

FSU-ER15-4 Student Organization Conduct Code

(1) General Provisions and Hearing Procedures.

Introduction. The Student Organization Conduct Code applies the principles found in the “Statement on Values and Moral Standards at Florida State University” to student organizations through which students act and conduct their collective interests and activities. Recognized student organizations enjoy substantial privileges throughout the University community and beyond and must be held to the same standard of conduct as individual students. The Student Organization Conduct Code promotes 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 student organizations. Moreover, the Code operates as a vehicle for informing student organizations 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 Online Student Policy Handbook.

(a) Scope. Florida State University jurisdiction regarding student organization conduct includes conduct of any recognized student organization that occurs on Florida State University premises. In addition, the University reserves the right to examine conduct, regardless of location, when that conduct may adversely affect the University community or its international programs. The University reserves the right to restrict contact with specified people when the facts and circumstances dictate such action. 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 Organization Conduct Code applies to student organization 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 Ogleby Union and other University rules, regulations, or policies. The processes for adjudicating violations of state and federal law and violations of the Student Organization Conduct Code are separate and may be pursued independently and/or simultaneously.

(b) Authority.

Authority for student organization discipline ultimately rests with the President and the University Board of Trustees, who delegates this authority to the Vice President for Student Affairs (hereinafter "Vice President"). The Vice President delegates this authority to the Dean of Students and the Assistant Dean of Students/Director of the Office of Student Rights and Responsibilities. The Vice President and the Dean of Students have the authority to designate individuals as hearing or appellate officers when appropriate.

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

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

3. Decisions of all the Student Conduct Boards and Greek Conduct Boards are considered recommendations to the Director of the Office of Student Rights and Responsibilities (see Section 7 below).

4. All recommended student organization conduct decisions must be approved in writing by the appropriate authority (or designee) and only then will be communicated to the student organization (see Sections 3-6 above). 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. Upon approval, the recommended decision becomes a first-level student conduct action.

5. Decisions of all other hearing bodies constitute first-level student organization conduct actions.

6. If a first-level student organization conduct action is not appealed as provided herein, that decision becomes final agency action.

7. Appellate officers are listed in Section (3), Appeals. Appellate decisions are considered recommendations to the Vice President and become final agency action upon approval by the Vice President (or designee).

(c) Definitions.

1. Advisor. The term "advisor" means any one person chosen by the student president of the organization or designee or any witness to assist throughout the student organization conduct process, unless service in this capacity would unreasonably conflict with the fair administration of the student organization conduct process as determined by the Director (or designee) of the Office of Student Rights and Responsibilities.

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2. Class day. The term "class day" means any weekday on which either classes or final exams are scheduled.

3. Hearing. The term "hearing" means an informal or formal proceeding, conducted by a hearing body in accordance with the Student Organization Conduct Code, at 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 by the Dean of Students to conduct hearings to make recommended findings as to whether a student organization has violated the Student Organization Conduct Code and to recommend sanctions.

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, Student Organization 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 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 standard shall be used in adjudicating all conduct cases within this Student Organization Conduct Code.

8. Reporting Party. The term "reporting party" means any individual who has reported an organization's alleged violation of the Student Organization 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" means an organization that 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 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 responding party under the authority of University Regulation FSU-3.006.

12. Student Organization. The term "student organization" means any student organization that is officially recognized by the University. The student president (or designee who is mutually agreed upon by the University) of the organization represents the organization throughout the Student Organization Conduct Code process and shall be the person designated to receive any notice for the student organization or to take action required of the student organization as provided by this Student Organization Conduct Code.

13. 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 Organization 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.

14. 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. It also includes registered student organizations and their members (active or inactive), officers, guests, contractors, and agents.

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.

(d) Group Responsibility. Any student organization can be held responsible for its actions or the actions of one or more of its members, active or inactive, guests, contractors, and agents. Every organization has the duty to take all reasonable steps to prevent violations of University regulations and state laws growing out of or related to the activities of the organization. To this end, each organization is expected to educate its members regarding their risk management policy and all applicable University policies and state laws.

1. In determining whether a group may be held collectively responsible for the individual actions of its members, guests, contractors, and/or agents, all of the available factors and circumstances surrounding the specific incident will be reviewed and evaluated. There is no minimum number of group members who must be involved in an incident to determine group responsibility. A student organization may be subject to discipline for activities not sponsored by the student organization where the majority of the persons present or responsible for the activity are members or guests of members of the student organization.

2. Misconduct on the part of the organization may be addressed when one or more of the following factors exist:

a. Members of the organization, or its alumni, former members, agents, contractors, or guests act together to violate the Student Conduct Code or Student Organization Conduct Code;

b. One or more officers or members of an organization are present at an organization- sponsored, financed or otherwise supported activity or event or has

knowledge of the event, planned unlawful conduct and/or conduct in violation of the Student Conduct Code or the Student Organization Conduct Code before it occurs and fails to take preventative or corrective action or fails to stop unlawful behavior while it is occurring at such event;

c. A violation occurs on premises and/or transportation owned, operated, or rented exclusively by the student organization;

d. A pattern of individual violations has occurred and/or continues to occur without adequate control, response, or sanction on the part of the student organization or its leaders;

e. The student organization or related activities provided the context for the violation;
or

f. The student organization chooses to protect one or more individuals in violation who are members, alumni, former members, agents, contractors, or guests of the student organization from official actions.

(e) Violations. The following violations, or the aiding, abetting, conspiring, soliciting, inciting of, or attempting to commit these violations, constitute violations of the Student Organization Conduct Code.

1. Sexual Misconduct¹.

a. 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 clear and willing participation, through words or actions, for each sexual act. Submission to sexual activity that is the result of force, coercion, or

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

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.

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 that is sufficiently severe, frequent, or wide-spread that it both subjectively and objectively creates an intimidating, hostile, or offensive work environment or limits a student’s ability to participate in or benefit from educational 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;
- iii. Non-consensual videotaping, photographing, or audio-taping of sexual activity and/or distribution of 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 mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose. Examples of Stalking/Cyberstalking include following a person, appearing at a person's home, class, or work; frequently calling, texting, e-mailing, electronically chatting; leaving written messages or objects; or 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 threats, name-calling, put-downs, isolation, withholding of money, physical harm, and sexual assault.

f. **Domestic Violence:** Any criminal offense resulting in physical injury or death of one family or household member by another. Domestic 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. Family/household members are spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

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 action, creating a hostile environment, or denying a benefit because the individual does not conform to sexual stereotypes of "appropriate" behavior or appearance for men and women (including dress, grooming, and social behavior).

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 his or her 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. Retaliation for Reporting Hazing. Retaliating against any individual who reported a hazing violation or suspected hazing violation to University or law enforcement officials.

6. Weapons.

a. On-campus possession or use of firearms, antique firearms, explosives, 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, swords, sword canes, ornamental or decorative swords/daggers/knives, 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. 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.

c. 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 or explosion 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, distribution, delivery, or sale of illegal drugs or controlled substances.

d. Possession or use of drug paraphernalia.

e. Possession or consumption of alcohol when under the age of 21 as specified by the State of Florida.

f. Providing alcoholic beverages to an individual who is under the age of 21 as

specified by the State of Florida.

g. Driving while under the influence of alcohol or any controlled substances or illegal drugs.

h. Intoxicated behavior.

i. Open house party. An open house party is defined as an event at a residence where the hosts, owners, 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.

j. Failure of a student organization to take all necessary steps to see that no person under the legal drinking age possesses alcoholic beverages at functions it sponsors or within any property or transportation it owns, operates, and/or rents.

k. Any other violation of the University Alcohol Policy, FSU Regulation 6C2-6.012, F.A.C.

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 disciplinary hearing bodies.

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.

c. Commercial solicitation on campus without prior approval from University officials.

d. Acts that disrupt the University Student Conduct Code or Student Organization Conduct Code process, including attempting to coerce or influence a person regarding their participation in any Student Conduct Code or Student Organization Conduct Code proceeding.

e. Knowingly participating in an event or participating in an event and failing to take necessary actions to determine whether the student organization is currently on disciplinary probation with restrictive conditions, has been suspended or dismissed.

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, purchase, 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.

f. Unlawfully taking, attempting to take, receiving, or keeping in its possession property or services not belonging to the student organization.

g. Misuse or mishandling of organizational funds by any officer, member, or other individual.

12. Computers.

a. Unauthorized access or entry into a computer, computer system, network, 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 and when such a recording is likely to cause injury, distress, or damage to reputation. 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.

Acquires, by listening or by recording using any device, any wire, oral, or electronic communication, when such communication is uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation (i.e., in 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.

15. Gambling.

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

16. 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 Handbook, 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) Student Organizational Rights.

1. Notice: The representative of the organization will be given written notice of the Student Organization Conduct Code charge(s) and the allegations upon which the charge(s) is/are based.

2. Hearing: Student organizations will be given an opportunity to present information, including witness testimony and/or statements, during a fair and impartial hearing (a more complete description of the procedures utilized to implement these rights is found in Section (h), Procedures).

(g) Procedures. The Office of Student Rights and Responsibilities is charged with implementing the Student Organization Conduct Code in ways that are congruent with the FSU "Statement on Values and Moral Standards" and with all appropriate laws and administrative regulations. The procedures implemented by these offices will be consistent with all appropriate due process rights accorded to student organizations in University Student Organization Conduct Code decisions.

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

i. Formal Student Organization Conduct Code charges may be filed at the completion of all law enforcement and/or administrative investigations or as soon as practicable, even if an investigation or criminal proceeding is ongoing.

2. Notice. The written notice given to any responding party will include the following:

a. Sufficient detail to prepare a defense (including source of information, alleged violation, and specific Student Organization Conduct Code charges).

b. An invitation to attend an information session, during which the student organization's representative may view all materials related to the case, receive instruction regarding the student conduct process and the student organization'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) class days prior to the hearing of the case. d. Parent(s) of any student under the age of eighteen (18) at the time of the alleged violation may also be notified of pending charges.

e. The Office of Student Rights and Responsibilities working in conjunction with University offices and/or organization advisors may place restrictions on the student organization if the representative fails to address the Student Organization Conduct Code charges in a timely manner.

f. The address on file with the University Student Government Association Student Organization Services or the Office of Greek Life will be used for all notices sent to the organization regarding the conduct process.

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

a. The Director of the Office of Student Rights and Responsibilities (and designee(s)) may conduct formal hearings on student organization cases.

b. A hearing officer designated by the Dean of Students may conduct formal hearings on student organization cases.

c. The Dean of Students may conduct formal hearings on student organization cases.

d. The Student Conduct Board may conduct formal hearings on student organization cases. Panels are composed of five (5) Student Conduct Board members selected by the Office of Student Rights and Responsibilities. 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.

e. An Administrative Hearing Panel may conduct formal hearings on student organization cases. 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.

f. Greek Student Conduct Boards may conduct formal hearings involving Student Organization Conduct Code charges against Greek organizations. Greek Student Conduct Boards are composed of five (5) members selected by the Offices of Student Rights and Responsibilities and Greek Life. 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), Greek Student Conduct Board members.

4. Types of Hearings. Organizational cases are heard through a formal hearing.

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) class days after notice is received by the responding party. The student organization may submit a written request to hold the hearing before the five (5) class 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 organization within ten (10) class 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, followed by the opening statement of the responding party. Either party may waive the right to provide an opening statement.

(C) Presentation of evidence and witnesses by the University, followed by questioning of those witnesses by the hearing body and the responding party.

Witnesses are then dismissed.

(D) Presentation of evidence and witnesses by the responding party, followed by questioning of those witnesses by the responding party and the hearing body. Witnesses are then dismissed.

(E) Questions directed to the responding party by the hearing body.

(F) Closing statement by the University, followed by the closing statement of the responding party. Either party may waive the right to provide a closing statement.

5. Hearing. Hearings will follow these guidelines:

a. 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 responding party 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. Decisions on challenges shall be final and not subject to appeal.

A responding party will have the opportunity to present evidence on its behalf, including presenting witnesses and/or signed, written statements from witnesses, and other documentary evidence. Witness testimony is not required and the inability of the responding party to question a witness who has provided a witness statement is not a

violation of the due process rights of the responding party, as the responding party has the opportunity to review 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.

b. The responding party and any witnesses may be accompanied during the hearing by an advisor. The Student Defender may serve as an advisor to the responding party. The representative of the student organization is required to address the hearing body in person, although the representative may consult with the advisor and other members of the student organization 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 organization unless expressly authorized to do so by the hearing body. The responding party and any witnesses shall provide the advisor's name in writing to the Office of Student Rights and Responsibilities two (2) class days prior to the hearing. The advisor may not serve as a witness.

c. Protection from self-incrimination does not extend to student organizations.

d. 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.

e. The formal rules of evidence do not apply to Student Organization Conduct Code proceedings.

f. All hearings for student organizations will be public. There is no requirement to obtain a larger hearing room to accommodate members of the public who wish to attend the hearing, so long as one (1) member of the public may be present.

g. Appropriate witnesses will be called by the University to all formal hearings.

Those witnesses who appear may be cross-examined by the responding party. 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 responding party 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.

h. If the responding party fails to appear at the scheduled hearing after proper notice or fails to cooperate with the Student Organization Conduct Code process, the hearing may be held in the responding party's absence.

i. Prior records of Student Organization Conduct Code action and reporting party/witness impact statements are considered by the hearing body only in the sanctioning phase of deliberations.

j. 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 the student organization has an opportunity to respond to the information. In cases involving multiple students or organizations charged, information provided at one hearing may be used as evidence in the related case(s).

k. To request the cancellation of a previously scheduled formal hearing, the responding party must submit a written statement to the Office of Student Rights and Responsibilities five (5) class 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 responding party's absence.

1. All first-level recommended decisions will be communicated in writing to the responding party and will include the findings of fact, determination of responsibility, sanctions (if applicable), and notice of appellate rights.

(2) Sanctions. 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 student organization found to have violated the Student Organization Conduct Code. Certain sanctions may result in a financial cost to the student organization. If a student organization does not complete a sanction by the required deadline, the Office of Student Rights and Responsibilities, working in conjunction with University officers and/or organization advisors, may place restrictions on the organization.

(a) Reprimand (written or verbal).

(b) Service Hours - completion of tasks under the supervision of a University department or outside agency.

(c) Educational Activities - attendance by members of the student organization at educational programs, interviews with appropriate officials, planning and implementing educational programs, or other educational activities.

(d) 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.

(e) Conduct Probation - A period of time during which any further violations of the Student Organization Conduct Code may result in more serious sanctions being imposed. Some of the restrictions that may be placed on the student organization 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).

Disciplinary Probation - A period of time during which any further violation of the Student Organization Conduct Code puts the student organization's status with the University in jeopardy. If the student organization 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 or Dismissal from the University. Some of the restrictions that may be placed on the student organization during the probationary period include, but are not limited to barring or limiting some or all of the organization's activities and/or privileges (including, but not limited to: social activities; intramural competition; organizational competition; Homecoming; eligibility to receive any University award or honorary recognition; privilege to occupy a position of leadership or responsibility in any University student organization governing body, publication, or activity; or ability to represent the University in an official capacity or position), entrance into University residence halls or other areas of campus, or contact with another specified person(s).

(f) 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. Some of the restrictions that may be placed on the student organization during the suspension period include, but are not limited to barring or limiting some or all of the organization's activities and/or privileges (including, but not limited to: social activities; intramural competition; organizational competition; Homecoming; eligibility to receive any University award or honorary recognition; privilege to occupy a position of leadership or responsibility in any University

student organization governing body, publication, or activity; or ability to represent the University in an official capacity or position), entrance into University residence halls or other areas of campus, or contact with another specified person(s). While on suspension the student organization loses its University recognition and/or registration for the suspension period. While an organization is suspended, it may not use University resources or participate as an organization in any University activities or events. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from the University.

Dismissal - Prohibition of any University organization recognition and all University activities for at least two (2) years and up to seven (7) years. Re-recognition 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 re-recognition criteria and obtaining clearance from the Dean of Students or designee. This may include restrictions on any and all activities, functions, and governance of the organization.

(g) Recommendation for Charter Revocation: An official request to a national office that the local chapter's charter be revoked.

(h) Restrictions on contact with specified people.

(i) Additional sanctions may be imposed that are specific to student organizations and are found in Greek and other organizational constitutions and in Oglesby Union and Student Activities Center's policies.

(j) If a sanction issued by the National or other governing bodies exceeds that of the University, the University may concur with that sanction.

(3) Appeals.

An appeal may be requested on any first-level decision, provided that one or more

of the reasons for appeal listed in (3) (c) is relevant to the case. On appeal, the burden of proof rests with the student organization to show clearly that a fundamental due process error has occurred during the first level hearing process that would substantially impact the outcome of the hearing. The appellate body varies depending on the initial hearing body and is outlined below.

(a) Appellate Officers.

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

2. Recommended decisions of Greek Student Conduct Boards may be appealed to the Dean of Students (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 the Dean of Students may be appealed to the Vice President (or designee).

(b) Appeal Requests.

1. A written request shall be submitted to the Office of Student Rights and Responsibilities within five (5) class days after the student organization is notified of the initial hearing decision.

2. The request shall state the reason(s) for appeal (see Section 3. below), the supporting facts, and the recommended way to correct the error.

(c) Appeals are not opportunities for full rehearings of cases already decided.

Appeal considerations are limited to:

1. Due process errors involving violations of a charged student's organization's fundamental due process rights (see Section (1(g)) 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. 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.

4. A sanction that is extraordinarily disproportionate to the violation committed.

5. 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 Section (c) 3. above may also be considered.

(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 (5) below regarding appellate decisions).

2. If the appellate officer determines a need for additional information, that officer may request written materials and/or an appeal hearing with the responding party.

3. If deemed necessary, an appeal hearing will be scheduled within ten (10) class days of receiving the written request for appeal.

4. If deemed necessary, an appeal hearing will involve hearing the responding party and any witnesses called by the student organization; the appellate officer may

determine whether there is a need 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 responding party will be afforded the opportunity to bring an advisor to the appellate hearing.

7. All hearings will be fair and impartial. The responding party may submit a written challenge to the impartiality of any appellate officer to the Office of Student Rights and Responsibilities. Decisions on challenges shall be final and not subject to appeal.

8. If the responding party fails to appear at the scheduled appeal hearing (after proper notice) or otherwise fails to cooperate with the Student Organization Conduct Code process, the hearing may still be held in its absence.

(e) 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.

2. All appellate recommendations are transmitted to the Vice President. The Vice President (or designee) has the right to affirm, modify, or reverse the recommended decision and enter a final decision, or to order a new hearing.

3. All final decisions are communicated in writing within fifteen (15) 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 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 appellate process is final.

(4) Records.

(a) Records of all student organization conduct cases will be maintained in the Office of Student Rights and Responsibilities or the Office of Greek Life.

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

(c) Records 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.

(d) 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 requestor shall bear the cost of the transcript preparation and confidentiality review.

(5) Interim Disciplinary Action. Based upon a student organization'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 Organization Conduct Code or a student organization's hearing on the facts of the case.

(a) When the student organization's actions/behaviors affect the safety, health, or general welfare of a student organization and/or the University community, an interim disciplinary action may be issued. Some of the restrictions that may be placed on the student organization during the interim disciplinary action period include, but are not limited to barring or limiting some or all of the organization's activities and/or privileges (including, but not limited to: social activities; intramural competition; organizational competition; Homecoming; eligibility to receive any University award or honorary recognition; privilege to occupy a position of leadership or responsibility in any University student organization governing body, publication, or activity; or ability to represent the University in an official capacity or position.); entrance into University residence halls or other areas of campus, or contact with another specified person(s). While on interim disciplinary action, the student organization loses its University recognition and/or registration for the suspension period. While an organization is suspended, it may not use the University resources or participate as an organization in any University activities or events.

(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 organization 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 organization be notified in writing.

(d) The student organization may request a meeting to discuss the restrictions

imposed by the interim disciplinary action. The student organization'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 (3) class days of the receipt of a written request. The Dean of Students (or designee) will conduct the meeting. The student organization 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 Organization Conduct Code process.

(f) Formal charges under the Student Organization Conduct Code may be filed at the completion of all law enforcement 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 _____