

## FSU-3.0041 Student Organization Conduct Code

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### I. Introduction

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.

The University is proud of the plethora of student organizations thriving on campus. Student organizations play a key role in the campus culture at the University and are valuable in upholding the values of the University. Student organizations are the backbone of student engagement at the University. Students can select academic, social, service, honorary, sports clubs, political, religious and many other organizations to connect with during their time at the University. Student organizations at the University are actively involved in leading, supporting, and serving the University community. Student organizations foster interpersonal relationships, explore educational opportunities, develop

professional skills, and enhance academic experiences. Student organizations provide students spaces to develop skills for life after graduation as active citizens.

The Student Conduct Authority at the 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. The *Student Code of Conduct* and *Student Organization Code of Conduct* reemphasize 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" (*General Bulletin*, Florida State University, 2016).

The University fully recognizes and values the right of all students and individuals to seek knowledge, debate ideas, form opinions, and freely express views in accordance with the expectations set forth in this Code. 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 (for more information, see the University's Freedom of Expression Rights and Responsibilities regulation). Additional expectations for student organizations are outlined in University rules, regulations, and/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 organization's conduct warrants modification of or restriction upon that privilege.

## II. Definitions

Terms specific to conduct prohibited by the *Sex Discrimination and Sexual Misconduct* policy (FSU Policy 2-2 supplemented by 2-2a relating to Title IX specific requirements, also referenced as Title IX Policy) are defined in Appendix D of 2-2: Definitions and accessible at <https://regulations.fsu.edu/policies/office-president>

**A. Advisor.** The term "advisor" means any one person chosen by a complainant, student organization representative, or witness to provide guidance throughout the student organization conduct process and may ask questions of a complainant, respondent or witness during a disciplinary proceeding. Individuals are highly encouraged to select and advisor with reasonable availability. The advisor, advocate, or legal representative serves at the student's or student organization's own expense and may present at any proceeding, whether formal or informal. Such person may directly participate in all aspects of the proceeding, including the presentation of relevant information and questioning of witnesses.

**B. Allegation.** An assertion that someone has engaged in behavior that may be a violation of the Student Conduct Code.

**C. Administrative Measure.** Actions taken by the University to address or remedy a behavior separate and apart from a Conduct outcome. Actions include but are not limited to holds on student accounts, No Contact Orders, and additional non-conduct University Directives.

**D. Administrative Panel.** The term "Administrative Hearing Panel" refers to a group of students in addition to faculty or staff selected and trained by Student Conduct and Community Standards who serve as a hearing body with responsibility for adjudicating student conduct cases. Students shall comprise at least one-half of the membership

**~~EB.~~ Alternative Resolution.** If deemed appropriate by the University, complainants, and the responding

student organization may agree to forego a student organization conduct process in favor of reaching a mutually agreed upon resolution. The University adopts the resolution of the Alternative Resolution process in lieu of adjudicating the case, and failure to adhere to the agreed-upon resolution by any individual or the student organization may result in further student organization conduct action.

**F C. Day.** The term “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.

**G D. Hearing.** The term “hearing” means an informal or formal disciplinary proceeding, conducted by a hearing body in accordance with the Code, following which determinations of “responsible” or “not responsible” are made with regard to alleged Code violations and outcomes are assigned as appropriate. Alternative dispute resolution proceedings, information sessions, investigation meetings, or other meetings conducted by the University are not considered to be a disciplinary proceeding.

**H E. Hearing Body.** The term “hearing body” means any person or persons authorized in the Code to conduct hearings, make a finding of whether a Student Organization has violated the Code, and recommend or assign outcomes as appropriate.

**I F. 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 the definition of “University” below.

**J G. Organization Facility.** The location where organization events occur. This may include a live-in component for members.

**K H. Organization Event.** An organization event is defined as any event consisting of prospective, new, active, recently active, and alumni members (or some combination thereof) that a reasonable observer would associate with the Student Organization, or was sponsored, financed, or endorsed by the Student Organization, or required advanced planning on behalf of the Student Organization. ~~“responsible” are made with regard to alleged Code violations and outcomes are assigned as appropriate. Alternative dispute resolution proceedings, information sessions, investigation meetings, or other meetings conducted by the University are not considered to be a disciplinary proceeding.~~

**L I. 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, policies adopted by the President or Vice Presidents, the *Student Organization Conduct Code*, the *Undergraduate General Bulletin*, the *Graduate Bulletin*, the *Student Policy Handbook*, the *Registration Guide*, the *Guide to Residence Living*, the *Sex Discrimination and Sexual Misconduct* policy, and other written requirements of departments and other written requirements of departments, organizations, and clubs.

**M J. Preponderance of the Information.** “Preponderance of the information” is the standard of evidence upon which a determination of “responsible” or “not responsible” is made, and made and is used in adjudicating all student organization cases under this Code. It means that the information, as a whole, demonstrates it is more likely than not that the fact sought to be proved is true. The individual bearing the burden of proof must present evidence/information which is more credible and convincing than that presented by the other individual or which shows that the fact to be proven is more probable than not.

**N K. Student Organization.** The term “student organization” refers to a Student Organization that has been approved by Student Activities, as designee of the Vice President for Student Affairs, to function at the University. Further stipulations regarding recognition are outlined in FSU-3.0015 Student Organizations and Activities. In this Code, the term “student organization” also refers to a student group which is defined as 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, student organizations that are no longer recognized by the University and/or (inter)national organization.

**O L. Complainant.** The term “complainant” refers to any individual or student organization who is alleged to be the victim of conduct that could constitute one or more violation(s) of the Code. The complainant is

the individual or student organization who is affected, and files a report or formal complaint, or on whose behalf a report or formal complaint is filed.

**P M. Responding Student Organization.** The term “responding student organization” refers to a student organization that has been reported to be the perpetrator of conduct that could constitute one or more violations(s) of the Code.

**Q N. Report.** The term “report” refers to information submitted to a Student Conduct Authority alleging conduct that could constitute one or more violation(s) of the Code.

**R O. Formal Complaint.** The term “formal complaint” refers to information from a compliant or a University official alleging conduct that could constitute one or more violation(s) of the Code by a responding student organization.

**S P. Student.** The term “student” applies to any individual meeting one or more of the criteria below. The term applies to all campus, sites, locations and delivery methods of credit-bearing course offerings.

1. Admitted. Any person, regardless of academic career, who is admitted to the University and is present on campus for the purpose of participating in any University program, course, or activity leading toward to enrollment, including but not limited to orientation, graduate student orientation, teaching assistant orientation, or workshops.
2. Enrolled. Enrolled in any credit-bearing course or program offered by Florida State University at the time any alleged violation(s) occurred.
3. Active student. Any person who has been enrolled at the University and continues to be associated with the University in order to complete the course or program in which the student was enrolled. “Active” status is determined by academic policy and is enforced by the Registrar’s Office. This can include periods of non-enrollment during which the student is still eligible to enroll in classes. The term also includes any student who has been issued an Interim Health and Safety Action (IHSA) pending the outcome of a student conduct proceeding.
4. Dual enrollment. Any student enrolled in a credit-bearing course on a dual-enrollment basis. Jurisdiction over a dual-enrollment student’s conduct will be determined in consultation with appropriate officials at the student’s home institution.

**T Q. Student Conduct Authority.** The term “Student Conduct Authority” refers to an individual or administrative unit whose administrative duties include the administration of the student conduct process, including formal, informal action, or alternative resolution. See the section on “Authority” for more information. This definition includes, but is not limited to, the Office of the Vice President for Student Affairs, the Office of Student Conduct and Community Standards, University Housing, and International Programs or their successors.

**U R. Student Organization Representative.** A student designated by a Student Organization to serve as its representative through any Student Organization conduct proceedings. Typically, this individual serves on the executive board of a Student Organization and may particularly serve in the role of president. In some cases, a representative of the (inter)national headquarters or leadership may be designated by a(n) (inter)national organization to represent the Student Organization, however this role is separate and apart from that of an advisor, including but limited to legal counsel. The Student Conduct Authority may choose to require a Student Organization to designate a non-student representative or designate a different student representative when deemed necessary.

**V. S. University.** The term “University” means Florida State University, each of the programs and activities under its control and all property owned, leased, used, or controlled by the University, including all branch

campuses, facilities, and University International Programs' locations and property-

**W. F. 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 student organizations and their members (active or inactive), officers, guests, contractors, and agents.

**X. U. 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 volunteer role with the University.

**Y. V. 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 Conduct and Community Standards to adjudicate student organization conduct cases as a hearing body excluding cases of alleged violations of the Sex Discrimination and Sexual Misconduct policy and cases that may result in a responding student organization's suspension or loss of recognition.

**W. Administrative Hearing Panel.** The term "Administrative Hearing Panel" refers to a group of Student Conduct Board members in addition to faculty or staff selected and trained by the Office of Student Conduct and Community Standards who serve as a formal hearing body with responsibility for adjudicating Student Organization conduct cases. Panels are composed of two (2) faculty or staff members, both designated by the Director of Student Conduct and Community Standards, and three (3) Student Conduct Board members

**Z. X. Single Hearing Administrator.** Any faculty or professional staff member at the University designated and trained by the Office of Student Conduct and Community Standards to facilitate meetings or information sessions and administer alternative resolutions, or to serve as the hearing body for informal or formal hearings.

**Y. Consent.** As related to alleged violations of the Code not involving sex discrimination or sexual misconduct, consent is the voluntary, informed, and freely given agreement, through words and/or actions, to participate in mutually agreed-upon behavior or activity.

**AA. Residential Conduct Board.** The term "residential conduct board" refers to a group of currently enrolled students in good conduct standing who each reside in University Housing and are selected and trained by University Housing to adjudicate student conduct cases for students residing in University Housing, excluding cases of alleged violations of the sex discrimination or sexual misconduct and cases that may result in a respondent's separation from the University.

**BB. Non-Sexual Consent.** As related to alleged violations of the Code not involving sex discrimination or sexual misconduct, consent is the voluntary, informed, and freely given agreement, through words and/or actions, to participate in mutually agreed-upon behavior or activity.

**CC. Z. Law Enforcement Affidavit.** The term "law enforcement affidavit" means a sworn statement or report by a duly authorized law enforcement officer that may be relied upon by a hearing body in a student conduct proceeding with the exception of a formal hearing in a Title IX process. In those cases, only information may only be relied upon as described in the Title IX Policy.

**DD. AA. University Official Report.** The term "university official report" means a narrative or document

prepared by a University employee in the course of their employment that provides information about an incident. Examples include, but are not limited to, Title IX Office investigation reports and University Housing Incident Reports. In the case of a Title IX formal hearing, information may only be relied upon as described in the Title IX Policy.

**~~EE.BB.~~ Witness Statement.** The term “witness statement” means a narrative or document that is not part of a law enforcement affidavit or university official report and that is prepared and submitted as a part of the reporting of an incident or in lieu of a witness’s live appearance at a conduct proceeding, which provides the information that the witness has regarding an alleged violation of the Code. In the case of a Title IX formal hearing, a witness statement may only be relied upon as described in the Title IX Policy.

**~~FF.CC.~~ Student Organization Member.** A University student currently enrolled in classes who participates in a Student Organization. Student Organization participation may include, but is not limited to, paying dues, being listed on a roster, participating in activities or meetings, or receiving communication from the Student Organization.

**~~GG.DD.~~ Informal Resolution.** The term “informal resolution” means the process by which a student organization may accept responsibility and outcomes, or not contest responsibility for an alleged violation of the Student Organization Conduct Code. This resolution is noted as a finding of responsibility and results in a conduct record for the responding student organization.

**~~HH.EE.~~ Notice.** Notice is considered given to an organization when it is sent to the student organization representative’s official University email address, is hand-delivered to the student organization representative or current residence, or upon the University’s receipt of a certified mail return receipt when communication is sent to the local address on file with the Office of the University Registrar, to the permanent address on file if a local address has not been provided, or to the address of the national organization when applicable.

**~~II.FF.~~ University Program or Activity.** The term “University program or activity” includes locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the conduct occurs, and also includes any building owned or controlled by a student organization that is recognized by the University. A program or activity may include events, programs, and circumstances that occur in person, or a virtual platform, or via electronic communication or publication including but not limited to phone, email, text, or social media.

### **III. Authority**

A. Authority for student organization conduct 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 Conduct and Community Standards.

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

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

D. 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.

E. The authority of appellate officers is further enumerated in the Code section on “Appeal Procedures.” Appellate decisions are considered recommendations to the Vice and become final agency action upon

approval by the Vice President.

F. Any reference in the Code to the role or responsibilities of a specific University official may be delegated by the University official to an appropriate designee.

#### **IV. Scope**

Florida State University may address the alleged misconduct of any Student Organization as specified in Section VII. "Violations of Expectations" of this Code pursuant to the following:

A. In any proceeding to determine whether a student organization has violated the Code, the University will apply the substantive code provisions defining conduct violations that are in effect on the date the alleged conduct occurred. The University will apply the procedural standards outlined in section VI. "Procedural Standards", that are in effect at the time the student organization is provided notice of the specific allegation(s) of code, regulation or other policy violations, regardless of the date of the alleged violation.

B. The Code will apply to student organization conduct that occurs on University premises, at University-sponsored activities and off-campus as determined by the Student Conduct Authority. Factors that will be considered when determining whether to address off campus conduct include, but are not limited to, whether the incident is documented by a verifiable source, adversely affects the University community, occurs at a University program or activity, or endangers the health or safety of a student or others

C. The Code applies to the University as defined in this Code. Non-substantive procedural modifications that reflect the particular circumstances of each campus or international program are permitted as approved by the Student Conduct Authority.

D. The Code includes procedural standards that apply specifically to the resolution of violations of the Student Organization Conduct Code that are not encompassed under Sexual Harassment as defined in, or that fall outside of the jurisdiction of the Title IX Policy. The University reserves the authority to determine what level of procedural standards will apply to a report or formal complaint and whether application of the appropriate procedural standards should change based on new or evolving information regarding a specific case. The University may, in its discretion, address conduct that has been dismissed during or as a result of the Title IX investigation process if the conduct or circumstances fall outside of the jurisdiction of the Title IX Policy but would fall within the other jurisdictions and provisions of the Code.

E. Student Organization conduct proceedings may be initiated for alleged conduct that potentially violates both law and University policy without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under these procedural standards may be carried out prior to, concurrently with, or following civil or criminal proceedings at the discretion of the Student Conduct Authority. Determinations made or outcomes imposed will not be subject to change because criminal charges or civil complaints arising out of the same facts giving rise to violation(s) of University policy were dismissed, reduced, or resolved in favor of an individual or student organization.

F. The University may adopt the finding of fact in a criminal or civil proceeding with a similar or higher standard of proof and conduct an outcomes-only proceeding if appropriate.

G. The University has up to 180 calendar days to resolve an alleged violation(s) of the Code with a responding student organization upon receipt of a report of a possible violation that includes enough substantive information to conduct an investigation by the Student Conduct Authority or upon receipt of an investigation report from the Title IX Office. However, the University has discretion to extend this time period if deemed necessary to perform a thorough investigation, preserve fundamental due process, or due to other extraordinary circumstances.

H. Student Organization decisions and outcomes may be published by the University.

I. The University may restrict a student's or student members of a student organization's contact with specified individuals when determined appropriate based on the facts or information and circumstances of each unique incident. The Student Conduct Authority can administratively issue such restrictions to any individuals involved in a conflict or incident, regardless of whether a determination of alleged violations has been made. Such restrictions are valid and enforceable only with respect to individuals who are

students at the University.

J. The University may determine what University personnel have an educational need-to-know regarding the status and/or outcome of student organization conduct processes and to provide notice to relevant University personnel as determined by the Student Conduct Authority.

#### **V. Amnesty.**

A. An element of promoting safety is providing clear, responsible methods of reporting and addressing incidents of misconduct. Therefore, in order to remove potential barriers to reporting, the Student Conduct Authority may in its discretion, not charge a complainant with a violation for conduct originating from the same incident if reported by that student in good faith to a University official, or otherwise discovered in investigation.

B. The University's highest priority is the physical and mental health and safety of students and members of the University community. Therefore, no student seeking assistance for themselves or others as a result of a hazing incident, intoxication, or medical emergency from alcohol or other drugs will be charged with violation of the alcohol, controlled substances, and illegal drug or hazing provisions of this Code if:

1. That student calls local or University law enforcement or medical assistance;
2. That student cooperates fully with University, law enforcement, and medical personnel, as applicable; and
3. That student remains at the scene with the person in need until assistance has arrived.

C. Amnesty provisions may extend beyond individual students to a student organization at the discretion of the Student Conduct Authority.

C. The University recognizes that during times of a public health emergency as declared by local, state, or national authorities the priority of gathering information regarding contact and exposure to contagion may be greater than resolution of a violation of the Student Organization Conduct Code. Therefore, the University has discretion over whether a student organization will be charged with a violation of the Student Organization Conduct Code if information is a result of providing important contact tracing information to the University or public health officials.

#### **VI. Amendments**

~~This Code will be reviewed in its entirety every two years. Any substantive changes will be reviewed by the Vice President and presented to the Board of Trustees for approval. Any amendments can be proposed by University community members for review by submitting to the Vice President for Student Affairs.~~

#### **VI. ~~VI~~ Student Organization Responsibility**

A Student Organization may be held responsible for the actions of those affiliated with the organization, including but not limited to: one or more of its members (active or inactive), new members, former members, alumni, guests, contractors, and agents if action on behalf of, in the interest of, or as affiliates of the student organization. Every Student Organization 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 Student Organization. Each Student Organization is expected to educate its members regarding their risk management policy and all applicable University policies and state laws.

- A. In determining whether a Student Organization 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 members who must be involved in an incident to determine group responsibility. A Student Organization may be subject review under the provisions of this Code for activities not sponsored by the Student Organization where persons present or responsible for the activity are members or guests of members of the Student Organization.

B. Misconduct on the part of the Student Organization may be addressed when factors including, but not limited to the following are found:

1. Members of the Student Organization (active or inactive), new members, alumni, former members, agents, contractors, or guests act together to violate the *Student Conduct Code* or *Student Organization Conduct Code*; or
2. Officers or members of a Student Organization are present at a student organization - sponsored, financed, or otherwise supported activity or event; or
3. Student Organization leadership had knowledge or should have had knowledge of the event, or planned unlawful conduct and/or conduct in violation of the *Student Conduct Code* or the *Student Organization Conduct Code* before it occurred and failed to take preventative or corrective action or failed to stop unlawful behavior as it occurred at such event; or
4. An event or conduct in violation of the *Student Conduct Code* or the *Student Organization Conduct Code* occurred on premises and/or transportation owned, operated, controlled, or rented by the Student Organization; or
5. A pattern of individual violation(s) occurred and/or continues to occur without adequate control, response, or discipline on the part of the Student Organization or its leaders; or
6. The Student Organization or members interfere with the investigation or conduct ~~process~~ of any individuals who are members (active or inactive), new members, alumni, former members, agents, contractors, guests, of the Student Organization.

C. Other Student Organization Privileges and Expectations

1. There are many privileges and expectations associated with being a Recognized Student Organization (RSO) at Florida State University. Refer to Student Activities regarding the privileges afforded RSO's on campus and refer to the RSO Handbook for expectations of an RSO.  
[https://union.fsu.edu/sites/g/files/upcbnu1456/files/Documents/RSO\\_Manual\\_20\\_18.pdf](https://union.fsu.edu/sites/g/files/upcbnu1456/files/Documents/RSO_Manual_20_18.pdf)

## **VII. VIII Violations**

Each Student Organization is expected to abide by these rules of conduct and to be accountable for the behavior of student organization members. Lack of familiarity with University policy is not a justification for violating any provision 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 for violating any provision of this Code. These rules of conduct should be read broadly and are not designed to define prohibited acts in exhaustive terms. ~~See section IX. for Title IX Policy violations.~~

### **A. Sex Discrimination and Sexual Misconduct**

The Student Organization will not participate in, tolerate, or condone any actions defined as "prohibited conduct" in the ~~Sex Discrimination and Sexual Misconduct~~ Anti --Sexual Misconduct Policy. ~~policy.~~

### **B. Title IX Compliance Policy Violations**

The Student Organization will not participate in, tolerate, or condone any actions defined under "sexual harassment" in the Title IX Compliance Policy. Title IX Compliance Policy violations are resolved through specific procedural standards outlined in the Title IX Compliance Policy as well as applicable standards in the Student Organization Conduct Code not in conflict with specific Title IX Policy provisions. Alleged conduct will be resolved under the jurisdiction of the Title IX Compliance Policy and applicable procedural standards if: i) the alleged conduct may meet one or more of the violations defined as sexual harassment in the Title IX Compliance Policy, and ii) the conduct occurred within the context of a University program or activity within the United States.

### **C. Endangerment**

1. The Student Organization will not participate in, tolerate, or condone any of the following actions:
  - a. Physical violence or unwelcome force against a person or the property of any person or group.
  - b. Action(s) that imminently endanger the health, or safety of another person or group.
  - c. Interference with the freedom of another person to move about in a lawful manner by force, threat, intimidation, or other means without consent.
  - d. Action(s) that endanger the health, safety, or well-being of an animal. 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. This provision does not prohibit any activity conducted as part of an approved academic or research program within the University.

### **D. Harassment and Bullying Behavior**

1. The Student Organization will not participate in, tolerate, or condone any of the following actions:
  - a. Conduct, not of a sexual nature, including any gesture, written, verbal or physical act, or any electronic communication (includes text messages and postings on web-sites or social media), that places a person in reasonable fear of harm to their person or damage to their property, infringes upon rights of personal privacy or property, has the effect of substantially interfering with a reasonable person's academic performance or ability to participate in opportunities or benefits provided by the University, or has the effect of substantially interfering with the orderly operation of the University.
  - b. Stalking, not of a sexual nature, defined as a course of conduct (i.e. more than one act) directed at a specific individual which would cause a reasonable person to experience substantial emotional distress, or to fear for their safety or the safety of another.

### **E. Invasion of Privacy-**

1. The Student Organization will not participate in, tolerate, or condone any of the following actions:
  - a. Unauthorized intrusion upon a person's private property or communications.
  - b. Unauthorized appropriation and/or use of someone's identifying or personal data or documents.
  - c. 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.
  - d. Using electronic or other means to make an oral record of any person where there is a reasonable expectation of privacy without the person's consent. Such oral communications include, but are not limited to, recordings made using any device and any wire, oral, or electronic communication.

### **F. Hazing**

The Student Organization will not participate in, tolerate, or condone any Student Organization or individual action or situation, which occurs on or off University property, that intentionally, recklessly, or negligently endangers the mental or physical health or safety of a student for purposes including, but not limited to, initiation or admission into or affiliation with any University student organization or other group whether or not officially recognized by the University, or the perpetuation or furtherance of a tradition or

ritual of any such student organization or group.

1. Hazing includes, but is not limited to:

- a. Brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of food, liquor, drug, or other substance;
- b. Subjecting a person to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of a reasonable person;
- c. Pressuring or coercing a person into violating state or federal/national law and/or University policy;
- d. Interfering with or impeding a person's academic pursuits, employment, religious observances, or affiliation with other individuals, groups, or activities; or
- e. Otherwise infringing upon a person's personal or property rights or substantially interfering with a reasonable person's ability to participate in or benefit from the services, activities, or privileges provided by the University.

A student may commit an act of hazing whether the student is a prospective, current, or former member of the organization or group. The actions of active, associate, new and/or prospective members, former members, or alumni of a student organization or group may be considered hazing under this Code. The following circumstances are not a defense to a violation of this provision: express or implied consent of a victim, the conduct or activity was not part of any official organizational event or otherwise sanctioned or approved by the student organization, or the conduct or activity was not a condition of membership into a student organization.

2. Soliciting another or aiding or assisting another to engage in any act of hazing as defined in this Code, or active involvement in the planning of such action.
3. Observing or participating in any conduct defined as hazing pursuant to the Code by a member of the Student Organization or group who is not themselves a complainant, without reporting the incident to a University official.

Florida State University Hazing Policy, BOG 6.021, and Section 1006.63, Florida Statutes, are considered part of and incorporated as applicable.

### **G. Alcohol, Controlled Substances, and Illegal Drugs**

1. The Student Organization, members, and guests must comply with all federal, state, and local laws pertaining to alcohol. No person under the legal drinking age may possess, consume, provide, or be provided alcoholic beverages.
2. The Student Organization, members, and guests must follow federal, state, and local laws regarding illegal drugs, controlled substances and drug paraphernalia. No person may possess, use, purchase, provide, distribute, sell, and/or manufacture illegal drugs, other controlled substances, or drug paraphernalia while on the premises of or premises under the control of the Student Organization, while attending an organization event, or engaging in Student Organization activities or business, or acting within the scope of membership. The Student Organization may be held responsible for the distribution of illegal drugs and controlled substances in or adjacent to any organization facility or any facility operating as the organization's facility or in the control of the organization.
3. Alcoholic beverages must either be
  - a. Provided and sold on a per-drink basis by a licensed and insured third-party vendor (e.g., restaurant, bar, caterer, etc.); or
  - b. Brought by individual members and guests through a bring your own beverage ("BYOB") system. The presence of alcohol products above 15% by volume ("ABV") is prohibited at any organization event, except when served by a licensed and insured third-party vendor.
4. Common sources of alcohol, including bulk quantities, which are not being served by a licensed an

insured third-party vendor, are prohibited (i.e., amounts of alcohol greater than what a reasonable person should consume over the duration of an event).

5. Alcoholic beverages must not be purchased with student organization funds or funds pooled by members or guests (e.g., admission fees, cover fees, collecting funds through digital apps, etc.)
6. A Student Organization must not co-host or co-sponsor an organization event with a bar, event promoter or alcohol distributor; however, a student organization may rent a bar, restaurant, or other licensed and insured third-party vendor to host an organization event.
7. Attendance by non-members at any event where alcohol is present must be by invitation only, and the student organizations must utilize a guest list and identification/banding system. Attendance at events with alcohol is limited to a reasonable guest-to-member ratio and must not exceed local fire or building code capacity of the student organization facility or host venue.
8. The Student Organization, members, and guests must not permit, encourage, coerce, or participate in any activities involving the rapid consumption of alcohol, including, but not limited to, drinking games and rapid consumption.
9. Any organization event or activity related to the new member joining process (e.g. recruitment, intake, rush) must be substance free. No alcohol, illegal drugs, or controlled substances may be present if the organization event or activity is related to new member activities, meetings, or initiation into the Student Organization, including, but not limited to, "bid night," "Big/Little" events or activities, "family" events or activities, and any ritual or ceremony.
10. Hosting by owners, residents, student organization members, or others in control of the organization event where the underage consumption of alcohol, illegal use of controlled substances, or illegal drug use occurs, including in a residence hall room, residence hall common area, or off-campus personal residence or any space that is occupied by, under the control of, or reserved for the use of a Student Organization.
11. Failure of a Student Organization to take all necessary steps to ensure no person under the legal drinking age possesses alcoholic beverages at organization events or within any property or transportation it owns, operates, occupies, and/or rents, or is in control of is a violation of this policy.
12. Any violation of the University Alcohol Policy, FSU Regulation FSU-6.012.

#### **H. Disruption and Obstruction**

1. Student Organizations and student organization members must comply with the lawful order or reasonable request of an identified University official, any non-University law enforcement official, any non-University emergency responder, or any protective order.
2. The Student Organization will not engage in, tolerate, or condone:
  - a. Providing false or misleading information by members of the Student Organization, or on behalf of the Student Organization to a University official, law enforcement official, paramedics, or other medical staff. This may include allowing an advisor, advocate, or legal representative to submit false or misleading information on behalf of the student organization.
  - b. Providing false or misleading information in a University and/or law enforcement investigation or hearing process.
  - c. Acts that disrupt the University student organization or student conduct process or other University investigation, adjudication, or resolution process. Examples may include but are not limited to: attempting to coerce or influence a person regarding the reporting of a student or Student Organization conduct violation, or a person's participation in any conduct proceeding; avoiding or impeding communication in regard to a conduct proceeding; or actively disrupting a meeting or proceeding.
  - d. Informed participation in an event with another student organization and failing to take necessary actions to determine whether a Student Organization is currently on disciplinary

probation, recognition is suspended with restrictive conditions, or the student organization has lost recognition.

- e. Unreasonable disruption of peace, academic study, or sleep on or off campus.
- f. Behavior which disrupts or obstructs student learning, instruction, research, administrative, or other University operations or previously scheduled or reserved on-campus activities.
- g. Retaliation against another for making a report of conduct that may be in violation of this Code or other University policy, or participating in an investigation, process, or hearing. Making a report that is not made in good faith may be considered retaliation. See the Sex Discrimination and Sexual Misconduct policy for prohibited conduct defined as retaliation in that policy.

#### **I. Property**

- 1. The Student Organization will not engage in, tolerate, or condone:
  - a. Malicious or negligent defacement, damage, or destruction of public or ~~private~~ property.
  - b. Theft, defined as removing or using the property or services of another person, off-campus entity, or of the University, with the intent to permanently deprive the person, off-campus entity, or University of the property or services.
  - c. Misappropriation, defined as temporarily removing or using the property or services of another person, off-campus entity, or the University, but without the intent to permanently deprive the person, off-campus entity, or the University of the property or services.
  - d. Receipt, possession, sale, or purchase of property or services that are known or reasonably should have been known to have been stolen or obtained through unlawful means.
  - e. Entering or using the property or facilities of the University, off-campus entity, or another person without the proper consent or authorization.

#### **J. Gambling- Engaging in or offering games of chance for money or other gain in violation of Florida law.**

#### **K-J. Other Violations**

- 1. Student Organizations will not engage in, tolerate, or condone the violation of; or the aiding, abetting, furthering, conspiring, soliciting, inciting, or attempting to commit any of the following:
  - a. Violation of Federal or State law, local ordinance, or laws of other national ~~jurisdictions~~
  - b. Violation of any Florida Board of Governors Regulation.
  - c. Violation of any other University regulation or policy as defined in section II. Definitions, J. Policy in this Code.
  - d. 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.
  - e. Violation of policy of local or (inter)national governing entities including but not limited to member councils and (inter)national organizations.

#### **VIII. Procedural Standards**

##### **A. Advisors**

- 1. An advisor, advocate, or legal representative may be present to advise a student organization, complainant, or witness and may participate in all aspects of any disciplinary proceedings but shall not testify on behalf of the student organization. In Title IX hearings only, an advisor must conduct the questioning as ~~set forth~~ in the Title IX Compliance Policy. - -
- 2. Consultation with an advisor, advocate, or legal representative during a meeting, ~~process~~ or hearing must take place in a manner that is not disruptive.
- 3. Identity of an advisor, advocate, or legal representative is required to be reported to the Student

Conduct Authority at least three business days prior to a meeting, proceeding, or hearing.

4. Advisors, advocates, or legal representatives may not be individuals who serve other roles in the process as outlined in this Code (i.e. hearing administrator, witness, etc.), or if service in an advisory capacity would unreasonably conflict with the fair administration of the student conduct process as determined by the appropriate Student Conduct Authority.

5. The University is not responsible for selecting or compensating an advisor, advocate, or legal representative for any student organization navigating the student conduct process.

6. The availability of an advisor, advocate, or legal representative to attend a student conduct meeting, proceeding, or hearing will not unreasonably interfere with or delay the student organization conduct process. For Title IX hearing proceedings, if a student organization's advisor does not appear the University will assign an advisor or delay proceedings as outlined in the Title IX Policy.

7. Once a meeting, proceeding, or hearing has been scheduled it will rarely be rescheduled due to later unavailability of an advisor, advocate, or legal representative.

8. A representative from the University's Office of the General Counsel may also be present at any meeting, proceeding, or hearing.

## **B. Reports**

1. Anyone may file a report with the University alleging that a student organization has violated the Code. Any report should be submitted as soon as possible after the incident takes place, preferably within 60 calendar days. When there is significant delay, the Student Conduct Authority's ability to resolve an incident may be difficult due to access to reliable information and witnesses. Therefore, the Student Conduct Authority has discretion whether or not to pursue resolution of a report and will only pursue a significantly delayed report when the conduct or responding student organization are deemed to pose a potential threat to the health or safety of an individual or the University community, or other exceptional circumstances.

2. ~~The Office of~~ Student Conduct and Community Standards also may receive reports or information on the disposition of criminal cases from the FSU Police Department, Tallahassee Police Department, Leon County Sheriff's Office, Division of Alcoholic Beverages and Tobacco, other law enforcement agency, or any municipal, state, or federal court.

3. Reports may be accepted through alternate reporting mechanisms at the discretion of the Student Conduct Authority including but not limited to written or verbal communication, published information, or referral from another University department.

4. For reports alleging sex discrimination or sexual misconduct, the reporting process can be found in the Sex Discrimination and Sexual Misconduct policy and/or Title IX Compliance Policy. If a report alleges sexual misconduct and is reported via report.fsu.edu, the Student Conduct Authority will report the matter to the appropriate Title IX Office authority, in accordance with the University's Sex Discrimination and Sexual Misconduct Policy and/or Title IX Compliance Policy. The Title IX office will evaluate the report pursuant to the policy before it will be referred to the ~~Office of~~ Student Conduct and Community Standards to review for possible violations of this Code.

## **C. Review and Investigation**

1. All reported information will be reviewed by an appropriate Student Conduct Authority to determine appropriate next steps.

2. Interim Health or Safety Actions may be issued pursuant to section "F. Outcomes, 1. Interim Health and Safety Action" herein.

3. Investigation

a. Upon receipt of a report, except for reports that are referred to the Title IX Office, a prompt, thorough, and impartial investigation may be conducted by the Office of Investigations and Assessment or FSUPD if further information is required to determine appropriate resolution by the Student Conduct Authority.

b. Investigations will include a review of the submitted report, and other additional information, such as

that gathered from investigation meetings with involved individuals or groups. Any involved individuals or groups will be interviewed and asked to share information they have regarding the incident including documents (text messages, emails, photos, etc.) and identification of any additional witnesses who may provide direct information regarding the incident.

c. Students and student organization representatives may be accompanied by an advisor of their choice. Individuals are highly encouraged to participate in the process in order to allow for as thorough an investigation as possible; however, an individual may decline to participate in the investigation process.

d. At the conclusion of an investigation, the Office of Investigations and Assessment will produce an investigation report and forward to the Student Conduct Authority for determination for next steps including, but not limited to, no action, issuance of an admonishment, referral to another department, governing body, or national organization, or an information session to determine resolution of the allegation of misconduct.

#### **D. Notice of Alleged Violations**

1. Absent exigent circumstances, the Student Conduct Authority will notify a responding student organization of any alleged Code violation(s) within seven business days before a disciplinary proceeding.

2. Written notice given to any reporting individual(s) or responding student organizations will include:

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

b. The date, time, and location of an information session, during which the complainant or responding student organization may view all inculpatory or exculpatory information related to the allegation, a listing of all witnesses who have or will provide information in a proceeding, receive instruction regarding the student organization conduct process and the student organization's rights, and discuss the type of resolution process to be utilized.

c. Notice that a student organization representative may waive the information session and advance directly to a formal hearing process by submitting notification in writing within two business days after the sending of the notice of alleged violation(s). If the information session is waived, not less than five days before any disciplinary proceeding on the charge, a student organization representative will receive a statement of available processes and rights, an opportunity to view all inculpatory or exculpatory information related to the allegation and a listing of all witnesses who have or will provide information a minimum of five days prior to any disciplinary proceeding.

d. A separate notice including the date, time, and location of the disciplinary proceeding (if applicable) will be provided a minimum of seven days before any such proceeding.

#### **E. Information Session**

1. During the information session the complainant or responding student organization representative may view all materials related to the case, review procedural standards, and discuss options for resolution, which include alternative resolution, no-contest resolution, informal hearing, formal hearing, or an outcomes-only hearing.

2. The Student Conduct Authority will determine what resolution process is appropriate after considering the expressed preferences of any complainant(s) (if applicable) and responding student organization representative(s), and the totality of the circumstances.

a. An alternative resolution process will only be considered if both a complainant (if applicable) and responding student mutually agree. An alternative resolution process may be considered in cases falling under the jurisdiction of the Title IX Policy.

b. If a responding student organization representative elects either a no-contest resolution or informal hearing and the Student Conduct Authority deems appropriate, the administrator conducting the information session may immediately facilitate a no-contest resolution process or conduct the informal

hearing as the hearing administrator or schedule the informal hearing or no-contest resolution process to take place within a reasonable time. In cases involving a complainant, the hearing administrator will gather the necessary information and conclude the no-contest resolution or hearing within a reasonable time. A no-contest resolution or informal hearing for resolution of a case falling under the jurisdiction of the Title IX Compliance Policy is not permitted.

c. A formal hearing process will be utilized if elected by the responding student organization representative or if determined by the Student Conduct Authority to be the appropriate resolution process based on the totality of the circumstances of the case. If selected, a single hearing administrator is the only option for a formal hearing if the incident alleges violations of the Sex Discrimination and Sexual Misconduct policy.

d. An outcomes-only hearing may be utilized when a student organization has been found at fault in civil court with a preponderance of the evidence or higher standard at the discretion of the Student Conduct Authority.

3. When a responding student organization has two or more outstanding incidents, those incidents may be heard as a single case at the discretion of the Student Conduct Authority.

## **F. Resolutions**

### **a. Alternative Resolution**

i. Alternative resolution is a voluntary process that allows the responding student organization to accept responsibility for a violation of expectations. The alternative resolution process is designed to eliminate the behavior, prevent its recurrence, and remedy its effects in a manner that meets the needs of the complainant or entity while maintaining the safety of the campus community. The alternative resolution process will only be used with the agreement of both the complainant or entity and responding student organization and under the direction of the Student Conduct Authority, who may elect to cease the resolution process at anytime and revert to an investigation, hearing, or other resolution. Please note that the complainant or entity may be a University Official, or a University Official representing a University department.

ii. The alternative resolution options available under this Code recognize:

iii. Participation in this process is voluntary and either the complainant or responding student organization representative can choose to end the process at any time prior to signing a resolution agreement.

iv. Both the complainant and responding student organization representative must participate in individual information sessions with appropriate staff to learn more about the resolution process prior to participating.

v. The process is only intended to be used once by a responding student organization and may not be considered if a responding student organization has previously been alleged to have violated the Code within a three-year period. Further, the resolution process will not be considered for any incident that alleges any of the following: violence against a member of a vulnerable population, such as a minor or individual with a developmental disability; the use of a weapon; significant physical injury; that there are multiple alleged perpetrators of violence; or that there has been alleged violence against multiple individuals.

vi. If the complainant and responding student organization representative mutually agree to participate in an alternative resolution process, they must agree to follow a timeline to be established in the information session for meeting schedules and response deadlines. An agreement resolution must be reached within 30 calendar days from agreement to proceed with the alternative resolution process. The University reserves the right to adjust established timelines, if necessary, to accommodate for limited staffing resources or other unforeseen circumstances.

vii. The complainant and responding student organization representative must agree to all terms established upon agreeing to engage in alternative resolution, or the case will be resolved through an investigation or other resolution process pursuant to the Code.

- viii. The responding student organization may be charged with a violation of the Code for failure to adhere to the requirements laid out in the resolution agreement.
- ix. Resolution agreements that are finalized through the alternative resolution process are not categorized as a student organization conduct record at the University but can be referred to as an aggravating factor in assigning outcomes in the event of any future violations.
- x. Resolution agreements must be signed by both the complainant and responding student organization representative as well as the Student Conduct Authority or Office of Investigations and Assessment. If an agreement is unable to be reached, the matter will be referred to the Student Conduct Authority for further action and adjudication.
- xi. Resolution agreements reached at the conclusion of the resolution process are final and not subject to any other review or appeal. Individuals participating in the resolution process and mutually agree with the final resolution are waiving the ability to utilize a formal investigation and hearing process through the Student Conduct Authority.
- xii. Both the complainant and responding student organization representative may be accompanied by an advisor at any meeting during the alternative resolution process.

**b. No-Contest Resolution**

- i. A responding Student Organization may elect to resolve an outstanding violation(s) through a no-contact resolution in lieu of a hearing if deemed appropriate by the Student Conduct Authority and if the student organization representative accepts both responsibility or does not contest responsibility for the alleged violation(s) and assigned outcomes.
- ii. In a no-contest resolution, because the student organization accepts responsibility, the proceeding will be focused on potential appropriate outcomes.
- iii. No-contest resolutions may take place during the information session or scheduled within a reasonable time thereafter.
- iv. No-contest resolutions are noted as a finding of responsibility for violation(s) of the Code and are considered a student organization conduct record.
- v. No-contest resolutions are not permitted for cases falling under the jurisdiction of the Title IX Compliance Policy.

**c. Informal Hearing**

- i. A responding Student Organization may elect to resolve an outstanding violation(s) through an informal hearing if deemed appropriate by the Student Conduct Authority. Informal hearings are typically utilized when there is not conflicting, complex, or additional information that would be best examined through a formal hearing setting.
- ii. Informal hearings may take place as an element of the information session or scheduled within a reasonable time.
- iii. The responding student organization representative may provide information including reports, witness statements, communications, or other documentation in the hearing.
- iv. A hearing administrator may temporarily adjourn the informal hearing if the administrator determines that further review or clarification is necessary including, but not limited to interviewing the complainant or witnesses.
- v. A hearing administrator may utilize information gathered from information sessions, investigation meetings, or other proceedings involving individuals associated with the incident in making a determination on responsibility. If such information is under consideration, a responding student organization representative will be informed of the information and have an opportunity to respond.
- vi. Informal hearings are not permitted for cases falling under the jurisdiction of the Title IX Compliance Policy.

#### **d. Formal Hearing**

i. A formal hearing may be heard by a single hearing administrator or Administrative Hearing Panel. For cases that include allegations of sex discrimination or sexual misconduct either under the Sex Discrimination and

Sexual Misconduct Policy or the Title IX Compliance Policy, if a formal hearing is selected, the hearing will be conducted by a single administrator.

ii. Notice of a formal hearing, including the identity of the hearing administrator or body, will occur at least five business days prior to the hearing. Any objection regarding selected hearing administrator or hearing body must be submitted three business days prior to the start of a hearing.

iii. Formal Hearing Guidelines

1. Private hearing. A formal hearing is conducted in private. The complainant(s) (if applicable), responding student organization representative, and advisor(s) are allowed to attend the entire portion of the hearing at which information is presented. Admission of any other individual to the hearing is at the discretion of the Student Conduct Authority.

2. Scheduling. Formal hearings are scheduled at the earliest availability of the complainant(s) (if applicable), responding student organization representative, person providing information on behalf of the University, and the hearing body. Student availability is determined based on academic class schedules and requirements. Absent exigent circumstances, lack of availability based upon personal matters, employment schedules, or the availability of an advisor, advocate, or legal representative are not considered in scheduling a formal hearing. A student or student organization should select as an advisor a person whose schedule reasonably allows attendance at the scheduled date and time for the hearing.

3. Witnesses. In a formal hearing, appropriate witnesses identified by the Student Conduct Authority, reporting individual(s), or the responding student organization representative may be invited to the hearing to provide information in support of, or challenging responsibility of the alleged violation(s). Absent extraordinary circumstances, any witnesses must be identified at the information session or by the date otherwise given in a notice of allegations or other communication from the Student Conduct Authority. Witnesses will be invited by the Student Conduct Authority. Formal hearings will be scheduled within a timeframe to allow witnesses reasonable notice to participate, but a proceeding will not be unreasonably delayed or disrupted based on the availability of witnesses. In the case of a formal hearing, the University will make reasonable efforts to secure in-person testimony from law enforcement officers in cases where a student conduct charge results from an incident that was reported to law enforcement, and any University personnel who were involved in investigating a matter. However, sworn affidavits of law enforcement officers and official university reports may be considered by a hearing body in the absence of in-person testimony of the law enforcement officer or appropriate University employee(s), provided that the hearing body reasonably finds that the affidavit or report is otherwise reliable, and the responding student has an adequate opportunity to respond to all facts alleged in the affidavit. Other written witness statements will be accepted for review in a formal hearing if the witness does not attend at the discretion of the hearing administrator or body. However, such statements will not be considered as having equal weight as witness information presented in a hearing and cannot be used as the sole information supporting a finding of responsibility. In formal hearings of cases falling under the jurisdiction of the Title IX Policy, witness statements may be relied upon for determination of responsibility if subject to questioning as described in the Title IX Compliance Policy.

4. Questions. The hearing administrator or body may pose questions directly to any individual providing information in the hearing. The complainant(s) (if applicable) and responding student organization representative may propose questions to be answered by one another, but questions must be directed to the hearing administrator or chair of the hearing body rather than to the individual directly. The advisor, advocate, or legal representative may propose questions to be answered by a complainant, responding

student organization, or witness on behalf of the student organization they are representing, but questions must be directed to the hearing administrator or chair of the hearing body rather than to the individual directly. The hearing administrator or chair will determine whether questions or potential information are appropriate for review as part of the formal hearing at their discretion. In formal hearings falling under the jurisdiction of the Title IX Compliance Policy, questioning of participants in the hearing and determinations of relevancy will be made as described in the Title I Compliance Policy.

#### 5. Information.

a. Additional information, including, but not limited to, reports, witness statements, communications, or other documentation may also be reviewed in a hearing. Any such documentation that was reasonably available during a University investigation, but which was not provided during the course of the investigation by the student organization representative or other individuals afforded an opportunity to do so, will not be considered. Any additional information must be submitted to the Student Conduct Authority immediately upon discovery of such information. In cases falling under the jurisdiction of the Title IX Policy, information will be relied upon for determination of responsibility if subject to questioning as described in the Title IX Policy.

b. Individuals may decline to provide information or answer questions posed in a hearing. However, the hearing body will make a decision on responsibility after considering the information that is shared as a part of the formal hearing.

c. Past violations of the responding student organizations, witnesses, or reporting individual(s) will be excluded from

the hearing unless deemed relevant by the administrator or chair of the hearing body.

d. Past behavior of a responding student organization may be reviewed as an aggravating or mitigating factor for consideration in assigning appropriate outcomes if the responding student organization is found responsible for a violation.

e. Complainants and responding student organization representatives may submit an impact statement to the appropriate Student Conduct Authority three business days prior to the formal hearing. Impact statements are considered an element of the hearing record and accessible for review by a complainant and responding student organization in the event there is a finding of responsibility. If applicable, the complainant and responding student organization representative may review the impact statement and provide a response within a reasonable time and by such method as determined by the Student Conduct Authority.

f. Consideration of information for a determination regarding responsibility is limited to that information presented in the formal hearing. Information that is discovered in a separate hearing or proceeding originating from the same reported incident may be introduced in a formal hearing.

#### **e. Outcomes-Only Hearing**

i. The Student Conduct Authority may determine that an outcomes-only hearing is appropriate to resolve a case where a student organization is found at fault in civil court based on a preponderance of the evidence or higher standard.

ii. Outcome-only hearings may take place as an element of the information session or be scheduled within a reasonable time. If a student organization representative does not participate in the hearing, the Student Conduct Authority will issue the appropriate outcomes based on the information available.

iii. The responding student organization representative may provide information, including an impact statement, for consideration.

iv. An outcomes-only hearing is not permitted for violations charged under the jurisdiction of the Title IX Compliance Policy.

## **f. General Guidelines**

- i. Basis for decision(s). The basis for any decision of responsibility in an informal or formal hearing will be whether upon a preponderance of the information, it is more likely than not that a violation or violations of the Code occurred. The burden to demonstrate that this standard has been met rests with the University, and all responding student organizations are considered to be not responsible for a violation until and unless a hearing body makes a finding of responsibility.
- ii. Informal procedural standards. Formal rules of process, procedure, and/or technical rules of evidence such as are applied in criminal or civil court are not used in student organization conduct proceedings.
- iii. Personal Health and Safety Accommodations. The Student Conduct Authority may accommodate individuals with concerns for their personal health or safety during a proceeding or hearing by providing separate facilities or physical dividers, and/or by permitting participation by videoconference or other viable means as determined by the Student Conduct Authority as appropriate and do not infringe upon fundamental due process.
- iv. Accommodations for qualified individuals with a disability. Any student with a qualified disabling condition may work with the Office of Accessibility Services (OAS) to request a reasonable accommodation in order to equally participate in the student or student organization conduct process. All requests for reasonable accommodations must be made either through the Office of Student Conduct and Community Standards or the OAS. All accommodation requests must be made in a timely manner and coordinated with the student's appropriate disability specialist within the OAS. Non-students may make a reasonable request for accommodation with the Student Conduct Authority.
- v. Decision in absentia. If a complainant, responding student organization representative, or witness does not appear for a proceeding or hearing after notice, the Student Conduct Authority or hearing body may postpone the proceeding or review any information in support of or challenging the violations in the individual's absence and determine a finding regarding responsibility and any related outcomes based upon the available information.
- vi. Holds. The Student Conduct Authority may place a hold on the privileges of recognition of any student organization who fails to resolve allegations of a violation(s) of the Code in a timely manner.
- vii. Any question of application of or objection to procedural standards, authority, scope or other provisions of the Code must be referred to the Student Conduct Authority at least 3 days prior to a conduct hearing.
- viii. A hearing body or the Student Conduct Authority may impose other reasonable procedural requirements for the orderly administration of student conduct proceedings, provided that such requirements are not inconsistent with this Code and do not infringe upon a student organization's procedural due process rights.
- ix. Joint hearing. In cases involving more than one responding student organization, whether in a formal or informal hearing, the hearing body may permit the hearing concerning each student organization to be conducted either separately or jointly.
- x. Hearing record. There will be a single record, such as a digital audio recording of all disciplinary proceedings. Deliberations will not be recorded. This recording will be the property of the University but will be made available for the complainant(s) or responding student organization representatives to review upon request. Any recordings of the hearing without the acknowledgement and permission of involved individuals is prohibited.

## **G. Outcomes.**

Outcomes are interim action(s) or final status or education assignments that alone or in any combination are assigned to a student organization as an interim health or safety measure or as a final outcome at the

conclusion of a resolution process.

**1. Interim Health and Safety Actions.** Interim actions may be initiated to protect the health or safety of individuals involved in an incident or investigation or in circumstances when an organization is alleged to have engaged in conduct that poses a substantial risk to the operation of the University. IHSAs may be issued in conjunction with, or pending the outcome of, an investigative or adjudicative process of the *Student Conduct Code, Student Organization Conduct Code, Sex Discrimination and Sexual Misconduct policy, or Title IX Compliance policy.*

a. Interim action(s) will be communicated in writing consistent with the notice provisions of this Code.

b. Interim action(s) are temporary measures applied through the duration of an investigation and/or resolution process and do not replace a resolution process outlined in this Code.

c. A student organization may request a review of an interim action in writing to the Dean of Students. The scope of the request is limited to whether the interim action(s) should remain in place, based on the information available. The responding student organization in an IHSAs is afforded an opportunity to respond to the allegations or information presented by the University as the basis for the IHSAs. The Dean of Students will schedule a review meeting with the requesting student organization representative within three business days of receiving the written request. The requesting student organization may provide information including reports, witness statements, communications, or other documentation in the meeting. When applicable, a complainant may provide information to the Dean of Students for purposes of this review. Interim actions may be affirmed, modified, or lifted as a result of a requested review. The Dean of Students will communicate the final decision in writing within one business day of the review meeting.

d. Interim Action(s) may include any actions deemed appropriate to mitigate the threat to health, safety, or welfare of the University community or individuals involved in an incident, ranging from interim suspension to restrictions on participation in university-sponsored programs or activities or presence on campus.

## **2. Status 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 Organization and concern.

a. Reprimand. A notice in writing to the student organization that the group is violating or has violated University expectations for behavior and that further violations may result in more severe disciplinary action.

b. Disciplinary Probation. This status is assigned to a student organization for a specified period of time. While on this status, any further violations may result in suspension or loss of recognition from the University. Other restrictions that may be placed upon a student organization on disciplinary probation may include, but are not limited to the following:

i. Participation in University or student activities,

ii. Representation of the University in leadership positions or eligibility for awards or honors,

iii. Use or entrance into University facilities or campus areas,

iv. Contact with any specified individual(s), and/or

v. Student Organization events under the auspices of the Student Organization such as organization social events and tailgates.

c. Suspension of recognition. Suspension of recognition with the University after a specific date and for a specified period. Through the duration of the suspension period the student organization will be prohibited from utilizing the support and services afforded a recognized student organization and will be restricted from the following:

i. Participation in University or student activities,

ii. Representation of the University in leadership positions or eligibility for awards or honors,

iii. Use or entrance into University facilities or campus areas,

iv. Student organization events under the auspices of the student organization such as organization social events, and tailgates.

To regain recognition at the conclusion of the suspension period, a student organization must demonstrate compliance with any terms of the suspension and meet requirements of any applicable recognition processes(es) through Student Activities and fraternity and sorority life governing councils (if applicable).

Loss of recognition. Loss of recognition from the University after a specific date and for an indefinite period of time. During which time, the student organization will be prohibited from utilizing the support and services afforded a recognized student organization and privileges as outlined under the "suspension of recognition" section. The University may set a designated timeframe during which the organization will not be eligible to apply for re-recognition. This timeframe may be extended if there are further violations of University policy by the student organization or student organization members.

### **3. Educational Outcomes**

- a. Service Hours. Completion of service under the supervision of a University department or outside agency.
- b. Discretionary outcomes. Work assignments, essays, presentations, research projects, conduct contracts, or other discretionary assignments.

### **4. Administrative Directive Outcomes**

- a. Restitution. Compensation for loss, damage, or injury to University property. This may take the form of appropriate service, monetary, or material replacement.
- b. No contact directive/extension of existing no contact directive. A no contact directive is an official University directive that serves as notice to an individual or individual(s) that they must not have physical contact with or proximity to, or direct verbal, electronic, written, and/or indirect communication intentionally made through another individual with an identified individual for a specified period of time. This may be a new directive, extension of an existing directive, or include altered or additional parameters or instructions to an existing directive. No contact directives may only be removed prior to the specified period of time at the discretion of the Student Conduct Authority and at the written request of all involved individuals.
- c. Loss of privilege. Denial of any specified privilege for a specified period of time.
- d. Behavioral Plan. This is a directive to the student organization from the Office of Student Conduct and Community Standards and/or in consultation with another appropriate office (including, but not limited to Student Activities, Fraternity and Sorority Life, Housing, Title IX, etc.) which outlines expected behaviors.

### **5. Alternative Resolution Agreement Outcomes**

- a. Any individual or combination of outcomes listed in the education outcomes section of this policy.
- b. Administrative directive outcomes including, but limited to restitution, no contact directive or extension of existing no contact directive, loss of privilege and behavior plan as defined in the administrative directives outcomes section of this policy.
- c. Voluntary membership reviews or cease and desist of student organization activities to determine a strategic plan for the future of the student organization.

## **H. Appeal Procedures**

1. Both a complainant (if applicable) and a responding student organization are afforded a single opportunity to appeal decisions and/or any outcomes issued by a hearing body within five business days of the date of the written decision and outcomes. Only complainants who meet the definition of a student are eligible to submit an appeal request with the exception of cases of sex discrimination or sexual misconduct in which a complainant may submit an appeal regardless of student status. Any interim actions will remain in effect at the discretion of the Student Conduct Authority, however any outcome(s) resulting from the original hearing decision will be held in abeyance pending the conclusion of the Florida State University appeal process. A complainant (when applicable) and a responding student organization will be notified of an appeal submission by the other, given the opportunity to review the submitted appeal

request, and given the opportunity to submit a response.

**2. Required Format.** All appeal requests must be in writing, identify the basis or bases for appeal, and include any supporting documentation the appealing individual or student organization wishes to be considered.

**3. Scope of Review.** Deference is given to the original hearing body's findings of fact and decision on responsibility and/or any outcomes; therefore, the burden is on the individual or Student Organization filing an appeal request to sufficiently demonstrate ~~and~~ to alter the decision of the hearing body or any outcomes. An appeal review will generally be limited to a review of the record of the hearing and supporting documents for one or more of the bases of appeal listed below, provided however, that under extraordinary circumstances the appeal administrator may request additional information or clarification from the University, investigator(s), hearing body, Student Conduct Authority, reporting individual, responding student organization, or witnesses for purposes of this review.

**4. Appellate Administrator(s).** The Vice President designates University administrators to facilitate policies and procedural standards as outlined in this Code, including appellate review. All intermediate appellate reviews are considered recommendations for review and action for the Vice President for Student Affairs's final agency action on behalf of Florida State University.

a. Decisions of the Administrative Hearing Panel, Student Conduct Board, or hearing administrators appointed by the Office of Student Conduct and Community Standards may be appealed to the Dean of Students.

b. Decisions of the Dean of Students may be appealed to the Vice President.

**5. Bases for Appeal.** Appeal reviews are not a "re-hearing" of a student organization conduct matter, rather a review of process and submitted information to ensure stated procedural standards were followed. Appeal considerations are limited to one or more of the following bases:

**a. Process Review.** That the proceeding was not conducted in accordance with established procedural standards. Such procedural errors must have substantially affected the outcome of the hearing.

**b. Bias Review.** That the proceedings were not conducted without bias or prejudice on the part of the hearing body. May include but is not limited to ~~and~~ a conflict of interest, or failure to objectively evaluate all relevant information.

**c. Information Review.** That the information presented in a proceeding does not support the finding of the hearing body that a violation of Code occurred.

**d. Outcome Review.** That the outcomes are extraordinarily disproportionate given the nature of the violations and any aggravating or mitigating circumstances presented.

**e. New Information.** That new information exists that was not known to the individual or student organization appealing and could not reasonably have been known or discovered at the time of the original proceeding, and which would have substantially affected the outcome of the proceeding. This does not include statements from a complainant or responding student organization representative who did not appear for a proceeding or hearing.

**6. Appeal Decision.** An appeal administrator reviewing an appeal request may make ~~one~~ of the following recommendations for final agency action:

**a. Affirm.** The administrator may affirm the decision and/or outcomes of the original ~~hearing~~ hearing body.

**b. Alter outcome.** The administrator may alter the outcome(s) issued by the original hearing body. Alteration in the outcome may include reducing or increasing severity of outcome(s) or requirements.

**c. New hearing.** The administrator may determine a new hearing by a different hearing body is warranted to correct procedural irregularity or to consider new information. An individual or student organization may appeal any decision by a hearing body assigned to adjudicate a new hearing.

**d. Remand.** The administrator may direct the original hearing body to review their original decision subject to any instructions from the appeal administrator, including the requirement of further clarification of the rationale supporting the decision. The hearing body may affirm its original decision or render a new decision

consistent with those instructions. An individual or student organization may appeal a decision made on remand; however, if a hearing body affirms its original decision, an individual or student organization may not appeal the decision on the same grounds as in the previous appeal.

**7. Final Agency Action.** The appeal administrator will forward findings and recommendations to the Vice President for Student Affairs for review. The Vice President's review and decision is considered the final decision of the University and will be communicated in writing within fifteen business days to the responding Student Organization and if applicable, simultaneously to the complainant. This timeline may be extended if necessary, in consideration of the record on appeal. Final agency action decisions are only appealable by writ of certiorari to the Second Judicial Circuit in and for Leon County, Florida.

#### **I. Record Keeping Practices.**

a. **File Maintenance.** Records of all Student Organization conduct cases will be maintained in the Office of Student Conduct and Community Standards indefinitely.

b. **Release of Records.** The release of Student Organization conduct records will be governed by applicable federal and state laws regarding the privacy of education records. General information regarding the outcome of Student Organization conduct proceedings (without identifying information) may be released to the public.

c. **Access to and Copies of Records.** A student organization representative is permitted access and review of information in the conduct file for the purpose of reviewing information that is subject to consideration as part of a student organization conduct proceeding.

d. **Transcriptions of hearings.** Any student organization representative or a student desiring a transcript of a recorded hearing that is a part of their education record 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.

Law implemented 1011.48 FS History-New 9-30-75, Formerly FSU-3.04, Amended 9-4-86, 3-20-88, 7-18-96, 7-20-99, 11-13-00, 5-9-2007, Substantially Rewritten, 6-9-2012, Amended 3-4-2016, Substantially rewritten 2-22-2017, Amended 6-8-2018, Substantially Rewritten 9-20-2019, Amended 9-11-2020,

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