

## **SUMMARY OF PROPOSED AMENDMENT TO UNIVERSITY REGULATION**

### **FSU-3.004 Student Conduct Code**

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

The revisions seek to clarify terminology and procedures in the Student Conduct Code and Student Organization Conduct Code. Many of the changes apply to both codes. Particularly significant changes are as follows:

- The Student Conduct Code and the Student Organization Conduct Code policies were re-structured to streamline content into clear sections to increase clarity and reduce redundancies.
- The violations section of the Student Organization Conduct Code has been rewritten in language applicable to the potential actions of a student organization.
- Several definitions have been added or modified to both Codes including “affected/reporting individual”, “alternative resolution”, “informal resolution”, “law enforcement affidavit”, “notice”, “University official report”, “witness statement”.
- Scope of both Codes have been clarified to allow the procedural standards of current iterations of the Codes to apply to proceedings regardless of the date of the incident or report.
- Scope of both Codes clarify that absent circumstances necessary to perform a thorough investigation, preserve due process or address extraordinary circumstances, the University has up to 180 days to resolve an alleged violation once reported to the Student Conduct Authority.
- New section in both Codes articulating the University’s policy on amnesty in cases of affected/reporting individuals, and those seeking medical assistance for those engaged in an alcohol, other drug, or hazing incident. It is its own section to emphasize the reporting or seeking assistance in medical emergencies.
- New section establishing a timeline for review of both Codes to ensure consistent review of the code in its entirety on a biennial basis.
- Violation definitions in the Code were updated to be consistent with proposed updated Sex Discrimination and Sexual Misconduct policy.
- Revised non-sexual stalking definition, added reasonable person standard, and clarified language to reflect freedom of expression standards.
- Removed the list of vague activities that may or may not be considered hazing and instead provided a definition of circumstances that, if created, are considered hazing.
- Added attempted or intended purchase/distribution to violations. Provided guidance to students on medical marijuana. Disruption clause replaces “intoxicated behavior” and requires there to be a disruption and not just intoxication. Provided clarity to the social host provision.
- Clarified organization violations including law compliance, requiring third-party vendor or BYOB requirements, prohibiting common source containers, prohibiting purchase of alcohol with organization

funds, prohibiting co-hosting events with a bar, requiring a guest list, prohibiting drinking games, prohibiting alcohol at recruitment or new member events, and prohibiting hosting underage consumption.

-New section encompassing falsification and misrepresentation of information or identity.

-Creates a standard for how long the University will pursue adjudication of a report of behavior after it occurred and under what circumstances.

-A student or student organization may waive the information session and go directly to the formal hearing process if desired.

-New resolution voluntary option that does not result in a disciplinary record and utilizes restorative principles in lieu of a hearing. Both the affected/reporting individual and the responding student or student organization must mutually and voluntarily agree to engage in alternative resolution and commit to comply with a mutually agreed-upon set of actions. There are certain limitations relating to nature of the charge and it must be a first such charged violation.

-Provides a process where students may resolve incidents in an informal manner when they are not contesting the behavior.

-Provides a process for lower level, less complex incidents where a student may elect to have an administrator make a determination regarding responsibility without a formally scheduled hearing with multiple parties, witnesses, etc.

-Located information on procedural standards for formal hearings all in one section.

New resolution option that allows the University to adopt a finding of guilty in a court of law with a higher standard of proof and only assign appropriate outcomes.

-Updated the process for individuals with disabilities to request reasonable accommodations. Added language regarding objections to procedures. Added section regarding reviewing information and investigations.

-Revised to be more narrowly tailored to the circumstances. Responding students or student organizations are afforded an opportunity to respond to the allegation or information presented by the University as a basis for an IHSA.

-Added Housing Probation and deleted Conduct Probation and Dismissal.

-Added Suspension of Recognition and Loss of Recognition

-Added an outcome of Degree Revocation for limited circumstances when an individual has had a degree conferred before a determination of responsibility resulting in an outcome of expulsion for behavior that occurred while the individual was a student.

-Clarified grounds for appeal, limited the appeal process to a written review unless there are extraordinary circumstances, and streamlined the overall process without eliminating any level of review.

-Defined what constitutes a disciplinary record that the University would report out to third parties upon student's approval, i.e. graduate schools.

### **AUTHORITY FOR THE PROPOSED UNIVERSITY REGULATION**

The authority for the proposed regulation is as follows: Board of Governors Regulations 1.001(3) (j), (7) (g).

### **UNIVERSITY OFFICIAL INITIATING THE REGULATION**

Proposed adoption of amendments to Regulations FSU-3.004 and FSU-3.0041 have been initiated by Dr. Amy Hecht, Vice President for Student Affairs

### **PROCEDURE FOR PROVIDING COMMENTS ON THE PROPOSED UNIVERSITY REGULATION**

Any person may submit written comments concerning the proposed regulation within 14 days of the date of this notice to:

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