

## **SUMMARY OF PROPOSED EMERGENCY UNIVERSITY REGULATIONS**

**FSU-ER20-1     STUDENT CONDUCT CODE**

**FSU-ER20-2     STUDENT ORGANIZATION CONDUCT CODE:**

These Emergency Regulations, **approved by the Florida State University Board of Trustees on August 13, 2020 and effective immediately**, are primarily intended make changes to the existing Student Conduct and Student Organization Codes so as to comply with the recently enacted Federal Regulations relating to Title IX Sexual Misconduct cases.

### **1. FSU-ER20-1 Student Conduct Code**

The following are significant changes to the existing Student Conduct Code:

- Incorporates and references 2-2a, the Supplemental Title IX Policy.
- Changes definition of Advisor to include a higher level of participation 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-ER20-2 Student Organization Conduct Code**

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

### **SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE HEALTH, SAFETY OR WELFARE:**

On May 6, the U.S. Department of Education released its final regulations governing campus sexual assault under Title IX, which is the Federal law prohibiting sex discrimination at federally funded institutions. These are the first such formal regulations and colleges and universities will be required to comply with the regulations by Aug. 14. The regulations extended to 2000 pages addressing both substance and procedure in great detail.

Amendment of university regulations to comply with these Regulations required extended staff and official review. The relatively short time between the Title IX Regulations release and the required compliance requires adoption of Emergency University Regulations to meet the August 14 compliance deadline. Such Emergency Regulations will be followed by identical normally adopted amendments to be noticed for the required 30 days followed by review and possible approval by the University Board of Trustees at their meeting on September 11, 2020.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** Adequate notice of the proposed action by the Board of Trustees was provided on the official webpage for presentation to the Board on August 13, 2020.

**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:

Arthur R. Wiedinger, Jr.

Office of General Counsel

424 Westcott Building

Florida State University

Tallahassee, FL 32306-1400

Electronic address: [awiedinger@admin.fsu.edu](mailto:awiedinger@admin.fsu.edu)

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