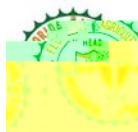


Regulations of Florida A&M University



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.
- (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. 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 judicial body or officials of a violation of this Regulation, to encourage all to comply with them, and assist in their enforcement by testifying as witnesses when called upon to do so. Accordingly, all alleged violations of the Code shall be referred to the University Judicial Officer. Students, faculty, and staff, stakeholders, or other individuals with knowledge, may report violations of the Code, in writing, to the Judicial Office.
- (3) The University has zero tolerance for violation of any provisions of the Code as well as the Anti-Hazing Regulation 2.028 and Alcoholic Beverages Regulation 3.021. “Zero tolerance” means that given the factual circumstances of the alleged violation the charged student may be removed from University Housing and receive a penalty up to suspension or expulsion from the University.
- (4) Due process protections in accordance with University Regulation 2.013 will be appropriately accorded the charged student.
- (5) If the Judicial Officer or his/her designee believe after a review of the allegations that the allegations have merit, the student will be issued, in writing, an Administrative Request to

Appear at an information briefing before the Judicial Officer or his/her designee. At the information briefing, the Judicial Officer or his /her designee will explain to the student the elements of due process that will be afforded.

(a) University disciplinary proceedings may be

certified organizations wherever they may occur;

(f) Activities occurring off campus, either university or non-university related.

(7) **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 his or her record of previous conduct violations and sanctions. If a student does not complete a sanction by the required deadline, a hold may be placed on the student's record. Sanctions include one or more of the following, unless otherwise expressly provided:

(a) Expulsion from the University. The student is permanently deprived of his/her opportunity to continue at the University in any status.

(b) Suspension from the University for a period not to exceed five (5) years which may also include restricted access to campus and/or other specified activities. The student must comply with all conditions imposed by the hearing body or University official prior to re-enrolling. 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.

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

(d) Probation for a specified period which shall not exceed a total of time needed by the student to complete requirements for graduation. Students placed on probation are not in good standing with the University and are subject to suspension or expulsion should they be found responsible for another violation during the probationary term.

(e) Restitution for the loss or damage to University property.

(f) Discretionary sanctions.

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

(h) Written reprimand.

- (i) 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.
- (j) Educational Requirements. Attendance or presentation at educational programs; interviews with appropriate officials; planning and implementing educational programs; completion of essay or project; or other educational activities.
- (k) No Contact Order. A directive to refrain from any intentional contact, direct or indirect, with one or more designated

(b) 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 years and shall be in direct proportion to the degree of seriousness attached to the misconduct. Readmission for suspensions exceeding one year is conditioned upon the recommendation of an ad hoc review board appointed by the President or Vice President for Student Affairs.

(c) Probation – An indication that the student’s conduct violated the Code and requires the withdrawal of special privileges, participation in inter-collegiate activities, and others. Special privileges means 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, he/she must vacate the

- (m) University sponsored activity - Any activity on or off campus which is initiated, aided, authorized or supervised by the University.
- (n) Hearing body - Any person or persons who have been authorized by the University to determine whether a student has violated the Code and to recommend sanctions that may be imposed when a Code violation has been committed.
- (o) 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.
- (p) Club and/or organization - Any number of students who have complied with the University requirements for certification. The term “club or organization” also will refer to student.
- (q) Charged Student – The student charged with violations of this Code.
- (r) Complainant - Any person who submits a report alleging that a student violated this Code.
- (s) The word “Shall” is used in the imperative sense.
- (t) The word “Will” is used in the imperative sense.
- (u) The word “May” is used in the permissive sense.
- (v) The word “Can” is used in the permissive sense.
- (w) Mediation - This is the actual process in which all parties 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 participants 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 disciplinary action. Breach of a mediated agreement may result in a follow up mediation session or the matter may be referred back through the conduct process.
- (x) Judicial hold - This prevents the student from conducting business at the University (i.e. any form of registration or obtaining transcripts).
- (y) Sanction - A penalty imposed upon a student after the student has admitted that he/she is responsible or has been determined responsible by the Judicial Officer or a hearing body for violating a provision(s) of the Code.

- (z) Preponderance of Evidence - The term “preponderance of evidence” means that evidence considered as a whole indicates the fact sought to be proved is more probable than not.
- (aa) Responsible - The term “responsible” means that the charged student has been found responsible or accepted responsibility for violating a provision(s) of the Code.
- (bb) Not responsible - The term “not responsible” means that the charged student has not been found responsible or did not accept responsibility for the alleged violation(s) of a provision(s) of the Code.
- (cc) Business Day - A day of normal business operation as designated by the University.
- (dd) All definitions not included in this Code are in accordance with definitions found in the most recent edition of Black’s Law Dictionary in effect at the time of the violation of the Code.
- (10) **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 elig

(12) **Violations.**

- (a) Affray is defined as the fighting of two or more students in a public or private place to the disturbance of others.
- (b) Assault and/or Battery is defined as the unlawful and intentional application of force, or attempt of such, to the person of another. This includes physically contacting another person without his/her consent and causing or intending to cause injury or imminent fear of injury.
- (c) Assaulting a University Official is defined as the unlawful attempt or offer to do bodily harm to an official of the University when the official is in the execution of his/her office.
- (d) Disobeying a University Official is defined as an intentional defiance of authority. The offense includes disobeying orders of the University official or the use of contemptuous words toward the University official.
- (e) Breaking and entering is defined as the unlawful entry into a building or structure of another. The word building includes a room, classroom, office, store, or trailer. A break includes any removal of any part of the building designed to prevent entry. Opening a closed door or window or other similar fixture, or cutting out the glass or the netting of a screen, or unauthorized possession, duplication or use of keys, access cards/codes for such property is defined as breaking.
- (f) Deliberate deception is defined as the student who knowingly, with the intent to

- (h) Hazing is defined as noted in FAMU Regulation 2.028.
- (i) Stealing is defined as the

- (l) Felony Conviction. The student convicted of a felony by an off-campus court of competent jurisdiction may be subject to sanctions by the University.
- (m) Violations of the terms of disciplinary action imposed as a result of previous disciplinary proceedings under the provision of this Code will subject the student to additional sanctions.
- (n) Conspiracy is defined as planning with one or more individuals to commit an act or acts that violate(s) the University Code of Conduct.
- (o) Identification violations include:
1. To fail to present identification when requested by a University Law Enforcement Officer or other University official who identifies him/herself.
 2. To alter, illegally use or attempt to illegally use another's identification regardless of methodology (i.e., card, identification number, access code, etc.).
 3. The student who knowingly, with intent to deceive, allows another to use his/her student identification card, decal or other means of identification.
 4. To manufacture, distribute, deliver, sale, purchase, possess or use of false identification.

1. Inability to give consent includes but is not limited to situations where an individual is:
 - a. Under the influence of alcohol, drugs or other substances (including, but not limited to prescribed medications);
 - b. Unconscious, asleep, ill or in shock;
 - c. Under the age of 18 and therefore legally incapable of giving consent; or
 - d. Known by reason of impairment, mental condition or developmental or physical disability to be reasonably unable to give consent;
 - e. Consent is not freely given if achieved through force, threat of force or coercion. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Lack of resistance is not consent and consent can be withdrawn at any time.
2. Sexual Misconduct offenses include, but are not limited to:
 - a. *Sexual Harassment* – any words, conduct or action of a repeated nature being directed at a male or female; including the inappropriate display of gender-based pictorial images offensive or degrading to a person of that gender, including, but not limited to sexual posters, photographs, cartoons, drawings, or other displays of sexually suggestive objects or pictures, that creates an intimidating, hostile or offensive environment that interferes with, denies or limits a person’s ability to participate in or benefit from

- iii. Sexual contact without full and free consent given by the person, including situations where drugs and/or alcohol impair the person's ability to give full and free consent;
 - iv. Attempted or actual unwanted sexual activity, such as sexual touching or fondling an unwilling person's intimate parts (e.g., genitalia, groin, breast or buttock, or clothing covering them) or forcing an unwilling person to touch another's intimate parts;
 - v. Sexual contact when the perpetrator knows the person is unaware of the sexual contact.
- d. *Sexual Exploitation* – occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the individual being exploited, and the behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not specifically limited to:
- i. Invasion of sexual privacy;
 - ii. Non-consensual video or audio recording of sexual activity;
 - iii. Going beyond the boundaries of consent (such as letting friends hide in the closet to watch you having consensual sex);
 - iv. Engaging in voyeurism;
 - v. Knowingly transmitting a sexually transmitted infection (STI) or HIV to another student;
 - vi. Exposing one's genitals in non-consensual circumstances;
 - vii. Inducing another to expose their genitals;
 - viii. Sexually-based stalking and/or bullying may also be forms of sexual exploitation.
- e. *Lewd and Lascivious Behavior* – unlawful sexual acts with minors.
- f. *Relationship Violence* – occurs when one partner tries to maintain power and control over the other through actual or threatened physical or sexual violence, or psychological and emotional abuse. These acts can be directed at a spouse, ex-spouse, current or former girlfriend/boyfriend, or current or former dating partner.

3. Other student conduct offenses that will fall under Title IX when gender-based:
 - a. Threatening or causing physical harm, extreme verbal abuse or other conduct which threatens or endangers the health or safety of a person;
 - b. Discrimination - Refer to Regulation 10.103, Non-Discrimination Policy and Discrimination and Harassment Complaint Procedures;
 - c. Intimidation – implied threats or acts that cause an unreasonable fear of harm;
 - d. Hazing – Refer to Regulation 2.028, Anti-hazing;
 - e. Bullying – repeated and/or severe aggressive behavior likely to intimidate or intentionally harm, control or diminish another person, physically or mentally;
 - f. Violence between those in an intimate relationship to each other;
 - g. Stalking – Refer to subsection (12)(p) above;

4. *Victim Rights*

- a. While the University encourages all violations to be reported, the victim has the right to choose whether or not to file a formal complaint. There is also the option of filing an anonymous report. However, there may be circumstances based on the status or seriousness of the alleged offense, when the University must investigate and take action to protect the victim or other members of the University community;
- b. In addition to pursuing administrative/judicial remedies, the victim maintains the right to pursue criminal charges;
- c. To not require the corroboration of the victim's testimony;
- d. To prohibit the victim's past sexual history from being admitted as testimony in University proceedings;
- e. To allow the victim to submit to the Hearing Body during the penalty phase a victim impact statement;
- f. To authorize the Vice President for Student Affairs or Associate Vice President for Student Affairs or Director of Housing to modify living arrangements in cases where the victim and alleged offender live in the same housing complex;

- g. To authorize the Vice President for Student Affairs, Associate Vice President for Student Affairs, or the University Judicial Officer to issue an immediate administrative restraining order, forbidding the alleged offender from all contact with the victim;
- h. To authorize the Provost and/or the academic deans to establish an immediate reassignment of classes for the alleged offender when both alleged offender and victim attend the same classes;
- i. To provide on-campus counseling services to victims of sexual assault;
- j. To close the proceedings from the public as provided in all other disciplinary proceedings;
- k. At the request of the victim in cases involving sexual misconduct, physical violence or stalking charges, to permit the victim to testify in a separate room from the charged student as long as this does not interfere with the k.
- j.

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.

(t) Abuse of the Student Judicial System, including but not limited to:

1. Failure to obey the notice from the University Judicial Officer to appear for an information briefing or hearing as part of the student judicial system.

2. Falsification, distortion, or misrepresentation of information before a hearing body or a staff member of the Office of Judicial Affairs during an information briefing.

3. Disruption or interference with the orderly conduct of a judicial hearing.

4. Attempting to discourage an individual's proper participation in, or use of, the student judicial system.

5. Attempting to influence the impartiality of a member of a hearing body prior to, during, and/or after a judicial hearing.

6. Harassment, verbal or physical, and/or intimidation of a member of the hearing body, Judicial Affairs staff or a witness prior to, during, and/or after a judicial hearing.

7. Influencing or attempting to influence another person to commit an abuse of the student judicial system.

(u) 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.

(v) Traffic. Obstruction of the free flow of pedestrian or vehicular traffic on University premises is prohibited.

(w) Drugs. Use, possession, manufacture, cultivation, distribution 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, use, sale or distribution of prescription medication not issued to the student.

postponed and such postponement may be granted provided the student requests it in writing and agrees to accept the imposition of probation, suspension or withdraws from the University voluntarily, depending upon the gravity of the offense. Such probation, suspension, or withdrawal will be recommended by the University Judicial 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 body and a hearing is held. The student shall be informed whether he/she would be placed on probation or would be suspended prior to his/her making a decision to postpone the hearing.

- (19) 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.
- (20) 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 morals of the University community are in imminent and apparent danger.
- (21) **Informal Disposition.** In the event a student charged with an offense wishes to waive, in writing, his/her right to a hearing and/or an appeal of a hearing to the appropriate official or hearing body, including external judicial or administrative forums, bodies or entities, and the University Judicial Officer wishes to accept jurisdiction, the University Judicial Officer may make a determination of facts and, if the student is found responsible for the offense, make a recommendation of sanction(s). The student's written waiver shall be obtained after being given an explanation of the charges against him/her and of his/her rights to a hearing and appeal 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, his/her waiver and request a hearing. In the absence of a rescission of waiver, the student shall be informed in writing of the decision of his/her case within ten (10) business days from the date of the waiver. Should the student elect to proceed under this provision and fails to complete the process, a judicial hold may be placed on the student's account.
- (22) **Student Supreme Court.** When a student is charged with a violation, which in the

opinion of the University Judicial Officer, if proven, would not warrant a penalty in excess of probation, the University Judicial Officer may channel the case to the Student Government Association Supreme Court.

- (23) In the event the offense charged is within the jurisdiction of more than one primary hearing body, the University Judicial Officer shall determine which primary hearing body shall hear the charge.
- (24) **Appeals.** Decisions of the Student Supreme Court pursuant to subsection (22) above, Residence Life informal hearing panels and administrative hearing panels are appealed to the Associate Vice President for Student Affairs. At the conclusion of the appeal process, the decision of the President or the Vice President for Student Affairs shall be final, and made known via a final order.
- (a) The student has ten (10) business days from the date of the written notification of the decision by the hearing body to make his/her appeal in writing and file same with the Office of the Dean of Students.
- (b) The written appeal must specify reason(s) why consideration should be granted and should only deal with matters of record, procedure, testimony and/or evidence.
- (c) No student's final penalty shall begin to run until all University appeals are exhausted or denied, except as specified under subsections (14) and (16) above.
- (25) **Record.** 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 Judicial Officer, with the express understanding that the record is to remain confidential to the extent provided by law. The student may, at his/her own expense, arrange for the making of a full transcript of the recording by employment of a stenographer. 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 record shall be made available to the charged student and the President or Vice President for Student Affairs or his/her designee.
- (26) **Emergency Hearings.** The President of the University or Vice President for Student

Affairs reserves the right to appoint an ad hoc committee to hear matters regarding, but not specifically limited to, the subject matter of subsections (14) and (16) above. The chairperson of the committee, who may be an academic dean or director, shall be appointed by the President or Vice President for Student Affairs. Unless an ad hoc committee is appointed, the matter shall ordinarily be heard by the hearing body (panel) and chaired by a staff member of the Judicial Affairs Office.

- (a) The student shall have five business days from the date of the notice to request in writing an emergency hearing at which the student may show cause why his or her continued presence on the University campus is not a threat pursuant to subsections (14) and/or (16) of the Code.
 - (b) The emergency hearing shall be held within five business days of receipt of the written request from the student for an emergency hearing. The emergency hearing shall not abrogate the right of the student to request in writing a regular (non-emergency) hearing on the merits of the case, i.e., whether the student committed the alleged offense or offenses under the Code. The written request from the student for a regular (non-emergency) hearing on the merits of the case must also comply with the specified time period for requesting a regular (non-emergency) hearing as stated in the notice to the student which normally is ten (10) business days. Should a student timely request both an emergency and regular hearing, the Judicial Officer may combine the hearings into one proceeding. If the hearings are combined, the timeframes for an emergency hearing shall govern.
 - (c) If the student fails to timely request in writing a regular (non-emergency) hearing on the merits of the case, the Judicial Officer in his/her sole discretion may accept a written request from the student to proceed with informal disposition. 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 Judicial Officer shall make a determination of facts and appropriate sanction(s). The student shall not have a right to appeal under this provision.
- (27) The hearing body, ad hoc committee or University Judicial Officer shall afford the charged student with due process as, provided by FAMU Regulation 2.013, and/or Board of Governors Regulation 6.0105(c). The regulations or codes 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.”

- (28) **Notice.** Students who have a change of address after registration must file a change of address form at the Office of the University Registrar and/or via the iRattler. All notices, decisions and outcomes of judicial matters connected with the disciplinary process will be mailed to the student’s last known local address as filed with the Registrar’s Office and/or via iRattler or sent via e-mail to the student’s University provided e-mail address or permanent address if no local address is on file. This method shall constitute proper notification to the charged student.
- (29) **Hearing Guidelines.** Disciplinary 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 Complainant, charged student and his/her advisor, 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.
 - (c) In judicial hearings involving more than one charged student, the University Judicial Officer or the chairperson, in his or her 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 Complainant and the charged student have the right to be assisted by an advisor they choose, at their own expense. The advisor may be an attorney. The Complainant and/or the charged student are responsible for presenting his or her own information, therefore advisors are not permitted to speak or participate directly in any hearing before a judicial hearing body. An advisor may not serve as a witness. A student should select an advisor 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. The student must provide, in writing, to the University Judicial Officer or the chairperson of the hearing body, the name, mailing or email address, and phone number of his/her advisor at least three business days prior to the hearing date.
 - (e) The Complainant and the charged student may arrange for witnesses to present pertinent information to the hearing body. 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 Complainant and/or the charged student at least three business days prior to the judicial hearing. Witnesses will provide information to and answer questions from the hearing body and the charged student. No witness may be compelled to provide self-incriminating information. Witness statements may be provided to the hearing body and are

should be requested to excuse him or herself, notwithstanding that the chairperson does not vote on whether the charged student is responsible or not responsible for violating the Code.

- (j) A charged student may be diverted from the disciplinary process or hearing if prior to or during the disciplinary process or hearing, it is determined by Associate Vice President for Student Affairs/Dean of Students pursuant to Sections (6-13) of University Regulation 2.007, Voluntary and Involuntary Withdrawal, that the charged student has a mental disorder and the objectionable behavior appears to be a result of the mental disorder.
- (k) Pertinent records, exhibits, and written statements may be accepted as information for consideration at the discretion of the chairperson of the hearing body.
- (l) All procedural questions are subject to the final decision of the chairperson of the hearing body.
- (m) After the portion of the judicial hearing concludes in which all pertinent information has been received, the hearing body shall determine by a majority vote whether the charged student is responsible or not responsible for violating each section of the Code which the charged student is charged. The chairperson of the hearing body cannot vote. Prior records of student conduct action and witness/complainant impact statements are considered by the hearing body only in the sanctioning phase of deliberations.
- (n) Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court proceedings, are not used in judicial hearings.
- (o) The burden of proof in all judicial hearings shall be on the complainant. A “preponderance of evidence” shall constitute the burden of proof standard in all judicial hearings.
- (p) The University Judicial Officer and/or the chairperson of the hearing body, under extraordinary circumstances, may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, charged student, and/or witnesses during the hearing by providing separate waiting rooms and/or by permitting participation, when feasible, by video conferencing, videotape, audio tape, or other means.
- (q) The disciplinary hearing body 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.

- (r) The above guidelines for conducting a judicial hearing are not exhaustive. Therefore, the University Judicial Officer may adopt additional guidelines for the conduct of judicial 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 his/her designee and must be in writing and made available to the charged student and all witnesses at least three business days prior to the hearing.
- (30) **Victim Rights.** Victim is defined as the person harmed by a violation of the Code by the charged student. Victims of violations of the Code have the following rights in accordance with all federal and state laws:
- (a) To have an advisor of the alleged victim's choice accompany him/her when presenting information to the hearing body and to any other relevant meetings held throughout the disciplinary process.
 - (b) To submit a victim impact statement to the hearing body. This information may be used only in the sanctioning phase of deliberations, if the charged student is found responsible for the violations/charges. If the charged student appeals the decision on the basis of severity of the sanction imposed, he/she will have the right to view the victim's impact statement upon written request.
 - (c) To have unrelated past behavior excluded from the hearing. The University Judicial Officer or chairperson of the hearing body will decide if such information is unrelated.
 - (d) To submit questions to the Judicial Office at least three business days prior to the hearing. The University Judicial Officer will decide whether the questions are relevant and should be presented at the hearing.
 - (e) To be present throughout the hearings, or portions thereof, at the discretion of the University Judicial Officer.
 - (f) To have personal property returned to him/her if in the current possession of the University. The determination of when this property may be returned is left to the University Judicial Officer and/or University Department of Public Safety.

- (g) To be notified of the outcome, including both the decisions and the sanctions of the disciplinary process.
 - (h) For victims of sexual misconduct, refer to additional rights noted under subsection (12) (q) above.
- (31) 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 Judicial Affairs Office 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.
- (32) **Review of Code.** The Student Code of Conduct shall be reviewed on a biennial basis under the direction of the Director of Judicial Affairs 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, Amended January 26, 2004, Amended June 29, 2006, Amended July 15, 2013, Amended April 18, 2014.