FLORIDA A&M UNIVERSITY BOARD OF TRUSTEES

NOTICE OF PROPOSED AMENDED REGULATION

DATE: August 17, 2026

REGULATION CHAPTER NO.: Chapter 2

REGULATION CHAPTER TITLE: Student Affairs

REGULATION TITLE AND NO.: Student Code of Conduct (2.012)

SUMMARY OF REGULATION: This amended regulation updates language to provide clarity and reword definitions, violations, and appeals. Bullying was also added as a violation.

AUTHORITY FOR REGULATION: Article IX, Section 7, Florida Constitution, Section 1006.60, 1006.61, 1006.62, 1006.63, Florida Statutes, Board of Governors Regulations 6.0105.

UNIVERSITY OFFICIAL INITIATING THIS REGULATION: Dr. William Hudson, Vice President for Student Affairs.

PROCEDURE FOR COMMENTS: Written comments concerning this proposed regulation shall be submitted within 14 days of the date of this notice to the person identified below. The comments must specifically identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: William E. Hudson, Jr. Ph.D., Vice President for Student Affairs, Tallahassee, Florida 32307, (850) 599-3183 (Telephone), (850) 599-2674 (Fax), william.hudsonjr@famu.edu.

FULL TEXT OF THE PROPOSED REGULATION: The full text of this amended regulation follows:

2.012 Student Code of Conduct

(1) The Student Code of Conduct ("Code") applies the principles and freedoms found in University Regulation 2.013, Due Process, Other Rights, and Responsibilities, by promoting responsible freedom for all students. This Code seeks to apply the principle of responsible freedom as it guides the conduct of Florida A&M University ("University") students. The responsibility to know and abide by the Code ultimately lies with the student. The Student Code of Conduct supersedes all other means of disciplining or removing students for behaviors prohibited by the University.

(2) As members of the University community, students enjoy the rights and privileges that accrue to such membership including, but not limited to, academic freedom and participation in the decision-making processes of the University. Florida A&M University protects the First Amendment rights of all, including those constitutionally protected views and values contrary to FAMU's mission and fundamental principles. Freedom of expression includes the right to present and advocate ideas in the spirit and development of knowledge. The University supports and encourages a full and open discourse and the robust exchange of ideas and perspectives. While the University upholds these freedoms, the University will not permit speech, expression, or assembly that advocates lawlessness and/or violence, or restrains, disrupts, or interferes with activities of members of the University community, whether by physical force or intimidation. Additionally, students are subject to the obligations and duties that accompany this membership and are responsible for compliance with the requirements of law and University regulations, policies, and procedures. It is incumbent upon members of the University community to notify the appropriate student conduct body or officials of a violation of this Regulation, to encourage all to comply with the Code, and assist in their enforcement by providing relevant information as witnesses when called upon to do

so. Accordingly, all purported violations of the Code shall be referred to the University Conduct Officer (Director of Student Conduct and Conflict Resolution). Students, faculty, staff, stakeholders, or other individuals with knowledge, may report violations of the Code, in writing, to the Office of Student Conduct and Conflict Resolution.

(3) **Zero Tolerance.** The University does not tolerate any violation of any provision of University Regulation 2.028 Anti-Hazing or University Regulation 2.012, Student Code of Conduct. It is illegal to possess or carry a firearm on campus, even if the student possess a concealed weapon license. This means that given the factual circumstances of the purported violation, the charged student may be removed from University Housing, and receive a sanction including, without limitation, suspension or expulsion from the University.

(4) Due process protections, in accordance with University Regulation 2.013, will be appropriately afforded the charged student.

(5) **Information Meeting.** If the University Conduct Officer or their designee believes after a review of the purported violations that the information has merit, the student will be issued written notice to attend a mandatory Information Meeting before the University Conduct Officer or their designee. At the Information Meeting, the University Conduct Officer or their designee will explain to the student the alleged violations, the elements of due process that will be afforded and the student's resolution options.

(a) Student conduct proceedings may be instituted against a student charged with a violation of the law that is also a violation of the Code. The University reserves the right to proceed under the Code with a hearing and the possible imposition of a sanction prior to, concurrent with, or subsequent to civil litigation, criminal arrest, and/or criminal prosecution.

(b) With the exception of extenuating circumstances, the University will proceed with an alleged violation of the Code prior to independently from any final disposition of the Courts.

(c) Determinations made or sanctions imposed under the Code shall not be subject to change because criminal or civil charges arising out of the same facts giving rise to violation of University rules and regulations were dismissed, reduced,

or resolved in favor of or against the charged student.

(d) Any admission of guilt, responsibility, or statement against the charged student's interest made by a charged student at off-campus proceedings shall be conclusive for University purposes.

(e) A verdict of guilty, a plea of guilty, a plea of no contest *(nolo contendere)* or similar plea in a court of law by a charged student will operate as a conclusive finding that the charged student is "Responsible" for the purpose of student conduct proceedings.

(f) Prior to the issuance of the outcome letter, the University may amend the violation(s) based on information obtained through an outside proceeding when that information is relevant to activity adversely affecting the University community.

(g) The University will cooperate fully with law enforcement agencies in any criminal prosecutions to the extent permitted by law.

(h) Student conduct proceedings are closed to the public.

(6) **Jurisdiction.** Discipline may be imposed for offenses against the Code occurring at any of the following locations or activities:

(a) University Campus;

(b) University owned or controlled property;

(c) University premises, including, but not limited to, fraternities, sororities, and University recognized organizations' property;

(d) Activities sponsored by the University wherever they may occur;

(e) Activities officially approved by the University that are conducted by University recognized organizations wherever they may occur;

(f) Activities occurring off campus, including non-university related activities; or

(g) Activities occurring on or off campus in any virtual/online platforms or through any other electronic means.

(7) **Definitions.**

(a) Business Day – A day of normal business operation as designated by the University.

(b) Charged Student – The student charged with a violation(s) of this Code.

(c) Club and/or Organization - Any number of students who have complied

with the University requirements for recognition. For purposes of this Regulation, the term "club or organization" is given the same meaning as student.

(d) Complainant – An individual who reportedly experienced behavior that could constitute ~~Gender-Based~~ Sexual Misconduct regardless of whether the individual participates in the disclosure or review of that report by the University at any point.

(e) Educational sanctions – Work assignments, essays, presentations, or other related educational assignments.

~~(e)~~(f) Exculpatory information- Information, records or testimony to mitigate or clear from responsibility~~guilt~~.

~~(f)~~(g) Expulsion – A student shall be removed from their academic program and permanently deprived of their opportunity to re-enroll or continue at the University in any status. The student is permanently separated from the University; the club/organization's registration is revoked and the relationship with the University permanently severed.

~~(g)~~(h) Faculty member - Any person hired by the University to conduct classroom instruction and/or research activities or who is otherwise considered by the University to be a member of its faculty.

(i) Hearing panel or officer - Any impartial person, persons, or committee who have been authorized by the University to determine whether a student has violated the Code and to determine sanctions that will be imposed when a Code violation has been committed.

~~(h)~~(j) Inculpatory information- Detail, statement or material tending to establish~~prove~~ responsibility~~guilt or assign blame~~.

~~(i)~~(k) Judicial hold - This prevents the student from conducting business at the University (i.e. any form of registration or obtaining transcripts).

~~(j)~~(l) Mediation - The process in which all students voluntarily agree to meet with an impartial mediator to communicate their concerns and needs to each other and to reach their own agreement on the resolution of the case. The students are responsible for keeping their agreement or renegotiating, if necessary. In the event the participants do not agree to mediate or mediate

but do not reach a full and final resolution, the case will be referred back for conduct proceedings. Breach of a mediated agreement may result in a follow up mediation session or the matter may be referred back through the conduct process.

~~(k)~~(m) Mediator – Any neutral member of the University community who has been trained in conflict resolution to assist parties in reaching a mutual agreement to resolve their differences. The Mediator shall not have personal connections with either party or have prior knowledge of the disagreement.

~~(l)~~(n) Not Responsible - The charged student has not been found to have committed a violation(s) of the Code or did not accept responsibility for the alleged violation(s) of a provision(s) of the Code.

~~(m)~~(o) Preponderance of Information - The information presented supports the finding that it is more likely than not that the violation occurred.

~~(n)~~(p) Probation – An indication that the student's conduct violated the Code, the student is not in good standing, and requires the withdrawal of special privileges, participation in inter-collegiate activities, and other activities including, but not limited to participation in student clubs/organizations. Withdrawal of ~~S~~special privileges mean the student may not be elected to office or represent the University in any other capacity during the period of probation. If the student is holding an office, they must vacate the office for the term of probation. ~~The sanction of probation is for a specified period and may also include a specified monetary fine from $100.00 to $350.00.~~

~~(o)~~(q) Reporter – Any person who submits a report alleging that a student has violated this Code.

~~(p)~~(r) Reprimand – A formal rebuke and official recognition by letter to the student of misconduct as charged by the University. There shall be a written record of the reprimand.

~~(q)~~(s) Respondent – A student who is reported to have engaged in behavior that could constitute ~~Gender-Based~~ Sexual Misconduct. The term may also include an individual whose identity is unknown and there is reason to believe that they may be a student.

~~(r)~~(t) Responsible - The charged student has been found to have committed a

violation(s) or has accepted responsibility for violating a provision(s) of the Code.

~~(s)~~(u) Restitution - Compensation for loss or damage to University property. This may be in the form of monetary, ~~or~~ material replacement, or restoration.

~~(t)~~(v) Sanction - A condition or action imposed upon a student after the student has admitted that they are Responsible or has been determined Responsible by the Conduct Officer or a hearing panel for violating a provision(s) of the Code.

~~(u)~~(w) Student - Any person admitted, enrolled, or registered for study at the University. This includes persons not officially registered or enrolled for a particular term but who are eligible to enroll or are associated with the University because they have not completed a course or program. For purposes of this Regulation, the term "student" also includes student clubs and organizations.

(v) Suspension - Separation of the student from the University for a definite period of time. The duration of the period of suspension shall not exceed five (5) years and shall be in direct proportion to the degree of seriousness attached to the misconduct. Readmission for suspensions exceeding one (1) year is conditioned upon the recommendation of an ad hoc review board appointed by the President or Vice President for Student Affairs.

(w) University - The Florida A&M University whose main campus is located in Tallahassee, Florida and any of its satellite or branch campuses or programs.

(x) University/Community service - Specified areas of service for the benefit of the community or the University allocated to the student.

(y) University official - Any person employed by the University performing his/her assigned employment responsibilities.

(z) University premises - All buildings, land, facilities, and any other property owned, leased, operated, controlled, or supervised by the University.

(aa) University sponsored activity - Any activity on or off the University Campus which is initiated, aided, authorized, or supervised by the University, including virtual/online platforms or other electronic means.

(bb) The word "Can" is used in the permissive sense.

(cc) The word "May" is used in the permissive sense.

(dd) The word "Shall" is used in the imperative sense.

(ee) The word "Will" is used in the imperative sense.

(ff) All definitions not included in this Code are in accordance with definitions found in the Merriam-Webster's dictionary located in the Office of Student Conduct and Conflict Resolution. Students may contact the Office of Student Conduct and Conflict Resolution or Center for Disability Access and Resources for online access.

(8) **Violations.**

(a) Academic Dishonesty:

1. *Cheating*: using, attempting to use or giving unauthorized information or material in any academic endeavor. Cheating includes, but is not limited to, unauthorized possession and/or use of an examination, course related materials, cheat sheets, contract cheating, study aids or other information in an academic exercise; communication to or collaboration with another through written, visual, electronic, oral means, or any other medium; submitting the same academic work for credit more than once without the express written permission of the instructor; use of any materials or resources a faculty member has notified the student or class are prohibited; or failing to follow the stated rules for an exam, paper, or other academic endeavor.
2. *Plagiarism* may be specifically defined for the purposes of any course by the school, institute, or college involved. Unless otherwise defined, plagiarism shall include, but is not limited to the student's use of another's work without any indication of the source and in so doing, conveying or attempting to convey that the work is the student's own; submitting a document or assignment in whole or in part that is identical or substantially identical to a document or assignment not written by the student; allowing another person to compose or rewrite an assignment or document; submitting artificial intelligence generated text or fabricated data without authorization.
3. A student who assists in any of the academic dishonesty violations

mentioned above shall be considered equally as responsible as the student who accepts such assistance.

4. A student who is knowledgeable about any academic dishonesty violation is encouraged to report said violation.

5. When the University's schools, colleges, or institutes choose to internally address academic dishonesty violations, students should consult with the academic dean, director, or program coordinator in the respective school, college, or institute for procedural information..

6. In addition to the sanctions listed in Section (10) below, the sanction for academic dishonesty violations may include: reprimand; reduction of grade; denial of academic credit; invalidation of university credit or of the degree based upon such credit. The individual or student may also be denied admission or further registration, and the University may invalidate academic credit for work done by a student and may invalidate or revoke the degree based upon such credit if it is determined that the student has made false, fraudulent, or incomplete statements in the application, residence affidavit, or accompanying documents or statements in connection with, or supplemental to, the application for admission to or graduation from the University.

(b) Alcoholic Beverages: Possession, use and/or consumption of alcoholic beverages or alcohol-related paraphernalia. The violation of alcoholic beverages ~~is defined~~ as noted in University Regulation 3.021.

~~(b)~~(c) Bullying: Behavior of any sort (including cyberbullying) directed at another that is severe, pervasive, or persistent, and is of a nature that would cause a reasonable person or group in the target's position substantial emotional distress and undermines the ability to participate in University activities, or would place an individual in fear of injury or death.

~~(c)~~(d) Conspiracy: Assisting or attempting to assist another in any act(s) that violate(s) the Student Code of Conduct.

~~(d)~~(e) Criminal Conviction: The student convicted of a criminal offense by an off-campus court of competent jurisdiction may be subject to sanctions by the University.

~~(e)~~(f) Demonstrations/Riots: Participating in an on-campus or off-campus demonstration, riot, or activity that disrupts or obstructs the normal operations of the University and/or infringes upon the rights of other members of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.

~~(f)~~(g) Destruction of property: Defacement, damage, misuse or destruction of University property or services, or the private property of another. In addition to being subject to conduct action, students or student organizations responsible for such damage may be financially liable.

(h) Disorderly Conduct: Failure to comply with the lawful order, policy, or reasonable request of an identified University official, any non-University law enforcement official, any non-University emergency responder, or any protectiveofficial, any non-University law enforcement official, any non-University emergency responder, or any protective order.

~~(g)~~ Behavior that disturbs the peace or undermines public safety, such as causing a disturbance or being unruly; ~~failure to comply with the lawful order, policy, or reasonable request of an identified University~~

(i) ~~official, any non-University law enforcement official, any non-University emergency responder, or any protective order.~~

~~(h)~~(j) Disruptive Behavior: Disruption of a class, curricular, or University activity; obstruction of the free flow of pedestrian or vehicular traffic on University premises; interference with the rights of others to carry out their activities or duties at, or on behalf of the University; interference with the freedom of movement of any member or guest of the University; interference with the academic freedom and freedom of speech of any member or guest of the University; or any other act that impairs, interferes with or obstructs the mission, purposes, academic atmosphere, operations, processes, orderly conduct and/or functions of the University or the rights of other members of the University community.

~~(i)~~(k) Drugs: Use, possession, manufacture, cultivation, distribution, purchase or sale of illegal drugs and/or controlled substances is prohibited. Illegal drugs include, but is not limited to, synthetic drugs or other substances that will

alter a student's mental state (e.g. glue, nitrous oxide, paint, etc.); drug paraphernalia; possession or use of prescription medication not issued to the student or sale/distribution of prescription medication. Use, possession, manufacture, cultivation, distribution, purchase or sale of marijuana, including medical marijuana and/or cannabis is prohibited on University property.

~~(j)~~(l) Extortion: The act or practice of obtaining something or compelling some action by force, coercion, intimidation, or threat is prohibited.

~~(k)~~(m) Gambling: Participating, or play, in an unlawful game of chance for money or for anything of value on University premises, or at an affair sponsored by a student or student organization; to unlawfully sell, buy, barter or dispose of a ticket, or any interest in a scheme of chance by whatever name on University premises or at any affair sponsored by a student or student organization; wager on a University team or organization in a competition, with a direct influence in the success of the competition.

~~(l)~~(n) ~~Gender-Based~~Sexual Misconduct: Encompasses a range of behaviors including, but not limited to, all forms of sexual harassment, non-consensual sexual contact, sexual exploitation, as well as other forms of misconduct such as stalking and relationship violence. ~~Gender-based~~Sexual misconduct can occur between individuals who know each other, have an established relationship, have previously engaged in consensual sexual activity, and between individuals who do not know each other. ~~Gender-based~~Sexual misconduct can be committed by persons of any gender identity and it can occur between people of the same or different gender.

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1. Consent to sexual activity must be knowing, intelligent, unambiguous, and voluntary. Consent is active, not passive. This means 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 threats is not valid consent.
2. Consent to past sexual activity and/or one form of sexual activity does not imply consent to future sexual activity and/or other forms of sexual activity. There must be consent at every stage of the sexual

encounter.

3. Consent can be withdrawn by any party at any time, including in the middle of a sexual encounter, if the withdrawal of consent is clearly indicated by words or actions.
4. Persons 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 sexual activity, no matter what they say or do. If there is any question regarding whether a person may be incapacitated, do not engage in any type of sexual activity with that person.
5. ~~Gender Based~~ Sexual Misconduct offenses include, but are not limited to:
    a) *Sexual Harassment*: Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature if: (1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's education, living or work environment, employment, or participation in a University-related activity or University Program; (2) submission to or rejection of such conduct by an individual is used as the basis for or a factor in decisions affecting that individual's education, living or work environment, employment, or participation in a University-related activity; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's educational performance or creating an intimidating, hostile, offensive, or abusive environment for that individual's education, living environment, employment, or participation in a University-related activity.
    b) *Non-Consensual Sexual Contact* (or attempts to commit

same): Unwanted or unwelcome touching of a sexual nature including, but not limited to, kissing, fondling, oral sex, anal or vaginal intercourse, digital penetration or penetration by an object, or other physical sexual activity that occurs without valid consent.

c) *Sexual Exploitation:* Occurs when one person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the individual being exploited, and the behavior does not otherwise constitute one of the other ~~gender-based~~*sexual* misconduct offenses. Examples of sexual exploitation include, but are not specifically limited to:

i. Invasion of sexual privacy, including sharing information about an individual's sexual orientation, history, or preferences;

ii. Non-consensual photographing, video or audio recording of sexual activity, nude or sexual images;

iii. Non-consensual distribution of photos, videos, other images, or information of an individual's sexual activity, nude or sexual images that are authentic, modified, or artificial intelligence generated;

iv. Going beyond the boundaries of consent (such as letting friends hide in the closet to watch you engage in sexual activity);

v. Engaging in voyeurism;

vi. Knowingly transmitting a sexually transmitted infection (STI) or HIV to another student;

vii. Exposing one's genitals in non-consensual circumstances;

viii. Inducing another to expose their genitals; or

ix. Prostitution of another person.

d) *Relationship Violence:* Any act of violence or threatened act of violence that occurs between individuals who are or have been involved in a sexual, romantic, dating, spousal, domestic pursuant to Florida Statutes 741.28, or other intimate relationship. Relationship violence can also include psychological, sexual, economic, cultural and emotional abuse, when one partner tries to establish or maintain power and control over the other.

e) *Intimidation*: Implied threats or acts that cause an unreasonable fear of harm.

f) *Gender-Based Harassment*: Any slurs, innuendos, or other verbal or physical conduct reflecting on an individual's gender, sexual orientation, gender identity, or gender expression which has the purpose or effect of creating an intimidating, hostile or offensive educational, living or work environment; has the purpose or effect of unreasonably interfering with the individual's work or school performance or participation; o r otherwise adversely affects an individual's employment or educational opportunities or participation in University-related activities.

g) Other student conduct offenses may also fall under Gender-Based Misconduct as determined by the Office of Student Conduct and Conflict Resolution. Examples of these offenses include, but are not limited to:

i. Behavior prohibited under University Regulations 10.103, Non-Discrimination Policy and Discrimination and Harassment Complaint Procedures and 1.022 Title IX Sex Discrimination and Sexual Misconduct Prohibition, and Formal Hearing Process;

ii. Hazing: Refer to University Regulation 2.028, Anti-hazing;

iii. Retaliation in connection with allegations of gender-based misconduct; and

iv. Stalking: Refer to subsection (8) (w) below.

6. **Complainant Rights in a Gender-Based or Sexual Misconduct Case**:

a) While the University encourages all violations to be reported, the Complainant has the right to choose whether or not to file a formal complaint. There is also the option of filing an anonymous report. However, filing an anonymous report may limit the University's ability to investigate, respond and act, including but not limited to charging a Respondent with a violation of this Code and/or other University Regulations or to address the needs of the Complainant;

b) A Complainant also has the right to file a report and request confidentiality. However, the University cannot guarantee confidentiality in all circumstances. There may be circumstances based on the status or seriousness of the purported offense, that confidentiality may not be honored when the University must investigate and take action to protect the Complainant or other members of the University community. The University will only disclose information to individuals with a need to know in order to review, investigate, and resolve reports of Gender-Based or Sexual Misconduct or as permitted or required by law. If the University is unable to honor a request for confidentiality, the Complainant will be notified;

c) In addition to pursuing administrative/conduct remedies, the Complainant maintains the right to pursue criminal

charges;

d) The Complainant may, at their initiative and expense, have one (1) advisor, advocate, or legal representative of their choice present throughout the conduct proceedings. The advisor, advocate or legal representative may be present to advise the Complainant and may participate in all aspects of the conduct proceeding but shall not testify for the Complainant and may not serve in any other role. The University provides a victim advocate to assist and support Complainants during the conduct process. The Complainant must provide, in writing, to the Office of Student Conduct and Conflict Resolution the name, mailing or email address, and phone number of their advisor, advocate or legal representative at least three (3) business days prior to the meeting or hearing date;

e) The University may prohibit the Complainant's past sexual history from being presented as information in University proceedings;

f) The Complainant may attend the entire portion of the hearing at which information is received, excluding deliberations;

g) The Complainant will receive similar and timely access to any information that will be used during the proceedings;

h) The Complainant may submit potentially relevant questions to the hearing panel chairperson prior to and during the hearing;

i) The Complainant may present relevant information or witnesses during the hearing;

j) The Complainant may ask relevant questions of witnesses who give statements during the hearing. All questions will be submitted in writing to and asked by

the chair of the hearing panel;

k) If the Respondent is found responsible, the Complainant may submit a written impact statement to be considered by the hearing panel before the panel determines the appropriate sanction(s). The statement may include a description of how the Complainant was impacted by the conduct violation and may include a recommendation for sanctions. While the impact statement is not binding, the impact described in the statement, together with the totality of the circumstances, including the Respondent's conduct record, shall be considered in determining the appropriate sanction(s).

l) Please refer to the additional rights noted in University Regulation 2.013(5).

8. **Respondent Rights in a Gender-Based or Sexual Misconduct Case:**

a) Respondent rights are provided in University Regulation 2.013 (1) - (4).

b) The Respondent may, at their expense and initiative, have one (1) advisor, advocate or legal representative of their choice present throughout the conduct proceedings.

The advisor, advocate or legal representative may be present to advise the Respondent and may participate in all aspects of the conduct proceeding but shall not testify for the Respondent and may not serve in any other role. The University provides a Case Manager to assist Respondents during the conduct process. The Respondent must provide, in writing, to the Office of Student Conduct and Conflict Resolution the name, mailing or email address, and phone number of their advisor, advocate or legal representative at least three (3) business days prior to the meeting or hearing date.

9. **Respondent and Complainant Hearing/Panel Additional Procedures in a Gender-Based or Sexual Misconduct Case:**
   a) The student conduct proceeding shall be conducted by an impartial University official or designee or a panel comprised of only University officials or designees.
   b) Upon request, the Complainant, Respondent and witnesses may provide relevant information in a manner that avoids direct contact with the Respondent, Complainant or witnesses; and
   c) A Complainant or Respondent may not be questioned directly by the other. All questions shall be asked through the hearing panel chairperson.
10. **Pending Outcome of Proceedings in a Gender-Based or Sexual Misconduct Case**:
   a) The Vice President for Student Affairs, Dean of Students or Director of Housing is authorized to modify living arrangements in cases where the Complainant and Respondent live in the same residential hall or complex;
   b) The Vice President for Student Affairs, Dean of Students, or the University Conduct Officer is authorized to issue an immediate No Contact directive, forbidding the Complainant and Respondent from all contact;
   c) The Provost and/or the academic dean is authorized to establish an immediate reassignment of classes when both the Respondent and Complainant attend the same classes;
   d) The University provides on-campus counseling services for students involved in reports of gender-based misconduct;
   e) The University may provide additional rights and options in response to an incident;

f) Both the Complainant and the Respondent shall be informed of the outcome of any University conduct proceeding regarding reported gender-based misconduct, the University's final determination and any sanctions;

11. **Appeal.** Both the Complainant and Respondent have the right to appeal the outcome of the proceedings as outlined in University Regulations 2.012(24) and 2.013(1)(i).

a) If either the Complainant or Respondent submits an appeal, the other individual will be notified of an appeal submission, given the opportunity to review the submitted appeal and given an opportunity to submit a written response within ten (10) business days to the Dean of Students or other designated University official.

~~(m)~~(o) Harassment: Verbal or written abuse (including electronic communications or internet activity), threats, intimidation, coercion and/or other conduct that endangers the health, safety, or welfare of others, or places another individual in reasonable fear of physical harm or creates a hostile environment in which others are unable to reasonably conduct or participate in work, education, research, living or other activities. Harassment also includes actions defined in University Regulation 10.103.

~~(n)~~(p) Hazing: Hazing is defined in University Regulation 2.028.

~~(o)~~(q) Identification violations include:

1. Failure to present identification when requested by a University Law Enforcement Officer or other University official who identifies themselves.
2. Alteration or attempted alteration, illegal use or attempt to illegally use another's identification regardless of methodology (i.e., card, identification number, access code, etc.).
3. The student who allows another student or any individual to use their student identification card, identification number, decal or other means of identification.

4. To manufacture, distribute, deliver, sell, purchase, possess, or use of false identification.
5. Impersonation or misrepresenting the authority to act on behalf of another or the University.

~~(p)~~(r) Mail: The opening and removing of the mail, including electronic mail, of another person without authority is a violation of Federal law. University sanctions may also be imposed for such a violation.

~~(q)~~(s) Misuse of computer facilities, wireless system, network, data and resources, including but not limited to:

1. Unauthorized access, entry, or use of a University or another's computer, computer system, security systems and equipment, network, software, password, account or data;
2. Unauthorized alteration or degradation of computer equipment, software, network, data, or system performance;
3. Unauthorized copying or distribution of computer software or data;
4. Theft or unauthorized use of intellectual property or copyrighted materials;
5. Use of a computer or computer system in the commission of a crime to violate or facilitate the violation of laws, Board of Governors or University rules, regulations, or policies;
6. Any unauthorized commercial use of University or another's computer or computing resources;
7. Any unauthorized use of electronic or other devices to make an audio or video recording;
8. Use of computing facilities and resources to send obscene or defamatory messages or material;
9. Use of computing facilities or resources to interfere with the work of another student, faculty/staff, University official, or the normal operation of the University computing system; or
10. Any other violation of the University's or Florida Board of Governors regulations, policies, procedures and/or guidelines regarding information technology, computer and data use.

~~(r)~~(t) Misuse of Safety Equipment and Other Safety Violations: Vandalizing or misusing emergency equipment for non-emergency events, which includes but is not limited to intentional misuse of 911, blue lights systems, fire alarm pull stations, fire extinguishers, smoke detectors, or heart defibrillators; security cameras; unauthorized use of emergency exit doors; obstructing an emergency exit or leaving exit and/or fire doors propped open; false report of an explosive or incendiary device; causing or attempting to cause a fire or explosion; failure to evacuate during a fire alarm on the University's premises or at any University activity; use of hazardous equipment that may constitute a safety hazard (i.e. non-surge protected extension cord or unauthorized kitchen appliance).

~~(s)~~(u) Noncompliance with a University Official's Directive: Failure to comply with oral or written instruction from a University official (i.e. faculty, staff, administration, residence hall staff, law enforcement officer) acting within the scope of their job duties. This also includes but is not limited to giving access to or hiding any individual who has been restricted or prohibited from entering any part or all of the University's campus or any other University owned or controlled property.

~~(t)~~(v) Obstruction of the Student Conduct System, including but not limited to:

1. Failure to obey a notice from the University Conduct Officer to appear for an Information Meeting or hearing as part of the student conduct system;
2. Falsification, distortion, or misrepresentation of information before a hearing panel, hearing officer, or a staff member of the Office of Student Conduct and Conflict Resolution during a student conduct meeting;
3. Disruption or interference with the orderly conduct of an administrative hearing;
4. Attempting to discourage an individual's proper participation in, or use of, the student conduct system;
5. Attempting to influence the impartiality of a member of a hearing panel prior to, during, and/or after an administrative hearing;

6. Harassment, verbal or physical, and/or intimidation of a member of the hearing panel, hearing officer, Student Conduct and Conflict Resolution staff, Reporter or a witness prior to, during, and/or after an administrative hearing; or
7. Influencing or attempting to influence another person to commit an abuse of the student conduct system.

~~(u)~~(w) Providing False Information and/or Falsification of University Records: The student who falsifies records or gives misleading information, verbal or written. This includes falsifying, tampering, altering, forging, withholding of required information, or misusing any record or official document.

~~(v)~~(x) Public Indecency: Public nudity is prohibited on the campus. This includes a student who is nude, causes another or attempts to cause another to become nude in public. Examples include but are not limited to public urination and exposure of sexual organs. Nudity means any person insufficiently clothed in any manner so that any of the following body parts are not entirely covered with a fully opaque covering:

1. The male or female genitals;
2. The male or female pubic area;
3. The female breast; however, breastfeeding a child is not public indecency and does not violate this Regulation; or
4. The buttocks. Attire which is insufficient to comply with this requirement includes, but is not limited to, G-strings, T-backs, and thongs. Body paint, body dyes, tattoos, liquid latex whether wet or dried, and similar substances are not considered opaque covering.

~~(w)~~(y) Stalking: Engaging in a course of conduct directed at a specific individual that would cause a reasonable individual to fear for the individual's safety or the safety of others, or suffer substantial emotional distress. For the purposes of this definition:

1. Course of conduct means more than one act, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about an individual, or interferes with an individual's property. ~~Repeated following,~~

~~contacting, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device, or method that places a person in reasonable fear for his/her physical or emotional welfare; or~~

2. Reasonable individual means the behavior would cause a rational, typical person to experience intense fear, terror, or significant mental anguish even if it does not result in overt physical harm or direct threats of violence.~~Behavior that is intentional and repeated, or meant to be done in humor or in jest, that results in the intimidation, injury or distress of another individual physically, mentally, or socially. The behavior may be physical, written, visual, electronic or verbal.~~

3. Stalking also includes actions defined in University Regulation 10.103.

~~(x)~~(z) Theft: Unauthorized use or possession of, taking or attempting to take, the property or services of another. The property or services may be personal or public.

~~(y)~~(aa)Unauthorized Use of Facilities and Grounds: Unauthorized access, entry, or attempted entry into any University building or facility or the property of another; misuse or unauthorized use of classroom or laboratory facilities; abusing grounds or building structures, including but not limited to ramps, rails, stair cases, and entryways by means of skating, scootering, recreational cycling or other recreational activities or devices; unauthorized possession, duplication or use of keys, access cards/codes for any such property.

~~(z)~~(bb)Violation of Law: Violation of federal or state law or rules, local ordinance, or laws of other national jurisdictions; Florida Board of Governors' Regulation; any other University regulation, rule, or University Board of Trustees Policy.

(aa) Violation of Residence Hall Policies: Violation(s) of any Department of Housing and Residential Life policy, rule, or regulation.

(bb) Violation(s) of the Terms of Conduct: Action imposed as a result of previous conduct proceedings under the provisions of this Code will subject the

student to additional sanctions.

(cc) Violation of University Intellectual Property: Misuse or unauthorized use of the University's name, brand, acronym, logo, seal, symbols, marks, mascot, monogram, or other graphic identity symbol.

(dd) Violent Behavior: Conduct causing physical harm or injury; endangering the health, safety, or welfare of another or oneself; conduct causing severe emotional distress, or endangering one's own health or safety; any threat, attempt or offer to cause physical harm or severe emotional distress to another.

(ee) Weapons: Use and/or possession of weapons, firearms, firearm accessories and/or components, ammunitions, explosives, knives, firecrackers, fireworks or any other instrument as a weapon is prohibited, except as provided by law. Firecrackers or fireworks may be used only when approved by appropriate University officials.

1. *"Weapon"* means any item (including, but not specifically limited to, metallic knuckles, sword, any dangerous chemical or biological agent, firearm, machine gun, starter gun, BB gun, stun gun, paintball gun, taser, archery equipment or any other object) which will, is designed to, or may readily be converted to, expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device.
2. *"Fireworks"* means and includes any combustible or explosive composition or substance or combination of substances, or except as hereinafter provided, any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation. The term includes blank cartridges and toy cannons in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, roman candles, incense, dago bombs, and any fireworks containing any explosives or flammable compound or any tablets or other device containing any explosive substance. The term "fireworks" does not include sparklers; toy pistols, toy canes, and

toy guns.

3. The term *"sparkler"* means a device which emits showers of sparks upon burning, does not contain any explosive compounds, does not detonate or explode, is hand-held or ground-based, and cannot propel itself through the air.

(9) **Sanctions.** A student found Responsible for a violation or violations of the Code shall be subject to sanctions commensurate with the offense with consideration given to any aggravating and mitigating circumstances, including but not limited to, the student's conduct record. The student will be deemed to have knowledge of their record of previous conduct violations and sanctions. If a student does not complete a sanction by the required deadline, a judicial hold may be placed on the student's record or additional violations may be issued. Sanctions include one or more of the following, unless otherwise expressly provided:

(a) Counseling Assessment. The University can refer a student for an assessment at a counseling center for substance misuse, general mental health, or other counseling issues. The student shall choose an appropriately licensed and qualified facility.

(b) Discretionary sanctions. Action not specifically set out but deemed proper by a majority of the hearing panel or the University Conduct Officer.

(c) Educational Requirements. Attendance or presentation at educational programs; interviews with appropriate officials; planning and implementing educational programs; completion of an essay or project; or other educational activities.

(d) Expulsion from the University. The student is not in good standing, is removed from their academic program and permanently deprived of their opportunity to continue at the University in any status, including but not limited to graduation or re-enrollment. A hold will be placed on the student's record and a permanent notation will be placed on the transcript. The club/organization's registration is revoked and the relationship with the University is permanently severed. All references (e.g. name, marks, symbols, paraphernalia, etc.) to the club/organization shall be removed from University property and students may not wear or display any reference (e.g.

name, marks, symbols, paraphernalia, etc.) of the club/organization on campus.

(e) Fine. A specific monetary amount ~~ranging from $100.00 to $350.00~~, which may be included with a period of conduct probation. A fine may be issued for ~~each~~an individual violation or as an aggregate amount.

(f) Mediation. Depending on the nature and severity of the alleged violation, the University Conduct Officer may recommend mediation as an alternative to formal conduct action. The involved parties must each agree to mediation in writing. Mediation shall not be offered as an alternative in instances to include, but not specifically limited to: loss of life, serious bodily injuries, possession and/or use of weapons, hazing and the cultivation, distribution, or sale of drugs.

(g) No Contact Directive. A directive to refrain from any contact, direct or indirect, with one or more designated persons or group(s) through any means including personal contact, e-mail, text messaging, telephone, social media or third parties. A No Contact Directive may be temporary or permanent.

(h) Probation. Probation for a specified period which shall not exceed time needed by the student to complete requirements for graduation. Students placed on probation are not in good standing with the University and may not be elected to office or represent the University in any other capacity during the period of probation. Additional conditions may be imposed as a part of club/organizational probation. Students on probation are subject to suspension or expulsion should they be found Responsible for another violation during the probationary term.

(i) Reprimand. Correspondence which notifies the student that their behavior did not meet University standards. There shall be a written record of the reprimand.

(j) Restitution for the loss or damage to University property. This may be in the form of monetary, ~~or~~ material replacement or restoration.

(k) Restriction/Loss of Privileges. The denial of specific University privileges including, but not limited to, attendance at athletic functions, restricted

library use, parking privileges, University computer usage, University facilities and resources; residence hall visitation for a designated period of time, etc.

(l) Suspension from the University for a period not to exceed five (5) yearss. A student who is suspended is not in good standing and may not be enrolled in classes (either in-person, online or virtual) or participate in University related activities, whether they occur on or off campus and must comply with all conditions imposed by the hearing panel or University official prior to re-enrolling or applying for registration/recognition as a club/organization. The student is not permitted to enter the grounds of the University's main campus or any other University owned or controlled property without specific written permission from the University Conduct Officer. A hold will be placed on the student's recordrecord, and a notation will be placed on the transcript for the duration of the suspension period. Students who are suspended for more than one year will need to apply for re- admission to an ad hoc review board appointed by the President or Vice President for Student Affairs. A club/organization may not wear or display the club/organization's name, marks, symbols, or other paraphernalia, use University resources, facilities or participate in any University activities or events during the period of suspension.

(m) University/Community service. The student is required to complete a specified number of hours of service to the campus or general community.

(n) Withholding of diplomas, transcripts, or other records. The University may withhold issuance of diploma, degree, transcript or other record pending completion of a stated timeframe and all sanction(s) imposed.

(o) Any combination of the foregoing that the majority of the hearing panel, hearing officer or the University Conduct Officer may, under the circumstances, consider fair and appropriate.

(10) Students are required to carry a Florida A&M University picture identification card at all times. Failure to do so may subject them to reasonable detention by appropriate University authorities.

(11) **Notice.** The written notice of the violation(s) to the charged student

~~should~~shall be provided at least seven (7) business days prior to~~proceed~~ the actual hearing date, or information meeting with the charged student, ~~by no less than seven (7) business days~~, except in an emergency. All notices, decisions and outcomes of conduct matters connected with the conduct process will be e-mailed to the student's ~~University provided~~FAMU e-mail address. This method shall constitute proper notification to the charged student. At the discretion of the University Conduct Officer, correspondence may be sent to the student's last known local address as filed with the Registrar's Office and/or via iRattler. If no local address is on file, correspondence will be mailed to the student's permanent address. Students who have a change of address must file a change of address form at the Office of the University Registrar and/or via iRattler.

(12) **Time Limit.** Generally, the Office of Student Conduct and Conflict Resolution will charge a student with a violation within six (6) months from the date the violation was committed or ~~discovered~~reported to the Office of Student Conduct, whichever is later. However, the University Conduct Officer may exercise professional discretion when applying the time limit for charging a student when there are circumstances that warrant a waiver of the six (6) months' time limit. Circumstances that may warrant a waiver include, but are not specifically limited to: stalking, gender-based misconduct, sexual misconduct or relationship violence; requests from law enforcement not to take action; or concern for the safety of students, University employees or other witnesses.

(13) **Judicial Hold**. A student who fails to respond to the written notice to attend the mandatory Information Meeting or fulfill any sanction(s) previously issued by the University shall be placed on judicial hold and/or prohibited from ~~attending~~enrolling or registering classes and participating in extra-curricular activities until compliance with the notice or sanction(s) is completed. The University may also take action necessary for resolution of a case prior to the student's enrollment in a subsequent semester, transfer or graduation. All pending conduct matters must be resolved prior to a student's graduation, transfer from, or continued education at the University.

(14) **Information.** A charged student may request an opportunity to provide information to the University Conduct Officer against other students who are charged with violations of the Code arising out of the same incident or circumstances, including the student's own involvement, in exchange for imposition of sanction(s) by the

University Conduct Officer. Under this provision, the student waives their right to a hearing. The provision of information against other students will be considered a mitigating factor in determining sanctions.

(15) **Alternative to a Finding of Responsibility.** The University Conduct Officer may defer or suspend a finding of Responsibility pending completion of specific sanctions where circumstances warrant. If a student successfully completes the required sanctions, the student's conduct record may be sealed. This means that the record sealed will not appear on a student conduct/background check; however, the record may be considered by a hearing panel or the University Conduct Officer should the student commit a subsequent violation of the Code.

(16) **Amnesty.** In serious or life-threatening situations, particularly where alcohol poisoning or drug overdose is suspected or where other medical treatment is reasonably believed to be appropriate, students are asked to call 911 (or FAMU Police Department at 850-599-3256 if on campus); stay with the person needing assistance until help arrives; and be prepared to give emergency medical personnel as much information as possible including the amount and type of alcohol or substances consumed. Students who receive medical attention as a result of alcohol and/or drug use are eligible for Amnesty and may not face formal action under the Code. Students seeking medical assistance for another person while simultaneously violating the alcohol and/or drug regulation may also be eligible. Students who qualify for Amnesty are required to complete educational measures and pay any incurring costs. It is the University's expectation that a student uses Amnesty only once. If a student is involved in subsequent alcohol and/or drug abuse incidents, the incident will be reviewed for violation(s) of the Code.

(17) **Scheduling of Hearing.** A hearing shall normally be scheduled within fifteen (15) business days from receipt of the student's written, signed request for such, unless the charged student and the University Conduct Officer or designee agrees in writing to a later hearing date or there are extenuating circumstances. Extenuating circumstances that may warrant a delay of a hearing include, but are not specifically limited to: unavailability of witnesses; illness; death; pending civil or criminal proceedings which might prejudice University findings; no contact order issued by a court; an on-going related law enforcement investigation; University closures

and/or breaks between semesters; failure to meet composition requirements for the administrative hearing panel; and written requests for ~~continuance~~postponement from the charged student or from the University attorney.

(18) **Postponement.** A student charged with a violation of the Student Code of Conduct, regardless of which hearing panel may hear the matter, may request to have the hearing postponed for no more than sixty (60) business days and such postponement may be granted provided the student requests it in writing and agrees to accept the imposition of probation, suspension, or expulsion, depending upon the gravity of the offense. Such probation, suspension, or expulsion will be recommended by the University Conduct Officer to the Vice President for Student Affairs, who shall make a determination. Action taken shall remain in force until such time as the student requesting a hearing appears before the appropriate hearing panel and a hearing is held. The student shall be informed whether they would be placed on probation or would be suspended or expelled prior to deciding to postpone the hearing.

(19) **Interim Measures.** The University may take immediate action when a student or group of students poses a danger to the health, safety, or welfare of the student or a member of the University community. A hold will be placed on the student's record for the duration of the interim measures. Interim measures include but are not limited to the following:

(a) Interim Suspension. A student under interim suspension is considered not in good standing and may not attend nor participate in any classes (including online or virtual), may not be on or come onto University property except with the permission of the University Conduct Officer, may not participate in any University activities or organizations, and may not use University facilities, equipment or resources. The Vice President for Student Affairs may impose an interim suspension under the following circumstances:

1. The continued presence of the student on campus is likely to create interference with the educational process and/or the orderly operation of the University; and/or

2. The continued presence of the student on campus is likely to endanger the health, safety, welfare or property of the University community; and/or

3. The offense or conduct committed by the student is of such a serious, heinous or repulsive nature, as to adversely affect the University community and the student's suitability as a member of the academic community; and/or

4. The student is convicted of or pleads guilty to a criminal offense of a kind which interferes with the educational orderly operation of the University, or a kind which, if the student were allowed to remain enrolled, would endanger the health, safety, welfare or property of the members of the academic community.

(b) Interim Removal from University Housing. A student under interim removal from University Housing may not reside in University Housing and may not enter any University Housing facility and/or adjacent areas of University Housing facilities. The Vice President for Student Affairs, Dean of Students or University Conduct Officer is authorized to remove a student from University Housing on an interim basis.

(c) No Contact Directive. A directive to refrain from any contact, direct or indirect, with one or more designated persons or group(s) through any means including personal contact, e-mail, text messaging, telephone, social media or third parties. The No Contact directive may apply to one or more students. The Vice President for Student Affairs, Dean of Students or University Conduct Officer is authorized to issue a No Contact Directive.

(d) Other Interim Measures. Other interim measures which may allow access to class(es), instruction and other educational support, include but are not limited to:

1. Restriction from or limited access to University property, facilities, services, or equipment;

2. Restriction from participation in University activities or organizations;

3. Restriction from any or all class(es). A student may be completely restricted from attending class(es) or may be limited to online or virtual class(es). A student who is restricted from attending class(es) may continue to receive instruction and course information in an alternate manner.

4. The Vice President for Student Affairs, Dean of Students or University

Conduct Officer is authorized to impose the above interim measures. A review by the Threat Assessment Team may be requested in any matter where an interim suspension is imposed.

(20) **University's Right to Enter Housing.** In addition to the right of University officials to enter a student's room in University housing pursuant to the terms of the Housing Agreement, officials may enter when an emergency exists, where there is reasonable cause to believe there is a clear and present danger, or where there is a reasonable belief that contraband is present which interferes with the educational process of the University, or where the health, safety and welfare of the University community are in imminent and apparent danger.

(21) **Emergency and Administrative Hearings.**

(a) **Emergency Hearings.** The Vice President for Student Affairs reserves the right to appoint an ad hoc committee to hear matters regarding, but not specifically limited to, an interim suspension as outlined in Section (19) above. The chairperson of the committee, who may be an academic dean or director, shall be appointed by the Vice President for Student Affairs. Unless an ad hoc committee is appointed, the matter shall ordinarily be heard by the hearing panel and chaired by a staff member of the Office of Student Conduct and Conflict Resolution. The University Conduct Officer may request the review by the Threat Assessment Team is included as a part of the record for the Emergency Hearing. In the event the ad hoc committee or hearing panel lifts the interim suspension; the committee may implement any alternative interim measures.

1. The student shall have five (5) business days from the date of the notice to request, in writing, an emergency hearing solely on the interim suspension. During the emergency hearing the student may show cause why their continued presence on the University campus is not a threat pursuant to Section (19) of the Code.

2. The emergency hearing shall be held within five (5) business days of receipt of the written, signed request from the student for an emergency hearing. Should a student timely request both an emergency and administrative non-emergency hearing (see Section

21(b) below, Administrative (non-emergency) hearings), the University Conduct Officer, at their discretion, may combine the hearings into one proceeding. If the hearings are combined, the timeframes for an emergency hearing shall govern.

3. If the student fails to timely request in writing an Administrative (non-emergency) hearing on the merits of the case, the University Conduct Officer in his/her sole discretion may accept a written request from the student to proceed with informal disposition. Informal disposition is explained in Section (22) found below. The written request must be submitted within ten (10) business days following the emergency hearing. Should the student fail to submit a timely request for informal disposition, the University will adopt the allegations as the findings, find the student responsible for the alleged violations, and render sanctions accordingly. The student shall not have a right to appeal the merits of the allegations under this provision; however, the student may appeal the sanctions imposed.

4. In accordance with Regulation 2.012(21)(a) above, if a student does not provide a written request for an emergency hearing within the five (5) business days from the date of the notice of interim suspension, the student will have waived the opportunity to the emergency hearing; therefore, the student shall remain suspended until they request an administrative hearing on the merits of the alleged violations, the administrative hearing is held, and sanctions are rendered. If the student fails to request in writing an administrative hearing pursuant to Regulation 2.012(21)(b), within the ten (10) business days from the date of the notice, the student waives the opportunity to the administrative hearing, and waives the right to contest the facts alleged against them. The University shall then adopt the allegations as the findings, find the student responsible for the alleged violations, and render sanctions, which may include the suspension or expulsion.

(b) **Administrative (Non-Emergency) Hearings**.

1. An administrative (non-emergency) hearing is on the merits of the case, i.e., whether the student committed the alleged offense or offenses under the Code. The student must submit a written request for an administrative (non-emergency) hearing on the merits of the case within ten (10) business days. This information is also provided in the notice to the student. At the discretion of the University Conduct Officer, extenuating circumstances may be taken into consideration with regard to the ten (10) business day time limit such as a student's incarceration.

2. If the student does not provide a written request to the University for an administrative (non-emergency) hearing, the student waives the opportunity to the hearing and further, waives the right to contest the facts alleged against them. The University shall then adopt the allegations as the findings, find the student responsible for the alleged violations, and administer sanctions appropriately.

(22) **Informal Disposition.** In the event a student charged with an offense wishes to waive, in writing, their right to an emergency and non-emergency hearing and the University Conduct Officer wishes to accept jurisdiction, the University Conduct Officer may make a determination of facts and, if the student is found Responsible for the offense, make a determination of sanction(s). The student's written waiver shall be obtained after being given an explanation of the violations against them and of their rights to a hearing under the Student Code of Conduct. The student shall have two (2) business days from the date of signing the waiver to rescind, in writing, the waiver and request a hearing. In the absence of a rescission of waiver, the student shall be informed in writing of the decision within fourteen (14) business days from the date of the waiver. Should the student elect to proceed under this provision and fail to complete the process, a judicial hold may be placed on the student's account. If the University Conduct Officer finds the student is responsible and sanctions are imposed, the student shall not have a right to appeal the merits of the allegations under this provision; however, the student may appeal the sanctions

imposed.

(23) **Other University Boards.**

(a) Violation of residence hall policies and procedures are punishable under the Code. Violation of the Visitation Policy as found in the University Housing Handbook may carry either an arrest for trespassing, suspension or probation, and removal from residing in University residential facilities.

(b) Matters involving incidents arising in University Housing may be referred to the University Housing Judicial Appeal Committee by the Dean of Students or University Conduct Officer where the charged student is a resident of University Housing.

(c) Matters involving a club and/or organization may be referred to the Clubs and Organization Review Board by the Dean of Students or University Conduct Officer.

(d) Student Supreme Court. When a student is charged with a violation, which in the opinion of the University Conduct Officer, would not warrant a sanction in excess of probation, the University Conduct Officer may refer the case to the Student Government Association Supreme Court.

(e) In the event the violation is within the jurisdiction of more than one primary hearing panel, the University Conduct Officer shall determine which primary hearing panel shall hear the violation.

(24) **Appeals.** Decisions of the Student Supreme Court pursuant to Section (23)(d) above, University Housing judicial boards, Clubs and Organizations Review Board, University Conduct Officer and administrative hearing panels are appealed to the Dean of Students or other designated senior University administrator. No person may hear or decide an appeal if they conducted or participated in the conduct proceeding being reviewed on appeal. At the conclusion of the appeals process, the decision of the Dean of Students, or other designated senior University administrator, shall be final~~., and the student's conduct matter shall be disposed of through a final order signed by the Vice President for Student Affairs, which includes notice to the student of the student's right to appeal to an external judicial forum.~~. Final appellate decisions resulting in a suspension or expulsion of a student shall be disposed of through a final order signed by the Vice President for Student

Affairs and must include notice to the charged ~~accused~~ student of the student's right to appeal to an external judicial forum.

(a) The student has ten (10) business days from the date of the written notification of the decision by the hearing panel to submit an appeal in writing and file same with the Office of the Dean of Students. Deference is given to the original hearing panel's outcome; thus, the burden is on the student filing an appeal to demonstrate cause to alter the decision of the hearing panel.

(b) The written appeal must specify reason(s) why consideration should be granted and is limited to the following:

1. The student's due process rights, as outlined in University Regulation 2.013, were violated in the conduct proceeding;

2. New information exists that was not known to the student and could not have reasonably been known or discovered at the time of the original proceeding and which would have substantially affected the outcome of the proceeding. This does not include statements from an individual or student who did not appear for a proceeding.

3. The information presented during the proceeding does not support the decision;

4. The sanction(s) imposed is not commensurate with the violation(s), with consideration given to any aggravating and mitigating circumstances.

(c) If there is cause to grant the appeal, t~~T~~he Dean of Students or other designated senior University administrator may uphold the decision and/or sanction(s); modify the decision and/or sanction(s); remand the case to the original hearing panel for reconsideration of the decision and/or sanction(s) subject to any instructions; or remand the case for a new hearing by a different hearing panel.

(d) No student's final sanction shall begin ~~to run~~ until all University appeals are exhausted or denied, except as specified under Section (19) above.

(25) **Record.** The University will maintain an accurate and complete record of each

conduct proceeding. A digital recording of each hearing will be made by the Chairperson and preserved. Retention of the record is subject to the General Records Schedule GS5 for universities and community colleges. Deliberations shall not be recorded. During the appeal period, the charged student, with or without the company of legal counsel, and/or advisor, and/or parent with the written authorization of the charged student will be granted permission to listen to the recorded testimony under arrangements as determined by the University Conduct Officer, with the express understanding that the record is to remain confidential to the extent provided by law. The student may, at their own expense, arrange for the making of a full transcript of the recording by employment of a certified court reporting agency. The recording will be provided by the University with the written authorization of the charged student directly to the court reporting agency, who will be required to return the recording directly to the University. Other than the above modes of recording the hearing, other mechanical, electronic devices for recording or broadcasting shall be excluded from the hearing. If the student chooses to appeal, the recording shall be made available to the charged student and the Dean of Students.

(26) The hearing panel, ad hoc committee or University Conduct Officer shall afford the charged student with due process, as provided by University Regulation 2.013, and/or Board of Governors Regulation 6.0105. The regulations implementing the due process provisions, as well as other matters referenced in said rules, but not included herein shall be printed in the student handbook, the FANG, under the section entitled "Student Rights, Responsibilities and Code of Conduct."

(27) **Student Conduct Process.**

(a) In accordance with University Regulation 5.003, the University's primary source of communication with students involved in the student conduct process is through the student's FAMU e-mail address. Students are responsible for checking their FAMU e-mail on a regular basis.

Reports

(b) Alleged violations of the Student Code of Conduct shall be reported, in writing, to the University Conduct Officer by any individual with knowledge of the allegations. The University Conduct Officer will review the information to

determine if: an investigation is warranted; a student will be charged with violating the Student Code of Conduct; there is not sufficient information and no further action will be taken; the action claimed is not a violation of the Student Code of Conduct; the accused person is not a student; or other appropriate action should be taken. The University Conduct Officer will refer all information warranting conduct action and assign the case to the appropriate staff member.

Charges

(c) If at any time during the course of the conduct process, the University Conduct Officer determines that either charges are not warranted or that insufficient information exists to continue, the charges may be withdrawn and the student will be notified of such in writing.

(d) Students charged with alleged violation(s) will receive written notice of the allegations and be required to attend a mandatory Information Meeting. During the Information Meeting, the staff member will explain the elements of due process afforded to the charged student; review the alleged violation(s) and corresponding allegations; provide the resolution options; and answer any questions. The student will also be given an opportunity to accept responsibility or not accept responsibility and select their resolution option. If the student opts not to make a selection at that time, the student shall contact the Office of Student Conduct and Conflict Resolution within two (2) business days with their selection. If the student does not provide their selection within the required timeframe, an administrative hearing will be scheduled. A judicial hold will be placed on a student's account who fails to attend the Information Meeting. Students who leave the University before a conduct matter is resolved may be prohibited from future enrollment until such time as the matter is resolved and a judicial hold may be placed on the student's account.

Resolution Options

(e) The charged student has the right to a hearing before an impartial Administrative Hearing Panel, at least one-half of which must be students. However, Gender-Based and Sexual Misconduct cases shall be heard before an impartial University official or designee or a panel comprised of only University officials or designees (refer to Section (8)(l) above). If the student selects the Administrative Hearing Panel, a staff member from the Office of Student Conduct and Conflict Resolution may serve as Chairperson and will be conducted in

accordance with Hearing Guidelines below. Witnesses, documents, exhibits, etc. will be presented. Upon written request, the charged student shall have the opportunity to inspect all of the information related to the allegations, including inculpatory and exculpatory information and the names of any known witnesses. The inspection must occur at least five (5) business days before the hearing and the student is responsible for submitting a timely request. The Panel will determine if the student is Responsibleor Not Responsible and any appropriate sanction(s). The charged student has the right to attend the entire hearing, excluding deliberations, and will be provided a written decision within fourteen (14) business days following completion of the hearing.

(f) Alternatively, the charged student may waive their right to a hearing and select Informal Disposition. Informal Disposition is a meeting with a staff member in the Office of Student Conduct and Conflict Resolution. Upon written request, the charged student shall have the opportunity to inspect all of the information related to the allegations, including inculpatory and exculpatory information. The inspection must occur at least five (5) business days before the meeting and the student is responsible for submitting a timely request. The charged student will have an opportunity to respond to the information and present any documentary information on their own behalf; however, witnesses will not be presented. The staff member shall determine if the student is Responsible or Not Responsible and any appropriate sanction(s). Refer also to Section (22) above for additional information regarding Informal Disposition.

(g) The University Conduct Officer may recommend mediation as an alternative to formal conduct action. Mediation is confidential and the involved students must each agree to mediation in writing. In mediation, the students meet with an impartial mediator to communicate their concerns and needs and reach their own agreement on the resolution of the case. In the event the students do not agree to mediation or fail to reach an agreement, the case will be referred back to the above hearing options for disciplinary action.

Appeal

(h) The charged student may appeal the decision and sanction(s) rendered by the Administrative Hearing Panel and the sanction(s) rendered during Informal

Disposition to the Dean of Students or other designated senior University administrator as provided in Section (24) above.

(i) Decisions of any committee, hearing panel, or designated University official constitutes official action and is not a recommendation. If an appeal is not timely filed, the decision of the committee, hearing panel or designated University official becomes the final outcome.

(28) **Hearing Guidelines.** Student conduct hearings shall be conducted in accordance with the following guidelines:

(a) All hearings shall be closed to the public unless required by law.

(b) The charged student has the right to be assisted by one (1) advisor, advocate or legal representative, at their own expense and initiative. An advisor, advocate or legal representative may participate in all aspects of the conduct proceeding but shall not testify for the student and may not serve in any other role. A student should select an advisor, advocate or legal representative whose schedule allows attendance at the scheduled date and time of the hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor, advocate or legal representative. The student must provide, in writing, to the University Conduct Officer or the chairperson of the hearing panel, the name, mailing or e-mail address, and phone number of their advisor, advocate or legal representative at least three (3) business days prior to the meeting or hearing date.

~~(a)~~(c)

~~(b)~~(d) The charged student and their advisor, advocate or legal representative, if any, shall be allowed to attend the entire portion of the hearing at which information is received, excluding deliberation. No other person shall be permitted to attend the hearing.

~~(c)~~(e) In conduct hearings involving more than one charged student, the University Conduct Officer or the chairperson, in their discretion, may permit the hearing concerning each student to be conducted separately or jointly. Information received during a hearing arising out of the same circumstances may be used.

~~(d) The charged student has the right to be assisted by one (1) advisor, advocate or legal representative, at their own expense and initiative. An advisor, advocate or legal representative may participate in all aspects of the conduct proceeding but shall not testify for the student and may not serve in any other role. A student should select an advisor, advocate or legal~~

~~representative whose schedule allows attendance at the scheduled date and time of the hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor, advocate or legal representative. The student must provide, in writing, to the University Conduct Officer or the chairperson of the hearing panel, the name, mailing or e-mail address, and phone number of their advisor, advocate or legal representative at least three (3) business days prior to the meeting or hearing date.~~

~~(e)~~(f) The charged student may arrange for witnesses to present pertinent information to the hearing panel. The University will try to arrange the attendance of possible witnesses who are members of the University community, if reasonably possible and who are identified by the charged student at least five (5) business days prior to the conduct hearing. Witnesses will provide relevant information to and answer questions from the hearing panel and the charged student. No witness may be compelled to provide self-incriminating information. Witness statements may be

provided to the hearing panel and are entitled to be given the same weight by the hearing panel as live witness testimony. A written statement is not a violation of the due process rights of the charged student, as the charged student has the opportunity to review and respond to the written statement and may offer information to rebut the witness statement and other information presented at the hearing.

~~(f)~~(g) If the charged student fails to appear at the hearing after being properly notified or fails to cooperate in the hearing process, the hearing panel may hear the case on the basis of information accumulated as a result of witnesses and shall notify the charged student of the decision. In the absence of the charged student, a response of Not Responsible shall be entered on the student's behalf by the chairperson of the hearing panel. Also refer to Obstruction of the Student Conduct System, Section 8(t).

~~(g)~~(h) A charged student may request only one postponement of a conduct hearing by contacting in writing the University Conduct Officer at least three (3) business days prior to the hearing. Postponement of the hearing shall be at the discretion of the University Conduct Officer or their designee.

~~(h)~~(i) Witnesses shall not serve as advisors at any conduct hearing.

~~(i)~~(j) At the time of the hearing, an automatic postponement shall be granted if the composition requirements of the hearing panel are not met.

~~(j)~~(k) If any member of the hearing panel feels that they had previous contact with the case or with the students involved so that a fair judgment cannot be rendered, the member must request that they not serve for the hearing. The charged student may request that any member of the hearing panel be excused whenever the student can show a bias on the part of the member. The chairperson of the hearing panel will decide on such challenges and, if appropriate, ask the member to excuse him or herself. If the chairperson of the hearing panel is challenged by the student, the hearing panel will decide by a majority vote whether or not the chairperson should be requested to excuse themselves, notwithstanding that the chairperson does not vote on whether the charged student is Responsible or Not Responsible for violating the Code.

~~(k)~~(l) A charged student may be diverted from the conduct process or hearing if prior to or during the conduct process or hearing, it is determined by the Dean of Students pursuant to University Regulation 2.007, Voluntary and Involuntary Withdrawal, that the charged student has a mental health issue and the objectionable behavior appears to be a result of the mental health issue.

~~(l)~~(m) Pertinent records, exhibits, and written statements may be accepted as information for consideration at the discretion of the chairperson of the hearing panel.

~~(m)~~(n) All procedural questions are subject to the final decision of the chairperson of the hearing panel.

~~(n)~~(o) After the portion of the conduct hearing concludes in which all pertinent information has been received, the hearing panel shall determine by a majority vote whether the charged student is Responsible or Not Responsible for violating each section of the Code for which the charged student is charged. The chairperson of the hearing panel cannot vote. Prior records of student conduct action and impact statements are considered by

the hearing panel only if the student has been found Responsible and during the sanctioning phase of deliberations.

~~(o)~~(p) Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court proceedings, do not apply in conduct hearings.

~~(p)~~(q) The burden of proof in all conduct hearings shall be on the University and is not on the charged student. A "preponderance of information" shall constitute the standard of proof standard in all conduct hearings. The charged student shall be presumed Not Responsible for the alleged violation(s).

~~(q)~~(r) The University Conduct Officer and/or the chairperson of the hearing panel may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Respondent, or any other participant during the hearing by providing separate waiting rooms and/or by permitting participation, when feasible, by video conferencing, videotape, audio tape, telephonically or other means.

~~(r)~~(s) The administrative hearing panel is comprised of faculty members, staff members, administrators and students. The composition is variable from four to six (4-6) persons, depending upon the nature of the violation. At least one-half of the membership must be students.

~~(s)~~(t) Any student with a disability may request reasonable accommodations during the conduct process. If accommodations are desired, the request must be made to the Center for Disability Access and Resources (CeDAR) at least seven (7) business days prior to the proceeding. If necessary, the University Conduct Officer may postpone the proceeding to provide reasonable accommodations. Non-students may contact the Office of Equal Opportunity Programs.

~~(t)~~(u) The above guidelines for conducting a conduct hearing are not exhaustive. Therefore, the University Conduct Officer may adopt additional guidelines for the conduct of hearings that are not inconsistent with the provisions of this Code. Such procedural guidelines must be approved by the Vice President for Student Affairs or designee, must be in writing and made

available to the charged student and all witnesses at least three (3) business days prior to the hearing.

(29) Unless specifically stated otherwise herein, the provisions of this Code should be read and interpreted broadly, and are not intended to define misconduct in exhaustive terms. The Office of Student Conduct and Conflict Resolution may adopt internal operating procedures, which are consistent with this Code. In instances where there may be conflict between the internal procedures and the Code, the Code shall supersede.

(30) **Review of Code.** The Student Code of Conduct shall be reviewed on a biennial basis under the direction of the University Conduct Officer who shall appoint a committee, with student representation, to evaluate the Code and make recommendations, if any, for amendments or revisions.

Specific Authority: Article IX, section 7, Florida Constitution, sections 1006.60, 1006.61, 1006.62, 1006.63, Florida Statutes, Board of Governors Regulation 6.0105. History–New October 1, 1975, Repromulgated March 8, 1976, Amended August 6, 1978, Amended December 22, 1983, Amended

September 14, 1987, January 26, 2004, Amended June 29, 2006, Amended July 15, 2013, Amended March 6, 2014, Amended July 7, 2014, Amended June 11, 2016, Amended July 31, 2020, Amended January 8, 2021, Amended December 8, 2021, Amended August 23, 2023.