



**BOARD OF TRUSTEES**  
**ACADEMIC & STUDENT AFFAIRS COMMITTEE MEETING**

Wednesday, December 6, 2017  
9:30 AM

Florida Polytechnic University  
Admissions Center  
4700 Research Way  
Lakeland, FL 33805

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Dr. Sandra Featherman, Chair  
Rear Admiral Philip Dur

Dr. Richard Hallion, Vice-Chair  
Henry McCance  
Bob Stork

Dr. Jim Dewey  
Jacob Livingston

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**AGENDA**

- |       |   |                                 |
|-------|---|---------------------------------|
| I.    | Call to Order   | Dr. Sandra Featherman,<br>Chair |
| II.   | Roll Call   | Maggie Mariucci                 |
| III.  | Public Comment  | Dr. Sandra Featherman,<br>Chair |
| IV.   | Approval of October 31, 2017 Minutes<br><i>*Action Required*</i>                  | Dr. Sandra Featherman,<br>Chair |
| V.    | 2016-18 Academic & Student Affairs Committee<br>Work Plan Review                  | Dr. Sandra Featherman,<br>Chair |
| VI.   | Provost's Report  | Dr. Terry Parker                |
| VII.  | Revised Regulation: FPU-3.006 Student Code of Conduct<br><i>*Action Required*</i> | Gina DeIulio                    |
| VIII. | Closing Remarks and Adjournment   | Dr. Sandra Featherman,<br>Chair |

**DRAFT**

**FLORIDA POLYTECHNIC UNIVERSITY  
BOARD OF TRUSTEES  
ACADEMIC AND STUDENT AFFAIRS COMMITTEE  
MEETING MINUTES  
Florida Polytechnic University Admissions Building  
4700 Research Way, Lakeland, FL 33805  
October 31, 2017 @ 1:30 PM**

I. Call to Order

Committee Chair Sandra Featherman called the Academic and Student Affairs Committee meeting to order at 1:35 p.m.

II. Roll Call

Maggie Mariucci called the roll: Chair Sandra Featherman, Vice-Chair Dick Hallion, Trustee Henry McCance, Trustee Bob Stork, Trustee Jim Dewey, and Trustee Jacob Livingston were present (Quorum).

Other trustees present: Board Chair Frank Martin, Trustee Mark Bostick, Trustee Gary Wendt and Trustee Don Wilson.

Staff present: President Randy Avent, Dr. Terry Parker, Mr. Mark Mroczkowski, Mr. Ray Galleno, Ms. Gina DeJulio, and Ms. Maggie Mariucci were present.

III. Public Comment

There were no requests received for public comment.

IV. Approval of Minutes

**Trustee Bob Stork made a motion to approve the Academic and Student Affairs Committee meeting minutes of June 8, 2017. Trustee Jacob Livingston seconded the motion; a vote was taken, and the motion passed unanimously.**

V. Provost's Report

Dr. Terry Parker reviewed comparisons of the current class with the previous three classes in the areas of class size, diversity, and locations from where students originate. This year's class is smaller but higher in academic quality. Significant changes were made to the management of freshman math, namely the addition of a pre-calculus class. Improvement in the D, Fail, Withdraw (DFW) rate is already being realized this semester.

The Admissions Department multi-year recruiting plan includes focused diversity recruitment efforts. Dr. Parker also reviewed the decline of the discount rate, which is down to 61%; this is due to students not maintaining the minimum GPA required to continue to receive scholarship aid. Trustee Wendt

inquired how many applicants were admitted this past year. Lauren Willison responded 1,600 applied, 800 were admitted and 401 actually matriculated.

Block tuition is a concept developed by the state legislature. Students would buy a full-time registration instead of paying by the credit hour. There is potential for universities to lose money with block tuition; however, universities are requesting the ability to design block tuition in a way that is best suited for each individual institution. Board Chair Frank Martin asked if block tuition rates would increase graduation rates. There is not enough evidence to confirm this statement.

Florida Poly received \$4.8M in recurring funds from the state for faculty hiring. This enables the University to strengthen faculty and add programs. Florida Poly is considering adding two degree programs that require six new faculty per program. Trustee Stork inquired if this will require additional support staff. Dr. Parker replied a few additional support staff would be needed, but they would not need to be doubled. As always, space is another consideration, including classrooms, labs, and faculty offices.

Increasing faculty diversity requires stronger and more agile recruiting. Board Chair Martin asked how much of the \$4.8M would be spent this year. Dr. Parker responded approximately \$300-400k. The University can also use these funds toward Fulbright programs.

Four graduate programs have been submitted to ABET for review and approval. A response should be received from ABET by January 1, 2018. The University is not locked into those programs, as SACSCOC would require.

The University received \$2.5M in non-recurring funds from the state for an entrepreneurship program. Dr. Parker reviewed the five goals for this program. The intent is to use these funds wisely to prove a need for the money to be recurring; hence, the University's efforts are currently focused on outcomes.

Noel Levitz is a national survey of students across the United States. Florida Poly had a low response rate of 28%, but of those who responded, the University received very favorable marks. Dr. Parker reviewed the areas where Florida Poly received lower marks and stated the University is addressing them via this year's operational plan.

VI. Textbook and Instructional Material Affordability Report

Ray Galleno, Director of Business & Auxiliary Services provided information on textbook cost variances and the process of selecting textbooks for courses. For fall 2016, 70% of textbooks were adopted 45 days before the start of class; for spring 2017, 82% of textbooks were adopted 45 days before the start of class. **Trustee Dick Hallion made a motion to approve the Textbook and Instructional Material Affordability Report. Trustee Bob Stork seconded the motion; a vote was taken, and the motion passed unanimously.**

VII. 2016-2018 Academic and Student Affairs Committee Work Plan Review

The Work Plan was briefly reviewed with no additional comments or recommendations.

VIII. Closing Remarks and Adjournment

With no further business to discuss, the Academic and Student Affairs Committee meeting adjourned at 2:40 p.m.

**AGENDA ITEM: V**

**Florida Polytechnic University  
Academic and Student Affairs Committee  
Board of Trustees  
December 6, 2017**

**Subject: 2016-18 Academic & Student Affairs Committee Work Plan Review**

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**Proposed Committee Action**

Information only. No action required.

**Background Information**

At the December 7, 2016, Academic and Student Affairs Committee meeting, the committee reviewed and voted on the committee work plan. The work plan has been updated to include their recommendations, if any.

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**Supporting Documentation:**  
Work Plan

**Prepared by:** Dr. Terry Parker, Provost

**Florida Polytechnic University**  
**Academic and Student Affairs Committee**  
**Work Plan 2016-2018**

March 15, 2017	June 7-8, 2017	September 13, 2017	December 6, 2017
<ul style="list-style-type: none"> <li>• Faculty hiring program</li> <li>• Differentiating programs (entrepreneurship, health informatics, other initiatives)</li> </ul>	<ul style="list-style-type: none"> <li>• Existing degree improvements</li> <li>• Admissions: the admission profile of the future</li> </ul>	<ul style="list-style-type: none"> <li>• New degrees and changes to existing degrees</li> <li>• Student life: the experience beyond the classroom</li> </ul>	<ul style="list-style-type: none"> <li>• Student success and retention: measures and next steps</li> </ul>
<sup>1</sup> March 14, 2018	<sup>1</sup> June 6-7, 2018	<sup>1</sup> September 12, 2018	<sup>1</sup> December 5, 2018
<ul style="list-style-type: none"> <li>• Faculty hiring program</li> <li>• Differentiating programs (entrepreneurship, health informatics, other initiatives)</li> </ul>	<ul style="list-style-type: none"> <li>• Existing degree improvements</li> <li>• Admissions: the admission profile of the future</li> </ul>	<ul style="list-style-type: none"> <li>• New degrees and changes to existing degrees</li> <li>• Student life: the experience beyond the classroom</li> </ul>	<ul style="list-style-type: none"> <li>• Student success and retention: measures and next steps</li> </ul>
<sup>1</sup> Tentative until approved by the Board of Trustees			



**FLORIDA POLYTECHNIC**  
UNIVERSITY

## **Provost's Report**

**Terry Parker**

**December 6, 2017**

# A status update on the Work Plan

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## ➤ Work Plan Items

### ➤ Admissions and Financial Aid

- Status and Strategy to be discussed

### ➤ Student services

- Workday SIS Implementation underway
- Continued focus on registration and advising

### ➤ Block Tuition

- Waiting for clarity in legislative direction

### ➤ Degree Program Additions and Faculty Hiring budget

- Initial survey of Polytechnics done
- Expect significant discussion in February

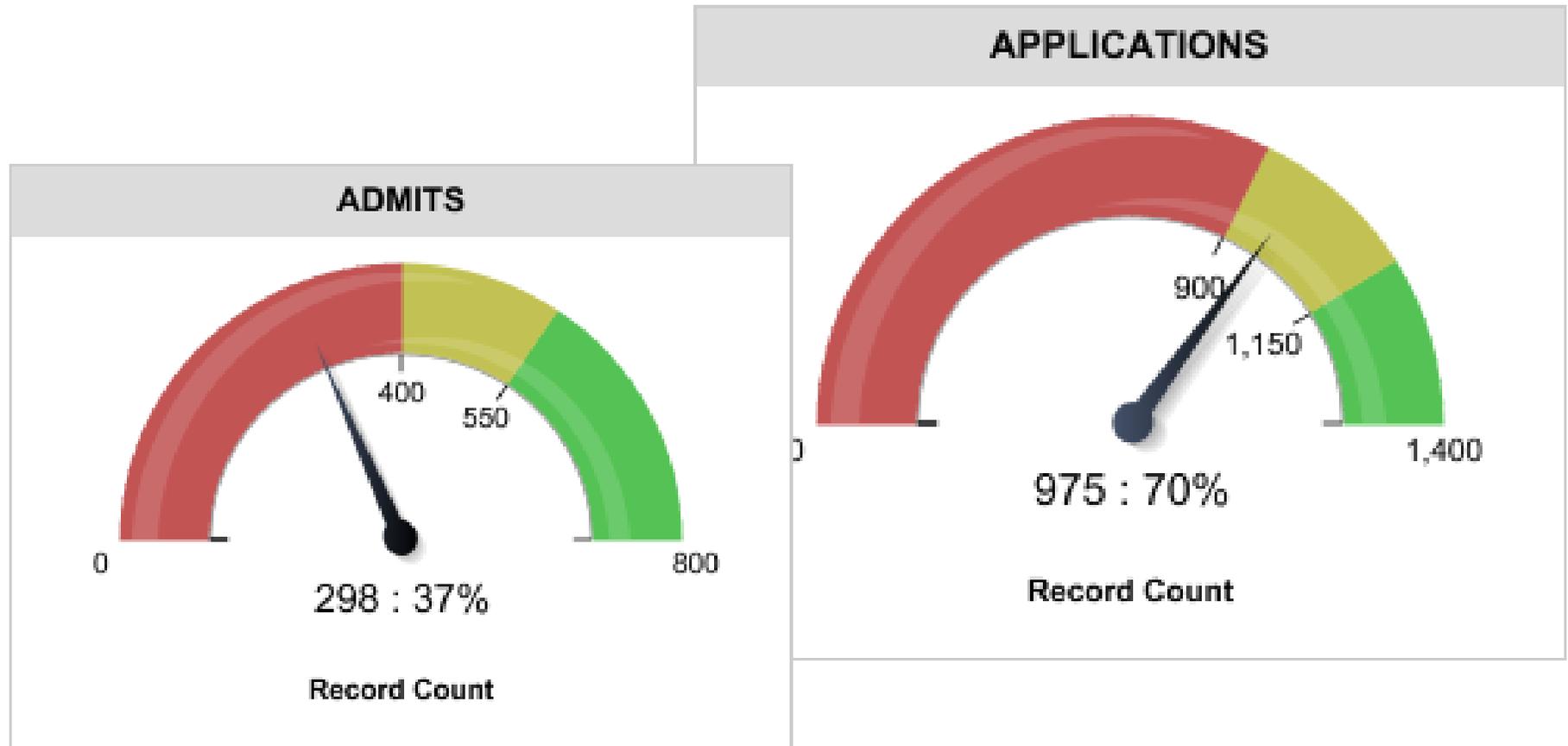
# A status update on the Work Plan

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- **Work Plan Items (part II)**
  - **Student and Faculty Diversity**
    - Continued focus in recruitment strategy
  - **Graduate programs**
    - Continued effort on quality
    - Investigating name change on MS in Innovation and Technology
  - **Technology and Pedagogy**



# It is always admissions season!

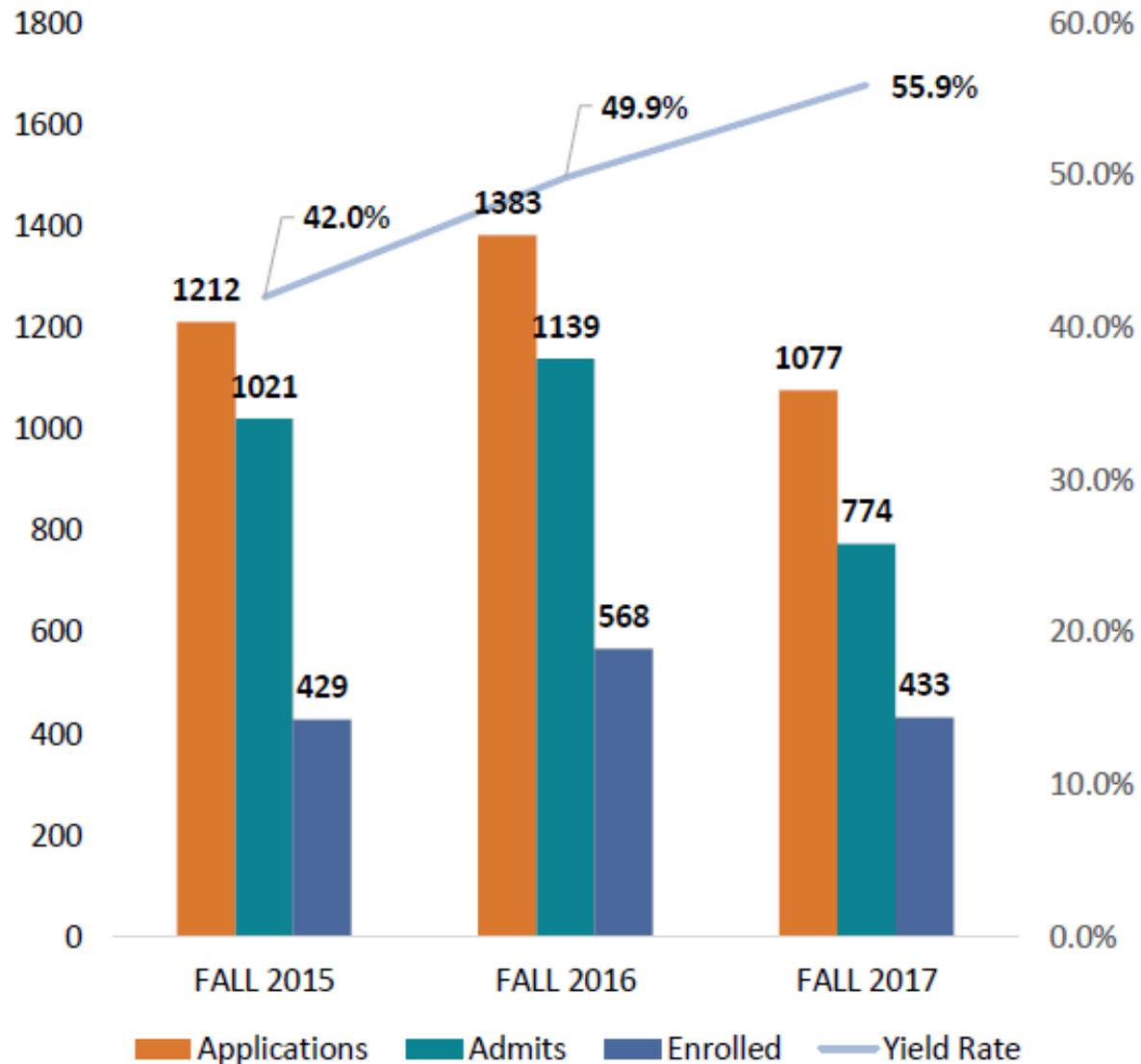


- Applications and application quality to date are quite good
- We are moving to differential aid based on last year's performance

# Data analysis indicates significant change in year over year behavior

- Conventional “stable” modeling is not possible
- Yield increases for all data “slices” for 2017 compared to prior years
- Yield declines with: GPA, Increased test score, distance from campus

### In-State Enrollment Summary



# Modeling uses last years data to “inform” aid packages for students

				Admits	Enrolls	Yield
GPA	<3.47	SAT	<1180	10	7	70.0%
			1180 - 1262	35	23	65.7%
			1262 - 1360	45	27	60.0%
			>1360	38	22	57.9%
	3.47 - 3.86	SAT	<1180	7	4	57.1%
			1180 - 1262	50	28	56.0%
			1262 - 1360	38	27	71.1%
			>1360	47	26	55.3%
	3.86 - 4.25	SAT	<1180	7	6	85.7%
			1180 - 1262	34	21	61.8%
			1262 - 1360	44	22	50.0%
			>1360	57	23	40.4%
	>4.25	SAT	<1180	4	2	50.0%
			1180 - 1262	26	18	69.2%
			1262 - 1360	33	10	30.3%
			>1360	78	24	30.8%
Overall				553	290	52.4%



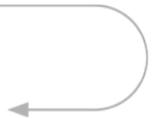
# 2018 aid packages are informed by 2017 student behavior

SAT	2017 Admits	2017 Enrolls	2017 Yield	2017 Tuition Discount	Estimated 2017 Net Tuition Rev	2018 Tuition Discount	Yield	Enrolls	Net Tuition Rev (assuming no increase in cost)
<1180	10	7	70.0%	71%	\$ 10,028.20	41%	50%	5	\$ 14,573.00
1180 - 1262	35	23	65.7%	71%	\$ 32,942.64	51%	45%	16	\$ 38,124.45
1262 - 1360	45	27	60.0%	71%	\$ 38,680.20	61%	55%	25	\$ 47,683.35
>1360	38	22	57.9%	71%	\$ 31,520.07	71%	58%	22	\$ 31,520.07
<1180	7	4	57.1%	71%	\$ 5,726.10	41%	25%	2	\$ 5,100.55
1180 - 1262	50	28	56.0%	71%	\$ 40,112.80	51%	36%	18	\$ 43,570.80
1262 - 1360	38	27	71.1%	71%	\$ 38,705.99	65%	68%	26	\$ 44,677.36
>1360	47	26	55.3%	71%	\$ 37,234.71	80%	60%	28	\$ 27,861.60
<1180	7	6	85.7%	71%	\$ 8,594.17	51%	42%	3	\$ 7,116.56
1180 - 1262	34	21	61.8%	71%	\$ 30,101.79	58%	41%	14	\$ 28,922.71
1262 - 1360	44	22	50.0%	71%	\$ 31,517.20	65%	40%	18	\$ 30,430.40

- 2018 proposed discount is used to modify student yields associated with student GPA and test scores
- Overall discount rate to remain the same

# Questions??

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**AGENDA ITEM: VII**

**Florida Polytechnic University  
Academic and Student Affairs Committee  
December 6, 2017**

**Subject: FPU-3.006 Student Code of Conduct**

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**Proposed Action**

Recommend approval of revised regulation **FPU-3.006 Student Code of Conduct**.

**Background Information**

University regulation **FPU-3.006 Student Code of Conduct** was initially approved by the Board of Trustees on January 12, 2014 and amended July 29, 2014.

The proposed regulation amendment substantially revises the Student Code of Conduct to ensure compliance with Board of Governors regulation 6.0105, to clarify terms and processes, to add additional types of misconduct, to update position titles, and to update formatting. A summary of the changes is below:

- General Changes:
  - Created “Community Values” section.
  - Created “Applicability” section that states what conduct is governed by the Student Code of Conduct.
  - Separated student rights and responsibilities into two sections.
  - Revised student rights and responsibilities to include only those rights and responsibilities as related to the Student Code of Conduct.
  - Replaced Director of Student Affairs with Vice Provost of Enrollment.
- Definitions:
  - Combined “accused student,” “accused student organization,” and “accused” into one definition for “responding party.”
  - Added definition of “business day.”
  - Added definition of “hearing body.”
  - Revised definition of “policy” to include polices and rules in addition to regulations. Removed reference to Residence Life Handbook and computer use policy because they do not exist.
  - Added the definition of “responsible.”
  - Added definition of “witness.”
  - Added definition of “reporting party.”
  - Removed the definition of “shall” because shall has been removed from the regulation.

- Created the term “Representative.” The Representative is an Office of Student Development employee designated by the Vice Provost of Enrollment to fulfill specified duties under the Student Conduct Review Process. This was created to ensure that students cannot submit things to a student workers.
- Misconduct
  - Revised the definition of academic dishonesty to refer to FPU-5.005 Academic Integrity to ensure the definitions are consistent.
  - Removed reference to the University Computer Use Policy because it does not exist.
  - Added offenses that were noted in a State audit of the Board of Governors: arson, gambling, unauthorized commercial solicitation, misconduct at sanctioned events, and illegal alteration or use of identification.
  - Added driving under the influence of alcohol or a controlled substance, misuse of prescription drugs, and harm to animals.
  - Added sexual misconduct as defined in University policies and regulations.
  - Added retaliation.
- Sanctions:
  - Clarified that discretionary sanctions are educational.
- Interim Suspension:
  - Added a provision that an interim suspension is subject to a review at a hearing if a student requests such a review in writing.
- Student Conduct Review Process
  - Added a general provisions sections that includes information regarding:
    - Requests for accommodations;
    - Requests for postponement;
    - Notices;
    - Remote participation;
    - Failure to attend scheduled meeting or hearing;
    - Advisors;
    - University’s right to an attorney;
    - Burden of proof; and
    - Student’s eligibility to attend classes and University activities.
  - Added the definition of “investigation.”
  - Added a provision to not file charges for other appropriate circumstances such as Medical Amnesty as referenced in FPU1.0003P Alcohol Policy.
  - Added “and time limit” to filing of charges.
  - Added a section regarding complainant’s rights.
  - Replaced Preliminary Conference with an Initial Meeting.
  - Added a “non-formal resolution” process that includes a mediation agreement and administrative agreement. Removed the informal hearing option.
  - Added requirements for selecting a non-formal resolution.
  - Added a process for the Accused to waive his/her right to a Formal Hearing conducted by a hearing panel.

- Added information regarding how Formal Hearings are conducted with a hearing officer as opposed to a Formal Hearing with a hearing panel.
- Added information regarding hearing panel requirements for sexual misconduct allegations.
- Appeal Process:
  - Clarified appeal procedures.
  - Added that the President may designate the Provost to oversee the appeal process.
- Disciplinary and Academic Records:
  - Revised to state that the Vice Provost of Enrollment determines whether disciplinary sanctions are noted on a student's permanent academic and disciplinary record.
- Student's Education Records:
  - Revised to clarify that the records of the Student Conduct Review Process are considered "education records" of both the Responsible and the Complainant (if Complainant is a student) and protected under FERPA.

The Notice of Amendment to proposed regulation and the regulation was published on the University's website on November 3, 2017. No comments were received during the review and comment period.

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**Supporting Documentation:**

DRAFT substantially revised regulation FPU-5.003

BOG Regulation and Student Code of Conduct Chart

**Prepared by: Melaine Schmiz, Assistant General Counsel**

**Substantially Revised.**

**THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES**

**FPU-3.006 Student Code of Conduct**

**(1) Introduction**

- (a) Community Values. The Student Code of Conduct is designed to promote responsible behavior for all students consistent with the values and welfare of the Florida Polytechnic University (“University”) community. It exists to define the behavioral rights and responsibilities of University students and student organizations. The Student Code of Conduct fosters and enhances the academic mission of the University as well as protects the rights of all University students, faculty, and staff.
- (b) Applicability. The Student Code of Conduct applies to the conduct of any student or student organization that occurs: on University property; at University or student-sponsored activities; and at locations where a University course or program is being conducted, including foreign locations such as study abroad and exchange programs. It also applies to off-campus conduct and online conduct that adversely affects the University community and/or the pursuit of its objectives.

**(2) Authority**

- (a) The Florida Polytechnic University Board of Trustees is charged with the responsibility and authority for creating a Student Conduct Review Process. Authority for the Student Conduct Review Process rests with the University President or designee (“President”).
- (b) Student organizations are also regulated under this authority.

**(3) Definitions**

- (a) **Responding Party.** Any student or student organization that has been charged with violating the Student Code of Conduct.
- (b) **Advisor.** The person chosen by the Responding party who may assist and/or accompany the Responding party throughout the Student Conduct Review Process.
- (c) **Business Day.** Monday through Friday from 8 am to 5 pm, excluding University holidays.
- (d) **Reporting Party.** A person that believes that he or she has been a victim of a student’s misconduct or any person who submits an allegation that a student violated the Student Code of Conduct.
- (e) **Sanction.** Outcome(s) imposed on the Responsible.
- (f) **Faculty Member.** Any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.
- (g) **Good Standing.** A conduct status describing a student who does not have pending charges under the Student Code of Conduct or incomplete misconduct Sanctions.
- (h) **Hearing Body.** Any person or persons appointed by the Vice Provost of Enrollment or designee to conduct hearings to determine whether the Responding party has violated the Student Code of Conduct and impose Sanctions. This includes a Hearing Officer or Hearing Panel.
- (i) **May.** The term “may” is used in the permissive sense.
- (j) **Policy.** Any written policies, regulations, or rules of the University as found in, but not limited to, the Student Code of Conduct; University Policies, Regulation and

- Rules webpage; the Student Handbook; and the Undergraduate and the Graduate Catalogs.
- (k) **Preponderance of the Evidence.** Information, considered as a whole that indicates the facts sought to be proved are more likely than not. This is the burden of proof that must be met in a determination of responsible or not responsible.
  - (l) **Representative.** An Office of Student Development employee designated by the Vice Provost of Enrollment to fulfill specified duties under the Student Conduct Review Process.
  - (m) **Responsible.** A student or student organization that has been found to have violated the Student Code of Conduct by a preponderance of the evidence.
  - (n) **Student.**
    - (i) Persons taking courses at the University (full-time or part-time) in undergraduate, graduate, or professional studies;
    - (ii) Persons who withdraw from the University after allegedly violating the Student Code of Conduct, who were previously enrolled but are not officially enrolled for a particular term and have a continuing relationship with the University; or
    - (iii) Persons who have been notified of their acceptance for admission to the University.
  - (o) **Student Organization.** A registered student organization as described in FPU- 3.002 Student Government and Student Organizations.
  - (p) **University Community.** Includes any University officer, employee, student, applicant, visitor, agent, vendor, or contractor.
  - (q) **University Official.** Includes any person employed by the University that is performing assigned administrative or professional responsibilities.
  - (r) **University Property.** Property owned or controlled by the University.
  - (s) **Witness.** A person who has relevant information to help a decision maker determine whether or not an alleged violation of the Student Code of Conduct has taken place.
- (4) **Student Rights In the Student Conduct Review Process.** The student has the right to:
- (a) Be free from self-incrimination. However, the rights and rules of evidence or procedure in a civil or criminal proceeding do not apply to the Student Conduct Review Process.
  - (b) Be informed of and receive just and unbiased treatment under the Policies of the University, in its courses, in its residential life, and in its extracurricular activities;
  - (c) Be informed of decisions impacting his or her status, advancement, or exercise of University benefits, and have the opportunity to appeal, through a defined process and framework, those decisions in accordance with the procedures prescribed in this Student Code of Conduct;
  - (d) Have past behavior considered only when related to the charge(s);
  - (e) Privacy, including the confidentiality of education records according to the Federal Family Educational Rights and Privacy Act of 1974 (FERPA);
  - (f) Adequate notice of charges and a fair and impartial hearing under the Student Code of Conduct;
  - (g) Be secure in their persons, living quarters, papers, and effects against unreasonable searches and seizures by the University; and

- (h) Ready access to established University Policies.
- (5) **Student Responsibilities.** The student has the responsibility to:
- (a) Observe and comply with all University Policies and local, state, and federal laws;
  - (b) Respect the rights and privacy of others;
  - (c) Accept the Sanctions imposed due to one's actions;
  - (d) Maintain high standards of academic integrity and honor in all work submitted; and
  - (e) Conduct oneself in a manner that does not infringe upon the rights of other members of the University community.
- (6) **Misconduct.** Any student or student organization found to have committed or to have attempted to commit the following misconduct is subject to Sanctions in accordance with this Student Code of Conduct.
- (a) **Acts of Dishonesty,** including but not limited to the following:
    - (i) **Cheating, plagiarism,** or other forms of academic dishonesty as defined in University Regulation FPU-5.005 Academic Integrity.
    - (ii) **Furnishing false information** to any University official, faculty member, or office.
    - (iii) **Forgery, alteration, or misuse** of any University document, record, or instrument of identification.
  - (b) **Disruption or obstruction** of teaching, research, administration, disciplinary proceedings, other University activities, including its public service functions, on or off campus, or of other authorized non-University activities when the conduct occurs on University property.
  - (c) **Physical abuse, verbal abuse, threats, intimidation, harassment, stalking, coercion,** and/or other conduct that threatens or endangers the health or safety of any person, group, or animal that is not of a sexual nature.
  - (d) **Sexual misconduct** as defined in University Policies.
  - (e) **Attempted or actual theft** of and/or **damage to property** of the University or property of a member of the University community or other personal or public property, on or off campus.
  - (f) **Hazing,** defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this regulation.
  - (g) **Failure to comply with directions** of University officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to such persons when requested to do so.
  - (h) **Unauthorized possession, duplication or use of keys** to any University property or unauthorized entry into or use of University property.
  - (i) **Violation of any University Policy.**
  - (j) **Violation of any federal state, or local law.**
  - (k) **Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances,** except as expressly permitted by law. This includes the misuse of prescription drugs.
  - (l) **Use, possession, manufacturing, or distribution of alcoholic beverages** (except as

- expressly permitted by University Policies), or **public intoxication**. Alcoholic beverages may not, in any circumstance, be used by, possessed by or distributed to any person under twenty-one (21) years of age.
- (m) **Control or operation of any vehicle**, including non-motorized vehicles, **while impaired** by alcohol or another substance.
  - (n) **Illegal or unauthorized possession of firearms, explosives, weapons, or dangerous chemicals** on University property or use of any such item, even if legally possessed, in a manner that harms or threatens others.
  - (o) Soliciting, facilitating, or participating in any **illegal gambling**, bookmaking or illegal betting whether through a bookmaker, a parlay card, a pool or any other method of organized gambling.
  - (p) Causing or attempting 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.
  - (q) **Unauthorized posting of commercial advertising** or engaging in **commercial activity** as described in University Policies.
  - (r) **Participation in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations** of the University and/or infringes on the rights of other members of the University community; or leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.
  - (s) **Obstruction of the free flow of pedestrian or vehicular traffic on** University property or at University sponsored or supervised functions.
  - (t) **Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring** another person to breach the peace on University property or at functions the University or members of the University community have sponsored or participated in.
    - (i) **Disorderly Conduct** includes, but is not limited to: any unauthorized use of electronic or other devices to make an audio or video record of any person while on University property without his or her prior knowledge, or without his or her effective consent when such a 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.
  - (u) **Theft or other abuse of computer facilities and resources**, including but not limited to:
    - (i) Unauthorized entry into a file to use, read, or change the contents, or for any other purpose.
    - (ii) Unauthorized transfer of a file.
    - (iii) Use of another individual's identification and/or password.
    - (iv) Use of computing facilities and resources to interfere with the work of another student, faculty member or University Official.
    - (v) Use of computing facilities and resources to send obscene or abusive messages.
    - (vi) Use of computing facilities and resources to interfere with normal operation of the University computing system.
    - (vii) Use of computing facilities and resources in violation of copyright laws.
  - (v) **Abuse of the Student Conduct Review Process**, including but not limited to:
    - (i) Failing to obey the notice from the Office of Student Development or a University official to appear for a meeting or hearing as part of the Student Conduct Review Process.
    - (ii) Falsifying, distorting, or misrepresenting of information before a Hearing

- (iii) Disrupting or interfering with the orderly conduct of a Student Conduct Review Process.
  - (iv) Reporting a violation of the Student Code of Conduct in bad faith.
  - (v) Attempting to discourage an individual's proper participation in, or use of, the Student Conduct Review Process.
  - (vi) Attempting to improperly influence the impartiality of a Hearing Body prior to, and/or during the course of, the Student Conduct Review Process.
  - (vii) Harassing (verbal or physical) and/or intimidation of a Hearing Body prior to, during, and/or after a Student Conduct Review Proceeding.
  - (viii) Failing to comply with the Sanction(s) imposed under the Student Code of Conduct.
  - (ix) Influencing or attempting to influence another person to commit an abuse of the Student Conduct Review Process.
  - (x) **Retaliation** against a person(s) alleging misconduct.
- (7) **Sanctions.** The Responsible is subject to Sanctions commensurate with the offense with consideration given to any aggravating and mitigating circumstances, including but not limited to the Responsible's conduct record at the University. The Responsible's efforts to get help or assist others may be taken into account in determining Sanctions. The Responsible's failure to complete Sanctions may result in a registration, transcript, final grades, and/or diploma hold. Sanctions that may be imposed upon the Responsible include, but are not limited to:
- (a) **Deactivation.** The loss of all privileges, including University recognition, for a specified period of time when the Responsible is an organization.
  - (b) **Discretionary Educational Sanctions.** Work assignments, essays, service to the University, or other related discretionary Sanctions.
  - (c) **Fines.** Previously established and published financial fines may be imposed.
  - (d) **Loss of Privileges.** Denial of specified privileges for a designated period of time.
  - (e) **Probation.** A designated period of time where more severe disciplinary Sanctions will be imposed if the Responsible is found to violate the Student Code of Conduct during the probation period.
  - (f) **Residence Hall Expulsion.** Permanent separation of the Responsible from the residence halls.
  - (g) **Residence Hall Suspension.** Separation of the Responsible from the residence halls for a definite period of time, after which the Responsible is eligible to return. Conditions for returning to the residence halls may be specified.
  - (h) **Restitution.** Requiring compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - (i) **Revocation of Admission and/or Degree.** Admission to the University or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other violations that were committed by the student prior to graduation.
  - (j) **University Expulsion.** Permanent separation of the Responsible from the University.
  - (k) **University Suspension.** Separation of the Responsible from the University for a definite period of time. Conditions for readmission to the University will be specified. The Vice Provost of Student Enrollment or designee will instruct the

- Registrar to place an overlay on the Responsible's transcript during the period of suspension indicating the period of suspension. Further, while on University Suspension, a hold will be placed on the Responsible's record to prevent registration. All assigned educational Sanctions must be completed prior to the restoration of student privileges; otherwise the suspension will remain in effect. A suspended student is not permitted on University property during the length of his/her suspension. A suspension may be deferred so that the Responsible can attend classes for the remainder of the semester.
- (l) **Warning.** A notice in writing to the Responsible that the Responsible is violating or has violated the Student Code of Conduct.
  - (m) **Withholding Degree.** The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code of Conduct, including the completion of any Sanctions imposed.
  - (n) More than one of the Sanctions listed above may be imposed for any single violation.
- (8) Interim Suspension.** In certain situations, the Provost or designee may impose a University or residence hall interim suspension prior to the completion of the Student Conduct Review Process.
- (a) An interim suspension may be imposed:
    - (i) To ensure the safety and well-being of members of the University community or preservation of University property;
    - (ii) To ensure the student's own physical or emotional safety and well-being; or
    - (iii) If the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.
  - (b) If requested in writing by the student, an interim suspension is subject to a review at a hearing within three (3) business days by the Provost or designee to determine the status of the interim suspension. The outcome of an interim suspension hearing remains in effect until the final disposition of the charges unless the Provost or designee decides otherwise.
  - (c) During the interim suspension, the student may be denied access to the residence halls and/or to the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible, as the Provost or designee determines to be appropriate.
  - (d) The interim suspension does not replace the regular Student Conduct Review Process, which proceeds on the normal schedule, up to and through a formal hearing, if required.
  - (e) If the student is subsequently found not responsible for the violation, the University will:
    - i) 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
    - ii) Refund to the student a pro rata portion of any charges for tuition and out-of-state fees, as appropriate, if the temporary suspension of the student's ability to attend classes lasts for more than ten (10) business days.
- (9) Student Conduct Review Process**
- (a) **General Provisions.**
    - (i) Requests for reasonable accommodations. The Responding party, Reporting

- party, or other person participating in the Student Conduct Review Process may submit a request for reasonable accommodations for a documented disability for any part of the Student Conduct Review Process to the Office of Student Development representative (the “Representative”). The Representative must receive such requests at least three (3) business days prior to the part of the Student Conduct Review Process for which the person is requesting accommodations.
- (1) The Representative has the discretion to grant such requests. The Representative also has the discretion to waive the three (3) business day requirement.
- (ii) Requests for Postponement. The Responding party or Reporting party may request to postpone any part of the Student Conduct Review Process.
- (1) Requests to postpone any part of the Student Conduct Review Process must:
- (a) Be submitted in writing to the Representative at least three (3) business days prior to the part of the Student Conduct Review Process for which the person is requesting postponement, and
- (b) State the reason(s) for the request.
- (2) The Representative has the discretion to grant such requests. The Representative also has the discretion to waive the three (3) business day requirement.
- (3) The University is not required to postpone a Student Conduct Review proceeding pending the outcome of a criminal prosecution.
- (iii) Notices. All notices to a student are sent to the student’s official University email account. Notices to a student organization are sent to the student organization’s highest-ranking officer’s official University email account.
- (iv) Remote Participation. The Representative has the discretion to allow the Responding party, Reporting party, and/or Witness to participate in the Student Conduct Review Process remotely via telephone or other electronic means.
- (1) Requests to participate remotely must be received by the Representative at least three (3) business days prior to the part of Student Conduct Review Process for which the request is being made.
- (2) The Representative has the discretion to waive the three (3) business day requirement.
- (v) Failure to Attend Scheduled Meeting or Hearing.
- (1) After receiving notice, if the Responding party, Reporting party, or Witness does not request a postponement and does not attend a scheduled meeting or hearing, the meeting or hearing will take place as scheduled.
- (2) Sanctions may be imposed against the Responding party even if the Responding party does not attend scheduled meetings and hearings. The Responding party will be sent written notice of any imposed Sanctions.
- (3) The Representative may have a hold placed on the Responding party’s registration, transcript, final grades and/or diploma if the Responding party does not attend a scheduled meeting or hearing. This hold is removed once the Responding party attends the re-scheduled meeting or hearing, or the Student Conduct Review Process is concluded.
- (vi) Advisor. Responding party and the Reporting party may have, at their own expense and initiative, an Advisor present for any part of the Student Conduct Review Process.
- (1) If the Responding party or Reporting party chooses to have an Advisor, it is his

- or her responsibility to make appropriate arrangements for the Advisor to attend the Student Conduct Review Process. No part of the Student Conduct Review Process will be delayed due to scheduling conflicts with an Advisor.
- (2) The Advisor may be present to advise the Responding party or Reporting party but cannot speak for or present the case or otherwise participate directly in the Student Conduct Review Process.
  - (3) If the Responding party or Reporting party chooses an attorney as the Advisor, the Responding party or Reporting party must inform the Representative of such at least three (3) business days prior to the Initial Meeting.
  - (vii) University's Right to Attorney. The University may be advised by an attorney at any time prior to, during, or after the Student Conduct Review Process.
  - (viii) Burden of Proof. The burden of proof for any portion of the Student Conduct Review Process is not on the Responding party.
  - (ix) Student's Eligibility to Attend Classes and University Activities.
    - (1) A student remains eligible to attend classes and University activities pending the outcome of the Student Conduct Review Process and until any appeal is concluded except for in the following situations:
      - (a) The student is currently subject to an Interim Suspension; or
      - (b) Where there is an appeal and the Sanction(s) imposed included University or Residence Hall Suspension or Expulsion.
    - (2) If the student is subsequently found not responsible, the University will:
      - (a) 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
      - (b) Refund to the student a pro rata portion of any charges for tuition and out-of-state fees, as appropriate, if the suspension of the student's ability to attend classes lasted for more than ten (10) school days.
  - (x) Alleged Violations of University policy FPU-1.005P Sexual Harassment on Sexual Harassment may require additional procedural rights.
- (b) **Student Conduct Report.** Any person or entity may report an alleged violation of the Student Code of Conduct to the Office of Student Development. The University may conduct an investigation regarding the circumstances of the report. An investigation is a neutral fact finding process that determines whether there is sufficient information to move forward with formal student conduct charges or other action as appropriate. An investigation may include interviews with the Reporting Party, the Reporting party, the Responding party, and any Witnesses.
- (c) **No Charges Filed.** The Representative may choose to not file charges if:
- (i) It is found that there are not sufficient facts or information to substantiate a violation of the Student Code of Conduct;
  - (ii) The person being accused of violating the Student Code of Conduct is not a student;
  - (iii) The action claimed as misconduct is not a violation of the Student Code of Conduct.
  - (iv) Or in other appropriate circumstances such as Medical Amnesty as reference in University policy FPU-1.0003P Alcohol Policy.
- (d) **Filing Charges and Timeline.** The Representative will review the relevant information to determine if a student or student organization will be charged with violating the

- Student Code of Conduct. Upon receipt of a report, the Representative has six (6) months to file a charge. The Representative may exercise discretion when applying the time provision to account for circumstances that warrant a waiver of the six (6) month time limit.
- (e) **Notice of Charges.** The Representative will give the Responding party written notice of the charge(s) at least five (5) business days prior to the Initial Meeting. The Notice of Charges must include:
- (i) Specific charges including specific code sections alleged to have been violated;
  - (ii) A description of the behavior that led to the charges; and
  - (iii) An opportunity for the Responding party to attend an Initial Meeting.
- (f) **Notice of Reporting Party's Rights.** The Representative will give the Reporting party written notice of his or her rights at least five (5) business days prior to the Initial Meeting. The Reporting party has the same rights as the Responding party, including the right to appeal and the rights described in Section (9)(j)(v) Reporting party's Rights. The Reporting party also has the same responsibilities as the Responding party.
- (g) **Initial Meeting.** The Responding party has the opportunity to attend an Initial Meeting with the Representative. The Responding party may choose an Advisor to accompany the Responding party to the Initial Meeting.
- (i) At the Initial Meeting, the Responding party will be given an overview of the Student Conduct Review Process, information known at the time the charge(s) were filed, and an opportunity for the Responding party to accept or deny responsibility for the charge(s).
  - (ii) At the conclusion of the Initial Meeting, the Representative will select an option for resolution. The options are: 1) Dismissal of Charges; 2) Non-Formal Resolution; or 3) Formal Hearing.
    - (1) Responding Party Accepts Responsibility. If the Responding party accepts responsibility, the Representative may choose to resolve the violation through non-formal resolutions.
    - (2) Responding Party Denies Responsibility. If the Responding party denies responsibility or wishes to have a Formal Hearing, the charge(s) will be resolved by a Formal Hearing.
    - (3) Non-Formal Resolution Requirements. Non-formal resolutions may be used when the student accepts responsibility and possible Sanctions do not include suspension or expulsion. Non-formal resolutions may not be used for violations that the Representative deems to be serious, such as sexual misconduct, violence, or violations involving weapons.
- (h) **Non-Formal Resolution.** Non-formal resolutions include:
- (i) Mediation Agreement: Depending on the nature and severity of the charge, the Representative may recommend mediation. The Responding party and the Reporting party must both agree to mediation for mediation to be an option. Mediation is confidential.
    - (1) In mediation, the Responding party and the Reporting party voluntarily 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 ("Mediation Agreement"). The Responding party and Reporting party are responsible for honoring their Mediation Agreement or renegotiating it, if

- necessary.
- (2) Breach of a Mediation Agreement may result in a follow up mediation session, or the Representative may refer the matter back through the Student Code Review Process.
  - (3) In the event that the Responding party and Reporting party do not agree to mediate or mediate but do not reach a full and final resolution, the matter will be referred back through the Student Conduct Review Process for an Administrative Agreement or a Formal Hearing.
- (ii) Administrative Agreement: An Administrative Agreement is negotiated by the Representative and the Responding party. The Administrative Agreement is between the Responding party and the Office of Student Development.
- (1) The Administrative Agreement may include punitive Sanctions (disciplinary warning or disciplinary probation) as well as educational Sanctions (papers, seminars, community service, etc.).
  - (2) Breach of an Administrative Agreement may result in a new Administrative Agreement, or Representative may refer the matter to be resolved by a Formal Hearing or Mediation.
- (i) **Failure to Resolve Through Non-Formal Resolution.** If the charge is not resolved by a non-formal resolution, the matter will be resolved through a Formal Hearing.
- (j) **Formal Hearing:** The Formal Hearing is not a criminal or judicial proceeding and is designed to address student or student organization behavior; therefore, alleged violations of the Student Code of Conduct will be addressed independently of any penalty imposed by the courts for a criminal offense. All Formal Hearings are recorded and confidential.
- (i) Notice of Formal Hearing. The written Notice of Formal Hearing is sent to the Responding party and the Reporting party at least five (5) business days prior to the Formal Hearing. The notice must include:
    - (1) The date, time, and location of the Formal Hearing;
    - (2) The names of witnesses to be called and information to be used in the Responding party's matter;
    - (3) Whether the Hearing Body received any additional information after the Initial Meeting that will be used in the Formal Hearing, and, if so, will indicate when and where the additional information may be viewed; and
    - (4) The names of the members of the Hearing Body.
  - (ii) Responding Party's Right to Hearing Panel and Waiver. The Responding party has the right to a Formal Hearing conducted by a Hearing Panel. If the Responding party chooses to waive this right, a Hearing Officer conducts the Formal Hearing. The Responding party may waive his or her right to a Hearing Panel if:
    - (a) The Responding party requests such a waiver in writing on forms provided by the University that include an explanation of the effect of the waiver; and
    - (b) The Vice Provost of Enrollment or designee approves the Responding party's request.
  - (iii) Responding Party's and Reporting Party's Right to Inspect Information. The Responding party and the Reporting party each have the right to inspect all of the information, including witnesses, that will be presented against the Responding party at least three (3) business days before the Formal Hearing.
  - (iv) University's Right to Inspect Information. The University also has the right to review any information, including witnesses, the Responding party and Complaint

- intend to use at least three (3) business days before the Formal Hearing.
- (v) Reporting Party's Rights. Reporting Party has the right:
- (1) To have unrelated past behavior excluded from the hearing.
  - (2) To participate in and be present throughout the entire Formal Hearing or any portions thereof. If the Reporting party does not want to be present in the same room as the Responding party Student, the Hearing Body will make alternative arrangements, if possible.
  - (3) To testify in limited privacy. In lieu of testifying in person or via telephone, the Reporting party may submit a written or recorded statement. The determination of whether the testimony will be given in limited privacy is made at the discretion of the Vice Provost of Enrollment or designee.
  - (4) To submit a "student impact statement" and offer to the Hearing Body a suggestion of what the Reporting party believes to be an appropriate Sanction for the Responding party. This information may be used only to determine Sanctions.
  - (5) To be excluded from direct examination in cases where sexual misconduct or abuse is alleged. The Responding party will not be permitted to directly question the Reporting party where the alleged violations are sexual misconduct or abuse. In such cases, the Responding party and the Reporting party must submit questions to the Hearing Body; however, the Hearing Body is not required to ask all of the questions submitted.
- (vi) Hearing Body. The Hearing Body reviews all information presented during the Formal Hearing and determines whether the Responding party is responsible. The Representative that conducts the Initial Meeting cannot serve as a Hearing Body.
- (1) Formal Hearing Conducted by Hearing Panel. The Representative facilitates a Formal Hearing conducted by a panel. The Representative does not participate in deliberations. The Hearing Panel must consist of at least 50% students. The Provost or designee appoints faculty, staff, and student representatives to the Hearing Panel.
  - (2) Formal Hearing Conducted by Hearing Officer. The Hearing Officer conducts the hearing and determines the findings and Sanctions.
  - (3) Hearing Body for Charges Involving Sexual Misconduct. The Hearing Body is comprised of staff and/or faculty for charges involving sexual misconduct. However, upon request by the Responding party, and provided there is no objection from the Reporting party, Representative may approve that the Hearing Body will be a Hearing Panel with at least one-half of the members being students.
  - (4) Hearing Body Member Unable to Serve. If a Hearing Body member is unable to serve due to an emergency or unforeseeable occurrence, the Provost may appoint a new Hearing Body member prior to the scheduled hearing.
  - (5) Challenging a Hearing Body Member's Impartiality. The Responding party and/or Reporting party has the right to challenge any Hearing Body member's impartiality at least three (3) business days prior to the scheduled hearing. The Responding party may challenge the substitution of a substituted Hearing Body member at the time of the Formal Hearing. The challenge must be in writing, and must show actual bias (such as a conflict of interest, animosity, pressure, or influence) that would preclude a fair and impartial hearing. The Vice Provost of Enrollment or designee determines whether to grant such a challenge and such

decision is final.

- (vii) Witnesses and Information. The Responding party and/or Reporting party may present or arrange for witnesses to voluntarily present relevant information during the Formal Hearing. Character witnesses cannot participate in the Formal Hearing. The Hearing Body may accept pertinent records, reports, exhibits, and written statements as information for consideration.
- (1) The Hearing Body facilitates the questioning of witnesses.
  - (2) The Responding party and/or Reporting party may submit a request in writing to the Representative to provide relevant information during the Formal Hearing in a manner that avoids direct contact with the Responding party and/or Reporting party.
  - (3) The Representative has the discretion to approve or deny the request.
- (viii) Determination of Responsibility. The determination of “responsible” or “not responsible” will be based upon a preponderance of the information. The determination must be based solely upon the information presented at the Formal Hearing.
- (k) **Conduct of Formal Hearings.**
- (1) Reading of charge(s) by Hearing Body.
  - (2) Responding party’s response of “responsible” or “not responsible.”
  - (3) Hearing Body presents information regarding the charges.
  - (4) Responding party’s opening statement and presentation of information.
  - (5) Reporting party’s opening statement and presentation of information.
  - (6) Hearing Body’s questioning of the Responding party.
  - (7) Hearing Body’s questioning of Reporting party, witnesses, and/or Reporting Party. (This may include questions submitted to the Hearing Body for charges of sexual misconduct and abuse. See Section (j)(v)(5).
  - (8) Hearing Body’s final questions of the Responding party.
  - (9) Responding party’s closing remarks.
  - (10) Reporting party’s closing remarks.
  - (11) Hearing is brought to a close.
- (l) **Deliberations.** Deliberations by the Hearing Body are not part of the hearing and are confidential. Deliberations occur after the close of the hearing and are not recorded.
- (m) **Findings, Recommendation, and Determination.**
- (i) Announcement of Proposed Findings and Sanctions. Following deliberations, the Hearing Officer or the Representative will announce to the Responding party the proposed findings and any Sanctions. The announcement of the proposed findings and any Sanctions are recorded as part of the official hearing record.
  - (ii) Presentment of Proposed Findings and Sanctions to Vice Provost. The Hearing Body’s proposed findings and Sanctions must be presented to the Vice Provost of Enrollment or designee within a reasonable period of time after the conclusion of the Formal Hearing.
  - (iii) Vice Provost’s Determination. The Vice Provost of Enrollment or designee may accept the proposed findings of responsible or not responsible or remand the matter for a rehearing.
    - (1) If the Vice Provost of Enrollment or designee accepts the proposed finding of responsible, then he/she may approve, mitigate, or increase the Sanctions proposed by the Hearing Body.

- (2) If the Vice Provost of Enrollment or designee alters the proposed Sanctions or remands the matter for a rehearing, the Responding party must be given a concise and explicit written statement that explains the basis for the decision to alter the Sanctions or remand the matter for a rehearing.
- (n) **Notice of Determination and Sanctions.** Following the Student Conduct Review Process, the Vice Provost of Enrollment or designee notifies the determination. The Representative notifies the Responding party and the Reporting party in writing of the determination and, to the extent permitted by law, of any Sanctions imposed.
- (o) **Official Record.** The recording of the Formal Hearing will serve as the official record of the Formal Hearing and is the property of the University. Retention of the record is subject to the General Records Schedule GS5 for Universities and Community Colleges.
- (p) **Appeal Process.**
- (i) Responsibility. The President is responsible for overseeing the appeal process. The President may designate the Provost to oversee the appeal process.
- (ii) Appeal deadline. The Responsible or the Reporting party may appeal a determination reached or an imposed Sanction to the President. Such appeals must be in writing and must be received by the President no later than five (5) business days after the date the determination was sent.
- (iii) Persons who may not hear or decide an appeal. No person may hear or decide an appeal if he or she conducted or participated in the Student Conduct Review Process being reviewed on appeal.
- (iv) Basis of Appeal.
- (1) Formal Hearing was not Properly Conducted. The purpose of the appeal will be to determine whether the Formal Hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures. This includes evident bias in the decision of the Hearing Body. However, deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
- (2) No Substantial Information to Support Recommendation. The purpose of the appeal will be to determine whether the Hearing Body's recommendation regarding the Responsible was based on substantial information. A recommendation is based on substantial information when the Hearing Body adequately considered all relevant facts presented during the Formal Hearing.
- (3) Sanctions Imposed were Improper. The purpose of the appeal will be to determine whether the Sanction(s) imposed were inconsistent or overly severe for the charge(s) for which Responsible was found responsible.
- (4) New Information not known at time of Formal Hearing. The purpose of the appeal will be to consider new information, sufficient to alter a recommendation that was not known to the Responsible at the time of the Formal Hearing.
- (v) Information to be Reviewed on Appeal. An appeal is limited to a review of the verbatim record of the Formal Hearing and supporting documents unless the basis of appeal is to consider new information.
- (vi) President's Decision. The President determines whether to uphold the determination and sends written notification of such decision to the Representative within five (5) business days of receiving the appeal.

- (1) If the result of the appeal is to uphold the determination, the matter is final and binding on all involved.
  - (2) If the earlier determination is not upheld on appeal, a new Formal Hearing will occur.
  - (vii) Notice of Appeal Outcome. The Representative provides written notice of the outcome of the appeal within three (3) business days of receiving the President's decision.
  - (viii) Final Decisions Resulting in University Suspension or Expulsion. Final appellate decisions that result in a University Suspension or Expulsion of the Responsible must include notice of the right to appeal to an external judicial forum.
- (10) **Disciplinary and Academic Records.** The Vice Provost of Enrollment determines whether disciplinary Sanctions are noted on the Responsible student's permanent academic record and disciplinary record. Upon graduation, the Responsible student may submit a request to the Office of Student Development to have his/her disciplinary record expunged of disciplinary actions other than Residence Hall Expulsion, University Suspension, University Expulsion, or revocation or withholding of a degree.
- (11) **Student's Education Record.** The records of the Student Conduct Review Process and of the Sanctions imposed, if any, are considered "education records" of both the Responsible and the Reporting party (if Reporting party is a student) pursuant to The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99).
- (12) **Interpretation and Revision.**
- (a) Any questions of interpretation or application of the Student Code of Conduct are referred to the Provost or designee for final determination.
  - (b) The Student Code of Conduct is reviewed periodically by a committee that includes student representation under the direction of the Provost or designee.

*Authority: FBOG regulations 1.001(4)(a)(10), 6.010, 6.0105*

*History: New 1.14.14, Amended 7.29.14 Amended \_\_\_\_\_*

BOG Regulation 6.0105 Student Conduct and Discipline Section:	FPU- 3.006 Student Code of Conduct Section:
(1)(a) A written description of the rights and responsibilities of students	(4) Student Rights in the Student Conduct Review Process; (5) Student Responsibilities
(1)(a) Standards of conduct expected by the university	(5) Student Responsibilities
(1)(a) List of violations	(6) Misconduct
(1)(a) Appropriate penalties or sanctions	(7) Sanctions
(1)(a) Procedures for initiating and conducting student disciplinary proceedings	(9) Student Conduct Review Process
(1)(b) Definitions of terms used	(3) Definitions
(1)(c) Statement that the code of conduct shall govern student behavior both on and off the university's campus	(1)(b) Applicability
(1)(d) Description of the available university disciplinary proceeding forum which may consist of a university official or officials or a committee or panel.	(9)(j)(vi) Hearing Body
(1)(e) Description of the general procedures to be followed in the disciplinary proceeding which shall include a description of each step of the disciplinary process and any assistance that may be available to the student at the university for preparing for the disciplinary proceeding.	(9) Student Conduct Review Process
(1)(f) Procedure for the disposition of cases that require immediate action and involve the health, safety, or welfare of the student or a member of the university community	(8) Interim Suspension
(1)(g) Provision stating that the burden of proof in a disciplinary proceeding is not on the student subject to the disciplinary proceeding	(9)(a)(viii) Burden of Proof
(1)(h) Provision stating that the burden of proof required in disciplinary proceedings shall be a preponderance of the evidence.	(3)(l) Preponderance of the Information; (9)(j)(vii) determination of responsibility
(1)(i) Provision setting a time limit for charging a student with a violation of the university's code of conduct, and a description of those circumstances in which that time limit may be waived by university officials.	(9)(d) Filing of Charges and Timeline
(1)(j) Provision requiring an accurate and complete record of each disciplinary proceeding to be made and preserved. Retention of the record is subject to the General Records Schedule GS5 for Public Universities and Colleges	(9)(o) Official Record
(4)(a) Student shall be provided with written notice of the charges in sufficient detail and in sufficient time to prepare for the disciplinary proceeding. In no case shall the written notice of charges be provided to the student less than five (5) business days (excluding legal holidays) prior to the disciplinary proceeding, except in cases of emergency as specified below or unless waived by the student.	(9)(e) Notice of Charges
(4)(b) Student has a right to a disciplinary proceeding conducted by a committee or panel	(9)(j)(ii) Responding Party's Right to Hearing Panel and Waiver
(4)(c) Student may have, at the student's own expense and initiative, an adviser present at the disciplinary proceeding.	(9)(a)(vi) Advisor

(4)(d) Student and the student's adviser, if any, have the right to inspect all of the information that will be presented during the disciplinary proceeding at least three (3) business days (excluding legal holidays) before the disciplinary proceeding	(9)(j)(iii) Accused's and Complainant's Right to Inspect Information
(4)(d) The university also has the right to review any information the student intends to use at least three (3) business days (excluding legal holidays) before the disciplinary proceeding.	(9)(j)(iv) University's Right to Inspect Information
(4)(e) The student may present information at the disciplinary proceeding that is relevant to the proceeding.	(9)(j)(vii) Witnesses and Information
(4)(f) Upon request by the student, the complainant, or other participants, the university may permit the individual to provide relevant information during the disciplinary proceeding in a manner that avoids direct contact with the student, the complainant, or other participants.	(9)(j)(vii)(2) Witnesses and Information
(4)(g) All parties to the disciplinary proceeding may arrange for witnesses to voluntarily present relevant information during the disciplinary proceeding.	(9)(j)(vii) Witnesses and Information
(4)(g) The questioning of witnesses shall be facilitated by the person or body conducting the disciplinary proceeding.	(9)(j)(vii)(1) Witnesses and Information
(4)(g) Each university shall have a procedure for the questioning of witnesses	(9)(j)(vii)(1) Witnesses and Information; (9)(k)(6)-(8) Conduct of Formal Hearings
(4)(g) Pertinent records, reports, exhibits, and written statements may be accepted as information for consideration in the disciplinary proceeding	(9)(j)(vii) Witnesses and Information
(4)(h) Student may not be forced to present testimony that is self-incriminating	(4)(a) Student Rights in the Student Conduct Review Process
(4)(h) The university is not required to postpone disciplinary proceedings pending the outcome of a criminal prosecution.	(9)(a)(ii)(3) Requests for Postponement
(4)(h) The university disciplinary proceeding is not a criminal or judicial proceeding and is designed to address student behavior; therefore, alleged violations of the university's code of conduct will be addressed independently of any penalty imposed by the courts for the criminal offense	(9)(j) Formal Hearing
(4)(h) The rights and rules of evidence or procedure in a civil or criminal proceeding do not apply in a student disciplinary proceeding.	(4)(a) Student Rights in the Student Conduct Review Process
(4)(i) The decision of responsible or not responsible on the charges of violating the university's code of conduct must be based solely on the information presented at the disciplinary proceeding	(9)(j)(viii) Determination of Responsibility
(4)(j) A student found responsible for a violation of the university's 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.	(7) Sanctions
(4)(k) The decision of any university disciplinary proceeding must be presented to the student in writing and within a reasonable period of time after the conclusion of the disciplinary proceeding, as specifically prescribed by the university's code of conduct	(9)(n) Notice of Determination and Sanctions
(4)(l) If the decision of a university hearing or review forum arising out of a university disciplinary proceeding constitutes a recommendation to a university official for official action, the university's	(9)(m)(iii) Vice Provost's Determination

code of conduct must specify the actions that the university official may take with respect to adopting, modifying, or rejecting the recommended decision and sanctions, or remanding the matter for a rehearing.	
(4)(l) Any differences between the recommendation arising out of the university disciplinary proceeding and the university official's disciplinary decision, and the reasons therefore, must be presented to the student in writing.	(9)(m)(iii)(2) Vice Provost's Determination
(4)(m) Each university code of conduct shall describe the internal appeals processes	(9)(p) Appeal Process
(4)(m) Each university shall have at least one level of internal appeal	(9)(p) Appeal Process
(4)(m) No person may hear or decide an appeal if he or she conducted or participated in the disciplinary proceeding being reviewed on appeal.	(9)(p)(iii) Persons Who May Not Hear or Decide an Appeal
(4)(n) A student shall remain eligible to attend classes and university activities pending the university's disciplinary decision, and until any appeal is concluded except as set allowed.	(9)(a)(ix) Student's Eligibility to Attend Classes and University Activities
(4)(n)(3) If a student's privileges are temporarily suspended or revoked as described in this paragraph, but the student is subsequently found not responsible for the violation, the university must: Correct any record of the change in enrollment and Refund to the student a pro rata portion of any charges for tuition and out-of-state fees, if revocation or suspension lasts for more than ten (10) school days.	(8)(e) Interim Suspension
(5) At the conclusion of the appeals process, the decision of the president or the president's designee shall be final	(9)(p)(vi)(1) President's Decision
(5) Final appellate decisions resulting in a suspension or expulsion of a student must include notice to the student of the student's right to appeal to an external judicial forum.	(9)(p)(viii) Final Decisions Resulting in University Suspension or Expulsion
(6) A student may be subject to discipline for conduct that violates the university code of conduct, even where that conduct occurs off-campus. The action of the university with respect to off-campus conduct shall be taken independently of any off-campus authority.	(1)(b) Applicability
(7) A description of the rights of alleged victim(s) in the student disciplinary system.	(9)(j)(v) Complainant's Rights
(7) The university shall provide notice to the alleged victim(s) of their rights at least five (5) business days (excluding legal holidays) before the disciplinary proceeding is conducted.	(9)(f) Notice of Complainant's Rights
(8)(a) The university may provide for the student and the complainant to each participate individually in a voluntary informational conference	(9)(g) Initial Meeting
(8)(b) The complainant shall be permitted to participate in the disciplinary proceeding. Such participation may include the presence of an adviser, the ability to present information and witnesses in the disciplinary proceeding, the right to avoid self-incrimination, notification of the final result of the disciplinary proceeding and any subsequent changes to the final result, and the right to appeal the decision.	(9)(j)(v)(2) Complainant's Rights
(8)(c) The disciplinary proceeding shall be conducted by a university official or panel of university officials, except a university may provide for a committee or panel where students comprise at	(9)(j)(vi)(3) Hearing Body for Charges Involving Sexual Misconduct

<p>least one-half of the membership if such committee or panel is requested by the student and no objection is raised by the complainant.</p>	
<p>(8)(d) Upon request by the student, the complainant, or other participants, the university may permit an individual to provide relevant information during the disciplinary proceeding in a manner that avoids direct contact with the student, the complainant, or the other participants.</p>	<p>(9)(j)(vii)(2) Witnesses and Information</p>
<p>(8)(e) In the event the student accepts responsibility or is found responsible, any impact statement provided by the complainant and/or victim will be considered by the university official(s) in recommending or issuing the disciplinary sanction(s). The statement may include a description of how the complainant was impacted by the conduct violation and may include a recommendation for sanctions.</p>	<p>(9)(j)(v)(4) Complainant's Rights</p>
<p>(9) Each university shall establish a committee, which shall include student representation, for the periodic evaluation of its student disciplinary system.</p>	<p>(12)(b) Interpretation and Revision</p>