

SUMMARY OF PROPOSED FLORIDA STATE UNIVERSITY  
**EMERGENCY REGULATIONS RELATING TO STUDENT CONDUCT AND  
STUDENT ORGANIZATION CONDUCT EFFECTIVE JULY 1, 2021**

**FSU-ER21-1, STUDENT CONDUCT CODE  
FSU-ER21-2, STUDENT ORGANIZATION CONDUCT CODE.**

The proposed emergency regulations were approved by the Board of Trustees at its meeting on June 17, 2021 and **take effect July 1, 2021**, expiring in 90 days. More permanent amendments will be presented to the Board of Trustees at its next meeting.

The significant changes from the existing student conduct code are:

**1. Student Conduct Code FSU-ER21-1**

**Summary**

The following are significant changes to the Student Conduct Code:

- changes definition of “Advisors” to allow proposing questions in disciplinary proceedings and clarifies definition of “disciplinary” hearings
- clarifies definition substantive offense of “invasion of privacy” to exclude legal recording as allowed by s. 1004.097, F.S.
- clarifies definition of substantive offense of “Disruption and Obstruction” to include submission of false or misleading information.
- expands definitions of “advisor” to include “advocate or legal representative” and provides for university referral to available advisors but not provision of same except in non-Title IX cases.
- specifically requires university disclose of all witnesses, evidence to be used and any inculpatory or exculpatory evidence in its possession
- changes timing of notice of hearing and disclosure of rights, information and charges
- clarifies participation and questioning by advisor at hearing
- clarifies hearing record and right to party review

**2. Student Organization Conduct [FSU-ER21-2]**

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

Conduct Code Emergency Regulation.

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

These Emergency Regulations are necessary as these changes need to be effective July 1, 2021 to comply with the basic changes mandated in HB 233 (2021). There is insufficient time to completely revise the Student Conduct and Organization Codes **and to provide the necessary 30-day public notice before bringing those changes to the Board.** Thus, we need to enact Emergency Regulations which may be approved without prior notice but are only valid for 90 days. These proposed revisions with any further needed refinement will be submitted to the Board under normal procedure after proper 30 days' notice at their meeting on September 24, 2021

**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 showing the agenda for presentation to the Board on June 17, 2021. The Emergency Regulation does not actually take effect until July 1, corresponding to the new law, and any interested or affected parties have sufficient time to object to the substance of the emergency regulation prior to then. Moreover, it is here being publicly noticed as required for regulation immediately after the board action.

**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)  
850-644-8973 (fax)  
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