

SUMMARY OF PROPOSED AMENDMENTS TO UNIVERSITY REGULATION

FSU-3.004 STUDENT CONDUCT CODE

FSU-3.0041 STUDENT ORGANIZATION CONDUCT CODE:

These amendments are primarily intended so as to comply with the recently enacted Federal Regulations relating to Title IX Sexual Misconduct cases.

1. FSU-3.004 Student Conduct Code

Summary

The following are significant changes to the Student Conduct Code:

- Incorporates and references 2-2a, the Supplemental Title IX Policy.
- Changes definition of Advisor to include a higher level of participation beyond in a Title IX Hearing including questioning of hearing participants by an Advisor.
- Changes terminology from “reporting individual” and “responding student” to “complainants” and “respondents”.
- Initial reporting document for a Title IX hearing must be in the form of a formal complaint, but other hearings and resolutions may be based upon a more informal report.
- Qualifies use of law enforcement affidavit and witness statements which is more restrictive for Title IX hearings.
- Name change of Office of Student Rights and Responsibilities to Office of Student Conduct and Community Standards
- Adds definition of program or activity
- Clarifies scope of the Code and jurisdiction of the Title IX Policy and which procedures may be used for all non-Title IX Policy cases which must use Title IX Policy procedures and definitions.
- Amnesty provisions applicable for necessary public health reporting
- Provides specific definitions of Title IX Sexual Harassment in addition to existing definitions of sexual misconduct.
- Alternative resolution is allowed for all proceedings but no-contest procedure, informal hearing and outcome-only hearing not allowed for cases falling under the jurisdiction of the Title IX Policy.
- All statements utilized in a Title IX hearing must be subject to cross-examination to be relied upon for a determination of responsibility.

--Interim Health and Safety Actions may be utilized for all types of cases but for Title IX cases they require a showing of an immediate physical threat to an individual.

--Bias in the proceeding is added as a specific basis for appeal.

2. FSU-3.0041 Student Organization Conduct

Except for those changes specific to individual students, any changes are parallel to those in the Student Conduct Code.

AUTHORITY FOR THE PROPOSED UNIVERSITY REGULATION: The authority for the proposed regulation is as follows: Florida Board of Governors Regulations 1.001, 6.0105; Florida BOG Regulation Development Procedure for State University Boards of Trustees

UNIVERSITY OFFICIAL INITIATING THE REGULATION: 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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