

SUMMARY OF PROPOSED FLORIDA STATE UNIVERSITY EMERGENCY REGULATIONS FSU-ER15-1, STUDENT CONDUCT CODE AND FSU-ER15-2, STUDENT ORGANIZATION CONDUCT CODE AND PROPOSED AMENDMENT TO REGULATION FSU-3.004, STUDENT CONDUCT CODE AND FSU-3.0041, STUDENT ORGANIZATION CONDUCT CODE:

The proposed two sets of regulations are identical in content; the only difference is that the emergency regulations would take effect immediately upon Board of Trustees approval and expire in ninety days, as required for an emergency regulation. On the other hand, the permanent regulation changes would take effect upon adoption by the Board of Trustees after the required regular adoption procedure. These regulation changes will be presented for final approval at the next meeting of the Board.

The emergency regulations and proposed amendments amend the existing regulations relative to possession of weapons on campus to more explicitly track the exact requirements of the statute considering current court decisions. It is meant only as a restatement of the actual law in recognition of preemption of the subject matter to the Florida Legislature as is provided by law.

The emergency regulation and companion permanent regulation are adopted under procedures approved by the Florida Board of Governors.

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE HEALTH, SAFETY OR WELFARE:

The existing Regulations governing Student Conduct are currently under court challenge and it is crucial that the alleged deficiencies or ambiguities be immediately addressed to preserve enforceable Student and Student Organization Conduct Regulations without lapse or interruption. This action is not any legal admission of error in existing Regulations but rather to make them more explicitly and unambiguously consistent with governing law and decision.

Because the normal Regulation adoption procedure may not be concluded before pending challenges is heard in Court, Emergency Regulations are necessary to ensure continuing enforcement. The Emergency Regulations are paired with identical amendments under the normal adoption procedure.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Adequate notice of the proposed action by the Board of Trustees was provided on the official webpage for presentation to the Board on October 9, 2015.

AUTHORITY FOR THE PROPOSED UNIVERSITY REGULATION: The authority for the proposed regulation is as follows: Florida Board of Governors Regulations 1.001, 6.0105; Florida BOG Regulation Development Procedure for State University Boards of Trustees

UNIVERSITY OFFICIAL INITIATING THE REGULATION: General Counsel

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)