

POLICY: 6Hx28:8-03



VALENCIA

Responsible Executive:
Vice President, Student Affairs

Policy Contacts: Deans of Students Dean,
Holistic Student Support

Specific Authority: 1001.64, F.S.;
1006.60, F.S.

Law Implemented: 553.865, F.S.;
871.01, F.S.; 877.13, F.S.; 1006.60, F.S.;
1006.61, F.S.

Effective Date: ~~12-02-2021~~ 12-07-2023

Date of Last Policy Review:
~~12-02-2021~~ 12-07-2023

Student Code of Conduct

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I. General Principles

II. Purpose:

Valencia College (“College”) is dedicated to provides opportunities for academic, technical, and life-long learning. The College is committed to fostering and maintaining a civil environment conducive to creating the right conditions for learning, inquiry, and excellence while promoting personal accountability, ethical development, and responsible social conduct. The following Student Code of Conduct (or “Rules of Conduct” or “Code”) provides the framework necessary to achieve and maintain its mission.

Any student who accepts the privilege extended by the laws of Florida of attendance at the College is deemed to have given their consent to the policies of the College, the State Board of Education, and the laws of Florida.

the advancement of knowledge and learning and also to the development of responsible personal and social conduct. The primary purpose for the maintenance of discipline in the College setting is to support a civil environment conducive to learning and inquiry.

II. General Principles

A. Scope

1. The Rules of Conduct shall apply to all students and registered student organizations in accordance with this Policy. Compliance with this Policy shall be deemed a part of the conditions of admission and continued enrollment of all students. Upon admission to Valencia College, a student assumes the responsibility for becoming familiar with and abiding by the Rules of Conduct.

a. Students and Registered Student Organization Responsibilities:

- i. Any registered student organization can be held responsible for its actions or the actions of all or some its members acting together. Misconduct on the part of an individual member(s) may not automatically be sufficient to initiate the registered student organization conduct review process.
- ii. Students can be held accountable as individuals under the Rules of Conduct for their conduct, whether the students are acting in an individual capacity or the students are acting as a member of a registered student organization.
- iii. This Code may apply to acts conducted on or off Valencia-owned or controlled property, based on any student conduct

that may adversely affect the college community. This Code may also apply to instances of misconduct occurring online, including but not limited to online instruction or through the use of any electronic communication-including social media. The Dean of Holistic Student Support (referred to hereon as the Dean) or designee shall determine whether misconduct falls within the scope of this Code on a case-by-case basis.

iv. The Code shall apply to a student's conduct even if the student withdraws from any or all enrolled courses while a conduct matter is pending. The conduct review process can proceed in absentia even if the student or registered student organization chooses not to participate. Any pending and/or incomplete conduct review processes and/or sanctions may result in a hold placed on the student's account preventing registration or may result in a registered student organization's status to become inactive. However, any pending and/or incomplete conduct review process for a student will still allow access to unofficial student records (e.g., transcripts, enrollment verification, etc.). All pending and/or incomplete conduct review processes and/or sanctions must be resolved prior to the student's reenrollment or reactivation of the registered student organization.

A.B. Inherent Student Conduct Authority:

1. The authority to implement the Rules of Conduct as established by the District Board of Trustees ultimately rests with the College President, in accordance with policies established by the District Board of Trustees. The President delegates this authority to the Vice President for Student Affairs (VPSA), who delegates appropriate authority to the Dean of Holistic Student Support ("Dean"). The Dean or designee is responsible for implementing the student conduct review process. The College President and VPSA always retain their respective authority. The College reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community. This Code is adopted for the appropriate discipline of any student (or student organization) who acts to impair, interfere with, or obstruct the orderly conduct, processes, and functions of the College. This Code may apply to acts conducted on or off campus when relevant to such orderly conduct, processes, and functions. It is the intention of the Board that authority for student discipline ultimately rests with the College President. The President delegates this authority to the Vice President for Student Affairs, and the Vice President delegates this authority to each campus Dean of Students.
2. The Dean or designee is responsible for recruiting, selecting, training, and providing administrative support to the Student Conduct Board. The campus Dean of Students is responsible for implementing the student

~~disciplinary system. The President, the Vice President for Student Affairs, or the campus Dean of Students or designee may take direct jurisdiction of any case when it is determined by the circumstances that taking direct jurisdiction is the best way to resolution. As appropriate, the campus Dean of Students or designee will work collaboratively with the campus or regional leadership and campus Security in addressing student conduct issues.~~

B.C. Interpretation of Regulations and Standard of Conduct: Violations of Law and Rules of Conduct

1. A student or registered student organization may be held accountable to both external governmental authorities and to the College for acts which constitute violations of both civil and/or criminal law and of this Code. In addition to the student conduct review process, student conduct that might appear to constitute a felony or misdemeanor offense may be referred to appropriate law enforcement agencies. To the extent feasible and practical, disciplinary regulations at the College are in writing to give students general notice of prohibited conduct. The regulations are not a criminal code; they should be read broadly and are not designed to define misconduct in exhaustive terms.

1.2. Student conduct proceedings may occur concurrently and independently from law enforcement proceedings, and application of this Code will not subject to challenge on the ground(s) that criminal charges involving the same incident have been filed, prosecuted, dismissed, reduced, or otherwise resolved. In the event of a criminal proceeding, students or registered student organization shall not be forced to present self-incriminating evidence during the student conduct review process; however, the College reserves the right to proceed with the information available at the time of the student conduct review process. The College also reserves the right to postpone any conduct proceeding pending the outcome of any civil and/or criminal case but is not obligated to do so.

C.D. Student Conduct Review Process:

1. The disciplinary student conduct review process shall be conducted pursuant to the Code shall be in an informal, fair, and timely manner. The College also has the authority and discretion to conduct this process in any modality (e.g., in person, via telephone, or virtually) as necessary or appropriate while still maintaining the integrity of the process. expeditious. Procedures governing criminal or civil courts, including formal rules of evidence, are not applicable.

1.2. Minor deviations from the procedures in this Code shall not invalidate a proceeding or decision, except where such deviation has clearly resulted in significant material prejudice to an accused student, to a registered student organization participating in the process, or to the

College.

2.3. Procedures governing criminal or civil courts, including formal rules of evidence, are not applicable to any of the proceedings described herein. The standard of proof for a student or registered student organization to be found responsible for violating the Rules of Conduct is a preponderance of evidence. College jurisdiction regarding discipline is generally limited to conduct of any student or registered student organization that occurs on College premises. However, the College reserves the right to impose discipline based on any student conduct, regardless of location or modality, that may adversely affect the College community, disrupt classwork, cause substantial disorder, or invade the rights of other students.

D. Violations of Local, State, and Federal Law:

1. Any student who accepts the privilege extended by the laws of Florida of attendance at Valencia College is deemed to have given their consent to the policies of the College, the State Board of Education, and the laws of Florida.
2. By enrolling at Valencia College, a student assumes the responsibility for becoming familiar with and abiding by the general rules of conduct listed in this Code. Violation of any of these may lead to disciplinary sanctions.
3. A student may be accountable to both governmental authorities and to the College for acts which constitute violations of law and this Code. Student conduct allegedly constituting a felony or misdemeanor offense may be referred to appropriate law enforcement agencies for prosecution. The disciplinary process at the College will not be subject to challenge on the ground that criminal charges involving the same incident have been filed, prosecuted, dismissed, reduced, or otherwise resolved or that such proceedings constitute double jeopardy.

III. Definitions Rules of Conduct

The expectations of behavior listed in the Rules of Conduct are not a criminal code; they should be read broadly and are not designed to define misconduct in exhaustive terms. The College may hold students and registered student organizations accountable for violations of, or taking active steps to attempt to violate, any College policies, procedures, or regulations applicable to students and registered student organizations.

A. Individual Student Rules of Conduct: The following Rules of Conduct is a list of prohibited student activities and behavior that include, but are not limited to:

1. **Academic Dishonesty:** For more information, see College Policy 6Hx28: 8-11 Academic Integrity.

2. Aiding, Attempting to Aid or Commit, Complicity, and Solicitation

- a. Intentionally aiding or abetting another person, facilitating, or otherwise being involved in the commission of any violation(s) mentioned in this Code.
- b. Requesting, hiring, active encouragement, or otherwise soliciting another person to commit any offense mentioned in this Code, either intending that the other person commit the offense or with the knowledge that the other person intends to commit the offense.
- c. Attempting to commit any violation as outlined in the Student Code of Conduct.

3. Alcoholic Beverages:

- a. The use of alcohol that is unlawful or otherwise prohibited by, or not in compliance with, College policy or campus regulations (to include students of legal drinking age consuming alcohol on College properties when not attending or participating in College-sponsored or other College-approved events). Alcoholic beverages include, but are not limited to the:
 - i. Manufacturing or attempted act of manufacturing alcoholic beverages;
 - ii. Distribution, dispensing, or sale of alcoholic beverages;
 - iii. Use or possession of alcoholic beverages, except as expressly permitted by law and the Student Code of Conduct;
 - iv. Consumption of alcoholic beverages; and/or
- b. Misconduct due to being under the influence of alcohol while on College property or participating in a College-sponsored event.

For more information, see College Policies 6Hx28: 2-01 Discrimination, Harassment, and Related Misconduct (Procedure III. G. Alcohol & Drug Violation Amnesty); and 6Hx28: 10-08 Drug-Free Campuses and Workplace.

4. Dangerous Materials, Firearms, and Weapons

- a. Possession, use, storage, or manufacture of explosives, firebombs, or other destructive devices on College property or at a College-sponsored event.
- b. Except as may otherwise be allowed by law, possession, use, or storage of firearms, other weapons, or dangerous articles including, but not limited to knives, conducted electrical weapon (e.g., Taser), switchblades, or possession of nonlethal weapons on College property or at a College-

sponsored event.

This rule does not prohibit legitimate tools required to complete official work (academic or otherwise) on campus. For more information, along with academic and work-related exceptions, see College Policy 6Hx28: 10-04 Firearms and Weapons on College Property and at College Events.

5. Discrimination, Harassment, and Related Misconduct: For more information, see College Policy 6Hx28: 2-01 Discrimination, Harassment and Related Misconduct.

6. Deception or Dishonesty

- a. Fabricating, withholding, and/or knowingly furnishing false information to a College official acting in the performance of their duties.
- b. Forgery, alteration, or misuse of any College document, record, key, electronic device, or identification.
- c. Impersonating another student or a College employee by using another person's College ID or other credentials. This includes, but is not limited to, accessing services and completing academic course work.
- d. Reporting a false emergency to the College, other official authorities, College officials, or other emergency responders acting in the performance of their duties.
- e. Any other act of deceit or misrepresentation for purposes of financial or personal gain.

7. Disruptive Behavior

- a. An act, whether intended or not, that has the effect of substantially impairing, interfering with, obstructing, or disrupting the normal processes, activities, and/or functions of the College community, learning environment, and/or impinges on the right of a person to be secure or left alone.
- b. Failure to accurately identify oneself upon request by a College official (i.e., faculty, staff, administration) or other community official acting within the scope of their duties.
- c. Any act that deliberately interferes with the free flow of pedestrian or vehicular traffic on College premises.
- d. Failure to comply with the directions of a College official (i.e., faculty, staff, administration) or other public official acting within the scope of their job while on College premises.

- e. Bringing an unauthorized person(s) to class.
- f. Leaving a child(ren) unattended on College property. For more information, see College Policies 6Hx28: 5-04 Student, Faculty, and Staff Child Care Services and 6Hx28: 10-09 Child Abuse Reporting.
- g. Behavior(s) that any reasonable person would consider crude and offensive in a sexual way. Such behavior(s) need not rise to the level of a violation in accordance with College Policy 6Hx28: 2-01 Discrimination, Harassment, and Related Misconduct.

8. Harmful Behavior

- a. Physical harm or threat of physical harm to any member of the College community whether in person or online.
- b. Verbal or written abuse, threats, intimidation, coercion, and/or other conduct that endangers the physical and/or mental health or safety of others or could place one in fear of injury or death whether in person or online.
- c. Retaliation against or harassment/intimidation of complainant(s), or other person(s) alleging misconduct.

9. Hazing: For more information, see College Policy 6Hx28: 8-12 Hazing.

10. Illicit Drugs, Controlled Substances, and Smoking

- a. The unlawful use of illicit drugs and/or controlled substances, identified in Federal, State, or local law or regulations, on College property or at a College-sponsored event that includes, but is not limited to:
 - i. Manufacturing or attempted manufacturing of illicit drugs or controlled substances;
 - ii. Distribution or attempted act of distribution of illicit drugs or controlled substances;
 - iii. Possession or attempted act of possession of illicit drugs or controlled substances; and/or
 - iv. Misconduct due to being under the influence of illicit drugs and/or controlled substances on College property or at a College-sponsored event.
- b. Possessing or attempting to possess any drug-related paraphernalia.

- c. Burning of tobacco or any other type of material in any type of smoking media or equipment, and any object or device intended to simulate such use, including without limitation cigarettes, cigars, pipes, vapor devices, and electronic cigarettes, and using or carrying the same, while emitting smoke/vapor.

For more information, see College Policies 6Hx28: 2-01 Discrimination, Harassment, and Related Misconduct (Procedure III. G. Alcohol & Drug Violation Amnesty); 6Hx28: 10-05 Smoking Regulations; and 6Hx28: 10-08 Drug-Free Campuses and Workplace.

11. Misuse of Technology, Computing, Telecommunication, or Electronic Resources

- a. Theft or other abuse of College-owned or operated computing facilities or computer time.
- b. Unauthorized use of another person's credentials to log onto any technology system, to access a College network, and/or to access a College database.
- c. Unauthorized entry into a file or document to use, read, or change the contents for any other purpose; or transfer of such file or document.
- d. Use of computing facilities, telecommunications, or electronic resources in a way that interferes with the work of another student, faculty member, staff, or College official.
- e. Use of computing facilities, telecommunications, or electronic resources in a way that interferes with a College computing system.
- f. Use of computing facilities, telecommunications, or electronic resources to send messages that impinges upon an individual's right to privacy and/or freedom from intimidation and harassment.
- g. Use of College technology, including but not limited to computers, network, and wireless internet to access materials disruptive to the learning environment, including but not limited to sexually explicit or violent content.
- h. Any other violations of College Information Technology Policies not otherwise outlined above.

For more information, see College Policies 6Hx28: 7A-01 Information Technology Resources Policies and 6Hx28: 7A-02 Acceptable Use of Information Technology Resources.

12. Obstruction of the Student Conduct Review Process

- a. Failure to obey a notice to appear for a meeting or hearing as part of the student conduct review process.
- b. Falsification, distortion, or misrepresentation of information before the Dean, their designee, or Student Conduct Board.
- c. Disrupting or interfering with the student conduct review process.
- d. Interfering or attempting to interfere with any individual's participation in the student conduct review process.
- e. Intimidation (whether physical, verbal, and/or through electronic resources) of anyone involved in the student conduct review process.
- f. Violation of the terms of any interim action imposed in accordance with this policy and/or procedure.
- g. Violation of the terms of any sanction imposed in accordance with this policy and/or procedure.

13. Policy Violation

- a. Violation of any policy or procedure found in the Valencia College Policies and Procedures Manual related to or applicable to student conduct.
- b. Violation of policies, regulations, or rules governing College owned or operated facilities or leased facilities.

Note: Violations already determined under other College policies need not be proven again as part of the student conduct review process, and those determinations may be relied upon as evidence for a violation under this Code.

14. Theft or Destruction of Property

- a. Theft or attempted theft of any property of the College or property of others; or possession of any stolen property of the College or others.
- b. Conversion of, damage to, or attempted destruction of any property of the College or property of others. This includes, but is not limited to, failure to return electronics or other materials of value borrowed from the College.
- c. Tampering with or damage to fire equipment, life safety equipment, or security equipment on College premises.

15. Unauthorized Use of College Property

- a. Unauthorized possession, receipt, duplication, or use of the College's name, insignia, seal, or other graphic identity symbols.
- b. Unauthorized entry to, possession of, receipt of, or use of any College properties, equipment, resources, or services.

16. Unauthorized or Disruptive Demonstrations

- a. Leading or provoking others to and/or participating in a disturbance of the peace or unlawful assembly which invades the rights of others, interferes with the educational function of the College, and/or which jeopardizes the public order and safety.
- b. Leading or provoking others to and/or participating in the disruption of the normal processes, activities, and functions of the College.
- c. Disruptive activities as defined and prohibited in accordance with the criminal provisions Florida Statute Sections 877.13, 871.01, or 1006.61.

Note: Nothing in this section is intended to abridge the rights of students to engage in protected speech to the extent permitted by College policy and applicable laws. For more information, see College Policy 6Hx28: 5-02 Speech, Expression, and Commercial Activity on College Property.

17. Violation of Florida Statute § 553.865 "Safety in Privacy Spaces Act"

- a. As provided by Section 553.865, F.S., willfully entering a restroom or changing facility designated for the opposite sex on the premises of the College and refusing to depart when asked to do so by any College administrative personnel, faculty member, security personnel, or law enforcement personnel, except when entering for these purposes:
 - i. To accompany a person of the opposite sex for the purpose of assisting or chaperoning a child under the age of 12, an elderly person as defined in s. 825.101, F.S., or a person with a disability as defined in s. 760.22, F.S., or a developmental disability as defined in s. 393.063, F.S.;
 - ii. For law enforcement or governmental regulatory purposes;
 - iii. For the purpose of rendering emergency medical assistance or to intervene in any other emergency situation where the health or safety of another person is at risk;
 - iv. For custodial, maintenance, or inspection purposes, provided that the restroom or changing facility is not in use; or

- v. If the appropriate designated restroom or changing facility is out of order or under repair and the restroom or changing facility designated for the opposite sex contains no person of the opposite sex.

18. Violation of Law

- a. A charge involving a violation of any criminal law that may result in a felony or misdemeanor conviction.
- B. Standards of Classroom Behavior: Faculty are authorized to define, communicate, and enforce appropriate expectations of behavior for students in the classrooms, online learning platforms, instructional environments (e.g., labs, tutoring centers, etc.), and offices under their supervision. Students who engage in disruptive behavior and/or distract from the educational environment may be instructed by the faculty member to leave the class for the remainder of the class period. Longer periods of removal from the education environment must be preceded by the student conduct review process as set forth in this Code. This Code does not cover academic violation(s) of a faculty syllabus.
- C. Registered Student Organization Rules of Conduct: The following Rules of Conduct is a list of registered student organization prohibited activities and behavior that include, but are not limited to:
- 1. **Academic Dishonesty:** For more information, see College Policy 6Hx28: 8-11 Academic Integrity.
 - 2. **Advertising**
 - a. Any advertising media originated or circulated by a student or registered student organization that contains false or misleading information.
 - b. Any advertising media originated or circulated by a student or registered student organization that violates federal, state, and/or local laws.
 - 3. **Aiding, Attempting to Aid or Commit, Complicity, and Solicitation**
 - a. Intentionally aiding or abetting another person, facilitating, or otherwise being involved in the commission of any violation(s) mentioned in this Code.
 - b. Requesting, hiring, active encouragement, or otherwise soliciting another person to commit any offense mentioned in this Code, either intending that the other person commit the offense or with the knowledge that the other person intends to commit the offense.
 - c. Attempting to commit any violation as outlined in the Student Code of Conduct.

4. Alcoholic Beverages:

- a. The use of alcohol that is unlawful or otherwise prohibited by, or not in compliance with, College policy or campus regulations (to include students of legal drinking age consuming alcohol on College properties outside of College-sponsored or other College-approved events). This includes, but is not limited to the:
 - i. Manufacturing or attempted act of manufacturing alcoholic beverages;
 - ii. Distribution, dispensing, or sale of alcoholic beverages to any person under the legal drinking age;
 - iii. Use or possession of alcoholic beverages, except as expressly permitted by law and the Student Code of Conduct;
 - iv. Consumption of alcoholic beverages;
 - v. Furnishing or causing to be furnished any alcoholic beverage to any person in state of noticeable intoxication; and/or
 - vi. Failure of a registered student organization to take all necessary steps to see that no person under the legal drinking age possesses alcoholic beverages on College properties, properties outside of College-sponsored, and/or other approved College events.
- b. Misconduct due to being under the influence of alcohol while on College property or participating in a College-sponsored event.

For more information, see College Policies 6Hx28: 2-01 Discrimination, Harassment, and Related Misconduct (Procedure III. G. Alcohol & Drug Violation Amnesty); and 6Hx28: 10-08 Drug-Free Campuses and Workplace.

5. Dangerous Materials, Firearms, and Weapons

- a. Possession, use, storage, or manufacture of explosives, firebombs, or other destructive devices on College property or at a College-sponsored event.
- b. Except as may otherwise be allowed by law, possession, use, or storage of firearms, other weapons, or dangerous articles including, but not limited to knives, conducted electrical weapon (e.g., Taser™), switchblades, or possession of nonlethal weapons on College property or at a College-sponsored event.

This rule does not prohibit legitimate work tools required to complete official work (academic or otherwise) on campus. For more information, along with academic and work-related exceptions, see College Policy 6Hx28: 10-04

Firearms and Weapons on College Property and at College Events.

6. Discrimination, Harassment, and Related Misconduct: For more information, see College Policy 6Hx28: 2-01 Discrimination, Harassment and Related Misconduct.

7. Deception or Dishonesty

- a. Fabricating, withholding, and/or knowingly furnishing false information to a College official acting in the performance of their duties.
- b. Forgery, alteration, or misuse of any College document, record, key, electronic device, or identification.
- c. Impersonating another student, registered student organization, College employee, or other individual by using another person's College ID or other College credentials. This includes, but is not limited to, accessing services, completing event forms, or completing academic course work.
- d. Reporting a false emergency to the College, other official authorities, College officials, and/or other emergency responders acting in the performance of their duties.
- e. Any act of deceit or misrepresentation for purposes of financial or personal gain.

8. Disruptive Behavior

- a. An act, whether intended or not, that has the effect of substantially impairing, interfering with, obstructing, or disrupting the normal processes, activities, and/or functions of the College community, learning environment, and/or impinges on the right of a person to be secure or left alone.
- b. Any act that deliberately interferes with the free flow of pedestrian or vehicular traffic on College premises.
- c. Failure to accurately identify oneself upon request by a College official or other community official acting within the scope of their duties.
- d. Failure to comply with the directions of a College official (i.e., faculty, staff, and administration) or other public official acting within the scope of their job while on College premises.
- e. Bringing an unauthorized person(s) to class.
- f. Leaving a child(ren) unattended on College property. For more information, see College Policies 6Hx28: 5-04 Student, Faculty, and Staff

Child Care Services and 6Hx28: 10-09 Child Abuse Reporting.

- g. Engaging in obscene and/or indecent behavior. Such behavior(s) need not rise to the level of a violation in accordance with College Policy 6Hx28: 2-01 Discrimination, Harassment, and Related Misconduct.

9. Fundraising

- a. Failure to comply with applicable laws and College policies and procedures for soliciting and fundraising activities on College property and/or at College-sponsored events.

10. Gambling

- a. Playing or sponsoring of an unlawful game of chance for money or for anything of value on College premises or at any activity sponsored by a registered student organization.
- b. Unlawful sale, barter, or disposition of a voucher or any item for participation in a game of chance by whatever name on College premises or at any activity sponsored by a registered student organization.
- c. Wagering on a College team or organization in a competition, with or without the intent to have a direct influence in the success of the competition.

11. Harmful Behavior

- a. Physical harm or threat of physical harm to any member of the College community whether in person or online.
- b. Verbal or written abuse, threats, intimidation, coercion, and/or other conduct that endangers the physical and/or mental health or safety of others or could place one in fear of injury or death whether in person or online.
- c. Retaliation against or harassment/intimidation of complainant(s), or other person(s) alleging misconduct.

12. Hazing: For more information, see College Policy 6Hx28: 8-12 Hazing.

13. Illicit Drugs, Controlled Substances, and Smoking

- a. The unlawful use of illicit drugs and/or controlled substances, identified in Federal, State, or local law or regulations, on College property or at a College-sponsored event that includes, but is not limited to:
- i. Manufacturing or attempted manufacturing of illicit drugs of

controlled substances;

- ii. Distribution or attempted act of distribution of illicit drugs or controlled substances;
- iii. Possession or attempted act of possession of illicit drugs or controlled substances; and/or
- iv. Misconduct due to being under the influence of illicit drugs and/or controlled substances on College property or at a College-sponsored event.

- b. Possessing or attempting to possess any drug-related paraphernalia.
- c. Burning of tobacco or any other type of material in any type of smoking media or equipment, and any object or device intended to simulate such use, including without limitation cigarettes, cigars, pipes, vapor devices, and electronic cigarettes, and using or carrying the same, while emitting smoke/vapor.

For more information, see College Policies 6Hx28: 2-01 Discrimination, Harassment, and Related Misconduct (Procedure III. G. Alcohol & Drug Violation Amnesty); 6Hx28: 10-05 Smoking Regulations; and 6Hx28: 10-08 Drug-Free Campuses and Workplace.

14. Misuse of Technology, Computing, Telecommunication, or Electronic Resources

- a. Theft or other abuse of College owned or operated computing facilities or computer time.
- b. Unauthorized use of another person's credentials to log onto any technology system, to access a College network, or to access a College database.
- c. Unauthorized entry into a file or document to use, read, or change the contents for any other purpose; or transfer of such file or document.
- d. Use of computing facilities, telecommunications, or electronic resources in a way that interferes with the work of another student, faculty member, staff, or College official.
- e. Use of computing facilities, telecommunications, or electronic resources in a way that interferes with a College computing system.
- f. Use of computing facilities, telecommunications, or electronic resources to send messages that impinges upon an individual's right to privacy and/or freedom from intimidation and harassment.

- g. Use of College technology, including but not limited to computers, network, and wireless internet to access materials disruptive to the learning environment, including and without limitation sexually explicit or violent content.
- h. Any other violations of College Information Technology Policies not otherwise outlined above.

For more information, see College Policies 6Hx28: 7A-01 Information Technology Resources Policies and 6Hx28: 7A-02 Acceptable Use of Information Technology Resources.

15. Obstruction of the Student Conduct Review Process

- a. Failure to obey a notice to appear for a meeting or hearing as part of the student conduct review process.
- b. Falsification, distortion, or misrepresentation of information before the Dean, their designee, or Student Conduct Board.
- c. Disrupting or interfering with the student conduct review process.
- d. Interfering or attempting to interfere with any individual's participation in the student conduct review process.
- e. Intimidation (whether physical, verbal, and/or through electronic resources) of anyone involved in the student conduct review process.
- f. Violation of the terms of any interim action imposed in accordance with this policy and/or procedure.
- g. Violation of the terms of any sanction imposed in accordance with this policy and/or procedure.

16. Policy Violation

- a. Violation of any policy or procedure found in the Valencia College Policies and Procedures Manual related to or applicable to student and/or registered student organization conduct.
- b. Violation of departmental and/or academic internal policies, procedures, guidelines, rules, and/or regulations not otherwise outlined in this Code. This rule does not cover academic violation(s) of a faculty syllabus.
- c. Violation of policies, regulations, or rules governing College owned or operated facilities or leased facilities. Those individuals acting on behalf of a registered student organization that reserves facilities should check

with the College department or office responsible for the facility to confirm that all procedures have been followed.

Note: Violations already determined under other College policies need not be proven again as part of the student conduct review process, and those determinations may be relied upon as evidence for a violation under this Code.

17. Theft or Destruction of Property

- a. Theft or attempted theft of any property of the College or property of others; or possession of any stolen property of the College or others.
- b. Conversion of, damage to, or attempted destruction of any property of the College or property of others. This includes, but is not limited to, failure to return electronics or other materials of value borrowed from the College.
- c. Tampering with or damage to fire equipment, life safety equipment, or security equipment on College premises.

18. Unauthorized Use of College Property

- a. Unauthorized possession, receipt, duplication, or use of the College's name, insignia, seal, or other graphic identity symbols.
- b. Unauthorized entry to, possession of, receipt of, or use of any College properties, equipment, resources, or services.

19. Unauthorized or Disruptive Demonstrations

- a. Leading or provoking others to and/or participating in a disturbance of the peace or unlawful assembly, which invades the rights of others, interferes with the educational function of the College, and/or which jeopardizes the public order and safety.
- b. Leading and/or participating in the disruption of the normal processes, activities, and functions of the College, or provoking others to do so.
- c. Disruptive activities as defined and prohibited in accordance with the criminal provisions of Florida Statute Sections 877.13, 871.01, or 1006.61.

Note: Nothing in this section is intended to abridge the rights of students or registered student organizations to engage in protected speech to the extent permitted by College policy and applicable law. For more information, see College Policy 6Hx28: 5-02 Speech, Expression, and Commercial Activity on

College Property.

20. Violation of Law

- a. A charge involving a violation of any criminal law that may result in a felony or misdemeanor conviction.

IV. Sanctions

Students and registered student organizations found responsible for violating this Code through the student conduct review process are subject to administrative and/or educational sanctions. Significant mitigating or aggravating factors will be considered when assigning sanctions, including, but not limited to a student's academic record, past conduct of the responding student or registered student organization, the nature of the offense, and the severity of any damage, injury, harm, or greater community impact resulting from the incident.

While suspension, expulsion, and charter revocation (as applicable) are generally reserved for the most severe circumstances, repeated violations of any part of this Code may result in suspension, expulsion, and/or charter revocation (as applicable). Sanctions may be combined in certain cases such that more than one sanction results from a single incident. (This is separate and apart from academic suspension, as applicable and as defined in College Policy 6Hx28: 4-07 Academic Progress, Course Attendance and Grades, and Withdrawals).

Sanctions for students and registered student organizations that may be imposed in accordance with this Code are as follows:

A. Student Sanctions

1. **Warning:** Written notice that prohibited behavior may be cause for additional action if repeated in the future.
2. **Probation:** Status assigned for a designated period of time, during which any other violation of this Code may result in additional conduct action, including, but not limited to, deferred suspension, suspension, dismissal, or expulsion from the College. Students on probation may not hold or run for any College elected or appointed positions. Additional conditions appropriate to the violation may be imposed, including, but not limited to, indefinite extension of conduct probation status, campus building restrictions, registered student organization participation, or academic course modality restrictions.
3. **Deferred Suspension:** A potential sanction used when the Rules of Conduct violation is severe enough or, considering the student's conduct history, would warrant a suspension; however, at the discretion of the Dean or designee and based on the circumstances, the student may have one last opportunity to demonstrate the ability to abide by the College's

expectations of behavior articulated in the Rules of Conduct. This means that the student's conduct suspension is deferred on the contingency that A) no future violations of the Code of Conduct occur and B) the student completes all educational sanctions on time as established by the Dean or designee. If the student is found responsible for any subsequent violation(s) of the Rules of Conduct while on deferred suspension, an automatic minimum of one (1) semester suspension will be imposed in addition to existing sanctions. While on deferred suspension, students may not hold/run for any elected or appointed positions.

4. **Suspension** The exclusion from College property as defined in this policy and procedure and all services regardless of modality (e.g., in-person, virtually, or by telephone) for any purpose. This includes, but is not limited to, academic activities and other privileges for a specified period of time. All assigned sanctions must be completed prior to the conclusion of the suspension status; otherwise, the suspension status will remain in effect.
5. **Dismissal:** The exclusion from College property as defined in this policy and all services regardless of modality (e.g., in-person, virtually, or by telephone) for any purpose for at least two (2) years. A dismissed student has none of the rights or privileges of a student at the College.

Following a dismissal, the individual must apply for readmission to the College. Readmission is possible but not guaranteed and will only be considered after the dismissal has concluded, based on meeting all readmission criteria and obtaining clearance from the Vice President for Student Affairs or designee. All assigned sanctions must be completed prior to the conclusion of the dismissal status; otherwise, the dismissal status will remain in effect.

6. **Expulsion:** Permanent termination of student status and exclusion from College property, academic activities, and all other privileges regardless of modality.
7. **Restitution:** Repayment to the College or others affected for damages resulting from a violation of this Code.
8. **College/Community Referral:** This referral is to a College or community resource, which can serve as a support and/or an educational experience and/or resource.
9. **Educational Sanction:** In addition to the sanctions listed above, a student found responsible for violating the Rules of Conduct will be assigned educational requirements such as, but not limited to, community service, research projects/paper, personal reflections/action plans, presentations, etc. Educational sanctions are intended to provide a student with developmental opportunities that will help the student in avoiding future

violations of the Code.

10. Other Sanctions: The College may take other administrative action(s) to remedy acts of misconduct committed by students and/or to ensure that misconduct does not reoccur. Such actions may include but are not limited to restrictions on the use of, or removal from class and/or campus facilities, denial of future registration, or withdrawal/revocation of degree/certificate/credential.

B. Registered Student Organization Sanctions

1. Organizational Warning: Written notice that prohibited organizational behavior may be cause for additional student conduct action if repeated in the future.

2. Organizational Probation: Organizational status assigned for a designated period of time, during which any other violation of this Code may result in additional conduct action, including, but not limited to, organizational deferred suspension, organizational suspension, revocation of Valencia College registration, or recommendation for Charter Revocation.

3. Organizational Deferred Suspension: A potential sanction used when the Rules of Conduct violation is severe enough, or considering the registered student organization's conduct history, would warrant a suspension; however, at the discretion of the Dean or designee and based on the circumstances, the registered student organization should have one last opportunity to demonstrate the ability to abide by the College's expectations of organizational behavior articulated in the Rules of Conduct. This means that the registered student organization's suspension is deferred on the contingency that 1) no future violations of the Code occur and 2) the registered student organization completes all other sanctions on time as established by the Dean or designee.

If the registered student organization is found responsible for any subsequent violation(s) of the Rules of Conduct while on provisional suspension, an automatic minimum of one (1) semester organizational suspension will be imposed in addition to existing sanctions. While on organizational deferred suspension, the registered student organization may continue to operate with sanction-specific restrictions; however, may be limited to in their abilities to represent the College in events, extracurricular activities, or official functions.

4. Organizational Suspension: Registered student organization loses its College recognition and/or registration for a temporary period of time. While on organizational suspension status, a registered student organization may not use College resources or participate as an

organization in any college activities or events unless authorized in writing in advance under conditions approved by the Dean or designee. Additional provisions may be assigned that further outline the College's expectations while on organizational suspension status.

5. Recommendation of Revocation of Valencia College Registration: A recommendation to Student Development of permanent severance of the registered student organization's relationship with the College.

6. Recommendation for Charter Revocation: A recommendation to Student Development to submit an official request to a national office that the local chapter's charter be revoked.

7. Educational Sanctions: In addition to the organizational sanctions listed above, a registered student organization found responsible for violating the Rules of Conduct will be assigned educational requirements such as, but not limited to, community service, research projects/paper, personal reflections/action plans, presentations, etc. Educational sanctions are intended to provide a registered student organization with developmental opportunities that will help the registered student organization in avoiding future violations of the Code. If a registered student organization has any outstanding educational sanction(s) at the conclusion of the organizational probation, organizational deferred suspension, or organizational suspension status, the registered student organization's status will remain in effect pending completion and approval of all educational sanctions.

C. Other Sanctions: The College may take other administrative actions to remedy acts of misconduct committed by registered student organizations and/or to ensure that misconduct does not reoccur. Such actions may include but are not limited to restrictions on the use of, or removal from class and/or campus facilities, or denial of future social or business operations.

A. Advisor

~~An Advisor is any individual accompanying or assisting a Student throughout the review process. The Advisor may be any person, including an advocate, attorney, friend, or parent, who is not otherwise a party or witness involved in the review process. A Student may be accompanied by one Advisor as part of the review process.~~

~~In a Disciplinary Conference, an Advisor may directly participate in all aspects of the proceeding, including the presentation of relevant information and questioning of witnesses. If an Advisor is an attorney, the Dean of Students or designee may also be accompanied by a College attorney. The participation of an Advisor does not obviate the requirement that a Student speak on their own behalf when the proceeding requires it.~~

~~Advisors may be dismissed from any part of the review process, including a~~

~~Disciplinary Conference, if they disrupt or impede the process in any way. Disruption or impeding includes and is not limited to, needless consumption of time, steering the conversation away from the incident and/or introducing irrelevant topics and/or questions, arguing (not questioning) with students, witnesses, and others participating in the process, or otherwise failing to comply with college policy or directives.~~

~~B. Business Day~~

~~For the purpose of this Code and the timeframes included herein, a day in which normal Student Conduct business operations are conducted. Typically, Monday Thursday (8:00 a.m.— 5:00 p.m.) and Friday (9:00 a.m.— 5:00 p.m.) and excluding observed holidays and College closures.~~

~~C. Campus~~

~~All land, buildings, facilities, and other property including adjacent streets and sidewalks in the possession of or owned, used, or controlled by Valencia.~~

~~D. Classroom~~

~~A learning environment that uses any instructional modality (e.g., face to face, online, mixed mode) or other virtual or physical location that the syllabus or instructor designates as a learning space. This includes and is not limited to multimedia platforms.~~

~~E. Conflict of Interest~~

~~A Conflict of Interest is an interest that actually affects the outcome of the process. A possible or potential conflict, without evidence of how that conflict would actually affect the outcome of the process, is insufficient.~~

~~A conflict of interest exists when a Dean of Students or designee or Student Conduct Committee member has a familial relationship with a party or participant whether by blood, adoption, or marriage. A Dean of Students or designee or Student Conduct Committee member's personal or business interest involving any party or participant in the process may also be evidence of a Conflict of Interest, including and not limited to an interest in a party or participant's private business; the receipt of gifts or financial assistance from a party; or providing financial assistance to a party.~~

~~A conflict of interest may exist when a Dean of Students or designee or Student Conduct Committee member is currently or previously enrolled in a course with the respondent or a member of the same student organization, group, or committee.~~

~~A Dean of Students or designee or Student Conduct Committee member merely being employed by or compensated by the College for service as a~~

~~Dean of Students or designee or Student Conduct Committee member, having knowledge of a party or participant prior to the hearing, or being a certain sex or gender shall, by themselves, be insufficient to constitute a Conflict of Interest.~~

~~Relatedly, “bias” means a personal and sometimes unreasoned judgment. Biases are neither uncommon nor alone a basis for any modification of the process described herein without the presence of a Conflict of Interest.~~

~~F. Student (as used in this code)~~

- ~~1. All persons taking Valencia courses, both full time and part time, or participating in a college sanctioned activity(ies) regardless of location or modality; and/or~~
- ~~2. All persons who are not officially enrolled for a particular term but have a continuing relationship with Valencia or intend to enroll in the next term. This provision is intended to include within the definition of students, those persons enrolled in the spring and fall semesters who engage in misconduct during the summer and students who are first time enrollees who engage in misconduct prior to the time of enrollment; and/or~~
- ~~3. All persons who are participating in classes at Valencia College regardless of location or modality although they may be enrolled students in other higher education institutions; and/or~~
- ~~4. Student groups and organizations may be held collectively responsible when violations of this Code by those associated with the group or organization have received consent or encouragement of the group or organization or of the group’s or organization’s leaders or officers.~~

~~III. Standards of Classroom Behavior~~

~~Primary responsibility for managing the classroom environment rests with the faculty. Faculty members are authorized to define, communicate, and enforce appropriate standards of decorum in classrooms, offices, and other instructional areas under their supervision. Students who engage in any prohibited or unlawful acts that result in disruption or distraction of a class may be directed by the faculty member to leave the class for the remainder of the class period. Longer suspensions from class or dismissal on disciplinary grounds must be preceded by a disciplinary conference or hearing, as set forth in the implementing procedures of this Code.~~

- ~~A. Examples of such disruptive or distracting activities include, but are not limited to, the following:~~

~~1. Activities that are inconsistent with commonly acceptable classroom behavior and which are not conducive to the learning experience, such as excessive tardiness, leaving and returning during class, and early departure when not previously authorized;~~

~~2. Activities that violate previously prescribed course guidelines or constitute an unreasonable interruption of the learning process, that are irrelevant to the subject matter of the class, that distract from the learning process, or impede, hinder, or inhibit the ability of the students to obtain the full benefit of the educational presentation.~~

~~B. Academic dishonesty allegations may be processed by the professor as academic violations and/or may be processed in accordance with student conduct procedures set forth in this Code. Students may be subject to both the Student Conduct Code and academic sanctions as determined in the academic judgment of the professor in cases where there is a combination of alleged violations of academic and nonacademic regulations. Any student determined by the professor to have been responsible for engaging in an act of academic dishonesty shall be subject to a range of academic penalties (apart from any sanctions that may be imposed pursuant to the Code) as determined by the professor which may include, but not be limited to, one or more of the following: loss of credit for an assignment, examination, or project; a reduction in the course grade; or a grade of “_F_” in the course. For more information, see College Policy 8-11 Academic Dishonesty.~~

~~IV. Grounds for Discipline~~

~~A. The College may impose discipline for violation of, or an attempt to violate, any College policies or campus regulations. Violations or attempted violations include, but are not limited to, the following types of misconduct:~~

~~1. All forms of academic misconduct, including but not limited to, cheating, fabrication, plagiarism, or facilitating academic dishonesty.~~

~~2. Other forms of dishonesty, including but not limited to, fabricating information or knowingly furnishing false information or reporting a false emergency to the College or to College officials acting in the performance of their duties.~~

~~3. Forgery, alteration, or misuse of any College document, record, key, electronic device, or identification.~~

~~4. Theft of, conversion of, or damage to or destruction of, any property of the College or property of others while on College premises, or possession of any property of the College or others stolen while on College premises.~~

~~5. Theft or other abuse of computing facilities or computer time, including but not limited to, unauthorized entry into a file to use, read,~~

- ~~or change the contents or any other purpose; unauthorized transfer of a file; unauthorized use of another individual's identification or password; use of computing facilities to interfere with the work of another student, faculty member, or College official; use of computing facilities to interfere with a College computing system, or other violations of policy 6Hx28:7A-01, Information Technology Resources Policies and related procedures.~~
- ~~6. Use of Valencia technology, including, but not limited to, computers, network, and wireless internet, to access materials disruptive to the learning environment, including and without limitation, sexually explicit or violent content.~~
 - ~~7. Unauthorized entry to, possession of, receipt of, duplication of, or use of the College's name, insignia, or seal~~
 - ~~8. Unauthorized entry to, possession of, receipt of, or use of any College properties, equipment, resources, or services.~~
 - ~~9. Violation of policies, regulations, or rules governing College owned or operated facilities or leased facilities.~~
 - ~~10. Physical abuse, including but not limited to, rape, sexual assault, sex offenses, and other physical assault; threats of violence; or conduct that threatens the health or safety of any person.~~
 - ~~11. Sexual harassment, as defined in College Policy 6Hx28:02-01 (Discrimination, Harassment, and Related Misconduct): Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - ~~a. Submission to such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in other College activity;~~
 - ~~b. Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or human-resource decisions affecting an individual; or~~
 - ~~c. Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive College environment. In determining whether the alleged conduct constitutes sexual harassment, consideration shall be given to the record of the incident as a whole and to the totality of the circumstances, including the context in which the alleged incidents occurred.~~~~
 - ~~12. Stalking behavior in which an individual willfully, maliciously, and repeatedly engages in a knowing course of conduct directed at a~~

specific person which reasonably and seriously alarms, torments, or terrorizes the person, and which serves no legitimate purpose.

- ~~13. The use or display of “fighting words” by students to harass any person(s) on College property, on other property to which these policies apply as defined in campus implementing regulations, or in connection with official College functions or College sponsored programs. “Fighting words” are those personally abusive epithets which, when directly addressed to any ordinary person are, in the context used and as a matter of common knowledge, inherently likely to provoke a violent reaction whether or not they actually do so. Such words include, but are not limited to, those terms widely recognized to be derogatory references to race, ethnicity, religion, sex, sexual orientation, disability, and other personal characteristics. “Fighting words” create a hostile and intimidating environment which the student uttering them should reasonably know will interfere with the victim’s ability to pursue effectively their education or otherwise to participate fully in College programs and activities.~~
- ~~14. Wearing styles or articles of clothes that cause disruption of the learning environment, or intimidation of others in the learning environment, or violate published classroom protocols of individual professors, subject to the requirements of law.~~
- ~~15. Hazing or any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of a postsecondary institution, as prohibited by 1006.63, F.S., and Valencia policy.~~
- ~~16. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other College activities, including but not limited to:
 - ~~a. Violence committed against any member or guest of the College community.~~
 - ~~b. Foreible interference with the freedom of movement of any member or guest of the College.~~
 - ~~c. Obstruction of the normal processes, activities, and functions of the College community.~~
 - ~~d. Assault or battery upon College security officers.~~
 - ~~e. Disruptive activities as defined and prohibited in accordance with the criminal provisions of Section 877.13, Florida Statutes.~~~~

- ~~f.—Obstruction or disruption that occurs in the online environment.~~
- ~~17. Disorderly or lewd conduct.~~
- ~~18. Participation in a disturbance of the peace or unlawful assembly.~~
- ~~19. Failure to identify oneself to, or comply with directions of, a College official or other public official acting in the performance of their duties while on College property or at official College functions, or resisting or obstructing such College or other public officials in the performance of or the attempt to perform their duties.~~
- ~~20. Unlawful manufacture, distribution, dispensing, possession, use, or sale of, or the attempted manufacture, distribution, dispensing, or sale of controlled substances, identified in Federal and State law or regulations. For more information, see College Policy 10-08.1 Drug-Free Campuses and Workplace.~~
- ~~21. Manufacture, distribution, dispensing, possession, use, or sale of, or the attempted manufacture, distribution, dispensing, or sale of alcohol which is unlawful or otherwise prohibited by, or not in compliance with, College policy or campus regulations. For more information, see College Policy 10-08.1 Drug-Free Campuses.~~
- ~~22. Possession, use, storage, or manufacture of explosives, firebombs, or other destructive devices.~~
- ~~23. Except as expressly permitted by law, possession, use, or manufacture of a firearm or other weapon.~~
- ~~24. Violation of the conditions contained in the terms of a disciplinary action imposed under this Code.~~
- ~~25. Violation of the terms of any disciplinary sanction imposed in accordance with this Code.~~
- ~~26. Aiding, Solicitation, and Attempt:~~
- ~~A person is in violation of this Code if they:~~
- ~~a.—Intentionally aids or abets another in the commission of any offense(s) mentioned in this Code;~~
- ~~b.—Requests, hires, encourages, or otherwise solicits another person to commit any offense mentioned in this Code, either intending that the other person commit the offense or with the knowledge that the other person intends to commit the offense; or~~
- ~~c.—Attempts to commit any offense mentioned in this Code.~~
- ~~27. The College shall enforce the provisions of Section 1006.62,~~

~~Florida Statutes, hereinafter set forth in full, as follows:~~

- ~~a. Each student in a community college or state College is subject to federal and state law, respective county and municipal ordinances, and all rules and regulations of the State Board of Education or board of trustees of the institution.~~
- ~~b. Violation of these published laws, ordinances, or rules and regulations may subject the violator to appropriate action by the institution's authorities.~~
- ~~c. Each president of a community college or state College may, after notice to the student of the charges and after a hearing thereon, to expel, suspend, or otherwise discipline any student who is found to have violated any law, ordinance, or rule or regulation of the State Board of Education or of the board of trustees of the institution. A student may be entitled to waiver of expulsion:
 - ~~i. If the student provides substantial assistance in the identification, arrest, or conviction of any of their accomplices, accessories, coconspirators, or principals or of any other person engaged in violations of chapter 893 within a state College or community college;~~
 - ~~ii. If the student voluntarily discloses their violations of chapter 893 prior to their arrest; or~~
 - ~~iii. If the student commits themselves, or is referred by the court in lieu of sentence, to a state-licensed drug abuse program and successfully completes the program.~~~~

~~B. The College will follow the mandates of Public Law 90-575, which provides in part that students at an institution of higher learning who, after notice and hearing, are found guilty of substantial disruption will not be eligible for financial assistance provided by the federal government.~~

~~V. Implementation.~~

~~VI.V.~~ _____ The President, or designee(s), shall administer this policy by developing and implementing procedures as deemed necessary and appropriate.

Policy History:

Adopted 12-11-74; Amended 9-16-81; Amended 8-25-82; Amended 1-19-83; Amended 11-18-92; Amended 5-15-07; Amended 12-02-21; Amended XX-XX-2023; Formerly 6Hx28:10-04; Formerly 6Hx28:10-03

Related Documents/Policies:

[College Policy 6Hx28: 02-01 Discrimination, Harassment, and Related Misconduct](#)

[College Policy 6Hx28: 4-07 Academic Progress, Course Attendance and Grades, and Withdrawals](#)

[College Policy 6Hx28: 5-02 Speech, Expression, & Commercial Activity on College Property](#)

[College Policy 6Hx28: 5-04 Student, Faculty, and Staff Child Care Services](#)

[College Policy 6Hx28: 7A-01 Information Technology Resources Policies](#)

[College Policy 6Hx28: 7A-02 Acceptable Use of Information Technology Resources](#)

[College Policy 6Hx28: 7B-02 Student Records](#)

[College Policy 6Hx28: 8-11 Academic Dishonesty/Integrity](#)

[College Policy 6Hx28: 8-12 Hazing](#)

[College Policy 6Hx28: 10-04 Firearms and Weapons on College Property and at College Events](#)

[College Policy 6Hx28: 10-05 Smoking Regulations](#)

[College Policy 6Hx28: 10-08.4 Drug-Free Campuses and Workplace](#)

[College Policy 6Hx28: 10-09 Child Abuse Reporting](#)

Procedures:

The student conduct review process (“the process”) supports the educational mission of the College. Allegations that students or registered student organizations may have violated this Code should be reported to the Dean or designee for review. ~~disciplinary function at Valencia supports the educational mission of the College. Students or student organizations in violation of College policies and procedures will be reported to Valencia authorities for disciplinary action. Disciplinary processes are outlined in the Student Handbook, the College Catalog, and the Valencia web site under College Policies, which gives the College authority to impose sanctions including suspension, dismissal, and expulsion.~~

For a full list of relevant definitions, see Appendix A: Definitions

I. Reporting violations of the ~~Student Conduct Code~~Rules of Conduct

- A. Any College student, faculty, or staff member may report to the Dean or designee, student(s), student group, or registered student organization(s) suspected of violating the Rules of Conduct/Student Code of Conduct to the Dean of Students, or designee. Normally, a written complaint/report to the Dean of Students or designee will be requested promptly after the occurrence or discovery of the alleged violation(s)/infraction(s), although the Dean of Students However, the Dean or designee may initiate the student conduct review process without a written report. ~~disciplinary processes without a written complaint. Those reporting cases are normally expected to participate in the process and provide information~~

~~relevant to the matter in the disciplinary process.~~

- B. ~~Those reporting incidents are normally expected to participate in the proceedings and provide information relevant to the matter in the conduct review process. If the complaint report of an alleged violation is received more than one termsemester after the incident occurred, the Dean of Students or designee will evaluate whether the circumstances merit an initiation of the student conduct review processdisciplinary action based on the nature of the alleged violationcharges. The Dean or designee has two (2) semesters upon receiving the report to administer a Rule of Conduct charge to a student or registered student organization.~~
- C. ~~If the complaint is received and the responding party no longer meets this Code's definition of a Student, the campus-Dean of Students or designee will evaluate whether the circumstances merit action based on the nature of the alleged charges.~~
- D. ~~Under Policy sections IV(A)(9), (11), and (12) above Policy Statement III (Rules of Conduct), violations of other Ceollege policies, such as 6Hx28:2-01, Discrimination, Harassment and Related Misconduct, may be violations of the Code. For circumstances when sStudents or registered student organizations who allegedly behave in prohibited conduct as described in College Policy 6Hx28: 2-01, including Title IX Sexual Misconduct, are subject to the procedures outlined in that policy. are alleged to have violated Title IX Sexual Misconduct under the above referenced procedure, the process and any appropriate sanction will be addressed through procedures outlined in 2-01. Additionally, under this section, the Dean of Students or designee may accept a finding of responsibility under College Policy 6Hx28: 2-01 above as a reported violation of the Code for other types of discrimination or harassment under College Policy 6Hx28: 2-01. In these circumstances, once accepted, and following the conclusion of the procedures outlined under College Policy 6Hx28: 2-01, the Dean of Students or designee shall assign an appropriate sanction(s) in accordance with this Policy. refer the conduct to disciplinary conference for appropriate sanctioning under the Code.~~
- E. ~~Also under Policy sections IV(A)(9), (11), and (12) above, violations of Policy 6Hx28:2-01, Discrimination, Harassment and Related Misconduct specifically as it relates to sexual harassment, sexual assault, sexual exploitation, interpersonal violence, and/or stalking, may be violations of the Code. Pursuant to Policy 2-01, in these circumstances the Dean of Students or designee will receive a "determination of sufficient evidence" of a policy violation under the policy above as a report. Upon review of the reported allegation, the Dean of Students or designee must make a final determination of responsibility. If the Dean finds responsibility, they shall refer the conduct to a separate process for appropriate sanctions under procedure Section III below.~~

F.E. When a report to the Dean or designee contains an allegations of

misconduct ~~under that~~ is potentially a violation College Policy 6Hx28:2-01; Discrimination, Harassment and Related Misconduct, including violations relating to sexual harassment, sexual assault, and stalking, ~~originate in the Dean of Students office,~~ the ~~report~~ ~~complaint~~ will be referred to the ~~Office of Equity and Access~~ ~~Equal Opportunity Office~~ for assessment and investigation, as appropriate under ~~that~~ College Policy.

II. Interim Actions and Conditions of Return

The Vice President for Student Affairs, Dean, or designee may impose any of the below interim actions immediately if needed to protect the welfare of the student(s) referred for the student conduct review process, registered student organization review process, others involved in the alleged violation(s), or the College community. The interim action will be effective immediately without prior notice whenever there is evidence that the continued presence of the student or registered student organization at the College poses a substantial and immediate threat to themselves, others, or the stability and continuance of normal College functions. A student or registered student organization who receives an interim action may be offered a prompt opportunity to discuss the reasoning and terms of the interim action and preceding incident with the Dean or designee prior to the Preliminary Meeting as part of the student conduct review process. Interim actions may remain in effect until the resolution of the student conduct review process and are as follows:

- A. **Interim Suspension:** A student or registered student organization who receives an interim suspension will be afforded a prompt opportunity to meet with the Dean or designee to determine the status of the interim suspension. The outcome of the interim suspension meeting shall remain in effect until the final determination of any formal charges resulting from the circumstances of the case unless the Vice President for Student Affairs or designee decides otherwise. Interim suspension is not a sanction.
- B. **Removal from Class(es):** In case of possible disruption to the educational environment, students may be temporarily removed from class. This removal shall not affect a student's academic progress in the class.
- C. **Student Assessment:** In cases of a possible threat to the College community, students may be required to meet with a licensed medical and/or mental health professional of their choice in order to address concerns the College may have in regards to the student's continued participation ensuring the safety of the College community. Meeting with licensed professionals will remain confidential between the student and provider, but the College will require documentation of the meeting in order to assure completion of the sanction.
 - 1. The College may require documentation from the licensed medical and/or mental health professional that the student is able to participate in the College community.
 - 2. The College may request the licensed medical and/or mental health professional to provide recommendations for the student to complete in order to participate in/with the College community. The College will then require

documentation from the medical and/or mental health licensed professional showing a record of completion.

D. Registered Student Organization Interim Action(s): The Presidents, leaders, advisors, and/or any official spokesperson for the registered student organization may be instructed by the Dean or designee to take appropriate action designed to prevent or end violations of this Code by the group or organization using interim measures. Failure to make reasonable efforts to comply with the Dean or designee's instruction shall be considered a violation of this Code, both by the officers, leaders, advisors, and/or spokespersons for the organization and by the organization itself.

III. Steps in Student Conduct Review/Resolution Processes

Note: The following resolution processes do not apply to violation(s) of College Policy 6Hx28: 2-01 Discrimination, Harassment and Related Misconduct. Refer to Procedures Section IV. (Resolutions to Violations of College Policy 6Hx28: 2-01 Discrimination, Harassment or and Related Misconduct) within this policy and procedure for that process.

E.A. Written Communication of Allegations

The first step in the student conduct review process is a written communication between the referred student(s) or registered student organization(s) and the Dean or designee. In this written communication, the Dean or designee will inform the responding student(s) or president of the registered student organization of the alleged violation(s) and the next steps in the student conduct review process. The president or designee of the registered student organization shall serve as the registered student organization's representative in the student conduct review process. To begin the conduct process, an informal conference between the student(s) and the Dean of Students or designee will convene. During this conference, the Dean of Students or designee will discuss the alleged violation with the student and may reach an understanding about its circumstances and sanctions that will result in a final determination by the Dean of Students or designee on the alleged violation. If a final determination is not reached at this point, depending on the nature and severity of the alleged violation and their judgment as to how to reach the best resolution for all involved, the Dean of Students or designee will refer the case to Informal Resolution or for a Disciplinary Conference.

F. Procedures for Informal Resolution

When allegations of misconduct do not involve a violation of Policy 6Hx28:2-01, the Dean of Students or designee, in their discretion, may refer the complaint to Informal Resolution. Informal Resolution is a process whereby two or more parties voluntarily meet with the Dean of Students or designee to address the concerns and behaviors alleged in the complaint and work to resolve the matter through sanctions that are educational, intervening, developmental, restorative and/or sustaining in nature, rather than punitive. The goal of informal resolution

is to provide the Responding Party with resources that will ensure that they learn from their actions and are best equipped to make better decisions in the future. Informal resolution does not involve the presentation of evidence, witnesses, or arguments. In the event that the participants refuse to engage in the informal resolution process, or do not reach a full and final resolution, the Dean of Students or designee will forward the matter for a Disciplinary Conference.

Prior to the conclusion of the conduct process, but before the Student Conduct Committee submits its recommendations of finding and sanctions to the Dean of Students or designee, the Responding Party may elect to take responsibility for the prohibited conduct by contacting the Dean of Students or designee, in writing and request leniency on sanctions. The Dean of Students or designee will issue a brief notice summarizing the allegations, Respondent acceptance of responsibility, and final decision on sanctions. Following the final decision of sanctions, the Responding Party may appeal the sanctions but not the finding(s) of responsibility.

G.B. Procedures for Disciplinary Conference Preliminary Meeting

The Preliminary Meeting is the next step of the student conduct review process for allegations of misconduct that may or may not rise to the level of an alleged violation of the Rules of Conduct. During the Preliminary Meeting, the Dean or designee will meet with the responding student or president of the responding registered student organization to review their rights and responsibilities as a student or registered student organization participating in the student conduct review process. During the Preliminary Meeting, the responding student or president of the responding registered student organization will have an opportunity to:

1. inspect and review the information of the alleged conduct violation(s);
2. share information regarding the reported incident(s) from their perspective, and
3. can accept or deny responsibility for the alleged violation(s).

At the Conclusion of the preliminary meeting, the Dean or designee will provide the responding student or president of the registered student organization with their appropriate resolution option(s).

~~The Dean of Students or designee will convene and conduct the Disciplinary Conference with the Student Conduct Committee and may participate in hearing deliberations and discussions. Recommendations of the Student Conduct Committee are determined through consensus. The Dean of Students or designee will receive the recommendation of the committee, which may or not be written, consider procedural integrity and consistency with the outcomes of prior student conduct cases, and make a final determination of the outcome. The Dean of Students or designee will convey the outcomes of the disciplinary conference to the student(s). The Dean of Students or designee is responsible for final decisions on all procedural issues and may modify conference procedures, if~~

~~necessary, to ensure a fair and expedient administration of the conference.~~

~~A campus-based Student Conduct Committee will be established by the Dean of Students or designee to resolve disciplinary issues. The Student Conduct Committee will consist of two or more members comprised of:~~

~~1.—One (1) Dean of Students who chairs the Student Conduct Committee~~

~~2.—One (1) or more additional members selected at the discretion of the Dean of Students or designee based on the particulars of the student conduct case, which may include representatives of the Campus Provost's Office, faculty, academic deans, security staff, students, and other student affairs staff.~~

~~2. Both the findings and the sanctions determined by Student Conduct Committee are recommendations to the Dean of Students or designee who will render a final decision.~~

~~3. Students and student organizations alleged to have violated the student conduct process have the right to an accurate and complete record of every disciplinary proceeding relating to the charged violation of the code, including record of every appeal, to be made, preserved, and available for copying upon request by the charged student or student organization. The College retains the discretion to determine the method for such records based on feasibility and operational concerns. Other College policies related to records, including and not limited to College Policy 6Hx28: 7B-02 Student Records, may apply to the request.~~

~~4. When a Student Code of Code matter is initiated as a result of an alleged violation to Policy sections IV(A)(11) and (12) above, including 6Hx28:2-01, Discrimination, Harassment and Related Misconduct, see procedure section II. D. below.~~

~~5. The Vice President for Student Affairs or designee is responsible for training and providing administrative support to the campus Student Conduct Committees.~~

~~6. In furtherance of aligning the student conduct process with overall considerations of equity and fairness, the Deans of Students will maintain records of all conduct violations and outcomes consistent with College Policy 7B-02 Student Records, and also in a format that is de-identified and disaggregated by race, ethnicity, and gender. The Deans will provide these data to the Vice President of Student Affairs annually or upon the request by the Vice President.~~

C. Types of Resolution for Alleged Violations

Following the Preliminary Meeting, the Dean or designee will administer an appropriate resolution option to address allegations of conduct violation(s).

1. Failure to Attend or Non-Participation in Preliminary Meeting

a. Decision of Responsibility Where Potential Sanction Does Not Include Suspension, Dismissal, or Expulsion: Should a student or registered student organization that is alleged to have violated the Rules of Conduct fail to attend the Preliminary Meeting without notice and/or choose not to participate, the Dean or Designee may render a decision of responsibility when the potential sanction does not include suspension, dismissal, or expulsion. If/when the alleged student or registered student organization misses the Preliminary Meeting, the responding student or responding registered student organization will have seven (7) College business days' notice to reschedule within reason. If there was no attempt to reschedule the Preliminary Meeting, then the Dean or designee will render a decision of responsibility and administer the appropriate sanction(s). The student or registered student organization will then have seven (7) College business days to reply and challenge the decision by requesting a hearing. If there is no challenge, then the decision will stand without an opportunity for appeal.

b. Decision of Responsibility Where Potential Sanction May Include Suspension, Dismissal, or Expulsion: When the sanction potentially includes suspension, dismissal, or expulsion and the student or registered student organization misses the Preliminary Meeting, the responding student or responding registered student organization will have seven (7) College business days' notice to reschedule within reason. If there was no attempt to reschedule the Preliminary Meeting or the student or registered student organization chooses not to participate, then the Dean or designee will move forward with scheduling a Board Hearing in accordance with written procedures. If the responding student or responding registered student organization misses the Board Hearing, the process can be resolved in absentia.

2. Conduct Case Dismissal

The Dean or designee has the discretion to dismiss a case, including but not limited to, the following reasons:

- a. There are not sufficient facts or information to proceed with the student conduct review process;
- b. The accused person is not a student; and/or
- c. The action claimed as misconduct is not considered a violation of the Code.

A case dismissal administered by the Dean or designee is considered a final

action by the College on the matters presented.

3. Conflict Resolution

The conflict resolution process is designed to address allegations of student or registered student organizational misconduct that, at the Dean or designee's discretion, does not rise to the level of an alleged violation. This process exists in order to meet the educational goals of the College by providing opportunities for accountability and restorative practices and no disciplinary record exists for the student or student organization. As part of the conflict resolution process, if the student or registered student organization fails to comply with any directive(s) as a condition of the behavioral meeting, conciliation, or mediation (as applicable); or if additional information is learned that suggests a potential violation of the Rules of Conduct, the student or registered student organization may have charges of the alleged conduct violation(s) brought forth and those charges will go through the appropriate resolution option of the student conduct review process (Procedures Section III.C.).

- a. Behavioral Meeting: This form of resolution allows the student or registered student organization to learn from their decision-making and the Dean or designee has the ability to recommend or require educational opportunities that assist with the student or registered student organization's learning.
- b. Conciliation: Conciliation is an informal process where the Dean or designee is involved in the discussions between two or more parties to assist in reaching a mutually agreeable resolution of their differences. While the Dean or designee are invested in the resolution of the situation, they will not advocate for or represent any participant.
- c. Mediation: Mediation is an informal process whereby two (2) or more parties voluntarily meet with an impartial mediator to communicate their concerns and needs to each other and to reach their own agreement on the resolution of the case. The participants in mediation are responsible for keeping their agreement or renegotiating it, if necessary.

4. Informal Resolution

- a. If the responding student or president of the responding registered student organization accepts responsibility, the responding student or responding president of the registered student organization waives their right to a Formal Hearing and the process proceeds directly to informal resolution and the assigning of sanctions. A student or president of the registered student organization may admit responsibility at any point in the process, in which instance, the process will proceed directly to resolution, unless suspension,

dismissal, or expulsion is a potential sanction.

b. The Dean or designee has 15 College business days to render a determination of responsibility based upon the information available.

5. Formal Hearing

A formal hearing may consist of either an Administrative Hearing or a Board Hearing.

a. The Dean or designee is responsible for final decisions on all procedural issues and may modify established hearing procedures, as necessary.

b. Formal Hearing Recordings:

i. An audio recording will be maintained for Administrative Hearings and Student Conduct Board Hearings in accordance with records retention practices.

6. All parties will be excluded during deliberations of Administrative Hearings and Student Conduct Board Hearings. Deliberations will not be recorded or transcribed.

H.D. *Formal Hearing Types*

1. Administrative Hearing

a. In an Administrative Hearing, the responding student or president of the responding registered student organization will meet with the Dean or designee in a one-on-one setting to discuss the alleged conduct violation(s). During an Administrative Hearing, a staff or faculty member of the Student Conduct Board will serve as the Administrative Hearing Officer who will analyze and consider all details of the incident including, but not limited to, incident reports, emails, witness statements, and responding student or responding registered student organization statements to determine a recommendation of responsibility for the violation(s) based on a preponderance of evidence.

i. If the finding(s) is that the responding student or responding registered student organization violated the Rules of Conduct, the Administrative Hearing Officer will recommend a sanction(s) appropriate to the violation(s) and consider any past violations of the Rules of Conduct. The finding of responsibility

and recommended sanction(s), if applicable, as determined by the Administrative Hearing Officer are communicated in writing to the Dean or designee.

ii. Once the Dean or designee receives the recommendation from the Administrative Hearing Officer and if the recommendation includes a sanction(s), the Dean or designee will consider procedural integrity and compatibility with the sanctions of prior responding student or registered student organizational conduct cases (subject to the unique circumstances of each case) and will render a final approval and/or recommendation of changes.

b. The Dean or designee will convey in writing the finding of the Administrative Hearing Officer and appropriate sanction(s), if applicable, to the responding student or president of the responding registered student organization within 15 College business days following the hearing.

i. If a finding of “not in violation” occurs, a student or registered student organization’s case (as applicable) is officially closed and no disciplinary record exists for the student or registered student organization (as applicable).

ii. If the final decision includes a sanction(s), the responding student or registered student organization has the right to appeal in accordance with Procedures Section V. (Appeals). If the student or registered student organization, as applicable, does not appeal, the decision is considered the final action by the College on the matters presented and a disciplinary record will exist for the student or registered student organization, as applicable.

2. Student Conduct Board Hearing

a. The Student Conduct Board will consist of the Dean or designee who chairs the Student Conduct Board and three (3) or more members selected at the discretion of the Dean or designee based on the specifics of the student conduct case. Student Conduct Board members are trained on an annual basis to ensure a fair and compliant process.

b. If the responding student or responding registered student

organization selects a Board Hearing during their Preliminary Meeting or if the potential sanction, based upon the alleged violation, may result in suspension, dismissal, or expulsion, the Dean or designee will convene and conduct the Board Hearing with the Student Conduct Board. During a Board Hearing, the Student Conduct Board will analyze and consider all details of the incident including, but not limited to, incident reports, emails, witness statements, and responding student or responding registered student organization statements to determine a recommendation of responsibility for the violation(s) based on a preponderance of the evidence standard.

- i. If the finding is that the responding student or responding registered student organization violated the Rules of Conduct, the Student Conduct Board will recommend a sanction(s) appropriate to the violation(s) and consider any past violations of the Rules of Conduct. Recommendations of the Student Conduct Board are determined through consensus. The finding(s) of responsibility and recommended sanction(s), if applicable, as determined by the Student Conduct Board are communicated in writing to the Dean or designee.
 - ii. Once the Dean or designee receives the recommendation from the Student Conduct Board and if the recommendation includes a sanction(s), the Dean or designee will consider procedural integrity and compatibility with the sanctions of prior student or registered student organizational conduct cases (subject to the unique circumstances of each case) and will render a final approval and/or recommendation of changes .
- c. The Dean or designee will convey in writing the finding of the Board Hearing and appropriate sanction(s), as applicable, to the responding student or president of the responding registered student organization within 15 College business days following the hearing.
- i. If finding of “not in violation” occurs, a student or registered student organization’s case (as applicable) is officially closed and no disciplinary record exists for the student or registered student organization (as applicable).
 - ii. If the final decision includes a sanction(s), the responding student or registered student organization has the right to appeal in accordance with Procedures Section V (Appeals). If the

student or registered student organization (as applicable) does not appeal, the decision is considered the final action by the College on the matters presented and a disciplinary record will exist for the student or registered student organization, as applicable.

E. Formal Hearing Rights & Responsibilities for Administrative Hearings and Board Hearings

The following procedural ~~protections are provided~~ provisions are established to provide rights and responsibilities to all students and registered student organizations involved in the student conduct review process and to ensure integrity and fairness during Formal Administrative Hearings and Board Hearings (“Formal Hearings”). ~~referred for disciplinary action in Disciplinary Conferences:~~

- a. A written notice of the specific charges, along with the date, time, and location of the Formal Hearing, will be administered at least seven (7) College business days prior to the scheduled Formal ~~Hearing~~ Disciplinary Conference with additional time at the Dean ~~of Students~~ or designee’s discretion.
- b. If the alleged incident is an emergency and/or poses danger to health, safety, and welfare of the College community, the Dean ~~of Students~~ or designee may schedule a Formal ~~Hearing~~ Disciplinary Conference no less than 24 hours in advance.
- c. Reasonable access to the case file seven (7) College business days prior to and during the Formal ~~Hearing~~ Disciplinary Conference. The Case file will include, and is not limited to:
 - i. A listing of all known witnesses that have provided, or will provide, information against the student or registered student organization.
 - ii. All known information relating to the allegation, including inculpatory and exculpatory information.
- ~~a.d.~~ The right to a presumption of not responsible until determined otherwise based upon the preponderance of the evidence.
- ~~b.c.~~ The right to an impartial Administrative Hearing Officer or Student Conduct Committee Board (as applicable), including members and the Chair (Dean ~~of Students~~ or designee). An impartial participant is one without a Conflict of Interest as defined herein Appendix A. Committee Administrative Hearing Officers, Board members, and Chairs are expected to ~~recuse themselves~~ notify the Dean or designee

prior to a Formal ~~Hearing/Disciplinary Conference~~ should a conflict of interest be perceived. If a responding student or responding registered student organization perceives or identifies substantive conflict of interest, it is their responsibility to notify the Dean ~~of Students~~ or designee, who will make the final determination about the existence of a conflict, prior to the scheduled Formal ~~Hearing/Disciplinary Conference~~. This notice must be received in writing no less than five (5) College business days prior to the scheduled Formal ~~Hearing/Disciplinary Conference~~ and does not modify the original second seven (7) College business days' notice.

~~e.f.~~ An opportunity to respond to the evidence.

~~d.g.~~ Silence during the Formal Hearing will be considered participation for purposes of the procedural steps set forth in this policy. The right against self-incrimination and the right to remain silent, meaning no evidence, presumption, or determinations of credibility will be inferred from or imputed to any participant as a result of mere silence. Nothing in this section prohibits the consideration of a student's or registered student organization's affirmative conduct or behavior during a process in determining responsibility or sanctions.

~~e.~~ Silence during the Disciplinary Conference will be considered participation for purposes of the procedural steps set forth in this policy.

~~f.h.~~ Students referred for disciplinary action who fail to appear after proper notice will be deemed to have pled no contest to the charges pending against them. Formal Hearings may proceed even if the responding student or responding registered student organization fails to attend after receiving proper notice and the Administrative Hearing Officer or Student Conduct Board (as applicable) will only consider the information provided. A failure to appear is not silent participation, and inferences may be made about a lack of exculpatory evidence and/or the student's or registered student organization's intent. ~~If the student does not appear, the Disciplinary Conference will be held in absentia and the Student Conduct Committee can continue to make its recommendation on the outcomes of the case.~~

~~g.i.~~ A responding student or registered student organization has ~~T~~the right to have an advisor (as defined in Appendix A), ~~advocate, or legal representative~~ who may be an attorney, present at any Formal Hearing, which shall be at the responding student's or registered student organization's own expense, ~~present at any Disciplinary Conference, whether formal or informal, subject to the definition of Advisor above.~~ If an advisor is an attorney, the Dean or designee may be accompanied by an advisor who may be an attorney. If the student or registered student organization wishes to have an attorney serve as their advisor at

a hearing, they must provide the Dean or designee with the name of the attorney at least five (5) College business days prior to the hearing. Should the student or registered student organization fail to notify the Dean or designee of the name of the attorney within five (5) College business days, the hearing may be rescheduled at a mutually agreed upon day and time. The presence of an attorney shall not modify the scope of the proceeding; no procedural objections to evidence or challenges to the applicability of this policy and procedure will be considered, and no disruptions to the process will be allowed. ~~Advisors participating in a Disciplinary Conference may be required to take part in training before the Conference.~~

h-j. The Dean ~~or designee of Students~~ will exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the hearing.

i-k. Any person, including the student's or registered student organization's witnesses, advisors, advocates, and/or legal representatives, who disrupt a ~~Formal Hearing~~ Disciplinary Conference may be excluded by the Dean ~~of Students~~ or designee conducting the Formal Hearing ~~Disciplinary Conference~~.

l. Persons who participate in providing information at the Formal Hearing ~~Disciplinary Conference~~ will be asked to affirm that their testimony is truthful and may be subject to charges of violating the ~~Student Code~~ Rules of Conduct or applicable College policy(ies) by intentionally providing false information to the Administrative Hearing Officer or Student Conduct Committee ~~Board~~ (as applicable).

j-m. Persons who participate in providing information at the Formal Hearing ~~Disciplinary Conference~~ will be excluded from the ~~hearing conference~~ except when providing information to the Administrative Hearing Officer or Student Conduct Committee ~~Board~~ (as applicable). The responding student or responding registered student organization(s) referred for disciplinary action may attend the entire ~~hearing conference~~ except for the deliberation by the Administrative Hearing Officer or Student Conduct Committee ~~Board~~ (as applicable). All parties will be excluded during Student Conduct Committee ~~Board~~ deliberations, which will not be recorded or transcribed.

k-n. Formal rules of evidence will not be applicable in student conduct ~~disciplinary~~ proceedings conducted pursuant to the Student Code of Conduct. The Dean ~~of Students~~ or designee will abide by the rules of confidentiality and privilege, but will admit all other matters which are relevant. Irrelevant or unduly repetitious evidence may be excluded by the Dean ~~of Students~~ or designee.

l.o. The Administrative Hearing Officer or Student Conduct Committee Board (as applicable) will make a recommendation of findings and proposed sanction(s), if applicable, which may or may not be written, to the Dean ~~of Students~~ or designee ~~who is~~ conducting the hearing.

m.p. The Dean ~~of Students~~ or designee conducting the hearing will receive the recommendation of the committee Administrative Hearing Officer or Student Conduct Board (as applicable), consider procedural integrity and consistency with the outcomes of prior disciplinary cases, and make a final approval and/or recommendation of changes to determination of the outcome and sanctions.

q. The Dean ~~of Students~~ or designee will convey in writing the outcome of the disciplinary hearing to the responding student(s) or president of the registered student organization.

n.r. Administrative and Board Hearings are not public meetings. The conduct of the hearings will be kept private to the extent permissible by law and as necessary and appropriate to protect the rights of the parties.

F. Documentation & Reporting

The student conduct review process is committed to integrity and fairness, as such the Dean or designee will maintain records of all conduct violations and outcomes consistent with College Policy 6Hx28: 7B-02 Student Records.

H.IV. Resolutions to Vviolations of the College Policy 6Hx28: 2-01 Discrimination, Harassment or and Related Misconduct Policy (6Hx28:2-01)

In accordance with Ceollege Ppolicy 6Hx28:2-01, in cases where the-a student is found responsible for misconduct, including discrimination, harassment, retaliation or conduct that is not Title IX Sexual Misconduct as defined in the above policy, the Dean or designee will assign appropriate sanction(s) as described below in Policy Statement IV. (Sanctions).

Given the nature and severity of the above referenced conduct, and at the discretion of the Dean or designee, the responding student may be subject to sanctions, including but not limited to the ones listed in Policy Statement IV. (Sanctions), that promotes a college community free from discrimination and harassment.

alleged misconduct include discrimination, and/or does not include sexual or gender-based harassment, sexual assault, sexual exploitation, interpersonal violence, and/or stalking,, the Dean of Students or designee will, after reviewing the report and finding from the Vice President of Human Resources or Vice President of Student Affairs,, accept the finding of responsibility as a violation (in full or in part) of the Code. After the

~~Dean of Students or designee accepts the finding of responsibility as a violation of the Code, they will institute a process to apply an appropriate sanction as described in procedure Section III.~~

~~As outlined in college policy 6Hx28:2-01, the Responding Party has five College business days from the date in which the final report was received to appeal the Dean of Students or designee's finding of responsibility. After five (5) College business days pass without comment or the appeal process has concluded, the Dean or designee may refer the case for sanctioning.~~

~~If the Responding Party appeals the finding of responsibility by the Dean of Students or designee, the Dean, at their discretion, may uphold any interim protective orders issued by the Equal Opportunity office while the appeal is completed.~~

~~In accordance with college policy 6Hx28:2-01, in cases where the alleged misconduct includes sexual or gender based harassment, sexual assault, sexual exploitation, interpersonal violence, and/or stalking, the Dean of Students or designee will make a finding, by a preponderance of the evidence, of responsibility. This finding of responsibility also serves as a finding of violation of the Code.~~

~~When determining responsibility, the Dean of Students or designee shall offer to meet with all parties involved in the matter, the investigator(s), and Title IX Coordinator, as appropriate, to fully assess the relevant facts and impacts. If the Reporting or Responding Parties choose to meet with the Dean of Student or designee they may be accompanied by an Advisor, as defined under college policy 6Hx28:2-01 and policy statement section II. A. of this policy. This determination of responsibility will not include a determination of sanctions, if applicable. The Dean of Students or designee will first determine responsibility, and then, if necessary, institute a process to apply an appropriate sanction as described in procedure Section III below.~~

~~Under procedure section II (C) above, at any time before the Dean of Students or designee reaches a determination of responsibility, the Responding Party may choose to agree, in full or in part, to the alleged reported misconduct.~~

~~As outlined in college policy 6Hx28:2-01, the Responding Party has five (5) College business days to appeal the finding of responsibility by the Dean of Students or designee. After five (5) College business days without comment or the appeal process has concluded, the Dean or designee may refer the case for sanctioning.~~

~~If the Responding Party appeals the finding of responsibility by the Dean of Students or designee, the Dean, at their discretion, may uphold any interim protective orders issued by the Equal Opportunity office while the appeal is completed.~~

- ~~1. Given the nature and severity of this type of conduct, and at the discretion of the Dean, the Responding Party may be subject to sanctions that ensure that the College community is free from discrimination and harassment, including but not limited to, the ones listed below.~~

III. Sanctions

Sanctions for violating provisions of this Code may result in suspension or dismissal from the College. Significant mitigating or aggravating factors will be considered when sanctions are imposed, including the present demeanor and past disciplinary record of the offender, the nature of the offense, and the severity of any damage, injury or harm resulting from it. Repeated violations of any part of this Code may also result in suspension or dismissal. Sanctions for students and student organizations which may be imposed in accordance with this Code include, but are not limited to:

1. **“Warning”**—notice, oral or written, that prohibited conduct may be cause for additional disciplinary action if repeated in the future.
- B. **“Censure”**—a written reprimand for violation of specified regulations, including a warning that prohibited conduct may be cause for additional disciplinary action if repeated in the future.
1. **“Disciplinary Probation”**—status assigned for a designated period of time, during which any other violation of the Code may result in suspension or dismissal from the College. Students on disciplinary probation may not hold or run for any elected or appointed positions. Additional conditions appropriate to the violation may be imposed.
2. **“Restitution”**—repayment to the College or others affected for damages resulting from a violation of this Code.
3. **“Suspension”**—exclusion from College premises and other privileges or activities for a period of time as set forth in the suspension notice. This action will be permanently recorded on the student’s record.
4. **“Dismissal” or “Expulsion”**—permanent termination of student status and exclusion from College premises, privileges, and activities. This action will be permanently recorded on the student’s record.

“Other Sanctions”—other sanctions may be imposed instead of or in addition to those specified in sections (A) through (F) of this section.

1. Without limitation, examples of other sanctions for individual nonacademic offenses also include fines; withholding of diplomas or transcripts pending compliance with rules, completion of any student judicial process or sanction, or payment of fines; restrictions on the use of or removal from campus facilities; community service; educational requirements, or research projects.
2. Without limitation, examples of other sanctions for individual academic honesty offenses also include reduction of grade, denial of academic credit, and invalidation of university credit or of the degree based upon such credit. In addition to any other penalties that may be imposed, an individual may be denied admission or further registration, and the college 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 college.~~

- ~~3. Without limitation, sanctions may be imposed for individuals who engage in conduct that violates this policy for the student to provide a personal action plan to ensure that there will be no further disruption to the learning environment.~~
- ~~4. Without limitation, examples of other sanctions for offenses committed by student organizations include cancellation of events; revocation of the registration or official recognition of a student organization; and restrictions on the use of, or removal from, campus facilities.~~
- ~~5. The Vice President for Student Affairs, Dean of Students, or designee may impose any of the above immediately as an Interim Sanction if needed to protect the welfare of the student(s) referred for disciplinary action, others involved in the alleged violation, or the College community. The interim sanction will be effective immediately without prior notice whenever there is evidence that the continued presence of the student at the College poses a substantial and immediate threat to themselves, to others, or to the stability and continuance of normal College functions. A student who receives an Interim Sanction will be given a prompt opportunity to appear personally before the Dean of Students or designee to discuss the reasons and terms of the Interim Sanction.~~
- ~~6. The officers or leaders or any identifiable spokesperson for a student group or organization may be ordered by the Dean of Students or designee to take appropriate action designed to prevent or end violations of this Code by the group or organization. Failure to make reasonable efforts to comply with the Dean of Students or designee order shall be considered a violation of this Code, both by the officers, leaders, or spokespersons for the group or organization and by the group or organization itself.~~
- ~~7. When making a determination of an appropriate sanction in a case arising under Policy 2-01, the Dean of Students or Designee will solicit information from the reporting party, the responding party, and the Title IX coordinator. The Dean of Students or designee has discretion in how best to obtain and utilize this information, but in every case shall give the student who has been found responsible notice of the types of the sanctions that may be imposed and an opportunity to offer information in support of or in opposition to those sanctions.~~

IV.V. Appeals

Any disciplinary action final determination of responsibility under this Code that results in a removal from a course(s), suspension, or dismissal, and/or expulsion, may be appealed by the responding student or responding registered student organization to the Vice President of Student Affairs or designee (Appellate Officer) by the respondent in keeping with the following provisions:

A. The appeal must be in writing ~~and delivered~~ to the Vice President for Student Affairs or designee within (7) seven College business days after the responding student or responding registered student organization has been notified in writing of the final decision by the Dean or designee. The Appellate Officer may approve appeals submitted after seven (7) College business days solely based on extenuating circumstances at the Appellate Officer's discretion. ~~notice of suspension or dismissal is delivered to the address on record for the student in the office of the Registrar.~~

B. Appeals will be reviewed by the Appellate Officer or designee on the following grounds for appeal: ~~Vice President for Student Affairs to determine their viability as soon as possible after appeals are received.~~

1. Whether there is new information that was otherwise unavailable at the time of the student conduct proceeding that may significantly alter the determination of responsibility;
2. Whether there is evidence that the procedures stated herein were not followed and that such errors affected the determination or sanction(s); and/or
3. Whether the sanction(s) imposed are disproportionate to the conduct.

~~The Vice President for Student Affairs will determine viability based on whether there is new information not available at the time of the disciplinary action that significantly alters the finding of fact, evidence of improper procedure, findings that are against the weight of the evidence, conflicts of interest, or excessive sanctions. The decision of the Vice President for Student Affairs about the viability of the appeal is final. The Vice President may deny the request for appeal and affirm the findings of the Dean of Students or grant the request for appeal.~~

B.C. Mere dissatisfaction with the determination or sanction is insufficient grounds for appeal. Appeals will be decided based on the information considered in the hearing report filed by the Dean of Students, the responding student's or responding registered student organization's written statement, and any written response or memoranda prepared by the Dean or designee as part of the student conduct review process. ~~College officials. All written materials considered by the Vice President for Student Affairs will be subject to inspection by the student. The student may request an opportunity to discuss the written materials in person with the Vice President for Student Affairs. New hearings will not be conducted on appeal. Decisions rendered by the Vice President for Student Affairs are final.~~

C.D. The Vice President of Student Affairs Appellate Officer or designee has the authority to:

1. Accept the determination and sanction(s) fully or in part. Alter, amend, and/or

~~overturn disciplinary action if information on appeal merits such action.~~

2. Schedule a ~~rehearing~~ new Formal Hearing only if specified procedural errors are identified that were so substantial as to affect the sanction, or if new information becomes available that was otherwise unavailable at the time of the proceedings that may significantly alter the determination, ~~or errors in interpretation of College regulations were so substantial as to deny the student a fair hearing~~, or if ~~new and significant evidence becomes available~~.
3. Dismiss the case or schedule new proceedings, as deemed necessary and appropriate, if a conflict of interest was identified and considered so substantial as to have significantly affected the determination and/or sanction(s). ~~Dismiss the case if the finding is held to be unsupported by the evidence.~~
4. Overturn and/or issue a new sanction(s) if the determination of the sanction(s) is(are) deemed to be disproportionate to the violation.
- 3-5. Defer all or an individual sanction until the resolution of the appeals process if the sanction(s) create an undue burden on the student's academic progress during the appeals process.

~~D. Disciplinary action for suspension or dismissal may be deferred while an appeal is pending, unless, in the discretion of the Vice President for Student Affairs, the continued presence of the student at the College poses a substantial threat to themselves, to others, or to the stability and continuance of normal College functions.~~

Procedure History:

Adopted 9-16-81; Amended 8-25-82; Amended 1-19-83; Amended 11-18-92; Amended 5-15-07; Amended 5-20-20; Amended 8-14-20; Amended 12-02-21; Amended 12-07-2023; Formerly 6Hx28:10-03

Related Documents: [Appendix A: Definitions](#)

Related Procedures:

[Appendix A: Definitions](#)

<u>Term</u>	<u>Definition</u>
<u>Advisor</u>	<u>An Advisor is any person accompanying or assisting a student or registered student organization throughout the review process. The Advisor may be any person, including an advocate, attorney, friend, or parent, who is not otherwise a party or witness involved in the review</u>

	<p><u>process. A student or registered student organization may be accompanied by one Advisor as part of the review process.</u></p> <p><u>In a Formal Hearing, an Advisor may directly participate in all aspects of the proceeding, including the presentation of relevant information and questioning of witnesses. If an Advisor is an attorney, the Dean or designee may also be accompanied by a College attorney. The participation of an Advisor does not remove the requirement that a student or registered student organization speak on their own behalf when the proceeding requires it.</u></p> <p><u>Advisors may be dismissed from any part of the review process, including a Formal Hearing, if they disrupt or impede the process in any way. Disruption or impeding includes and is not limited to, needless consumption of time, steering the conversation away from the incident and/or introducing irrelevant topics and/or questions, arguing (not questioning) with students, witnesses, and others participating in the process, or otherwise failing to comply with College policy or directives.</u></p>
<u>Appellate Officer</u>	<u>The Vice President of Student Affairs or designee appointed to hear an appeal case. The College employee appointed to hear the appeal may not have directly participated in any other proceeding related to the charged violation</u>
<u>Classroom</u>	<u>A learning environment that uses any instructional modality (e.g., face to face, online, mixed-mode) or other virtual or physical location that the syllabus or instructor designates as a learning space. This includes and is not limited to multimedia platforms.</u>
<u>College</u>	<u>The term “College” means Valencia College.</u>
<u>College Business Day</u>	<u>For the purpose of this Code and the timeframes included herein, a day in which normal Student Conduct business operations are conducted. Typically, Monday-Thursday (8:00 a.m. – 5:00 p.m.) and Friday (9:00 a.m. – 5:00 p.m.) and excluding College closures.</u>
<u>College Community</u>	<u>The term “College community” includes any individual who is a faculty, staff, administrator, student, registered student organization, student employee, volunteer, and visitor.</u>
<u>College Official</u>	<u>The term “College official” includes any individual employed by the College performing assigned administrative or professional responsibilities (e.g., faculty, staff, administrator)</u>
<u>College President</u>	<u>The College president is the highest-ranking academic and administrative officer and is appointed by the Valencia College District Board of Trustees.</u>
<u>College Property</u>	<u>The term “college property” includes all land, buildings, facilities, and other property, including adjacent streets and sidewalks in the possession of or owned, used, or controlled by the College or in partnership with other institutions, businesses, and/or companies.</u>
<u>Community</u>	<u>The term “community official” refers to community individuals acting in the</u>

<u>Official</u>	<u>scope of their work while on College premises</u>
<u>Conflict of Interest</u>	<p><u>A Conflict of Interest is an interest that actually affects the outcome of the process. A possible or potential conflict, without evidence of how that conflict would actually affect the outcome of the process, is insufficient.</u></p> <p><u>A conflict of interest exists when the Dean, designee, Administrative Hearing Officer, or Student Conduct Board member has a familial relationship with a party or participant whether by blood, adoption, or marriage. The Dean, designee, Administrative Hearing Officer, or Student Conduct Board member’s personal or business interest involving any party or participant in the process may also be evidence of a Conflict of Interest, including and not limited to an interest in a party or participant’s private business; the receipt of gifts or financial assistance from a party; or providing financial assistance to a party.</u></p> <p><u>A conflict of interest may exist when the Dean, designee, Administrative Hearing Officer, or Student Conduct Board member is currently or previously enrolled in a course with the responding student or a member of the same registered student organization, group, or committee.</u></p> <p><u>The Dean, designee, or Student Conduct Board member merely being employed by or compensated by the College for service as the Dean, designee, Administrative Hearing Officer, or Student Conduct Board member, having knowledge of a party or participant prior to the hearing, or being a certain sex or gender shall, by themselves, be insufficient to constitute a Conflict of Interest.</u></p>
<u>Dean of Holistic Student Support (the Dean or designee)</u>	<u>Student Affairs leader who is responsible for directing and coordinating student services, including the administration of the Student Code of Conduct.</u>
<u>Designee</u>	<u>The term “designee” refers to any individual appointed by the appropriate authority (i.e., Vice President or Dean of Holistic Student Support) to act on their behalf.</u>
<u>Developmental Disability</u>	<u>A disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, Down syndrome, Phelan-McDermid syndrome, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely.</u>
<u>Disability</u>	<u>(a) A person that has a physical or mental impairment which substantially limits one or more major life activities, or a record of having, or is regarded</u>

	<u>as having, such physical or mental impairment; or (b) A person that has a developmental disability as defined in Section 393.063, F.S.</u>
<u>Elderly Person</u>	<u>A person 60 years of age or older who is suffering from the infirmities of aging as manifested by advanced age or organic brain damage, or other physical, mental, or emotional dysfunctioning, to the extent that the ability of the person to provide adequately for the person’s own care or protection is impaired.</u>
<u>Faculty</u>	<u>The term “faculty” means faculty and instructors.</u>
<u>Impartial Mediator</u>	<u>The term “impartial mediator” refers to an appointed representative from the College’s “Student Rights and Responsibilities” department to lead the College’s student mediation process.</u>
<u>Preponderance of Evidence</u>	<u>The term “preponderance of evidence” is the standard of proof necessary for a student or registered student organization to be found responsible for violating the Code. From the information presented during the student conduct review process, the Dean or designee (includes Student Conduct Board) concludes that is more likely than not that a violation of the Code has occurred.</u>
<u>Registered Student Organization (RSO)</u>	<u>The term registered student organization refers to an inactive or active student led organization that is officially recognized by the College. They are generally campus-based or college-wide and might share affiliations with state, regional, national, or international agencies.</u>
<u>Rules of Conduct</u>	<u>The term “Rules of Conduct” refers to the behavioral expectations that Valencia College students and registered student organizations must abide.</u>
<u>Student</u>	<u>Any person admitted, enrolled, or registered for any College program, regardless of the medium of the program, or degree-seeking status, or when not enrolled or registered for a particular term, who is eligible to enroll in future terms without seeking readmission.</u>
<u>Student Conduct Administrator</u>	<u>The term “student conduct administrator” refers to the Dean or designee assigned to the administration and management of an individual student’s conduct case.</u>
<u>Student Conduct Board</u>	<u>The term “student conduct board” means any person or persons authorized by the Dean or designee to determine whether or not a student or registered student organization has violated the Rules of Conduct and recommend sanctions, if applicable.</u>
<u>Vice President for Student Affairs (VPSA)</u>	<u>Senior leader responsible for the development, implementation, assessment, and oversight of student services at the College, including student conduct. The Vice President for Student Affairs is also the responsible executive for the code itself.</u>
<u>Visitor</u>	<u>An unaffiliated person on college property, this includes but is not limited to guests, vendors, parents and/or family members of students, and persons invited by the College community.</u>

Date of Last Procedure Review: ~~12-02-2021~~12-07-2023