

**FLORIDA ATLANTIC UNIVERSITY
NOTICE OF PROPOSED REGULATION AMENDMENT**

Date: May 20, 2010

REGULATION TITLE AND NUMBER: Student Code of Conduct (4.007).

SUMMARY: The Division of Student Affairs seeks to amend FAU Regulation 4.007, Student Code of Conduct. The Student Code of Conduct is a critical component of the University's efforts to teach civic and social responsibility. This regulation outlines the student disciplinary process for addressing behavior that is inconsistent with the high standards we expect from students attending FAU. This revision was done to further clarify this regulation and to conform to the regulation promulgated by the Florida Board of Governors. This revision emphasizes the lead role of the Dean of Students in managing and administering the Student Code of Conduct, and conforms to best practices in student disciplinary systems based upon an educational, as opposed to legalistic, model.

The Division of Student Affairs and representatives from all Campuses spent several months revising this regulation.

FULL TEXT OF THE AMENDED REGULATION: The full text of the proposed amended regulation is attached below to this Notice. The full text of the existing regulation is posted on FAU's website at www.fau.edu/regulations. In addition, the full text of the proposed amended regulation and current regulation are available upon request to the Office of the General Counsel, which can be contacted at (561) 297-3007 or GeneralCounsel@fau.edu.

AUTHORITY TO AMEND THE REGULATION: Article IX of the Florida Constitution and the Board of Governors Regulation Development Procedure dated July 21, 2005.

UNIVERSITY OFFICIAL INITIATING THE REGULATION AMENDMENT:
Dr. Charles Brown, Vice President of Student Affairs

COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. In response, the University may solicit additional written comments, schedule a public hearing, withdraw or modify the proposed regulation amendment in whole or in part after notice, or proceed with adopting the regulation amendment. The comments must identify the regulation(s) on which you are commenting:

THE PERSON TO BE CONTACTED REGARDING THE REGULATION AMENDMENT IS: Myrlande Dessalines, Paralegal, Office of the General Counsel, 777 Glades Road, Boca Raton, Florida, 33431, (561) 297-3007 (phone), (561) 297-2787 (fax), GeneralCounsel@fau.edu.

PROPOSED

Florida Atlantic University

Regulation 4.007 Student Code of Conduct

(1) Statement of Philosophy.

~~Florida Atlantic University is a public university committed through its distributed campus structure to providing access to challenging opportunities in higher education for students in Southeast Florida and beyond. Its mission is to serve its region, state, and nation by preparing students to make meaningful contributions in an increasingly complex global society, by encouraging reflection on and evaluation of emerging needs and priorities, and by supporting research and service that enhances economic, human, and cultural development.~~

Florida Atlantic University is a public research university with multiple campuses along the southeast Florida coast serving a uniquely diverse community. It promotes academic and personal development, discovery and lifelong learning. FAU fulfills its mission through excellence and innovation in teaching, outstanding research and creative activities, public engagement and distinctive scientific and cultural alliances, all within an environment that fosters inclusiveness.

FAU accomplishes its mission primarily through its students, teachers and researchers, its undergraduate educational programs, its graduate and professional offerings, and its linkages to other educational institutions and in the community.

The University's Student Code of Conduct is an integral part of the educational mission of the University, emphasizing the development of each individual's acceptance of his or her own personal and social responsibilities, and ~~to ensure~~ ensuring fairness and ~~due process~~ the satisfaction of certain minimum requirements described in this regulation for all students. Since behavior which is not in keeping with standards acceptable to the University ~~e~~Community is often symptomatic of attitudes, misconceptions, and emotional crises,; reeducation and rehabilitative activities are ~~an~~ essential elements of the student conduct disciplinary process.

A humanistic approach is employed. The University's Student Code of Conduct is designed to provide and help maintain an atmosphere within the University Community that is conducive to academic pursuits. Serious action against a student, such as separation, is considered and invoked only when other remedies fail to meet the needs of the University's mission.

The University, however, recognizes its responsibilities to all members of the ~~academic community~~ University Community, and —students, faculty, and staff, and the protection of personal and institutional rights and property is a primary focus of the process described in this Regulation 4.007.

(2) Principles.

The University principles address the respect for the law, regulations and policies, and the respect for people.

- (a) Respect for the Law. Students are expected to respect and obey all regulations and policies of the University and all local, state and federal laws. If regulations, policies or laws are considered to be unfair or improper, it is expected that students will use appropriate, established, and lawful procedures to effect change.
- (b) Respect for Self and Others. Students are expected to conduct themselves in a manner which exemplifies respect for people of all races, religions, and ethnic groups, and to adhere to one's personal values without unduly imposing them on others. Respect for one's own mind and body, is essential. In interpersonal relationships, students are expected to respect the rights of others, particularly their right to refuse to participate in any activity. Students should take responsibility to serve as leaders in promoting compassion for others and challenging prejudice.

All students enrolled in the University Community, regardless of institutional or program affiliation, are expected to know and adhere to the regulations and policies of the University, as well as local, state, and federal laws.

(3) Jurisdiction of the University.

A student, ~~registered student~~ organization or a person who has submitted an application for admission, housing, or any other service provided by the University which requires a student status will be subject to the Student Code of Conduct for any conduct which occurs on University property, at University-sponsored events or off campus under the conditions described in this regulation. Any action of the University with respect to off-campus conduct shall be taken independently of any off-campus authority.

(4) Definitions:

- ~~(a) Academic days – Only those days when the University's classes are in session, excluding holidays and weekend days.~~ (a) Advisor - The term "advisor" refers to any person, including an attorney chosen by the student or the alleged victim at their own expense and initiative to assist him/her throughout the student conduct process.
- (b) Business days – The term “business days” shall be defined as Monday through Friday excluding official Florida Atlantic University holidays.
- (c) Chair - One of the faculty/staff members that is selected from the panel Student Conduct Board panel to chair the Student Conduct Board Hearing.
- (d) Charged Student - The term "charged student" refers to any student who

has been formally charged with an alleged violation of the Student Code of Conduct.

- ~~(e)~~ Correspondence – The term “correspondence” refers to (1) written or electronic correspondence from the University sent to either the student’s physical address on file with the Registrar, or to the student’s FAU email address, if the student is a current student and (2) written or electronic correspondence from the student via the student’s FAU email address.
- ~~(f)(e)~~ Dean of Students Affairs– The term “~~Associate Vice President and~~ Dean of Students Affairs” refers to any of the following persons or offices: Associate Vice President and Dean of Students Affairs, Associate Dean of Students Affairs, Assistant Dean of Students Affairs, or designee.
- ~~(f)~~ Disciplinary Conference– The term “Disciplinary Conference” refers to the individual meeting with the student and the Dean of Student Affairs or designee after a Notice of Charges has been delivered. This meeting consists primarily of a discussion between the student and the Dean of Student Affairs or designee and affords the student to choose Responsible or Not Responsible to the charges listed on the Notice of Charges and determined the next course of action.
- ~~(g)~~ Hearing – The term “Hearing” shall refer to the Student Conduct Board Hearing and the Hearing Officer Hearing, as applicable.
- ~~(h)~~ Hearing Officer – A person authorized by the University to determine whether a student has violated the Student Code of Conduct. Such person may recommend sanctions that may be imposed when a violation has been committed.
- ~~(i)~~ Hearing Officer Hearing - A student conduct Hearing conducted by the Hearing Officer.
- ~~(g)(j)~~ Information Session - The term “Information Session” refers to the conference ~~that at which~~ the charged student is afforded the opportunity to review all materials that will be used in his or her Student Conduct Board or University Hearing Officer Hearing.
- ~~(k)~~ Investigation Conference – The term “Investigation Conference” refers to a conference meeting which includes the opportunity for the Dean of Students to interview and gather information with the student and an explanation of the process, the student’s rights and a review of the incident.
- ~~(l)(m)~~ Senior Vice President - The term “Senior Vice President” refers to the Senior Vice President for Student Affairs or designee.
- ~~(m)(h)~~ Student - The term "student" refers to any person taking courses at FAU on any of its campuses or sites, ~~either full-time or part-time, pursuing undergraduate, graduate, or professional studies.~~ Persons who withdraw after allegedly violating the Student Code of Conduct, ~~who~~ are not officially enrolled for a particular term but who have a continuing relationship with FAU, or ~~who~~ have been notified of their acceptance for admission are considered “students,” ~~as are persons who are living in FAU housing, although not enrolled in this institution.~~ The term “student” will also refer to student clubs, groups and organizations and individuals living in University housing, although not enrolled at FAU.

- (n)(i) Student Conduct Board - The term "Student Conduct Board" means any person or persons authorized by the University to determine whether a student has violated the Student Code of Conduct. Such person or persons and may recommend sanctions that may be imposed when a violation has been committed.
- (o)(i) Student Conduct Board Hearing - A formal student conduct/disciplinary hearing conducted by the Student Conduct Board, ~~Student Organization Conduct Board, Greek Life Conduct Board or any other University Board hearing.~~
- (p) Student Conduct Conference - The term "Student Conduct Conference" refers to the individual meeting with the student and the Dean of Students (or designee) after a Notice of Charges has been delivered. This meeting consists primarily of a discussion between the student and the Dean of Students (or designee) and affords the student the opportunity to choose "Responsible" or "Not Responsible" to the charges listed on the Notice of Charges, and determines the next course of action in the student conduct process.
- (q)(k) University or FAU - The term "University" or FAU refers to Florida Atlantic University, including all of its campuses and sites. The Student Code of Conduct applies to all campuses and sites of the University.
- (r) University Community - refers to Trustees, students, faculty, staff and all visitors, contractors and guests to the University or any of its campuses, facilities or events.~~University Official - The term "University official" refers to any person employed by the University to perform assigned teaching, research, administrative, professional or other responsibilities.~~
- (s)(m) University Official - The term "University official" refers to any person employed by the University to perform assigned teaching, research, administrative, professional or other responsibilities.~~Senior Vice President - The term "Senior Vice President" refers to the Senior Vice President for Student Affairs, or designee~~
- ~~(n) Hearing Officer - A person authorized by the University to determine whether a student has violated the Student Code of Conduct and may recommend sanctions that may be imposed. Witnesses: The individuals who were present at the time of the incident in question, have information about the incident in question or who are called upon to voluntarily present testimony at a Hearing. No character witnesses are permitted.~~

- (5) Violations of the Code of Conduct: Any of the following actions constitute conduct for which a student, a group of students, or a student organization may be subject to student conduct/disciplinary action.
- (a) Violence or threat of violence to others or against oneself or actions which endanger any member or guest of the University eCommunity; including physical or sexual assault and relationship/domestic violence.
- (b) Theft, conversion, misuse, damage, defacing or destruction of University

- property or of the property of members of the University eCommunity.
- (c) Interference with the freedom of movement of any member or guest of the University.
 - (d) Interference with the rights of others to carry out their activities or duties at or on behalf of the University.
 - (e) Interference with academic freedom and freedom of speech of any member or guest of the University.
 - (f) Noncompliance with written, oral requests or orders of authorized University officials or law enforcement officers in the performance of their duties.
 - (g) Providing false information to University officials, forgery, the withholding of required information or the misuse or alteration of University documents or the University's name or logos.
 - (h) Misuse or duplication of any University key or access card to any University premises or services.
 - (i) Possession or use of firearms, explosives, ammunition, fireworks, weapons or unauthorized possession or use of hazardous materials or dangerous chemicals on University premises.
 - (j) Actions which cause or attempts to cause a fire or explosion, falsely reporting a fire, explosion or an explosive device; tampering with fire safety equipment or failure to evacuate University buildings during a fire alarm.
 - (k) Disorderly Conduct - Breach of peace, such as causing a disturbance or being unruly.
 - (l) Soliciting, aiding, abetting or inciting others to participate in conduct which violates this regulation.
 - (m) Lewd, obscene, indecent behavior or voyeurism.
 - (n) Acts of verbal, written (including electronic communications) or physical abuse, threats, intimidation, harassment, coercion or other conduct which threaten the health, safety or welfare of any person.
 - (o) Conduct which constitutes unlawful discrimination or harassment and/or violation of the University Equal Employment Opportunity/Affirmative Action Regulation 7.001 or the Sexual Harassment Regulation 5.010.
 - (p) Violation of the University's Student Organization Regulation 4.006.
 - (q) Possession, use, delivery to, sale of, distribution of, controlled substances or drug paraphernalia; as defined in ~~Chapter 893~~, Florida Statutes.
 - (r) Posting of commercial advertising or engaging in commercial activity without appropriate authorization.
 - (s) Endangering the health, safety or welfare of members or guests of the University.
 - (t) Engaging in Hazing (Anti-Hazing Policy) - Hazing, ~~which is prohibited and includes, but is not limited to, the following; is defined as as an action or situation which recklessly or intentionally endangers the mental or physical health or safety of a person(s), for the purpose of initiation or admission into, affiliation with, or as a condition for the continued membership in a group or organization, whether conducted on or off campus.~~

1. Any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student for purposes, including, but not limited to, of initiation or admission into, or affiliation with, any organization operating under the sanction of the University.
 2. Brutality of a physical nature such as whipping, beating, branding, forced calisthenics, exposure to the elements; forced consumption of any food, liquid, liquor, drug, or other substances; or other forced activity which could adversely affect the mental, emotional or physical health or safety of the individual.
 3. Any activity which could subject the individual to mental stress such as sleep deprivation, forced exclusion from social contact, forced contact which could result in embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual.
 4. Pressuring or coercing a student into violating University policies, federal, state, or local law.
 5. Any other activity prohibited by Florida hazing law Section 1006.63, as it may be amended from time to time.
 6. Hazing may result in felony or misdemeanor charges.
- (u) Violation of the FAU Information Resource Management Technology Policy.
- (v) Repeated following or contacting of another person to the extent that it places that person in reasonable fear for his or her physical or emotional welfare.
- (w) Any sexual act that occurs without the consent of the victim, or that occurs when the victim is unable to give consent.
- (x) Any act which could constitute a violation of any local law or ordinance, State of Florida or Federal law.
- (y) Misuse of Alcoholic Beverages.
1. Underage drinking of alcoholic beverages is prohibited.
 2. The consumption of any alcoholic beverage in public places on the campus is prohibited except where specifically authorized by the University. All buildings, lobbies, walkways, and grounds of the campus are, for the purpose of this rule considered to be public places. Residential rooms and suites are considered to be private living quarters and are exempt from the public places restriction.
 3. Violation of the Alcohol Beverages Policy 1.1.
 4. Hosting – Allowing underage drinking; allowing excessive drinking or allowing an intoxicated person to leave and/or operate a motor vehicle.
- (z) Inappropriate Conduct at University-Sponsored Events – Students are expected to govern their behavior at all University-sponsored events and conduct themselves within the guidelines of the Student Code of Conduct. This applies to events that are held on or off campus.
- (aa) Violation of probation - failure to abide by conditions of probation.

- (bb) Obstruction of Student Code of Conduct Process – Acts that disrupt or interfere with the University ~~disciplinary student conduct~~ process, including but not ~~be~~ limited to:
1. failure to appear at an official ~~U~~niversity ~~h~~Hearing when proper notification has been provided (nothing in this subsection shall be construed to compel self-incrimination);
 2. knowingly falsifying, distorting or misrepresenting information before a ~~disciplinary student conduct~~ proceeding;
 3. deliberate disruption or interference with the orderly conduct of a ~~disciplinary student conduct~~ proceeding;
 4. knowingly initiating a complaint/referral without cause;
 5. use of threats, coercion, or intimidation to discourage an individual's participation in or other proper participation or use of the ~~disciplinary student conduct~~ process;
 6. tampering with information to be used in a ~~Student Conduct Board~~ Hearing;
 7. attempting to influence the impartiality of a member of the ~~disciplinary student conduct~~ process prior to or during the course of the ~~disciplinary student conduct~~ proceeding;
 8. harassment or intimidation of any participant in the ~~disciplinary student conduct~~ process; or
 9. violating and/or failing to comply with or fulfill ~~disciplinary student conduct~~ sanctions.
- (cc) Disruptive Conduct - Any other action that impairs, interferes with or obstructs the mission, purposes, order, academic atmosphere, operations, processes and/or functions of Florida Atlantic University, ~~including conduct set forth in the FAU Regulation regarding Disruptive Conduct.~~
- (dd) Any unauthorized use of electronic or other devices to make an audio or video recording of any person while on University premises without his/her prior knowledge or without his/her effective consent when such recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room or restroom.
- (ee) Violation of any University Policy or Regulation published in hard copy or available electronically on the University's website.
- (ff) Violation of Housing and Residential Life policies and procedures as outlined in either the Housing Contract or The Guidebook.
- (gg) Violation of Greek Risk Management policy and procedure as outlined in hard copy or available electronically on the University's website.
- (hh) Unauthorized solicitation of funds. University buildings and campus areas may not be entered for the purpose of raising funds for any person or organization other than officially registered student organizations, recognized University-related organizations, or officially recognized non-profit charitable organizations. Requests for solicitations must be submitted to the Senior Vice President for Student Affairs, or his/her designee, in advance and must conform to University policies and procedures and to applicable law.

- (6) Off-Campus Conduct: The University shall take disciplinary student conduct action against a student for violations committed off campus if any one of the following applies:
- (a) The off-campus conduct is specifically prohibited by law or violates this Code of Conduct.
 - (b) The off-campus conduct demonstrates that the continued presence of the student on campus presents a danger to the health, safety, or welfare of the University Community; is disruptive to the orderly ~~conduct~~ processes and functions of the University; or is intimidating or threatening to the University Community or an individual within the University Community.
 - (c) The off-campus conduct is of such a serious nature that it adversely affects the student's suitability to remain a part of the University Community.
- (7) Court proceedings outside of the University:
- (a) University disciplinary student conduct proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code of Conduct, without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Dean of Student ~~Affairs~~. Determinations made or sanctions imposed under this Student Code of Conduct shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.
 - (b) Any admission of guilt, responsibility or statement against the student's interest made by a student at off-campus proceedings shall be conclusive for University purposes.
 - (c) 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 student is "responsible" for the purpose of FAU disciplinary student conduct proceedings.
 - (d) The University may amend its charge(s) based on information obtained through an outside proceeding ~~when~~ that information is relevant to activity adversely affecting the University Community.
- (8) Students' Rights. A student against whom disciplinary student conduct action may be taken shall have the following rights:
- (a) The right to be notified in writing correspondence of the charges against him/her in sufficient detail to prepare for a Hearing.
 - (b) The right to a Hearing no less than five (5) ~~three academic business~~ days after the University provides the student with a notice of charges, unless waived pursuant to this Regulation 4.007, or by final disposition in external court proceedings.

- (c) The right to a fair and impartial ~~h~~Hearing on the charges by ~~an duly constituted impartial panel of~~ the Student Conduct Board or Hearing Officer.
 - (d) The right to review, not less than three ~~(3) business academic~~ days prior to the ~~H~~Hearing, the information which will be used by the University.
 - (e) The right to present information and to arrange for witnesses to voluntarily present information ~~witness~~ relevant to his or her defense at the ~~h~~Hearing.
 - (f) The right to be assisted by an advisor ~~they choose at their~~ chosen at his/her own expense. The advisor is not permitted to speak during or to participate in any part of the ~~disciplinary student conduct~~ process.
 - (g) The right to hear and question adverse witnesses who voluntarily testify at the Hearing, unless the student has waived a ~~h~~Hearing.
 - (h) The right ~~to~~ not to be forced to present testimony which would be self-incriminating. However, the University is not required to postpone ~~disciplinary student conduct~~ proceedings pending the outcome of any outside criminal or civil case.
 - (i) The right to request an appeal of University action and the sanction imposed as long as appropriate appeal procedures are followed.
 - (j) The right to have his/~~or~~ her status remain unchanged pending final ~~disciplinary student conduct~~ action except in cases involving the health, safety or welfare of the University ~~e~~Ccommunity.
 - ~~(k) The right to have character witnesses testify at the Student Conduct Board hearing. The maximum number of character witnesses may be limited by the Student Conduct Board depending on the number of witnesses and the time available.~~
 - (k) The right to be informed of their rights provided in this Regulation 4.007.
- (9) Emergency Measures.
- (a) The Dean of Student ~~Affairs~~ or designee has the authority to take appropriate immediate action against a student who poses a ~~significant~~ danger of imminent or serious physical harm to himself/herself or others at the University, or where the Dean of Student ~~Affairs~~ determines that an emergency exists which affects the health, safety or welfare of a student or the ~~U~~niversity ~~C~~eommunity.
 - 1. Emergency Measures include but are not limited to, one or more of the following:
 - a. Interim Suspension. A student under interim suspension may not attend classes, may not be on or come onto University property, may not participate in any University activities or organizations, and may not use University facilities, equipment or resources.
 - b. Interim ~~Suspension-Removal~~ from University Housing. A student under interim ~~suspension-removal~~ from University Housing may not reside in University Housing and may not come into University Housing facilities and/or adjacent areas of University Housing.
 - c. If the Dean of Student ~~Affairs~~ determines that other interim

measures are more appropriate to protect the health, safety, or welfare of the student or the University eCommunity, the Dean of Student ~~Affairs~~ may:

1. restrict or bar attendance of any or all classes;
2. restrict or bar access or contact with individuals in the University Community;
3. restrict or bar access to University property, places, facilities or equipment;
4. restrict or ban participation in University activities or organizations; or
5. otherwise restrict conduct or ban access to University resources ~~or conduct~~.

d. If a student's privileges are temporarily revoked as described in this Regulation 4.007, but the student is subsequently found not responsible for the violation, the University must 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 10 school days.

e. A Dean of Students hold on registration may immediately be placed on all students who have Emergency Measures taken against them, which prevents the student from accessing, changing or altering his/her course registration and/or admission status.

- (b) A student subject to Emergency Measures shall be furnished:
1. Written notice of the Emergency Measure and the reason(s) for the action.
 2. The opportunity to participate in disciplinary student conduct proceedings or to present relevant information for consideration of his/her case.
- (c) Emergency Interim Measures may be taken at any time prior to the conclusion of the University Disciplinary Student cConduct process including during the appeal process.
- ~~(d) A Dean of Student Affairs hold on registration may immediately be placed on all students who have Emergency Measures taken against them, which prevents the student from accessing, changing or altering his/her course registration and/or admission status~~

(10) Procedures for the Conduct of Disciplinary Student Conduct Proceedings at Florida Atlantic University.

- (a) Complaints. Any person or entity may request that charges be filed

against a student for alleged violation of law or University regulations or policies. An investigation may take place of the circumstances of the complaint. The complaint regarding a student's conduct must be submitted as follows:

1. Filing a police report with the University Police Department or requesting that a report from another law enforcement agency be sent to the University Police Department and referral to the Dean of Student ~~Affairs~~; or providing a written and signed statement to the ~~Dean of Student Affairs~~Dean of Students. Written statements should include all information and evidence the person making the complaint can produce.
 2. Reports must be made to either law enforcement or the appropriate administrator, within 6 months of the incident, or knowledge about the incident. No student may be charged with a violation to the Student Code of Conduct if the report is made past the 6 month period. ~~This provision shall apply except in incidents involving patterns of behavior (i.e. stalking, sexual misconduct, domestic violence, etc.). These incidents must be reported within one (1) calendar year from the date of the incident or knowledge about the incident. The forgoing time limit shall not apply, however, when a University official in his/her reasonable professional discretion determines that the circumstance warrant a waiver of the 6 month time limit.~~
- (b) When a complaint against a student is received by the ~~Dean of Student Affairs~~Dean of Students, all other administrative processes and petitions at the University are suspended and may not be processed further until final disposition of the complaint or upon special permission by the ~~Dean of Student Affairs~~Dean of Students.
- (c) The ~~Dean of Student Affairs~~Dean of Students will determine if there are reasonable grounds to believe that the allegations of the complaint are true, and if true, would constitute a violation of the University's Code of Conduct.
1. The ~~Dean of Student Affairs~~Dean of Students may conduct an Investigation Conference with the student. This conference shall include the opportunity for the Dean of Students to interview and gather information from the student and an explanation of the process, the student's rights and a review of the incident with the student. No student shall be required to testify against him/herself.
 2. The ~~Dean of Student Affairs~~Dean of Students may conduct an investigation with others as related to the incident or complaint.
 3. Nothing in this regulation shall prevent the mediation of a complaint when deemed appropriate by the University.
 4. Nothing in this regulation shall prevent the disposition of a complaint administratively by written agreement with mutual consent of the parties involved. Such disposition shall be final and there shall be no subsequent proceedings.
 5. If an alleged violation of the Student Code of Conduct is not

handled through other appropriate channels, is not dismissed, or is not settled informally, then the ~~Dean of Student Affairs~~Dean of Students shall ~~may~~ present in ~~writing~~correspondence formal charges to the student.

- (d) Notice of Charges. The notification of charges shall be in ~~writing~~correspondence and include: the specific Student Code of Conduct ~~code~~ violations, a brief description of alleged offenses, the student's rights, and an invitation to attend a Disciplinary Student Conduct Conference; the date and time of this Disciplinary Student Conduct Conference is also included.
1. The Disciplinary Student Conduct Conference shall take place no sooner than five (5) three-~~academic~~-business days, excluding holidays and weekends, from the date of Notice of Charges, except in cases of emergency as described below, or unless waived by the student.
 2. If a hold on registration is not already in effect, as an Emergency Measure, upon issuing the Notice of Charges the ~~Dean of Student Affairs~~Dean of Students may place a ~~Student Affairs~~ hold on registration until final disposition of the complaint.
- (e) Disciplinary Student Conduct Conference. After the Notice of Charges has been issued, a Disciplinary Student Conduct Conference may be scheduled.
1. There are no witnesses called and it consists primarily of a discussion between the charged student and the ~~Dean of Student Affairs~~Dean of Students in an effort to resolve the matter.
 2. The Disciplinary Student Conduct Conference is not audio taped or recorded.
 3. At the conclusion of the disciplinary Student Conduct conference, the charged student may accept or deny responsibility ~~to~~ for the Student Code of Conduct violations listed on the Notice of Charges.
 4. If the charged student chooses to accept responsibility on forms provided by the University (which forms shall describe the effect of waiving a Hearing), or fails to attend the disciplinary Student Conduct Conference, thereby—the student—accepting responsibility for the charges, the Dean of Students authority may assess such sanctions as are deemed appropriate. This acceptance of responsibility or failure to appear shall constitute ~~as~~ the charged student's waiver of a formal Hhearing and right of appeal. The student retains the right only to appeal the severity of the sanction imposed.
 5. Any sanctions imposed in cases where the charged student accepts responsibility or fails to attend the Student Conduct Conference will be communicated in correspondence to the charged student within seven (7) business days of the Student Conduct Conference. Brief written decisions (including findings of fact) will serve as records of disciplinary conference and will be communicated in writing within seven academic days of the Disciplinary Conference

- (f) Formal Disposition by Hearing: When a charged student denies responsibility, a hHearing shall be scheduled no less than five three (3)-(5) business days after the date of the Disciplinary Student Conduct Conference, except in cases of emergency as specified below, or unless waived by the student.
1. A fFormal disposition by Hearing is defined as any hHearing before the Student Conduct Board or a University Hearing Officer.
 2. The student may choose to have his/her hHearing before the Student Conduct Board or a University Hearing Officer. This choice shall be made at the Disciplinary Student Conduct Conference.
 3. If the student does not choose an option, the Hhearing shall be heard by a Hearing Officer.
- (g) ~~—~~ Notice of Hearing. The notification of Hhearing shall be in writingcorrespondence and include:
1. The date, time, and location of the Student Conduct Board or Hearing Officer hHearing
 2. Reference to this Regulation 4.007, ~~of~~ his/her rights and the hHearing procedures
 3. A reasonable date, time, and location for an Information Session, during which the student and his/her advisor may review a potential witness list and all materials to be used by the University in his/~~or~~-her case, which shall be no less than three (3) academic business days prior to the hHearing. ~~If the student chooses to review the materials provided at the Information Session, the charged student shall allow the~~ The University shall also have the right to ~~also~~ review all of ~~his or her~~ the student's materials and list of witnesses to be used in the case. ~~Any materials or witnesses not provided at the Information Session by either the University or the student may not be used at any time thereafter during the student disciplinary student conduct proceedings.~~
 4. In cases where the hHearing is heard by a Hearing Officer, tThe charged student shall have the opportunity to challenge the impartiality of the Hhearing Officer within three (3) academic business days of notification. ~~In the event that a student has opted not to challenge the impartiality of an Hhearing Oofficer prior to the allotted three (3) academic business days, the assigned hearing officer shall remain as scheduled.~~ The student shall state in writingcorrespondence the basis for such challenge. A Hhearing Officer so challenged may be replaced by the ~~Dean of Student Affairs~~ Dean of Students for good cause shown. ~~In the event that a student has opted not to challenge the impartiality of a Hearing Officer prior to the allotted three (3) business days, the assigned Hearing Officer shall remain as scheduled.~~
- [t1](h) Postponement of Hearing. The student may request postponement of a Student Conduct Board Hearing or Hearing Officer Hearing in writingcorrespondence to the ~~Dean of Student Affairs~~ Dean of Students.

The ~~Dean of Student Affairs~~Dean of Students may grant a postponement when the circumstances presented demonstrate that a postponement is necessary to ensure fairness to the process or on any other reasonable grounds. The ~~Dean of Student Affairs~~Dean of Students may postpone the ~~h~~Hearing on the University's behalf for administrative reasons.

(11) Structure of the Student Conduct Board.

The Student Conduct Board shall consist of the following persons: two students, one faculty member/administrator and an optional fourth member who may be a student or a faculty member/administrator. The chairperson of a Student Conduct Board ~~h~~Hearing shall be one of the faculty members/administrators that serves on the panel. Faculty members, ~~administrators, and students shall be selected are~~ chosen by the ~~Dean of Student Affairs~~Dean of Students Office ~~for a Hearing~~.

~~The student board members are selected through an annual application and interview process, with the exception of the student justices from the Student Government Judicial Branch. All Student Conduct Board members, including Student Government Justices, will receive training from the Dean of Students Office. The students shall be appointed by the Student Government President. If, however, the Student Government President fails to provide a list of students to serve for disciplinary proceedings or if the student charged is an officer in student government, the Dean of Student Affairs or designee may select students from the Judicial branch of the Student Government Association or other interested impartial students to serve on the Student Conduct Board or to serve as ~~b~~Board members for a particular disciplinary proceeding~~

(12) Hearing Procedures.

- (a) The ~~h~~Hearing is not a legal proceeding. Formal rules of process, procedure, ~~and~~/or evidence do not apply.
- (b) Objectives of the Hearing. Requisite levels of ~~fairness and the satisfaction of certain due process~~minimum requirements and ~~fairness~~ will be provided to all participants during these proceedings. The ~~h~~Hearing shall have the following objectives.
 1. Inform the student of the charges
 2. Give the accused student an opportunity to respond to the charges
 3. Review the facts of the case
 4. Determine if any violation of the Student Code of Conduct was committed ~~and communicate its findings to the Dean of Students~~
 5. Recommend any ~~Disciplinary~~ sSanction(s) to be imposed based upon the facts, as determined at the ~~h~~Hearing, ~~any communicate any recommendations to the Dean of Students~~.
- (c) Witnesses. ~~All parties to the Hearing may arrange for witnesses to voluntarily present relevant information during the Hearing. The questioning of witnesses shall be facilitated by the Hearing Officer or Student Conduct Board chair, as applicable. —Such ~~W~~witnesses at ~~H~~hearings will not be sworn in. Each witness will be admonished that he or she is required to tell the truth. A student giving untrue testimony at a~~

- Hearing is subject to ~~disciplinary~~student conduct charges.
- (d) Information.
- The charged student and his/her adviser, if any, have the right to inspect all of the information that will be presented against the student at least three (3) business days before the Hearing. The University also has the right to review any information that the student intends to use at least three (3) business days before the Hearing.
 - The charged student may present information on his/her own behalf. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Hearing Officer or the Student Conduct Board at their discretion. ~~at the discretion of the Chair.~~
- (e) Burdens of Proof. The Student Conduct Board or Hearing Officer shall determine whether it is more likely than not that the accused student violated the Student Code of Conduct by a preponderance of evidence. This means that the information presented supports the finding that it is more likely than not that the violation occurred. The burden of proof is not on the charged student.
- (f) The charged student or the alleged victim may choose one advisor to be present during the process at the student's or alleged victim's expense and initiative. It is the student's or alleged victim's responsibility to make appropriate arrangements for the advisor to attend the Hearing, which shall not be delayed due to scheduling conflicts of the chosen advisor. The advisor may be present to advise the student or alleged victim but may not speak for or present the case for the student or alleged victim, present statements or arguments, question witnesses or otherwise participate in the process. ~~The charged student may choose one advisor to be present at the hearing at the student's expense. The advisor/attorney may not present statements, arguments, or question witnesses or participate directly in any Student Conduct Board Hearing.~~
- Members of the Student Conduct Board may not serve as a student's advisor at the H hearing.
 - If the charged student or alleged victim chooses an attorney as his/her advisor at the H hearing, he or she must inform the ~~Dean of Student Affairs~~Dean of Students at least three (3) business ~~academic~~ days before the H hearing. In such cases ~~the Student Conduct Board, the Dean of Student Affairs~~ the University ~~or both~~ will be advised by an University attorney as well.
- (g) Hearings.
- All H hearings before the Student Conduct Board or Hearing Officer will be digitally recorded by the University. That recording will serve as the only official record of these proceedings and shall be the property of the University. No other recordings are permitted. Deliberations shall not be recorded.
 - The following is a guide to the format of events for H hearings. The Student Conduct Board or Hearing Officer may change the

order if necessary. The Student Conduct Board or Hearing Officer may question any party or witness directly.

- a. Review of Hearing procedures.
 - b. Reading of Charges
 - c. Opening statement and presentation of evidence information by the charged student. ~~University, followed by the opening statement and presentation of evidence by the charged student.~~
 - d. Questioning of voluntary University witnesses, followed by the questioning of charged student's voluntary witnesses.
 - e. Questions directed to the charged student ~~and the University~~ by the Student Conduct Board or Hearing Officer.
 - f. Closing statement by the ~~University, followed by the closing statement of the~~ charged student.
 - g. Deliberation by the Board or Hearing Officer (not taped)
 - h. The Student Conduct Board or Hearing Officer may recommend a decision(s) and a sanction(s) to the Dean of Students. Decision and optional recommendation of Such recommendation of decision(s) and sanction(s) may be presented to the student by the Student Conduct Board or Hearing Officer.
- (h) The Student Conduct Board or Hearing Officer will find the student "Responsible" or "Not Responsible" for each of the alleged violations listed on the Notice of Charges, based solely on the information presented at the Hearing. The Student Conduct Board or Hearing Officer will inform the Dean of Students of its findings and any recommendation for sanctions based on its findings. If the Student Conduct Board ~~or Hearing Officer~~ can-not reach a finding of "Responsible" or "Not Responsible" to a charge within a reasonable time period based on the complexity of the case, the chairperson shall call the Board as deadlocked and the ~~Dean of Student Affairs~~Dean of Students may call a new Hearing date with new Board members to hear that charge. No person serving on the first Board shall serve on the second Board. If the second Board also deadlocks, then the charges against the charged student shall be dismissed.
- (i) If the charged student fails to appear at the scheduled hearing (after proper notice), the student shall be found Responsible for each of the alleged violations listed on the Notice of Charges and may not appeal the finding of responsibility. The student retains the right only to appeal the severity of the sanction.
- (j) The ~~Dean of Student Affairs~~Dean of Students shall will review the findings and recommendations of the Student Conduct Board or Hearing Officer, as applicable. The Dean of Students will then make a decision as to the violation(s) in question and sanctions imposed, which decision which may consist of adopting, modifying, or rejecting the recommended decision and sanctions of the Student Conduct Board or Hearing Officer, or remanding the matter for rehearing. The Dean of Students will send a

~~notification in writing correspondence (referred to as a “Notice of Decision and Sanction”) to the informing the student of the decision of the Student Conduct Board of the Dean of Students’ final decision and sanctions and the sanction(s) explaining any differences between the recommendation of the Student Conduct Hearing Board or Hearing Officer and the Dean of Students’ final decision. imposed Such correspondence will be sent to the student within a reasonable period of time five academic days after of the conclusion of the Hhearing.~~

- (13) (a) ~~Disciplinary Student Conduct~~ Sanctioning is intended:
1. To make sure the student sanctioned has learned from the experience.
 2. To educate the student so he or she does not commit the violation again.
 3. To offer the student the opportunity to make good on a mistake.
 4. To ensure that University expectations regarding appropriate behavior are clear.
 5. To educate the student concerning how his or her behavior impacts others in the University eCommunity.
 6. To protect the University Ceomunity from people who may harm others in the University eCommunity or who may substantially interfere with the educational mission of the University or other institutions.

- (b) ~~Disciplinary Student Conduct~~ Sanctions. ~~In light of the facts and circumstances of each case, a Student Affairs hold on Registration (if not already in place) and T~~the following sanctions or combination of sanctions ~~shall~~may be imposed by the Dean of Students upon any individual student or student organization found “Responsible” ~~for~~ to violations of this Code. ~~In light of the facts and circumstances of each case, a Student Affairs hold may be place by the Dean of Students Office on Registration (if not already in place) upon receiving sanctions or failure to comply with the imposed sanctions. A student found responsible for a violation of the Student Code of Conduct 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. Potential sanctions to be imposed by the Dean of Students include:~~

1. Educational Activities - required attendance at educational programs, meeting with appropriate officials, written research assignments, planning and implementing educational programs, or other educational activities at the student’s or student organization’s own expense.
2. Counseling Assessment and Recommended Treatment - referral for assessment and treatment to the University Counseling Center or another agency at the student’s expense.
3. Community/University Service - required completion of a

- specified number of hours of service to the campus or general community.
4. Termination or Change in University Housing Contract/Assignment. Students remain financially responsible for obligations under the housing contract.
 5. Fines not to exceed \$250.00 per case.
 6. Restitution - Payment made for damage or loss caused by the responsible student.
 7. Restriction or Revocation of Privileges. Temporary or permanent loss of privileges, including, but not limited to the use of a particular University facility, resources, equipment or other visitation privileges.
 8. Disciplinary Student Conduct Warning - A disciplinary student conduct sanction in writing correspondence notifying a student that the student's behavior did not meet University standards. All disciplinary student conduct warnings will be taken into consideration if further violations occur.
 9. Disciplinary Student Conduct Probation - A disciplinary student conduct sanction in writing correspondence notifying a student that his/~~or~~-her behavior is in serious violation of University standards and that restrictions are being placed on his or her activities.

———Some sanctions that may be placed on a student during a probationary period include, but are not limited to, restriction of the privilege to: participate in student activities or in student organizations; represent the University on athletic teams, student organizations or in other leadership positions; gain access to University Housing buildings or other areas of campus; use of University resources and/or equipment; or contact with-specified person(s). If the student is found "responsible" for another violation of the code of conduct during the period of Disciplinary Student Conduct Probation, the University will-may consider increasing the level of the subsequent sanction.
 10. Suspension - Mandatory separation from the University. During the period of suspension the student is barred from all FAU campuses unless specific permission is granted by the Dean-of Student AffairsDean of Students. Once the entire period of suspension has been served, the student may seek readmission by submitting a written request to the Dean-of Student AffairsDean of Students.
 11. Revocation of Admission and/or Degree – Admission to or a degree awarded from FAU may be revoked for fraud, misrepresentation or other violation of FAU standards in obtaining the degree or for other serious violations committed by a student prior to graduation.
 12. Withholding Degree – FAU may withhold awarding a degree otherwise earned until completion of the process set forth in this Student Conduct Code, including completion of all sanctions

imposed, if any.

13. Expulsion - Permanent dismissal from the University with no right for future readmission under any circumstances. A student who has been expelled is barred from all FAU campuses.
14. Deactivation of the Student Organization's status at the University.
15. Administrative Withdrawal from individual courses or all courses registered for at the University. Students remain financially responsible for tuition and fees.
16. Other Appropriate Action. A ~~disciplinary student conduct~~ action not specifically set out above, but deemed proper by the ~~Dean of Student Affairs~~Dean of Students.
17. Alcohol Abuse Sanction Guidelines: Depending on the amount of alcohol involved and those cases involving severe intoxication and/or police or emergency medical response, dependent students (pursuant to the Internal Revenue Code); found responsible for offenses regarding the use, possession, sale or distribution of alcohol; may be sanctioned as follows at the discretion of University officials in accordance with this Regulation. These violations are per academic year.
 - a. First Violation
 1. Completion of an ~~e~~Educational program and a Fine to pay the administrative costs for providing this program.
 2. Parental Notification ** (Parental Notification may be implemented depending on the severity or nature of the first violation.)
 3. Completion of 5 - 15 hours of ~~campus or~~ eCommunity/ University sService.
 - b. Second Violation
 1. Completion of evaluation and recommended treatment from Counseling Center.
 2. Deferred ~~Termination of Removal from~~ University Housing Contract/Assignment for a period of one year.
 3. Parental Notification.
 4. ~~Disciplinary Student Conduct~~ Probation for at least 1 semester.
 5. Completion of 15 - 30 hours of ~~campus or~~ eCommunity/ University sService.
 6. Completion of an eEducational program and a fFine to pay the administrative costs for providing this program.
 - c. Third Violation
 1. Termination of Housing Contract/Assignment – Student is suspended from campus housing and may be suspended from the University. Students are still financially responsible for obligations under the

- housing contract.
- 2. Parental Notification.
- 3. ~~Disciplinary Student Conduct~~ Probation for 1 year.
- 4. Completion of up to 50 hours of ~~C~~ommunity/~~e~~ampus ~~S~~ervice.
- 5. Completion of an Educational program and a Fine to pay the administrative costs for providing this program.

18. Drug Abuse Sanction Guidelines: Depending on the amount of illegal substance involved, the student may be suspended or expelled from the University, as well as prosecuted. At the minimum, a student may be sanctioned as follows:

a. First Violation

- 1. ~~Removal from University Housing~~ Termination of Housing Contract – Student is suspended from University Housing. Students are still financially responsible for obligations under the housing contract.
- 2. ~~Disciplinary Student Conduct~~ Probation for one
- 3. Mandatory completion of evaluation and treatment from Counseling Center.
- 4. Parental Notification.
- 5. Completion of 25 hours of ~~e~~ampus ~~or~~ ~~C~~ommunity/~~S~~ervice.
- 6. Completion of an eEducational program and a fFine to pay the administrative costs for providing this program.

b. Second Violation

- 1. Completion of 50 hours of ~~e~~ampus ~~or~~ ~~C~~ommunity/~~S~~ervice.
- 2. ~~Deferred~~ ~~Disciplinary~~ Suspension for one academic year.
- 3. Completion of an eEducational program and a fFine to pay the administrative costs for providing this program.

c. Persons found to be involved in the sale of illegal drugs will be subject to permanent dismissal from the University.

(14) Parental Notification Policy.

The Florida Atlantic University is committed to the success of its students both inside and outside of the classroom. Therefore, it is our goal to maximize students' learning and development, and promote their health, safety and welfare. In this regard, FAU has implemented a Parental Notification policy in compliance with the request of the Florida Board of Governors. The Parental Notification policy permits the University the right to inform parents or guardians when their

dependent student (pursuant to the Internal Revenue Code), under the age of 21, has been found in violation of the University Alcoholic Beverages and Drug-Free Environment policy.

- (a) In non-emergency situations, parents of dependent students, under the age of 21, will be notified in writing. However, in emergency situations, parents may be notified by an immediate phone call from the Dean for Students or his/her designee.
- (b) These guidelines do not preclude Parental Notification for other policy violations that may endanger the health, safety and well being of a student or other individuals in the University Community. In addition, Parental Notification may occur in health and safety emergencies regardless of the student's age or dependent status.
- (c) Students, whose parents are to be notified under these guidelines, will be informed, when possible, before such notification occurs and given an opportunity to initiate contact with their parents.

~~(14)~~ (15) Appeals. A student may appeal the ~~finding of the Student Conduct Board or Hearing Officer hearing~~ decision of the Dean of Students (as to whether the student has been found ~~r~~Responsible/ ~~or n~~Not responsible) and/or the sanctions imposed by the ~~Dean of Student Affairs~~ Dean of Students.

- (a) Standards for Appeal.
 - 1. Failure to receive the ~~due process required by law~~ minimum requirements of process, as described under this Regulation.
 - 2. Severity of the sanction.
 - 3. New material or information that could not be discovered at the time of the ~~h~~Hearing.
- (b) All appeals must be postmarked or received in ~~writing~~ correspondence within five ~~(5) academic-business~~ days of the date of the “Notice of Decision” ~~and /Sanction~~” to the Senior Vice President for Student Affairs ~~or designee~~ for consideration. All appeals must specify the basis for the appeal. No person may hear or decide an appeal if he/she conducted or participated in the Hearing.
- (c) The burden of proof at the appellate level rests with the charged student.
- (d) The student’s pre-decision status will remain unchanged pending the appeal determination by the Senior Vice President for Student Affairs or designee (that is, a student shall remain eligible to attend classes and University activities pending the University’s final decision in the student conduct proceeding), except where the Senior Vice President for Student Affairs or designee, determines that the safety, health or general welfare of the student or the University eCommunity is involved, in which case a student’s privileges at the University, including the ability to attend classes or engage in University activities, may be suspended on an interim basis as described under the Emergency Measures provisions of this Regulation In that case, the provisions under Section 9 will also apply.

- (e) After considering the appeal, the Senior Vice President for Student Affairs or designee may reopen the Hearing, order a new hearing with the same or new Conduct Board or Hearing Officer, uphold or reverse the prior decision of the Dean of Students or revise the sanction. The Senior Vice President for Student Affairs or designee shall provide the student written notice of his or her -decision within ten (10) business days of receipt of the appeal request. five (5) academic days.
- (f) The appeal determination of the Senior Vice President for Student Affairs or designee is final and binding on all parties. There are no further appeals within the University. In the case of suspension and expulsions, the student has a right to appeal the University's final decision to an external judicial forum.

~~(15)~~(16) Victims' Rights. The University shall provide notice to the alleged Victim of his/her Victims must notify the Dean of Student AffairsDean of Students if they wish to exercise any of the rights listed in this section at least three academic days prior to any scheduled hearings rights at least five (5) business days prior to the student conduct proceeding.

- (a) Some of the cases to which Victims' rights may apply include but are not limited to the following types of cases:
 1. Sexual Misconduct
 2. Endangerment
 3. Harassment
 4. Hazing
 5. Property (damage)
 6. Property (theft)
- (b) Rights
 1. To have an advisor of the alleged victim's choice accompany her/him when presenting information to the hearing body and to any other relevant meetings held throughout the disciplinarystudent conduct process.
 2. To submit a victim impact statement. This information would be used only in sanctioning, if the charged student is found responsible for the charge(s).
 3. To have unrelated past behavior excluded from the hearing. The chair of the Student Conduct Board or OfficerHearing Officer hearing board will decide if such information is unrelated. The past sexual history of the alleged victim is not usually considered relevant.
 4. To submit questions to the Student Conduct Board or OfficerHearing Officer hearing board. The Student Conduct Board or OfficerHearing Officer hearing board will then consider posing those questions to the charged student.
 5. At the request of the victims in cases involving sexual misconduct, physical violence or stalking charges, the victim may request to

testify in a separate room from the charged student so long as the process does not unduly compromise the charged student.

6. To be notified of the outcome.

7. ~~Additional support services are provided to the victim through the Victim Services Advocacy Office upon request of the victim through the Dean of Student Affairs Dean of Students Office.~~

~~(16)~~(17) Regulation Review. Florida Atlantic University shall establish a committee at least once every five years beginning five years after the adoption of this regulation to review, evaluate and recommend changes to this ~~rule~~ Regulation 4.007 to the Senior Vice President for Student Affairs. This committee shall be appointed by the Senior Vice President for Student Affairs with at least one-half of the committee being students appointed by the Student Government President. This committee shall have as its charge to review and evaluate this ~~rule~~ Regulation 4.007 to determine that it ensures fairness and ~~the satisfaction of certain due process~~ minimum requirements in ~~the student conduct disciplinary~~ proceedings at the University.

~~(17)~~(18) ~~Disciplinary Student Conduct~~ Records.

(a) The record of student ~~conduct disciplinary~~ proceedings are part of a student's educational record and are subject to educational records confidentiality laws. Conduct records, ~~disciplinary records~~ and law violations are kept in the ~~Dean of Student Affairs~~ Dean of Students Office. These files are separate from academic transcripts.

(b) Issuance of Transcripts, ~~Flagging Hold~~ of Records, and Retention of Records in Cases of ~~Disciplinary Student Conduct~~ Action. The transcripts and future registration records of students subject to ~~disciplinary student conduct~~ action are flagged in accordance with the following guidelines:

1. The Dean of Student Affairs Office will ~~place a hold on flag~~ the records where:

a. A student has committed ~~student conduct disciplinary~~ acts culminating in ~~interim suspension~~, suspension and/or expulsion;

b. A student has failed to appear before the ~~Dean of Student Affairs~~ Dean of Students, Student Conduct Board or Hearing Officer, when reasonably notified as to his/~~or~~ her involvement in ~~student conduct disciplinary~~ matters;

c. A student with severe behavior problems is no longer attending the University, and it is the determination of the ~~Dean of Student Affairs~~ Dean of Students that a complete review of his/~~or~~ her record is to be made prior to readmission.

2. When a student requests issuance of his or her transcript to another educational institution, outside agency or individual, such transcript shall be issued subject to the following guidelines:

- a. If the student has had a disciplinary student conduct action taken against him/her which falls under paragraph (1) above, the transcript can only be sent with an overlay.
 - b. The overlay states: “This transcript reflects only the academic record of the student; this student currently is not in good standing and further information should be requested from the ~~Dean of Student Affairs~~Dean of Students.”
3. The ~~Dean of Student Affairs~~Dean of Students Office has adopted the following Retention of Records Policy: Student ~~conduct~~disciplinary records will be maintained in the ~~Dean of Student Affairs~~Dean of Students Office for a period of six (6) years from the end of the student’s matriculation at the University. Student conduct records shall be retained for longer periods of time or permanently if the student was expelled, dismissed, suspended or blocked from enrollment and in situations that may result in future litigation. ~~The disciplinary student conduct file of an accused student shall be destroyed if the student is not found responsible for violating the Student Code of Conduct.~~
- a. Notwithstanding the foregoing, if during the semester of the student’s graduation, the student requests in writing~~correspondence~~ that his or her student conduct ~~disciplinary~~ record be destroyed, that record will be evaluated.
 - b. No record may be destroyed when the disciplinary student conduct violation resulted in:
 1. personal injury;
 2. property damage;
 3. a felony violation of a state controlled substance law;
 4. Disruption to the orderly operation of the University;
 5. Violation of the firearm, explosives, dangerous chemicals, and ammunition or weaponry regulations of the University;
 6. Suspension or expulsion from the University;
 7. Endangering the health, safety, or welfare of members or guests of the University; or
 8. Comes within the jurisdiction of the ~~o~~Off-c~~C~~ampus ~~C~~onduct section of the Student Code of Conduct.

Specific Authority: 1001.74(4), 1006.60(1), (2), (5) F.S.; Law Implemented 1001.74(10)(e), 1006.60, 1006.61, 1006.62, 1006.63 F.S.; History–New 10-1-75; Amended 12-17-78, 6-9-83; Formerly 6C5-4.08; Amended 11-11-87, 6-7-88, 9-16-03; Formerly 6C5-4.008; Amended 5-10-06, 5-28-08; Amended - -2010.