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## Conduct Code

The FSU Student Conduct Code has been revised as of May 9, 2007. The following version applies to all incidents that occurred on or after May 9, 2007.

### 1. Introduction

The Student Conduct Code applies the principles found in the "Statement on Values and Moral Standards at Florida State University" by promoting responsible freedom for all students. Responsible freedom is exercised when actions are directed by ethical standards. This Code seeks to apply the principle of responsible freedom as it guides the conduct of Florida State University students. Moreover, the Code operates as a vehicle for informing students about their rights and responsibilities while reinforcing the development of ethical standards that make responsible freedom possible. The "Statement of Values and Moral Standards at Florida State University" is found in the current FSU Student Handbook, which is incorporated herein by reference.

### 2. Scope

Florida State University jurisdiction regarding discipline is generally limited to conduct of any student or registered student organization that occurs on Florida State University premises. In addition, the University reserves the right to impose discipline based on any student conduct, regardless of location, when that conduct may adversely affect the University community or its international programs. The University further reserves the right to restrict contact with specified people.

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 Student Conduct Code applies to student conduct and will not be used to discipline the lawful expression of ideas. Specific restrictions on time and place of meetings and assemblies are found in Ogleby Union and other University rules, regulations, or policies.

The processes for adjudicating violations of state and federal law and violations of the Student Conduct Code are separate and may be pursued independently and simultaneously.

### 3. Authority

(a) Authority for student discipline ultimately rests with the President and the Board of Trustees, who delegates this authority to the Vice President for Student Affairs. The Vice President delegates this authority to the Dean of Students and to the Director of University Housing. Under the direction of the Dean of Students and the Director of University Housing, the Associate Deans of Students, the Assistant Dean of Students/Director of Student Rights and Responsibilities, resident directors/program leaders of international programs and appropriate University Housing staff are responsible for implementing the student disciplinary system. Either the President, the Vice President, the Dean of Students (or their designee), or resident directors/program leaders in international programs may take direct jurisdiction of any case due to the inability 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. The Vice President for Student Affairs and the Dean of Students have the authority to designate individuals as hearing or appellate officers when appropriate.

(b) The Vice President (or designee) also has the authority to notify the person listed as the student's emergency contact (or other appropriate person) in case of an emergency involving that student.

(c) All hearing bodies have the authority to consult with other appropriate University officials in order to resolve a Student Conduct Code case effectively.

(d) Decisions of all the Student Judicial Boards and Greek Judicial Boards are considered recommendations to the Director of Student Rights and Responsibilities (see (g) below).

(e) Decisions of administrative hearing panels are recommendations to an Associate Dean of Students, or the designee of the Dean of Students (see (g) below).

(f) Decisions of the Housing Judicial Board(s) are recommendations to the Assistant Director of Housing, or the designee of the Director of Housing (see (g) below).

(g) All recommended disciplinary decisions must be approved in writing by the appropriate administrator (or designee) and only then will be communicated to the student. (See c - f above.) The appropriate administrator may adopt or amend the recommended decision, or order a new hearing. Prior to amending or ordering a new hearing, the administrator will confer with the appropriate hearing body. Upon approval, the recommended decision becomes a first-level disciplinary action.

(h) Decisions of all other hearing bodies constitute first-level disciplinary actions.

(i) If a first-level disciplinary action is not appealed, that decision becomes final agency action.

(j) Appellate bodies are listed in Section 10, Appeals. Appellate decisions are considered recommendations to the Vice President for Student Affairs and become final agency action upon approval by the Vice President (or designee).

## 4. Definitions

### (a) Advisor

The term "advisor" means any one person chosen by the charged student, victim, or any witness to assist throughout the disciplinary process, unless service in this capacity would reasonably conflict with the fair application of the judicial process as determined by the Director (or designee) of the Office of Student Rights and Responsibilities.

### (b) Charged Student

The term "charged student" means any student who has been formally charged with an alleged violation of the Student Conduct Code.

### (c) Class Day

The term "class day" means any day that either classes or final exams are scheduled.

### (d) Hearing Body

The term "hearing body" means any person or persons authorized by the Dean of Students or Director of University Housing to conduct hearings to determine whether a student has violated the Student Conduct Code and to impose sanctions.

### (e) 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.

### (f) 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 Student Handbook, the Directory of Classes, the Guide to Residence Living and other written regulations and rules for departments, organizations, and clubs.

### (g) Preponderance of the Evidence

"Preponderance of the evidence" means that the evidence, as a whole, shows that the fact sought to be proved is more probable than not. This is the standard used in adjudicating all disciplinary cases within this Student Conduct Code.

### (h) 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.

### (i) Student Defender

The term "Student 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 the charged student under the authority of FSU Regulation 6C2R-3.006.

### (j) Student Organization

The term "student" also means any student organization that is officially recognized by the University.

### (k) University

The term "University" and "University properties" means Florida State University, including the main campus, all property leased, used or controlled by the University, all branch campuses, facilities and University international programs. 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.

### (l) University Community

The term "University community" includes any person who is a student, faculty member, University official, visitor, volunteer, representative of the University, or any other person employed by the University. (m) University Official. The term "University official" means any person employed by the University to perform assigned teaching, research, administrative, professional or other responsibilities.

## 5. Offenses

The following offenses, or the aiding, abetting, or inciting of, or attempting to commit these offenses, constitute violations of the Student Conduct Code.

### **(a) Sexual Misconduct**

1. Any sexual act that occurs without the consent of the victim, or that occurs when the victim is unable to give consent.
2. Obscene or indecent behavior, which includes, but is not limited to, exposure of one's sexual organs or the display of sexual behavior that would reasonably be offensive to others.
3. Conduct of a sexual nature that creates an intimidating, hostile, or offensive environment for another person. This includes unwanted, unwelcome, inappropriate, or irrelevant sexual or gender-based behaviors, actions or comments.

### **(b) Endangerment**

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

### **(c) Harassment**

1. Conduct, (not of a sexual nature), that creates an intimidating, hostile, or offensive environment for another person.
2. Action(s) or statement(s) that threaten harm or intimidate another.
3. Acts that invade the privacy of another person.
4. Stalking, defined as: to follow or otherwise contact another person repeatedly, so as to put that person in fear for his or her life or personal safety.

### **(d) Hazing**

Any group or individual action or activity that inflicts or intends to inflict physical or mental harm or discomfort or which may demean, disgrace, or degrade any person, regardless of location, intent, or consent of participant(s). Although hazing is related to a person's initiation or admission into, or affiliation with, any student group or organization, it is not necessary to have direct proof that a person's initiation or continued membership is contingent upon participation in the activity for a charge of hazing to be upheld. The actions of either active, associate, new and/or prospective members of an organization may be considered hazing. Hazing includes, but is not limited to:

1. Interference with a student's academic performance.
2. Forced consumption of food, alcohol, drugs, or any other substance.
3. Forced physical activity, such as calisthenics.
4. Deprivation of food or sleep.
5. Kidnapping.
6. Any activity that would subject the individual to embarrassment or humiliation.

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

### **(e) Weapons**

1. On-campus possession or use of firearms, explosives, or other weapons or dangerous articles or substances, including non-lethal weapons such as pellet guns, or the use of any item as a weapon. Note: This rule does not apply to any student law enforcement officer 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.
2. Off-campus, illegal possession or use of firearms, explosives, or other weapons or dangerous articles or substances.

### **(f) Fire and Safety**

1. Inappropriate activation of any emergency warning equipment or the false reporting of any emergency.
2. Illegal possession, or removal of, damage to, or tampering with fire safety or other emergency warning equipment.
3. Failure to evacuate a University building or facility when a fire alarm is sounded.
4. Arson: defined as setting fire to property.

### **(g) Alcohol and Illegal Drugs**

1. Possession or use of illegal drugs. Copyright © 2006 The Florida State University. All Rights Reserved. [Email Us](#)
2. Purchase, distribution, delivery, or sale of illegal drugs.
3. Possession or use of drug paraphernalia.
4. Possession or consumption of alcohol when under the age of 21 as specified by the State of Florida .
5. Providing alcoholic beverages to an individual who is under the age of 21 as specified by the State of Florida .
6. Driving while under the influence of alcohol or any illegal substances.
7. Intoxicated behavior.
8. Any other violation of the FSU Alcohol Policy, Rule 6C2-6.012, F.A.C.

### **(h) Disruption**

1. Failure to comply with a lawful order of a University official or any non-University law enforcement official.
2. Provides false information to a University official or to a non-University law enforcement official, including disciplinary hearing bodies.
3. 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.
4. Commercial solicitation on campus without prior approval from University officials.
5. Acts that disrupt the University disciplinary process, including attempting to coerce or influence a person regarding their participation in any disciplinary proceeding.

### **(i) Identification**

1. Permits another person to use his or her identification.
2. Inappropriate use of another person's identification.
3. Impersonation, or misrepresenting the authority to act on behalf of another or the University.
4. Forgery, alteration, or misuse of identification, documents, records, keys, or access codes.
5. Manufacture, distribution, delivery, sale, purchase, possession, or use of false identification.

### **(j) Property**

1. Damage or destruction of public or private property.
2. Theft - without authorization removes or uses the property or services of another person or of the University.
3. Possession, sale, or purchase of property or services that are known or reasonably, under the circumstances, should have been known to have been stolen.
4. Enters or uses the property or facilities of the University or of another person without the proper consent or authorization.

### **(k) Computers**

1. Unauthorized access or entry into a computer, computer system, network, software, or data.
2. Unauthorized alteration of computer equipment, software, network, or data.
3. Unauthorized downloading, copying, or distribution of computer software or data.
4. Any other act that violates Florida law or the Florida State University Policies And Responsibilities For Use Of Campus Computer And Network Resources, which is hereby adopted by reference.

### **(l) Gambling**

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

### **(m) Other Violations**

1. Violation of Federal or State law or local ordinance.
2. Violation of Florida Board of Education or Board of Governors Rule.
3. Aids or abets any other violation of Federal law, State law, or local ordinance.
4. 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 Student Handbook, the official FSU website, Student Activities and Organizational Policies (Student Organizational Manual or other University policies and Student Organization Advisor's Manual), all of which are hereby adopted by reference or other University policies directly related to departments, organizations or clubs.

## **6. Students' Rights**

### **(a) Notice**

Students will be given clear and complete written notice of the Student Conduct Code charge(s) and the allegations upon which the charge(s) is/are based.

### **(b) Hearing**

Students will be given an opportunity to present information, including witness testimony, during a fair and impartial hearing.

(A more complete description of the procedures utilized to implement these rights is found in Section (7), Procedures.)

## **7. Procedures**

Introduction. The Office of Student Rights and Responsibilities 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 appropriate laws and administrative rules. The procedures implemented by these offices will be consistent with all appropriate due process rights accorded to students in University disciplinary decisions.

### **(a) Charges**

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

1. 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.
2. Providing a signed statement to the Office of Student Rights and Responsibilities or University Housing. All information will then be reviewed by an appropriate staff member in the Office of Student Rights and Responsibilities or University Housing to determine whether Student Conduct Code charges will be filed or if alternative action, including mediation, is appropriate. When possible, reports should be submitted to either law enforcement or the appropriate administrator in a timely manner.

### **(b) Notice**

The written notice given to any charged student will include the following:

1. Sufficient detail to prepare a defense (including source of information, alleged offense, and specific Student Conduct Code charges).
2. An invitation to attend an information session, during which the student will view all materials related to the case, receive instruction regarding the disciplinary process and the student's rights, and confirm the forum in which the case will be heard.
3. Notice of a formal hearing will occur at least five class days prior to the adjudication of the case. Informal hearings will be scheduled at the convenience of the charged student and the hearing body.
4. Parent(s) of any student under the age of eighteen at the time of the alleged offense may also be notified of pending charges.
5. The Office of Student Rights and Responsibilities or University Housing may place a judicial hold on the records and registration of any student who fails to address the Student Conduct Code charges in a timely manner. Any pending judicial 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.
6. The address on file with the University Registrar's Office will be used for all disciplinary notices sent to the student.

### **(c) Hearing**

Hearings will follow these guidelines:

1. All hearings will be fair and impartial and will use a reasonable person standard when assessing whether the information presented constitutes a preponderance of the evidence.

A charged student may submit a challenge to the impartiality of any member of a hearing body to the Office of Student Rights and Responsibilities or the hearing body.

2. A charged student will have the opportunity to present evidence on his or her behalf, including presenting witnesses and/or signed, written statements.
3. The charged student, victim, and any witnesses may be accompanied during the hearing by an advisor (see Section (4)(a)). According to Rule 6C2-3.006, F.A.C., the Student 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 charged student, victim, or any witnesses shall provide the advisor's name in writing to the Office of Student Rights and Responsibilities or University Housing two class days prior to the hearing. The advisor may not serve as a witness.
4. A student may choose not to answer any and all questions posed by a hearing body. This protection from self-incrimination does not extend to student organizations.
5. The burden of proof at a first-level hearing always rests with the University. The standard of proof will be the preponderance of the evidence, meaning that the evidence, as a whole, shows that the fact sought to be proved is more probable than not.
6. All individual hearings will be conducted in private. If the charged student wants to have the hearing open, the charged student 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 class days prior to the hearing. Charges involving alleged sexual misconduct will not be heard in public without prior written consent of all victims. After receiving the consent of all victims in the case, the Director of the Office of Student Rights and Responsibilities may open the hearing to the public.
7. All hearings for student organizations will be public. The Director of Student Rights and Responsibilities (or designee) reserves the right to limit the number of attendees.
8. All hearing decisions will be communicated in writing to the charged student and will include the findings of fact, determination of responsibility, and sanctions imposed (if applicable).
9. Appropriate witnesses will be called by the University to all formal hearings (see (d) below for a description of formal versus informal hearings). Those witnesses who appear may be cross-examined by the charged student. 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 charged student to all hearings.
10. If the charged student fails to appear at the scheduled hearing (after proper notice), the hearing may be held in the charged student's absence.
11. Prior records of disciplinary action and victim impact statements are considered by the hearing body only in the sanctioning phase of deliberations.
12. 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 charged student and the student has 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).
13. To request the cancellation of a previously scheduled formal hearing, the charged student must submit a written statement to the Office of Student Rights and Responsibilities five class days prior to the hearing date. At the discretion of the Director of Student Rights and Responsibilities (or designee), the hearing may be rescheduled or conducted in the charged student's absence.

#### **(d) Types of Hearings**

Two distinct types of hearings (informal and formal) are provided for by the Student Conduct Code. Informal hearings typically can be scheduled more quickly than formal hearings and are usually better suited to cases involving fewer questions of fact. Formal hearings may be more appropriate for cases involving more serious alleged violations of the Student Conduct Code.

##### **1. Formal Hearings:**

- a. Require the hearing body to call appropriate witnesses to provide information in support of the charges.
- b. Will be held no sooner than five class days after notice is received by the charged student. The student may submit a written request to hold the hearing before the five days. The request will be considered by the Office of Student Rights and Responsibilities.
- c. Will be audio recorded. This recording will serve as the official record of the proceedings.
- d. A formal decision letter will be sent to the student within ten class days from the conclusion of the hearing process. This time limit may be extended if additional consideration of evidence and deliberation is required.
- e. The following order of presentation is recommended for use in formal hearings. The hearing body may change the order if necessary.

1. Presentation of formal charges.
2. Opening statement by the University, followed by the opening statement of the charged student.
3. Presentation of evidence and witnesses by the University, followed by questioning of those witnesses by the hearing body and the charged student. Witnesses are then dismissed.
4. Presentation of evidence and witnesses by the charged student, followed by questioning of those witnesses by the charged student and the hearing body. Witnesses are then dismissed.
5. Questions directed to the charged student by the hearing body.
6. Closing statement by the University, followed by the closing statement of the charged student.

## 2. Informal hearings:

- a. 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 charged student will be informed of any additional information gathered by the hearing body. The charged student may call witnesses and present evidence.
- b. Are scheduled at the convenience of both the charged student and the hearing body.
- c. Brief written decisions (including findings of fact) will serve as records of informal hearings and will be communicated within ten class days of the hearing body's final meeting with the student. This time limit may be extended if additional consideration of evidence and deliberations are required.
- d. The hearing may be audio recorded at the discretion of the hearing body.

## (e) Hearing Bodies and Authorities

Any specific procedures used by hearing bodies will comply with the requirements of this Student Conduct Code. The range of available hearing bodies may differ on branch campuses or International Programs.

1. The Director of Student Rights and Responsibilities (and designee(s)) may conduct both informal and formal hearings on individual or student organization cases.
2. A hearing officer designated by the Dean of Students may conduct both informal and formal hearings on individual or student organization cases.
3. The Dean of Students may conduct both informal and formal hearings on individual or student organization cases.
4. The Student Judicial Board may conduct both informal and formal hearings on individual or student organization cases.
5. An Administrative Hearing Panel may conduct formal hearings on individual or student organization cases. Panels are composed of one faculty member, one staff member, both designated by the Dean of Students (or designee), and two Student Judicial Board members. In times of limited student availability, panels may proceed with one Student Judicial Board member.
6. Greek Judicial Boards may conduct both informal and formal hearings regarding cases of Greek organizations alleged violations of the Student Conduct Code. The boards may also provide information regarding individual cases related to a student organization case that is being heard to the Office of Student Rights and Responsibilities.
7. 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.
8. University Housing Judicial Board(s) may conduct formal hearings regarding cases arising in University Housing in which the charged student is a resident of University Housing.

## (f) Choice of Hearing Type and Hearing Body

Students may typically choose both the hearing type and the hearing body to adjudicate their case subject to the restrictions stated in (7)(d) above. Further restrictions to that choice include:

1. 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).
2. When two 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.
3. The Dean of Students or Director of University Housing (or designee) reserves the right to choose the appropriate hearing type and body for other administrative or case related reasons.

4. During time periods in which any of the hearing bodies are not officially constituted, the Dean of Students or Director of University Housing (or designee) may choose an appropriate alternative as the hearing body.

## 8. Victims' Rights

A victim has the right to have his or her unrelated past behavior excluded from the hearing. The hearing body will decide if such information is unrelated. The past sexual history of the victim is not considered relevant, unless deemed necessary by the hearing body. At least two class days prior to the scheduled hearing, victims must notify the Director of the Office of Student Rights and Responsibilities or University Housing if they wish to exercise any of the following rights listed in this section.

### (a) Rights

1. To have an advisor (see Section (4)(a)) accompany him/her when presenting information to the hearing body and to any other relevant meetings held throughout the disciplinary process.
2. To submit a victim impact statement to the Office of Student Rights and Responsibilities or University Housing. This information will be used only in the sanctioning phase of deliberations, if the charged student is found responsible for the charge(s). The charged student may request to view the victim impact statement. The request will be considered by the Director of Student Rights and Responsibilities or University Housing in consultation with the victim.
3. To submit questions to the hearing body. The hearing body will then consider posing those questions to the charged student.
4. At the request of victims in cases involving sexual misconduct, physical violence, or stalking charges, the victim may request to testify in a separate room from the charged student so long as the process does not unduly compromise the charged student's right to question the witness.
5. The victim may request to be present throughout the entire hearing, or portions thereof. This option will be considered by the hearing body.
6. To be notified of the status and final outcome of the disciplinary process.

## 9. Sanctions

(a) 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 incur a financial cost.

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 another 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 years. This may include restricted access to campus and/or other specified activities.
11. Dismissal - Separation from the University for an indefinite period of time. Readmission is possible but not guaranteed and will only be considered after two years 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 disciplinary action was taken. This sanction may be applied only in cases in which the student has been permanently separated from the University.

15. Restrictions on contact with specified people.

(b) The following sanctions may be imposed upon groups or organizations found to have violated the Student Conduct Code:

1. Those sanctions listed in Section (9)(a) Suspension, Dismissal, or Expulsion of student organizations includes loss of recognition status.

2. **Additional sanctions specific to student organizations are found in Greek and other organizational constitutions and in Oglesby Union and Student Activities Center's policies, which are hereby incorporated by reference.**

3. In the instance when a sanction issued by the National or other governing bodies exceeds that of the University, the University may concur with that sanction.

(c) 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.

(d) If a student does not complete a sanction by the required deadline, a hold may be placed on the student's record.

## 10. Appeals

An appeal may be requested on any first-level decision, provided that one or more of the reasons for appeal listed in (10)(c) is relevant to the case. On appeal, the burden of proof rests with the student to show clearly that an error 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 for Student Affairs (or designee).

### (a) Appellate Bodies

1. Recommended decisions of the Student Judicial Board may be appealed to the Dean of Students (or designee).

2. Recommended decisions of Greek Judicial Boards may be appealed to the Dean of Students (or designee).

3. Recommended decisions of the Housing Judicial Board may be appealed to the Director of University Housing (or designee).

4. Recommended decisions of Administrative Hearing Panels may be appealed to the Dean of Students (or designee).

5. Decisions of the Director of Student Rights and Responsibilities (and designees) may be appealed to the Dean of Students (or designee).

6. Decisions of other hearing officers appointed by the Dean of Students may be appealed to the Dean of Students (or designee, including a panel).

7. Decisions of hearing officers appointed by the Director of University Housing may be appealed to the Director of University Housing (or designee).

8. Decisions of the Dean of Students may be appealed to the Vice President for Student Affairs (or designee).

### (b) Appeal Requests

1. A written request shall be submitted to the Office of Student Rights and Responsibilities or University Housing (see Section (a)) within five class days after the student is notified of the initial hearing decision.

2. The request shall state the reason(s) for appeal (see (c) below), the supporting facts, and the recommended way to correct the error.

### (c) Appeal Considerations are Limited to:

1. Due process errors involving violations of a charged student's rights (see Section (6)) that substantially affected the outcome of the initial hearing.

2. 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.

3. New information that was not available at the time of the original hearing.
4. A sanction that is extraordinarily disproportionate to the offense committed.
5. The preponderance of the evidence presented at the hearing does not support a finding of "responsible". Appeals based on this consideration will be limited solely to a review of the record of the first-level hearing.

#### **(d) 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 Section (e) below regarding appellate decisions).
2. If the appellate officer determines a need for additional information, he/she may request written materials and/or an appeal hearing with the charged student (see sections 3-7 below).
3. If deemed necessary, an appeal hearing will be scheduled within  
ten class days of receiving the written request for appeal.
4. If deemed necessary, an appeal hearing will involve hearing the charged student and any witnesses called by the student; the appellate officer may determine whether he/she needs to call any further witnesses or gather additional information.
5. An appeal hearing will be audio recorded; this recording will serve as the official record of the hearing.
6. The charged student will be afforded the opportunity to bring an advisor to the appellate hearing. (See section (7)(c)3 regarding the role of an advisor.)
7. All hearings will be fair and impartial. A student may submit a written challenge to the impartiality of any appellate officer to the Office of Student Rights and Responsibilities or University Housing.

#### **(e) Appellate Decisions**

1. The appellate officer may affirm, modify, or reverse the first-level decision, or order that a new hearing be held.
2. All decisions are recommended to the Vice President for Student Affairs. The Vice President (or designee) has the right to affirm, modify, or reverse the recommended decision, or to order a new hearing.
3. All decisions are communicated in writing within fifteen class 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 decisions become final agency action. Final agency action decisions may be appealed to the First District Court of Appeals.
5. Except in the case of an immediate suspension, the student's status will remain unchanged until the resolution of the University appellate process.

### **11. Records**

(a) Records of all disciplinary 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 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 these limits for statistical purposes will not be considered or released as official disciplinary records.

(b) A student's prior disciplinary record will only be considered during the sanctioning phase of deliberations, and will not be considered prior to a determination of responsibility.

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

### **12. Interim Disciplinary Action**

Based upon a student's or student organization's (see Section 4(j)) alleged behavior, the Vice President for Student Affairs, the Dean of Students, (or their designee(s)) may impose an interim disciplinary action prior to a student's hearing on the facts of the case.

(a) 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.

(b) 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).

(c) An interim disciplinary action requires that the student be notified in writing.

(d) The University or the student may request a meeting to discuss the restrictions imposed by the interim disciplinary action. The student's request must be in writing to the Dean of Students.

(e) If a meeting is requested on the interim disciplinary action, a meeting will be scheduled within three class days of the receipt of a written request. The Dean of Students (or designee) will conduct the meeting. 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 disciplinary hearing.

(f) Formal disciplinary charges may be filed at the completion of all law enforcement investigations or as soon thereafter as possible.

**The following version of the FSU Student Conduct Code applies to all incidents that occurred prior to May 9, 2007.**

## The FSU Student Conduct Code - OLD

### 1. Introduction

The Student Conduct Code applies the principles found in the "Statement on Values at Florida State University" by promoting responsible freedom for all students. Responsible freedom is exercised when actions are directed by ethical standards. This Code seeks to apply the principle of responsible freedom as it guides the conduct of Florida State University students. Moreover, the Code operates as a vehicle for informing students about their rights and responsibilities while reinforcing the development of ethical standards that make responsible freedom possible. The "Statement of Values at Florida State University is found in the 1998/1999 FSU Student Handbook", which is incorporated herein by reference.

### 2. Scope

Florida State University jurisdiction regarding discipline is generally limited to conduct of any student or registered student organization that occurs on Florida State University premises. However, the University reserves the right to impose discipline based on any student conduct, regardless of location, that may adversely affect the University community and its international programs.

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 Student Conduct Code applies to student conduct and will not be used to discipline the lawful expression of ideas. Specific restrictions on time and place of meetings and assemblies are found in Oglesby Union and other University policies.

The processes for adjudicating violations of state and federal law and violations of the Student Conduct Code are separate and may be pursued independently of one another.

### 3. Authority

(a). Authority for student discipline ultimately rests with the University President. The President delegates this authority to the Vice President for Student Affairs, and the Vice President delegates this authority to the Dean of Students and to the Director of University Housing. Under the direction of the Dean of Students and the Director of University Housing, the Associate Dean of Students, the Assistant Dean of Students, Director of Student Rights and Responsibilities, resident directors of international programs and appropriate University Housing staff are responsible for implementing the student disciplinary system. Either the President, the Vice President, the Dean of Students or resident directors in international programs may take direct jurisdiction of any case due to the inability of the appointed hearing officer to serve, or when it is determined by the immediate circumstances that taking direct jurisdiction is in the best interests of the University.

(b). The Vice President (or designee) also has the authority to notify the person listed as the student's emergency contact (or other appropriate person) in case of an emergency involving that student.

(c). All hearing bodies have the authority to consult with other appropriate University officials in order to effectively resolve a Student Conduct Code case.

(d). Decisions of the Student Conduct Board, Interfraternity Council Judicial Board, National Pan-Hellenic Council Judicial Board, and Panhellenic Judicial Board are considered recommendations to the Director of Student Rights and Responsibilities.

(e). Decisions of administrative hearing panels are recommendations to the Associate Dean

of Students.

(f). Decisions of the Housing Judicial Board(s) are recommendations to the Assistant Director of Housing.

(g). All recommended disciplinary decisions must be approved in writing by the appropriate administrator or designee and only then will be communicated to the student. (See c - f above.) The appropriate administrator may adopt or amend the recommended decision, or order a new hearing. Upon approval, the recommended decision becomes a first-level disciplinary action.

(h). Decisions of all other hearing bodies constitute first-level disciplinary actions.

(i). If a first-level disciplinary action is not appealed, that decision becomes final agency action.

(j). Appellate bodies are listed in Section 10, Appeals. Appellate decisions are considered recommendations to the Vice President for Student Affairs and become final agency action upon approval by the Vice President or designee.

## 4. Definitions

### A. University

The term "University" means Florida State University, including the main campus, all of its branch campuses and university international programs. 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.

### B. 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, 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. Students enrolled in the College of Law are subject to the Student Conduct Code within the College of Law. Rule 6C2-2.045, F.A.C. 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. The term "student" also means any student organization that is officially registered with the University.

### C. University Community

The term "university community" means any person who is a student, faculty member, University official, or any other person employed by the University.

### D. 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.

### E. University Official

The term "university official" means any person employed by the University to perform assigned teaching, research, administrative, professional or other responsibilities.

### F. Charged Student

The term "charged student" means any student who has been formally charged with an alleged violation of the Student Conduct Code.

### G. Advisor

The term "advisor" means any one person chosen by the charged student or the alleged victim to assist him/her throughout the disciplinary process. 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. If an attorney is to be the advisor, the Office of Student Rights and Responsibilities shall be notified two class days prior to the hearing.

### H. Hearing Body

The term "hearing body" means any person or persons authorized by the Dean of Students or Director of University Housing to conduct hearings to determine whether a student has violated the Student Conduct Code and to impose sanctions.

### I. Preponderance of Evidence

"Preponderance of evidence" means that the evidence, as a whole, shows that the fact sought to be proved is more probable than not. This is the standard used in adjudicating all disciplinary cases within this Student Conduct Code.

### J. Student Defender

The term "Student 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 the charged student under the authority of Rule 6C2-3.006, F.A.C.

### K. Policy

The term "policy" means the written regulations of the University as found in, but not limited to, the Student Conduct Code, the General Bulletin, The Student Handbook, the Directory of Classes, the Guide to Residence Living and other written regulations and rules for departments, organizations and clubs.

## L. Student Conduct Board

The Student Conduct Board is a body of students jointly selected by the Office of Student Rights and Responsibilities(SRR) and the Student Government Association to review student conduct violations. This Board is trained and overseen by the Office of Student Rights and Responsibilities and Responsibilities. Only current students who are actively enrolled at the University, in good academic and disciplinary standing and subject to this Student Code of Conduct are eligible to serve on this Board.

## M. Class Days

The term "class days" means any day that either classes or final exams are scheduled.

## 5. Offenses

The following offenses, or the aiding, abetting, or inciting of, or attempting to commit these offenses, represent violations of the Student Conduct Code.

### (a). Sexual Misconduct

1. Any sexual act that occurs without the consent of the victim, or that occurs when the victim is unable to give consent.
2. Obscene or indecent behavior, which includes, but is not limited to, exposure of one's sexual organs or the display of sexual behavior that would reasonably be offensive to others.
3. Conduct of a sexual nature that creates an intimidating, hostile, or offensive campus, educational, or working environment for another person. This includes unwanted, unwelcome, inappropriate, or irrelevant sexual or gender-based activities or comments.

### (b). Endangerment

1. Physical violence towards another person or group.
2. Action(s) that endanger the health, safety, or well-being of another person or group.
3. Action(s) that serve the purpose of endangering one's own health or safety.
4. Interference with the freedom of another person to move about in a lawful manner.

### (c). Harassment

1. Conduct, (not of a sexual nature), that creates an intimidating, hostile, or offensive campus, educational or working environment for another person.
2. Action(s) or statement(s) that threaten harm or intimidate another.
3. Acts that invade the privacy of another person.
4. Stalking, defined as: to follow or otherwise contact another person repeatedly, so as to put that person in fear for their life or personal safety.

### (d). Hazing

Any group or individual action or activity that inflicts or intends to inflict physical or mental harm or discomfort or which may demean, disgrace, or degrade any person, regardless of location, intent, or consent of participant(s). Although hazing is related to a person's initiation or admission into, or affiliation with, any student group or organization, it is not necessary to have direct proof that a person's initiation or continued membership is contingent upon participation in the activity for a charge of hazing to be upheld. The actions of either active or associate members (pledges) of an organization may be considered hazing. Hazing includes, but is not limited to:

1. Interference with a student's academic performance.
2. Forced consumption of any food, alcohol, other drugs, or any other substance.
3. Forced physical activity, such as calisthenics.
4. Deprivation of food or sleep.
5. Kidnapping.
6. Any activity that would subject the individual to embarrassment or humiliation.

Please refer to the Florida State University Hazing Policy in the 1998/1999 FSU Student Handbook, for more details.

### (e). Weapons

1. On-campus possession or use of firearms, explosives, or other weapons or dangerous articles or substances, including non-lethal weapons such as pellet guns, or the use of any item as a weapon. Note: This rule does not apply to any student law enforcement officer 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.
2. Off-campus, illegal possession or use of firearms, explosives, or other weapons or dangerous articles or substances.

**(f). Fire and Safety**

1. Inappropriate activation of any emergency warning equipment or the false reporting of any emergency.
2. Removal, damage, or tampering with fire safety or other emergency warning equipment.
3. Failure to evacuate a University building or facility when a fire alarm is sounded.

**(g). Illegal Drugs**

1. Possession or use of illegal drugs.
2. Distribution, delivery, or sale of illegal drugs.
3. Possession or use of drug paraphernalia.

**(h). Alcohol**

1. Possession or consumption of alcohol when under the age permitted by the State of Florida .
2. Providing alcoholic beverages to an individual who is under the age permitted by the State of Florida . Any other violation of the FSU Alcohol Policy, Rule 6C2-6.012, F.A.C.

**(i). Disruption**

1. Failure to comply with a lawful order of a University official or with the lawful order of any non-University law enforcement official.
2. Knowingly provides false information to a University official, including disciplinary hearing bodies.
3. 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.
4. Commercial solicitation on campus without prior approval from University officials.
5. Acts that disrupt the University disciplinary process, including attempting to coerce or influence a person in order to discourage their participation in any disciplinary proceeding.

**(j). Identification**

1. Permits another person to use his or her FSU-related identification. FSU-related identification includes any identification or documentation issued by the University.
2. Inappropriate use of another person's FSU-related identification.
3. Impersonation, or misrepresenting being authorized to act on behalf of another or the University.
4. Forgery, alteration, or misuse of University documents, records, or keys.

**(k). Property**

1. Damage or destruction of public or private property.
2. Theft - knowingly and without authorization removes or uses the property or services of another person or of the University. Possession or sale of property or services that are known to have been stolen.
3. Enters or uses the property or facilities of the University or of another person without the proper consent or authorization.

**(l). Computers**

1. Unauthorized access or entry into a computer, computer system, network, software, or data.
2. Unauthorized alteration of computer equipment, software, network, or data.
3. Unauthorized copying or distribution of computer software or data.
4. Any other act that violates Florida law or the Florida State University Policies And Responsibilities For Use Of Campus Computer And Network Resources(4/12/95), which is hereby adopted by reference.

**(m). Other Violations**

1. Violation of Federal or State Law or local ordinance.
2. Violation of Board of Regents Rule.
3. Aids or abets any other violation of federal law, state law, local ordinance, or the Academic Honor System.
4. Violation of any other University regulation as described in the FSU General Bulletin 1998/1999, University Housing contract University Housing Publication-Graduate (1999)/Undergraduate1999, The Guide to Residence Living (1998/1999), other University Housing publications, the FSU Student Handbook (1998 /1999), the FSU Greek Constitutions (Panhellenic and Interfraternity1999), Student Activities and Organizational Policies (Student Organizational Manual and Student Organization Advisor's Manual -1999), all of which are hereby adopted by reference or other University policies directly related to departments, organizations or clubs.

## 6. Students' Rights

### A. Notice

Students will be given clear and complete notice of the Student Conduct Code Charge and the allegations upon which the charge is based.

### B. Hearing

Students will be given an opportunity to present information, including witnesses, during a fair and impartial hearing. (A more complete description of the procedures utilized to implement these rights is found in Section (7), Procedures.)

## 7. Procedures

Procedures. Introduction. The Office of Student Rights and Responsibilities and University Housing are charged with implementing the Student Conduct Code in ways that are congruent with the FSU "Statement on Values" and with all appropriate laws and administrative rules. The procedures implemented by these offices will be consistent with all appropriate due process rights accorded to students in University disciplinary decisions.

### A. Charges

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

1. 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.
2. Providing a signed statement to the Office of Student Rights and Responsibilities or University Housing. All information will then be reviewed by an appropriate staff member in the Office of Student Rights and Responsibilities or University Housing to determine whether Student Conduct Code charges will be filed or if alternative action, including mediation, is appropriate. When possible, reports should be submitted to either law enforcement or the appropriate administrator in a timely manner.

### B. Notice

The notice given to any charged student will include the following:

1. Sufficient detail to prepare a defense (including source of information, alleged offense, and specific Code charges).
2. An invitation to attend an information session, during which the student will view all materials related to the case, receive instruction regarding the disciplinary process and the student's rights, and confirm the forum in which the case will be heard.
3. Notice of a formal hearing will occur at least seven class days prior to the adjudication of the case. Informal hearings will be scheduled at the convenience of the charged student and the hearing body.
4. Parent(s) of any student under the age of eighteen at the time of the alleged offense may also be notified of pending charges.
5. The Office of Student Rights and Responsibilities or University Housing may place a judicial hold on the records and registration of any student who fails to address the conduct code charges in a timely manner. Any pending judicial matters must be resolved prior to a student's graduation, transfer of credits to another institution, or re-enrollment at the University.
6. The address on file with the University Registrar's Office will be used for all disciplinary notices sent to the student.

### C. Hearing

Hearings will follow these guidelines:

1. All hearings will be fair and impartial and will use a reasonable person standard when assessing whether the information presented constitutes a preponderance of the evidence. A student may submit a challenge to the impartiality of any member of a hearing body at least five class days prior to the hearing.
2. A student charged with offenses will have the opportunity to present evidence on his/her behalf, including presenting witnesses and/or signed, written statements.
3. Both the charged student and any witnesses may be accompanied during the hearing by an advisor of their choice.

The advisor may be anyone the student chooses, including the Student Defender under the authority of Rule 6C2-3.006, F.A.C. The advisor may not represent the student before the hearing body; the student must speak for himself or herself. The charged student should notify the Office of Student Rights and Responsibilities of the advisor's name at least two class days prior to the hearing.

4. A student may choose not to answer any and all questions posed by a hearing body. This protection from self-incrimination does not extend to student organizations.
5. The burden of proof at a first-level hearing always rests with the University, and the standard of proof will be the preponderance of the evidence; which means that the evidence, as a whole, shows that the fact sought to be proved is more probable than not.
6. All hearings will be conducted in private. If the charged student wants to have the hearing open, the charged student must submit a written request for a public hearing to the Director of the Office of Student Rights and Responsibilities at least five class days prior to the hearing. Charges involving alleged sexual misconduct will not be heard in public without

prior written consent of all alleged victims. After receiving the consent of all alleged victims in the case, the Director of the Office of Student Rights and Responsibilities may open the hearing to the public.

7. All hearing decisions will be communicated in writing to the charged student and will include the findings of fact, the hearing decision, and sanctions imposed (if applicable).

8. Appropriate witnesses will be called by the University to all formal hearings (see "D" below for a description of formal versus informal hearings). Those witnesses who appear may be cross-examined by the charged student. 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 charged student to all formal hearings.

9. If the charged student fails to appear at the scheduled hearing (after proper notice), the hearing may be held in the charged student's absence.

10. Prior records of disciplinary action and victim impact statements are considered by the hearing body only in the sanctioning phase of deliberations.

11. 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 informal hearing, it may be used provided it is shared with the charged student and the student has 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).

(d). Types of Hearings

Two distinct types of hearings (informal and formal) are provided for by this Code. Informal hearings typically can be scheduled more quickly than formal hearings and are usually better suited to cases involving fewer questions of fact. Formal hearings may be more appropriate for cases involving more serious alleged violations of the Code.

**(1). Formal Hearings**

**(a). Require the hearing body to call appropriate witnesses to provide information in support of the charges.**

**(b). Will be held no sooner than seven class days after notice is received by the charged student.**

**(c). Will be recorded. This recording will serve as the official record of the proceedings.**

**(d). A formal decision letter will be sent to the student within ten class days from the conclusion of the hearing process. This time limit may be extended if necessary where additional consideration of evidence and deliberation is required.**

**(e). The following order of presentation is recommended for use in formal hearings. The hearing body may change the order if necessary.**

- Presentation of formal charges.

- Opening statement by the University, followed by the opening statement of the charged student.

- Presentation of evidence and witnesses by the University, followed by questioning of those witnesses by the hearing body and the charged student. Witnesses are then dismissed.

- Presentation of evidence and witnesses by the charged student, followed by questioning of those witnesses by the charged student and the hearing body. Witnesses are then dismissed.

- Questions directed to the charged student by the hearing body.

- Closing statement by the University, followed by the closing statement of the charged student.

**(2). Informal hearings**

**(a). 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 student will be informed of any additional information gathered by the hearing body. The charged student may call witnesses and present evidence.**

**(b). Are scheduled at the convenience of both the charged student and the hearing body.**

**(c). Brief written decisions (including findings of fact) will serve as records of informal hearings and will be communicated within ten class days of the hearing body's final meeting with the student. This time limit may be extended if necessary where additional consideration of evidence and deliberations are required.**

**(d). Any specific procedures used by hearing bodies will comply with the requirements of this Student Conduct Code. The range of available hearing bodies may differ on branch campuses.**

1. The Director of Student Rights and Responsibilities and designee(s) may conduct both informal and formal hearings on individual or group cases.
2. A hearing officer designated by the Dean of Students may conduct both informal and formal hearings on individual or group cases.
3. The Dean of Students may conduct both informal and formal hearings on individual or group cases.
4. The Student Conduct Board may conduct both informal and formal hearings on individual or group cases.
5. An Administrative Hearing Panel (composed of one faculty member appointed by the Dean of Students, one student appointed from the Student Conduct Board and one staff member designated by the Dean of Students) may conduct formal hearings on individual or group cases.
6. Interfraternity Council Judicial Board may conduct both informal and formal hearings regarding cases of an Interfraternity Council organization's alleged violation of the Student Conduct Code or Interfraternity Council Constitution. The Board may also provide information regarding individual cases related to a group case that is being heard to the Office of Student Rights and Responsibilities.
7. National Pan-Hellenic Council Judicial Board may conduct both informal and formal hearings regarding cases of a National PanHellenic Council organization's alleged violation of the Student Conduct Code or National Pan-Hellenic Council Constitution. The Board may also provide information regarding individual cases related to a group case that is being heard to the Office of Student Rights and Responsibilities.
8. Panhellenic Council Judicial Board may conduct both informal and formal hearings regarding cases of a Panhellenic organization's alleged violation of the Student Conduct Code or the Panhellenic Constitution. The Board may also provide information regarding individual cases related to a group case that is being heard to the Office of Student Rights and Responsibilities.
9. University Housing hearing officers (Director, Associate Director, Assistant Directors and designee) may conduct both informal and formal hearings regarding cases involving arising in University Housing in which the charged student is a resident of University Housing.
10. University Housing Judicial Board(s) may conduct formal hearings regarding cases arising in University Housing in which the charged student is a resident of University Housing.

### **(e). Choice of hearing type and hearing body**

Students may normally choose both the hearing type and the hearing body to adjudicate their case subject to the restrictions stated in (e) above. Further restrictions to that choice include:

1. 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.
2. When two or more individual cases stem from the same incident, those cases should normally be heard by the same hearing body. In such cases, the Director of Student Rights and Responsibilities may either pre-select the hearing type and hearing body or consult with the students involved before making the decision.
3. The Dean of Students or Director of University Housing or designee reserves the right to choose the appropriate hearing type and body for other administrative or case related reasons.
4. During time periods in which any of the hearing bodies are not officially constituted, the Dean of Students or Director of University Housing or designee may choose an appropriate alternative as the hearing body.

## **8. Victims' Rights**

Victims must notify the Director of the Office of Student Rights and Responsibilities if they wish to exercise any of the rights listed in this section at least five class days prior to the scheduled hearing.

### **A. Victims' rights apply to the following types of cases**

1. Sexual Misconduct
2. Endangerment
3. Harassment
4. Hazing
5. Property (damage)
6. Property (theft)

### **B. Rights**

1. To have an advisor of the alleged victim's choice accompany her/him when presenting information to the hearing body and to any other relevant meetings held throughout the disciplinary process.
2. To submit a victim impact statement to the hearing body. This information would be used only in the sanctioning phase of deliberations, if the charged student is found responsible

for the charge(s). If the charged student appeals the first-level decision on the basis of severity of the sanction imposed, he/she will have the right to view the victim impact statement upon request.

3. To have unrelated past behavior excluded from the hearing. The chair of the hearing body will decide if such information is unrelated. The past sexual history of the alleged victim is not usually considered relevant.
4. To submit questions to the hearing body. The hearing body will then consider posing those questions to the charged student.
5. At the request of victims in cases involving sexual misconduct, physical violence or stalking charges, the victim may request to testify in a separate room from the charged student so long as the process does not unduly compromise the charged student's right to question the witness.
6. To be present throughout the entire hearing, or portions thereof. This option will be offered only by the chair of the hearing panel.
7. To be notified of the outcome, including both the decision and the sanctions, of the disciplinary process.

## 9. Sanctions

(a). 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:

1. Reprimand (written or verbal)
2. Work Hours - assignment to complete 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.
6. Fees - may not be levied in excess of \$200.00.
7. 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.
8. 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 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).
9. Change in University residence hall assignment.
10. Exclusion (either temporary or permanent) from University residence halls.
11. Suspension - Separation from the University for a specified period, not to exceed two years.
12. Dismissal - Separation from the University for an indefinite period of time. Readmission is possible but not guaranteed and will only be considered after two years from the effective date of the dismissal, based on meeting all readmission criteria and obtaining clearance from the Dean of Students or designee.
13. Expulsion - Separation from the University without the possibility of readmission.
14. Withholding of diplomas, transcripts, or other records.
15. Transcript Notations - a written notation indicating that disciplinary action was taken. This sanction may be applied only in cases in which the student has been permanently separated from the University.
16. Restrictions on contact with other specified people.

B. The following sanctions may be imposed upon groups or organizations found to have violated the Student Conduct Code:

1. Those sanctions listed in Section A. Suspension, Dismissal, or Expulsion of student organizations includes loss of registration status.
2. Additional sanctions specific to student organizations are found in Greek and other organizational constitutions and in the Office of Student Activities and Organizations' policies, which are hereby incorporated by reference.

C. Any sanction that permanently separates a student from the University may be integrated into that student's academic transcript. A lesser sanction may not be integrated into the transcript.

D. 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.

## 10. Appeals

Any first-level decision can be appealed, provided that one or more of the reasons for appeal listed in 10(c) is relevant to the case. 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 of Student Affairs.

### (a). Appellate Bodies

1. Recommended decisions of the Student Conduct Board may be appealed to the Dean of Students (or designee).
2. Recommended decisions of the Interfraternity Council, N.P.H.C., and Panhellenic Judicial Board cases may be appealed to the Dean of Students (or designee).
3. Recommended decisions of the Housing Judicial Board may be appealed to the Director of University Housing (or designee).
4. Recommended decisions of Administrative Hearing Panels may be appealed to the Dean of Students.
5. Decisions of the Director of Student Rights and Responsibilities (and designees) may be appealed to the Dean of Students (or designee).
6. Decisions of other hearing officers appointed by the Dean of Students may be appealed to the Dean of Students (or designee, including a panel).
7. Decisions of hearing officers appointed by the Director of University Housing may be appealed to the Director of University Housing (or designee).
8. Decisions of the Dean of Students may be appealed to the Vice President for Student Affairs.
9. Decisions of the University President may be appealed to the First District Court of Appeals.

### (b). Appeal Requests

1. A written request should be submitted to the appropriate appellate officer (See Section (a)) within five class days after the student is notified of the initial hearing decision.
2. The request should state the reason(s) for appeal (see (c) below), the supporting facts, and the recommended way to correct the error.

### (c). Appeal considerations are limited to

1. Due process errors involving violations of a charged student's rights (See Section (6)) that substantially affected the outcome of the initial hearing.
2. 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.
3. New information that was not available at the time of the original hearing.
4. A sanction that is extraordinarily disproportionate to the offense committed.
5. The preponderance of the evidence presented at the hearing does not support a finding of "responsible". Appeals based on this consideration will be limited solely to a review of the record of the first-level hearing.

### (d). Appellate Hearings

1. Will be scheduled within ten class days of receiving the written request for appeal.
2. Will involve hearing the charged student and any witnesses called by the student; the appellate body may determine whether it needs to call any further witnesses or gather additional information.
3. Will be recorded; this recording will serve as the official record of the hearing.
4. The charged student may bring an advisor to the appellate hearing.
5. On appeal, the burden of proof rests with the student to clearly show that an error has occurred during the first level hearing process.
6. All hearings will be fair and impartial. A student may submit a challenge to the impartiality of any member of any appellate hearing body at least five class days prior to the hearing.

### (e). Appellate Decisions

1. The appellate body may affirm, modify, reverse, or remand the first-level decision, or order that a new hearing will be held.
2. Are recommended to the Vice President for Student Affairs. The Vice President (or designee) has the right to affirm, modify, or reverse the recommended decision, or to order a new hearing.
3. Are communicated in writing within fifteen class days of an appellate hearing. This time limit may be extended if necessary for consideration of the record on appeal.
4. Once approved by the Vice President, appellate decisions become final agency action.

5. Except in the case of an immediate suspension, the student's status will remain unchanged during the appellate process.

## 11. Records

1. Records of all disciplinary cases will be maintained in the Office of Student Rights and Responsibilities and in University Housing. Records in which suspension or a less severe sanction is imposed shall be removed seven years from the date of final agency action on the case. 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 these limits for statistical purposes will not be considered or released as official disciplinary records.

2. A student's prior disciplinary record will be considered only during the sanctioning phase of deliberations, not to determine whether or not to find the student "responsible" for the alleged violation.

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

## 12. Immediate Suspension

In certain circumstances involving a student's actions that may affect the safety, health, or general welfare of the student or the University community, the Vice President for Student Affairs, the Dean of Students, or their designee(s) may impose an immediate University suspension prior to the student's hearing with a hearing body. An immediate suspension means that a student cannot be on University property, cannot attend classes, and cannot use University facilities. The Director of University Housing has the authority to cancel a student's University Housing contract under a separate process.

1. An immediate suspension requires that the student be notified in writing.

2. The student has the opportunity for a speedy hearing regarding whether the immediate suspension should continue until a hearing is held on the facts of the case.

3. If the student requests a hearing on the immediate suspension, the hearing will be held within three class days of the Dean of Students' receipt of the student's written request for a hearing. The Dean of Students or a designee will conduct the hearing. This decision is final in regards to the immediate suspension of the student.

4. Formal disciplinary charges will be filed at the completion of all law enforcement investigations or as soon thereafter as possible.

5. Student organizations may be suspended by the Vice President for Student Affairs, the Dean of Students, or their designees, in circumstances involving actions related to that group that may affect the safety, health, or general welfare of its members or the University community. The affected group has the right to a speedy hearing as described in (b) and (c) above. An immediate suspension of a student organization means that all activities, programs, or social events are suspended. One exception is that organizations are allowed to conduct business meetings provided they notify and receive permission in advance of the meeting from the Dean of Students or designee and the meeting is attended by an advisor recognized by the University.