

11

1

16

- (1) The Student Code of Conduct (“Code”) applies the principles and freedoms found in University Regulation 2.013, Due Process, Other Rights, and Responsibilities, by promoting responsible freedom for all students. This Code seeks to apply the principle of responsible freedom as it guides the conduct of Florida A&M University (“University”) students. The responsibility to know and abide by the Code ultimately lies with the student. The Student Code of Conduct supersedes all other means of disciplining or removing students for behaviors prohibited by the University. Additionally, students are

subject to the obligations and duties that accompany this membership and are responsible for compliance with the requirements of law and University regulations, policies, and procedures. It is incumbent upon members of the University community to notify the appropriate judicial body or officials of a violation of this Regulation, to encourage all to comply with them, and assist in their enforcement by testifying as witnesses when called upon to do so. Accordingly, all alleged violations of the Code shall be referred to the University Judicial Officer (Director of Judicial Affairs). Students, faculty and staff, stakeholders, or other individuals with knowledge may report violations of the Code in writing, to the Office of Judicial Affairs.

- 3) The University has zero tolerance for violations of any provisions of the Code as well as the Anti-Hazing Regulation 2.028 and Alcoholic Beverages Regulation 3.027. “Zero tolerance” means that given the factual circumstances of the alleged violation the charged student may be removed from University Housing and receive a penalty up to suspension or expulsion from the University.

appropriately accorded the charge student.

- (5) If the Judicial Officer or his/her designee believes after a review of the allegations that the allegations have merit, the student will be issued, in writing, an Administrative Request to Appear at an information briefing before the Judicial Officer or his/her designee. At the information briefing, the Judicial Officer or his /her designee will explain to the student the elements of due process that will be afforded.
 - (a) University disciplinary proceedings may be instituted against a student charged with a violation of the law that is also a violation of the Code. The University reserves the right to proceed under the Code with a hearing and the possible imposition of a

organizations property;

- (d) Activities sponsored by the University wherever they may occur;
- (e) Activities officially approved by the University that are conducted by University certified organizations wherever they may occur;
- (f) Activities occurring off campus, including non-University related activities

(7) **D**

- (a) Business Day- A day of normal business operation as designated by the University.
- (b) Charged Student The student charged with violations of this Code.
- (c) Club and/or organization Any number of students who have complied with the

mediated agreement may result in a follow up mediation session or the matter may be referred back through the conduct process.

- (k) Mediator– Any neutral member of the University community who has been trained in conflict resolution to assist parties in reaching a mutual agreement to resolve their differences. The Mediator shall not have personal connections with either party or have prior knowledge of the disagreement.
- (l) Not Responsible The charged student has not been found responsible or did not accept responsibility for the alleged violation(s) of a provision(s) of the Code.
- (m) Preponderance of Evidence The information presented supports the finding that it is more likely than not that the violation occurred.
- (n) Probation– An indication that the student's

Tw 12 -0 0 4(ce o)-14(f)-1(E)-3(t)-2(he)4()-6

- (t) ~~Suspension~~ - Separation of the student from the University for a definite period of time. The duration of the period of suspension shall not exceed ~~(5) years~~ and shall be in direct proportion to the degree of seriousness attached to the misconduct. Readmission for suspensions exceeding ~~one year~~ is conditioned upon the recommendation of an ad hoc review board appointed by the President or Vice President for Student Affairs.
- (u) University - The Florida A&M University whose main campus is located in Tallahassee, Florida and any of its satellite or branch campuses.
- (v) ~~University/Community service~~ - Hours the student is required to perform in specified areas of service.
- (w) University official - Any person employed by the University performing his/her assigned employment responsibilities.
- (x) University premises

2. *Plagiarism* may be specifically defined for the purposes of any course by the school, institute, or college involved. Unless otherwise defined, plagiarism shall include, but is not limited to failure of the student to use another's work without any indication of the source and in so doing, conveying or attempting to convey that the work is the student's own; submitting a document or assignment in whole or in part that is identical or substantially identical to a document or assignment not written by the student; allowing another person to compose or rewrite an assignment or document.
 3. A student who assists in any of the academic dishonesty violations mentioned above shall be considered equally as responsible as the student who accepts such assistance.
 4. When the University's schools, colleges or institutes choose to internally address academic dishonesty violations, students should consult with the academic dean, director or program coordinator in the respective school, college, or institute for procedural information.
 5. The penalties for academic dishonesty violations may include: reprimand, reduction of grade; denial of academic credit; invalidation of university credit or of the degree based upon such credit; probation; suspension; or ~~expulsion~~ ~~expulsion~~ addition to any other penalties that may be imposed, the individual or student may be denied admission or further registration, and the University may invalidate academic credit for work done by a student and may invalidate or revoke the degree based upon such credit if it is determined that the student has made false, fraudulent, or incomplete statements in the application, residence affidavit, or accompanying documents or statements in connection with, or supplemental to, the application for admission to or graduation from the University.
- (b) Alcoholic Beverages The violation of alcoholic beverages is defined as noted in FAMU Regulation 3.021.
 - (c) Conspiracy Assisting or attempting to assist another in any act(s) that violate(s) the Student Code of Conduct.
 - (d) Demonstrations/Riots Participating in an on-campus or off-campus demonstration, riot, or activity that disrupts or obstructs the normal operations of the University

and/or infringes upon the rights of other members of the University community;
leading or inciting others to disrupt scheduled and/or normal activities within any
campus building or area.

- (e) Destruction of property Defacement, damage, misuse or destruction of University
property or services or the private property of another. In addition to being subject
to disciplinary action, students or student organizations responsible for such
damage may be financially liable.
- (f)

4. Theft or unauthorized use of intellectual property;
 5. Use of a computer or computer system in the commission of a crime to violate or facilitate the violation of laws, Board of Governors or University rules, regulations or policies;
 6. Any unauthorized commercial use of University computer or computing resources;
 7. Any unauthorized use of electronic or other devices to make an audio or video recording;
 8. Use of computing facilities and resources to send obscene or abusive messages or material; or
 9. Use of computing facilities or resources to interfere with the work of another student, faculty/staff, University official or the normal operation of the University computing system.
- (q) Misuse of Safety Equipment Vandalizing or misusing emergency equipment for non-emergency events which includes but is not specifically limited to intentional misuse of 911, blue lights systems, fire alarm pull stations, fire extinguishers, smoke detectors, or heart defibrillators, unauthorized use of emergency exit doors; false report of an explosive or incendiary device; causing or attempting to cause a fire or explosion; failure to evacuate during a fire alarm on the University's premises or at any University activity.
- (r) Noncompliance with a University Officials Directive Failure to comply with oral or written instruction from a University official (i.e. faculty, staff, administration, residence hall staff, law enforcement officer) acting within the scope of his/her job duties or the use of contemptuous words toward the University official.
- (s) Obstruction of the Student Conduct System, including but not limited to:
1. Failure to obey the notice from the University Judicial Officer to appear for an information briefing or hearing as part of the student conduct system
 2. Falsification, distortion, or misrepresentation of information before a hearing body or a staff member of the Office of Judicial Affairs during a student conduct meeting
 3. Disruption or interference with the orderly conduct of an administrative hearing

4. Attempting to discourage an individual's proper participation in, or use of, the student conduct system
5. Attempting to influence the impartiality of a member of a hearing body prior to, during, and/or after an administrative hearing
6. Harassment, verbal or physical, and/or intimidation of a member of the hearing body, Judicial Affairs staff or a witness prior to, during, and/or after an administrative hearing, or
7. Influencing or attempting to influence another person to commit an abuse of the student conduct system.

(t) Providing False Information and/or Falsification of University Records Use student who falsifies records or gives misleading information, verbal or written. This includes falsifying, tampering, altering, forging, withholding of required information, or misusing any University record or official document.

(u) Sexual Misconduct Any sexual activity that occurs without the clear, knowing and voluntary consent prior to and during such sexual activity or that occurs when the victim is unable to give consent.

1. Consent consists of an outward demonstration (mutually understandable words and/or actions) clearly indicating that an individual has freely chosen to engage in sexual activity.
 - a. Consent to past sexual activity and/or one form of sexual activity does not imply consent to future sexual activity and/or other forms of sexual activity.
 - b. Consent is not the lack of resistance as there is no duty to fight off a sexual aggressor.
 - c. Consent can be withdrawn at any time.
2. Inability to give consent includes but is not limited to situations where an individual is:
 - a. Under the influence of alcohol, drugs or other substances (including, but not limited to prescribed medications);
 - b. Unconscious, asleep, ill or in shock;
 - c. Under the age of 18 and therefore legally incapable of giving consent; or

- d. Known by reason of impairment, mental condition or developmental or physical disability to be reasonably unable to give consent;
3. Sexual Misconduct offenses include, but are not limited to:
- a. *Sexual Harassment*: Any words, conduct or action of a repeated nature being directed at a male or female; including the inappropriate display of gender-based pictorial images offensive or degrading to a person of that gender, including, but not limited to sexual posters, photographs, cartoons, drawings, or other displays of sexually suggestive objects or pictures, that creates an intimidating, hostile or offensive environment that interferes with, denies or limits a person's ability to participate in or benefit from the University's programs and activities.

clothing covering them) or forcing an unwilling person to touch another's intimate parts;

- v. Sexual contact when the perpetrator knows the person is unaware of the sexual contact.
- d. *Sexual Exploitation*: Occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the individual being exploited, and the behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not specifically limited to:
 - i. Invasion of sexual privacy;
 - ii. Non-consensual video or audio recording of sexual activity;
 - iii. Going beyond the boundaries of consent (such as letting friends hide in the closet to watch you having consensual sex);
 - iv. Engaging in voyeurism;
 - v. Knowingly transmitting a sexually transmitted infection (STI) or HIV to another student;
 - vi. Exposing one's genitals in non-consensual circumstances;
 - vii. Inducing another to expose their genitals;
 - viii. Sexually based stalking and/or bullying may also be forms of sexual exploitation.
- e. *Lewd and Lascivious Behavior*: Unlawful sexual acts with minors.
- f. *Relationship Violence*: O

unable to honor a request for confidentiality, the victim/survivor

- n. The victim/survivor may submit a written victim/survivor impact statement to be considered by the hearing panel if the charged

places a person in reasonable fear for his/her physical or emotional welfare

knuckles, sword, any dangerous chemical or biological agent, firearm, machine gun, starter gun, BB gun, stun gun, paintball gun, Taser, archery equipment or any other object) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; and destructive device.

2. "*Fireworks*" means and includes any combustible or explosive composition or substance or combination of substances, or except as hereinafter provided, any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation. The term includes blank cartridges and toy cannons in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, roman candles, incense

student must comply with all conditions imposed by the hearing body or University official prior to reenrolling. Students who are suspended for more than one year will need to apply for readmission to an ad hoc review board appointed by the President or Vice President for Student Affairs.

- (m) University/Community serviceThe student is required to complete a specified number of hours of service to the campus or general community.
 - (n) Withholding of diplomas, transcripts, or other records
 - (o) Any combination of the foregoing that the majority of the hearing body or the University Judicial Officer may, under the circumstances consider fair and appropriate.
- (10) Students are required to carry a Florida A&M University picture identification card at all times. Failure to do so, may subject them to reasonable detention by appropriate University authorities.
- (11) ~~N~~ Students who have a change of address must file a change of address form at the Office of the University Registrar and/or via iRattler. All notices, decisions and outcomes of judicial matters connected with the disciplinary process will be mailed to student's last known address.

extenuating circumstances. Extenuating circumstances that may warrant a delay hearing include, but are not specifically limited to: unavailability of witnesses; death; pending civil or criminal proceedings which might prejudice University findings; no contact order issued by a court; an on-going related law enforcement investigation; University closures and/or breaks between semesters; failure to meet composition requirements for the administrative hearing panel; and written requests for continuance from the charged student or from the University attorney.

- (13) A student who fails to respond to an Administrative Request to Appear within four (4) business days

Students who qualify for Amnesty are required to complete educational measures and pay any incurring costs. It is the expectation that a student uses Amnesty only once. If a student is involved in subsequent alcohol and/or drug abuse incidents, the incident will be reviewed for violation(s) of the Code.

- (17) **h**. A student charged with a violation of the Student Code of Conduct, regardless of which judicial body may hear the matter, may request to have the hearing postponed for no more than sixty (60) business days and such postponement may be granted provided the student requests it in writing and agrees to accept the imposition of probation, suspension or withdraws from the University voluntarily, depending upon the gravity of the offense. Such probation, suspension, or withdrawal will be recommended by the Uni

(20) In addition to the right of University officials to enter student's room in University housing pursuant to the terms of the Housing Agreement, officials may enter when an emergency exists, where there is reasonable cause to believe there is a clear and present danger or where there is a reasonable belief that contraband is present which interferes with the educational process of the University, or where the health, safety and morals of the University community are in imminent and apparent danger.

(21) ~~§§~~

(e) In the event the violations are within the jurisdiction of more than one primary hearing body, the University Judicial Officer shall determine which primary hearing body shall hear the violation

(24) **A** Decisions of the Student Supreme Court pursuant to subsection (23)(d) above, Residence Life conduct boards, Clubs and Organizations Review Board, University Judicial Officer and administrative hearing panels are appealed to the Dean of Students. At the conclusion of the appeal process, the decision of the Dean of Students shall be final, and the student's disciplinary matter shall be disposed through original orders signed by the Vice President for Student Affairs

(a) The student has ten (10) business days from the date of the written notification of the decision by the hearing body to make his/her appeal in writing and file same with the Office of the Dean of Students.

(b) The written appeal must specify reason(s) why consideration should be granted and should only deal with matters of record, procedure, testimony and/or information presented during the hearing

(c) No student's final penalty shall begin to run until all University appeals are exhausted or denied, except as specified under subsection (19) above.

(25) **A** digital recording of each hearing will be made by the Chairperson and preserved. Retention of the record is subject to the General Records Schedule GS5 for universities and community colleges. Deliberations shall not be recorded. During the appeal period, the original recording shall be maintained in the original recording system provided

student at least three (3) business days prior to the judicial hearing. Witnesses will provide information to and answer questions from the hearing body and the charged student. No witness may be compelled to provide self-incriminating information. Witness statements may be provided to the hearing body and are entitled to be given the same weight by the hearing body as live witness testimony. A written statement is not a violation of the due process rights of the charged student, as the charged student has the opportunity to review and respond to the written statement and may offer information to rebut the witness statement and other information presented at the hearing.

- (f) If the charged student fails to appear at the hearing after being properly notified fails to cooperate in the hearing process, the hearing body may hear the case on the basis of information accumulated as a result of witnesses and

violating the Code.

- (k) A charged student may be diverted from the disciplinary process or hearing if prior to or during the disciplinary process or hearing, it is determined by the Dean of Students pursuant to University Regulation 2.007, Voluntary and involuntary Withdrawal, that the charged student has a mental disorder and the objectionable behavior appears to be a result of the mental disorder.
- (l) Pertinent records, exhibits, and written statements may be accepted as information for consideration at the discretion of the chairperson of the hearing body.
- (m) All procedural questions are subject to the final decision of the chairperson of the hearing body.
- (n) After the portion of the judicial hearing concludes in which all pertinent information has been received, the hearing body shall determine by a majority vote whether the charged student is Responsible or Not Responsible for violating each section of the Code which the charged student is charged. The chairperson of the hearing body cannot vote. Prior record eion atni

- (s) The above guidelines for conducting a judicial hearing are not exhaustive. Therefore, the University Judicial Officer may adopt additional guidelines for the conduct of judicial hearings that are not inconsistent with the provisions of this Code. Such procedural guidelines must be approved by the Vice President for Student Affairs or his/her designee and must be in writing and made available to the charged student and all witnesses at least three (3) business days prior to the hearing.
- (28) Unless specifically stated otherwise herein, the provisions of this Code should be read interpreted broadly, and are not intended to define misconduct in exhaustive terms. The Judicial Affairs Office may adopt internal operating procedures which are consistent with this Code. In instances where there may be conflict between the internal procedures and the Code, the Code shall supersede.
- (29) ~~the~~ The Student