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.: Due Process, Other Rights and Responsibilities (2.013)

SUMMARY OF REGULATION: This amended regulation updates the wording to provide clarity to the advisor role, student appeal process regarding interim suspensions and to direct University student proceedings outside of Student Conduct to follow this Regulation's process, as well as general clarifications.

AUTHORITY FOR REGULATION: Section 7, Article IX, Florida Constitution and Board of Governors Regulations 1.001 and 6.0105, Section 1006.60, 1006.61, 1006.62, Florida Statutes.

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:

2.013 Due Process, Other Rights, and Responsibilities

(1) The due process requirements contained below shall be applicable in all cases involving academic dishonesty and purported violations of the Student Code of Conduct. Applicable definitions are found in Florida A&M University ("University") Regulation 2.012, Student Code of Conduct. All definitions not included herein or in University Regulation 2.012, 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. Due process as applied by the University and its schools, institutes, and colleges shall include, at a minimum, the following:

(a) **Notice**. The student shall be provided with written notice of the violations against them in sufficient detail and in sufficient time to prepare for a hearing or meeting before an appropriate and impartial committee, hearing panel, or designated University official. This notice shall be presented no less than seven (7) business days prior to the hearing or meeting, except in cases of emergency hearings, where the notice will be provided as soon as possible.

(b) **Scheduling of the Emergency and Administrative (non-emergency) Hearings**. The student shall be entitled to a prompt hearing or meeting before an appropriate and impartial committee or hearing panel, as established by the

University. The student is responsible for ensuring that the University receives the student's written request for any hearing within the allotted times.

1. **Emergency Hearing**. 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 at which the student may show cause why their continued presence on the University Campus is not a threat pursuant to University Regulation 2.012(19). For emergency hearings, the hearing shall be scheduled within five (5) business days from receipt of student's written request.
2. **Administrative (non-emergency) Hearing**. Pursuant to University Regulation 2.012(21)(b), when a student has been suspended on an interim basis, the student is provided with ten (10) business days from the date of the notice to request, in writing, an administrative (non-emergency) hearing on the merits of the case, i.e., whether the student committed the alleged offense or offenses under the Student Code of Conduct. The administrative (non-emergency) hearing shall be scheduled within fifteen (15) business days from receipt of the student's written request.
3. **Combined Hearings.** Should a student timely request both an emergency hearing on the interim suspension and administrative (non-emergency) hearing on the merits of the case (see University Regulation 2.012(21)(b), 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.

4. **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 allegations, elements of due process that will be afforded and the student's resolution options.
5. Exceptions to scheduling the hearing within the specified number of days may occur due to outside factors such as the availability of witnesses or the hearing panel members. It is the responsibility of the student to ensure that their written requests are timely received by the appropriate University official.

(c) **Informal Disposition**. In lieu of a hearing, the student shall have the option to request resolution of the matter by an appropriate and impartial official designated by the University. This opportunity will be provided to the student during the Information Meeting. Please refer to University Regulation 2.012(22).

(d) **Disclosure of Information**.

1. In Emergency Hearings and upon the student's written request, the student and the student's advisor, advocate or legal representative, if any, shall have the opportunity to inspect all of the information related to the allegations, including inculpatory and exculpatory information and all known witnesses at least one (1) business day prior to the hearing. The University shall also have the right to inspect any information related to the allegations, including

inculpatory and exculpatory information and all known witnesses the student intends to use at the hearing at least one (1) business day prior to the hearing.

2. In Administrative (non-Emergency) Hearings/Meetings and upon the student's written request, the student and the student's advisor, advocate or legal representative, if any, shall have the opportunity to inspect all of the information related to the allegations, including inculpatory and exculpatory information and all known witnesses. Inspection of the information shall occur at least five (5) business days before the student conduct hearing or meeting. Failure of the student to timely request inspection of the information waives the five (5) business day timeframe in which the University has to comply. Upon waiver, inspection will occur at the University's availability. The University shall also have the right to inspect any information related to the allegations, including inculpatory and exculpatory information and all known witnesses the student intends to use at least five (5) business days before the student conduct hearing or meeting.
3. If the student and the student's advisor, advocate or legal representative, if any, fails to notify the University, within the above-allotted times before the hearing, that they have information the student plans to present, and/or fails to allow the University to inspect the information that the student intends to use at the hearing, it may be considered a waiver by the student. As a result, the student might not be able to present the information at the hearing.

(e) **Hearing/Meeting Procedures**. The student has the right to a presumption that no violation occurred. The University has the burden to prove, by a

preponderance of the information, that a violation has taken place. The student may present relevant information on their own behalf during the student conduct hearing or meeting. The student may hear and question witnesses who testify at the hearing or meeting. The student shall not be forced to present testimony, which would be self-incriminating and has the right to remain silent. Such silence may not be used against the student.

1. The University is not required to postpone the proceedings pending the outcome of a criminal or other outside proceeding.
2. The University student conduct proceeding is not a criminal or judicial proceeding and is designed to address student behavior; therefore, purported academic dishonesty or violations of the Student Code of Conduct will be addressed independently of any penalty imposed by an external judicial or administrative body. The rights and rules of evidence or procedure in a civil or criminal proceeding do not apply in a student conduct proceeding.

(f) **Advisor.**

1. 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 proceedin g 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. ~~The student may, at their own expense and initiative, have one (1) advisor, advocate or legal representative of the student's choice present during the student conduct proceedings. The student must provide, in writing, 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. It is the student's responsibility to make appropriate arrangements for the advisor, advocate or legal representative to attend the student conduct proceedings which will not be delayed due to scheduling conflicts of the chosen advisor, advocate or legal representative. The student shall coordinate the scheduling of the hearing and not the advisor, advocate or legal representative.~~

~~2.~~ The advisor, advocate or legal representative may be present to advise the student and may participate in all aspects of the proceeding but shall not testify for the student. The advisor, advocate or legal representative cannot serve in any other role, including as a witness, an investigator, decider of fact, hearing officer, member of a committee or panel convened to hear or decide the charge or any appeal.

(g) The decision of Responsible or Not Responsible shall be based solely on the information presented during the hearing or meeting.

(h) The decision of any committee, hearing panel, or designated University official, is not a recommendation but is an official action and shall be presented to the student in writing within fourteen (14) business days following the hearing or meeting.

(i) **Appeal**.

1. The student may appeal the decision of any committee, hearing panel, or designated University official, in writing, within ten (10) business days from the date of the decision to the Dean of Students or other designated senior University administrator, as appropriate, unless otherwise proscribed. No person may hear or decide an appeal if they conducted or participated in the conduct proceeding being reviewed on appeal.

2. At the conclusion of the appeals process, the decision of the Dean of Students or other designated senior University administrator shall be final. 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. The final order shall include notice to the charged student of the right to appeal to an external judicial forum, as appropriate.

3. In cases where the student selects informal disposition of the case, the student is limited to appealing the sanctions.

(j) A student shall remain eligible to attend classes and University activities pending the University's conduct decision, and until any appeal is concluded except as set forth below:

1. In cases where the Vice President for Student Affairs determines that the health, safety, or welfare of the student or a member of the university community is involved, the student may be expelled or temporarily suspended ~~or expelled~~ from classes and/or University activities.

2. In cases where the sanction(s) determined by the University official(s) in the conduct decision include either suspension or expulsion, the student's privileges at the University, including the ability to attend classes, in-person

or online, and engage in University activities may be revoked.

(k) If a student's privileges are temporarily revoked as described in paragraph (1)(j)2. above, but the student is subsequently found not responsible for the violations, the University will:

1. Correct any record of the change in enrollment status in the student's permanent records and reports in a manner compliant with state and federal laws; and

2. Refund to the student a pro rata portion of any charges for tuition and out- of-state fees, as appropriate, if the temporary revocation or suspension of the student's ability to attend classes lasts for more than ten (10) business days.

(2) Additional due process protections, as may be provided by regulation or policy of the Board of Governors, shall also be applicable to cases involving academic dishonesty or violations of the Student Code of Conduct as indicated by said regulation. Refer to Board of Governors Regulation 6.0105.

(3) **Waivers**.

(a) In accordance with University Regulation 2.012(21)(a), a student is provided five (5) business days from the date of the notice of interim suspension to request in writing an emergency hearing regarding the student's continued presence on the University's Campus. If the student does not provide the University with a timely, written request for the emergency hearing, the student will have waived the opportunity for the emergency hearing; therefore, the student shall remain suspended until the student requests an administrative hearing on the merits of the alleged violations, the administrative hearing is

held, and sanctions are rendered.

(b) Pursuant to University Regulation 2.012(21)(b), when a student has been suspended on an interim basis, the student is provided with ten (10) business days from the date of the notice to request in writing an administrative (non-emergency) hearing on the merits of the case. Should the student fail to submit a timely, written request for an administrative (non-emergency) hearing, the student would have waived the opportunity to contest the alleged facts. Based on the student's waiver, the University Conduct Officer shall adopt the allegations as the findings, find the student responsible for the alleged violations, and render sanctions.

(c) If the student has been suspended on an interim basis and fails to timely request, in writing, an Administrative (non-emergency) hearing on the merits of the case, the University Conduct Officer in their sole discretion may accept a written request from the student to proceed with informal disposition. (Informal disposition is explained in University Regulation 2.012(22).) 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 Conduct Officer shall adopt the allegations as the findings and find the student responsible for the alleged violations. The student shall not have a right to appeal under this provision; however, the student may appeal the sanctions imposed.~~.~~

(4) The Student Code of Conduct supersedes all other means of disciplining or removing students for behaviors prohibited by the University. All student proceedings outside the Office of Student Conduct and Conflict Resolution shall follow the due process rights

of this Regulations.

(5) **Victim Rights**. A victim is defined as the person harmed by a violation of the Student Code of Conduct committed by the charged student. The University will provide notice to the alleged victim(s) of their rights at least five (5) business days before any hearing is held. Victims have the following rights:

(a) To have an advisor, advocate or legal representative of the purported victim's choice and at their initiative, accompany them when presenting information to the hearing panel and to any other relevant meetings held throughout the student conduct process;

(b) To submit an impact statement to the hearing panel. This information may be used only in the sanctioning phase of deliberations, if the charged student is found Responsible for the violation(s). If the charged student appeals the decision on the basis of severity of the sanction imposed, the charged student will have the right to view the impact statement upon written request;

(c) To have unrelated past behavior excluded from the hearing. The University Conduct Officer or chairperson of the hearing panel will decide if such information is unrelated;

(d) To submit questions to the University Conduct Officer at least three (3) business days prior to the hearing. The University Conduct Officer will decide whether the questions are relevant and should be presented at the hearing;

(e) To have personal property returned if in the current possession of the University. The determination of when this property may be returned is within the discretion of the University Conduct Officer and/or University Department of Campus Safety and Security;

(f) For Complainants involved in a Gender-Based or Sexual Misconduct case, please refer to additional rights noted in University Regulation 2.012(8)(l).

(6) **Basic Rights**. All students enrolled at the University shall be afforded the basic rights as set forth below:

(a) The right of respect for personal thoughts; the right of freedom from indignity of any type; the right to expect an education of the highest quality; and the right to make the best of one's talents and time toward the objectives which brought them to the University;

(b) The right to inquire about and to recommend improvements in University policies, regulations, and procedures through established protocol;

(c) The right to participate in the self-governing process of student organizations pursuant to the regulations, policy, and procedures of the University and affected organizations;

(d) The right to be represented on University-wide committees in accordance with University procedures;

(e) The right of freedom of expression and peaceful assembly as defined and governed by the Constitutions of the United States and the State of Florida and the regulations of the University and the Florida Board of Governors;

(f) The right to participate in dialogue during public discussions that provide a diversity of opinions;

(g) The ability to join University clubs and organizations for educational, political, social, religious, and cultural purposes in accordance with the regulations, policy, and procedures of the University and the respective clubs and organizations;

(h) The right of due process as outlined above; and

(i) The right of freedom of press and media to publish and distribute materials in accordance with the Constitutions of the United States and the State of Florida and the regulations of the University.

(7) **Student Responsibilities**. The University encourages its students to help maintain a healthy academic climate where students can intellectually grow and develop as mature and responsible individuals. ~~Concomitant~~ Concurrent with student rights are student responsibilities. These responsibilities include but are not limited to the following:

(a) The responsibility of making the most of their educational opportunities by attending classes and laboratory periods on a regular basis and by completing all academic requirements, in a satisfactory manner, as stated in each course syllabus while taking advantage of the many opportunities provided in a University environment for all around personal growth, development, and maturation;

(b) The responsibility of knowing and observing all University policies, procedures, and regulations (e.g. the General Catalog of the University and Student Handbook, including the Student Code of Conduct, etc.) as well as state and federal laws and requirements;

(c) The responsibility of taking the initiative in exercising the democratic processes to include, but not be limited to, voting and performing community or volunteer services;

(d) The responsibility of ensuring the orderly operation of the University through appropriate conduct in and out of the classroom; and

(e) The responsibility of assuming the consequences of one's own actions, and to

avoid conduct detrimental in its effect upon fellow students and members of the University community.

Specific Authority: Article IX, section 7(c), Florida Constitution, Sections 1006.60, 1006.61, 1006.62, Florida Statutes, Board of Governors Regulation 6.0105. History New October 1, 1975, Formerly 6C3-2.13, Amended September 14, 1987, Amended June 29, 2006, Amended July 15, 2013; Amended July 7, 2014, Amended June 11, 2016, Amended July 31, 2020, Amended January 8, 2021, Amended December 8, 2021, Amended August 23, 2023; Amended September xx, 2026.