

POLICY: 6Hx28:8-03



Responsible Executive:
Vice President, Student Affairs

Policy Contacts: Deans of Students

Specific Authority: 1006.60, F.S.
Law Implemented: 1006.60, F.S.

Effective Date: 12-02-2021

Date of Last Policy Review:
12-02-2021

Student Code of Conduct

Policy Statement:

I. General Principles

A. Purpose:

Valencia College is dedicated to 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.

B. Inherent Authority:

1. 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 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.

C. Interpretation of Regulations and Standard of Conduct:

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.

D. Process:

1. The disciplinary process conducted pursuant to the Code shall be informal, fair, and expeditious. Procedures governing criminal or civil courts, including formal rules of evidence, are not applicable. Deviations from the procedures in this Code shall not invalidate a process or decision, except where such deviation has clearly resulted in significant prejudice to an accused student or to the College.
2. 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.

E. 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.

II. Definitions

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. Forcible 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.

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; Formerly 6Hx28:10-04; Formerly 6Hx28:10-03

Related Documents/Policies:

College Policy 6Hx28: 02-01 Discrimination, Harassment, and Related Misconduct
College Policy 6Hx28: 7A-01 Information Technology Resources Policies
College Policy 6Hx28: 7B-02 Student Records
College Policy 6Hx28: 8-11 Academic Dishonesty
College Policy 6Hx28: 10-08.1 Drug-Free Campuses and Workplace

Procedures:

The 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.

I. Reporting violations of the Student Conduct Code

- A. Any College student, faculty, or staff member may report student(s), student group, or student organization suspected of violating the Student Code of Conduct to the Dean of Students, or designee. Normally, a written complaint to the Dean of Students will be requested promptly after the occurrence or discovery of the alleged infraction(s), although the Dean of Students may initiate 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. If the complaint is received more than one term after the incident occurred, the Dean of Students or designee will evaluate whether the circumstances merit disciplinary action based on the nature of the alleged charges.
- 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, violations of other college policies, such as 6Hx28:2-01, Discrimination, Harassment and Related Misconduct, may be violations of the Code. For circumstances when students 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 Policy 2-01 above as a reported violation of the Code for other types of discrimination or harassment under 2-01. In these circumstances, once accepted, the Dean of Students or designee shall 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. When allegations of misconduct under 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 complaint will be referred to the Office of Equity and Access for assessment and investigation, as appropriate under College Policy.

II. Steps in Student Conduct Resolution Process

A. *Resolution of Violations of the Student Code of Conduct*

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.

B. 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.

C. Procedures for Disciplinary Conference

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.

1. 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:
 - a. One (1) Dean of Students who chairs the Student Conduct Committee
 - b. 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.
7. The following procedural protections are provided to students referred for

disciplinary action in Disciplinary Conferences:

- a. A written notice of the specific charges at least seven (7) business days prior to the scheduled Formal 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 Disciplinary Conference no less than 24 hours in advance.
- c. Reasonable access to the case file seven (7) business days prior to and during the Formal Disciplinary Conference. The Case file will include, and is not limited to:
 1. A listing of all known witnesses that have provided, or will provide, information against the student or student organization
 2. All known information relating to the allegation, including inculpatory and exculpatory information
- d. The right to a presumption of not responsible until determined otherwise based upon the preponderance of the evidence.
- e. The right to an impartial Student Conduct Committee, including members and the Chair (Dean of Students or designee). An impartial participant is one without a Conflict of Interest as defined herein. Committee members and Chairs are expected to recuse themselves prior to a Formal Disciplinary Conference should a conflict of interest be perceived. If a responding student 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 Disciplinary Conference. This notice must be received in writing no less than five (5) business days prior to the scheduled Formal Disciplinary Conference and does not modify the second seven (7) business days' notice.
- f. An opportunity to respond to the evidence.
- g. 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 affirmative conduct or behavior during a process in determining responsibility or sanctions.

- h. Silence during the Disciplinary Conference will be considered participation for purposes of the procedural steps set forth in this policy.
- i. 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. A failure to appear is not silent participation, and inferences may be made about a lack of exculpatory evidence and/or the student'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.
- j. The right to have an advisor, advocate, or legal representative, at the student's or student organization's own expense, present at any Disciplinary Conference, whether formal or informal, subject to the definition of Advisor above. 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 will be considered. Advisors participating in a Disciplinary Conference may be required to take part in training before the Conference.
- k. The Dean of Students will exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the hearing.
- l. Any person, including the student's witnesses, advisors, advocates, and/or legal representatives, who disrupt a Disciplinary Conference may be excluded by the Dean of Students or designee conducting the Disciplinary Conference.
- m. Persons who participate in providing information at the Disciplinary Conference will be asked to affirm that their testimony is truthful and may be subject to charges of violating the Student Code of Conduct by intentionally providing false information to the Student Conduct Committee.
- n. Persons who participate in providing information at the Disciplinary Conference will be excluded from the conference except when providing information to the Student Conduct Committee. The student(s) referred for disciplinary action may attend the entire conference except for the deliberation by the Student Conduct Committee. All parties will be excluded during Student Conduct Committee deliberations, which will not be recorded or transcribed.
- o. Formal rules of evidence will not be applicable in 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.

- p. The Student Conduct Committee will make a recommendation of findings and proposed sanctions, which may or may not be written, to the Dean of Students or designee who is conducting the hearing.
- q. The Dean of Students or designee conducting the hearing will receive the recommendation of the committee, consider procedural integrity and consistency with the outcomes of prior disciplinary cases, and make a final determination of the outcome and sanctions.
- r. The Dean of Students or designee will convey the outcome of the disciplinary hearing to the student(s).

D. Resolutions to violations of the Discrimination, Harassment or Related Misconduct Policy (6Hx28:2-01)

In accordance with college policy 6Hx28:2-01, in cases where the 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.

1. As outlined in college policy 6Hx28:2-01, the Responding Party has five (5) 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.
 - a. 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.
2. 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.

- a. 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.
 - b. 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.
 - c. 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.
 - d. 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.
3. 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:

- A. “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.
- C. “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.
- D. “Restitution”—repayment to the College or others affected for damages resulting from a violation of this Code.
- E. “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.
- F. “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.
- G. “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. Appeals

Any disciplinary action that results in suspension or dismissal may be appealed to the Vice President of Student Affairs 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 within (7) seven business days after the 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 Vice President for Student Affairs to determine their viability as soon as possible after appeals are received.
- C. 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.

- D. Appeals will be decided based on the report filed by the Dean of Students, the student's written statement, and any written response or memoranda prepared by 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.
- E. The Vice President of Student Affairs has the authority to:
 - 1. Alter, amend, and/or overturn disciplinary action if information on appeal merits such action.
 - 2. Schedule a rehearing if specified procedural errors 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 if the finding is held to be unsupported by the evidence.
- F. 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; Formerly 6Hx28:10-03

Date of Last Procedure Review: 12-02-2021