

Summary of Proposed Amendment to University Regulation 6C2R-3.004, Student Conduct Code

Appeals Process

To create a more efficient and timely appellate process, the procedures for appeals are modified to allow for a file review by the hearing officer. After the review of the file the hearing officer may either 1) make a determination based solely upon the documentation in file or 2) Request a meeting with the charged student if additional information is needed. (see page 32 attached).

This eliminates the necessity to meet with every student in person and will result in an improved turn-around time for appeal decisions. The Vice President for Student Affairs will remain final agency action for all appeals.

Immediate Disciplinary Action (IDA)

The concept was conceived as an additional tool to address serious alleged misconduct that does not warrant an immediate suspension. The desired result is to create a mechanism to alert the charged student that his/her behavior is serious and protect the community without depriving the charged student of his/her right to attend class.

(page 35)

General Revisions

- Amended decisions – the designated administrator must confer with the hearing body prior to amending or reversing a decision
- Timeframes were adjusted to create greater consistency and reflect a reasonable timeframe for administrative tasks and student needs (page 15).
- The Office's cancellation policy is included in the Code on page 19. The charged student's right to waive the 5-class days prior notice of a formal hearing is now included in the Code (page 20).
- The number of students on panel is modified to include two students. However, language includes "in times of limited student availability, panels may proceed with one Student Judicial Board member."
- Language was revised for internal consistency. References to specific programs and positions were changed to reflect appropriate and inclusive titles.

The following are examples:

- International programs references include "program leaders" who have authority for discipline.
- Prospective members of organizations are referred to "active, associate, new and/or prospective members of an organization" to be more inclusive.
- "Board of Education" replaces references to the Board of Regents
- References to the FSU official web-site were added
- Reference to "the Office of Student Activities and Organizations" was changed to "Oglesby Union and Student Activities Center"

Definitions

Modifications to the definition of advisor were made to create parameters based on fundamental fairness (page 4). Victims were added to the definition of advisor (page 16).

"Student Organizations" was added to the "Definitions" section to provide greater clarity (rather than having this definition tacked onto the end of the "Student" definition).

Definition of "University property" was modified to create greater specificity and the term "University community" was expanded to include visitors (see page 6).

Offenses

Under "Offenses" language was modified to refer to an "intimidating, hostile, or offensive environment" to eliminate confusion about the type of environment. The words, "campus, educational, or working" were deleted in their description of environment (see page 7 & 8).

The citation to the Hazing Bill contained in the Florida Statutes was added (see page 9).

Definition of Fire and Safety offenses was made more inclusive and a definition was added for "Arson" (see page 10).

Alcohol and Illegal drugs were combined into one section (see page 10). "Intoxicated behavior" was added as a specific charge (see page 10).

The use of "electronic or cellular" equipment was added to the offenses covering "Disruptions" (see page 11).

Language concerning Misuse of "identification" was broadened to include the use of another person's identification or fake identification. "Access codes" was also added to this section (see page 11 & 12).

Unauthorized "downloading" of materials is included under computer offenses (see page 12).

"Gambling" was added as a charge.

Victim's Rights section was modified to place greater emphasis on "unrelated past behavior" of the victim excluded. The reference to specific types of cases involving victims was eliminated to be more inclusive. The victim's right to be consulted before the victim impact statement is reviewed by the charged student on appeal is now included.

Sanctions

- Reference to "Work Hours" is changed to "Service Hours."
- The "fee" sanction is eliminated because it is inconsistent with the University's philosophy of discipline.
- "Restricted access to campus and/or other specified activities" may be included with any suspension, dismissal or expulsion.
- Sanctions pertaining to Student Organizations now include the University's ability to "concur" with any "sanction issued by National or other governing bodies" that "exceeds that of the [University] sanction" (page 29).

AUTHORITY FOR THE PROPOSED UNIVERSITY REGULATION

The authority for the proposed regulation is as follows: Florida Board of Governors Regulation Development Procedure for State University Boards of Trustees, and Sections 1001.74(4), (10), 1002.22, 1006.60, 1006.62, 1006.63, Florida Statutes.

UNIVERSITY OFFICIAL INITIATING THE REGULATION

Proposed Amendment Regulation 6C2-4.072 has been initiated by Dr. Mary Coburn Vice President, Student Affairs.

PROCEDURE FOR PROVIDING COMMENTS ON THE PROPOSED UNIVERSITY REGULATION

Any person may submit written comments concerning the proposed regulation within 14 days of the date of this notice to:

Arthur R. Wiedinger, Jr.
Office of General Counsel
424 Westcott Building
Florida State University
Tallahassee, FL 32306-1400
Electronic address: awiedinger@admin.fsu.edu
850-644-8973 (fax)
850-644-4440 (phone)