

BOARD OF TRUSTEES

Academic & Student Affairs Committee

Tuesday, November 15, 2022
10:30 AM – 12:00 PM
(or upon conclusion of the previous meeting)

Florida Polytechnic University
Applied Research Center (ARC) & via WebEx

Dial in: 1-415-655-0001 | Access code: 2432 124 2562#

MEMBERS

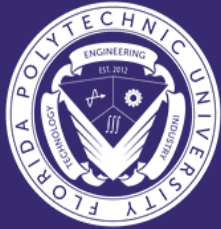
Dr. Narendra Kini, Vice Chair
Dr. Susan LeFrancois

Dr. Laine Powell
Melina Rodriguez

Lyn Stanfield

AGENDA

- | | | |
|------|---|-----------------------------------|
| I. | Call to Order | Dr. Narendra Kini
Vice Chair |
| II. | Roll Call | Zaira Medina |
| III. | Public Comment | Dr. Narendra Kini |
| IV. | Approval of the September 21, 2022 Minutes
<i>*Action Required*</i> | Dr. Narendra Kini |
| V. | 2020-22 Academic & Student Affairs Committee Work Plan Review | Dr. Terry Parker
EVP & Provost |
| VI. | Provost's Report | Dr. Terry Parker |
| | A. Regulation FPU-3.006 Student Code of Conduct
<i>*Action Required*</i> | |
| | B. FIPR Institute Annual Report FY22
<i>*Action Required*</i> | |
| | C. Advanced Mobility Institute Annual Report FY22
<i>*Action Required*</i> | |
| | D. Student Success Plan Status Review | |
| VII. | Closing Remarks and Adjournment | Dr. Narendra Kini |



Academic & Student Affairs Committee Meeting

DRAFT MEETING MINUTES

Wednesday September 21, 2022
10:45 AM – 12:00 PM

Florida Polytechnic University WEBEX TELECONFERENCE MEETING

I. Call to Order

Committee Vice Chair Narendra Kini called the Academic and Student Affairs Committee meeting to order at 10:45 a.m.

II. Roll Call

Zaira Medina called the roll: Committee Vice Chair Kini, Trustee Susan LeFrancois, Trustee Melia Rodriguez, and Trustee Lyn Stanfield were present (Quorum)

Committee Member Not Present: Trustee Laine Powell

Other Trustees Present: Chair Cliff Otto, Trustee Gary Wendt, and Trustee Mark Bostick

Staff Present: President Randy Avent, Provost Terry Parker, Dr. BenMatthew Corpus, Dr. Kathryn Miller, Dr. Tom Dvorske, David Blanton, Mike Dieckmann, Dr. Allen Bottorff, Alex Landback, Melaine Schmiz, and Kristen Wharton

III. Public Comment

There were no requests received for public comment.

IV. Approval of Minutes

Trustee Lyn Stanfield motioned to approve the Academic and Student Affairs Committee meeting minutes of May 23, 2022. Trustee Melia Rodriguez seconded the motion; a vote was taken, and the motion passed unanimously.

V. 2022-24 Academic & Student Affairs Committee Charter

Committee Vice Chair Kini explained that the Committee Charter is reviewed every two years to ensure that it accurately reflects the committee's responsibilities. He opened the floor for comments, however there were no questions or comments.

Trustee Lyn Stanfield motioned to recommend approval of the Academic and Student Affairs Committee Charter to the Board of Trustees. Trustee Melia Rodriguez seconded the motion; a vote was taken, and the motion passed unanimously.

VI. 2022-24 Academic & Student Affairs Committee Work Plan

Committee Vice Chair Kini stated that the committee's Work Plan for 2022-2024 has been updated to ensure it accurately reflects the work done in quarterly committee meetings. He

opened the floor for comments, however there were no questions or comments.

Trustee Melia Rodriguez motioned to recommend approval of the Academic and Student Affairs Committee Work Plan to the Board of Trustees. Trustee Lyn Stanfield seconded the motion; a vote was taken, and the motion passed unanimously.

VII. Provost Report

Provost Parker presented the Textbook Affordability and Instructional Materials Report. By statute, each state university must submit an annual report following an exact template. The requirement is that 95% of course sections post their instructional materials 45 days prior to the start of the semester. For Fall 2021, the University complied at 98.6% and for Spring 2022, the University reached 100%. Recent legislation requires general education course syllabi to be posted 45 days prior to the first day of classes and for Fall 2022, 100% of the syllabi were posted.

Trustee Stanfield inquired if the previous issues that prevented the University from fully complying have been resolved. Provost Parker responded in the affirmative. First, Florida Poly created its own posting site for materials, removing sole reliance on the bookstore vendor. Second, his staff worked with David Blanton to put a process in place preventing the addition of course sections after the 45-day due date, while still meeting student demand.

Trustee Lyn Stanfield motioned to recommend approval of the 2021 Annual Textbook and Instructional Materials Affordability Report to the Board of Trustees, following the BOG template. Trustee Melia Rodriguez seconded the motion; a vote was taken, and the motion passed unanimously.

Provost Parker reminded trustees that the current out-of-state (OOS) fee for undergraduates is \$510 per credit hour; however, for OOS students entering fall 2021 through fall 2022, there is a waiver amount is \$410 per credit hour. This waiver was used to recruit students from other states, resulting in a 51% increase in OOS applications from forty-two states. Provost Parker compared Florida Poly's annual cost of attendance to out-of-state flagship institutions, showing Florida Poly remains very affordable and cost competitive.

From 2020-2021, OOS completed applications increased by 32% and deposits by 180% - although the N was small. From 2021-2022, OOS applications increased by 96% and deposits by 3%. Indications are that the number of deposits was limited by lack of available housing.

Provost Parker requested approval to continue the OOS fee waiver for another four years.

Trustee Stanfield inquired if there were any plans to expand this pilot to graduate students. Provost Parker responded graduate students who have some type of assistantship automatically have their OOS fee waived which complies with state regulations and practice. However, this would be helpful for OOS graduate students on the 10-month track; however, it has not yet been considered.

Trustee Lyn Stanfield motioned to recommend approval of the continuation of the out-of-state waiver for the next four years of incoming undergraduate cohorts to the Board of Trustees. Trustee Susan LeFrancois seconded the motion; a vote was taken, and the motion passed unanimously.

Provost Parker reported on the Legislative activity in Florida which requires the University to take certain actions. He made the committee aware of activity that keeps the campus compliant with the BOG's Civil Discourse Initiative. This included a review of the content of Student Orientation and also a review of student code of conduct. In addition, the committee

was made aware of the University's current activity in support of the new requirement for all SUS institutions to change accreditors.

In compliance with Civil Discourse initiative and Individual Freedom bill, the new student orientation program and the Student Code of Conduct have both been reviewed.

Trustee Wendt inquired why the state legislature is asking the universities to change accrediting agencies. President Avent responded the motivation is unknown. Trustee Wendt recommended talking to our local legislators to gain a clear understanding on why they made this decision.

SACSCOC decides Florida Poly's reaffirmation in December 2022, triggering the University to act on a new accrediting agency at start of 2023. The president will seek approval of the new agency from the Board of Trustees, and the U.S. Department of Education must also approve the change request.

Provost Parker reviewed the six strategies for the student success plan. There are thirteen measurable outcomes for the plan which must be completed by March of 2023; four of these outcomes have been successfully met. The BOG proposed changing Performance Based Funding (PBF) Metric 8 from fraction of FTIC in top 10% to percentage of degrees at graduate level in areas of strategic emphasis.

Student diversity and faculty hiring were also reviewed. Trustee Wendt asked what the target number of new faculty hires was, and if there is a way to increase competitiveness in hiring. Provost Parker responded the target of new hires was twenty. Regarding competitiveness, the challenges included the candidate receiving an offer from a campus they like better, or they prefer an institution that has tenure track, or one that is more established.

Trustee Stanfield commended Provost Parker and his team for a clear correlation between the student success plan and the University's activity. She inquired if there were strategies employed to attract young women and Black students that can also be used to target Hispanic, Asian, and Indigenous students. She also asked if there is a correlation with the work the team is doing to bring in more diverse students from out-of-state. Dr. BenMatthew Corpus responded the percentage of Indigenous population is so low it does not register a percentage; the Asian population is 2.9% which is low as well. He stated there is opportunity to increase those population from other states such as New York, New Jersey, and California. He also shared the challenges with recruiting minority students.

Trustee Stanfield encouraged the team to intentionally reach out to organizations such as Society for Hispanic Professional Engineers, National Society for Black Engineers, American Indian Science and Engineering Society, and the National GEM Consortium to begin to brand Florida Poly to those students and families.

Trustee Kini mentioned there are some STEM schools such as Coral Reef in Miami with whom the University can establish relationships and have Admissions Counselors target these schools. Dr. Corpus responded his team has identified these schools throughout Florida, ranked them, and have them on their visitation list.

VIII. Closing Remarks and Adjournment

With no further business to discuss, the Academic and Student Affairs Committee Meeting adjourned at 11:46 a.m.

**Florida Polytechnic University
Academic and Student Affairs Committee
Board of Trustees
November 15, 2022**

Subject: 2022-2024 Academic and Student Affairs Committee Work Plan

Proposed Committee Action

Review only. No action required.

Background Information

Provost Terry Parker will review the Committee's 2022-2024 Work Plan.

Supporting Documentation: Academic and Student Affairs Committee Work Plan 2022-2024

Prepared by: Dr. Terry Parker, EVP and Provost



Committee Work Plan

Academic & Student Affairs Committee Work Plan 2022-2024

SEPTEMBER

- Academic & Student Affairs Committee Charter *(review and approve every two years – due September 2022)*
- Civil Discourse: Initial review of student orientation programming and student code of conduct
- Annual Textbook and Instructional Materials Affordability Report *(review and approve)*
- Renewal of Out of State Fee Waiver *(review and approve)*
- Institutional Accreditation Activity *(review as needed)*
- Admissions and Financial Aid *(review as needed)*
- Student Services *(review as needed)*
- Four-year graduation improvement plan *(review as needed)*
- Degree Program Additions and Faculty Hiring *(review as needed)*
- Student and Faculty Diversity *(review as needed)*
- Graduate programs *(review as needed)*
- Technology and Pedagogy *(review as needed)*

NOVEMBER

- Advanced Mobility Institute Annual Report *(review and approve)*
- FIPR Institute Annual Report *(review and approve)*
- FIPR Institute Seven-Year Review *(review and approve)*
- Revision of student code of conduct *(review and approve)*
- Institutional Accreditation Activity *(review as needed)*
- Admissions and Financial Aid *(review as needed)*
- Student Services *(review as needed)*
- Four-year graduation improvement plan *(review as needed)*
- Degree Program Additions and Faculty Hiring *(review as needed)*
- Student and Faculty Diversity *(review as needed)*
- Graduate programs *(review as needed)*
- Technology and Pedagogy *(review as needed)*

FEBRUARY

- CITF Increase, Inc. to Existing Fees or New Fees *(review and approve only if changes are proposed)*
- Academic Calendar (AY+1 and AY+2) *(review and approve)*
- Institutional Accreditation Activity *(review as needed)*
- Admissions and Financial Aid *(review as needed)*
- Student Services *(review as needed)*
- Four-year graduation improvement plan *(review as needed)*
- Degree Program Additions and Faculty Hiring *(review as needed)*
- Student and Faculty Diversity *(review as needed)*
- Graduate programs *(review as needed)*
- Technology and Pedagogy *(review as needed)*

APRIL

- University Accountability Report *(review and approve)*

JUNE

- Civil Discourse: Annual review of student orientation programming and student code of conduct
- Institutional Accreditation Activity *(review as needed)*
- Admissions and Financial Aid *(review as needed)*
- Student Services *(review as needed)*
- Four-year graduation improvement plan *(review as needed)*
- Degree Program Additions and Faculty Hiring *(review as needed)*
- Student and Faculty Diversity *(review as needed)*
- Graduate programs *(review as needed)*
- Technology and Pedagogy *(review as needed)*



FLORIDA POLYTECHNIC
UNIVERSITY

Provost's Report

Dr. Terry Parker

***Contributions from B.M. Corpus, T. Dvorske,
K. Miller, Melaine Schmiz***

November 15, 2022

Today's Meeting Includes Three "Approval" Items and Reporting and Discussion

- **Approval Items**

- Student Code of Conduct (revision to Regulation FPU 5.005)
- Florida Industrial and Phosphate (FIPR) Institute report
- Advanced Mobility Institute (AMI) report

- **Necessary presentation subjects, no approval required:**

- Current Status for the Student Success Plan

- **Reporting and Discussion**

- **Admissions and Financial Aid**
- **Student Affairs**
- Four Year graduation improvement plan
- **Degree Program Additions and Faculty Hiring Status**
- **Student and Faculty Diversity (very short report)**
- Graduate Programs
- Technology and Pedagogy

- **Special Discussion Items:**

- Housing.....update in Student Affairs
- SACSCOC accreditation change update

Gray font items
will not be
discussed today



Student Code of Conduct

- **Revised to clarify:**
 - actions that constitute expressive activities are not misconduct,
 - when medical and hazing amnesty can be applied, and,
 - the hearing process for interim suspension.
- **Revision clarifies how Student Code of Conduct interacts:**
 - with University Regulation FPU-5.005 Academic Integrity and
 - University Policy FPU-1.005P Sexual Misconduct.

Expressive Activities. This Regulation does not abridge academic freedom nor the University’s educational mission. Actions that amount to expression protected by the state or federal constitutions or laws are not Misconduct.

Medical Amnesty. Students who seek or receive emergency medical assistance for themselves or others in a situation where a reasonable person believes medical treatment is appropriate qualify for Medical Amnesty.

Hazing Amnesty. A Student may not be charged with Misconduct if the Student establishes that before medical assistance or law enforcement arrived on the scene of the hazing event, the Student rendered aid to the hazing victim(s).



Request for Approval

- **Recommending the approval of revised regulation FPU-3.006 Student Code of Conduct**
- **Revisions are aligned with BOG recommendations on Civil Discourse and statute on anti-hazing amnesty statute on anti-hazing amnesty**

Motion to recommend approval of the revised regulation FPU-3.006 Student Code of Conduct contained in the Board Materials to the Board of Trustees



FIPR Annual Report Approval

- **Four Research Areas for Focus:**
 - Minerals processing / rare earth elements (REE's)
 - Phosphogypsum (PG) stacks and PG utilization
 - Water, including process / industrial wastewater
 - Phosphatic clay
- **Augmentation of staff capability with research work from four environmental engineering faculty**
- **Highlights for the year**
 - Ten years as a member of the Critical Materials Institute (a US DOE Energy Innovation Hub)
 - Focus on production of Rare Earth Elements (REE) associated with the Phosphate Industry
 - Other DOE sponsored effort leading to potential for federal funding of a pilot facility for REE extraction
 - Lab Testing of Phosphogypsum stack material as road base
 - Pilot Scale demonstration of water-based separation of dolomite from phosphate ore: expands phosphate reserves
 - Nascent efforts from environmental engineering supporting water quality, phosphogypsum stack material use as road base

Technology Development and Integration for Volume Production of High Purity Rare Earth Metals from Phosphate Processing.

Florida Polytechnic University: FE0032123

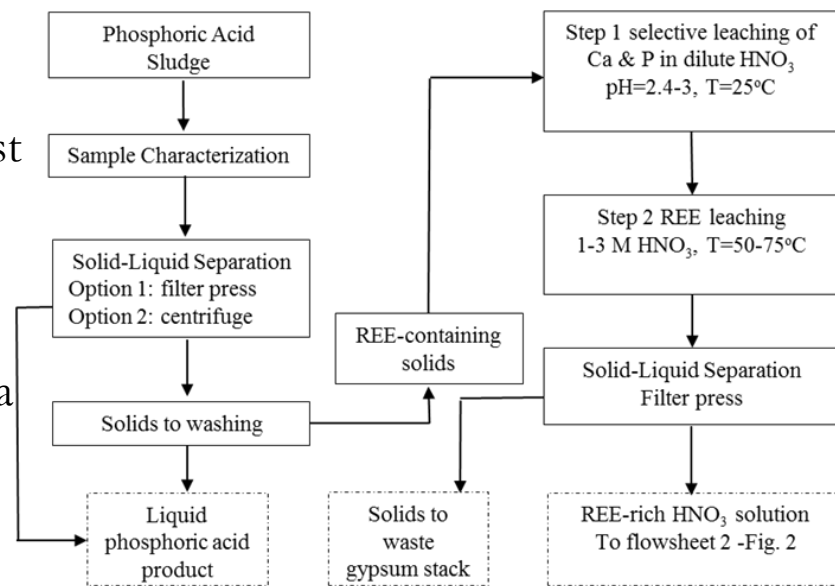
■ Project Information

- Project Period: 1/1/2022 - 3/31/2023
- Project Budget: \$200,000 DOE, \$50,008 Cost Share
- Project Partner: FIU, PNNL

■ Project Objectives & Scope

○ The primary objective of this project is to design a research plan for developing and integrating a series of concentration, recovery, extraction and separation technologies for mass production of rare earth metals (REM) using phosphoric acid sludge as the Rare Earth Element (REE) resource.

- Initial Effort : Y, Nd, Gd, Dy, Sm, and Pr
- Scope Addition: Leach and recover Eu, Tb, and Lu. Exploratory research will be conducted to evaluate the potential of recovery Mn, Sr, V, and Ti.



Concept behind Next funding request, \$8M.



FIPR Financials

- **Severance Tax Income has been falling**

- 2020-21: \$1,591,280
- 2019-20: \$1,646,375
- Income loss has been balanced with contract funds

- **Income:**

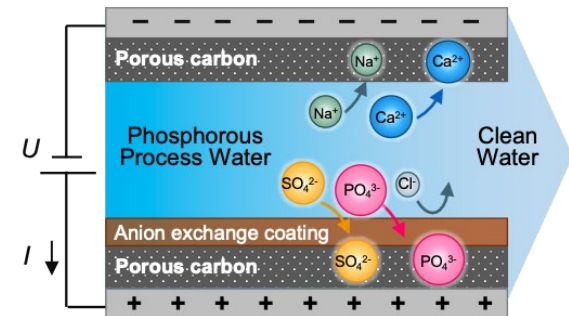
- Severance Tax: \$1,329,029
- Contracts and Grants: \$376,101
- Auxiliaries: \$42,618

- **Expenses:**

- Total: \$1,625,371

- **Net:**

- \$122,377



*Top: biochar for Phosphate cleanup
Middle: Ionic liquid after leaching
Bottom: Capacitive deionization concept*



Focus Areas for FIPR for the Next Year

- **Increase collaboration with key partners:**
 - Mosaic, Florida Departmental of Environmental Protection
- **Research Focus areas**
 - Rare Earth Elements with Phosphate ore (and/or residuals, process flows as a source)
 - Continued efforts on Phosphogypsum Stack materials and mitigation of Environmental effects of Stacks
 - Beginning efforts on water cleanup efforts relating to process water in the industry
- **Supporting Actions**
 - Focus on critical opportunities with US Department of Energy
 - Continued navigation of a move for FIPR to campus

Request for Approval

- **Annually, the Board of Trustees reviews and (potentially) approves the financial report for FIPR**
- **Key elements in the financial report were provided in the slide on financial, and in board materials**

Motion to recommend approval of the Florida Institute of Phosphate Research Annual Report for fiscal year 2022 to the Board of Trustees

Advanced Mobility Institute Annual Report Approval

- **Activities**

- Academic research and student projects:
 - A Driving Simulator Testbed,
 - AV/EV Golf Cart, and,
 - An AV Testbed
- Digital Twin capability under development

- **Financials**

- State funding: \$1,000,000
 - Expenditures this year: 146,660
-

Request for Approval

- **Annually, the Board of Trustees reviews and (potentially) approves the financial report for AMI**
- **Key elements in the financial report were provided in the previous slide and in board materials**

Motion to recommend approval of the Advanced Mobility Institute Annual Report for fiscal year 2022 to the Board of Trustees

Performance for FY22 mandated the creation of a student success plan

Performance Funding Metric		FY21	FY22	FY23*
1	% BS Graduate Employed	10	9	10
2	Median Wages BS Graduates	10	10	10
3	Average Cost to Student	10	10	10
4	FTIC 4-yr Graduation Rate	0	7	5
5	Academic Progress Rate	10	0	10
6	% BS Degrees in Strategic Emphasis	10	10	10
7	University Access Rate	8	7	7
8	% Graduate Degrees in Strategic Emphasis	10	3	10
9a	FCS Transfer 2-yr Graduation Rate	0	0	0
9b	Pell Recipient Retention Rate	5	0	5
10	% BS Graduates with 2+ Workforce Experience	10	10	10
		83	66	87

Red text denotes metrics unique to Florida Poly

Driven by low APR, loss of "Improvement Points"



The Student Success Plan has Six Strategies

- **Excellence and achievement in the Freshman Year (PBF 4,5,9b)**
 - Freshman Council providing organizational control and enhancing the freshman initiative, create and publicize STEM core curriculum, team-based projects, policies, support services, registration and course assignments, ...
- **Student culture that supports the whole student (PBF 1,4,5)**
 - Leadership, student engagement and activities, ...
- **Graduate on time initiative (PBF 4,9a)**
 - Comprehensive advising system, new advising model, start-to-finish degree plans, ...
- **Grow and support the Graduate Program (PBF 8)**
 - New degrees and pathways, increased admissions, Graduate Program Coordinator, ...
- **Provide strong support to Pell students (PBF 7,9b)**
 - Intrusive advising, additional training for success coaches, mentors, additional funding, ..
- **Promote strong employment outcomes for students (PBF 1)**
 - Enhance career services office, ...

Student Success continues to be an active area of effort



Goal: Support strong employment outcomes



Goal: Excellence and achievement in the Freshman year















































Goal: Student Culture that supports the whole student

Student Success Plan Current Status

- **Formally approved by Board of Governors**
 - Approval includes a “matrix” of activity to complete by March
 - Four tasks are complete (and providing improvement)
 - Hopeful of finalizing Associate Vice Provost of Student Success hiring in the coming weeks
- **Area of Focus**
 - Hiring for multiple roles
 - Software Implementation for advising (underway, progressing)
- **Good News**
 - BOG approved change in Metric 8
 - Change from fraction of FTIC in top 10% to % degrees at graduate level in areas of strategic emphasis

The Student Success Plan has 13 measurable outcomes to complete by March 2023

Activity in Support of Student Success Plan	Type	Status	
		Sept.	Nov.
1a. Hire a new Director of Career Services and Professional Development.			
1b. Hire program coordinator to support leadership activities.			
2. Expand leadership opportunities including an Emerging Leaders Program.			
3. Implement a comprehensive advising system.			
4. Creation of start-to-finish degree plans for first or second semester AA transfers.			
5. The Freshman Council established and acting as a virtual department.			
6. Creation of the STEM Core Curriculum.			
7. Enhancing the Freshman Year with Hands-on, Team-Based Projects: new course for initial delivery in the spring of 2023.			
8a. Rebuild the advising unit: hire a new Assistant Vice Provost of Student Success			
8b. Hire three dedicated success coaches			
9. For the entering 2022 FTIC cohort, refine the practice of using prior student admissions data as a predictor for student success.			
10. Enhanced support for Pell and first-generation students.			
11. Hire a graduate program coordinator this year.			

Hiring	
Activity	
Starting	
In progress	
Complete	

Florida Poly Admissions for Fall 2023

- **FTIC**
 - Applications down compared to last year, however up compared to Fall 2021
 - Improving: Moved from -38% to -17% in 3 weeks
 - Diversity flat/Quality flat for GPA & board scores
- **Recruitment response to slow FTIC apps and hurricane:**
 - Extended App/Scholarship Deadline to Nov 15th
 - Doubled STEM Tech Days from last Fall
 - Staff working Sat & Sundays; working until 8pm
 - Two Open Houses + Game Expo: sold out
 - Bought additional names, added marketing
- **Fall 2023 enrolled class goal similar to Fall 2022 goals**
 - Increase in transfers and Grad
 - Stabilize pipeline programs
 - Craft stronger academic mix for Fall FTIC
- **International “app started” showing robust come-back, quality unknown at this point. Travel restrictions still an issue.**

Spring 2023 Status (looks good but numbers are small)

- **Spring FTIC**
 - Five deposits, flat to last year and past years
 - **Spring Transfer Students**
 - Transfer completed apps up 61%, denial rate high
 - Transfer deposits flat (19), projecting 25 new
 - **Spring Grad Students**
 - Overall apps up slightly, mostly international apps
 - Deposits up from 3 to 15
 - *6 domestic, 9 international (of those international, 8 have been issued a visa)*
-



Student Affairs Activity to Note

- **Student Development Center (led by Derek Lower)**
 - Very active area on campus, fields and center highly utilized in the evening hours
 - Fall 2022 stats (so far):
 - 773 unique students have used the SDC
 - 8865 student check-ins to the SDC
- **Peer Health Educators (led by Kristin Meador)**
 - Provide on-campus learning opportunities focused on health and wellness
- **Career Development:**
 - Fall Career Fair: 262 students. 61 employers
- **Student Experience:**
 - Family Day (September 25): ~1000 in attendance
 - Naming the Phoenix: Photon--Solaris—Spark
 - ULEAD: Leadership training continues through the semester/ “You Matter” of Orientation

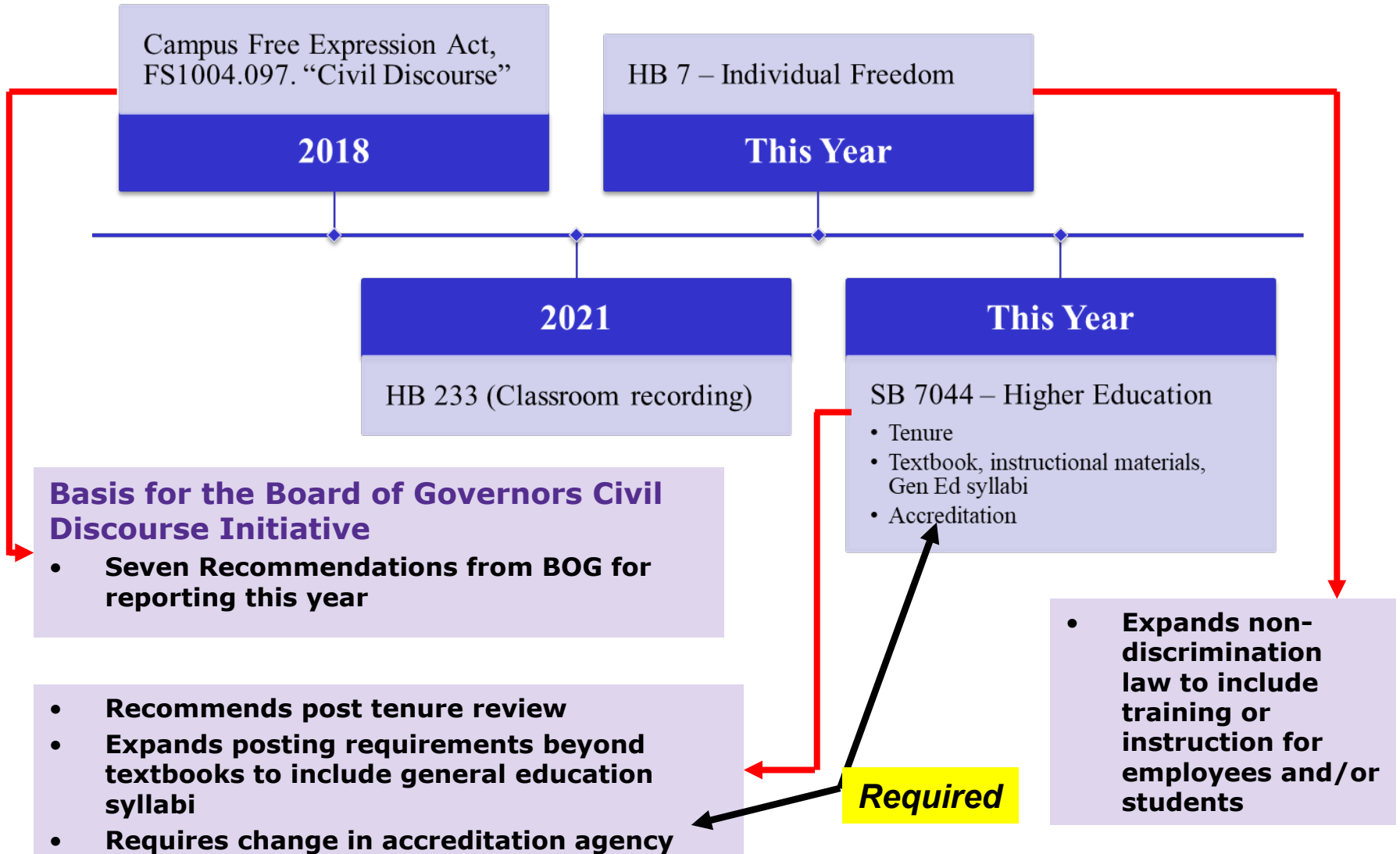
Degree Program Additions

- **Civil Engineering and Industrial Engineering**
- **Initial formal proposals provided to the Coordinating Council for the state university system**
 - NO comments provided (comments are typically statements of concern)
 - Both programs address forecasts of gaps in degree production in Florida to meet demand
- **Formal proposal will come to this Board in February 2023**
 - Presuming approval, formal proposal goes to BOG for evaluation and addition to state inventory

We are building leasing operations systems for Fall 2023

- **Plans are to acquire Phase II housing from Vestcor summer 2023**
 - Ongoing conversations regarding transition of leasing services to Florida Poly for Phase II and possible Phase I
- **Leasing Systems: full service functionality for university housing**
 - StarRez has been acquired and should be live in early January
 - Director of Housing Operations, November 17 start date (experience at Virginia Tech)
 - Fall 2023 room agreements will begin in mid-January 2023
- **Rental rates for Phase II increase by 7% this year**
 - Based on BOT discussion and approval in October
 - Expected rates on Phase I to increase by 7% as well

Legislative activity in Florida requires us to take certain actions



Accreditation – SB 7044 – (effective 7/1/2022) Requirements

- **SUS and FCS institutions must change institutional accrediting agencies**
- **BOG “identifies” agencies best suited for SUS institutions**
 - Done Sept 1, 2022 and carefully positioned so that no institutional* accrediting agency would be omitted
- **The Legislation specifies:**
 - Institutions must not be accredited by the same agency for consecutive cycles
 - Must be accredited by a different agency following next reaffirmation or fifth-year review
 - Must submit quarterly progress reports to the BOG.
 - Also provides cause of action for an institution impacted by retaliatory action by the accreditor.
 - Law sunsets Dec 31, 2032.



Accreditation: Impact on Florida Poly

- **SACSCOC decides Poly's reaffirmation in December 2022, triggering us to act at start of 2023.**
- **Process**
 - Florida Poly's President recommends the request to change to the BOT, which must approve.
 - The Board must also approve the agency the University from which the University will seek accreditation.
 - The US Department of Education must approve the change request. Their decision is based on the following:
 - Our request to change must be voluntary
 - The change must not result in higher costs for students
 - The change must be in the best interest of the students and the institution
 - Upon USDOE Approval, we begin process with another agency.
 - Must maintain SACSCOC Accreditation until USDOE verifies our affiliation with another agency.

Key Messages for Today

- **Approvals**
 - Student Code of Conduct Revision
 - FIPR annual financial report
 - AMI annual financial report
- **Student Success Plan**
 - Continuing progress on the achievement elements of the plan
- **Admissions and Financial Aid**
 - Early in the year, a bit delayed in the season, similar to last year
- **Student Affairs**
 - Continued engagement of students in the campus
- **Degree programs additions**
 - Two new Bachelors of Science degrees in pipeline
- **Housing**
 - Leasing office under construction, will be operating in January
- **SACSCOC**
 - First of new calendar year will require us to start the change process

**Florida Polytechnic University
Academic and Student Affairs Committee
Board of Trustees
November 15, 2022**

Subject: FPU-3.006 Student Code of Conduct

Proposed Committee Action

Recommend approval of the revised regulation FPU-3.006 Student Code of Conduct to the Board of Trustees.

Background Information

This regulation is being revised to clarify that actions that constitute expressive activities are not misconduct, when medical and hazing amnesty can be applied, and the hearing process for interim suspension. Additionally, the regulation is being revised to clarify how the Student Code of Conduct interacts with University Regulation FPU-5.005 Academic Integrity and University Policy FPU-1.005P Sexual Misconduct.

The regulation was reviewed by staff, faculty, and students.

The Notice of Proposed Revised Regulation was posted on the University's website on October 17, 2022. No comments were received during the review and comment period.

As further background, item 1(c) was added to the regulation. This section references related regulations and policies to help clarify which regulation or policy is to be used for different situations. There is a specific reference to academic misconduct, which is managed through Regulation FPU-5.005. Sexual misconduct that is within the jurisdiction of Title IX is addressed through the student code of conduct but is supplemented by the University's Sexual Misconduct Policy (FPU-1.005P).

In addition, section (7)(a) was added to the regulation to explicitly protect academic freedom and free expression. This section, titled "Actions that do not Constitute Misconduct," notes: "Expressive Activities. This Regulation does not abridge academic freedom nor the University's educational mission. Actions that amount to expression protected by the state or federal constitutions or laws are not Misconduct."

The following pages include:

- A redline/track changes document to show the changes made to the regulation, and,
- a clean copy of the regulations with all of the changes accepted. If approved, the clean copy will become the new regulation.

Supporting Documentation: Draft revised regulation FPU-3.006 Student Code of Conduct

Prepared by: Melaine Schmitz, Associate General Counsel

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.
- (c) Related Regulations and Policies.
 - (i) Academic Integrity. Misconduct relating to academic dishonesty in the classroom or academic setting is addressed through University Regulation FPU-5.005. Misconduct that is not related to academic dishonesty and that occurs in the classroom or other academic setting is addressed through this Regulation.
 - (ii) Title IX. Sexual Misconduct that falls within the jurisdiction of Title IX is addressed through this Regulation and supplemented by University Policy FPU-1.005P Sexual Misconduct. In the event of a conflict, University Policy FPU-1.005P Sexual Misconduct controls.

(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) 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;
 - (iii) Persons who were previously enrolled but are not officially enrolled for a particular term and have a continuing relationship with the University; or
 - (iv) Persons who have been notified of their acceptance for admission to the University.
- (b) Student Organization. A registered student organization as described in FPU- 3.002 Student Government and Student Organizations.

- (c) Reporting Party.** A person that believes that they have been a victim of a student's misconduct or any person who submits an allegation that a student violated the Student Code of Conduct.
- ~~(a)~~**(d) Responding Party.** Any student or student organization that has been charged with violating the Student Code of Conduct.
- (e) Advisor.** The A person chosen by the Responding Pparty or Reporting Party who may assist and/or accompany the Responding Pparty or Reporting Party throughout the Student Conduct Review Process.
- (f) Hearing Body.** Any impartial person or persons appointed by the Vice Provost of Student Affairs 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.
- ~~(b)~~ **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**Representative.** A Department of Student Affairs employee designated by the Vice Provost of Student Affairs to fulfill specified duties under the Student Conduct Review Process.
- (h) Responsible.** A student or student organization that has been found to have violated the Student Code of Conduct by a preponderance of the evidence.
- (i) 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.
- (j) 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.
- (k) University Community.** Includes any University officer, employee, student, applicant, visitor, agent, vendor, or contractor.
- (l) University Official.** Includes any person employed by the University that is performing assigned administrative or professional responsibilities.
- ~~(e)~~**(m) University Property.** Property owned or controlled by the University.
- ~~(d)~~**(n) Business Day.** Monday through Friday from 8 am to 5 pm, excluding University holidays.
- ~~(e)~~ **Reporting Party.** A person that believes that he or shethey has have been a victim of a student's misconduct or any person who submits an allegation that a student violated the Student Code of Conduct.
- ~~(f)~~**(o) Sanction.** Outcome(s) imposed on the Responsible.
- ~~(g)~~~~(a)~~ **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.
- ~~(h)~~~~(p)~~ Good Standing. A conduct status describing a student who does not have pending charges under the Student Code of Conduct or incomplete misconduct Sanctions.
- ~~(i)~~ **Hearing Body.** Any impartial person or persons appointed by the Vice Provost of Student Affairs or designee to conduct hearings to determine whether the Responding Pparty has violated the Student Code of Conduct and impose Sanctions. This includes a Hearing Officer or Hearing Panel.
- ~~(j)~~**(q) May.** The term "may" is used in the permissive sense.
- (r) 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; Housing Policies and Rules, and the Undergraduate and the Graduate Catalogs.

~~(k)(s)~~ **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)~~

~~(m)(a) **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.~~

~~(t) **Good Standing.** A conduct status describing a student who does not have pending charges under the Student Code of Conduct or incomplete misconduct Sanctions.~~

~~(n) **Representative.** An Office Department of Student Affairs employee designated by the Vice Provost of Student Affairs to fulfill specified duties under the Student Conduct Review Process.~~

~~(o) **Responsible.** A student or student organization that has been found to have violated the Student Code of Conduct by a preponderance of the evidence.~~

~~(p) **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;~~

~~(iii) Persons who were previously enrolled but are not officially enrolled for a particular term and have a continuing relationship with the University; or~~

~~(iv) Persons who have been notified of their acceptance for admission to the University.~~

~~(q) **Student Organization.** A registered student organization as described in FPU 3.002 Student Government and Student Organizations.~~

~~(r) **University Community.** Includes any University officer, employee, student, applicant, visitor, agent, vendor, or contractor.~~

~~(s) **University Official.** Includes any person employed by the University that is performing assigned administrative or professional responsibilities.~~

~~(t) **University Property.** Property owned or controlled by the University.~~

~~(u) **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) A presumption that a violation of the Student Code of Conduct has not occurred.

(b) 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.

(c) 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;

(d) Be informed of decisions impacting their 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;

(e) Have past behavior considered only when related to the charge(s);

- (f) Privacy, including the confidentiality of education records according to the Federal Family Educational Rights and Privacy Act of 1974 (FERPA);
- (g) Adequate notice of charges and a fair and impartial hearing under the Student Code of Conduct;
- (h) Be secure in their persons, living quarters, papers, and effects against unreasonable searches and seizures by the University; and
- (i) 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, including bullying. Bullying is repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and such conduct is not protected by freedom of expression.
- (d) **Sexual misconduct** as defined in University Policies.
- (e) **Attempted or actual theft** of and/or **damage to property**, including intellectual 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**, means any action or situation, which occurs on or off University property, that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes including, but not limited to, initiation, admission into, affiliation with, or the perpetuation or furtherance of a tradition or ritual of any University student organization or group whether or not officially recognized by the University. Hazing includes, but is not limited to, pressuring or coercing the student into violating state or

federal law; any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance; or other forced physical activity that could adversely affect the physical health or safety of the student; or any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student. Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

- (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, selling or distribution of marijuana, heroin, narcotics, or other controlled substances**, except as expressly permitted by law. This includes the misuse of prescription drugs, paraphernalia used for drugs (e.g. bongs, glass pipes, etc.) and the un-prescribed use, inhalation, or ingestion of a substance (e.g. nitrous oxide, glue, paint, etc.) that could alter a person's mental state.
- (l) **Use, consumption, possession, manufacturing, selling or distribution of alcoholic beverages** (except as expressly permitted by University Policies), paraphernalia used for consumption of alcohol (e.g. kegs, bongs, etc.) 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) Attending class, an Organizational meeting or other University event that is specific for an educational purpose while under the influence of the substances listed in sections (k) and (l)
- (n) **Control or operation of any vehicle**, including non-motorized vehicles, **while impaired** by alcohol or another substance.
- (o) **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.
- (p) 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.
- (q) 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.
- (r) **Unauthorized posting of commercial advertising** or engaging in **commercial activity** as described in University Policies.
- (s) **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.
- (t) **Obstruction of the free flow of pedestrian or vehicular traffic** on University property or at University sponsored or supervised functions.
- (u) **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.

- (v) **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.
 - (i) Unauthorized transfer of a file.
 - (ii) Use of another individual's identification and/or password.
 - (iii) Use of computing facilities and resources to interfere with the work of another student, faculty member or University Official.
 - (iv) Use of computing facilities and resources to send obscene or abusive messages.
 - (v) Use of computing facilities and resources to interfere with normal operation of the University computing system.
 - (vi) Use of computing facilities and resources in violation of copyright laws.

- (w) **Residence Hall Policy Violation**, includes violations of any policy or regulation governing University Housing, as well as, the [Resident Residential Life Handbook](#).

- (x) **Abuse of the Student Conduct Review Process**, including but not limited to:
 - (i) Failing to obey the notice from the [Office-Department](#) of Student Affairs 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](#).
 - (ii) Disrupting or interfering with the orderly conduct of a Student Conduct Review Process.
 - (iii) Reporting a violation of the Student Code of Conduct in bad faith.
 - (iv) Attempting to discourage an individual's proper participation in, or use of, the Student Conduct Review Process.
 - (v) Attempting to improperly influence the impartiality of a Hearing Body prior to, and/or during the course of, the Student Conduct Review Process.
 - (vi) Harassing (verbal or physical) and/or intimidation of a Hearing Body prior to, during, and/or after a Student Conduct Review Proceeding.
 - (vii) Failing to comply with the Sanction(s) imposed under the Student Code of Conduct.
 - (viii) Influencing or attempting to influence another person to commit an abuse of the Student Conduct Review Process.
 - (ix) **Retaliation** against a person(s) alleging misconduct or participating in the student conduct review process.

(7) Actions that do not Constitute Misconduct.

- (a) Expressive Activities. This Regulation does not abridge academic freedom nor the University's educational mission. Actions that amount to expression protected by the

state or federal constitutions or laws are not Misconduct.

(b) Amnesty. The University encourages students to seek emergency assistance in situations where such assistance is needed. Any student who qualifies for Amnesty as described below may not be charged with Misconduct if the Misconduct relates to the consumption or use of alcohol or drugs.

(1) Medical Amnesty. Students who seek or receive emergency medical assistance for themselves or others in a situation where a reasonable person believes medical treatment is appropriate qualify for Medical Amnesty.

(i) If a Student is involved in any subsequent alcohol or drug incidents, the Representative will review the incident to determine if the Student qualifies for Amnesty.

(2) Hazing Amnesty. A Student may not be charged with Misconduct if the Student establishes that before medical assistance or law enforcement arrived on the scene of the hazing event, the Student rendered aid to the hazing victim(s).

(7)(8) 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) **Deferred Suspension.** Suspension that will be imposed at a defined future date or time unless sanctions are completed as described by the [Hearing Officer](#) and there are no further policy violations.
- (l) **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 Affairs 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.

- (m) **Warning.** A notice in writing to the Responsible that the Responsible is violating or has violated the Student Code of Conduct.
- (n) **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.
- (o) One or more of the Sanctions listed above may be imposed for any single violation.

(8)(9) 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; or
 - (ii) If the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.
- (b) The student may request a hearing to review the interim suspension by submitting such a request to the Provost or designee. The hearing will occur within three (3) business days of the Provost or designee receiving the request. During the hearing, the Provost or designee will review all relevant information and determine the status of the interim suspension. 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)(10) Student Conduct Review Process

(a) General Provisions.

- (i) Requests for reasonable accommodations. The Responding Pparty, Reporting Pparty, 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-Department of Student Affairs 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 Pparty or Reporting Pparty 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:
 - (i) 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
 - (ii) 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 Pparty, Reporting Pparty, 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 Pparty, Reporting Pparty, or Witness does not timely 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 Pparty even if the Responding Pparty does not attend scheduled meetings and hearings. The Responding Pparty will be sent written notice of any imposed Sanctions.
 - (3) The Representative may have a hold placed on the Responding Pparty’s registration, transcript, final grades and/or diploma if the Responding Pparty does not attend a scheduled meeting or hearing. This hold is removed once the Responding Pparty attends the re-scheduled meeting or hearing, or the Student Conduct Review Process is concluded.
- (vi) Advisor. The Responding Pparty and the Reporting Pparty may have, at their own expense and initiative, an Advisor present for any part of the Student Conduct Review Process. The Advisor may be an advocate or legal

representative.

- (1) If the Responding Pparty or Reporting Pparty 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 Pparty or Reporting Pparty and may participate in all aspects of the Formal Hearing but cannot testify for the student nor serve in any other role, including as a witness, an investigator, decider of fact, Hhearing Bbody, or person appointed to decide an appeal.
 - (3) If the Responding Pparty or Reporting Pparty chooses an attorney as the Advisor, the Responding Pparty or Reporting Pparty 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 Pparty.
- (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:
 - (i) The student is currently subject to an Interim Suspension; or
 - (ii) 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:
 - (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 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 Misconduct may require additional procedural rights. In the event of a conflict between this regulation and University policy FPU-1.005P Sexual Misconduct, University policy FPU-1.005P Sexual Misconduct controls. Additionally, in the event of a conflict between this regulation and University Regulation FPU-1.005 Discrimination and Harassment Complaint and Investigation Procedures, University Regulation FPU-1.005 Discrimination and Harassment Complaint and Investigation Procedures controls.
- (b) **Student Conduct Report**. Any person or entity may report an alleged violation of the Student Code of Conduct to the Office Department of Student Affairs. 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 Responding Pparty, 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 **if the student qualifies foras Medical Amnesty as referenced 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 Pparty written notice of the charge(s) at least seven (7) business days prior to the Initial Meeting, unless student has waived the seven (7) business day requirement in writing. The Notice of Charges must include:
- (i) Specific charges including specific code sections alleged to have been violated;
 - (ii) The process to be used in determining whether a violation has occurred and associated rights
 - (iii) A description of the behavior that led to the charges; and
 - (iv) An opportunity for the Responding Pparty to attend an Initial Meeting.
- (f) **Notice of Reporting Party's Rights.** The Representative will give the Reporting Pparty written notice of their rights. The Reporting Pparty has the same rights as the Responding Pparty, including the right to appeal and the rights described in Section (9)(j)(v) Reporting Pparty's Rights. The Reporting Pparty also has the same responsibilities as the Responding Pparty.
- (g) **Initial Meeting.** The Responding Pparty has the opportunity to attend an Initial Meeting with the Representative. The Responding Pparty may choose an Advisor to accompany the Responding Pparty to the Initial Meeting.
- (i) At the Initial Meeting, the Responding Pparty 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 Pparty 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 Pparty accepts responsibility, the Representative may choose to resolve the violation through non-formal resolutions.
 - (2) Responding Party Denies Responsibility. If the Responding Pparty 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 **Pparty** and the Reporting **Pparty** must both agree to mediation for mediation to be an option. Mediation is confidential.

(1) In mediation, the Responding **Pparty** and the Reporting **Pparty** 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 **Pparty** and Reporting **Pparty** 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) If the Responding **Pparty** and Reporting **Pparty** 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 **Pparty**. The Administrative Agreement is between the Responding **Pparty** and the **Office-Department** of Student Affairs.

(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.

(iii) **Deferred Determination:** Deferred Determination is when the determination is delayed so the Responding Party can complete certain requirements in an allotted timeframe. The Representative determines the requirements and timeframe in which the requirements must be met. At the completion of all requirements, the Responsible Party will be found “not responsible.” Deferred Determination only be used for specific non-violent first-time offenses.

(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 **Pparty** and the Reporting **Pparty** at least seven (7) 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 Pparty's matter;
 - (3) The process to be used in determining whether a violation has occurred and associated rights;
 - (4) 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
 - (5) The names of the members of the Hearing Body.
- (ii) Opportunity to Inspect Information. The Responding Party and the Responding Party's Advisor, and the Reporting Party and the Reporting Party's Advisor, have the right to inspect all known information, both inculpatory and exculpatory, in the University's possession related to the allegation, including all known witnesses at least five (5) business days before the Formal Hearing.
- (iii) Responding Party's Right to Hearing Panel and Waiver. The Responding Pparty has the right to a Formal Hearing conducted by a Hearing Panel. If the Responding Pparty chooses to waive this right, a Hearing Officer conducts the Formal Hearing. The Responding Pparty may waive their right to a Hearing Panel if:
- (1) The Responding Pparty requests such a waiver in writing on forms provided by the University that include an explanation of the effect of the waiver; and
 - (2) The Vice Provost of Student Affairs or designee approves the Responding Pparty's request.
- (iv) Responding Party's and Reporting Party's Right to Inspect Information. The Responding Pparty and the Reporting Pparty each have the right to inspect all of the information, including witnesses, that will be presented against the Responding Pparty at least three (3) business days before the Formal Hearing.
- (v) University's Right to Inspect Information. The University also has the right to review any information, including witnesses, the Responding Pparty and Reporting Pparty intend to use at least three (3) business days before the Formal Hearing.
- (vi) 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 Pparty does not want to be present in the same room as the Responding Pparty, 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 Pparty 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 Student Affairs or designee.
 - (4) To submit a "student impact statement" and offer to the Hearing Body a suggestion of what the Reporting Pparty believes to be an appropriate Sanction for the Responding Pparty. 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 Pparty will not be permitted to directly question the Reporting Pparty where the alleged violations are sexual misconduct or abuse. In such cases, the Responding Pparty and the Reporting Pparty must submit questions to the Hearing Body; however, the Hearing Body is not required to ask all of the questions submitted.

- (vii) Hearing Body. The Hearing Body reviews all information presented during the Formal Hearing and determines whether the Responding Pparty 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 Representative selects a member of the Hearing Panel to chair the hearing and report the recommended finding(s) and sanctions, if any. 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 Pparty, and provided there is no objection from the Reporting Pparty, 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 Pparty and/or Reporting Pparty has the right to challenge any Hearing Body member's impartiality at least three (3) business days prior to the scheduled hearing. The Responding Pparty 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 Student Affairs or designee determines whether to grant such a challenge and such decision is final.
- (viii) Witnesses and Information. The Responding Pparty and/or Reporting Pparty 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 Pparty and/or Reporting Pparty 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 Pparty and/or Reporting Pparty.
 - (3) The Representative has the discretion to approve or deny the request.
- (ix) Questions for Parties and Witnesses. Both parties may submit questions they

would like the Hearing Body to ask of the other party or witnesses in writing and at least three (3) business days prior to the Formal Hearing. The Hearing Body will then review the questions to ensure they are relevant and appropriate. Both parties also have the opportunity to submit additional questions to the Hearing Body during the Formal Hearing.

- (x) 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) **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.
- (l) **Findings, Recommendation, and Determination**.
 - (i) 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 Student Affairs or designee within a reasonable period of time after the conclusion of the Formal Hearing.
 - (ii) Vice Provost’s Determination. The Vice Provost of Student Affairs 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 Student Affairs or designee accepts the proposed finding of responsible, then they may approve, mitigate, or increase the Sanctions proposed by the Hearing Body.
 - (2) If the Vice Provost of Student Affairs 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.
- (m) **Notice of Determination and Sanctions**. Following the Student Conduct Review Process, the Vice Provost of Student Affairs or designee notifies the Representative of 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.
- (n) **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.
- (o) **Appeal Process**.
 - (i) Responsibility. The Provost is responsible for overseeing the appeal process. The Provost may designate a University employee as an appellate officer to review the appeal and render a determination.
 - (ii) Appeal deadline. The Responsible or the Reporting Party may appeal a determination reached or an imposed Sanction to the Representative. Such appeals must be in writing and must be received by the Representative 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. When submitting an appeal, the student must state the reason(s) for appeal, the supporting facts, and the recommended solution. This is not a re-hearing of the conduct case. An appeal cannot be filed simply because the student is dissatisfied with the decision. Failure to describe the nature of the information in full detail in the appeal letter will result in the denial of an 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) 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.

(3) 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) Appeals Decision. The Provost or appellate officer 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 decision from the Provost or appellate officer.

(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 Student Affairs 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-Department](#) of Student Affairs 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 12.6.2017, Amended 5.20.20, Amended 9.15.21, Amended

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.
- (c) Related Regulations and Policies.
 - (i) Academic Integrity. Misconduct relating to academic dishonesty in the classroom or academic setting is addressed through University Regulation FPU-5.005. Misconduct that is not related to academic dishonesty and that occurs in the classroom or other academic setting is addressed through this Regulation.
 - (ii) Title IX. Sexual Misconduct that falls within the jurisdiction of Title IX is addressed through this Regulation and supplemented by University Policy FPU-1.005P Sexual Misconduct. In the event of a conflict, University Policy FPU-1.005P Sexual Misconduct controls.

(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) **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;
 - (iii) Persons who were previously enrolled but are not officially enrolled for a particular term and have a continuing relationship with the University; or
 - (iv) Persons who have been notified of their acceptance for admission to the University.
- (b) **Student Organization.** A registered student organization as described in FPU- 3.002 Student Government and Student Organizations.

- (c) **Reporting Party.** A person that believes that they have been a victim of a student’s misconduct or any person who submits an allegation that a student violated the Student Code of Conduct.
 - (d) **Responding Party.** Any student or student organization that has been charged with violating the Student Code of Conduct.
 - (e) **Advisor.** A person chosen by the Responding Party or Reporting Party who may assist and/or accompany the Responding Party or Reporting Party throughout the Student Conduct Review Process.
 - (f) **Hearing Body.** Any impartial person or persons appointed by the Vice Provost of Student Affairs 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.
 - (g) **Representative.** A Department of Student Affairs employee designated by the Vice Provost of Student Affairs to fulfill specified duties under the Student Conduct Review Process.
 - (h) **Responsible.** A student or student organization that has been found to have violated the Student Code of Conduct by a preponderance of the evidence.
 - (i) **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.
 - (j) **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.
 - (k) **University Community.** Includes any University officer, employee, student, applicant, visitor, agent, vendor, or contractor.
 - (l) **University Official.** Includes any person employed by the University that is performing assigned administrative or professional responsibilities.
 - (m) **University Property.** Property owned or controlled by the University.
 - (n) **Business Day.** Monday through Friday from 8 am to 5 pm, excluding University holidays.
 - (o) **Sanction.** Outcome(s) imposed on the Responsible.
 - (p) charges under the Student Code of Conduct or incomplete misconduct Sanctions.
 - (q) **May.** The term “may” is used in the permissive sense.
 - (r) **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; Housing Policies and Rules, and the Undergraduate and the Graduate Catalogs.
 - (s) **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.
 - (t) **Good Standing.** A conduct status describing a student who does not have pending charges under the Student Code of Conduct or incomplete misconduct Sanctions.
- (4) Student Rights in the Student Conduct Review Process.** The student has the right to:
- (a) A presumption that a violation of the Student Code of Conduct has not occurred.
 - (b) 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.
 - (c) 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;
- (d) Be informed of decisions impacting their 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;
 - (e) Have past behavior considered only when related to the charge(s);
 - (f) Privacy, including the confidentiality of education records according to the Federal Family Educational Rights and Privacy Act of 1974 (FERPA);
 - (g) Adequate notice of charges and a fair and impartial hearing under the Student Code of Conduct;
 - (h) Be secure in their persons, living quarters, papers, and effects against unreasonable searches and seizures by the University; and
 - (i) 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, including bullying. Bullying is repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and such conduct is not protected by freedom of expression.
- (d) **Sexual misconduct** as defined in University Policies.
- (e) **Attempted or actual theft** of and/or **damage to property**, including intellectual 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**, means any action or situation, which occurs on or off University property, that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes including, but not limited to, initiation, admission into, affiliation with, or the perpetuation or furtherance of a tradition or ritual of any University student

organization or group whether or not officially recognized by the University. Hazing includes, but is not limited to, pressuring or coercing the student into violating state or federal law; any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance; or other forced physical activity that could adversely affect the physical health or safety of the student; or any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student. Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

- (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, selling or distribution of marijuana, heroin, narcotics, or other controlled substances**, except as expressly permitted by law. This includes the misuse of prescription drugs, paraphernalia used for drugs (e.g. bong, glass pipes, etc.) and the un-prescribed use, inhalation, or ingestion of a substance (e.g. nitrous oxide, glue, paint, etc.) that could alter a person's mental state.
- (l) **Use, consumption, possession, manufacturing, selling or distribution of alcoholic beverages** (except as expressly permitted by University Policies), paraphernalia used for consumption of alcohol (e.g. kegs, bong, etc.) 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) Attending class, an Organizational meeting or other University event that is specific for an educational purpose while under the influence of the substances listed in sections (k) and (l)
- (n) **Control or operation of any vehicle**, including non-motorized vehicles, **while impaired** by alcohol or another substance.
- (o) **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.
- (p) 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.
- (q) 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.
- (r) **Unauthorized posting of commercial advertising** or engaging in **commercial activity** as described in University Policies.
- (s) **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.
- (t) **Obstruction of the free flow of pedestrian or vehicular traffic** on University

property or at University sponsored or supervised functions.

- (u) **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.
- (v) **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.
 - (i) Unauthorized transfer of a file.
 - (ii) Use of another individual's identification and/or password.
 - (iii) Use of computing facilities and resources to interfere with the work of another student, faculty member or University Official.
 - (iv) Use of computing facilities and resources to send obscene or abusive messages.
 - (v) Use of computing facilities and resources to interfere with normal operation of the University computing system.
 - (vi) Use of computing facilities and resources in violation of copyright laws.
- (w) **Residence Hall Policy Violation**, includes violations of any policy or regulation governing University Housing, as well as, the Residential Life Handbook.
- (x) **Abuse of the Student Conduct Review Process**, including but not limited to:
 - (i) Failing to obey the notice from the Department of Student Affairs 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.
 - (ii) Disrupting or interfering with the orderly conduct of a Student Conduct Review Process.
 - (iii) Reporting a violation of the Student Code of Conduct in bad faith.
 - (iv) Attempting to discourage an individual's proper participation in, or use of, the Student Conduct Review Process.
 - (v) Attempting to improperly influence the impartiality of a Hearing Body prior to, and/or during the course of, the Student Conduct Review Process.
 - (vi) Harassing (verbal or physical) and/or intimidation of a Hearing Body prior to, during, and/or after a Student Conduct Review Proceeding.
 - (vii) Failing to comply with the Sanction(s) imposed under the Student Code of Conduct.
 - (viii) Influencing or attempting to influence another person to commit an abuse of the Student Conduct Review Process.
 - (ix) **Retaliation** against a person(s) alleging misconduct or participating in the student conduct review process.

(7) Actions that do not Constitute Misconduct.

- (a) Expressive Activities. This Regulation does not abridge academic freedom nor the University's educational mission. Actions that amount to expression protected by the state or federal constitutions or laws are not Misconduct.
- (b) Amnesty. The University encourages students to seek emergency assistance in situations where such assistance is needed. Any student who qualifies for Amnesty as described

below may not be charged with Misconduct if the Misconduct relates to the consumption or use of alcohol or drugs.

- (1) **Medical Amnesty.** Students who seek or receive emergency medical assistance for themselves or others in a situation where a reasonable person believes medical treatment is appropriate qualify for Medical Amnesty.
 - (i) If a Student is involved in any subsequent alcohol or drug incidents, the Representative will review the incident to determine if the Student qualifies for Amnesty.
- (2) **Hazing Amnesty.** A Student may not be charged with Misconduct if the Student establishes that before medical assistance or law enforcement arrived on the scene of the hazing event, the Student rendered aid to the hazing victim(s).

(8) 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) **Deferred Suspension.** Suspension that will be imposed at a defined future date or time unless sanctions are completed as described by the Hearing Officer and there are no further policy violations.
- (l) **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 Affairs 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.

- (m) **Warning.** A notice in writing to the Responsible that the Responsible is violating or has violated the Student Code of Conduct.
 - (n) **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.
 - (o) One or more of the Sanctions listed above may be imposed for any single violation.
- (9) 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; or
 - (ii) If the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.
 - (b) The student may request a hearing to review the interim suspension by submitting such a request to the Provost or designee. The hearing will occur within three (3) business days of the Provost or designee receiving the request. During the hearing, the Provost or designee will review all relevant information and 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.

(10) 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 Department of Student Affairs 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:
 - (i) 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
 - (ii) 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 timely 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. The 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. The Advisor may be an advocate or legal representative.
- (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 and may participate in all aspects of the Formal Hearing but cannot testify for the student nor serve in any other role, including as a witness, an investigator, decider of fact, Hearing Body, or person appointed to decide an appeal.
- (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:
 - (i) The student is currently subject to an Interim Suspension; or
 - (ii) 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:
 - (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 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 Misconduct may require additional procedural rights. In the event of a conflict between this regulation and University policy FPU-1.005P Sexual Misconduct, University policy FPU-1.005P Sexual Misconduct controls. Additionally, in the event of a conflict between this regulation and University Regulation FPU-1.005 Discrimination and Harassment Complaint and Investigation Procedures, University Regulation FPU-1.005 Discrimination and Harassment Complaint and Investigation Procedures controls.
- (b) **Student Conduct Report**. Any person or entity may report an alleged violation of the Student Code of Conduct to the Department of Student Affairs. 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 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 if the student qualifies for

Amnesty.

- (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 seven (7) business days prior to the Initial Meeting, unless student has waived the seven (7) business day requirement in writing. The Notice of Charges must include:
 - (i) Specific charges including specific code sections alleged to have been violated;
 - (ii) The process to be used in determining whether a violation has occurred and associated rights
 - (iii) A description of the behavior that led to the charges; and
 - (iv) 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 their rights. 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) If 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 Department of Student Affairs.
- (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.
- (iii) **Deferred Determination:** Deferred Determination is when the determination is delayed so the Responding Party can complete certain requirements in an allotted timeframe. The Representative determines the requirements and timeframe in which the requirements must be met. At the completion of all requirements, the Responsible Party will be found “not responsible.” Deferred Determination only be used for specific non-violent first-time offenses.
- (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 seven (7) 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) The process to be used in determining whether a violation has occurred and associated rights;
 - (4) 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
 - (5) The names of the members of the Hearing Body.
- (ii) **Opportunity to Inspect Information.** The Responding Party and the Responding Party’s Advisor, and the Reporting Party and the Reporting Party’s Advisor, have the right to inspect all known information, both inculpatory and exculpatory, in the University’s possession related to the allegation, including

- all known witnesses at least five (5) business days before the Formal Hearing.
- (iii) 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 their right to a Hearing Panel if:
- (1) 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
 - (2) The Vice Provost of Student Affairs or designee approves the Responding Party's request.
- (iv) 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.
- (v) University's Right to Inspect Information. The University also has the right to review any information, including witnesses, the Responding Party and Reporting Party intend to use at least three (3) business days before the Formal Hearing.
- (vi) 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, 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 Student Affairs 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.
- (vii) 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 Representative selects a member of the Hearing Panel to chair the hearing and report the recommended finding(s)

- and sanctions, if any. 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 Student Affairs or designee determines whether to grant such a challenge and such decision is final.
- (viii) **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.
- (ix) **Questions for Parties and Witnesses.** Both parties may submit questions they would like the Hearing Body to ask of the other party or witnesses in writing and at least three (3) business days prior to the Formal Hearing. The Hearing Body will then review the questions to ensure they are relevant and appropriate. Both parties also have the opportunity to submit additional questions to the Hearing Body during the Formal Hearing.
- (x) **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) **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.
 - (l) **Findings, Recommendation, and Determination.**

- (i) 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 Student Affairs or designee within a reasonable period of time after the conclusion of the Formal Hearing.
- (ii) Vice Provost's Determination. The Vice Provost of Student Affairs 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 Student Affairs or designee accepts the proposed finding of responsible, then they may approve, mitigate, or increase the Sanctions proposed by the Hearing Body.
 - (2) If the Vice Provost of Student Affairs 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.
- (m) **Notice of Determination and Sanctions.** Following the Student Conduct Review Process, the Vice Provost of Student Affairs or designee notifies the Representative of 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.
- (n) **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.
- (o) **Appeal Process.**
 - (i) Responsibility. The Provost is responsible for overseeing the appeal process. The Provost may designate a University employee as an appellate officer to review the appeal and render a determination.
 - (ii) Appeal deadline. The Responsible or the Reporting Party may appeal a determination reached or an imposed Sanction to the Representative. Such appeals must be in writing and must be received by the Representative 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. When submitting an appeal, the student must state the reason(s) for appeal, the supporting facts, and the recommended solution. This is not a rehearing of the conduct case. An appeal cannot be filed simply because the student is dissatisfied with the decision. Failure to describe the nature of the information in full detail in the appeal letter will result in the denial of an 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) 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.

- (3) **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) **Appeals Decision.** The Provost or appellate officer 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 decision from the Provost or appellate officer.
- (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 Student Affairs 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 Department of Student Affairs 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 12.6.2017, Amended 5.20.20, Amended 9.15.21, Amended _____

**Florida Polytechnic University
Academic and Student Affairs Committee
Board of Trustees
November 15, 2022**

Subject: FIPR Institute Annual Report FY22

Proposed Committee Action

Recommend approval of the Florida Institute of Phosphate Research Annual Report for fiscal year 2022 to the Board of Trustees.

The report provided is in the format required by the Board of Governors.

Background Information

FIPR was established as a University Center in August of 2020; FIPR has a long history as a state research enterprise and, at the request of BOG staff, was converted to a University Center. The Board of Governors requires annual reporting by December of each year of the expenditures in the center during the prior fiscal year. This report is provided immediately following this document and is in the mandated BOG format. Following the financial report is an annual report of the center's activities.

Highlights for the year include ongoing efforts in the extraction of Rare Earth Elements from Phosphate ore process flows, efforts to utilize phosphogypsum that is currently stacked in Florida as a road base material, continued development of a water-based method to lower the magnesium content in phosphate ore to make it economically viable to process, and beginning efforts on water cleanup technologies in support of the phosphate industry.

Supporting Documentation:

1. FIPR Financial Report FY22
2. FIPR Annual Report FY22

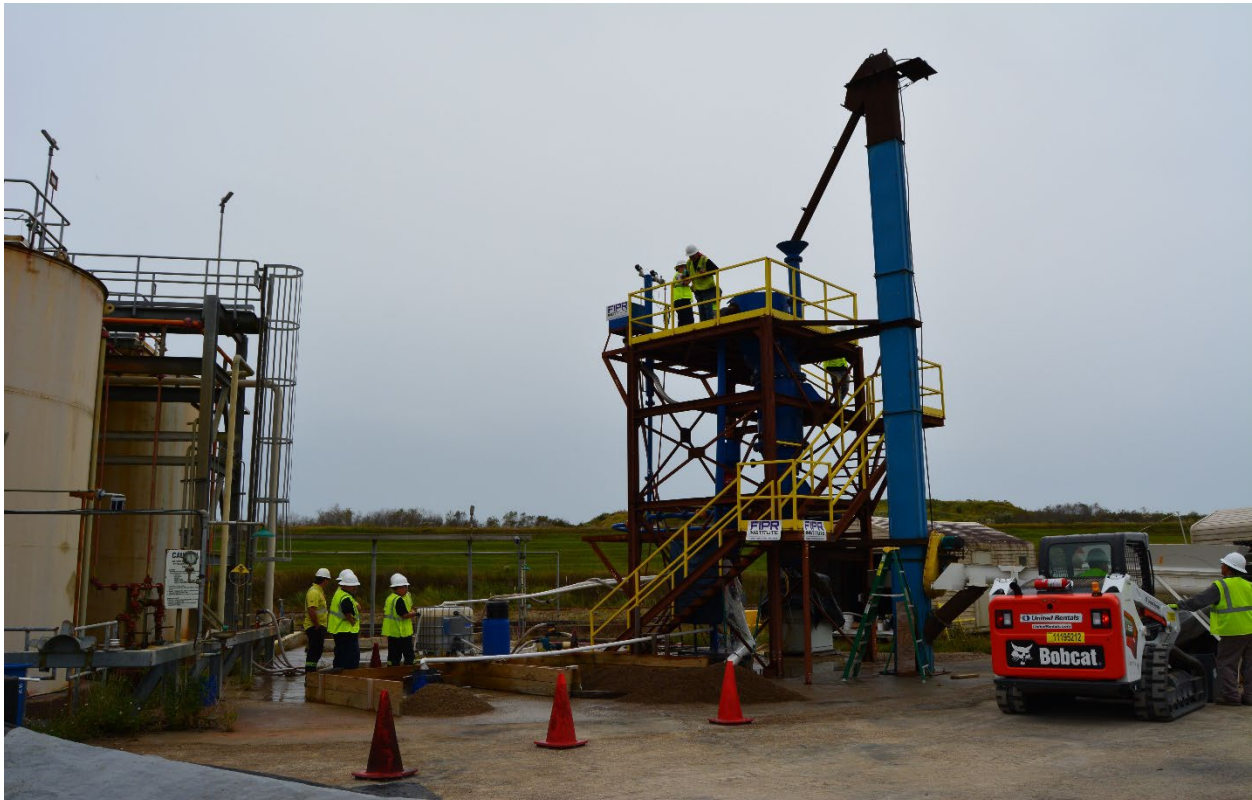
Prepared by: Gary Albarelli, Director of Information Programs, FIPR

I&C Information				Expenditure Information			
1. Institution Name	2. Center Type	3. Center Code	4. Center Name	5A. Center Status (BOG)	5B. Center Status (Institution)	6.Total FY 2021-22 Expenditures	7. Expenditures: State & E&G
Florida Polytechnic University	University	110.0010	Advanced Mobility Institute	Active	Active	\$146,660	\$146,660
Florida Polytechnic University	University	110.0020	Florida Industrial and Phosphate Research (FIPR)	Active	Active	\$1,625,371	

i (Fiscal Year 2021-2022)			Staff/Faculty (FY 2021-2022)	Evaluation Information		
8. Expenditures: Contracts & Grants	9. Expenditures: Fees for Service	10. Expenditures: Private and Trust Funds	11. Staff / Faculty FTE	12. Year of Most Recent Evaluation	13. Year of Prior Evaluation	14. Rational for Missing Evaluations
			0.20 FTE Faculty/1.00FTE Students	N/A	N/A	This was a Non-Recurring E&G allocation that required no evaluations. Funding rolled over to carry forward and it is expected to run out this FY 22-23.
\$376,101	\$42,618	\$1,206,652	1.50 FTE Faculty/ 11 FTE Staff	N/A	N/A	FIPR was approved as a University Institute in August 2020. Our first historical evaluation is planned for 2027.

Fiscal Year 2021/2022 Annual Report

Florida Industrial and Phosphate Research Institute



Pilot Demonstration of Packed Column Jig System at Mosaic South Pasture Mine

Table of Contents

Phosphate Research and Activities Board Members ii

Florida Industrial and Phosphate Institute Directorial Staff ii

Florida Polytechnic University Environmental Engineering Faculty..... ii

Executive Director’s Message..... 1

FIPR Institute Research..... 3

Florida Polytechnic University Environmental Engineering Faculty

Collaborative Phosphate Research 9

Laboratory Services and Consulting..... 10

Information Program..... 10

Technical Exchange..... 11

Phosphate Research and Activities Board Members

Robert Fredere, Jr., The Mosaic Company, Chair

Vishwas Sathe, Florida Department of Environmental Protection, Vice Chair (retired from board fall 2022)

Randy Avent, Ph.D., Florida Polytechnic University, President

Environmental Community Member, Awaiting Appointment

Industry Member, Awaiting Appointment

Florida Industrial and Phosphate Research Institute

Directorial Staff

Terry Parker, Ph.D., Executive Director and University Provost

Patrick Zhang, Ph.D., Research Director, Mining and Beneficiation

Gary Albarelli, MLS, Director of Information Programs and

Research Director, Phosphogypsum and Process Water

Aaron Medley, B.S. Laboratory Manager

Florida Polytechnic University

Environmental Engineering Faculty

Mary Vollero, Ph.D., Department Chair

Malak Anshassi, Ph.D., Assistant Professor

Derek Henderson, Ph.D., Assistant Professor

Xiaofan (Caleb) Xu, Ph.D., Assistant Professor

Executive Director's Message – Dr. Terry Parker

FIPR has transformed itself from a standalone, state-funded research center to a university research institute that is fully embedded within Florida Polytechnic University. FIPR's core funding is a small fraction of the Florida state severance tax on phosphate ore, which provides between \$1.2M and \$1.5M in support for research operations; multiple research grants and testing services provide important augmentation to these funds. As a research institute, FIPR has continued to focus on four critical areas that are consistent with its statutory mission:

- Minerals processing / rare earth elements (REE's)
- Phosphogypsum (PG) stacks and PG utilization
- Water, including process / industrial wastewater
- Phosphatic clay

In order to augment operations in these areas and to bring new ideas and viewpoints to FIPR, the University has created a strong alignment between the Environmental Engineering Department and FIPR. In the coming year, this partnership should start to show results for FIPR and the phosphate industry in the water research area.

FIPR is an internationally recognized institution of excellence in the global phosphate realm and has been leveraging this expertise to gain prominence in addressing the needs of our nation's security and economic independence based on efforts that support domestic production of critical rare earth elements. FIPR continues to be a unique contributor to the United States' efforts to ensure a domestic supply chain of these materials. This role was formalized 10 years ago as it became a founding member of the Critical Material Institute. FIPR has maintained its presence in this effort over the last decade. At this time, the effort has expanded into other grant opportunities where FIPR is looking to develop methods to exploit Florida's vast phosphate resources to meet the challenges of ensuring a domestic supply of critical rare earth elements. FIPR's ongoing efforts in the Critical Materials Institute and within other federally funded grants is a clear indication of our federal government's acknowledgement of FIPR's unique capabilities.

FIPR has also partnered with CF Technologies in Massachusetts on a USDOE-awarded SBIR grant to explore recovery of rare earth metals from phosphoric acid sludge and phosphatic clay leachates utilizing their supercritical fluid technology. We intend to pursue any funding opportunities with expanded industry partnerships as they arise with the goal of developing a complete domestic supply chain for the production of rare earth metals.

Since its creation in 2013, the USDOE's Critical Materials Institute has consistently supported FIPR's research in exploring the viability of phosphate deposits as a potential source of a domestic supply of rare earth elements. The 10-year funding program, with FIPR as a founding member, has made great progress in developing methods of REE extraction from all phosphate processing streams. As CMI is about to enter into its final year, FIPR's current research focuses on REE recovery from the most promising stream of phosphoric acid sludge.

Significant progress has also been made toward realizing the capability to economically separate phosphate from dolomite in the vast high-magnesium phosphate pebble resources in Florida. FIPR's pilot plant at Mosaic's South Pasture facility has demonstrated that this recovery can be accomplished. This will greatly expand Florida's phosphate reserves well into the future. FIPR is currently investigating the economics of this new separation technology.

The goal of finding high-volume uses for phosphogypsum was also addressed with the development of a novel road base technology through FIPR's Smart Road research project. The technology demonstrated strengths exceeding the state's standards with competitive economics to conventional methods. FIPR's intent is to identify pathways for using this material as a way of limiting, and potentially decreasing the amount of phosphogypsum stacked in Florida. Seamless integration of FIPR's efforts and capabilities with those of Florida Poly has made great strides during the past year. FIPR directorial staff served on committees to select the University's Environmental Engineering faculty. Mechanical and Environmental Engineering faculty have embarked upon new phosphate research projects that draw upon their individual areas of expertise with FIPR's support. Furthermore, in anticipation of the relocation of FIPR operations to the Florida Poly campus, much of the FIPR Library collection has been digitized in congruence with the University Library's brand of being the first wholly digital university library collection.

FIPR's laboratory services capabilities continue to be recognized by industry as providing high-quality, high-value results. This business center's activity has continued to be robust in its service to industry and academia. FIPR laboratory instrumentation will also be employed to enhance Florida Poly faculty research moving forward. FIPR and Florida Poly look forward to enhancing these partnerships as the University grows well into the future.

I am pleased to present this report of the Institute's activities and accomplishments during the 2021-2022 fiscal year and look forward to the challenges and achievements to come in the year ahead.

FIPR Institute Research

Separation of Dolomite from Phosphate Using Packed Column Jig (PCJ) **FIPR-funded**

As the high-grade phosphate deposits deplete rapidly, the global phosphate industry now has to process phosphate ores with ever increasing contaminants, with carbonaceous materials (MgO and CaO) being the major problems. This issue is becoming pressing for the Florida phosphate industry as it mines further south and deeper. It was estimated that about 50% of the future phosphate resources would be wasted if much of the high-dolomite deposits are bypassed in mining.

In early August 2018, FIPR started a new in-house research project titled “Removal of Dolomite from Florida Phosphate Pebbles Using Packed Column Jig.” Under this project, FIPR has quickly acquired a laboratory PCJ testing system with full computer control, Figure 1, and has done some extensive laboratory gravity separation tests for removing dolomite from Florida phosphate pebbles, achieving extremely encouraging results. Subsequently, a pilot PCJ with a capacity of about one ton per hour was designed, constructed, and installed at Mosaic’s South Pasture mine for large-scale demonstration of the technology.

The unique features of PCJ can be summarized as follows: 1) low energy use, 2) long, nearly unlimited separation zone, 3) small footprint, 4) minimal water use, 5) no chemicals used, 6) high throughput, and 7) effective for both coarse and fine particles.

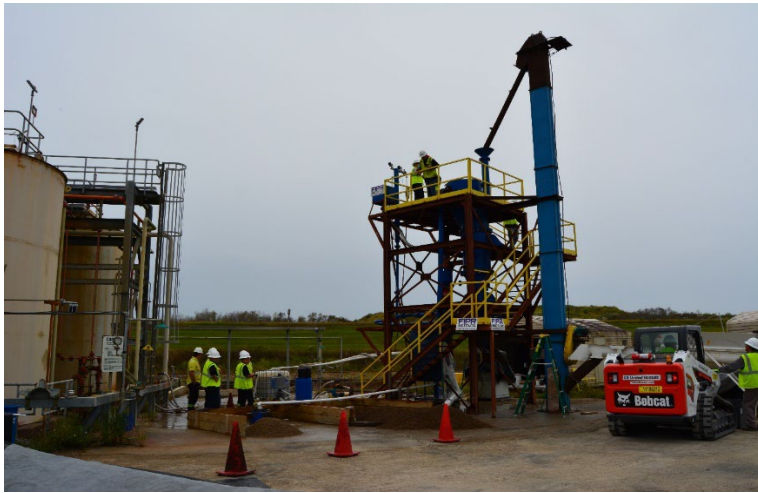


Laboratory PCJ Testing System.

During the 2022-2023 period, several campaigns were conducted at the pilot testing sites, achieving impressive separation results (Table 1) on a major size fraction of the phosphate pebbles.

Analysis of Gravity Separation Concentrate from Pilot PCJ Tests

Sample time	Feed size, mm	% P2O5	% MgO	% P2O5 recovery
10/5/21, 1:35	-2.36+1.4	26.54	1.16	82.5
10/5/21, 12:00	-2.36+1.4	26.94	1.12	82.1
9/29/21, 12:25	-2.36+1.4	26.43	1.00	78.4
9/29/21, 12:40	-2.36+1.4	26.19	0.91	77.7



PCJ Pilot Plant



Crushing and Screening System for Pilot PCJ
Pilot PCJ Control Room

Recovery of Rare Earths and other Elements from Phosphate CMI Project – Year 10

Title: Treatment of Phosphoric acid sludge for economic recovery of REE and P

Duration: July 1, 2022 to June 30, 2023

Funding: \$150K

Y10 will focus on optimization and comparison of the hydrometallurgical approach with a thermal process.

Mosaic's contributions: Substantial in-kind support, technical input, and many samples.

In early 2013, the U.S. Department of Energy (DOE) awarded \$120 million to the Critical Materials Institute (CMI) to establish a new Energy Innovation Hub. CMI focuses on developing and commercializing advanced technologies to secure the national supply of critical materials, particularly rare earth elements (REE). The FIPR Institute is undertaking the project on recovery of REE from phosphate mining and processing products as well as byproducts, at the same time trying to recover other elements such as U, P, and Mg to improve the overall economics for REE recovery. Current CMI members are shown below.



CMI member universities, national laboratories, and industry partners.

During Year 10 of the CMI project, FIPR Institute developed an innovative sludge leaching technology with three major features: 1) lower acid consumption, 2) higher REE leaching recovery, and 3) environmentally friendly because it involves physical treatment techniques. We are seeking patent protection for this technology.

DOE-funded Project

Title: Technology Development and Integration for Volume Production of High-Purity Rare Earth Metals from Phosphate Processing

Duration: Jan 1, 2022 to March 31, 2023

Funding: \$200,000

Major achievements so far can be summarized as follows:

- Demonstrated feasibility of proposed technical approaches ahead of schedule and beyond expectations
- Generated broad interest in recovering critical elements from phosphate processing
- Mobilized a competent team of collaborators for commercial demonstration
- Developed a solvent extraction scheme for REE with the following advantages:
 - Efficiency increasing from light to heavy REE
 - Selective separation of unwanted La and Ce is feasible
 - Near 100% extraction of heavy REEs
 - No interference of leachate matrix
 - U and Th not extracted
 - Easy stripping of REE from the loaded extraction organic phase with simple water

Joint DOE-funded Project with CF Technologies

Title: Supercritical Recovery of Rare Earth Elements from Phosphate Mining Waste

Duration: June 27, 2022 to June 30, 2023

Funding: \$150,000

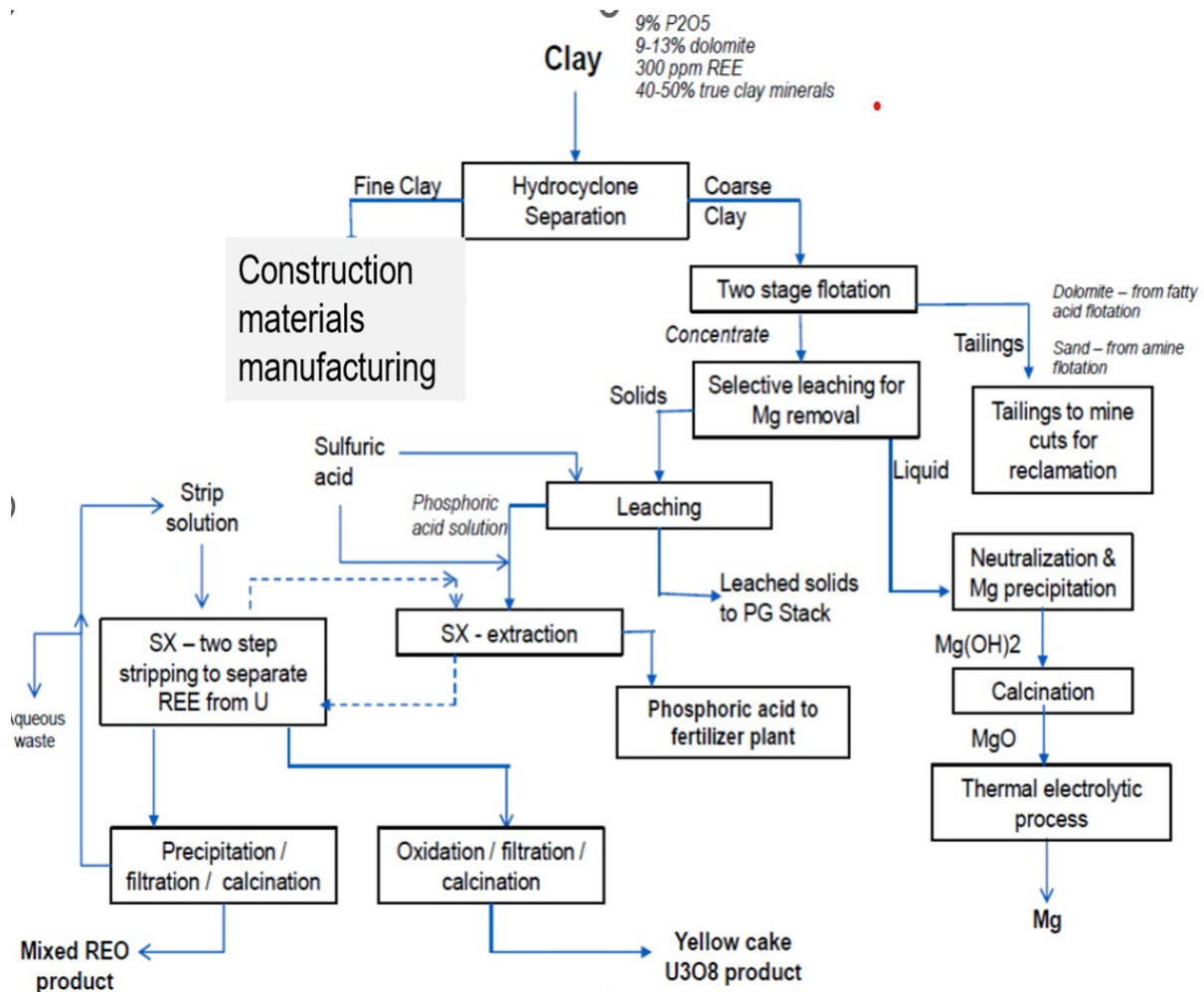
Under this project, CF Technologies will conduct countercurrent supercritical/liquid extraction to produce individual Y, Nd, Gd, and Dy oxides from phosphoric acid sludge and phosphatic clay leachate generated by the FIPR Institute. This process is similar to conventional solvent extraction, but uses a supercritical CO₂ solvent rather than an organic solvent. Supercritical CO₂ has significant benefits over conventional solvents, including high diffusivity and low viscosity which can provide rapid mass transfer, and improved phase disengagement. Small-footprint, cost-effective countercurrent columns are used rather than expensive mixer-settlers. Furthermore, recycling of supercritical CO₂ is an easy, low-energy, and low-cost process. Supercritical CO₂ is widely recognized as a non-toxic, non-flammable, non-polluting, readily available, and inexpensive solvent.

Supercritical solvent extraction of REEs has been demonstrated in the laboratory at bench scale. The technical feasibility has therefore been demonstrated, but so far only model feedstocks have been used for supercritical solvent extraction. Scale up and continuous processing have not been demonstrated. CF Technologies is ideally situated to bridge these gaps, because of our prior experience in scale up, piloting, and system fabrication at the commercial scale of critical fluid processes. CF Technologies has previously demonstrated related supercritical REE purification processes, including extraction from solid wastes and supercritical chromatography.

In collaboration with some DOE national labs, technology companies, and the phosphate industry, FIPR Institute is seeking federal funding (Phase 1) of \$8 million for an REE production demonstration facility using phosphoric acid sludge as the REE feedstock.

Total Valorization of Phosphatic Clay

Under the CMI project, FIPR proposed a conceptual flowsheet (as shown below) for total valorization of phosphatic clay, including recovery of P, REEs, U, Mg and clay minerals. This work will continue after CMI transitions to future DOE critical materials entities.



Method and Composition for Resilient Road Construction Incorporating Byproduct Phosphogypsum

Collaborative effort between FIPR and Madrid CPWG
FIPR-funded

In this project, a two-part additive was applied under laboratory conditions to local soils or locally available materials, while incorporating various proportions of PG. These mixtures, in turn, were shown to improve physical properties due to the siltitious nature of the PG filling the interstitial spaces of the native material. The additive reacts with and stabilizes the road base mixture and enhances pozzolanic activity to create superior mechanical properties, including strength, resilience, and water resistance over time. Laboratory results for Limerock Bearing Ratio (LBR) measurements are shown below. These can be compared to the Florida requirement of LBR minimum of 100.

Mix	% Additive	LBR
50/50 PG + Sand	1.0	136
50/50 PG + Sand	2.0	72
50/50 PG + Clayey Sand	1.0	138
50/50 PG + Clayey Sand	2.0	155
50/50 PG + Limerock	1.0	184
50/50 PG + Limerock	2.0	162
75/25 PG + Clayey Sand	1.0	134
75/25 PG + Sand	1.0	130
75/25 PG + Clayey Sand	2.0	168
75/25 PG + Sand	2.0	132
100% PG	1.0	30
100% PG	2.0	44
47.5/47.5 PG/Sand + 5% Portland Cement	0.0	165
45/45 PG/Sand + 10% Portland Cement	0.0	290

Florida Polytechnic University Environmental Engineering Faculty Collaborative Phosphate Research Projects

During the past year, three faculty members joined the University's new Environmental Engineering Department. The expertise of each is being applied to real-world phosphate studies as part of FIPR's research program. Each faculty member has commenced phosphate research projects to solve specific problems and ultimately lead to publication of results.

State of Practice to Assess the Materials Flow of Phosphogypsum Generated in Florida and Environmental Impacts of Management

Faculty Investigator: Dr. Malak Anshassi

Dr. Anshassi's work focuses on applying the concepts of lifecycle and sustainable materials management to understand the environmental impacts of the current and future disposal approaches of phosphogypsum. Her project scope targets three main topics: 1) identifying the mass of potentially recoverable phosphogypsum in Florida for beneficial use; 2) evaluating the environmental impacts of phosphate rock mining and beneficiation, and phosphoric acid production; and 3) estimating the environmental impacts when managing phosphogypsum in stack versus a beneficial use application like road construction.

The research will also estimate the environmental impacts, measured using 11 indicators, for phosphate rock mining and beneficiation. The data originated from a lifecycle inventory called Ecoinvent, which reported on the inflows and outflows for a phosphate rock beneficiation process specific to Florida where the rock is used to produce phosphoric acid.

Application of Biochar to Phosphorus Control in Phosphogypsum Process Water Treatment

Faculty Investigator: Dr. Xiaofan (Caleb) Xu

The goal of this project is to evaluate the technological performance and life-cycle environmental impacts of biochar relative to its phosphorus management capability in PG process water treatment for the control of harmful algal blooms by lab-scale experimentation. In addition, utilizing electron microscopy, the project will analyze the mechanism and morphological changes of biochar in PG process water treatment.

Phosphogypsum Road Base Properties under Loading

Faculty Investigator: Dr. Derek Henderson

Following up on the FIPR "Smart Road" research project that tested static physical properties of a phosphogypsum road base mixture with an additive, this project aims to measure performance of the mixture under repeated loading in a laboratory setting. Instrumentation will be selected and a laboratory loading mechanism will be designed to perform these tests.

Rare Earth Elements (REE) Ionic Liquid Extraction from Phosphoric Acid Sludge

Faculty Investigator: Dr. Derek Henderson

This research project is related to FIPR's efforts in REE recovery from phosphate processing. Dr. Henderson intends to synthesize the ionic liquid betainiumbis-(trifluoromethylsulfonyl)imide, [Hbet][TF2N] and determine its effectiveness in extracting REEs from phosphoric sludge. Sludge

pretreatment methods to facilitate extraction will be examined, as well as the efficacy of recycling the ionic liquid.

Laboratory Services and Consulting

The high-quality laboratory services provided by FIPR continue to be in high demand. Industry and academia have recognized that the instrumentation and skilled operators at FIPR can give them unquestioned analytical results. Aside from its analytical capabilities, the FIPR laboratory provides a variety of sample preparation methods leading to analytical procedures. FIPR's capability to process samples and provide analytical results gives clients a one-stop shop to meet their needs, unlike most commercial analytical labs.

Clients continue to seek out FIPR for compositional analysis of samples from phosphate deposits from across the globe. Clients over the past year have also relied on FIPR's expertise to evaluate flotation reagent efficacy and sorbent action for rare earth element extraction. What really sets FIPR's laboratory services apart is that FIPR scientists are able to provide consulting recommendations and context, not just output from instrumentation.

Information Program

Furthering the Institute's goal of complete integration with University operations, the FIPR Institute's professional library staff began direct service on the Florida Poly campus by having a weekly presence at the Florida Poly Library help desk in the Innovation, Science, and Technology Building. In addition, FIPR Library staff continued to provide all interlibrary loan service for University students, faculty, and staff.

The engineering background of the FIPR librarian was leveraged to create an extensive series of libguides for the Mechanical Engineering Department, majors and concentrations. These libguides serve as a key tool to help library users navigate through University digital resources on the subject. The FIPR librarian also participated in University accreditation committee interviews and provided information-related input required for accreditation of University degree programs.

Throughout the year, FIPR staff and Florida Poly student interns were engaged in a huge effort to digitize much of the FIPR Library collection. This effort was necessitated by the pending move of all FIPR operations to campus. It is also in keeping with the University Library's acknowledged fully digital status.

A key role continues to be providing guidance on environmental issues. Specifically, information on environmental impacts related to phosphate mining and phosphogypsum utilization to local, state, federal, and international groups. FIPR also provides authoritative responses for a wide range of phosphate-related inquiries to stakeholders, namely government, industry, NGO's, academia, and the public on a daily basis. The Institute's role as an independent, unbiased resource places it in a unique position with substantial value to stakeholders.

Technical Exchange

Publications

Gyoung G. Jang, Austin Ladshaw, Jong K. Keum, Patrick Zhang, and Costas Tsouris, 2020, Continuous-Flow Centrifugal Solid/Liquid Separation for the Recovery of Rare-Earth Elements Containing Particles from Phosphoric Acid. Ind. Eng. Chem. Res. 2020, 59, 21901–21913.

Presentations

Patrick Zhang, P., 2021, Rare Earths in Phosphate: Occurrence, Significance, and Opportunities for Recovery, CMI Webinar.

Patrick Zhang, July 2021, Simultaneous Recovery of Uranium and Rare Earths from Phosphoric Acid. IAEA Consultancy Meeting

Patrick Zhang, May 2021, Rare Earths in Phosphate: Characterization and Recovery, Graduate Seminar, Michigan Tech.

Patrick Zhang, June 2022, Continuous Recovery of Phosphoric Acid and Rare-Earths Containing Particles from Phosphoric Acid Sludge Using a Decanter Centrifuge, Presented at Beneficiation of Phosphates XI, Helsinki, Finland, June 5-10, 2022

Patrick Zhang, June 2022, Rare earths recovery and gypsum upgrade from Florida phosphogypsum, Presented at Beneficiation of Phosphates XI, Helsinki, Finland, June 5-10, 2022

Gary Albarelli, June 2022, Resilient Phosphogypsum Road “Smart Road.” Presented at Beneficiation of Phosphates XI, Helsinki, Finland, June 5-10, 2022



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Please contact us for more information on the research or programs of the FIPR Institute.

**Florida Polytechnic University
Academic and Student Affairs Committee
Board of Trustees
November 15, 2022**

Subject: Advanced Mobility Institute (AMI) Annual Report FY22

Proposed Committee Action

Recommend approval of the Advanced Mobility Institute (AMI) Annual Report for fiscal year 2022 to the Board of Trustees.

The report provided is in the format required by the Board of Governors.

Background Information

Since inception, AMI has published 16 journal papers, 15 conference proceedings, two MS theses, a book, online course, and numerous undergraduate research and capstone projects. We have also developed numerous partnerships with universities, industry, and government/non-profits. The Institute has made significant progress on four major projects, three of which provide the necessary infrastructure and platform for academic research and student projects. A Driving Simulator Testbed, AV/EV Golf Cart, and an AV Testbed fall into this category and are described in this report. There has also been considerable progress on building a larger digital twin capability for SunTrax in collaboration with national and international partners that continues to capture the attention of industry.

The following page is the report required by the Board of Governors. Subsequent pages provide a short summary of activity in the center.

Supporting Documentation:

1. AMI Financial Report
2. AMI Annual Report FY22

Prepared by: Dr. Onur Toker, Dr. Rahul Razdan, Dr. Muhammad Reza Khalghani, Dr. Randy Avent

I&C Information				Expenditure Information			
1. Institution Name	2. Center Type	3. Center Code	4. Center Name	5A. Center Status (BOG)	5B. Center Status (Institution)	6.Total FY 2021-22 Expenditures	7. Expenditures: State & E&G
Florida Polytechnic University	University	110.0010	Advanced Mobility Institute	Active	Active	\$146,660	\$146,660
Florida Polytechnic University	University	110.0020	Florida Industrial and Phosphate Research (FIPR)	Active	Active	\$1,625,371	

i (Fiscal Year 2021-2022)			Staff/Faculty (FY 2021-2022)	Evaluation Information		
8. Expenditures: Contracts & Grants	9. Expenditures: Fees for Service	10. Expenditures: Private and Trust Funds	11. Staff / Faculty FTE	12. Year of Most Recent Evaluation	13. Year of Prior Evaluation	14. Rational for Missing Evaluations
			0.20 FTE Faculty/1.00FTE Students	N/A	N/A	This was a Non-Recurring E&G allocation that required no evaluations. Funding rolled over to carry forward and it is expected to run out this FY 22-23.
\$376,101	\$42,618	\$1,206,652	1.50 FTE Faculty/ 11 FTE Staff	N/A	N/A	FIPR was approved as a University Institute in August 2020. Our first historical evaluation is planned for 2027.

Advanced Mobility Institute (AMI) Report

October 2022



**ADVANCED
MOBILITY
INSTITUTE**

FLORIDA POLYTECHNIC UNIVERSITY

Executive Summary

This report summarizes the progress and accomplishments for the Advanced Mobility Institute (AMI) as of October 2022. Since inception, AMI has published 16 journal papers, 15 conference proceedings, two MS theses, a book, online course, and numerous undergraduate research and capstone projects. We have also developed numerous partnerships with universities, industry, and government/non-profits. The Institute has made significant progress on four major projects, three of which provide the necessary infrastructure and platform for academic research and student projects. A Driving Simulator Testbed, AV/EV Golf Cart, and an AV Testbed fall into this category and are described in this report. There has also been considerable progress on building a larger digital twin capability for SunTrax in collaboration with national and international partners that continues to capture the attention of industry.

1. Publications

1.1. Journals

- 1) Q. Goss, L. Crump and M. I. Akbas. "SUMO Traffic Simulator Interface for Scenic." In the ERAU Discovery Day, March, 2022.
- 2) Mokhtari, Sohrab and Abbaspour, Alireza and Yen, Kang and Sargolzaei, Arman, "A machine learning approach for anomaly detection in industrial control systems based on measurement data," *Electronics*, vol. 10, no. 4, p. 407, 2021.
- 3) Alnaser, Ala Jamil and Akbas, Mustafa and Sargolzaei, Arman, "Autonomous Vehicles Scenario Testing Framework and Model of Computation: Generation of Equivalence Classes and Coverage" *IEEE Access*, vol. 9, pp. 60617-60628, 2021, doi:10.1109/ACCESS.2021.3074062
- 4) Vargas, Jorge and Alswiss, Suleiman and Toker, Onur and Razdan, Rahul and Santos, Joshua, "An Overview of Autonomous Vehicles Sensors and Their Vulnerability to Weather Conditions," *Sensors* (2021). <https://doi.org/10.3390/s21165397>
- 5) Khoshavi, Navid and Tristani, Gabrielle and Sargolzaei, Arman, "Blockchain applications to improve operation and security of transportation systems: A survey," *Electronics*, vol. 10, no. 5, p. 629, 2021.
- 6) Victorio, Mario and Sargolzaei, Arman and Khalghani, Reza, "A secure control design for networked control systems with linear dynamics under a time-delay switch attack," *Electronics*, vol. 10, no. 3, p. 322, 2021.
- 7) Saleem, Sahawneh and Alnaser, Ala' J "The Ecosystem of the Next-Generation Autonomous Vehicle", *Advances in Science, Technology and Engineering Systems Journal*, vol. 6, no. 1, pp. 1264-1272 (2021). <https://astesj.com/v06/i01/p144/>.
- 8) Alnaser, Ala' J., et al. "Autonomous Vehicles Scenario Testing Framework and Model of Computation: On Generation and Coverage." *IEEE Access*, vol. 9, 2021, pp. 60617–60628., <https://doi.org/10.1109/access.2021.3074062>.
- 9) Chakeri, Alireza, et al. "A Platform-Based Incentive Mechanism for Autonomous Vehicle Crowdsensing." *IEEE Open Journal of Intelligent Transportation Systems*, vol. 2, 2021, pp. 13–23., <https://doi.org/10.1109/ojits.2021.3056925>.
- 10) Vargas, Jorge, et al. "An Overview of Autonomous Vehicles Sensors and Their Vulnerability to Weather Conditions." *Sensors 2021*, vol. 21, no. 16, 2021, p. 5397., <https://doi.org/10.3390/s21165397>.
- 11) Toker, Onur and Alswiss, Suleiman, "Design of a Cyberattack Resilient 77 GHz Automotive Radar Sensor" *Electronics*, v.9, 2020 10.3390/electronics9040573
- 12) Toker, Onur, "Physical-layer Cyberattack and Interference Resilient Automotive Radar Systems," *IEEE Access*, 2020. <https://ieeexplore.ieee.org/document/9274416>

- 13) Medrano-Berumen, Christopher, and Mustafa İlhan Akbaş. "Scenario Generation for Validating Artificial Intelligence Based Autonomous Vehicles." *Intelligent Information and Database Systems*, 2020, pp. 481–492., https://doi.org/10.1007/978-3-030-42058-1_40.
- 14) Medrano-Berumen, Christopher, and Mustafa İlhan Akbaş. "Validation of Decision-Making in Artificial Intelligence-Based Autonomous Vehicles." *Journal of Information and Telecommunication*, vol. 5, no. 1, 2020, pp. 83–103., <https://doi.org/10.1080/24751839.2020.1824154>.
- 15) Alnaser, Ala Jamil and Akbas, Mustafa İlhan and Sargolzaei, Arman and Razdan, Rahul, "Autonomous Vehicles Scenario Testing Framework and Model of Computation" *SAE International Journal of Connected and Automated Vehicles*, v.2, 2019 10.4271/12-02-04-0015
- 16) Akbas, Mustafa İlhan and Sargolzaei, Arman and Razdan, Rahul, "Unsettled technology areas in autonomous vehicle test and validation," tech. rep., SAE Technical Paper, 2019.

1.2. Conference Proceedings

- 1) O. Toker, "Performance Bounds for Cyberattack Detectors Using Multiple Observations," *IEEE SoutheastCon 2022*, 104-109.
- 2) Dubs, V. Correa Andrade, M. Ellis, B. Karaman, D. Demirel, A.J. Alnaser, O. Toker, "Drive a Vehicle by Head Movements: An Advanced Driver Assistance System Using Facial Landmarks and Pose," *International Conference on Human-Computer Interaction 2022*, pp. 502-505.
- 3) Dubs, V. Correa Andrade, O. Toker, M. Ellis, S. Ganley, B. Karaman, "A Photo-Realistic Simulation and Test Platform for Autonomous Vehicles Research," *Proceedings of the 7th North American International Conference on Industrial Engineering and Operations Management*, Orlando, Florida, USA, June 12-14, 2022.
- 4) A.J. Alnaser, O. Toker, A. Bowers, "Modelling of a Hybrid Vehicle for Autonomous Vehicles Research," *Proceedings of the 7th North American International Conference on Industrial Engineering and Operations Management*, Orlando, Florida, USA, June 12-14, 2022.
- 5) Toker, Onur "An FPGA Based 24 GHz Radar System for Physical-layer Cyberattack Research," *IEEE Radar Conference 2021*.
- 6) Tremura, Heitor and Toker, Onur, "Vehicle Level Software Design of the Florida Polytechnic Autonomous Golf-Cart'," *IEEE SouthEastCon 2021*.
- 7) Toker, Onur and Ozdemir, Ozgur, "Physical-Layer Cyberattack Resilient OFDM Automotive Radars," *IEEE Vehicular Networking Conference 2020*.
- 8) Toker, Onur and Ozdemir, Ozgur "A Synthetic Wide-Bandwidth Radar System Using USRPs," *7th International Electronic Conference on Sensors and Applications*, 2020. <https://doi.org/10.3390/ecsa-7-08174>

- 9) Toker, Onur, and Adla, Rawa, "A Sub-6 GHz Vital Signs Sensor Using Software Defined Radios," 7th International Electronic Conference on Sensors and Applications, 2020. <https://doi.org/10.3390/ecsa-7-08197>
- 10) Toker, Onur, and Alsweiss, Suleiman and Abid, "A Computer Vision Based Testbed for 77 GHz mmWave Radar Sensors," IEEE SouthEastCon 2020, Raleigh, NC (2020).
- 11) Toker, Onur, and Alsweiss, Suleiman, "mmWave Radar Based Approach for Pedestrian Identification in Autonomous Vehicles," IEEE SouthEast 2020, Raleigh, NC (2020).
- 12) Toker, Onur, Alsweiss, Suleiman, Vargas, Jorge, Razdan, Rahul, "Design of an Automotive Radar Sensor Firmware Resilient to Cyberattacks," IEEE SouthEastCon 2020, Raleigh, NC (2020).
- 13) Holland, James and Sargolzaei, Arman, "Verification of autonomous vehicles: Scenario generation based on real world accidents," in 2020 IEEE SoutheastCon, vol. 2, pp. 1–7, 2020.
- 14) O. Toker, B. Karaman, D. Demirel, "A Paper-Based Keyboard Using ArUco Codes: ArUco Keyboard," International Conference on Human-Computer Interaction, 195-208
- 15) Sahawneh, Saleem and Alnaser, Ala' J. and Akbas, Mustafa Ilhan and Sargolzaei, Arman and Razdan, Rahul, "Requirements for the Next-Generation Autonomous Vehicle Ecosystem," IEEE SoutheastCon 2019, 10.1109/SoutheastCon42311.2019.9020400

1.3. Thesis

- 1) Tremura, Heitor. Hardware Software Codesign Approach for an Autonomous Vehicles Research Testbed. MS Thesis, Florida Polytechnic University 2021.
- 2) Islam, Foredul. Design and Performance Analysis of Vehicle to Everything Communication System with SDRs. MS Thesis, Florida Polytechnic University 2021.

1.4. Trade Publications

- 1) Razdan, Rahul, et al. "Unsettled Issues Regarding Autonomous Vehicles and Open-Source Software." SAE International, 2021, <https://doi.org/10.4271/epr2021009>
- 2) Razdan, Rahul, et al. "Unsettled Topics Concerning Automated Driving Systems and the Development Ecosystem." *SAE International*, 2020, <https://doi.org/10.4271/epr2020004>.
- 3) Razdan, Rahul, et al. "Unsettled Topics Concerning Autonomous Public Transportation Systems." *SAE International*, 2020, <https://doi.org/10.4271/epr2020020>.
- 4) Razdan, Rahul, et al. "Unsettled Topics Concerning Human and Autonomous Vehicle Interaction." *SAE International*, 2020, <https://doi.org/10.4271/epr2020025>
- 5) Razdan, Rahul, et al. "Unsettled Technology Areas in Autonomous Vehicle Test and Validation." *SAE International*, 2019, <https://doi.org/10.4271/epr2019001>.
- 6) Book: [Autonomous Vehicle QuickStart Primer - A Business and Technology Survey of the Autonomous Vehicle Space](#)
- 7) Online Course: [Autonomous Vehicles for Transportation Professionals](#)

2. Grants and Partnerships

2.1. Grants

- 1) NSF Major Research Instrumentation (MRI) grant, Award number: 1919855, Starting Date: October 1, 2019, End Date: Ongoing: Total budget: \$350,137.00
- 2) Two state grants were provided through our Legislative Budget Request

2.2. Partnerships

- 1) FTE/Suntrax (Scientific Advisor and MOU): We maintain strong relationships with the CEO of FTE/Suntrax, Secretary of FDOT (past and present), and all the major FDOT civil engineering consultants.
- 2) Tallen Institute of Technology (Taltech/MOU): Initiated by an MOU in 2018, the partnership has continued to grow in the last four years. Indications of progress include BAFF (Fulbright for baltic region) reward for Taltech Director to visit Florida Poly, numerous joint publications, and partnership with the PolyVerif Open-Source V&V Framework.
- 3) Jacksonville Transit Authority (JTA): Initiated with an MOU in 2018, JTA is building an AV shuttle. Poly has worked with JTA to provide feedback on the JTA buildout and most recently JTA/Poly have built a digital twin for JTA AV routes in the PolyVerif Open-Source V&V system.
- 4) IAMTS (member agreement): Florida Poly is a founding member of International Alliance for Mobility Testing and Validation (IAMTS). Dr. Razdan worked with SAE, IEEE, and industry leaders in automotive test and validation such as TUV Sud and United Laboratories to architect the structure of this worldwide organization.
- 5) Autoware (member agreement): Florida Poly is a member of a significant open-source AV stack originally started as a part of Nagoya University.

Partnership Summary:

- 6) **Academic Partners:** Taltech, Embry-Riddle, UF, MIT, Nagoya University, UC Berkeley
- 7) **Industrial Partners:** Ansys, IBM, Cadence, National Instruments, Continental, Cerebellum, Beep, BlackBerry, Otonomo
- 8) **Government/Non-profits/Associations:** Insurance Institute for Highway Safety, NOAA, FDOT, JTA, IAMTS, Singapore, Linux Foundation, Autoware Foundation

3. Research and Student Projects

A new Autonomous and Electric Vehicle (AV/EV) capability was built in the Applied Research Center (ARC) that includes a laboratory with equipment and infrastructure for conducting research and student projects. Three testbed systems were completed as part of this laboratory and are summarized below:

- 3.1. Driving Simulator:** The goal of this program was to build a driving simulation testbed that allows users (faculty and students) to test their research rapidly and safely before deploying it in a live vehicle. The system provides a simulation capability designed in MATLAB that includes a mock car cockpit with a seat, steering wheel, and display. It provides the ability to simulate driving scenarios in a laboratory environment with customizable parameters.
- 3.2. AV/EV Golf Cart Project:** A “Drive-by-Wire” electric golf cart project was designed and built to allow faculty and students to transition projects out of the simulated environment and into a small-scale realistic environment before moving to full-sized vehicles. The resulting golf cart includes a drive-by-wire interface that allows it to be controlled in normal manual operations, through an x-box controller, through a touchscreen, or through a USB connection. This project also redesigned the solar charging subsystem to include four solar panels. Together, this vehicle provides the ability to do student and faculty projects in both Autonomous and Electric Vehicles.
- 3.3. AV Testbed:** Finally, a Ford Fusion Plugin Hybrid was purchased and is being constructed to provide a vehicle-based platform for developing new sensors, signal processing, AI, and communications for Autonomous Vehicles. To this end, we have developed the software that controls the steering, throttle, and brakes. We have also built interfaces that allow us to capture the current sensor data, visualize it in real-time, and save it to files for future analysis or to provide scenarios for our simulator. We have also started working on new AI-based steering tests that use different semantic segmentation algorithms for autonomous steering.
- 3.4. PolyVerif:** We also made significant progress on building an open-source Validation & Verification (V&V) environment called PolyVerif (www.avvc.net). PolyVerif is the result of a deep collaboration between Taltech, UC Berkeley, Embry-Riddle University, and Nagoya University. As an open-source project, PolyVerif allows Florida Poly to have a worldwide impact without the need for a PhD program. To date, PolyVerif has built digital twins of the Taltech campus, Jacksonville Transit Authority (JTA) AV routes, and modeled all the AV accidents in the NHTSA database for use by researchers worldwide. Our eventual ambition is for PolyVerif to have the level of impact of other open-source platforms such as Linux, Wordpress, or Spice. Even in today’s early stage, PolyVerif is capturing the attention of industry with large automotive OEMs such as VW recently visiting Florida Polytechnic to look for collaboration opportunities.

4. Future Work

Future plans for AMI include using AI-based techniques to generate control reference signals that provide automatic steering control. We also plan to process lidar data for pedestrian detection and integrate that into an emergency braking feature. Radar sensing for moving object recognition like pedestrians, cyclists, and vehicles will also be developed, and we plan to investigate commercialization of the autonomous electric golf cart, as it can

benefit Florida communities, including theme parks, retirement communities, and health centers.

5. Financials

1. Institution Name	2. Center Type	3. Center Code	4. Center Name	5. Established Year	6. Cumulative Total State Funds Received	8. Fiscal Year State Funds Received
Florida Polytechnic University	University	110.0010	Advanced Mobility Institute	2018-19	\$1,000,000	2018-19 and 2019-20

1. Institution Name	2. Center Type	3. Center Code	4. Center Name	5A. Center Status (BOG)	5B. Center Status (Institution)	6.Total FY 2021-22 Expenditures	7. Expenditures: State & E&G
Florida Polytechnic University	University	110.0010	Advanced Mobility Institute	Active	Active	\$146,660	\$146,660

AMI

5 items

Fund	Ledger Summary Name	Cost Center Hierarchy	Self-Balancing Worktag	Budget	Commitment	Obligation	Actuals
101 Education and General	FPU Master Account Set: Budget - OPS / Benefit	1056 Advanced Mobility Institute (AMI)	(Blank)	0	0.00	0.00	0.00
107 E&G Carryforward	Budget - Salary and Benefit Non OPS	1056 Advanced Mobility Institute (AMI)	(Blank)	5,000.00	0.00	0.00	0.00
107 E&G Carryforward	Expense / Assets (Not Capital Projects)	1056 Advanced Mobility Institute (AMI)	(Blank)	371,506.00	0.00	0.00	36,150.88
107 E&G Carryforward	FPU Master Account Set: Budget - OPS / Benefit	1056 Advanced Mobility Institute (AMI)	(Blank)	5,000.00	0.00	0.00	0.00
Total				381,506.00	0.00	0.00	36,150.88

AMI2

Fund	Ledger Summary Name	Cost Center Hierarchy	Self-Balancing Worktag	Budget	Commitment	Obligation	Actuals
107 E&G Carryforward	Expense / Assets (Not Capital Projects)	1095 AMI 2	(Blank)	82,859.00	0.00	0.00	78,580.60
107 E&G Carryforward	FPU Master Account Set: Budget - OPS / Benefit	1095 AMI 2	(Blank)	32,000.00	0.00	0.00	31,928.40
Total				114,859.00	0.00	0.00	110,509.00