



FLORIDA POLYTECHNIC
UNIVERSITY

BOARD OF TRUSTEES
ACADEMIC & STUDENT AFFAIRS COMMITTEE MEETING

Wednesday, September 13, 2017
9:15 AM

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

Dr. Sandra Featherman, Chair
Rear Admiral Philip Dur

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

Dr. Jim Dewey
Jacob Livingston

AGENDA

- | | |
|--|---------------------------------|
| I. Call to Order | Dr. Sandra Featherman,
Chair |
| II. Roll Call | Maggie Mariucci |
| III. Public Comment | Dr. Sandra Featherman,
Chair |
| IV. Approval of June 8, 2017 Minutes
Action Required | Dr. Sandra Featherman,
Chair |
| V. 2016-18 Academic & Student Affairs Committee
Work Plan Review | Dr. Sandra Featherman,
Chair |
| VI. Provost's Report | Dr. Terry Parker |
| VII. Revised Regulation: FPU-3.006 Student Code of Conduct
Action Required | Gina DeIulio |
| VIII. Closing Remarks and Adjournment | Dr. Sandra Featherman,
Chair |

DRAFT

**FLORIDA POLYTECHNIC UNIVERSITY
BOARD OF TRUSTEES
ACADEMIC AND STUDENT AFFAIRS COMMITTEE
MEETING MINUTES
Florida Industrial and Phosphate Research Institute
1855 W. Main St., Bartow, FL 33830
June 8, 2017 @ 10:30 AM**

I. Call to Order

Committee Chair Sandra Featherman called the Academic and Student Affairs Committee meeting to order at 10:27 a.m.

II. Roll Call

Maggie Mariucci called the roll: Chair Sandra Featherman, Trustee Philip Dur, Trustee Jim Dewey, and Trustee Jacob Livingston were present (Quorum).

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

Staff present: President Randy Avent, Dr. Terry Parker, Mr. Mark Mroczkowski, Mr. Kevin Aspegren, Ms. Gina DeLulio, Ms. Maggie Mariucci, and Mr. Rick Maxey were present.

III. Public Comment

There were no requests received for public comment.

IV. Approval of Minutes

Trustee Jim Dewey made a motion to approve the Academic and Student Affairs Committee meeting minutes of March 15, 2017. Trustee Jacob Livingston seconded the motion; a vote was taken, and the motion passed unanimously.

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

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

VI. Provost's Report

Dr. Terry Parker presented a report on the following:

Admissions: The mean ACT score for 'intent to enroll' is up by over one point and female 'intent to enroll' is up by 2 points. The goal for FTIC was 290 students, and the University is currently at 331. The final total enrollment (FTIC, transfer and graduate students) for fall 2017 will be 380-400.

Dr. Parker stated there is a correlation between ACT Math scores and retention. ACT test scores are a better predictor of student success than SAT scores. Overall test scores for incoming students continue to improve from year to year.

Student Life: The Student Affairs department has been reorganized. Student Life now resides under Vice Provost Enrollment, Scott Rhodes, while Student Services is under Vice Provost Academic Support Services, Dr. Kathryn Miller.

Faculty Hiring: the University targeted faculty positions in alignment with need. Dr. Parker reviewed the number of faculty acceptances to date.

Existing Degree Improvements: ABET is a program content accreditation; it is not a process and procedure accreditation. To achieve ABET accreditation, the University's programs must align with national standards. Curriculum and degree titles have been updated accordingly, and in compliance with SACSCOC regulations, and go into effect with the fall 2017 semester. Students have the option, but are not required, to change to the newly aligned degrees. To date, 336 students have changed to the new degrees, predominantly in the engineering degrees. Liberal arts classes, which develop communication and critical thinking skills in Florida Poly students, will be expanded.

New Degrees and Changes to Degrees: The University cannot create new degrees or change degrees until accredited by SACSCOC. Dr. Parker reviewed current programs and how they have been revised to align with ABET requirements but still meet SACSCOC guidelines. The program CIP codes have remained the same; only three degree titles have been revised.

Graduate Degrees: The University has two formal graduate degrees. Dr. Parker recommends these degrees include concentrations, while not changing the degree names. Starting fall 2017, each graduate degree will include two concentrations.

Dr. Parker and Trustee Featherman have discussed the following additions to the Committee's Work Plan:

1. Block Tuition: This will require Board of Trustees action in September.
2. Student and Faculty Diversity: Florida Poly has a strong foreign national cohort in the faculty; however, traditional diversity (African Americans, Hispanics, gender), should be improved.
3. Graduate Programs
4. Technology and Pedagogy

VII. Degree Name Changes

Dr. Parker requested Board permission to change names of three degrees once the University is accredited.

Trustee Philip Dur made a motion to recommend to the Board of Trustees the following degree name changes, conditional on, and not effective until, formal SACSCOC accreditation, as follows:

- 1. Mechanical & Industrial Engineering to Mechanical Engineering**
- 2. Computer Science & Information Technology to Computer Science**
- 3. Advanced Technology to Data Analytics**

Trustee Jacob Livingston seconded the motion; a vote was taken, and the motion passed unanimously.

Trustee Livingston asked if block tuition affects part-time students. Dr. Parker forecasts block tuition will be defined as a band of credit hours, i.e. "14 to 17 credit hours." Students taking less than full-time hours will pay by the credit hour.

Dr. Parker confirmed the earliest date for ABET accreditation is projected to be 2018-2019. The University can request that ABET back accredit two years presuming that students are graduating under the approved curriculum.

VIII. FPU-3.002 Student Government and Student Organizations

Ms. Gina DeJulio presented a revised regulation FPU-3.002 which removes the requirement that SGA officers be enrolled in the summer semester term while in office. The revision also adds the requirement that SGA officers be in good standing under the student code of conduct. The regulation was noticed on the website and no comments were received.

Trustee Jacob Livingston made a motion to recommend approval of the revised regulation, FPU-3.002 Student Government and Student Organizations to the Board of Trustees. Trustee Jim Dewey seconded the motion; a vote was taken, and the motion passed unanimously.

IX. FPU-3.009 Reasonable Accommodations for Religious Observances, Practices and Beliefs

Ms. DeJulio presented a revised regulation FPU-3.009 which specifies the actual grievance process that students would use if they believe they have been unreasonably denied a religious accommodation. A statement was also added that the University does not take religious practice or beliefs into account when making admissions determinations. The regulation was noticed on the website and no comments were received.

Trustee Philip Dur made a motion to recommend approval of the revised regulation, FPU-3.009 Reasonable Accommodations for Religious Observances, Practices and Beliefs to the Board of Trustees. Trustee Livingston seconded the motion; a vote was taken, and the motion passed unanimously.

X. Closing Remarks and Adjournment

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

AGENDA ITEM: V

**Florida Polytechnic University
Academic and Student Affairs Committee
Board of Trustees
September 13, 2017**

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

Proposed Committee Action

Information only. No action required.

Background Information

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

Supporting Documentation:
Work Plan

Prepared by: Dr. Terry Parker, Provost

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

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

AGENDA ITEM: VI

**Florida Polytechnic University
Academic and Student Affairs Committee
Board of Trustees
September 13, 2017**

Subject: Provost's Report

Proposed Committee Action

Information only. No action required.

Background Information

Dr. Parker will provide the committee with a report on academic and student affairs.

Supporting Documentation:

Presentation

Prepared by: Dr. Terry Parker, Provost



FLORIDA POLYTECHNIC
UNIVERSITY

Provost's Report

Terry Parker
September 13, 2017



Our discussion today

➤ **Workplan Items**

- **Admissions and Financial Aid**
- **Student services**
 - **Mental Health**
- **Block Tuition (will require BOT action in September)**
- **Degree Program Additions and faculty Hiring budget**
- **Student and Faculty Diversity**
- **Graduate programs**
- **Technology and Pedagogy (maybe)**

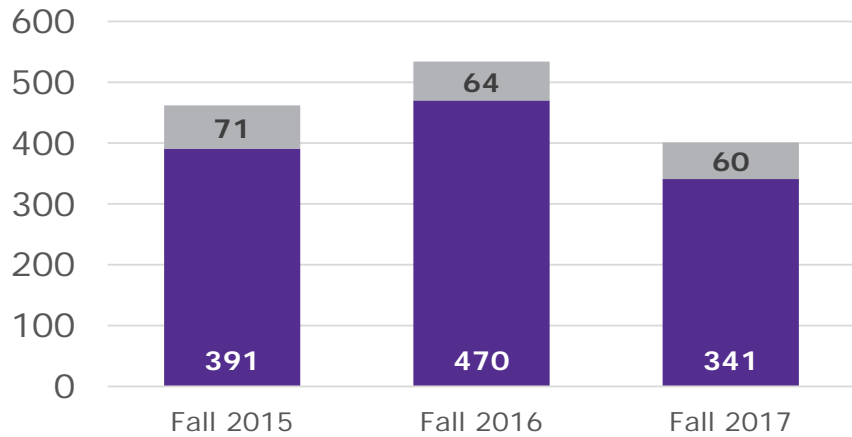
➤ **Other Items**

- **Entrepreneurship**
- **Student satisfaction survey from Noel Levitz**
- **International students and strategy**

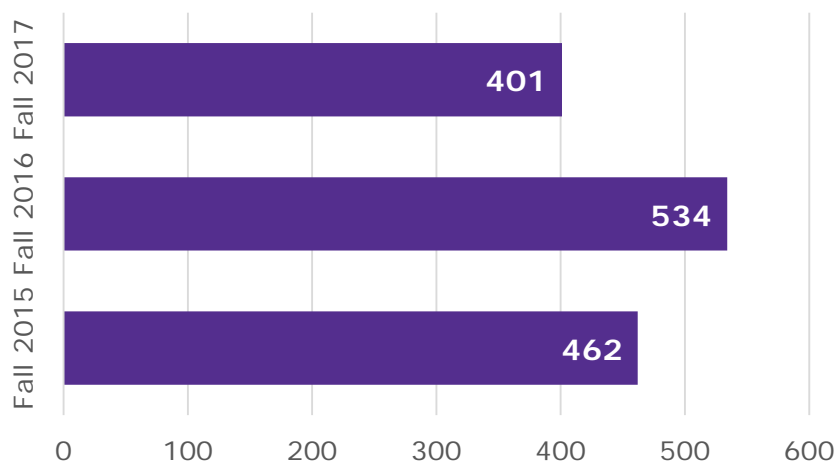


This years class is smaller but highly qualified

Entering Class Size by Gender



Entering Class Size



Term	Percent Female	Percent Hispanic	Percent Black	Percent Asian
Fall 2015	15%	20%	6%	5%
Fall 2016	12%	20%	4%	3%
Fall 2017	15%	18%	6%	6%

Race/Ethnicity	Number Students	% of Total
American Indian or Alaskan Native	1	0.2%
Asian	22	5.5%
Black or African American	24	6.0%
Hispanic/Latino	73	18.2%
Native Hawaiian or Other Pacific Islander	0	0.0%
Nonresident Alien	16	4.0%
Two or More Races	14	3.5%
White or Caucasian	247	61.6%
Race/Ethnicity Unknown	4	1.0%



Highlights for this year's incoming class

- **Fall 2017 test averages up: ACT 27.5 from 26.4 SAT 1248 from 1200**
- **Incoming female students: up to 15% compared to 11% last year**
- **Incoming Black Students: up to 6% compared to 4.0% last year. National average (6.1%)**
- **Hispanic Students: Total population above the national avg. at 18.5 National average (12.5%)**

County	Fall 2015	Fall 2016	Fall 2017
Broward	11.9%	8.4%	8.7%
Hillsborough	16.9%	11.6%	11.0%
Orange	4.3%	6.2%	7.7%
Palm Beach	5.6%	4.9%	7.5%
Pinellas	7.6%	6.2%	5.7%
Polk	15.4%	13.5%	15.7%



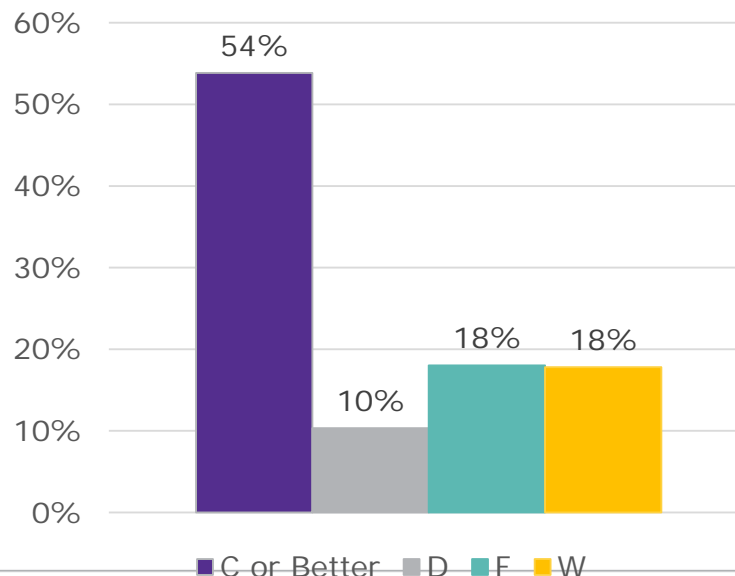
We have significantly changed our management of Freshman math

Term	Pre-Calculus	Calculus I	Calculus II	Calculus III	Total
Fall 2016		432 (89%)	41 (8%)	11 (2%)	484
Fall 2017	172 (49%)	118 (33%)	50 (14%)	13 (4%)	353

Number of Registered Students (Percent of Total for the term)

- **Freshman to Sophomore retention remains a key metric**
- **Math continued to be a barrier to success**
- **Placement based on an accepted precalculus course completion or testing out of precalculus**
- **Results indicate this was strongly needed**
- **The result: TWO SIGNIFICANT changes for the incoming freshman**

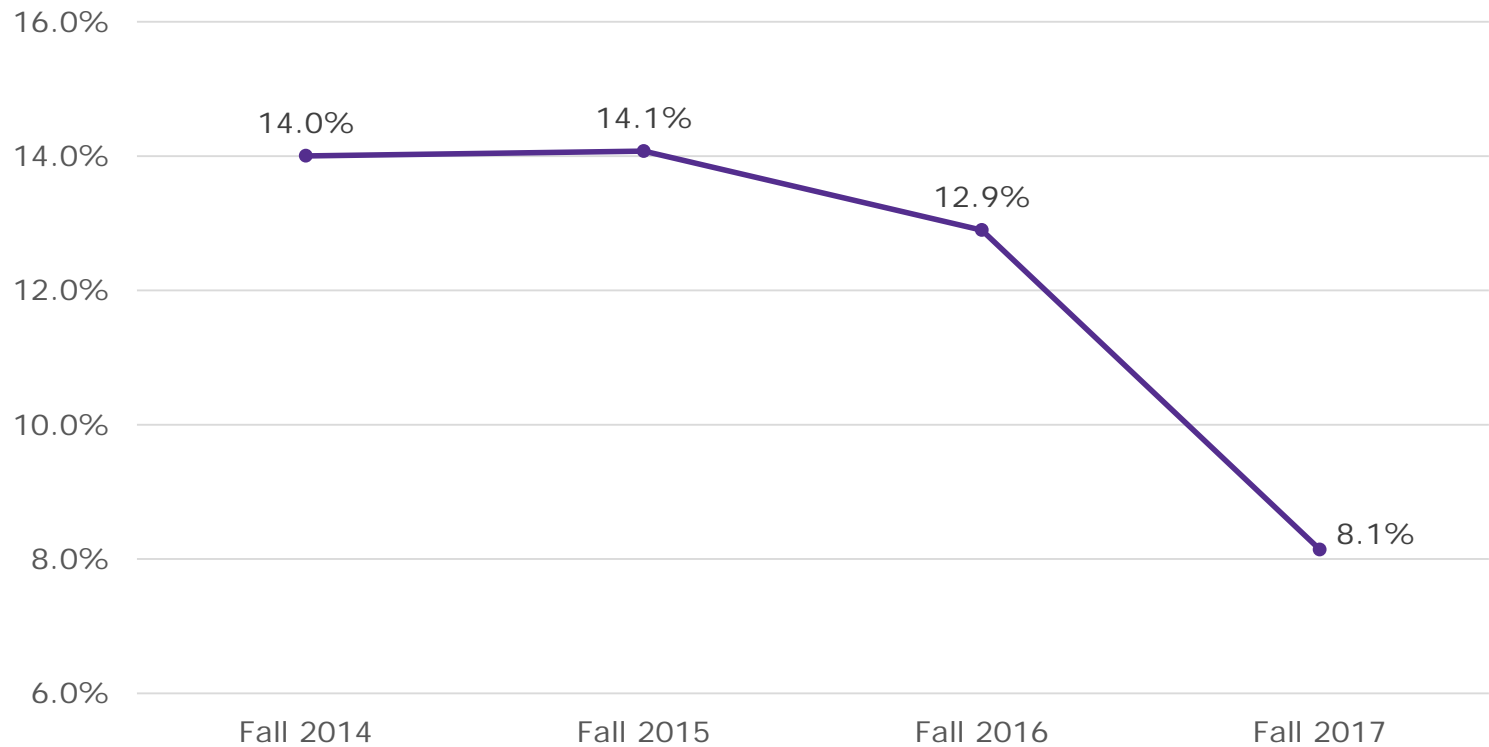
Fall 2016 Calculus 1 Grade Distribution





In spite of strong changes, summer melt was smaller: how did we do this?

Summer Melt Trend
(Deposit to Matriculation)



Excludes Graduates and Non-Degree

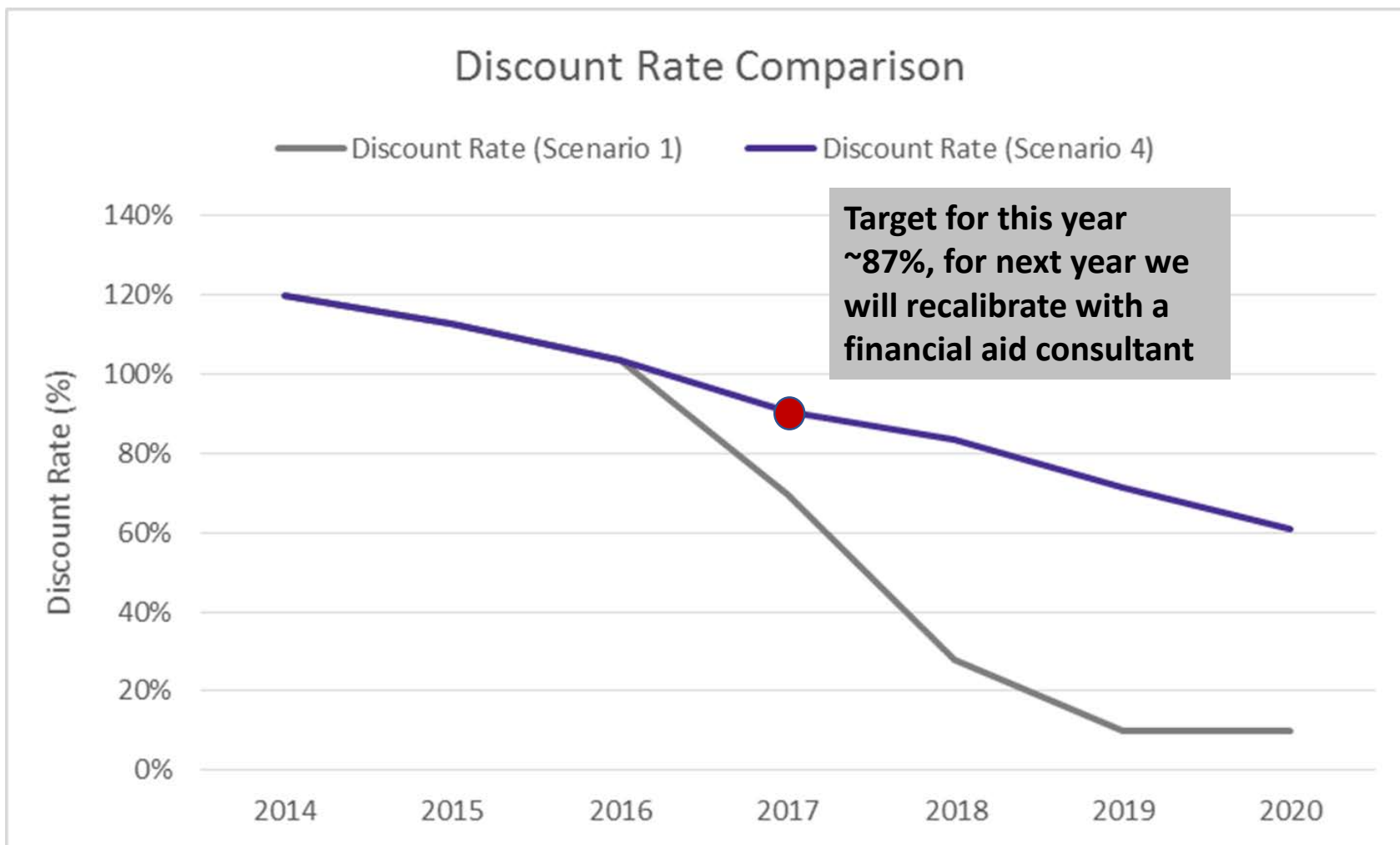


Admissions is a multi-year effort that shapes our future

- **Goal: Recruit a highly qualified and highly diverse student body whose interests align**
- **Strategy elements**
 - Data analysis
 - Marketing incentives
 - Structured communication
 - Personal communication
- **Tactics**
 - Quality: packaged aid that places Florida Poly in a competitive position
 - Quality: Collaborate with pre-college programs and high schools to identify prospective recruits.
 - Quality: Work with local marketing agency to create personalized communication plan targeting underrepresented students.
 - Diversity: Offer summer programs that expose underrepresented middle school students to STEM.
 - Diversity: Create a diversity website on the undergraduate admissions website to direct prospective students to resources and support.
 - Diversity: admissions and campus programs targeted at creating and presenting a welcoming environment and culture



Early in the fall we will again reevaluate our discount rate





Student services

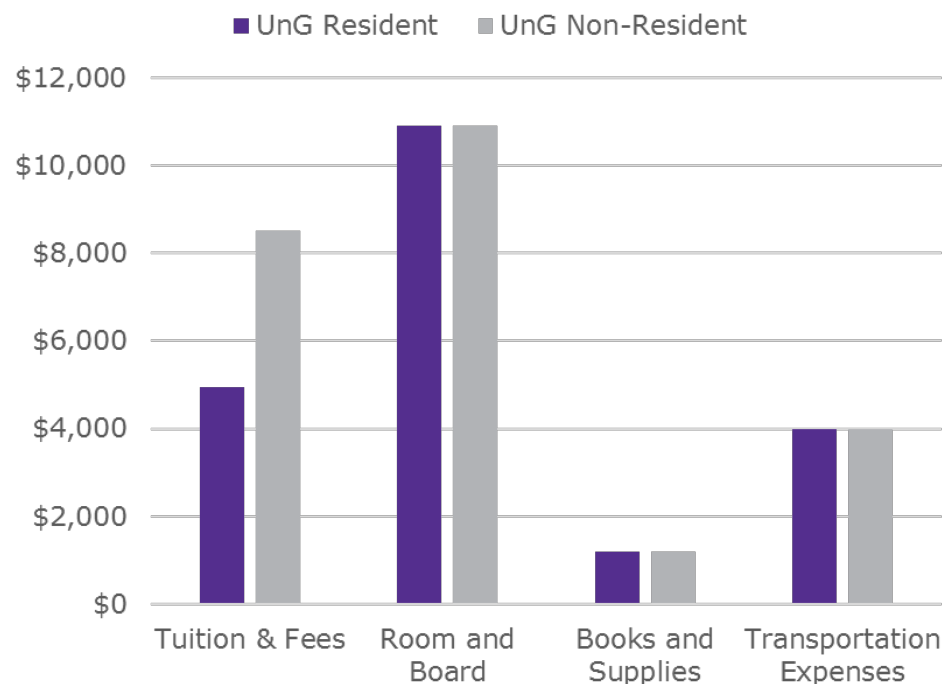
- **Disability services**
 - A continuing challenge to balance student need with institutional resources
- **Career services**
 - Coupled to our internship efforts
 - 150 internships over the summer for 113 companies
 - Challenge for the coming year will be job placement for a much larger graduating class
- **Academic Success Center**
 - Focus on transactional advising and success skills
 - High focus area in terms of producing results
- **Health services**
 - Physical health managed with Lakeland regional Medical Center
 - Mental health: one full time counselor, one part time counselor and Baycare 24/7 hotline
 - New Student Services Center opened this fall (Counseling, Disability Services, Testing Services)
- **Registrar's office**
 - Adding a top level position to improve overall function



Block Tuition is being revisited again at the state level

- **The concept:**
 - Students “buy” a full time registration instead of paying by the credit hour
- **The intent:**
 - Provide an incentive to register for 30 credit hours annually to enhance four year graduation rates
- **The problem:**
 - Little evidence that creating a 30 credit hour tuition model will create increased graduation rates
 - Institutional finance: if this is a discount, how do institutions balance their books
 - Summer session requires incremental funding to pay faculty
 - A “one-size-fits-all” approach will likely harm many students in the system

Cost of Attendance Components



Based on undergraduates taking 30 credit hours in Fall & Spring.

Our response: Wait for clarity and Advocate for institutional flexibility



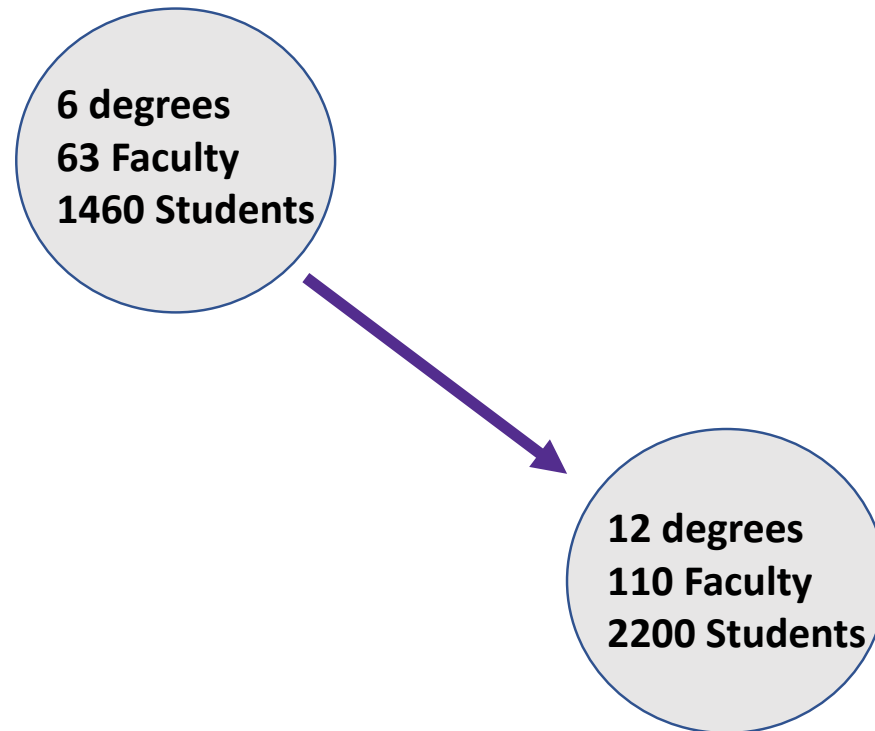
Degree Program Additions and faculty Hiring budget

- **We have received \$4.8M in recurring funds for hiring faculty**
- **This allows us to:**
 - **Strengthen our faculty**
 - **Add programs**
- **Currently, we offer 6 degrees with 63 faculty (23:1 student to faculty ratio)**
- **Degree expansion, roughly by a factor of 2**
 - **Hanover Study regarding our degrees compared to peers and competitors**
 - **Approximately 6 new faculty per degree program**
- **Challenges:**
 - **Degree choice and approval process**
 - **Space: faculty offices, teaching labs, research space**
 - **Growth Rate: growing aggressively but with quality**
- **Actions:**
 - **Hanover research to identify new degrees**
 - **Continuing focus on building quality in existing faculty**
 - **Targeted use of funds (nonrecurring) to build capacity**



A range of challenges to growth are present beyond budget availability

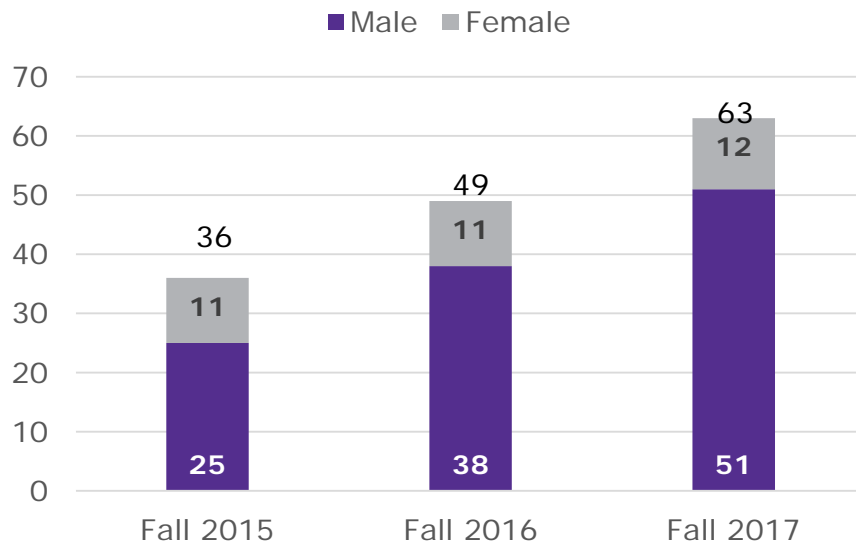
- **Degree choice**
 - Must be responsive to marketplace and address SUS degree control concerns
 - Must be logically additive to the campus
- **Space is an increasing concern**
 - Every person that we hire now produces a displacement somewhere in our space allocation
 - ALL aspects of space (teaching, office, research) are important now
- **Growth with quality requires time**





Student and Faculty Diversity

Faculty by Gender



Excludes Visiting Assistants

IR Notes: the faculty member reported in Fall 2015 as Native Hawaiian appears as White in Workday current records.

Race/Ethnicity	Fall 2015	Fall 2016	Fall 2017*
Asian	5	12	15
Black	1	1	1
Hispanic	1	2	2
Native Hawaiian or Other Pacific Islander	1	0	0
White	24	34	39
Unknown	4	0	6

**Increasing Faculty Diversity will require:
Stronger recruiting for all positions
Agile recruiting for opportunities**



Graduate programs

- **Current Degrees:**
 - Masters of Science in Engineering
 - Masters of Science in Innovation and Technology
- **Activity for the Year:**
 - Focus on graduating “old” students with quality theses or projects
 - Focus on “program flow” to produce a quality sequence of courses
 - Focus on recruiting for next year
- **Strategy:**
 - Use existing broad degree names and then produce “tracks” that are specific to a discipline or area
- **This will take time**



Technology and Pedagogy

- **Largely Dormant area**
- **Near term activity**
 - **Computing labs**
 - **Acquiring technology and pedagogy support**
- **Long Term activity**
 - **How and with what purpose we move into the online space**



Entrepreneurship started at Poly in 2016 with a state appropriation

- **This was a \$2.5M non-recurring appropriation from the state**
- **Our expectations must be realistic**
 - **Successful startups take time and have a high failure rate**
 - **Tech startups are much more than a simple application of an idea**
- **Goals**
 - **Student Engagement: co-curricular activity, high impact visiting speaker, seminar series**
 - **Support of startup activities: implicit support via co-curricular activity, explicit support via services**
 - **Support of Florida Startups with Florida Poly talent: undergrad interns, career placement, faculty consulting where appropriate**
 - **Keep STEM graduates in Florida: Place students for first jobs with small and medium businesses**
 - **Curricular Effort: Courses directly related to Entrepreneurship**



How will we continue this effort

- **Traditional centers are focused on space**
 - Meeting space, maker space, machine shop space, collaboration space
- **Our effort will be on outcomes**
- **Spending to date: approximately \$370,000, largely in personnel costs**
 - Remainder of funds exist in carryforward
- **The Plan:**
 - Continue to focus on goals and focus personnel on goals
 - Satisfy space needs within existing footprint but do not directly assign space
 - Work to have accomplishments that justify recurring funding in coming years
 - Use a fraction of the funds for space upfit or acquisition that supports center mission



Noel Levitz (Spring 2017)

- **National survey – 63 questions; results compared with Four-Year Public**
- **Response rate = 28%**
- **Respondent demographics are representative of the student body**
- **Females over-represented by 4%**



Noel Levitz - Expectations

Student expectations with their college experience and enrollment decision:

- 85% rate their expectation about college experience has been met at Florida Poly (82% nationally)
- 83% are somewhat satisfied to very satisfied with their experience at Florida Poly thus far (71% nationally)
- 80% would enroll if they had to do it over again (70% nationally)
- 87.6% do not plan to transfer



Noel Levitz – Strengths & Challenges

STRENGTHS

Faculty availability and fair treatment

Campus environment

Tuition

CHALLENGES

Registration process

Valuable course content

Excellent course instruction

Assistance in career goals

- **Strengths are areas where Florida Poly students rate as very important and with higher satisfaction as compared to national results**
- **Challenges are areas rated as very important but with less student satisfaction as compared to national results**



Noel Levitz –Challenges: we will address these with an emphasis on Quality

Challenge	Action Plan(s) / Estimated Timeline	Re-assess
Registration process	<ul style="list-style-type: none"> • Focus group / Fall 2017 • New University Registrar / Fall 2017 	Future Noel Levitz
Valuable course content	<ul style="list-style-type: none"> • Focus group / Fall 2017 • Changes to curriculum / Summer 2017 	Future Noel Levitz
Excellent course instruction	<ul style="list-style-type: none"> • Focus group / Fall 2017 • Awareness of Student Assessment of Instruction among faculty / Summer 2017 	Future Noel Levitz
Assistance in career goals	<ul style="list-style-type: none"> • Focus group / Fall 2017 • Workshop Series / Fall 2017 • Career Days / Fall 2017 • Industry Field Trips and Involvement / Fall 2017 & Spring 2018 	Future Noel Levitz



International Students can bring good things to Florida Poly

- **Within the SUS, up to 10% of students can be non-resident**
 - For international students outsourced is appropriate both legally and ethically
- **International students bring**
 - Cultural diversity to the student body, this helps a residential campus
 - Highly talented students
 - Growth that helps the campus
- **The costs:**
 - A significant recruiting fee, ~45% for the first year
 - Students are not provided with aid and the net payment is approximately 3 times the in-state sticker tuition price
 - We would limit our “footprint” to 10% of the student body, based on entering class size



The key messages for today

- **Admissions and Financial Aid**
 - **A quality incoming class with improvements in diversity**
- **Student services**
 - **Steady effort on maintaining quality services**
- **Block Tuition**
 - **We will discuss in December**
- **Degree Program Additions and faculty Hiring budget**
 - **In the planning stages**
- **Student and Faculty Diversity**
 - **Efforts underway**
- **Graduate programs**
 - **Focus on improvements**
- **Technology and Pedagogy**
 - **Very Early in our efforts**



The key messages for today

➤ **Entrepreneurship**

- **We are working toward a set of goals**

➤ **Student satisfaction survey from Noel Levitz**

- **Data collection is driving an emphasis on quality in Academic Affairs**

➤ **International students and strategy**

- **We are advocating formalizing a relationship with an international recruiter**

AGENDA ITEM: VII

**Florida Polytechnic University
Academic and Student Affairs Committee
September 13, 2017**

Subject: FPU-3.006 Student Code of Conduct

Proposed Action

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

Background Information

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

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

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

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

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

The Notice of Amendment to proposed regulation and the regulation was published on the University's website on August 11, 2017. No comments were received during the review and comment period.

Supporting Documentation:

DRAFT substantially revised regulation FPU-5.003

Existing regulation FPU-5.003

Chart: Tracking Compliance with BOG Requirements for Student Code of Conduct

Prepared by: Melaine Schmiz, Assistant General Counsel

Chart: Tracking Compliance with BOG Requirements for Student Code of Conduct

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

Chart: Tracking Compliance with BOG Requirements for Student Code of Conduct

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

Chart: Tracking Compliance with BOG Requirements for Student Code of Conduct

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

Chart: Tracking Compliance with BOG Requirements for Student Code of Conduct

witnesses in the disciplinary proceeding, the right to avoid self-incrimination, notification of the final result of the disciplinary proceeding and any subsequent changes to the final result, and the right to appeal the decision.	
(8)(c) The disciplinary proceeding shall be conducted by a university official or panel of university officials, except a university may provide for a committee or panel where students comprise at least one-half of the membership if such committee or panel is requested by the student and no objection is raised by the complainant.	(9)(j)(vi)(3) Hearing Body for Charges Involving Sexual Misconduct
(8)(d) Upon request by the student, the complainant, or other participants, the university may permit an individual to provide relevant information during the disciplinary proceeding in a manner that avoids direct contact with the student, the complainant, or the other participants.	(9)(j)(vii)(2) Witnesses and Information
(8)(e) In the event the student accepts responsibility or is found responsible, any impact statement provided by the complainant and/or victim will be considered by the university official(s) in recommending or issuing the disciplinary sanction(s). The statement may include a description of how the complainant was impacted by the conduct violation and may include a recommendation for sanctions.	(9)(j)(v)(4) Complainant’s Rights
(9) Each university shall establish a committee, which shall include student representation, for the periodic evaluation of its student disciplinary system.	(12)(b) Interpretation and Revision

8.8.17

Existing Regulation:

THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES

FPU-3.006 Student Code of Conduct

(1) Introduction

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 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.

(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 his or her designee (“President”).
- (b) Registered student organizations are also regulated under this authority.

(3) Student Rights and Responsibilities

- (a) **Students Rights.** The student has the right to:
 - (i) Be provided with the opportunity to obtain a relevant, quality education, consistent with the mission of the University;
 - (ii) Freedom from self-incrimination. However, the University is not required to postpone any disciplinary proceeding pending the outcome of a criminal prosecution;
 - (iii) Receive accurate information about the University, its programs, its costs, and its expectations;
 - (iv) Be informed of and receive just and unbiased treatment under the rules and regulations of the University, in its classes, in its residential life, and in its extracurricular activities;
 - (v) Be informed of, and be graded on, specific requirements for each program and each course;
 - (vi) Be treated in a respectful manner by all other members of the University community;
 - (vii) Be informed of decisions impacting his or her status, advancement, or exercise of University benefits, and have the opportunity to appeal, through a defined process and framework, those decisions in accordance with the procedures prescribed in this Student Code of Conduct;
 - (viii) Have only related past behavior considered in any student conduct hearing;
 - (ix) Exercise his or her rights and privileges without fear of university interference and without regard to age, race, gender, national origin, sexual preference, disability, religion, political views, veteran status or any other protected status;
 - (x) Privacy, including the confidentiality of education records according to the Federal Family Educational Rights and Privacy Act of 1974 (FERPA);
 - (xi) Participate in the student government and its elective process;
 - (xii) Membership in student organizations;
 - (xiii) Engage in inquiry and discussion, to exchange thought and opinion, and to speak, write, and print freely on any subject;

- (xiv) Participate in the formulation of policy directly affecting students through membership on appropriate committees and student organizations;
 - (xv) Engage in peaceful and orderly speech, protest, demonstration, and picketing within the public forum which does not disrupt the educational functions of the University or violate any University policy or regulation;
 - (xvi) Adequate notice of charges alleged and a fair and impartial hearing under the Student Code of Conduct;
 - (xvii) Bring complaints to the attention of the University through the Student Grievance Process;
 - (xviii) Be secure in their persons, living quarters, papers, and effects against unreasonable searches and seizures;
 - (xix) Retain ownership of class projects and assignments authored by the student and submitted to fulfill the requirements of a course in accordance with the University's Intellectual Property policy; and
 - (xx) Ready access to established university policies and procedures.
- (b) **Responsibilities.** The student has the responsibility to:
- (i) Observe and comply with all University regulations and policies and local, state and federal laws;
 - (ii) Move forward in intellectual development, while taking advantage of the many opportunities provided in this University environment for total personal growth, development, and maturation;
 - (iii) Respect the rights and privacy of others;
 - (iv) Accept the consequences of one's actions;
 - (v) Maintain high standards of academic integrity and honor in all work submitted;
 - (vi) Conduct oneself in a manner which does not infringe upon the rights of other members of the University community; and
 - (vii) As members of both the University and the surrounding community, demonstrate respect and concern for one's neighbors. Therefore, students, both residential and non-residential, have an obligation to demonstrate responsible citizenship in their local neighborhood and communities.

(4) Definitions

- (a) **Accused.** The term "Accused" means any Accused Student or Accused Student Organization.
- (b) **Accused Student.** The term "Accused Student" means any student that is charged with a violation of the Student Code of Conduct.
- (c) **Accused Student Organization.** The term "Accused Student Organization" means any student organization that is charged with a violation of the Student Code of Conduct.
- (d) **Advisor.** The term "Advisor" refers to the person chosen by the Accused Student or Accused Student Organization who may assist and/or accompany such Student or Student Organization throughout the Student Conduct Review Process but shall not participate directly in the Student Conduct Review Process.
- (e) **Cheating.** The term "cheating" includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) the acquisition, without permission, of

- tests or other academic material belonging to a faculty member or University staff; or (4) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
- (f) **Complainant.** The term “Complainant” means any person who submits a charge alleging that a Student or Student Organization violated the Student Code of Conduct. When a student believes that he or she has been a victim of another student’s misconduct, the student who believes he or she has been a victim will have the same rights under this Student Code of Conduct as are provided to the Complainant, even if he or she was not the person who submitted the charge itself.
 - (g) **Faculty Member.** The term “faculty member” means 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) **Hearing Officer.** The term “Hearing Officer” refers to any person authorized by the Office of Student Affairs to gather information and make proposed findings regarding whether a student has violated the Student Code of Conduct and to propose sanctions that may be imposed.
 - (i) **May.** The term “may” is used in the permissive sense.
 - (j) **Organization.** The term “organization” means a group of any number of persons who have complied with the formal requirements for University recognition or registration.
 - (k) **Plagiarism.** The term “plagiarism” includes, but is not limited to, the use by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency in the selling of term papers or other academic materials.
 - (l) **Policy.** The term “policy” means the written regulations of the University as found in, but not limited to, the Student Code of Conduct, Residence Life Handbook, University web page, computer use policy, Student Handbook, and Undergraduate and Graduate Catalogs.
 - (m) **Preponderance of Information.** 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 shall be met in a determination of “responsible” or “not responsible” for any Accused Student or Accused Student Organization.
 - (n) **Sanction.** The term “sanction” refers to outcome(s) imposed on students or student organizations found responsible for violations of the Student Code of Conduct.
 - (o) **Shall.** The term “shall” is used in the imperative sense.
 - (p) **Student.** The term “student” includes all persons taking courses at the University (full-time or part-time) in undergraduate, graduate, or professional studies. Persons who withdraw from the University after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with the University, or who have been notified of their acceptance for admissions are considered “students” as are persons who are living in University residence halls, although not enrolled in classes at the University.
 - (q) **University Community.** The term “University community” includes any person who is a student, faculty member, University official, or any other person employed by the University.
 - (r) **University Official.** The term “University official” includes any person employed by the

University that is performing assigned administrative or professional responsibilities.

- (s) **University Premises.** The term “University premises” includes all lands, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).

(5) Misconduct

Any student or student organization found to have committed or to have attempted to commit the following misconduct is subject to sanctions described below.

- (a) Acts of Dishonesty, including but not limited to the following:
 - (i) Cheating, plagiarism, or other forms of academic dishonesty, including those described in the Academic Integrity regulation.
 - (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 premises.
- (c) Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person.
- (d) Attempted or actual theft of and/or damage to property of the University or property of a member of the University community or other personal or public property, on or off campus.
- (e) Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this regulation.
- (f) 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.
- (g) Unauthorized possession, duplication or use of keys to any University premises or unauthorized entry into or use of University premises.
- (h) Violation of any University policy, rule, or regulation published in hard copy or available on the University’s website.
- (i) Violation of any federal state, or local law.
- (j) Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances, except as expressly permitted by law.
- (k) Use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by University regulations), 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.
- (l) Illegal or unauthorized possession of firearms, explosives, weapons, or dangerous chemicals on University premises or use of any such item, even if legally possessed, in

- a manner that harms, threatens or causes fear to others.
- (m) 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.
 - (n) Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.
 - (o) Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on University premises or at functions the University or members of the University community have sponsored or participated in. "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 premises 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.
 - (p) Theft or other abuse of computer facilities and resources, including but not limited to:
 - (i) Unauthorized entry into a file to use, read, or change the contents, or for any other purpose.
 - (ii) Unauthorized transfer of a file.
 - (iii) Use of another individual's identification and/or password.
 - (iv) Use of computing facilities and resources to interfere with the work of another student, faculty member or University Official.
 - (v) Use of computing facilities and resources to send obscene or abusive messages.
 - (vi) Use of computing facilities and resources to interfere with normal operation of the University computing system.
 - (vii) Use of computing facilities and resources in violation of copyright laws.
 - (viii) Any violation of the University Computer Use Policy.
 - (q) Abuse of the Student Conduct Review Process, including but not limited to:
 - (i) Failure to obey the notice from Office of Student Affairs or University official to appear for a meeting or hearing as part of the Student Conduct Review Process.
 - (ii) Falsification, distortion, or misrepresentation of information before a Hearing Officer
 - (iii) Disruption or interference with the orderly conduct of a Student Conduct Review proceeding.
 - (iv) Institution of a student conduct code proceeding in bad faith.
 - (v) Attempting to discourage an individual's proper participation in, or use of, the student conduct system.
 - (vi) Attempting to influence the impartiality of a Hearing Officer prior to, and/or during the course of, the Student Conduct Review Process.
 - (vii) Harassment (verbal or physical) and/or intimidation of a Hearing Officer prior to, during, and/or after a Student Conduct Review Proceeding.
 - (viii) Failure to comply with the sanction(s) imposed under the Student Code of Conduct.
 - (ix) Influencing or attempting to influence another person to commit an abuse of the Student Conduct System.

(6) Interim Suspension

In certain situations the Office of Student Affairs may impose a University or residence hall suspension prior to the Student Conduct Review Process.

- (a) Interim suspension may be imposed:
 - (i) To ensure the safety and well-being of members of the University community or preservation of University property;
 - (ii) To ensure the student's own physical or emotional safety and well-being; or
 - (iii) If the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.
- (b) During the interim suspension, a 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 Office of Student Affairs determines to be appropriate.
- (c) The interim suspension does not replace the regular Student Conduct Review Process, which shall proceed on the normal schedule, up to and through a formal hearing, if required.
- (d) If the student is subsequently found not responsible for the violation, the University shall:
 - (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 10 school days.

(7) Student Conduct Review Process

- (a) **Filing of Charges.** Any person or entity may request that charges be filed against a student for an alleged violation of the Student Code of Conduct (which includes violation of any law or University regulation or policy). An investigation may take place regarding the circumstances of the complaint. The Director of Student Affairs will review the information to determine if a student will be charged with violating the Student Code of Conduct. Upon receipt of an alleged violation, the Office of Student Affairs will have up to six (6) months to charge a student with a violation of the Student Code of Conduct. The Office of Student Affairs may exercise discretion when applying the time provision to account for circumstances that warrant a waiver of the six (6) month time limit from the receipt of the alleged violation.
- (b) **Witnesses.** All parties to the disciplinary proceeding may arrange for witnesses to voluntarily present relevant information during a hearing or other proceeding. Pertinent records, reports, exhibits, and written statements may be accepted as information for consideration by the person conducting the hearing or review.
- (c) **Notice of Charges.**
 - (i) The Office of Student Affairs will give the Accused Student, or Accused Student Organization, written notice of any allegations and charges. The written notice will include the following: 1) Notice of the charges, including any specific code sections, which constitutes the alleged violations of the Student Code of Conduct, and any other detail in order to prepare for the Student Conduct Review Process; and 2) An opportunity to attend a preliminary conference.

(ii) The Accused and the Accused's Advisor, if any, have the right to inspect all of the information that will be presented against the Accused at least five (5) business days (excluding legal holidays) before the disciplinary hearing or review. The University also has the right to review any information the Accused intends to use at least three (3) regular business days (excluding legal holidays) before the disciplinary hearing or review.

(iii) If the Accused chooses an attorney as the Advisor, the Accused must inform the Director of Student Affairs of such at least three (3) business days before the hearing or review. In such cases, the University may be advised by an attorney.

(iv) During the preliminary conference, the Accused will receive information regarding the Student Conduct Review Process, including the Accused's rights during the process and an opportunity to inspect and/or review the information known at the time charges were prepared. At the conclusion of the preliminary conference, the Office of Student Affairs will recommend an option for resolution of the charge. The options are: 1) Dismissal of Charges; 2) Mediation; 3) Informal Hearing; or 4) Formal Hearing.

(v) Determination of Responsibility. In any proceeding, the determination of "responsible" or "not responsible" will be based upon a preponderance of information. The determination must be based solely upon the information presented at the disciplinary proceeding. The burden of proof in any disciplinary proceeding is not on the Accused.

(d) **Non-Formal Resolutions.**

(i) **Dismissal of Charges:** The Office of Student Affairs may dismiss a charge: if it is found that there are not sufficient facts or information to substantiate a violation of the Student Code of Conduct; when the accused person is not a student; or if the action claimed as misconduct is not a violation of the Student Code of Conduct.

(ii) **Mediation:** Depending on the nature and severity of the alleged violation, the Office of Student Affairs may recommend formal mediation. The involved parties must each agree to mediation. Mediation will be confidential. In mediation, the parties 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. The participants in mediation are responsible for keeping their agreement or renegotiating it, if necessary. In the event that the participants do not agree to mediate or mediate but do not reach a full and final resolution, the matter will be referred back for an informal or a formal hearing. Breach of a mediated agreement may result in a follow up mediation session, or the matter may be referred back through the Student Code Review Process at the discretion of the Office of Student Affairs.

(iii) **Informal Hearing:** At the discretion of the Office of Student Affairs, violations found not to warrant a formal hearing may be referred to an informal hearing. At the informal hearing the Accused has the opportunity to meet with an Office of Student Affairs staff member and accept responsibility for the charges of violation of the Student Code of Conduct. At the informal hearing level, the matter will be settled by the following outcomes: punitive sanction (disciplinary warning or disciplinary probation) as well as educational sanctions (papers, seminars, community service, etc.) If the matter is not resolved in the informal hearing, the matter will be resolved through a formal hearing.

(e) **Formal Hearing:** If a charge is not dismissed or otherwise resolved, then the Office of

Student Affairs shall present written formal charges to the Accused. 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.

(i) Formal charges shall be in writing, shall include the date, time, and location of the Formal Hearing, and shall be sent to the Accused at least five (5) business days prior to the hearing. The Accused may waive the notice period by indicating the waiver in writing. Formal charges must include:

1. The names of witnesses to be called and information to be used in the Accused's matter;
2. Whether the Hearing Officer received any additional information, after the preliminary conference was conducted that will be used in the Formal Hearing, and, if so, will indicate when and where the additional information may be viewed; and
3. The name of the Hearing Officer.

(ii) Challenging a Hearing Officer's Impartiality. The Accused has the right to challenge the Hearing Officer's impartiality at least three (3) business days prior to the scheduled 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 Office of Student Affairs shall determine whether to grant such a challenge in its discretion, and such decision is final.

(iii) If the Hearing Officer is unable to serve due to an emergency or unforeseeable occurrence, the Office of Student Affairs may appoint a new Hearing Officer prior to the scheduled hearing. The Accused may challenge the substitution of the Hearing Officer at the time of the Formal Hearing. The challenge must be on the basis of actual bias, as described above.

(iv) Request for a Postponement. Any request to postpone a Formal Hearing must be submitted in writing, must be received by the Office of Student Affairs at least 24 hours prior to the Formal Hearing, and must state the reason(s) for the request. The granting of such requests shall be at the discretion of the Office of Student Affairs. The University is not required to postpone a Student Conduct Review proceeding pending the outcome of a criminal prosecution.

(v) Determination

1. The Director of Student Affairs shall receive the Hearing Officer's proposed findings as to "responsible" or "not responsible" for a violation of the Student Code of Conduct, and consider any sanctions proposed by the Hearing Officer.
2. The Director of Student Affairs may accept the proposed findings of "responsible" or "not responsible" or remand the matter for rehearing. If the Director of Student Affairs accepts the proposed finding of "responsible," he or she may approve, mitigate or increase the sanctions proposed by the Hearing Officer.
3. Any decision by the Director of Student Affairs to alter sanctions or to remand a case shall be accompanied by a concise and explicit written statement that explains the basis for that decision. This decision must be presented to the Accused in writing.

(vi) Conduct of Formal Hearings. All Formal Hearings are recorded.

1. Reading of charge(s).
2. Accused's response of "responsible" or "not responsible."

3. Presentation of information in support of the charges.
4. Opening statement by the Accused.
5. Questioning of the Accused by the Hearing Officer.
6. Presentation and questioning of witnesses by the Office of Student Affairs.
7. Presentation and questioning of witnesses by the Accused.
8. Final questions of the Accused by the Hearing Officer.
9. Closing remarks by the Accused.
10. Hearing is brought to a close.

(vii) **Deliberations.** Deliberations by the Hearing Officer are not part of the hearing and are confidential. Deliberations occur after the close of the hearing and are not recorded. Following deliberations, the Hearing Officer will announce to the Accused the proposed findings and proposed sanctions, if any. The announcement of the proposed findings and proposed sanctions, if any, will be recorded as part of the official hearing record.

(viii) **Findings and Recommendation.** The findings of the Hearing Officer must be presented to the Director of Student Affairs within a reasonable period of time after the conclusion of the Formal Hearing. In each case in which a Hearing Officer determines that an Accused has violated the Student Code of Conduct, the recommended sanctions shall be provided to the Director of Student Affairs. The Director of Student Affairs will make a decision as to the sanctions that will be imposed, and the Director is not limited to sanctions recommended by members of the Hearing Officer.

(ix) Following the Student Conduct Review Process, the Office of Student Affairs shall advise the Accused Student, Accused Student Organization, the Complainant and any student who identified himself or herself as a victim of the Accused's conduct in writing of the determination and, to the extent permitted by law, of the sanctions imposed, if any.

(x) **Official Record.** The recording of the Formal Hearing will serve as the official record of the proceeding and shall be the property of the University. Retention of the record is subject to the General Records Schedule GS5 for Universities and Community Colleges.

(xi) Other than University expulsion, or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the Accused Student's permanent academic record, but shall become part of the student's disciplinary record. Upon graduation, the student's disciplinary record may be expunged of disciplinary actions other than residence hall expulsion, University suspension, University expulsion, or revocation or withholding of a degree, upon the student's application to the Office of Student Affairs.

(xii) In situations involving both an Accused Student or Accused Student Organization and a student claiming to be the victim of the Accused's conduct, the records of the Student Conduct Review Process and of the sanctions imposed, if any, shall be considered to be the education records of both the Accused Student and the student claiming to be the victim because the educational career and chances of success in the academic community of each may be impacted.

(8) Sanctions

The following sanctions may be imposed upon the Accused found to be responsible for a

violation of the Student Code of Conduct:

- (a) **Warning.** A notice in writing to the Accused that the Accused is violating or has violated institutional regulations.
- (b) **Probation.** A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the Accused is found to violate the Student Code of Conduct during the probationary period.
- (c) **Loss of Privileges.** Denial of specified privileges for a designated period of time.
- (d) **Fines.** Previously established and published financial fines may be imposed.
- (e) **Restitution.** Requiring compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- (f) **Discretionary Sanctions.** Work assignments, essays, service to the University, or other related discretionary sanctions.
- (g) **Residence Hall Suspension.** Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission to the residence halls may be specified.
- (h) **Residence Hall Expulsion.** Permanent separation of the student from the residence halls.
- (i) **University Suspension.** Separation of the student from the University for a definite period of time. Conditions for readmission to the University will be specified. The Director of Student Affairs will instruct the Registrar to place an overlay on the Accused Student's transcript during the period of suspension indicating the period of suspension. Further, while on University Suspension, a hold will be placed on the student'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 their suspension.
- (j) **University Expulsion.** Permanent separation of the student from the University.
- (k) **Revocation of Admission and/or Degree.** Admission to 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 committed by a student prior to graduation.
- (l) **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.
- (m) **Deactivation.** The loss of all privileges, including University recognition, for a specified period of time.
- (n) More than one of the sanctions listed above may be imposed for any single violation.

(9) Appeal Process.

- (a) The Accused or Complainant may appeal a determination reached or a sanction imposed by the Office of Student Affairs to the President within five (5) business days of the date of the determination. Such appeals must be in writing and must be delivered to the President. No person may hear or decide an appeal if he or she conducted or participated in the disciplinary proceeding being reviewed on appeal.
- (b) Except as required to explain the basis of new information, an appeal shall be limited to

a review of the verbatim record of the Formal Hearing or Other Resolution and supporting documents. An appeal may be made for one or more of the following purposes:

- (i) To determine whether the proceeding or other resolution was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the Complainant a reasonable opportunity to prepare and to present information that the Student Code of Conduct was violated and giving the Accused a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
 - (ii) To determine whether the determination or decision reached regarding the Accused was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the Student Code of Conduct occurred.
 - (iii) To determine whether the sanction(s) imposed were appropriate for the violation which the Accused was found responsible for.
 - (iv) To consider new information, sufficient to alter a determination or decision, or other relevant facts not brought out in the proceeding, because such information and/or facts were not known to the person appealing at the time of the original proceeding.
- (c) If the earlier determination or decision is not upheld, the matter shall be returned to the original Hearing Officer to allow reconsideration of the original determination and/or sanction(s). If an earlier decision is upheld, the matter shall be considered final and binding upon all involved.
 - (d) Final appellate decisions that result in a suspension or expulsion of a Student or Student Organization must include notice to the Student or Student Organization of the right to appeal to an external judicial forum.

(10) Alleged Victims or Complainants have the right:

- (a) To have the same rights afforded to the Accused as described above. The Complainant must adhere to the same responsibilities required of the Accused as set forth above.
- (b) To have unrelated past behavior excluded from the hearing.
- (c) To be present throughout the entire hearing or any portions thereof. If the Complainant does not want to be present in the same room as the Accused Student, the Hearing Officer will make alternative arrangements, if possible.
- (d) To testify in limited privacy. In lieu of testifying in person or via telephone, the Complainant 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 Director of Student Affairs.
- (e) To submit a “student impact statement” and offer to the Hearing Officer a suggestion of what the Complainant believes to be an appropriate sanction for the Accused. This information may be used only in the sanctioning phase of deliberations if the Accused is found “responsible” for violating the Student Code of Conduct.
- (f) To be excluded from direct examination in cases where sexual misconduct or abuse is alleged. The Accused will not be permitted to directly question the Complainant where the alleged violations are sexual misconduct or abuse. In such cases, the

Accused and the Complainant shall submit questions to the Hearing Officer; however, the Hearing Officer is not required to ask all of the questions submitted.

- (g) To be informed of their rights within five (5) regular business days before any Student Conduct Review Process is conducted.

(11) Interpretation and Revision.

- (a) Any question of interpretation or application of the Student Code of Conduct shall be referred to the Director of Student Affairs for final determination.
- (b) The Student Code of Conduct shall be reviewed periodically by a committee which shall include Student representation under the direction of the Director of Student Affairs.

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

History: New 1.14.14, Amended 7.29.14

Substantially revised:

THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES

FPU-3.006 Student Code of Conduct

(1) Introduction

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

(2) Authority

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

(3) Definitions

- (a) **Accused.** Any student or student organization that has been charged with violating the Student Code of Conduct.
- (b) **Advisor.** The person chosen by the Accused who may assist and/or accompany the Accused throughout the Student Conduct Review Process.
- (c) **Business Day.** Monday through Friday from 8 am to 5 pm, excluding University holidays.
- (d) **Complainant.** A person that believes that he or she has been a victim of a student’s misconduct, even if he or she was not the person who submitted the report itself. A Complainant may also be a Reporting Party.
- (e) **Sanction.** Outcome(s) imposed on the Responsible.
- (f) **Faculty Member.** Any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.
- (g) **Good Standing.** A conduct status describing a student who does not have pending charges under the Student Code of Conduct or incomplete misconduct Sanctions.
- (h) **Hearing Body.** Any person or persons appointed by the Vice Provost of Enrollment or designee to conduct hearings to determine whether the Accused has violated the Student Code of Conduct and impose Sanctions. This includes a Hearing Officer or Hearing Panel.

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

Code of Conduct:

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

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

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

place an overlay on the Responsible's transcript during the period of suspension indicating the period of suspension. Further, while on University Suspension, a hold will be placed on the Responsible's record to prevent registration. All assigned educational Sanctions must be completed prior to the restoration of student privileges; otherwise, the suspension will remain in effect. A suspended student is not permitted on University property during the length of his/her suspension. A suspension may be deferred so that the Responsible can attend classes for the remainder of the semester.

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

person participating in the Student Conduct Review Process may submit a request for reasonable accommodations for a documented disability for any part of the Student Conduct Review Process to the Office of Student Development representative (the “Representative”). The Representative must receive such requests at least three (3) business days prior to the part of the Student Conduct Review Process for which the person is requesting accommodations.

- (1) The Representative has the discretion to grant such requests. The Representative also has the discretion to waive the three (3) business day requirement.
- (ii) Requests for Postponement. The Accused or Complainant may request to postpone any part of the Student Conduct Review Process.
 - (1) Requests to postpone any part of the Student Conduct Review Process must:
 - (a) Be submitted in writing to the Representative at least three (3) business days prior to the part of the Student Conduct Review Process for which the person is requesting postponement, and
 - (b) State the reason(s) for the request.
 - (2) The Representative has the discretion to grant such requests. The Representative also has the discretion to waive the three (3) business day requirement.
 - (3) The University is not required to postpone a Student Conduct Review proceeding pending the outcome of a criminal prosecution.
- (iii) Notices. All notices to a student are sent to the student’s official University email account. Notices to a student organization are sent to the student organization’s highest-ranking officer’s official University email account.
- (iv) Remote Participation. The Representative has the discretion to allow the Accused, Complainant, 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 Accused, Complainant, or Witness does not request a postponement and does not attend a scheduled meeting or hearing, the meeting or hearing will take place as scheduled.
 - (2) Sanctions may be imposed against the Accused even if the Accused does not attend scheduled meetings and hearings. The Accused will be sent written notice of any imposed Sanctions.
 - (3) The Representative may have a hold placed on the Accused’s registration, transcript, final grades and/or diploma if the Accused does not attend a scheduled meeting or hearing. This hold is removed once the Accused attends the re-scheduled meeting or hearing, or the Student Conduct Review Process is concluded.
- (vi) Advisor. Accused and the Complainant may have, at their own expense and initiative, an Advisor present for any part of the Student Conduct Review Process.
 - (1) If the Accused or Complainant 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 Accused or Complainant but cannot speak for or present the case or otherwise participate directly in the Student Conduct Review Process.
- (3) If the Accused or Complainant chooses an attorney as the Advisor, the Accused or Complainant 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 Accused.
- (ix) Student's Eligibility to Attend Classes and University Activities.
- (1) A student remains eligible to attend classes and University activities pending the outcome of the Student Conduct Review Process and until any appeal is concluded except for in the following situations:
- (a) The student is currently subject to an Interim Suspension; or
- (b) Where there is an appeal and the Sanction(s) imposed included University or Residence Hall Suspension or Expulsion.
- (2) If the student is subsequently found not responsible, the University will:
- (a) Correct any record of the change in enrollment status in the student's permanent records and reports in a manner compliant with state and federal laws; and
- (b) Refund to the student a pro rata portion of any charges for tuition and out-of-state fees, as appropriate, if the suspension of the student's ability to attend classes lasted for more than ten (10) school days.
- (b) **Student Conduct Report.** Any person or entity may report an alleged violation of the Student Code of Conduct to the Office of Student Development. The University may conduct an investigation regarding the circumstances of the report. An investigation is a neutral fact finding process that determines whether there is sufficient information to move forward with formal student conduct charges or other action as appropriate. An investigation may include interviews with the Reporting Party, the Complainant, the Accused, and any Witnesses.
- (c) **No Charges Filed.** The Representative may choose to not file charges if:
- (i) It is found that there are not sufficient facts or information to substantiate a violation of the Student Code of Conduct;
- (ii) The person being accused of violating the Student Code of Conduct is not a student;
- (iii) The action claimed as misconduct is not a violation of the Student Code of Conduct.
- (iv) Or in other appropriate circumstances such as Medical Amnesty as reference in University policy FPU-1.0003P Alcohol Policy.
- (d) **Filing Charges and Timeline.** The Representative will review the relevant information to determine if a student or student organization will be charged with violating the Student Code of Conduct. Upon receipt of a report, the Representative has six (6) months to file a charge. The Representative may exercise discretion when

- applying the time provision to account for circumstances that warrant a waiver of the six (6) month time limit.
- (e) **Notice of Charges.** The Representative will give the Accused written notice of the charge(s) at least five (5) business days prior to the Initial Meeting. The Notice of Charges must include:
 - (i) Specific charges including specific code sections alleged to have been violated;
 - (ii) A description of the behavior that led to the charges; and
 - (iii) An opportunity for the Accused to attend an Initial Meeting.
 - (f) **Notice of Complainant's Rights.** The Representative will give the Complainant written notice of his or her rights at least five (5) business days prior to the Initial Meeting. The Complainant has the same rights as the Accused, including the right to appeal and the rights described in Section (9)(j)(v) Complainant's Rights. The Complainant also has the responsibilities as the Accused.
 - (g) **Initial Meeting.** The Accused has the opportunity to attend an Initial Meeting with the Representative. The Accused may choose an Advisor to accompany the Accused to the Initial Meeting.
 - (i) At the Initial Meeting, the Accused 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 Accused 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) Accused Accepts Responsibility. If the Accused accepts responsibility, the Representative may choose to resolve the violation through non-formal resolutions.
 - (2) Accused Denies Responsibility. If the Accused 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 Accused and the Complainant must both agree to mediation for mediation to be an option. Mediation is confidential.
 - (1) In mediation, the Accused and the Complainant 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 Accused and Complainant are responsible for honoring their Mediation Agreement or renegotiating it, if necessary.
 - (2) Breach of a Mediation Agreement may result in a follow up mediation session, or the Representative may refer the matter back through the Student Code Review Process.

- (3) In the event that the Accused and Complainant 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 Accused. The Administrative Agreement is between the Accused and the Office of Student Development.
 - (1) The Administrative Agreement may include punitive Sanctions (disciplinary warning or disciplinary probation) as well as educational Sanctions (papers, seminars, community service, etc.).
 - (2) Breach of an Administrative Agreement may result in a new Administrative Agreement, or Representative may refer the matter to be resolved by a Formal Hearing or Mediation.
- (i) **Failure to Resolve Through Non-Formal Resolution.** If the charge is not resolved by a non-formal resolution, the matter will be resolved through a Formal Hearing.
- (j) **Formal Hearing:** The Formal Hearing is not a criminal or judicial proceeding and is designed to address student or student organization behavior; therefore, alleged violations of the Student Code of Conduct will be addressed independently of any penalty imposed by the courts for a criminal offense. All Formal Hearings are recorded and confidential.
 - (i) Notice of Formal Hearing. The written Notice of Formal Hearing is sent to the Accused and the Complainant at least five (5) business days prior to the Formal Hearing. The notice must include:
 - (1) The date, time, and location of the Formal Hearing;
 - (2) The names of witnesses to be called and information to be used in the Accused's matter;
 - (3) Whether the Hearing Body received any additional information after the Initial Meeting that will be used in the Formal Hearing, and, if so, will indicate when and where the additional information may be viewed; and
 - (4) The names of the members of the Hearing Body.
 - (ii) Accused's Right to Hearing Panel and Waiver. The Accused has the right to a Formal Hearing conducted by a Hearing Panel. If the Accused chooses to waive this right, a Hearing Officer conducts the Formal Hearing. The Accused may waive his or her right to a Hearing Panel if:
 - (a) The Accused requests such a waiver in writing on forms provided by the University that include an explanation of the effect of the waiver; and
 - (b) The Vice Provost of Enrollment or designee approves the Accused's request.
 - (iii) Accused's and Complainant's Right to Inspect Information. The Accused and the Complainant each have the right to inspect all of the information, including witnesses, that will be presented against the Accused at least three (3) business days before the Formal Hearing.
 - (iv) University's Right to Inspect Information. The University also has the right to review any information, including witnesses, the Accused and Complainant intend to use at least three (3) business days before the Formal Hearing.
 - (v) Complainant's Rights. Complainant 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 Complainant does not want to be present in the same room as the Accused Student, the Hearing Body will make alternative arrangements, if possible.
 - (3) To testify in limited privacy. In lieu of testifying in person or via telephone, the Complainant may submit a written or recorded statement. The determination of whether the testimony will be given in limited privacy is made at the discretion of the Vice Provost of Enrollment or designee.
 - (4) To submit a “student impact statement” and offer to the Hearing Body a suggestion of what the Complainant believes to be an appropriate Sanction for the Accused. 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 Accused will not be permitted to directly question the Complainant where the alleged violations are sexual misconduct or abuse. In such cases, the Accused and the Complainant must submit questions to the Hearing Body; however, the Hearing Body is not required to ask all of the questions submitted.
- (vi) Hearing Body. The Hearing Body reviews all information presented during the Formal Hearing and determines whether the Accused is responsible. The Representative that conducts the Initial Meeting cannot serve as a Hearing Body.
- (1) Formal Hearing Conducted by Hearing Panel. The Representative facilitates a Formal Hearing conducted by a panel. The Representative does not participate in deliberations. The Hearing Panel must consist of at least 50% students. The Provost or designee appoints faculty, staff, and student representatives to the Hearing Panel.
 - (2) Formal Hearing Conducted by Hearing Officer. The Hearing Officer conducts the hearing and determines the findings and Sanctions.
 - (3) Hearing Body for Charges Involving Sexual Misconduct. The Hearing Body is comprised of staff and/or faculty for charges involving sexual misconduct. However, upon request by the Accused, and provided there is no objection from the Complainant, 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 Accused and/or Complainant has the right to challenge any Hearing Body member’s impartiality at least three (3) business days prior to the scheduled hearing. The Accused may challenge the substitution of a substituted Hearing Body member at the time of the Formal Hearing. The challenge must be in writing, and must show actual bias (such as a conflict of interest, animosity, pressure, or influence) that would preclude a fair and impartial hearing. The Vice Provost of Enrollment or designee determines whether to grant such a challenge and such decision is final.
- (vii) Witnesses and Information. The Accused and/or Complainant 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 Accused and/or Complainant 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 Accused and/or Complainant.
- (3) The Representative has the discretion to approve or deny the request.
- (viii) Determination of Responsibility. The determination of “responsible” or “not responsible” will be based upon a preponderance of the information. The determination must be based solely upon the information presented at the Formal Hearing.

(k) **Conduct of Formal Hearings.**

- (1) Reading of charge(s) by Hearing Body.
 - (2) Accused’s response of “responsible” or “not responsible.”
 - (3) Hearing Body presents information regarding the charges.
 - (4) Accused’s opening statement and presentation of information.
 - (5) Complainant’s opening statement and presentation of information.
 - (6) Hearing Body’s questioning of the Accused.
 - (7) Hearing Body’s questioning of Complainant, witnesses, and/or Reporting Party. (This may include questions submitted to the Hearing Body for charges of sexual misconduct and abuse. See Section (j)(v)(5).
 - (8) Hearing Body’s final questions of the Accused.
 - (9) Accused’s closing remarks.
 - (10) Complainant’s closing remarks.
 - (11) Hearing is brought to a close.
- (l) **Deliberations.** Deliberations by the Hearing Body are not part of the hearing and are confidential. Deliberations occur after the close of the hearing and are not recorded.
- (m) **Findings, Recommendation, and Determination.**
- (i) Announcement of Proposed Findings and Sanctions. Following deliberations, the Hearing Officer or the Representative will announce to the Accused the proposed findings and any Sanctions. The announcement of the proposed findings and any Sanctions are recorded as part of the official hearing record.
 - (ii) Presentment of Proposed Findings and Sanctions to Vice Provost. The Hearing Body’s proposed findings and Sanctions must be presented to the Vice Provost of Enrollment or designee within a reasonable period of time after the conclusion of the Formal Hearing.
 - (iii) Vice Provost’s Determination. The Vice Provost of Enrollment or designee may accept the proposed findings of responsible or not responsible or remand the matter for a rehearing.
 - (1) If the Vice Provost of Enrollment or designee accepts the proposed finding of responsible, then he/she may approve, mitigate, or increase the Sanctions proposed by the Hearing Body.
 - (2) If the Vice Provost of Enrollment or designee alters the proposed Sanctions or remands the matter for a rehearing, the Accused must be given a concise and explicit written statement that explains the basis for the decision to alter the Sanctions or remand the matter for a rehearing.
- (n) **Notice of Determination and Sanctions.** Following the Student Conduct Review

Process, the Vice Provost of Enrollment or designee notifies the determination. The Representative notifies the Accused and the Complainant in writing of the determination and, to the extent permitted by law, of any Sanctions imposed.

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

decision.

- (viii) Final Decisions Resulting in University Suspension or Expulsion. Final appellate decisions that result in a University Suspension or Expulsion of the Responsible must include notice of the right to appeal to an external judicial forum.

(10) Disciplinary and Academic Records. The Vice Provost of Enrollment determines whether disciplinary Sanctions are noted on the Responsible student's permanent academic record and disciplinary record. Upon graduation, the Responsible student may submit a request to the Office of Student Development to have his/her disciplinary record expunged of disciplinary actions other than Residence Hall Expulsion, University Suspension, University Expulsion, or revocation or withholding of a degree.

(11) Student's Education Record. The records of the Student Conduct Review Process and of the Sanctions imposed, if any, are considered "education records" of both the Responsible and the Complainant (if Complainant 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 _____