

**CODE OF CONDUCT**

STUDENT CODE OF CONDUCT VIOLATIONS & PROCEDURES

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.

Each student, by registration, 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. (Board Policy 7.510)

**I.DEFINITIONS**

All definitions of terms used herein can be found in the Definitions section at the end of the Student Code of Conduct.

**II. STUDENT CODE AUTHORITY**

a) The Conduct Officer shall develop procedures for the administration of the student conduct system and procedural rules for the conduct of Student Conduct Hearings.

b) The Conduct Officer, 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 Equity Officer, or designee, shall have original jurisdiction over all cases involving alleged violations of discrimination or harassment.

d) The Conduct Officer and/or Equity Officer, or designee, shall be authorized to investigate and to hear each matter and to determine sanctions as appropriate.

e) Decisions made by the Conduct Officer and/or Equity Officer, shall be final, pending the appeal process set forth in Section IV. E.

**III.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.

Each student shall be responsible for his/her conduct from the time of application for admission 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 IV:

**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 college grounds at a college activity, function or event. Also, a student shall not possess, have under his/her 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, 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.

**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.

**Arson:** Intentionally setting or attempting to set a fire.

**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.

**Discarding and Cleaning Carcass in the College Lagoon**: Fileting, cleaning and discarding of ANY marine life remains including, but not limited to, fish carcass, 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:** Providing false, misleading or invalid statements, 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.

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

Gross Insubordination or Open Defiance: Willful refusal to submit to or comply with authority; exhibiting contempt or open resistance to a direct order.

**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:** Any action or situation that recklessly or intentionally humiliates, intimidates, demeans and/or endangers the mental or physical health or safety of a student for purposes including, but not limited to, initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. This includes active or passive participation in such acts as when a person solicits others to commit or is actively involved in the planning of hazing.

**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 his or her 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 his or her 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 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.

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

**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 or symbol or signature of another person of 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:** Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on college premises.

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 a representative of the College and appropriate action with be taken.

**IV. 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 Code of Student Conduct. The Conduct Officer and/or Equity Officer 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 Conduct Officer and/or Equity Officer may choose to act as or designate a Student Conduct Officer (SCO), to conduct the preliminary investigation.

The Conduct Officer and/or Equity Officer may also commence disciplinary proceedings absent a complaint when a college policy violation has been reported.

**1. Notice:** If the SCO determines that the alleged complaint has merit, then all charges, including the specific infractions and/or misconduct alleged, shall be presented to the Accused Student in written form as soon as possible after the College’s preliminary review of the event takes place, normally within five (5) work days. 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, he or she may first attempt to resolve the Student Code of Conduct infractions and/or misconduct by holding an Administrative Conference wherein mediation and/or conflict resolution may be used to arrive at mutual consent of the parties involved. Both the Accused and Complainant must participate in the conference. If the outcome of the Administrative Conference is acceptable to the SCO and both parties, then such disposition shall be communicated in writing to all parties within a reasonable period of time (typically 5 working days) and shall be final, and there shall be no subsequent proceedings. A copy of the documentation detailing the outcome of this stage shall be provided to the Student Conduct Officer and/or Equity Officer.

If the charges are not admitted to and/or cannot be disposed of by an Administrative Conference, then the SCO will hold a hearing as described below. If the student accepts responsibility for violating the Student Code of Conduct during the Administrative Conference, but sanctions are not agreed to, the subsequent process, including a hearing if necessary, shall be limited to determining the appropriate sanction(s). A copy of the documentation detailing the outcome of this stage shall be provided to the Associate Dean of Enrollment Management and/or Equity Officer.

**3. Hearings:** Hearings shall be conducted by the SCO according to the following guidelines:

a. Hearings normally shall be conducted in private unless the Accused Student requests that it be public and the Complainant and the Conduct Officer and/or Equity Officer agree.

b. If, in the opinion of the SCO, the infraction could reasonably result in either suspension, expulsion or other serious sanction, the SCO may select, form, and chair an Ad Hoc Student Conduct Committee – typically within 10 working days of the complaint or infraction. The committee shall include up to a total of three (3) representative College Community members (employees and students). The role of the committee members is to act in an advisory capacity to the SCO who has sole responsibility and authority to determine whether or not 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.

c. The Complainant, Accused Student 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 SCO.

d. In hearings involving more than one Accused Student, the SCO, at his or her discretion, may permit the hearings concerning each student to be conducted either separately or jointly.

e. The Complainant and the Accused Student have the right to be assisted by an advisor they choose, at their own expense. In order 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 Accused Student is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or to participate directly in any hearing before the SCO. 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.

f. The Complainant, the Accused Student and the SCO 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 Accused Student at least three (3) work days prior to the hearing. Witnesses will provide information to and answer questions from the SCO. Questions may be suggested by the Accused Student and/or Complainant to be answered by each other or by other witnesses. This will be conducted by the SCO with such questions directed to the SCO, 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 SCO.

g. The Complainant and Accused Student each have 20 minutes to present their information; this time frame also includes witness presentations on their behalf.

h. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the SCO at his/her discretion.

i. All procedural questions are subject to the final decision of the SCO.

j. After the portion of the hearing concludes in which all pertinent information has been received, the SCO shall determine whether the Accused Student is responsible for or is not responsible for violating each section of the Student Code which the student is charged with violating.

k. The SCO’s determination shall be made on the basis of whether it is more likely than not that the Accused Student violated the Student Code of Conduct.

l. The SCO will notify the Accused Student in writing via the student’s college-issued email address on the student’s record within 5 working days of the determination.

m. 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 SCO (not including deliberations). Deliberations shall not be recorded. The original record shall be the property of the College. The Accused and Complainant may request and receive a single copy. No participant in any hearing shall be permitted to make their own separate recording.

If an Accused Student, with notice, does not appear before the SCO, the information in support of the charges shall be presented and considered even if the Accused Student is not present.

The SCO may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Accused Student, 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, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Vice President of Advancement or Equity Officer to be appropriate.

**b) Sanctions**

The following sanctions may be imposed upon any student found to have violated the Student Code of Conduct:  Reprimand  Restitution  Fines  Withholding of diplomas or transcripts pending compliance with rules  Restrictions on the use of or removal from campus facilities  Community Service  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. 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 Associate Dean 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 an Accused Student(s) (or Group or Organization) and a student(s) claiming to be the victim of another student’s conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the Accused Student(s) and the Student(s) claiming to be the victim 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 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 the Student and/or group or 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 Accused Student, Group and/or Organization (and the complaining student who believes s/he was the victim of another student’s conduct) in writing within 5 days of the determination and of the sanction(s) imposed, if any.