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**I. General Provisions and Hearing Procedures**

**A. Preface**

The Student Conduct Code (further referred to as “The Code”) is a guiding document at Florida State University which emphasizes the University’s 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 the purpose of Uphold the Garnet and Gold, as students balance their pursuit of excellence and exploration with consideration to the impact of behavior on others.

Engagement in student life at Florida State University is a “voluntary association of scholars who demand and deserve a positive – and special – living/learning environment, as well as a special approach for enforcing the academic community’s standards” (Stoner & Lowery, 2004, p.5). As such, student conduct at Florida State 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 and develop “the knowledge and skills for effective and responsible participation in the world.” The Code reemphasizes the dignity and worth of each person and substantiates the need for an inclusive environment to support the betterment of all persons in the Florida State University community. “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” (Florida State University, 2016).

The right of all students to seek knowledge, debate ideas, form opinions, and freely express their ideas is fully recognized by Florida State University. This Code applies to student conduct and will not be used to impose discipline for the lawful expression of ideas. Specific restrictions on time and place of meetings and assemblies are found in Oglesby Union and other University rules, regulations, or policies.

**SOURCES:**

Florida State University. (2016). Academic integrity and grievances. Retrieved from <http://registrar.fsu.edu/bulletin/undergraduate/information/integrity/>.

Stoner, E. N., & Lowery, J. W. (2004). Navigating past the “Spirit of Insubordination”: A twenty-first century model student conduct code with a model hearing script. *Journal of College and University Law*, 31(1), 1-77.

## B. Definitions

For any terms not directly addressed within this section but relevant to the administration of the student conduct process, the Vice President for Student Affairs or designee remains the final authority on any discrepancy.

1. **Advisor.** The term “advisor” means any one person chosen to assist an individual throughout the student conduct process, unless service in this capacity would unreasonably conflict with the fair administration of the student conduct process as determined by the appropriate student conduct authority. The University is not responsible for selecting an advisor for any individual navigating the student conduct process.
2. **Business day.** The term “business day” refers to any weekday Monday through Friday in which Florida State University is in operation. This does not include University holidays and closures.
3. **Hearing.** The term “hearing” means an informal or formal proceeding, conducted by a hearing body in accordance with the Student Conduct Code, through which determinations of responsibility and non-responsibility are made and sanctions imposed.
4. **Hearing Body.** The term “hearing body” means any person or persons authorized in the Student Conduct Code to conduct hearings, determine findings regarding whether a student has violated the Student Conduct Code, and recommend or issue sanctions if necessary.
5. **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 subsection 12, “University,” below.
6. **Policy.** The term “policy” means the written statements of the University as found in, but not limited to, the Student Conduct Code, the General Bulletin, the Online Student Policy Handbook, the Directory of Classes, the Guide to Residence Living and other written requirements of departments, organizations, and clubs.
7. **Preponderance of the Information.** “Preponderance of the information” means that the information, as a whole, shows that the fact sought to be proved is more probable than not. This standard shall be used in adjudicating all student conduct cases within this Student Conduct Code.
8. **Reporting Party.** The term “reporting party” means any individual who has reported another person’s alleged violation of the Student Conduct Code. The reporting party is the individual who files a report or on whose behalf a report is filed.
9. **Responding Party.** The term “responding party” refers to a student who has been accused of an alleged violation of the Student Conduct Code.
10. **Student.** The term “student” means any person who is admitted to and enrolled in any credit-bearing course or program in any school or division of Florida State University, any person who is admitted to the University and is present on campus for the purpose of being enrolled in any University course or program, including Orientation, or any person who has been enrolled in any credit-bearing course or program at the University and continues to be associated with the University, because the student has not completed the course or program in which the student was enrolled. In cases of dual enrollment, jurisdiction over a student’s conduct will be determined in consultation with appropriate officials at the student’s other institution.

11. **Student Conduct Authority.** The term “Student Conduct Authority” refers to an individual or administrative unit whose administrative duties include the fair administration of the student conduct process, including formal and informal action in response to behavioral concerns. Please see the section on “Authority” for more information.
12. **University.** The terms “University” and “University properties” mean Florida State University, including the main campus, all property leased, used, or controlled by the University, all branch campuses, facilities, and University International Programs’ locations. The Student Conduct Code applies to the University as defined herein. Non-substantive procedural modifications that reflect the particular circumstances of each campus and international program are permitted.
13. **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 other person employed by the University.
14. **University Defender.** The term “University Defender” means any person provided by the Student Government Association, either through formal appointment or informal referral, to serve as a resource and advisor to a responding party under the authority of University Regulation FSU-3.006.
15. **University Official.** The term “University official” means any person employed or appointed by the University to perform assigned teaching, research, administrative, professional, or other responsibilities.

**C. Scope**

Florida State University's jurisdiction regarding student conduct is generally limited to the conduct of any student regardless of location, when that conduct may adversely affect the student, the University community, its international programs, or any other University-affiliated programs.

In addition, the following stipulations are considered regarding scope.

1. The processes for adjudicating violations of federal law, state law, or local ordinance and violations of The Code are separate and may be pursued independently and/or simultaneously.
2. The University reserves the right to determine how the timing of the incident impacts the initiation or completion of the conduct process.
3. The University reserves the right to determine how an individual's status with the University impacts initiation or completion of the conduct process.
4. The University reserves the right to restrict contact with specified people when facts and circumstances dictate such action. Such restrictions include but are not limited to No Contact Orders. There is no need for present student conduct action in order for a No Contact Order to be issued. No Contact Orders can be administratively issued to all parties involved in a conflict.
5. The University reserves the right to determine what University personnel have an educational need-to-know regarding the status and/or outcome of conduct processes and to provide notice to relevant University personnel as determined by the Director of Student Rights & Responsibilities.

**D. Authority**

Authority for student discipline ultimately rests with the President of Florida State University (hereinafter "President") and the Florida State University Board of Trustees, who delegate this authority to the Vice President for Student Affairs (hereinafter "Vice President"). The Vice President delegates this authority to the Dean of Students and to the Executive Director of University Housing.

1. Under the direction of the Dean of Students and the Executive Director of University Housing, the Associate Dean(s) of Students, the Assistant Dean of Students/Director of the Office of Student Rights & Responsibilities, directors/program leaders of International Programs, and appropriate University Housing staff are responsible for implementing the student conduct system. Implementation includes, but is not limited to, selection and training of hearing officers.
2. Either the President, the Vice President, the Dean of Students or their designees, or directors/program leaders in International Programs may take direct jurisdiction of any case due to the inability or disqualification of the appointed hearing officer to serve, or when it is determined by the immediate circumstances that taking direct jurisdiction is in the best interest of the University.
3. The Vice President and the Dean of Students or designee have the authority to designate individuals as hearing or appellate officers, when appropriate.
4. All hearing bodies have the authority to consult with other appropriate University officials in order to resolve a student conduct case effectively.
5. Resolutions of a first-level decision are further addressed under "Procedures."
6. The initial decision or recommendation of a hearing body is considered a first-level student conduct action. If a first-level student conduct action is not appealed as provided within the Student Conduct Code, the initial decision becomes final agency action.
7. The authority of appellate officers is further enumerated in the Student Conduct Code section on "Appeals." Appellate decisions are considered recommendations to the Vice President or designee and become final agency action upon approval by the Vice President or designee.

## **E. Violations**

The following behaviors, or the aiding, abetting, conspiring, soliciting, or inciting of, or attempt to commit these behaviors, constitute violations of the Student Conduct Code.

### **1. Sexual Misconduct<sup>1</sup>**

- a. **Sexual Violence:** Any sexual act performed without the consent of the reporting party, or that occurs when the reporting party is unable to give consent. Consent to sexual activity must be knowing, intelligent, unambiguous, and voluntary. Consent is active, not passive. There must be a clear and willing participation, through words or actions, for each sexual act. Submission to sexual activity that is the result of force, coercion, or threats is not valid consent.
  - i. Consent to one type of sexual activity does not imply consent to other types of sexual contact. There must be consent at every stage of the sexual encounter.
  - ii. Past consent to sexual activity does not imply consent to future sexual activity.
  - iii. Consent can be withdrawn at any time, including in the middle of a sexual encounter, if the withdrawal of consent is clearly indicated by words or actions.

Individuals who are incapacitated by voluntary or involuntary alcohol or drug use (legal, illegal, or prescription); asleep; unconscious; mentally impaired by disease or illness; or under 18 years old cannot give consent to sex (no matter what they say or do). "Incapacitation" is a state where a person cannot make a rational, coherent decision because the person lacks the ability to understand the nature of the act.

- b. **Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature when:
  - i. Submission to such conduct is made an explicit or implicit term or condition of employment, academic status, receipt of University services, participation in University programs; or
  - ii. Submission to or rejection of such conduct is used as the basis for an academic or employment decision; or
  - iii. The conduct is sufficiently severe, frequent, or wide-spread that, both subjectively (to the reporting party) and objectively (to a reasonable person), it: (1) creates an intimidating, hostile, or offensive work environment; or (2) denies, interferes with, or limits an individual's ability to participate in or benefit from opportunities, university programs, or activities.
- c. **Sexual Exploitation:** Any act of taking non-consensual, unjust, or abusive sexual advantage of another person for one's own advantage or benefit or to benefit or advantage anyone other than the person being exploited. Sexual Exploitation includes but is not limited to:
  - i. Causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such person;
  - ii. Prostituting another person (i.e., personally gaining money, privilege, or power from the sexual activities of another; sex trafficking);

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<sup>1</sup> It is intended that the definitions used in this portion of the Student Conduct Code be consistent with FSU's Sex Discrimination and Sexual Misconduct Policy.



- iii. Non-consensual videotaping, photographing, or audio-taping of sexual activity and/or distributing these materials via media such as, but not limited to, the Internet and other electronic/digital media;
  - iv. Exceeding the boundaries of consent (e.g., allowing another person to observe consensual sex without the knowledge of or consent from all participants);
  - v. Engaging in indecent exposure (i.e., intentionally exposing one's sexual organs in public) with the intention of alarming, distressing, and/or offending others;
  - vi. Voyeurism; and
  - vii. Knowingly or recklessly transmitting a sexually transmitted disease (including HIV) to another individual.
- d. Stalking: Willfully, maliciously, and repeatedly following, harassing, or cyberstalking another person. "Cyberstalking" means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic email or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose. Stalking can involve:
- i. Following a person
  - ii. Appearing at a person's home, class, or work
  - iii. Frequently calling, texting, e-mailing, or electronically chatting
  - iv. Leaving written messages or objects
  - v. Vandalizing a person's property.
- e. Dating Violence/Relationship Violence: Violence between an individual who is or recently has been in a continuing and significant relationship of a romantic or sexual nature and the other party. Dating Violence/Relationship Violence includes hurtful, repeated, and intentional behavior that one person uses to maintain power and control over another in an intimate relationship. The behavior can manifest as abuse that is verbal, emotional, psychological, physical, or sexual. Behaviors may include, but are not limited to: threats, name-calling, put-downs, isolation, withholding of money, physical harm, and sexual assault.
- f. Domestic Violence: Hurtful, repeated, and intentional behavior that one person uses to maintain power and control over another in an intimate relationship. The behavior can manifest as abuse that is verbal, emotional, psychological, physical, or sexual. Examples of Domestic Violence include assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another.
- g. Sex Discrimination: Treating individuals unequally because of their sex, gender, sexual orientation, gender identity, or gender expression. Examples of sex discrimination include:
- i. Gender Based Hostility: Negative treatment or use of derogatory or offensive language toward a person because of that person's gender, whether or not the language itself is sexual.
  - ii. Sex and/or Gender Stereotyping: Taking a negative employment/academic action, creating a hostile environment, or denying a benefit because the individual does not conform to sexual stereotypical notions of masculinity

and femininity.

- h. Retaliation: Any creation of a hostile environment or adverse action threatened or taken against an individual who makes a report of Sexual Misconduct, assists another in making a report of Sexual Misconduct, participates in the investigation of a report of Sexual Misconduct, or who in good faith and in a reasonable manner opposes conduct believed to constitute Sexual Misconduct.
- i. Complicity: Any action or behavior done with the intent of aiding, facilitating, promotion, or encouraging the commission of an act of Sexual Misconduct.

## **2. Endangerment**

- a. Physical violence towards another person or group.
- b. Action(s) that endanger the health, safety, or well-being of another person or group.
- c. Interference with the freedom of another person to move about in a lawful manner.

## **3. Harassment**

- a. Conduct, not of a sexual nature, that creates an intimidating, hostile, or offensive environment for another person.
- b. Action(s) or statement(s) that threaten harm or intimidate another.
- c. Acts that invade the privacy of another person.
- d. Bullying behavior, defined as: the systematic and chronic infliction of physical hurt or psychological distress by teasing, social exclusion, threat, intimidation, stalking, physical violence, theft, harassment, or destruction of property.
- e. Stalking, not of a sexual nature, defined as: to follow or otherwise contact another person repeatedly, so as to put that person in fear for said individual's life or personal safety.

## **4. Hazing**

- a. Hazing is defined as any group or individual action or activity that endangers the mental or physical health or safety or which may demean, disgrace, or degrade any person, regardless of location, intent, or consent of participant(s). Although hazing is generally related to a person's initiation or admission into, or affiliation with, any group or organization, it is not necessary that a person's initiation or continued membership is contingent upon participation in the activity, or that the activity was sanctioned or approved by the organization, for a charge of hazing to be upheld. The actions of active, associate, new, and/or prospective members of an organization may be considered hazing. Hazing includes, but is not limited to:
  - i. Unreasonable interference with a student's academic performance
  - ii. Forced or coerced consumption of food, alcohol, drugs, or any other substance
  - iii. Forced or coerced wearing of apparel which is conspicuous and/or inappropriate
  - iv. Forced or coerced exclusion from social contact
  - v. Branding
  - vi. Creation of unnecessary fatigue (including but not limited to acts that stem from forced physical activity, such as calisthenics and deprivation of sleep)
  - vii. Deprivation of food
  - viii. Beating, whipping, or paddling in any form
  - ix. Line-ups and berating
  - x. Physical and/or psychological shocks

- xi. Personal servitude
- xii. Kidnapping or abandonment
- xiii. Unreasonable exposure to the weather
- xiv. Any activity that would be viewed by a reasonable person as subjecting any person to embarrassment, degradation, or humiliation
- xv. Expectation of participation in activities that are unlawful, lewd, or in violation of University policy

Please refer to the Florida State University Hazing Policy and Section 1006.63, Florida Statutes, for more details.

**5. Remote Controlled Aircraft**

- a. Unauthorized on-campus use of any remote controlled aircraft or vehicle (i.e, drones).
- b. Failure to comply with established guidelines for authorized use of remote controlled aircraft.

**6. Weapons**

- a. On-campus possession or use of firearms, antique firearms, ammunition, destructive devices, or other weapons or dangerous articles or substances, including but not limited to non-lethal weapons such as pellet guns, bb guns, paintball markers, slingshots, crossbows, stun guns, tasers, metallic knuckles, archery equipment, or any dangerous chemical or biological agent.

Note: This section shall not apply to:

- i. any law enforcement officer who is a student or to any student ROTC member acting under the supervision of an ROTC unit in a manner proscribed by military regulations of the United States Government; or
  - ii. any student whose possession of a weapon as described above is approved by the FSU Police Department for a bona fide educational purpose; or
  - iii. a concealed firearm kept for lawful purposes with or without a license by persons 18 years or older within the interior of a private vehicle, provided that such firearm is not carried on the person and provided that a handgun must be kept securely encased; or otherwise not readily accessible for immediate use, or
  - iv. a student who possesses a concealed weapon or firearm license and is in possession of a stun gun or non-lethal electric weapon or device designed solely for defensive purposes and which weapon does not fire a dart or projectile as provided in Section 790.06(12) (a) 13., Florida Statutes.
- b. On-campus possession or use of unauthorized knives. Culinary knives used in kitchen areas for their intended purpose and pocket knives with blades less than four inches in length are permitted in the residence halls. Other knives or objects with longer than a four-inch blade, include but are not limited to: swords, hunting knives, daggers, dirks, stiletto knives, machetes, axes, hatchets, and switchblades are not permitted. This also includes items that may be considered decorative in manner, such as sword canes and ornamental daggers and swords.
  - c. On-campus possession or use of fireworks, sparklers, and any item designed with the primary intention of exploding, including but not limited to: firecrackers,

skyrockets, rockets, roman candles, and cherry bombs.

- d. Off-campus, unlawful, or unauthorized possession or use of firearms, explosives, or other weapons or dangerous articles or substances in violation of state or federal law.

This section is authorized by Section 790.115, Florida Statutes. In accordance with Section 790.33, Florida Statutes, nothing in this section is intended to prohibit or regulate the lawful possession of a weapon or firearm as defined in Section 790.001, Florida Statutes, except as permitted by law.

**7. Fire and Safety**

- a. Inappropriate activation of any emergency warning equipment or the false reporting of any emergency.
- b. Unlawful possession, or removal of, damage to, or tampering with fire safety or other emergency warning equipment.
- c. Failure to evacuate a University building or facility within a reasonable amount of time after a fire alarm is sounded.
- d. Arson, or the setting of any unauthorized fire in or on University property.

**8. Alcohol, Controlled Substances, and Illegal Drugs**

- a. Unlawful possession or use of controlled substances, including prescription medicine belonging to another individual.
- b. Possession or use of illegal drugs.
- c. Purchase of illegal drugs or controlled substances.
- d. Distribution, delivery, or sale of illegal drugs or controlled substances.
- e. Possession or use of drug paraphernalia.
- f. Possession or consumption of alcohol when under the age of 21 as specified by the State of Florida.
- g. Providing alcoholic beverages to an individual who is under the age of 21 as specified by the State of Florida.
- h. Driving while under the influence of alcohol or any controlled substances or illegal drugs.
- i. Intoxicated behavior.
- j. Open Party. An open party is defined as an event at any location where hosts, owners, residents, or others in control of the event fail to take reasonable steps to ensure legal compliance, reduce the risk of harm, and ensure the safety of guests (including, but not limited to, removing those in violation or requesting law enforcement to assist) if alcoholic beverages are known to have been consumed at the residence by person/s under the age of twenty-one and/or illegal drugs or controlled substances are unlawfully possessed, distributed, or used.
- k. Any other violation of the University Alcohol Policy, FSU Regulation FSU-6.012.

**9. Disruption**

- a. Failure to comply with a lawful order of a University official or any non-University law enforcement official.
- b. Providing false information to a University official or to a non-University law enforcement official, including student conduct hearing bodies.

- c. Acts that impair, interfere with, or obstruct the orderly conduct, processes, and functions of the University or the rights of other members of the University community. This includes acts that occur both inside and outside of the classroom setting and may involve use of electronic or cellular equipment. This also includes behavior off campus during a university sanctioned event or activity or an event where the student serves as a representative of the university (including, but not limited to an organizational leadership role).
- d. Commercial solicitation on campus without prior approval from University officials.
- e. Acts that disrupt the University student conduct process including attempting to coerce or influence a person regarding the reporting of a student conduct violation or a person's participation in any student conduct proceeding.
- f. Urination or defecation in a public space.
- g. Bribing another individual to gain an unauthorized advantage or to improperly affect an unbiased process or proceeding.
- h. The unauthorized sale or attempted sale of University-issued student tickets.
- i. Duplication, replication, or alteration of University-issued student tickets.

**10. Misrepresentation or Misuse of Identity or Identification**

- a. Permits another person to use his or her identification.
- b. Inappropriate use of another person's identification.
- c. Impersonation, or misrepresenting the authority to act on behalf of another or the University.
- d. Forgery, alteration, or misuse of identification, documents, records, keys, or access codes.
- e. Manufacture, distribution, delivery, sale, or purchase of false identification.
- f. Possession or use of false identification.

**11. Property**

- a. Damage or destruction of public or private property.
- b. Theft. Without authorization removes or uses the property or services of another person or of the University, with the intent to permanently deprive the person or University of the property.
- c. Misappropriation. Without authorization temporarily removes or uses the property or services of another person or the University, but without the intent to permanently deprive the person or the University of the property.
- d. Receipt, possession, sale, or purchase of property or services that are known or reasonably should have been known to have been stolen.
- e. Enters or uses the property or facilities of the University or of another person without the proper consent or authorization.

**12. Computers**

- a. Unauthorized access or entry into a computer, computer system, network, database account, software, or data.
- b. Unauthorized alteration of computer equipment, software, network, or data.
- c. Unauthorized downloading, copying, or distribution of computer software or data.
- d. Any other act that violates Florida law or the Florida State University Policies and Responsibilities for Use of Campus Computer and Network Resources.

**13. Recording of Images without Consent**

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, and restrooms. The sharing and/or distributing of such unauthorized records by any means is also prohibited.

**14. Recording of Oral Communications without Consent**

Using electronic or other means to make a record of any person when such oral communication is uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation (e.g., a situation in which the person has a reasonable expectation of privacy), and the person has not given consent to the acquisition or recording of the communication. Such oral communications include but are not limited to recordings made using any device and any wire, oral, or electronic communication.

**15. Publication of Explicit Images**

Publication of an explicit image of a person that conveys personal identifying information of that person on a website, via social media, or other means without the depicted person's consent, even if the depicted person originally consented to the creation of the image or voluntarily provided it to the person responsible for the publication.

**16. Gambling**

Engages in or offers games of chance for money or other gain in violation of the laws of the State of Florida.

**17. Other Violations**

- a. Violation of Federal or State law or local ordinance.
- b. Violation of any Florida Board of Governors Regulation.
- c. Aids, abets, conspires, solicits, incites, or attempts to commit, any other violation of Federal law, State law, or local ordinance.
- d. Violation of any other University regulation or policy as described in the FSU General Bulletin, University Housing contract, University Housing Publication - Graduate / Undergraduate, The Guide to Residence Living, other University Housing publications, the FSU Online Student Policy Hand book, the official FSU website, Student Activities and Organizational Policies (Student Organizational Manual or other University policies and Student Organization Advisor's Manual), or other University policies directly related to departments, organizations or clubs.
- e. 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.

**F. Due Process Rights**

Students at Florida State University are afforded due process rights throughout the student conduct process. Any and all rights afforded to a responding party during any student conduct action will also be afforded to a reporting party as appropriate.

The two (2) fundamental due process rights are:

1. Notice: Responding parties will be given written notice of the Student Conduct Code charge(s) and the allegations upon which the charge(s) is /are based.
2. Hearing: Students will be given an opportunity to present information, including witness testimony and/or statements, during a fair and impartial hearing.

These rights will be executed in a fair and impartial manner with respect to all parties involved in a student conduct action.

A more complete description of the procedures utilized to implement these rights is found in Section G "Procedures."

## **G. Procedures**

The Office of Student Rights and Responsibilities, International Programs, and University Housing are charged with implementing the Student Conduct Code in ways that are congruent with the FSU "Statement on Values and Moral Standards" and with all applicable laws and regulations. The procedures implemented by these offices will be consistent with all appropriate due process rights accorded to students in University student conduct proceedings.

### **1. Charges**

A review for possible charges may be initiated in the following ways:

- a. Filing a police report with the FSU Police Department or requesting that a report from another law enforcement agency be sent to the FSU Police Department.
- b. Providing a signed statement to the Office of Student Rights and Responsibilities or University Housing or providing a statement through a secure University reporting function. All information will then be reviewed by an appropriate Student Conduct Authority to determine whether Student Conduct Code charges will be filed or if alternative action, including mediation, is appropriate. When practicable, reports should be submitted to the appropriate Student Conduct Authority in a timely manner.
- c. If a case involving alleged sexual misconduct is reported to a Student Conduct Authority, said authority has an obligation to report this matter to the appropriate Title IX authority, in adherence with the University's Sex Harassment and Sexual Misconduct Policy. A Title IX investigation of the matter must occur, with a recommendation to review for possible student conduct charges, before any Student Conduct Authority can review said matter.
- d. Formal Student Conduct Code charges may be filed at the completion of all law enforcement and relevant University investigations or as soon as practicable, even if a law enforcement investigation or criminal proceeding is ongoing.

### **2. Notice**

The written notice given to any charged student will include:

- a. Sufficient detail to prepare a response (including source of information, alleged violation, and specific Student Conduct Code charges).
- b. An invitation to attend an information session, during which the student may view all materials related to the case, receive instruction regarding the student conduct process and the student's rights, and confirm the forum in which the case will be heard.
- c. Notice of a formal hearing will occur at least five (5) business days prior to the hearing of the case. Informal hearings will be scheduled at the convenience of the responding party and the hearing body.
- d. Parent(s) of any student under the age of eighteen at the time of the alleged violation may also be notified of pending charges.
- e. The Office of Student Rights and Responsibilities or University Housing may place a conduct hold on the records and registration of any student who fails to address Student Conduct Code charges in a timely manner. Any pending conduct matters must be resolved prior to a student's graduation, the release of



transcripts, transfer of credits to another institution, or re-enrollment at the University.

- f. The contact information on file with the University Registrar will be used for all student conduct notices sent to the responding party.

### **3. Hearing Bodies and Authorities**

Any specific procedures used by hearing bodies will comply with the requirements of the Code.

- a. The Director of Student Rights and Responsibilities (and designee(s)) may conduct both informal and formal hearings.
- b. A hearing officer designated by the Dean of Students may conduct both informal and formal hearings.
- c. The Dean of Students and Associate Deans of Students may conduct both informal and formal hearings.
- d. The Student Conduct Board may conduct both informal and formal hearings. Panels are composed of five (5) Student Conduct Board members selected by the Office of Student Rights and Responsibilities or designee. In times of limited student availability or when conflicts are identified, hearings may proceed with less than five (5), but not less than three (3), Student Conduct Board members. The Director of Student Rights & Responsibilities will designate appropriate staff to serve as advisors to the Student Conduct Board.
- e. An Administrative Hearing Panel may conduct formal hearings. Panels are composed of one (1) faculty member, one (1) staff member, both designated by the Dean of Students (or designee), and two (2) Student Conduct Board members. In times of limited student availability, panels may proceed with one (1) Student Conduct Board member, with approval from the Office of Student Rights and Responsibilities and consent of the responding party and reporting party (if any). The Director of Student Rights & Responsibilities (or designee) will serve as an advisor to the administrative hearing panel.
- f. University Housing hearing officers (Director, Associate Director, Assistant Directors and designees) may conduct both informal and formal hearings regarding cases arising in University Housing in which the charged student is a resident of University Housing.
- g. University Housing Conduct Board(s) may conduct formal hearings regarding cases arising in University Housing in which the charged student is a resident of University Housing. Panels are composed of five (5) University Housing Conduct Board members, all of whom are students currently living on campus. In times of limit student availability or when conflicts are identified, hearings may proceed with less than five (5), but not less than three (3), University Housing Conduct Board members.
- h. The range of available hearing bodies may differ on branch campuses and International Programs in conducting informal and formal hearings. Designated Student Conduct Authorities for each location may identify hearing bodies based on circumstances appropriate for the conduct matter.

### **4. Choices of Hearing Type and Hearing Body**

A responding party may request both the hearing type and the hearing body to

adjudicate their case subject to the restrictions stated in Section 3 above. Further restrictions to that choice include:

- a. When it is determined that a case requires a formal record of proceedings, a formal hearing may be chosen by the Dean of Students (or designee).
- b. When it is determined that a case does not require a formal record of proceedings and the related incident is the responding party's first allegation of a Student Conduct Code violation, the appropriate Student Conduct Authority may offer a responding party the chance to resolve the matter through an Informal Hearing Case Resolution.
- c. When two (2) or more individual cases stem from the same incident, those cases should typically be heard by the same hearing body. In such cases, the Director of Student Rights and Responsibilities (or designee) may either pre-select the hearing type and hearing body or consult with the students involved before making the decision.
- d. The Dean of Students or Executive Director of University Housing (or designee) reserves the right to select the appropriate hearing type and body for other administrative or case-related reasons.
- e. During time periods in which any of the hearing bodies are not officially constituted, the Dean of Students or Executive Director of University Housing (or designee) may select an appropriate alternative as the hearing body.

#### **5. Types of Hearings**

Two (2) distinct types of hearings are provided for by the Code. Informal hearings are held when cases involve few or no disputed questions of fact and possible sanctions do not include separation from the University. Formal hearings are held when cases involve disputed questions of fact or serious alleged violations of the Code (i.e. violations that could lead to separation of the charged student from the University).

- a. Formal Hearings:
  - i. Require the hearing body to call appropriate witnesses or obtain witness statements, reports, or other information in support of the charges.
  - ii. Will be held no sooner than five (5) business days after notice is received by the responding party. The student may submit a written request to hold the hearing before the five (5) business days. The request will be considered and acted upon by the Office of Student Rights and Responsibilities.
  - iii. Will be audio recorded. This recording will serve as the official record of the proceedings.
  - iv. A formal decision letter will be sent to the student within ten (10) business days from the conclusion of the hearing. This time limit may be extended if additional consideration of evidence and deliberation is required.
  - v. The following order of presentation is recommended for use in formal hearings. The hearing body may change the order if deemed appropriate.
    - A. Presentation of formal charges.
    - B. Opening statement by the University.
    - C. Opening statement by the reporting party, if applicable. This party may waive the right to provide an opening statement.
    - D. Opening Statement by the responding party. This party may waive the

- right to provide an opening statement.
- E. Presentation of information and witnesses by the reporting party, if applicable. The reporting party may open with questions to their witnesses, followed by the University, and then the responding party. Witnesses are dismissed when all related parties (i.e., reporting party, University, and responding party) have exhausted all questions.
  - F. Presentation of information and witnesses by the University. The University will open with questions, followed by the reporting party, and then the responding party. Witnesses are dismissed when all related parties (i.e., University, reporting party, and responding party) have exhausted all questions.
  - G. Presentation of information and witnesses by the responding party, if applicable. The Responding Party may open with questions to their witnesses, followed by the University, and then the reporting party. Witnesses are dismissed when all related parties (i.e., responding party, University, and reporting party) have exhausted all questions.
  - H. Questions directed to the responding party by the hearing body followed by the reporting party, if applicable.
  - I. Closing statement by the University, followed by the closing statement of the reporting party and the responding party. Either party may waive the right to provide a closing statement.
- b. Informal hearings:
- i. The University does not automatically call witnesses to support the charges, although the hearing body may gather any additional information needed, including calling witnesses. The responding party will be informed of any additional information gathered by the hearing body. The responding party may call witnesses and present evidence.
  - ii. Hearings are scheduled at the convenience of both the responding party and the hearing body.
  - iii. In cases of a first-time violation, a Student Conduct Authority (or designee) can approve for a responding party to resolve their student conduct case through an Informal Hearing Case Resolution. This option allows a responding party to accept responsibility and agree to assigned sanctions from an informal hearing officer.
- A. Before signing an Informal Hearing Case Resolution form, a responding party will be afforded no more than five (5) business days to consider their options.
- i. Option 1- Sign an Informal Hearing Case Resolution form. This action constitutes the responding party accepting responsibility for the alleged behavior and agreeing to the assigned sanctions. Signing this document will constitute final action.
  - ii. Option 2 – A responding party may choose to Petition Sanctions. The responding party must write a letter to the appropriate Student Conduct Authority (e.g., Director of Student Rights & Responsibilities) to demonstrate why a change in sanctions is warranted. This option still requires the student to accept responsibility for the alleged action.
  - iii. Option 3 – The responding party may choose to move forward with

selecting a hearing body and hearing type that is approved by the appropriate Student Conduct Authority.

- B. This option is not available in matters that involve a reporting party or the possibility of suspension, dismissal, or expulsion as sanctions.
- iv. Brief written decisions (including findings of fact) will serve as records of informal hearings and will be communicated within ten (10) business days of the hearing body's final meeting with the student organization. This time limit may be extended if additional consideration of evidence and deliberations are required.

## **6. Hearing**

Hearings will follow these guidelines:

- a. All hearings will use a reasonable person standard when assessing whether the information presented constitutes a preponderance of the information.
- b. Unrelated past behavior of the responding party will be excluded from the hearing. The hearing body will decide if such information is unrelated.
- c. In instances of alleged sexual misconduct, past sexual history of the reporting party and responding party is not relevant, unless deemed essential by the hearing body to protect fundamental due process.
- d. A responding party and reporting party will have the opportunity to present evidence on their behalf, including presenting witnesses, if available, and /or signed, written statements from witnesses, and other documentary information. Witness testimony is not required and the inability of the responding party or reporting party to question a witness who has provided a written statement is not a violation of the due process rights of either party, as both parties have the opportunity to review and respond to the written statement and may offer evidence to rebut the witness statement and other evidence presented at the hearing. Witness statements are entitled to be given the same weight by the hearing body as live witness testimony. Witness statements need not be sworn or in affidavit form.
- e. A responding party or reporting party may submit a challenge to the impartiality of any member of a hearing body to the relevant Student Conduct Authority or the hearing body. Decisions on challenges shall be final and not subject to appeal.
- f. The responding party, reporting party, and any witnesses may be accompanied during the hearing by an advisor. According to FSU Regulation FSU-3 .006, the University Defender may serve as an advisor. Students are required to address the hearing body in person, on their own behalf, although they may consult with their advisor during the hearing. This consultation must take place in a manner that does not disrupt the proceedings. The advisor shall not speak on behalf of the student unless expressly authorized to do so by the hearing body. The responding party, reporting party, and any witnesses shall provide the advisor's name in writing to the Office of Student Rights and Responsibilities or University Housing two (2) business days prior to the hearing. The advisor may not serve as a witness.
- g. A student or witness may choose not to answer any and all questions posed by a hearing body.
- h. The burden of proof at a first-level hearing always rests with the University. The

standard of proof will be the preponderance of the information, meaning that the information, as a whole, shows that the information sought to be proved is more probable than not.

- i. The formal rules of evidence do not apply to Code proceedings.
- j. All individual hearings will be conducted in private. If the responding or reporting party wants to have the hearing open, the related party must submit a written request for a public hearing to the Director of the Office of Student Rights and Responsibilities or University Housing at least three (3) business days prior to the hearing. Charges involving alleged sexual misconduct will not be heard in public without prior written consent of all involved parties (i.e., the reporting party and the responding party). After receiving the consent of all involved parties in the case, the Director of the Office of Student Rights and Responsibilities may open the hearing to the public. If the hearing is made public, there is no requirement to obtain a larger hearing room to accommodate members of the public, so long as one (1) member of the public may be present.
- k. Appropriate witnesses will be called by the University to all formal hearings (see below for a description of formal versus informal hearings). Those witnesses who appear may be cross-examined by all involved parties. If called witnesses do not appear, their written or taped statements may be considered by the hearing body. In some cases, student witnesses who fail to appear may be charged with a violation of the Student Conduct Code. Appropriate witnesses may also be called by the involved parties to all hearings, provided they are reasonably available and do not disrupt or delay the hearing. In the event a witness is not reasonably available or the witness's presence may disrupt the hearing, a written statement from the witness may be substituted. Witness statements need not be sworn or in affidavit form.
- l. In certain cases, the responding party or reporting party requests to testify in a separate room will be considered. Considerations may include but is not limited to unduly compromising the responding student's fundamental due process right to question any witness.
- m. Hearings may be held in the responding party's or reporting party's absence, if either party fails to appear after proper notice or fails to cooperate in the student conduct process.
- n. In certain cases, a reporting party may be allowed to submit an impact statement to the appropriate Student Conduct Authority. The responding party may request to view the impact statement. The request will be considered by the appropriate Student Conduct Authority in consultation with the reporting party.
- o. Prior records of student conduct action and witness/reporting party impact statements are considered by the hearing body only in the sanctioning phase of deliberations.
- p. The hearing body's determination of "responsible" or "not responsible" will be based solely on the information presented at the hearing. However, when additional information that affects this determination is gathered outside the hearing, it may be used, provided it is shared with the responding party and reporting party and both parties have an opportunity to respond to the information. In cases involving multiple students charged, information provided

- at one hearing may be used as evidence in the related case(s).
- q. To request the cancellation of a previously scheduled formal hearing, involved parties must submit a written statement to the Office of Student Rights and Responsibilities five (5) business days prior to the hearing date. At the discretion of the Director of the Office of Student Rights and Responsibilities (or designee), the hearing may be rescheduled or conducted in the absence of the responding party or reporting party.
- r. All first-level recommended decisions will be communicated in writing to the responding party and reporting party and will include the findings of fact, determination of responsibility, sanctions (if applicable), and notice of appellate rights.

## **7. Hearing Decisions**

Decisions of all authorized hearing bodies constitute first-level student conduct action. Decisions of specific hearing bodies may require further review before constituting first-level student conduct action.

- a. Decisions of single administrators constitute first-level student conduct action.
- b. Decisions of all Student Conduct Board hearings are considered recommendations to the Director of Student Rights & Responsibilities or designee.
- c. Decisions of administrative hearing panels are recommendations to an Associate Dean of Students or the designee of the Dean of Students.
- d. Decisions of the University Housing Conduct Boards are recommendations to the Assistant Director of University Housing or the designee of the Executive Director of University Housing.
- e. All recommended student conduct decisions must be approved in writing by the appropriate authority or designee and only then will be communicated to the student. The appropriate authority may adopt or amend the recommended decision, or order a new hearing. Prior to amending or ordering a new hearing, the authority will confer with the appropriate hearing body.
- f. All resolution of first-level student conduct hearings where suspension, dismissal, or expulsion are assigned as a sanction will be reviewed by the Dean of Students or designee prior to decision notification.

## **II. Sanctions**

### **A. Philosophy and Approach**

Florida State University believes sanctions facilitate learning through the student conduct process, providing tools and resources to students in an effort for students to make better decisions in the future. Hearing bodies are encouraged to consider educational sanctions which encourage critical thinking as well as sanctions that consider accountability for one's actions and the safety and security of the University community.

In light of the facts and circumstances of each case, the following sanctions, or combination of sanctions (with or without appropriate modifications) may be imposed upon any individual student found to have violated the Student Conduct Code. Certain sanctions may result in a financial cost to the student. If a student does not complete a sanction by the required deadline, a hold may be placed on the student's record. Decisions regarding falsification of admission or readmission information may be forwarded to the appropriate office for review of the application and appropriate action regarding admission.

### **B. List of Sanctions**

The sanctions listed below are not intended to serve as an exhaustive list of all sanctions the University may be able to utilize regarding a given student conduct concern.

1. Reprimand (written or verbal).
2. Service Hours. Completion of tasks under the supervision of a University department or outside agency.
3. Educational Activities. Attendance at educational programs, interviews with appropriate officials, planning and implementing educational programs, or other educational activities.
4. Counseling Assessment. Referral for assessment at a counseling center for alcohol/drug dependence, general mental health, or other counseling issues.
5. Restitution. Only in cases involving University property. Restitution must be submitted to the appropriate University department in a manner that is approved by that University department.
6. Conduct Probation. A period of time during which any further violations of the Student Conduct Code may result in more serious sanctions being imposed. Some of the restrictions that may be placed on the student during the probationary period include, but are not limited to: participation in student activities, representation of the University on athletic teams or in other leadership positions, entrance into University residence halls or other areas of campus, or contact with other specified person(s).
7. Disciplinary Probation. A period of time during which any further violation of the Student Conduct Code puts the student's status with the University in jeopardy. If the student is found "responsible" for another violation of the Code during the period of Disciplinary Probation, serious consideration will be given to imposing a sanction of Suspension, Dismissal, or Expulsion from the University. Some of the restrictions that may be placed on the student during the probationary period include, but are not limited to, participation in University or student activities, representation of the University on athletic teams or in other leadership positions, entrance into University residence halls or other areas of campus, or contact with another specified person(s).
8. Change in University Housing assignment.
9. Exclusion (either temporary or permanent) from University Housing.
10. Suspension. Separation from the University for a specified period, not to exceed two (2)

- years. This may include restricted access to campus and/or other specified activities.
11. Dismissal. Separation from the University for at least two years and up to seven years. Readmission is possible but not guaranteed and will only be considered after the two to seven-year time allotted from the effective date of the dismissal, based on meeting all readmission criteria and obtaining clearance from the Dean of Students or designee. This may include restricted access to campus and/or other specified activities.
  12. Expulsion. Separation from the University without the possibility of readmission. This may include restricted access to campus and/or other specified activities.
  13. Withholding of diplomas, transcripts, or other records.
  14. Transcript Notations. A written notation indicating that student conduct action was taken. This sanction may be applied only in cases in which the student has been permanently separated (i.e., expelled) from the University.
  15. Restrictions on contact with specified people.

Students who are separated from the University as a result of a student conduct sanction (i.e., Suspension, Dismissal, or Expulsion) are not automatically withdrawn from any classes for which the student is currently enrolled. Therefore, it is the responsibility of the student to address any withdrawal concerns with the University's Withdrawal Services office.

Sanctions that may involve separation from campus may require readmission to the University, depending on the length of the separation from the institution. Therefore, readmission is not guaranteed after a period of separation is complete. The responding party is responsible for communicating with the Office of Admissions to identify appropriate steps for possible re-entry, after all student conduct restrictions are satisfied.



### **III. Appeals**

#### **A. Function**

An appeal may be requested on any first-level decision, provided that one or more of the reasons for appeal listed in “Appeal Requests” is relevant to the case. On appeal, the burden of proof rests with the student to show clearly that a fundamental due process error that would substantially impact the outcome of the hearing has occurred during the first level hearing process. The appellate body varies depending on the initial hearing body and is outlined below. All appellate decisions are considered recommended decisions to the Vice President (or designee).

#### **B. Appeals Involving Reporting and Responding Parties**

In the event an incident involves a reporting party (including but not limited cases involving allegations of sexual misconduct, endangerment, harassment, stalking and hazing), both the responding party and the reporting party have the right to appeal the first- level decision. In the event both parties submit an appeal request within the stated timeframe (see “Appeal Requests” below), one appellate officer will be assigned and one appeal hearing will be conducted (see “Appellate Officers” below). Both parties will be provided the opportunity to attend the appeal hearing and the appeal decision outcome will be communicated to both parties. If the responding party appeals, the reporting party will be notified of the appeal, will be provided the opportunity to attend the appeal meeting, and will be notified of the appeal outcome. If the reporting party appeals, the responding party will be notified of the appeal, will be provided the opportunity to attend the appeal hearing, and will be notified of the appeal outcome. If either party wishes to respond to the original appeal request, the other party will be afforded an opportunity to respond to the appeal, specifically if said individual is unavailable to attend a possible appeal meeting.

#### **C. Appellate Officers**

As noted in the section titled “Authority” of this Code, the Vice President and Dean of Students have the authority to designate individuals as hearing or appellate officers, when appropriate. University Housing and International Programs are also extended the authority to identify appropriate appellate officers for the execution of student conduct concerns within their respective areas.

1. Recommended decisions of the Student Conduct Board may be appealed to the Dean of Students (or designee).
2. Recommended decisions of the University Housing Conduct Board may be appealed to the Executive Director of University Housing (or designee).
3. Recommended decisions of Administrative Hearing Panels may be appealed to the Dean of Students (or designee).
4. Recommended decisions of the Director of the Office of Student Rights and Responsibilities (and designees) may be appealed to the Dean of Students (or designee).
5. Recommended decisions of other hearing officers appointed by the Dean of Students may be appealed to the Dean of Students (or designee, including a panel).
6. Recommended decisions of hearing officers appointed by the Executive Director of University Housing may be appealed to the Executive Director of University Housing (or designee).
7. Recommended decisions of the Dean of Students may be appealed to the Vice President (or designee).

**D. Appeal Requests**

1. A written request shall be submitted to the Office of Student Rights and Responsibilities or University Housing within five (5) business days after the student is notified of the initial hearing decision.
2. The request shall state the reason(s) for appeal (see numeral 3 below), the supporting facts, and the recommended way to correct the error.
3. Appeals are not opportunities for full re-hearings of cases already decided. Appeal considerations are limited to:
  - a. Due process errors involving violations of a responding party's fundamental due process rights or a reporting party's rights (see "Procedures") that substantially affected the outcome of the initial hearing.
  - b. Demonstrated prejudice against any party by the person presiding over the hearing. Such prejudice must be evidenced by a conflict of interest, bias, pressure, or influence that precluded a fair and impartial hearing.
  - c. Newly discovered, relevant information that was not reasonably available at the time of the original hearing and that would have substantially affected the outcome of the original hearing.
  - d. A sanction that is extraordinarily disproportionate to the violation committed.
  - e. The preponderance of the evidence presented at the hearing does not support the finding with regard to responsibility. Appeals based on this consideration will be limited solely to a review of the record of the first-level hearing, except newly discovered evidence under sub-bullet 3(c) above may also be considered.

**E. Appellate Review**

1. Will involve an initial file review by the appellate officer. The appellate officer may make a determination based solely on this review. The outcome of the file review may become the official decision (see "Appellate Recommendations and Decision").
2. If the appellate officer determines a need for additional information, that officer may request written materials and/or an appeal meeting with the responding party and/or reporting party (see numerals 3-7 below).
3. If deemed necessary, an appeal meeting will be scheduled within ten (10) business days of receiving the written request for appeal.
4. If deemed necessary, an appeal meeting will involve speaking with the responding party and/or reporting party and any witnesses called by either party; the appellate officer may determine whether there is a need to call any further witnesses or gather additional information.
5. An appeal meeting will be audio recorded; this recording will serve as the official record of the meeting.
6. The responding party and/or reporting party will be afforded the opportunity to bring an advisor to the appellate meeting.
7. All appellate meetings will be fair and impartial. The responding party and/or reporting party may submit a written challenge to the impartiality of any appellate officer to the Office of Student Rights and Responsibilities or University Housing.

8. If the responding party and/or reporting party fails to appear at the scheduled appeal meeting after proper notice or otherwise fails to cooperate with the Student Conduct Code process, the meeting may still be held in their absence.
9. During an appeal period, any action that would have gone into effect as a result of a first-level decision is placed on hold until the full conclusion of the appellate process. Discretion is provided to the appropriate Student Conduct Authority if the immediate health and safety needs of a community may require a modification of this expectation.

**F. Appellate Recommendations and Decisions**

1. The appellate officer may recommend to affirm, modify, or reverse the first-level decision; or order that a new hearing be held. The appellate officer may not modify or reverse a finding of "not responsible," but may recommend that the finding be set aside and a new hearing be held.
2. All appellate recommendations are transmitted to the Vice President. The Vice President (or designee) has the right to affirm, modify, or reverse the recommendation, or to order a new hearing.
3. The final decision is communicated in writing within fifteen (15) business days of an appellate hearing. This time period may be extended if necessary for consideration of the record on appeal.
4. Once approved by the Vice President (or designee), appellate recommendations become final agency action. Final agency action decisions may be appealed by writ of certiorari to the Second Judicial Circuit in and for Leon County, Florida.
5. Except in the case of an interim disciplinary action pursuant to Section (5) below, the responding party's status will remain unchanged until the appellate process is final.

**IV. Records**

**A. Records Maintenance**

Records of all student conduct cases will be maintained in the Office of Student Rights and Responsibilities or in University Housing. Records which result in a finding of not responsible or result in suspension or a less severe sanction shall be destroyed in compliance with Florida Public Records law. Dismissal records shall be permanently retained as official records, unless the student is readmitted and successfully completes a degree, at which point the record should be removed five years beyond the date of readmission. Expulsion records shall not be removed from the official files under any circumstances. Any records kept beyond this limit is for statistical purposes will not be considered or released as official student conduct records.

**B. Release of Records**

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

**C. Copies of Records**

1. Recordings of hearings may be reviewed at the Office of Student Rights and Responsibilities. The Office of Student Rights and Responsibilities may require the reviewer to sign a confidentiality agreement as a condition of the review. Copies of recordings are not available unless all parties and witnesses have provided written confidentiality waivers.
2. Transcripts of recorded hearings will not be prepared by the University. Any person desiring a transcript of a recorded hearing 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.

**V. Interim Disciplinary Action**

Based upon a student's alleged behavior, the Vice President, the Dean of Students, (or their designee(s)) may impose an interim disciplinary action prior to the initiation of formal charges under the Student Conduct Code or to a student's hearing on the facts of the case.

1. When the student's actions /behaviors affect the safety, health, or general welfare of a student and/or the University community, an interim disciplinary action may also include prohibiting the student from being on University property, attending classes, attending programs and activities, and using University facilities.
2. The interim disciplinary action may include notification of appropriate faculty and staff, and restrictions including but not limited to, suspension, limited class attendance, use of University facilities, participation in student activities, representation of the University on athletic teams or in other leadership positions, entrance into University residence halls or other areas controlled, leased or used by the University, or contact with specified person(s).
3. An interim disciplinary action requires that the student be notified in writing. Various forms of correspondence (e.g., in-person delivery, certified mail, electronic) may be used to communicate the interim action.
4. Interim disciplinary action does not supplant the student conduct process, which shall proceed on normal schedule and follow established procedures noted in the Code.
5. The student may request a challenge of the interim disciplinary action to address the restrictions imposed. The student's challenge must be in writing to the Dean of Students. The scope of a challenge is limited to whether or not the interim disciplinary action should continue. The burden falls on the responding party to demonstrate why the interim disciplinary action should be modified.
6. If a challenge is requested on the interim disciplinary action, a meeting will be scheduled within three (3) business days of the receipt of a written request. The Dean of Students (or designee) will conduct the meeting.
7. The student is afforded the right to have an advisor present at this meeting. The student is required to address the Dean of Students (or designee) in person, on their own behalf, although they may consult with their advisor during the meeting. This consultation must take place in a manner that does not disrupt the proceedings. The advisor shall not speak on behalf of the student unless expressly authorized to do so by the administrator conducting the meeting. The responding party, reporting party, and any witnesses shall provide the advisor's name in writing to the Office of Student Rights and Responsibilities or University Housing two (2) business days prior to the meeting. The advisor may not serve as a witness.
8. The student may present any information during the challenge of the interim disciplinary action. The presentation of witnesses is at the discretion of the administrator conducting the meeting.
9. The student will be notified of the outcome of the meeting in writing. The written notification of the outcome is final as to the interim disciplinary action, pending the final results of the Student Conduct Code process. In the event there is a reporting party involved, said individual will be informed of the outcome of an interim disciplinary action challenge.
10. Formal student conduct charges may be filed at the completion of all law enforcement and relevant University investigations or as soon as practicable, even if law enforcement investigations or criminal proceedings are ongoing.

Specific Authority BOG Regulations 1.001(3) (a), (j), and (4) (a), 6.0105.

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

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