

THE COLLEGE OF THE FLORIDA KEYS PROCEDURE

Title	Student Code of Conduct and Violations	Number	75.56
Authority	BR 7.750, 7.510, 7.520	Date Approved	10/01/2020
Amended	09/20/2023, 03/27/2024, 03/30/2026, 06/18/2026		

PURPOSE:

The College has established regulations governing student conduct which are considered necessary to:

- preserve and maintain an environment conducive to learning,
- to ensure the safety and welfare of members of the College community,
- to encourage students in the development and practice of good citizenship and self-discipline,
- and to protect property and equipment of the College.

The Student Code of Conduct is published in the Student Handbook. Each student, by application, assumes the responsibility to become familiar with and to abide by College regulations and acceptable standards of conduct. Students who fail to observe College regulations or to maintain acceptable standards of personal conduct on the campus or at College-sponsored functions or facilities are subject to disciplinary action. In the administration of college policies and procedures, the fundamentals of basic due process shall be observed in the hearing, resolving, and adjudication of alleged violations of the Student Code of Conduct. A student accused of violating the Student Code of Conduct shall be entitled to procedural rights in any hearing according to Board Rule 7.510. All definitions of terms used herein can be found in Section V - Definitions section at the end of the Student Code of Conduct.

PROCEDURE:

V: Definitions and Explanations

- a. The term "Ad Hoc Student Conduct Committee" refers to a group of representative College employees selected by the SCO to participate in hearings and to act in an advisory capacity only to the SCO for those matters when the Respondent denies responsibility, or objects to the sanctions, or which could ultimately lead to suspension, expulsion, or other serious sanction.
- b. The term "Administrative Conference" refers to the initial meeting held by the SCO with the Respondent individually where they will be informed of the allegation of misconduct. The student will be interviewed and given an opportunity to refute the allegations, make any statements, or provide any evidence or mitigating circumstances to resolve the matter.
- c. The term "Administrative Hearing" refers to a formal hearing in a college student

conduct case. It is a structured process used to review alleged policy violations, where evidence is presented, witnesses may be heard, and the student has an opportunity to respond to the allegations.

- d. The term "College" means The College of the Florida Keys.
- e. The term "College Official" includes any person employed by the College performing assigned administrative or professional responsibilities.
- f. The term "College Premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College and by the College Foundation.
- g. The term "Complainant" means any person who submits a complaint or charge alleging that a student violated this Student Code of Conduct.
- h. The term "Faculty Member" means any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty.
- i. The term "May" is used in the permissive sense.
- j. The term "Member of the College community" includes any person who is a student, faculty member, College official or any other person employed by the College. A person's status in a particular situation shall be determined by the Executive Director of Enrollment Management.
- k. The term "Policy" means the written regulations of the College as found in, but not limited to, the Student Code of Conduct, College policies, College web pages, the Student Handbook, and the College Catalog.
- l. For the purposes of the Student Code of Conduct, the term "Respondent" means any student accused of violating this Student Code of Conduct, or, in the case of a registered student organization, the organization's president.
- m. The term "Shall" is used in the imperative sense.
- n. The term "Student" includes all persons taking courses at the College, either full-time or part-time, credit or noncredit studies. Persons who withdraw 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 College, or who have been notified of their acceptance for admission are considered "students." This Student Code of Conduct does apply at all locations of the College.
- o. The term "Student Conduct Officer" (SCO) refers to any person authorized by the VP of Advancement or Civil Rights Compliance Officer (CRCO) to determine whether a student has violated the Student Code of Conduct and to impose sanctions upon any student(s) or student organization found to have violated the Student Code of Conduct.
- p. The term "Student Organization" means any number of persons who have complied with the formal requirements for College recognition according to the College's Student Activities Handbook.
- q. The "VP of Advancement" is that person designated by the College President to be responsible for the administration of the Student Code of Conduct.

I: Student Code Authority

- a. The Director of Advancement shall develop procedures for the administration

of the student conduct system and procedural rules for the conduct of Student Conduct Hearings.

- b. The Student Conduct Officer (SCO), or designee, shall have original jurisdiction over all cases involving an alleged violation of the Student Code of Conduct or other nonacademic policy established by the District Board of Trustees.
- c. The Civil Rights Compliance Officer (CRCO), or designee, shall have original jurisdiction over all cases involving alleged violations of discrimination or harassment.
- d. The SCO and/or CRCO, or designee, shall be authorized to investigate and to determine sanctions as appropriate.
- e. The Executive Director of Student Success, or designee, shall be authorized to hear each matter and to recommend sanctions when serving as Chair of the Ad Hoc Student Conduct Committee (AHSCC) as appropriate.
- f. Decisions made by the SCO and/or CRCO, or the Executive Director of Student Success, or designee, shall be final, pending the appeal process set forth in Section III.

II: Proscribed Conduct

a. Jurisdiction of the College Student Code of Conduct

The College Student Code of Conduct is in effect on College premises, on property owned by the College, and at functions sponsored by or participated in by the College regardless of the locations.

If a student is formally charged with a felony, or with a delinquent act which would be a felony if committed by an adult, for an incident which allegedly occurred on property other than College premises, or a function sponsored by or participated in by the College regardless of location, and if that incident is determined to have an adverse impact on the educational program, discipline, or safety and welfare of the College, then the College has the right to suspend the student pending final adjudication of the criminal charge. If the student is adjudicated guilty, then the student may be recommended for expulsion through the normal expulsion procedure. With this exception, the College will not ordinarily impose sanctions on a student who is subject to criminal prosecution for off-campus activity.

The Student Code of Conduct is found on the College website in the [Student Handbook](#).

Each student shall be responsible for their conduct from the time of application through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end for the term, as well as during the academic year and during periods between terms of actual enrollment. The Student Code of Conduct shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.

b. Infractions / Misconduct

Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Section III:

Academic Integrity Violation: Violations of the Academic Integrity Policy are

handled at the faculty member's discretion. All faculty members state their academic integrity policy on their class syllabus. Should there be multiple violations and/or the violation was particularly egregious, the faculty member may also file charges under the Cheating and Plagiarism sections of the Student Code of Conduct.

Alcohol/Drugs: The student shall not knowingly possess, use, transmit, or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, any other controlled or counterfeit substance defined in FS 893.03, or substitute for such, alcoholic beverage, inhalant or intoxicant, on the campus either before, during or after school hours or off the College grounds at a College activity, function, or event. Also, a student shall not possess, have under their control, sell or deliver any device, or contrivance, instrument or paraphernalia containing the substance or substances described in this paragraph or any residue of such substance or devices intended for use or used in injecting, inhaling/inhalant/huffing, smoking, administering, or using any of the foregoing prescribed drugs, narcotics, tobacco or stimulants. Use of a drug authorized by a medical prescription from a registered physician for a specific student shall not be considered a violation of this rule.

Arson: Intentionally setting or attempting to set a fire.

Boat Launching: Boat launching from College property is not permitted, unless it is a college-sponsored or college-approved activity. This prohibition includes, but is not limited to, the launching of powered, unpowered (e.g. rowing shells, kayaks, canoes, daysailers, paddleboards, and rafts), and recreational crafts or vessels. (Board Rule 3.200).

Bomb Threat: Any communication which has the effect of threatening an explosion to do malicious, destructive, or bodily harm to College property, at a College function or extra-curricular/co-curricular activity, or to the person(s) in or on that property or attending that event.

Bullying: An aggressive behavior that is intended to cause distress or harm, exists in a relationship in which there is an imbalance of power or strength, and is repeated over time. Examples include but are not limited to hitting, teasing, obscene gestures, rumors, getting someone else to bully, cyber-bullying.

Burglary: Entering or remaining in a structure or on a conveyance with the intent to commit an offense therein unless the premises are at the time open to the public or the person is licensed or invited to enter. See F.S. 810.02.

Cheating: The improper taking or tendering of any information or material used or intended to use for academic credit. Taking of information includes, but is not limited to, copying homework assignments from another student; working with others on a take-home test or homework when not specifically permitted by the teacher; looking or attempting to look at another student's paper during an examination; looking or attempting to look at text or notes during an examination when not permitted. The tendering of information includes, but is not limited to,

giving work to another student to be used or copied; giving answers to exam questions as the exam is being given; giving answers or other such information after taking an exam to another student who has not yet taken the exam; giving or selling a term paper or other written materials to another student.

Computer Fraud: Accessing or breaking into documents that are unauthorized.

Cyber Attack: Introducing unwarranted programs or tools into network server(s).

Discarding and Cleaning Carcass in the College Lagoon: Fileting, cleaning, and discarding of ANY marine life remains including, but not limited to, fish carcasses, fish skin, and lobster heads in, or around the College Lagoon is strictly prohibited. This area includes the underwater classroom, A, B, T, and Boat floating docks, ramps, garbage cans, tables, and shaded areas.

Disorderly or Disruptive Conduct: Creation of disorder or obstruction of the normal processes and activities at any College property, College-sponsored or related event, or on any College-sponsored transportation.

Extortion: The willful or malicious threat of harm, injury, or violence to a person, property, or reputation of another with the intent to obtain money, information, services, or items of material worth.

False Fire Alarm: The willful and/or malicious activation of a fire alarm system or the willful and/or malicious reporting of a false fire.

False and Misleading Information/Fraud: Providing false, misleading, or invalid 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 college, making false accusations, and/or withholding valid information.

Felony Transfer: Suspension proceedings against any enrolled student who is formally charged with a felony or with a delinquent act which would be a felony if committed by an adult, for an incident which allegedly occurred on property other than College property if that incident is shown to have an adverse impact on the education program, discipline or welfare of the College or College Community.

Fighting: Physical contact between two or more individuals where the participation is not mutual or equal, or a weapon is used, or in which injury that requires immediate first aid or subsequent medical attention occurs.

Fishing: Fishing is not permitted from College shoreline or in the Lagoon, as these areas constitute underwater classrooms, and must remain in untouched condition to support learning and research with the exception of fishing that supports a college-sanctioned event or project. The requestor must have Executive Vice President & CFO approval and ensure that participants hold the appropriate documentation to participate in the event (e.g. fishing license). No crab pots/traps are permitted to be installed from, within, or upon College property with the exception of crab pots and traps that support a college-sanctioned event or project. The requestor must have

Executive Vice President & CFO approval and is required to ensure that the College has required permits on file, as appropriate. (Board Rule 3.200)

Force or Violence: Use of force or violence upon or against another person.

Gross Insubordination or Open Defiance/Failure to Comply: Willful refusal to submit to or comply with authority; exhibiting contempt or open resistance to a direct order. For example, any student who willfully enters, for a purpose other than those listed in CFK Procedure 30.01, a restroom or changing facility designated for the opposite sex on College premises and refuses to depart when asked to do so by the Vice President of Advancement, their designee, or law enforcement personnel shall be subject to disciplinary proceedings under this Student Code of Conduct.

Harassment: Any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct directed against a student or College employee.

Hazing: Defined under the Stop Campus Hazing Act is any intentional, knowing, or reckless act committed by a person [whether individually or in concert with other persons] against another person or persons regardless of the willingness of such other person or persons to participate, that [I] is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in a student organization, [e.g., a club, student government, athletic team, fraternity, or sorority]; and [II] causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the student organization [such as the physical preparation necessary for participation in an athletic team], of physical or psychological injury.

Inciting, Leading, or Participating in a Major Student Disorder: The willful act of inciting, leading, or participating in a disruption or disturbance which interferes with the educational process or which can result in damage or destruction to public or private property, or cause personal injury to participants and others.

Intentional Damage of College Property/Personal Property:

Destruction or defacing of College/personal property.

Other More Serious Miscellaneous Conduct: Conduct, which is not listed as a specific infraction, but which results in more serious injury, damage to property, or other serious harm.

Physical abuse: Including but not limited to, sexual battery or rape, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person.

Plagiarism: From the Latin for "kidnapper," taking ideas from another and passing them off as one's own, whether the ideas are published, unpublished, or the work of another student. Plagiarism includes, but is not limited to, submitting papers, examinations or assignments written by others; word-for-word copying of portions of another's writing without indicating that the copied passage is a quotation (by the use of quotation marks or some other indicating device) and acknowledging the

source in the appropriate format; the use of a particularly unique term or concept that one has come across in reading without acknowledging the author or source; the paraphrasing or abbreviated restatement of someone else's idea(s) without acknowledging the author or source; the use of false citations or citing a source from which an idea has not been obtained; or submitting false or altered data in a laboratory. Plagiarism also occurs in a group project if a member of the group does not do their fair share of the group's work but attempts to take credit for the work of the group. Because electronic information is so easily reproduced, respect for the work and personal expression of others is critical in computer environments. Violations, including plagiarism, invasion of privacy, unauthorized access, and copyright violations are grounds for disciplinary proceedings.

Sexual Battery: Any sexual act directed against a person, forcibly or against the person's will, or not forcibly against the person's will where the victim is not capable of giving consent because of their youth or because of temporary or permanent incapacity.

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other inappropriate oral, written, or physical contact of a sexual nature when such conduct substantially interferes with a student's academic performance or creates an intimidating, hostile or offensive college environment. Sexual harassment may include but is not limited to the following: verbal harassment or abuse, pressure for sexual activity, repeated remarks to a person with sexual or demeaning implications, unwelcome or inappropriate touching, suggestive or demanding sexual involvement accompanied by implied or explicit threats.

Sexual Offenses: Exposing or exhibiting one's private areas in public in a vulgar or indecent manner. Intentional touching in a lewd or lascivious manner in clothed, private areas of another.

Smoking and Tobacco Use: Smoking and tobacco use is prohibited on any College grounds and all facilities owned, leased, or operated by The College of the Florida Keys including (but not limited to) classrooms, laboratories, shops, studios, offices, water fountain areas, stairwells, conference rooms, theater, bookstore, library, dining areas, elevators, entryways, restrooms, hallways, corridors, covered and uncovered outdoor areas such as hallways, stairwells, patios and common areas. Smoking and tobacco use is also prohibited in all vehicles owned, leased, or operated by the College. There is no smoking allowed at the Middle Keys or Upper Keys Centers (Board Rule 4.420).

Stalking: A repeated pattern of conduct meant to engage a specific person, causes substantial emotional distress to that person and serves no legitimate purpose. Stalking includes cyberstalking through use of electronic communication of any kind.

Standards of Dress: Students are expected to dress appropriately for campus activities. Tops, bottoms, and shoes are required.

Swimming: Swimming activities and events are hosted in the College pool and, as appropriate, are open to student, employee, alumni, and guest

participation. Swimming from College shoreline within College waters, or into the Lagoon, is not permitted at any time, unless such swimming is in conjunction with a college-sponsored or college-approved activity. (Board Rule 3.200).

Theft: The taking of property of another without permission of the owner.

Trespassing: Entering upon or remaining on any property, a structure, or conveyance without being authorized, licensed, or invited to do so and being warned by the owner or owner's agent or by notice pursuant to Florida Statute 810.09, or, in the case of entry upon or remaining on College grounds or buildings, not having legitimate business on the campus or authorization, license or invitation to be there or being under suspension, alternative placement or expulsion.

Unauthorized access to College Property: This includes unauthorized entry and use of College facilities.

Unauthorized Use of College Name: Using the College name or identifying symbols or logos without permission from an appropriate College employee.

Unauthorized Use of Other Person's Name or Signature: Using the name, identifying number, symbol, or signature of another person for any purpose without that person's authorization or permission with the intention of deceiving a College employee or under circumstances which could be reasonably calculated to deceive the employee.

Vandalism: Intentional damage to or destruction of College property causing substantial damage.

Victimization/Extortion or Threats/Intimidation of a More Serious Nature: A person who willfully, maliciously, and repeatedly follows and/or harasses with intent to place that person in reasonable fear of death or bodily injury.

Weapons: Possession of any weapon defined by Sections 790.001(4),(6),(13), Florida Statutes. Notwithstanding any Florida Statutes to the contrary, weapons are not permitted on any College campus or at any College function, in motor vehicles parked or driven on any College campus or at any College function, or on any College-sponsored transportation.

On occasion, situations may arise not specifically covered by College regulations or the Code, but which are harmful to the welfare of the College community or are obstructive to the orderly processes of the college. In these incidents, interpretation will be made by representatives of the College, and appropriate action will be taken.

III: Student Code of Conduct Violations Procedures

a. Charges and Student Conduct Hearing Procedures

Any member of the College community may file charges against a student for alleged violations of the Student Code of Conduct. The Director of Advancement

and/or Civil Rights Compliance Officer (CRCO) shall decide whether to conduct a preliminary investigation to determine if the alleged complaint has merit and charges should be brought against the student. The Director of Advancement and/or CRCO may choose to act as or designate a Student Conduct Officer (SCO), to conduct the preliminary investigation

The SCO and/or CRCO may also commence disciplinary proceedings absent a complaint when a College policy violation has been reported.

1. **Notice.** If the SCO and/or CRCO determines that the alleged complaint has merit, then all charges, including the specific infractions and/or misconduct alleged, shall be presented to the Respondent in written form as soon as possible after the College's preliminary review of the event takes place, normally within five (5) workdays. The College shall either hand-deliver, email, or mail the notice to the student's official address on file with the College.
2. **Administrative Conference.** If deemed appropriate by the SCO and/or CRCO, they may first attempt to resolve the Student Code of Conduct infractions and/or misconduct by holding an initial meeting with the Respondent. During this meeting, the student will be re-informed of the alleged misconduct and may be informed of the potential range of disciplinary actions that may be imposed. The student will have the opportunity to respond to the allegations by sharing their perspective on the reported incident(s), and present any statements, evidence, or mitigating circumstances. The student(s) will be asked to accept or deny responsibility for the alleged violation(s). The SCO and/or CRCO will investigate the allegations typically within ten (10) business days of the initial meeting and render a decision via Maxient to the student's College-issued email. The SCO and CRCO reserve the right to investigate allegations against others named, as appropriate (i.e., within jurisdiction), that arise as a part of the investigation process.
 - i. If the Respondent accepts responsibility of the charges and agrees to the sanctions, they waive their right to an Administrative Hearing. The decision shall be final, and there shall be no subsequent proceedings. Documentation detailing the outcome shall be recorded in Maxient.
 - ii. Should the Respondent fail to attend the Administrative Conference without notice or choose not to participate, the SCO and/or CRCO may render a decision and appropriate sanction without their input.
 - The Respondent will then have five (5) business days after receiving notification of the decision and sanction to request an Administrative Hearing.
 - If the student does not request an Administrative Hearing, the decision will stand without an opportunity to appeal for a hearing. Documentation detailing the outcome shall be recorded in Maxient.
 - iii. If the Respondent does not accept responsibility for the charge(s) or the case cannot be resolved through an Administrative Conference, the AHSCC with the Executive Director of Student Success, or designee, acting as Chair, will hold a hearing according to "Hearings" below.

- iv. If the student accepts responsibility for violating the Student Code of Conduct during the Administrative Conference, but disagrees with sanction(s), the subsequent process, including a hearing if necessary, shall be limited to determining the appropriate sanction(s). Documentation detailing the outcome shall be recorded in Maxient.
3. **Hearings.** Hearings shall be conducted by the AHSCC with Executive Director of Student Success, or designee, hereby referred to as Chair according to the following guidelines:
- i. Hearings normally shall be conducted in private unless the Respondent requests that it be public and the Complainant and the Executive Director of Student Success, or designee, agrees.
 - ii. An AHSCC will be formed – typically within ten (10) business after the SCO notifies the Chair of the need for a hearing. The committee shall include up to a total of three (3) representatives of the College community. Members are selected at the discretion of the Chair of the AHSCC. The role of the committee members is to act in an advisory capacity to the Chair, who has sole responsibility and authority to determine whether the student is responsible for violation of the Student Code of Conduct and to assign the appropriate sanctions for those found responsible for violating the Student Code of Conduct. Committee members do not vote. The Committee will have access to all information collected during the Administrative Conference and investigation including the charge(s) and sanction(s) as determined by the SCO.
 - iii. The Complainant, Respondent, and their advisors, if any, shall be allowed to attend the entire portion of the hearing at which information is received. Admission of any other person to the hearing shall be at the discretion of the Chair.
 - iv. In hearings involving more than one Respondent, the Chair, at their discretion, may permit the hearings concerning each student to be conducted either separately or jointly.
 - v. The Complainant and the Respondent have the right to be assisted by an advisor they choose, at their own expense. To maintain the educational nature of the hearing, the advisor must be a member of the College community and may not be an attorney. The Complainant and/or the Respondent is responsible for presenting their own information, and therefore, advisors are not permitted to speak or to participate directly in any hearing before the Chair,. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor.
 - vi. The Complainant, the Respondent, and the Chair may arrange for witnesses to present pertinent information to the hearing. The College will try to arrange the attendance of possible witnesses who are members of the College community, if reasonably possible, and who are identified by the Complainant and/or Respondent at least three (3) workdays prior to the hearing. Witnesses will provide information to and answer questions from the

Chair. Questions may be suggested by the Respondent and/or Complainant to be answered by each other or by other witnesses. This will be conducted by the Chair with such questions directed to the Chair, rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved at the discretion of the Chair .

- vii. The Complainant and Respondent each have 20 minutes to present their information; this time frame also includes witness presentations on their behalf.
- viii. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Chair at their discretion.
- ix. All procedural questions are subject to the final decision of the Chair.
- x. After the portion of the hearing concludes in which all pertinent information has been received, the Chair shall determine whether the Respondent is responsible for or is not responsible for violating each section of the Student Code of Conduct which the student is charged with violating.
- xi. The Chair determination shall be made based on a clear and convincing standard of proof.
- xii. The SCO will notify the Complainant and Respondent in writing via Maxient to the student's college- issued email on the student's record within five (5) business days of the determination.
- xiii. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Code of Conduct proceedings.

The College will make a single verbatim record, such as a digital recording, of all hearings before the Chair . Deliberations shall not be recorded. The original record shall be the property of the College. The Respondent and Complainant may request and receive a single copy. No participant in any hearing shall be permitted to make their own separate recording.

If a Respondent, with notice, does not appear before the Chair , the information in support of the charges shall be presented and considered even if the Respondent is not present.

The Chair may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Respondent, and/or other witness during the hearing by providing separate facilities by using a visual screen, and/or by permitting participation by telephone, video conferencing, written statement, or other means, where and as determined in the sole judgment of the Vice President of Advancement or CRCO to be appropriate.

b. Sanctions

The following sanctions may be imposed upon any student found to have violated the Student Code of Conduct:

- Reprimand- A written reprimand or censure may be given to any student or

student organization whose conduct violates any part of the Student Code of Conduct. Such a reprimand does not restrict the student in any way but does have important consequences. It signifies that he or she is in effect being given another chance to conduct himself or herself as a proper member of the College community and that any further violation may result in more serious penalties.

- Restitution including apology letters
- Fines
- Withholding of diplomas or transcripts pending compliance with rules
- Restrictions on the use of or removal from campus facilities
- Community Service Hours
- Educational requirements
- Probation
- Suspension
- Expulsion
- Revocation of Admission and/or Degree.

More than one of the sanctions listed above may be imposed for any single violation.

Non-punitive/informal documents such as warning letters and mutual no-contact orders may also be imposed. These are not considered to be sanctions and are not part of the students' academic record.

Other than College expulsion or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record but shall become part of the student's confidential record. After graduation, the student's confidential record may be expunged of disciplinary actions other than College suspension, College expulsion, or revocation or withholding of a degree, upon application to the Executive Director of Enrollment Management. Cases involving the imposition of sanctions other than suspension or expulsion may be expunged from the student's confidential record three years after final disposition of the case or according to state laws.

In situations involving both a Respondent, Complainant, Group and/or Student Organization, the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the Respondent and Complainant because the educational career and chances of success in the academic community of each may be impacted.

The following sanctions may be imposed upon Groups or Student Organizations:

- Reprimand
- Restitution
- Suspension, Cancellation, or Revocation of the registration or official recognition of a Student Organization
- Restrictions on the use of, or removal from, campus facilities.

In each case in which it is determined that a student and/or group or Student Organization has violated the Student Code, the sanction(s) shall be determined and imposed by the SCO. In cases in which persons other than, or in addition to, the SCO

have been authorized to hear the case, any recommendations shall be considered by the SCO in determining and imposing sanctions. The SCO is not limited to sanctions recommended by others authorized to hear the case. Following the hearing, the SCO shall advise the Respondent, Complainant, Group and/or Student Organization in writing within five (5) days of the determination and of the sanction(s) imposed, if any.

c. Temporary, Emergency Course Suspension

After preliminary investigation, if, in the opinion of both the SCO and the appropriate Vice President there is reasonable cause to believe that a student has committed an infraction of the Student Code of Conduct, such that their attendance at one or more classes would substantially impact the educational process, then, the SCO may place the student on temporary suspension from one or more classes or transfer the student temporarily to a different section of the course. The SCO shall notify the student in writing of the charge and investigation. The student may not return to the course until approved to do so by the SCO. Every effort will be made to investigate and resolve the complaint quickly.

The student may be offered the option of voluntarily withdrawing from the class.

If as a result of the investigation, the SCO and the appropriate Vice President do not approve the student to return to class, then the SCO shall file the appropriate charges for violation of the Student Code of Conduct and all procedures for handling the violation of the Student Code of Conduct will be followed as described herein. The student will not be permitted to return to class until such time as the Student Conduct Hearing process is complete and as a result of the outcome of the hearing the SCO grants permission for the student to return.

If because of the SCO's sanction, the student is not permitted to return, then the Executive Director of Enrollment Management will withdraw the student from the specific class.

d. Emergency College Suspension

After preliminary investigation, if, in the opinion of the President, or their designee, there is reasonable cause to believe that a student's presence on campus may:

1. endanger the safety and well-being of members of the College community or preservation of College property;
2. endanger the student's own physical or emotional safety and well-being; or
3. cause an ongoing threat of disruption of, or interference with, the normal operations of the College,

then the President may impose an Emergency College Suspension prior to a hearing and during the investigation. (Board Rule 7.750)

During the emergency suspension, a student shall be denied access to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the President may determine to be appropriate.

The emergency suspension does not replace the regular process, which shall

proceed on the normal schedule, up to and through a hearing, if required.

e. Appeals

A decision reached by or a sanction imposed by the SCO, CRCO, or Chair of the AHSCC may be appealed by the Respondent(s) or Complainant(s) to the Vice President of Advancement or Executive Vice President of Academic Affairs, dependent on the nature of the charge, within five (5) workdays of the decision. The student will be notified which Vice President is appropriate depending on the violation of the student code of conduct (i.e., plagiarism and cheating may be appealed to the Executive Vice President of Academic Affairs). Such appeals shall be in writing and shall be delivered to the appropriate Vice President. Such appeals shall be recorded in Maxient..

Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of the hearing and supporting documents for one or more of the following purposes:

1. To determine whether the hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the Student Code of Conduct was violated and giving the Respondent 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.
2. To determine whether the decision reached regarding the Respondent 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.
3. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code of Conduct which the student was found to have committed.
4. To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original hearing.

If an appeal is upheld by the Vice President of Advancement or Executive Vice President of Academic Affairs, the matter shall be returned to the original SCO for re-opening of the hearing to allow reconsideration of the original determination and/or sanction(s).

If an appeal is not upheld by the Vice President of Advancement or Executive Vice President of Academic Affairs, the matter shall be considered final and binding upon all involved with the exception of the following:

A student who receives the sanction of College Suspension or Expulsion may appeal to the President or President's designee within five (5) workdays of the date of the decision. The written petition shall state the facts of the case, a summary of the evidence presented at the hearing, the findings of the SCO, CRCO, or VP of Advancement or EVP Academic Affairs, and the student's reason for petitioning the President for review. The President's action will be limited to review of the basis for the CRCO's, or SCO's disposition and will not necessarily involve a de novo factual investigation. Notwithstanding the above, the President may, but is not required to, direct that further facts be gathered or that additional remedial action be taken. The

President shall notify the student of their decision typically within fifteen (15) workdays of the receipt of the petition of appeal. The decision of the President shall be final.

IV: Interpretation and Revision

- a. Any question of interpretation or application of the Student Code of Conduct shall be referred to the SCO for a final determination.
- b. The Student Code of Conduct shall be reviewed every three (3) years under the direction of the Director of Advancement beginning in 2023.