group may offer statements or other information to rebut any grounds offered in support of the interim health and safety suspension.

9. Responding student organizations or student groups are afforded the right to have an advisor present at this meeting. The student organization or student group is required to utilize a student organization or student group representative to address the Dean of Students (or designee) in person, on behalf of the student organization or student group, although the student organization or student group 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 or student group unless expressly authorized to do so by the administrator conducting the meeting. The responding student organization or student
group, reporting individual(s), and any witnesses shall provide the advisor’s name in writing to the Student Conduct Authority three (3) business days prior to the meeting. The advisor may not serve as a witness.

10. The student organization or student group may only present information relevant as to whether the interim health and safety suspension should be continued or changed during the meeting. The presentation of witnesses is at the discretion of the administrator conducting the meeting.

11. The student organization or student group will be notified of the outcome of the meeting in writing. The written notification of the outcome is final as to the interim health and safety suspension, pending the final results of the student organization conduct process. In the event there is a reporting individual(s) involved, said individual(s) will be informed of the outcome of an interim health and safety suspension challenge.

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


FSU- 3.0045 Involuntary Medical Withdrawal.

(1) Students are considered adults when attending the University, and students have a responsibility to not cause harm to themselves or others and to participate in University life safely. A student whose conduct, actions, or statements pose a significant danger of serious harm to the health or safety of themselves or others at the University may be subject to involuntarily withdrawal from the University by the Dean of Students or designee. Such action
will be taken only after an individualized assessment of the student and his or her conduct and consultation with appropriate colleagues (or designee) including but not limited to: Director of the Student Health Care Center, Director of the University Counseling Center, Office of the General Counsel and Chief of Police. Involuntary withdrawal of a student is intended as a last resort, when all other options have been considered and are inapplicable, incompatible, or ineffective. Nothing in this policy shall, nor is intended to, override or interfere with a student’s right to reasonable accommodations under the Americans with Disabilities Act. The University restates here its commitment to providing reasonable accommodations for students with disabilities.

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

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

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

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

(6) A student subject to involuntarily withdrawal shall have a hold placed on his or her records and enrollment, and the University may impose conditions for readmission, including but not limited to one or more of the following:
(a) Requiring the student to provide the Dean of Students or designee a complete written assessment (using the form provided by the University) from student’s treating physician or independent licensed psychiatrist or other licensed mental health provider that the student is ready and able to safely return to his or her educational pursuits;

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

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

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

Authority: BOG Regulation 1.001, 6.001; Florida Statutes 1006.60, 1001.61 -History-New 6-12-2014
FSU-3.005 Academic Honor Policy.

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

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

FSU-3.006 The University Defender.

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

(2) It shall be his function to:

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

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

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

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

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

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

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

   (b) Assures that continued compliance with other law and regulation is not impeded; and
(c) Facilitates effective interaction between the University staff and the Student Government Association (SGA) in the allocation and expenditure of funds derived from Activity and Service (A & S) Fees.

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

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<tr>
<th>A &amp; S RECIPIENT</th>
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<tbody>
<tr>
<td>NAME</td>
<td>HEAD</td>
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<tr>
<td>Campus Recreation</td>
<td>Director, Campus Recreation</td>
</tr>
<tr>
<td>Student Activities and Organizations (SA&amp;O)</td>
<td>President of Student</td>
</tr>
<tr>
<td>Oglesby Union (OU)</td>
<td>Director, Oglesby Union</td>
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</tbody>
</table>

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

(3) General Policies.

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

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

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

2. Authority to enter into contractual agreements not otherwise authorized;

3. Authority to in any way deviate from laws, regulations, and procedures pertaining to budgeting, allocation and/or expenditure of public funds of the State of Florida;
4. Authority to impose upon Campus Recreation and the Oglesby Union a requirement to obtain SGA approval prior to expenditure of budget;

5. Authority to hire, supervise, or terminate personnel of the A & S recipients; and

6. Authority to make operational decisions of the A & S recipients; Campus Recreation and the Oglesby Union.

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

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

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

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

(4) Depreciation and Reserve Accounts.

(a) Campus Recreation and the Oglesby Union will be required to establish a depreciation account for repair, replacement, and renovation of physical plant, furniture/equipment, and budgetary emergencies. A minimum annual amount and policies for these accounts will be established by student statute. The required contribution will be the first priority on self-generated funds from these two departments.
(b) The Vice President for Student Affairs’ Office will be required to establish a reserve account or A & S fees. This reserve will be utilized for cash flow needs, enrollment shortfalls, and budgetary emergencies. The minimum amount for the funds shall be established by student statute. In order to bring the reserve account for the A & S fees up to the required minimum, it shall have first claim on A & S dollars unencumbered or unexpended on June 30.

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

(5) Allocation Procedure.

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

(b) APPROXIMATE CALENDAR

April 15 .......................VPSA informs Student Senate and each recipient of the projected credit hours for FY2.

April 25 .......................The schedule of budget hearings, budget request forms, and instructions are delivered to A & S recipients.

May 2 .........................Deadline for receipt of all budget requests.

June .........................Student Senate conducts budget hearings.

July .........................Student President submits recommended A & S budget and fee level to VPSA.

October .....................A & S fee Committee meets and recommends A & S fee level. If a
higher fee level is approved than is recommended by Student Senate, any additional revenue over the approved budgets shall go to the Senate for reallocation. If a lower fee is approved, all three recipients budgets shall be reduced at the same percentage. Exception to this procedure shall be allowed for increases/decreases in legislative mandate.

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

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

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

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

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

(6) Expenditure Control.

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

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

(c) At the end of each fiscal year, each recipient shall determine the amount of A & S funds expended, the amount encumbered and not yet expended, and the amount available for sweepings. This information plus similar information on non-A & S income will be reported to the Student Body Comptroller two weeks after the inauguration of the fall Senate. The format will be decided upon by the recipients and Student Government.

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

(7) Sweepings.

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

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

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

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


FSU-3.037 Financial Aid.

(1) Introduction. Florida State University operates a comprehensive program of student aid consisting of grants and scholarships (gift aid), loans, fee waivers and employment. The program provides assistance to students who without such aid would be unable to attend or remain in the University and has as a goal the attainment of equality of educational opportunity. It is the policy of the Office of Financial Aid to administer financial aid awards uniformly and equitably in accordance with existing regulations and without regard to sex, race, color or creed.

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

(2) Definitions.

(a) Academic Good Standing – a status in which grade point average (GPA) is high enough to allow a student continued enrollment in a degree granting program at FSU.
(b) Deferment – an authorized delay in payment of fees owed the university.

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

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

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

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

(g) Independent Student – a student who:

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

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

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

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

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

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

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

1. Funds a student may be entitled to receive from a Pell grant upon application.
2. Tuition and fee waivers.

3. Scholarships or grants, including athletic scholarships.

4. Fellowships or assistantships.

5. Insurance programs for the student’s education.

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

7. Student loans.

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

9. Term loans made by the University.

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

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

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

(n) Termination – cessation of financial aid eligibility.

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

(4) The University has been designated to certify student eligibility and to verify financial aid information and applications for federal and state financial aid available under Title IV Pt B of the Higher Education Act of 1965 and through Chapter 240, F.S.
(5) All information and data collection coordination regarding financial aid, except fee waivers, shall be available through the Office of Financial Aid. Information about fee waivers is available through the departments or divisions offering the waivers. For students on the Panama City campus, all information is available from the Office of Student Services on that campus. The Office of Financial Aid shall publish annually, and shall make available upon request a list of financial aid sources available through that office including grants, scholarships, loans, and work-study programs and shall include criteria for application and selection. It shall also distribute information about financial aid resources available through state and federal aid programs. The Office of Financial Aid shall publish, distribute and post application deadline dates not later than January 15 of each year.

(6) Application Procedure.

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

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

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

1. Application for admission (if applicable);

2. Financial aid transcripts from previously attended institutions (if applicable);

3. Copies of signed income tax forms for the previous year;

4. Alien registration card (if applicable);
5. Veterans benefit documentation (if applicable);

6. Social security benefit documentation (if applicable);

7. Certification of registration with selective service or certification that student is not required to register;

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

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

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

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

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

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

(10) Tuition Fee Payments.

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

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

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

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

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

(11) Confidentiality. All records and conversations between an aid applicant, his family and financial aid administrators are confidential and no public announcement shall be made of amounts awarded. Requirements set forth in Section 228.093, F.S. and in 20 USC 1232(g) with regard to confidentiality of student records will be adhered to.

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

(13) Emergency and Delayed Delivery Loans.

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

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

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

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

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

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

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

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

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

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

1. Been academically dismissed by the university.

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

3. met the 50 percent incremental requirement following the one-year probationary period.

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

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

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

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

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

(a) Appeal of Award Decision. If a student believes the award request was not given proper or adequate consideration, the student is afforded the opportunity to appeal.

1. If a student upon receiving notice of an award decision disagrees with that decision, the student must first attempt to resolve the issue through discussion with a financial aid officer within 10 work days of the date of notice from the University.
2. If the problem results from policy, the student shall meet with an Assistant Director of Financial Aid who will review the student’s file in detail and attempt to resolve the student’s concern. Such meeting shall be within 10 work days of the above meeting with a financial aid officer. If the matter is not resolved, the student shall submit an appeal form to the Assistant Director who will prepare a recommendation for the Associate Director. Such recommendation shall be filed with the Associate Director within 5 work days of receipt of the appeal form.

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

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

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

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

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

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

2. Written appeals will be reviewed by an Appeals Committee appointed by the Director of Financial Aid. The Appeals Committee shall approve or deny the student’s appeal.
3. The Appeals Committee shall notify the student in writing of approval or denial of the appeal within 10 work days of the receipted date of that appeal. Notification will be sent to the address on file in the Office of Records & Registration.

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


FSU-3.045 College of Law Student Conduct Code.

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

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

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

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

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

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

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

(2) Procedures.

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

(b) Investigation.

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

2. The investigator shall:
a. Notify the accused of the allegations, the investigation, and the accuser;

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

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

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

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

(d) Proceedings After Dean’s Review.

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

2. Unless the accused admits guilt in writing within fifteen school days after receiving a decision to proceed, the Dean shall appoint a panel to hear the case. The accused, upon admission of guilt, may also demand a hearing for the sole purpose of presenting matters in mitigation.
3. Every hearing panel shall consist of three permanent faculty members and two students, all of the College of Law. Student members shall be appointed after consultation with the Student Bar Association. Notice of appointment shall be given to panel members and to the accused, with the notice designating the Chair. The Chair shall make arrangements for meetings, the attendance of witnesses, the reproduction of necessary documents, and the recording of proceedings.

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

(e) Hearings.

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

2. Hearings shall not be governed by formal rules of evidence. An accused is entitled to present evidence in person, or through an attorney or other counselor, or both. No faculty member shall represent an accused. Paid counsel must be supplied by the accused. An accused is entitled to present witnesses and documentary evidence, to cross-examine any witnesses, and to inspect and inquire concerning any evidence. Upon request, the Chair shall make every reasonable effort to secure the presence of witnesses or documentary evidence for the accused. In exercising any of these procedural rights, an accused may address both innocence and matters in mitigation.

(f) Panel Procedure After Hearings.

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

2. The standard of proof for conviction is clear and convincing evidence. Findings of fact shall be based exclusively on evidence of record.
3. A vote to convict and a vote as to any sanction requires the concurrence of at least four members.

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

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

1. Expulsion from the College of Law;

2. Suspension from the College of Law for a specified period of time;

3. Loss of privileges to participate in any nonrequired course, program or activity of the College of Law;

4. Replacement, repair or restitution for damaged, destroyed or stolen property;

5. Written reprimand to be included in the student’s permanent records;

6. Oral reprimand;

7. Disclosure by the Dean to the College of Law and Bar agencies.

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

(i) Imposition of Sanctions.

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

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

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

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

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

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

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

Specific Authority BOG Regualtion 1.001(3)(j) ; Reg. Procedure July 21, 2005. Law Implemented
1001.74(2)(f), 1002.22, 1006.52, 1006.60, 1006.62, 1006.63 FS History–New 8-25-83, Formerly
6C2-5.146.
FSU-3.050 Educational Research Center for Child Development.

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

(a) The Center’s goals are:

1. To provide quality affordable child care;

2. To give an educational experience to children;

3. To conduct child research; and

4. To provide a setting for experimental learning.

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

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

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

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

1. One parent shall be elected to represent 50 children enrolled in the Center.

2. Each January all parents shall have the opportunity to nominate a representative for placement on an election ballot.

3. An election ballot shall be prepared and ballot shall be sent to each parent for voting.

4. In the case of a tie, a runoff election shall be held.

(d) The Board shall:
1. Adopt admission policies;

2. Adopt criteria for identifying major research projects; and

3. Not allow major research projects to be conducted at the Center without the Board’s prior approval.

4. responsible for ensuring that the Center is operated in accordance with the laws of the State of Florida and the rules of the Board of Regents and FSU.

(3) The Center’s admission policy shall be designed to provide educational opportunities for a cross-section of the University and local communities. The Center may admit students whose parents are not students, faculty or staff at FSU, when necessary to achieve a balance of characteristics for research purposes.

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

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

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

(a) Interns shall be supervised primarily by an academic faculty member and secondarily by the Center’s staff. To establish an internship program the Center and the academic department shall jointly adopt guidelines for the use and supervision of student interns. No internship program shall be implemented until the Board has adopted guidelines for that program.
(b) The Board shall also adopt guidelines for the use and supervision of work-study and participating students. The Center shall be primarily responsible for all supervision of work-study and participating students. Students may be appointed to the roles of teacher aide, teacher assistant, graduate assistant or research assistant. The student’s role shall be based on:

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

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

(7) Research projects shall meet all Florida State University rules, policies and procedures addressing experimentation on human subjects. No research project shall be implemented unless the Board’s prior approval has been obtained.

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

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