

FLORIDA ATLANTIC UNIVERSITY

- (a) Respect for the Law
Students are expected to

relationship with FAU, or who have been notified of their acceptance for admission are considered “students,” as are persons who are living in FAU residence halls, although not enrolled in this institution. The term “student” will also refer to student clubs, groups and organizations in appropriate contexts.

- (i) Student Conduct Board - Any person or persons authorized by the University to determine whether a student has violated the Student Code of Conduct and who may recommend sanctions that may be imposed when a violation has been committed.
 - (j) Student Conduct Board Hearing - A formal disciplinary hearing conducted by the Student Conduct Board.
 - (k) University or FAU - Florida Atlantic University, including all of its campuses and sites. The Student Code of Conduct applies to all campuses of the University.
 - (l) University Official - Any person employed by the University to perform assigned teaching, research, administrative, professional or other responsibilities.
 - (m) Vice President - The Vice President for Student Affairs or designee.
- (4) Violations of the Code of Conduct: Any of the following actions constitute conduct for which a student, a group of students, or a student organization may be subject to disciplinary action:
- (a) Violence or threat of violence to others or against oneself or actions which endanger any member or guest of the university community; including physical or sexual assault and relationship/domestic violence.
 - (b) Theft, conversion, misuse, damage, defacing or destruction of University property or of the property of members of the University community.
 - (c) Unlawful interference with the freedom of movement of any member or guest of the University.
 - (d) Unlawful interference with the rights of others to carry out their activities or duties at or on behalf of the University.
 - (e) Unlawful interference with academic freedom and freedom of speech of any member or guest of the University.
 - (f) Noncompliance with lawful written or oral requests or orders of authorized university officials or law enforcement officers in the performance of their duties.
 - (g) Providing false information to university officials, forgery, the withholding of required information or the misuse or alteration of University documents or the University’s name or logos.
 - (h) Misuse or duplication of any University key or access card to any university premises or services.
 - (i) Possession or use of firearms, explosives, ammunition, fireworks, weapons or unauthorized possession or use of hazardous materials or dangerous chemicals on University premises.
 - (j) Actions which cause or attempts to cause a fire or explosion, falsely reporting a fire, explosion or an explosive device; tampering with fire safety equipment or failure to evacuate university buildings during a fire alarm.
 - (k) Disorderly Conduct - Breach of peace, such as causing a disturbance or being

1. failure to appear at an official university hearing when proper notification has been provided (nothing in this subsection shall be construed to compel self-incrimination);
2. knowingly falsifying, distorting or misrepresenting information before a disciplinary proceeding;
3. deliberate disruption or interference with the orderly conduct of a disciplinary proceeding;
4. knowingly initiating a complaint/referral without cause;
5. use of threats, coercion, or in

arrest and prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Dean of Student Affairs. Determinations made or sanctions imposed under this Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

- (b) Any admission of guilt or responsibility made by a student at off-campus proceedings shall be conclusive for University purposes.
- (c) A verdict of guilty, adjudication withheld, a plea of guilty or similar disposition in a court of law by a charged student will operate as a conclusive finding that the

(8) Emergency Interim Measures

- (a) Where the Dean of Student Affairs determines that an emergency exists which affects the health, safety or welfare of a student or the university community, he or she may, with the approval of the Vice President for Student Affairs, temporarily suspend a student. A student temporarily suspended may not attend classes, may not be on or come onto University property, may not participate in any University activities or organizations, may not modify his/her registration status, and may not use University facilities, equipment or resources.

Alternatively, if the Dean of Student Affairs and Vice President for Student Affairs determine that other interim measures are more appropriate to protect the health, safety, or welfare of the student or University community, the Dean of Student Affairs may restrict or bar attendance of classes; restrict or bar access or contact with individuals; restrict or bar access to University property, places, facilities or equipment; restrict or ban participation in University activities or organizations; or otherwise restrict or ban conduct including, but not limited to placing a Student Affairs hold on registration.

- (b) Emergency Interim Measures may be taken at any time prior to the conclusion of the University Disciplinary process, including during the appeal process.
- (c) Notice of the Emergency Interim measure must be provided as soon as practical to the student or student organization in writing.

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

- (a) Complaints. Any person or entity may request charges be filed against a student for alleged violation of law or University regulations or policies. An investigation may take place of the circumstances of the complaint. The complaint regarding a student's conduct must be submitted as follows:
1. Filing a police report with the University Police Department or requesting that a report from another law enforcement agency be sent to the University Police Department and referral to the Dean of Student Affairs; or providing a written and signed statement to the Dean of Student Affairs. Written statements should include all information and evidence the person making the complaint can produce.
 2. Reports must be made to either law enforcement or the appropriate administrator within 6 months of the incident, or knowledge about the incident. No student may be charged with a violation to the Student Code of Conduct if the report is made past the 6 month period. This provision shall apply except in incidents involving patterns of behavior (i.e. stalking, sexual misconduct, domestic violence,

a violation of the University's Code of Conduct. At any time after making such determinations, the Dean of Student Affairs may place a Student Affairs Hold on Registration on the accused student's registration. No student may modify his/her registration status in any way while a Student Affairs Hold on Registration is in place.

1. The Dean of Student Affairs may conduct an Investigation Conference with the student. This conference shall include an explanation of the process, the student's rights and a review of the incident. No student shall be required to testify against him/herself.
 2. The Dean of Student Affairs may direct the mediation of a complaint when deemed appropriate.
 3. The Dean of Student Affairs may dispose of a complaint administratively by mutual consent of the parties involved. Such disposition shall be final and there shall be no subsequent proceedings.
 4. The Dean of Student Affairs may determine that there is insufficient information to proceed and may close the complaint without taking further action. Such disposition shall be final and there shall be no subsequent proceedings.
 5. If the charges cannot be disposed of by mutual consent and the Dean of Student Affairs determines there may be a violation of the Student Code of Conduct, the Dean of Student Affairs shall prepare a Notice of Charges.
- (c) Notice of Charges. The notification of charges shall be in writing and include: the specific conduct code violations, a brief description of alleged offenses, the student's rights, and an invitation to attend a Disciplinary Conference; the date and time of this Disciplinary Conference is also included.
1. The Disciplinary Conference shall take place no sooner than three academic days, excluding holidays and weekends, from the date of Notice of Charges.
- (d) Disciplinary Conference. After the Notice of Charges has been issued, a Disciplinary Conference will be scheduled.
1. There are no witnesses called and it consists primarily of a discussion between the charged student and the Dean of Student Affairs in an effort to resolve the matter.
 2. The Disciplinary Conference is not audio taped or recorded.
 3. At the conclusion of the disciplinary conference, the charged student may accept or deny responsibility to the student code of conduct violations on the Notice of Charges.
 4. If the charged student chooses to accept responsibility, the Dean of Student Affairs may assess such sanctions as are deemed appropriate. This acceptance of responsibility shall constitute the charged student's waiver of a hearing before the Student Conduct Board. The student retains the right to an appeal based on severity of the sanction.
 5. If the charged student chooses to deny responsibility or fails to attend the Disciplinary Conference, the Dean of Student Affairs shall convene a

- Student Conduct Board to hear the charges.
6. Brief written decisions (including findings of fact) will serve as records of Disciplinary Conferences and will be communicated in writing within 7 academic days of the Disciplinary Conference.

- i. Decision and optional recommendation of sanction by the Board.
 - (f) The Student Conduct Board will find the student “Responsible” or “Not Responsible” for each of the alleged violations listed on the Notice of Charges. If the Board can not reach a finding of “Responsible” or “Not Responsible” to a charge within a reasonable time, the chairperson shall declare the Board deadlocked and the Dean of Student Affairs may call a new hearing date with new board members to hear that charge. No person serving on the first board shall serve on the second board. If the second board also deadlocks, then the charges against the charged student shall be dismissed.
 - (g) If the charged student fails to appear at the scheduled hearing of the Student Conduct Board (after proper notice), the hearing will proceed as scheduled.
 - (h) The Dean of Student Affairs shall send a notification in writing (Notice of Decision and Sanction) to the student of the decision of the Student Conduct Board and the sanction(s) imposed within five academic days of the conclusion of the hearing.
- (12) (a) Disciplinary Sanctioning is intended:
- 1. To make sure the student sanctioned has learned from the experience.
 - 2. To educate the student so he or she does not commit the violation again.
 - 3. To offer the student the opportunity to make good on a mistake.
 - 4. To ensure that University expectations regarding appropriate behavior are clear.
 - 5. To educate the student concerning how his or her behavior impacts others in the community.
 - 6. To protect the University community from people who may harm others in the community or who may substantially interfere with the educational mission of the University or other institutions.
- (b) Disciplinary Sanctions. In light of

6. Restitution - Payment made for damage or loss caused by the responsible student.
7. Restriction or Revocation of Privileges. Temporary or permanent loss of privileges, including, but not limited to the use of a particular University facility, resources, equipment or visitation privileges.
8. Disciplinary Warning - A disciplinary sanction in writing notifying a student that the student's behavior did not meet University standards. All disciplinary warnings will be taken into consideration if further violations occur.
9. Disciplinary Probation - A disciplinary sanction in writing notifying a student that his or her behavior is in serious violation of University standards and that restrictions are being placed on his or her activities. Some sanctions that may be placed on a student during a probationary period include, but are not limited to, restriction of the privilege to: participate in student activities or in student organizations; represent the University on athletic teams, student organizations or in other leadership positions; gain access to University Housing buildings or other areas of campus; use of University resources and/or equipment; or contact with specified person(s). If the student is found "responsible" for another violation of the code of conduct during the period of Disciplinary Probation, the university will consider increasing the level of the subsequent sanction.

- (a) Standards for Appeal.
 - 1. Failure to receive the due process required by law.
 - 2. Severity of the sanction.
 - 3. New material or information that could not be discovered at the time of the hearing.
- (b) All appeals must be submitted in writing within five academic days of the date of the Notice of Decision/Sanction to the Vice President for Student Affairs for

physical violence or stalking charges, the alleged victim may request to testify in a separate room from the charged student so long as the charged student may hear all of the alleged victim's testimony and the process does not unduly compromise the charged student.

6. Additional support services are provided to the alleged victim through the Victim Advocacy office upon request of the alleged victim through the Dean of Student Affairs office.
- (15) Regulation Review. Florida Atlantic University shall establish a committee at least once every five years beginning five years after the adoption of this regulation to review, evaluate and recommend changes to this rule to the Vice President for Student Affairs. This committee shall be appointed by the Vice President for Student Affairs with at least one-half of the committee being students appointed by the Student Government President. This committee shall have as its charge to review and evaluate this regulation to determine that it ensures fairness and due process in disciplinary proceedings at the University.
- (16) Disciplinary Records.
- (a) The record of student disciplinary proceedings are part of a student's educational record and are subject to educational records confidentiality laws. Student disciplinary records are kept in the Dean of Student Affairs Office. These files are separate from academic transcripts.
 - (b) Student Affairs Holds on Registration, Issuance of Transcripts, Flagging of

Affairs that a complete review of his or her record is to be made prior to readmission.

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

Specific Authority: Florida Board of Governors Resolution dated January 7, 2003, Florida Statutes 1001.74, 1006.60, 1006.61, 1006.62, 1006.63; History– Formerly 6C5-4.008, New 10-1-75, Amended 12-17-78, 6-9-83, 11-11-87, 6-7-88, 9-16-03, 5-10-06.