

## **Student Code of Conduct**

College students are members of the College's academic, local, state, and national communities and are therefore expected to conduct themselves as law-abiding members of each community. Admission to the College carries with it privileges and imparts responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the College and the community that it serves, the District Board of Trustees of Northwest Florida State College has authorized the President of the College to take such action that may be necessary to maintain campus safety and preserve the integrity of the College and its educational environment.

Under this authority and as directed by Florida Statutes, the College has developed the following Student Code of Conduct, which governs student conduct on campus. When a student fails to abide by the Student Code of Conduct, disciplinary action may be taken, up to and including expulsion.

Some academic programs may impose additional standards that provided by law, professional regulatory bodies, advisory committees, national standards, accreditation standards, or other standards applicable to those programs, and those programs may provide for further program-specific discipline for student conduct. Such programs are authorized to develop their respective standards in addition to those found in this Code of Conduct. Students in these programs will be provided notice of such program standards.

### **I. Definitions**

In addition to the general definitions for the Collected Grievance Procedures, these specific definitions apply to the Student Code of Conduct.

1. "Administrator" means an employee impartial to the alleged violation and who is appointed by the Chief Student Success Officer to address a complaint. Such Administrator will generally be a Director or Executive Director reporting to the Chief Student Success Officer or, as needed by the College, may be an Academic Affairs Chair and Director or other designated College employee classified as Administrative I or above.
2. "Complainant" means the person filing the complaint.
3. "Respondent" means the student(s) or student organization(s) that have been accused of violating the Code of Conduct.

### **II. Prohibited Conduct**

College disciplinary measures may be imposed for conduct that adversely affects the College's pursuit of its educational objectives, that violates or shows a disregard for the rights of other

members of the academic community, or that endangers any property or person at the College. Individual, group, or organizational misconduct, which is subject to disciplinary consequences, includes but is not limited to the following offenses:

1. Academic offenses: Refer to the [Academic Integrity Procedure](#).
2. Alcoholic beverages: The unauthorized use or possession of alcoholic beverages on campus or at any College-sponsored event, except College events where the College provides alcoholic beverages.
3. Bullying: Systematically and chronically inflicting physical hurt or psychological distress on another person. Bullying is further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture by a student that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment, cause discomfort or humiliation, or unreasonably interfere with an individual's educational experience.
  - a. Bullying includes behavior such as teasing; social exclusion; threat; intimidation; stalking; physical violence; theft; sexual, religious, or racial harassment; public or private humiliation; and/or destruction of property.
  - b. Cyberbullying: Bullying, using technology or any electronic communication, includes, but is not limited to, transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in photo-optical systems, email, internet, webpages, instant messages, facsimile, social networking and/or phone. Cyberbullying is created by the transmission of electronic content, which is communicated and posted to more than one person that interferes with the orderly operation of the educational environment.
4. Dangerous conduct: Any conduct that constitutes a danger to any person's health, safety, or personal well-being, including any physical or immediate threat to others.
5. Dating violence, domestic violence, sexual assault, or stalking: A type of abuse or violence where there is a pattern of controlling behaviors that is used to establish power over a partner to control actions and activities. One can experience trauma where abusive relationships can increase in danger, or dangerous situations where students would not feel safe or secure. Actions include disrespectful and hurtful behaviors that one partner may use against another partner, causing a partner physical harm, stalking, threatening, isolating, gesturing and/or demanding unwanted sex practices.
6. Disorderly conduct or language: Any individual or group behavior or language which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs other groups or individuals.
7. Drugs: The unlawful possession or use of any drug or controlled substance, including any stimulant, depressant, narcotic, hallucinogenic drug or substance, marijuana, or sale or distribution of any such drug or controlled substance on college owned or controlled property or at any college sponsored activity.
8. Explosives, fireworks, and flammable materials: The unauthorized possession, ignition, or detonation of any object or article, that would cause damage by fire or other means to persons or property.

9. Failure to cooperate with College officials: Failure to comply with directions of College officials acting in the performance of their duties.
10. Financial misconduct: Conduct, including but not limited to, knowingly passing forms of payment such as a worthless check, debit, credit card, or money order in payment to the College community.
11. Firearms/Weapons: Possession, other than legally and securely stored in your vehicle, or use of firearms or other dangerous weapons at any College location or activity except by authorized law enforcement officers in the performance of their duties is prohibited behavior and will subject the offender to disciplinary procedures as well as appropriate action by civil authorities.
12. Gambling: Gambling in any form.
13. Harassment: Any act of harassment by an individual or group against a student, college employee, campus group, visitor, or guest. Harassment shall include, but not be limited to, insults, heckling, verbal abuse, threats of physical abuse, unwanted suggestions of a sexual nature, repeated teasing or annoyance of another, or other actions intended to disturb others.
14. Hazing: Any intentional or reckless act, on or off the property of the College, by students acting alone, or with others, involving any action which is directed against any other students that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger such student's mental or physical health or safety. Hazing is defined as those actions taken and situations created in connection with initiation into or affiliation with any organization.
15. Inappropriate clothing: Nudity is prohibited. Clothing that decreases physical safety in the classroom or learning environment or that violates your Program Handbook or syllabus for a particular course is prohibited; such a violation may also violate the Academic Integrity requirement.
16. Misuse of documents or identification cards: Any forgery, alteration of, or unauthorized use of College documents, forms, records, or identification cards including information collected in connection with a student's admission, enrollment, financial transactions, or status in the College.
17. Obstruction of or interference with College activities or facilities: Any intentional interference with or obstruction of any College activity, program, event, or facilities including the following:
  - a. Unauthorized occupancy of the College, College controlled facilities, or blockage of access to or from such facilities.
  - b. Interference with the right of way of any College staff or other authorized person to gain access to the College or College controlled activity, program, event, or facilities.
  - c. Obstruction or delay of a campus security officer, fire/rescue service, or any College official in the performance of his/her duty.
  - d. Acts of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring, or unauthorized use of property belonging to the College including but not limited to fire alarms, fire equipment, elevators, telephones,

College keys, library materials, and/or safety devices; and any such act against a member or guest of the College.

- e. Trespass (to enter or remain in a place that the student is not authorized to be), which includes failure to leave after instructed to do so by Northwest Florida State College Campus Safety & Security Officer(s) or other authorized Northwest Florida State College employee.

18. Performances Unsuitable for Minors: Any show, exhibition, or other presentation in front of a live audience which, in whole or in part, depicts or simulates nudity, sexual conduct, sexual excitement, or specific sexual activities as those terms are defined in section 847.001, Florida Statutes, lewd conduct, or the lewd exposure of prosthetic or imitation genitals or breasts when it: predominantly appeals to a prurient, shameful, or morbid interest; is patently offensive to prevailing standards in the adult community of this state as a whole with respect to what is suitable material or conduct for the age of the child present; and taken as a whole, is without serious literary, artistic, political, or scientific value for the age of the child present. Any violation of section 827.11, Florida Statutes, or related law is a violation of the Student Code of Conduct. Because the College is an open access institution operating on public property that is available to all ages, including minors, no adult live performances prohibited by law are permitted by students, student organizations, or any performer, vendor, or other guest of the College at any time on any College property or College-sanctioned event.

18-19. Theft: Unauthorized possession or sale of College property.

20. Unauthorized use of a restroom/changing room: Willfully entering and refusing to vacate a restroom or changing facility designated for the opposite sex after a request to do so from any administrative, instructional, security or law enforcement personnel or any other action or omission related to restroom/changing room use that violates section 553.865, Florida Statutes.

21. Unacceptable conduct at a College hearing or meeting: Any conduct at any College hearing or meeting involving contemptuous, disrespectful, or disorderly behavior or presenting false testimony or other evidence.

22. Violation of Other Secondary or Postsecondary Institution's Code of Conduct: Any dual enrollment student violating their home institution's code of conduct.

19-23. Violations of rules and regulations: Any violation of the rules and regulations of the College as published in an official College publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action.

20-24. Violations of state or federal laws: Any violation of or failure to obey state or federal laws, regulations, or ordinances proscribing or prescribing conduct or establishing offenses.

21-25. Attempt or aiding and abetting the commission of offenses: Any attempt to commit any of the foregoing offenses or the aiding and abetting of the commission of any of the foregoing offenses. An "attempt" to commit any of the prohibited actions is the intention to commit an offense coupled with the taking of some action toward its commission.

### III. Student Code of Conduct Procedure

At all times during a Student Code of Conduct procedure, all involved individuals will conduct themselves with professionalism and courtesy. When a student or student organization (the “Respondent”) has allegedly violated the Student Code of Conduct, the following procedures apply.

1. Support Measures and Resolution with Complaint: The College encourages instructors, staff, and students to make every reasonable effort to resolve disputes and behavior issues outside of the Student Code of Conduct complaint process in all appropriate cases. The College strives to make many avenues of support available. Student Support Resources can be found at the beginning of the Collected Grievance Procedures.
2. Who May File a Complaint?: Any instructor, staff, student, or guest at a College location may file a complaint against a student or student organization for violation of the Student Code of Conduct and should do so as soon as possible after the conduct in question occurs. Submit a complaint [here](#).
  - a. Responsible Employees: If a College employee with supervisory or managerial authority is notified of an alleged Student Code of Conduct violation that creates a safety concern, the employee has an obligation to personally file the complaint. The College may proceed with such complaint regardless of whether the person who notified the responsible employee chooses to participate.
  - b. Inquiries Regarding Complaint Status: When the College has received a complaint, inquiries about the status of the complaint will be addressed as appropriate in the investigative process. An affiliate or partner of the College (such as a high school or clinical site) seeking information regarding a complaint should contact the office responsible for administering the agreement with that affiliate or partner, and information will be provided as appropriate under this procedure. If the Respondent or Complainant is a dual-enrolled student, the College reserves the right to notify the student’s high school.
  - c. Complaint Referred by College Department: Northwest Florida State College Campus Safety & Security will refer alleged violations of the Student Code of Conduct for procedures by filing a complaint. The College prefers to resolve student conduct matters through this procedure, but Campus Safety & Security may also have an independent obligation to investigate alleged criminal conduct. Likewise, Human Resources and the Title IX Officer may refer appropriate complaints to the Student Code of Conduct process, and complaints under this procedure may be referred to Human Resources or the Title IX Officer as well.
  - d. Action by Other Authorities: The College may enforce the Code of Conduct requirement regardless of whether any other authority has instituted any proceedings or taken any action in relation to the alleged violation. In other words, the College may impose consequences for violating its Code of Conduct requirement regardless of whether any other authority acts under any other applicable local, state, or federal law. (For example, even if an action or omissions is not actionable by Campus Safety & Security, the College may act under this policy.) Conversely, when in the best interest of the College, the

College may postpone action or take interim or temporary action if another authority is addressing alleged conduct that is in violation of the Code of Conduct requirement. The College may also refer allegations to appropriate or additional authorities as required by law. (For example, even if an action or omission is actionable under this policy, the College may choose or be required to refer the matter to Campus Safety & Security, Collegiate High School, or the Title IX Officer.)

3. Delivery of Notices: When information must be delivered to a party, it will be delivered as follows:
  - a. If the Respondent is 18 years of age or older, notice will be delivered to the Respondent's institutional e-mail address. If the Respondent is under 18 years of age, notice will be delivered to the Respondent's institutional e-mail address **and** to the Respondent's parent. If the Respondent is a student organization, notice will be delivered to the student organization's e-mail address.
  - b. If the Complainant is a student, any necessary notice will be delivered to the Complainant's institutional e-mail address. If the Complainant is a student organization, any necessary notice will be delivered to the student organization's e-mail address. If the Complainant is an employee, any necessary notice will be delivered to the Complainant's institutional email address. If the Complainant is a visitor, and the College is actively seeking their participation in the complaint, any necessary notice will be delivered to the Complainant's e-mail address as designated in the complaint.
4. Time Limit for Beginning Complaint Procedures: Conduct procedures may begin up to one calendar year after the date of the alleged violation; generally, the College will strive to begin conduct procedures, if any, within 60 days of receiving a complaint. Either limit may be extended or waived when required by federal or state law or other written College policy or procedure or to protect the health, safety, or well-being of the student, student organization, or other College student, personnel, or operations.
5. Referral to an Administrator: After receiving a complaint, the Chief Student Success Officer will appoint an Administrator, who will have the authority to resolve the complaint within the terms of this procedure. The Administrator shall consider all evidence, determine the facts, render a decision, and impose consequences as necessary.
6. Rights of Students and Student Organizations: In addition to any other protections set out elsewhere in this section, the Respondent will be provided the following protections:
  - a. The College will presume that no violation occurred;
  - b. The College has the burden to prove, by a preponderance of the evidence, that a violation has taken place. Preponderance of the evidence means that the relevant information presented supports the finding that it is more likely than not that the Respondent violated of the Student Code of Conduct;

- c. The right to an impartial hearing officer, which is the Administrator or the Review Panel, to address the alleged violation of the Student Code of Conduct;
  - d. The right against self-incrimination and the right to remain silent. If the Respondent chooses to remain silent, the College cannot use that silence against the Respondent;
  - e. The right to present relevant information and question witnesses; and
  - f. The right to have an advisor, advocate, or legal representative, at the Respondent's own expense, present at any proceeding, whether formal or informal (an "Advisor").
    - i. The Complainant may also be assisted by an Advisor of their choice, at their own expense.
    - ii. The Advisor may directly participate in all aspects of the proceeding, including the presentation of relevant information and questioning of witnesses.
    - iii. The Advisor may not serve in any other role, including as an Administrator (or other investigator, decider of fact, hearing officer, or member of any committee or panel reviewing the charge or any appeal).
    - iv. The Complainant or Respondent remains responsible for all communication sent from the College and the Administrator. If the Complainant or the Respondent intend to have an attorney serve as the Advisor, they must notify the Administrator no later than 3 days prior to the first meeting at which the attorney-Advisor will be present.
7. Accommodations: If a student requires a medical accommodation based on a disability, the College will cooperate with the Accommodations Resource Center to find resources to permit the student to participate in the Disciplinary Proceeding fully. Separate from an accommodation for disability, the College may make reasonable adjustments or introduce support measures to address concerns for the personal safety or well-being of the Complainant, Respondent, or witness during the proceeding by providing separate facilities; by using, when available and feasible, a visual screen; or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Administrator to be appropriate.
8. Notice of the Complaint: After assignment, the Administrator will provide the Respondent with timely written notice of the alleged violation. The written notice will be delivered to the Respondent at least 7 days prior to the first meeting of the Disciplinary Proceeding. The written notice will include the allegations to be investigated, a citation to the specific provision or provisions of the Student Code of Conduct at issue, the process to be used in determining whether a violation has occurred and associated rights, and the date, time, and location of the Disciplinary Proceeding.
- a. Respondent Request for Informal Resolution Conference: A Respondent may request an earlier Informal Resolution Conference in accordance with subsection (11).

- b. Multiple Respondents: When a complaint involves more than one Respondent or when multiple complaints involve the same Respondent, the Administrator, in their discretion, may conduct the proceeding concerning each Respondent or complaint either separately or jointly.
- 9. Investigation: The Administrator will gather facts, evidence, and statements from individuals involved in the complaint and make an initial determination of (1) whether there is insufficient evidence to support the complaint or (2) to continue to informal or formal resolution.
- 10. Insufficient Evidence: If the Administrator finds that there is insufficient evidence to continue the conduct proceeding, the complaint will be closed without further action and the Respondent will be informed in writing by the Administrator. Insufficient evidence means that a person equipped with the evidence and Student Code of Conduct could not reasonably review the evidence and determine that it is more likely than not that a violation occurred. The Administrator may refer Complainant, Respondent, and any other individuals involved to support resources.
  - a. False Complaints: If the Administrator determines that false information was provided in a complaint, the Complainant may be subject to disciplinary proceedings under the appropriate policies (for instance, Student Code of Conduct for students or Human Resources processes for employees).
- 11. Resolution Conference: In many cases, if the Administrator finds that sufficient evidence exists to continue with the conduct proceeding, the Administrator may invite the Respondent to participate in informal resolution. The Administrator will meet with the Respondent to discuss the complaint and design a resolution of the issues. The Respondent will be offered the opportunity to explain the conduct in question and provide the Administrator with a detailed written explanation if the Respondent chooses to do so. The Administrator will write the resolution plan and distribute it to the Respondent for signature to close the matter if a resolution can be reached and may impose Level One consequences.
  - a. Additional Conference Guidelines: The Administrator will remind the Respondent of their rights under the Student Code of Conduct. The conference will not be recorded, but the Administrator will ensure that minutes of the conference are taken that state attendees, topics covered, and any resolution reached. The Administrator may request any College staff or agent to sit in on the conference, other than those who may be required to review the complaint in further steps. The Administrator or Respondent may request further informal conferences to continue the resolution plan, as needed, but additional informal conferences may not be used to delay a Disciplinary Proceeding.
  - b. Failure to Attend: Failure of the Respondent to meet with the Administrator within 10 days of a request for an Informal Resolution Conference will not prevent the process of collecting information or the decision to move forward with a Disciplinary Proceeding.
  - c. Appeal: If a resolution is reached with no consequences or Level One consequences only, the complaint is closed, and the matter cannot move forward to a Disciplinary Proceeding or appeal.



12. Disciplinary Proceeding: If the alleged violation cannot be or is not proper to be resolved through a Resolution Conference (such as if the Respondent declines to participate in a resolution plan or if a Level Two or Three consequence is recommended), the Administrator will notify the Respondent and the Chief Student Success Officer that a Disciplinary Proceeding will be held.
- a. Appointment of the Disciplinary Review Panel: Upon notice, the Chief Student Success Officer will assign two employees in addition to the Administrator to the Disciplinary Review Panel, which will have the authority to resolve the complaint within the terms of this procedure. The Administrator will act as Chair of the Review Panel. The Review Panel shall consider all evidence, determine the facts, render a decision, and impose consequences as necessary. The Review Panel members will be impartial. The College will make assignments in the best interest of College operations and to ensure impartiality for the Review Panel. To be eligible to sit on a Review Panel, the individuals must have completed College-prescribed training.
  - b. Any Further Investigation: Prior to providing notice to the Respondent, the Administrator will conduct any further investigation necessary and deliver the record of the proceeding to date to the Review Panel.
  - c. Notice of Disciplinary Proceeding: At least 5 days before the first meeting of the Disciplinary Proceeding, the Administrator must provide the Respondent with a listing of all known witnesses that have provided, or will provide, information against the Respondent **and** all known information relating to the allegation, including inculpatory and exculpatory information.
  - d. Attendance: The Disciplinary Proceeding normally shall be conducted in private. The Complainant, Respondent, and either party's Advisor (if any) shall be allowed to attend the entire portion of the Disciplinary Proceeding at which information is received. Admission of any other person to the proceeding shall be at the discretion of the Review Panel Chair.
  - e. Proceeding: The Administrator will set the schedule and agenda for the Disciplinary Proceeding. Generally, the proceeding will include the Administrator stating the Complainant's allegations that have led to the proceeding, an opportunity for the Complainant and Respondent to present explanations and reasons for a preferred resolution, and the opportunity to question witnesses. All procedural questions are subject to the final decision of the Review Panel.
    - i. Presenting Information and Witnesses: The Administrator may arrange for witnesses to present relevant information during the proceeding; the Complainant and the Respondent must submit a list of witnesses that they intend to request to present relevant information to the Review Panel at least 3 days prior to the proceeding. Witnesses may be asked to provide information to and answer questions from the Review Panel, Respondent, Complainant, and the parties' respective Advisors (if any).
    - ii. Relevant Information: Relevant records, exhibits, and written statements may be accepted as inculpatory or exculpatory information (i.e.,

information or evidence that tends to prove and disprove the allegation) for consideration by the Review Panel. Each party must make every effort to deliver any relevant information to the Administrator at least 3 days prior to the proceeding. Unless a party was prevented from accessing relevant information due to factors beyond that party's control, the Review Panel will not consider any information, including relevant information, submitted after the Disciplinary Proceeding.

- f. Record: The Administrator will ensure that a member of College staff is present to take minutes.
  - g. Failure to Attend: If a Respondent, with notice, does not attend the Disciplinary Proceeding, the information in support of the charges may be presented and considered even if the Respondent is not present.
  - h. Determination: After the Disciplinary Proceeding, the Review Panel will confer. The conference will be private. The Review Panel shall determine whether, by a preponderance of the evidence, the Respondent has violated each section of the Student Code of Conduct the Respondent is charged with violating. The Chair shall assign the task of drafting the determination to themselves or another Review Panel member; each Review Panel member will be afforded the opportunity to make comments and edits. The determination must include a summary of the complaint; the Review Panel's reasoning; a statement of the consequences (if any); and directions regarding how to appeal the decision, including contact information for the Appeal Reviewer. The Respondent shall be notified of the determination in writing within 15 days after the conclusion of the Disciplinary Proceeding.
13. Appeal: The Respondent may appeal if the Review Panel determines that a violation of the Student Code of Conduct occurred. An appeal of the determination is made to the Chief Student Success Officer, who must hear the appeal and render a final decision. The Chief Student Success Officer may not have directly participated in any other proceeding related to the charged violation, except to assign the Administrator and Review Panel. The Chief Student Success Officer is the "Appeal Reviewer."
- a. Bases for Appeal: The Appeal Reviewer will review:
    - i. To determine whether the Disciplinary Proceeding was conducted fairly considering the complaint and information presented, and in conformity with prescribed procedures, giving the Complainant a reasonable opportunity to prepare and to present information that the Student Code of Conduct was violated, and giving the Respondent a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless the deviation significantly prejudiced the results.
    - ii. To determine whether the decision reached regarding the Respondent was based on substantial information (that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the Student Code of Conduct occurred).

- iii. To determine whether the consequence(s) imposed were tailored to the violation of the Student Code of Conduct which the Respondent was found to have committed.
  - iv. To consider whether the Respondent was prevented by factors beyond their control from accessing relevant information that is sufficient to alter the decision that was not brought out in the Disciplinary Proceeding.
- b. Time Limit: An appeal must be made on or before 5 days after receiving the Review Panel's determination, using the contact information provided in the determination. Untimely appeals will not be considered; the appealing party will be notified in writing if their appeal is untimely.
- c. Appeal Process: The appealing party will state the specific reason for their appeal in writing, using the bases for appeal from this procedure. The Appeal Reviewer will permit the other party to submit a written response to the appeal on or before five days of receipt. The Appeal Reviewer may request to hear each party's argument; in this case, minutes will be taken.
- d. Record for Appeal: The Appeal Reviewer will consider the appeal using solely the appeal document, any response, the determination, the Disciplinary Proceeding record, and (if requested) each party's verbal argument.
- e. Appeal Results: The Appeal Reviewer will deliver the results of the appeal on or before 15 days after the record is complete (which will begin after the response, or, if the Appeal Reviewer requests it, after argument). The Appeal Reviewer's decision will include a summary of the appeal and the basis for the Appeal Reviewer's decision.
- i. If an appeal is upheld by the Appeal Reviewer due to new information being submitted (13.a.iv.), the Appeal Reviewer will send the complaint back to the Review Panel to allow review of the determination with the new, relevant information and notify the parties of that decision in writing. If due to extenuating circumstances, a member of the Review Panel is unavailable for this process, the Appeal Reviewer may assign a new member to accommodate the circumstances. The result of the review will be submitted to the Appeal Reviewer in writing for a final review.
  - ii. If any appeal is upheld for any other bases of appeal listed in 13.a., the Appeal Reviewer will deliver the decision in writing to the Respondent and Complainant and state final consequences or other necessary steps based on the decision.
    - 1. The Appeal Reviewer may reduce, but not increase, the consequences assigned by the Review Panel, unless the safety of the Respondent or College community is actively at risk. If the Appeal Reviewer increases the consequences for any reason, that decision must be supported by substantial information.
- f. Finality: The Appeal Reviewer's decision is final, except in cases of expulsion or other permanent dismissal from the College. If a student has been expelled or

permanently dismissed from the College, the student may make a final appeal to the College President. In the case of expulsion or permanent dismissal, the student must appeal to the President within 5 days of receiving the Appeal Reviewer's final decision, and the President will review the Record of Appeal described above to ensure that the student was afforded the rights described in this procedure and that no overriding fact in the Record of Appeal was ignored throughout the Student Code of Conduct Procedure. The President will consider the Record of Appeal and promptly deliver a determination to the student in writing.

14. Recordkeeping: The College will maintain the record of the Student Code of Conduct complaint, proceedings, and resolution for at least as long as is required by state law for the relevant type of record. While in possession of the record, the College shall make, preserve, and have available for copying upon request of the student an accurate and complete record of the complaint record as stated in this procedure.
15. Additional Rights and Responsibilities
  - a. Northwest Florida State College Campus Safety & Security: All Northwest Florida State College-employed police officers have the authority to control access to and to patrol College premises. Campus Safety & Security may have an obligation to investigate alleged Code of Conduct violations as a criminal matter. The Administrator may request that Campus Safety & Security participate in any investigation or proceeding, as needed.
  - b. Inapplicable Rules: Rules that are applied in local, state, or federal civil or criminal proceedings are not applicable to the Northwest Florida State College Student Code of Conduct. For example, and without limitation, such inapplicable rules include those of process, procedure, and evidence that are applied in criminal or civil court.
  - c. College Legal Counsel: The College reserves the right to have counsel in attendance or on notice of any meeting under the Student Code of Conduct.
  - d. Outside of Scope: Routine classroom management matters will generally be addressed by informal instructor intervention unless the conduct is repeated or severe enough that a complaint is filed under the Student Code of Conduct. Student failure to meet substantive course requirements is not a Student Code of Conduct matter. Student failure to meet the published requirements of a clinical placement, other applicable third-party standard, or other standard related to substantively completing their educational program is not a Student Code of Conduct matter; however, the College may choose to refer student behavior within a program, including off-site learning experiences to the Student Code of Conduct. A student grievance against the College is not a Student Code of Conduct matter.
  - e. Withdrawing to Avoid Student Code of Conduct Proceeding: If a student withdraws to avoid a Student Code of Conduct proceeding, the College may continue to follow this procedure to reach a resolution of the complaint.

#### **IV. Student Code of Conduct Consequences**

The College may impose the following consequences either singly or in combination.

Failure to adhere to the consequences imposed may be cause for further consequences.

##### **Level One Consequences**

Level One consequences may be agreed upon by the Administrator and Respondent in a Resolution Plan through a Resolution Conference or imposed by the Review Panel following a Disciplinary Proceeding.

1. Warning: The appropriate College officials may notify the Respondent that continuation or repetition of specified conduct may be cause for other disciplinary action.
2. Reprimand: A written reprimand or censure may be given any Respondent or organization whose conduct violates any part of these regulations. Such a reprimand does not restrict the Respondent in any way but does have important consequences. It signifies that they are in effect being given another chance to conduct themselves as a proper member of the College community and that any further violation may result in penalties that are more serious.
3. Restitution: A Respondent who has committed an offense against property may be required to reimburse the College or other owner for damage to or misappropriation of such property. Any such payment in restitution shall be limited to cost of repair or placement.
4. Restrictions: Restrictions upon a Respondent privileges may be imposed for a period. These restrictions may include, for example, denial of the right to represent the College in any way, denial of use of facilities, parking privileges, participation in extracurricular activities, or restriction of organizational privileges.
5. Temporary Classroom Removal: Whether before, during, or after a Student Code of Conduct complaint, the instructor has the primary responsibility for control over classroom behavior and maintenance of academic integrity and can order any Respondent engaged in disruptive conduct or conduct that violates the general rules and regulations of the College to be temporarily removed from the classroom and any class sessions.
6. Volunteering or Assignment: Related to the behavior violating the Code of Conduct, the Administrator may assign volunteer work on College premises to support the College's mission or assign work product to the Respondent.

##### **Level Two Consequences**

Level Two consequences may be recommended by the Administrator, and such imposed consequence will remain in place until the Disciplinary Proceeding has occurred and the resolution of the matter is final.

1. Suspension: Immediate, interim consequences, up to and including suspension, may be necessary in some cases to guarantee the safety and harmony of the College environment. To provide and protect a safe learning environment, the College reserves the right to invoke immediate consequences based upon the nature and seriousness of the offense. The interim consequences will be tailored to the alleged offense. The interim consequences will be followed by the Student Code of Conduct procedures. If a Respondent is suspended, he or she will be separated from the College for a stated period and provided with the conditions of readmission to the College.
2. Disciplinary Probation: Continued enrollment of a Respondent on probation may be conditioned upon or adherence to specified conditions. Any Respondent placed on probation will be notified of the terms and length in writing. Probation may include restrictions upon the extracurricular activities of a Respondent. Any conduct in violation of these regulations while on probationary status may result in the imposition of a more serious disciplinary action.

### **Level Three Consequences**

Level Three consequences may be imposed by the Review Panel following a Disciplinary Proceeding.

1. Program Dismissal: The dismissal of a Respondent from participation in a program for a stated period.
2. College Dismissal: The dismissal of the Respondent from registration at the College for a stated period.
3. Expulsion: Permanent removal and exclusion from the College, College controlled facilities, programs, events, and activities.

### **Programmatic Requirements**

Some programs may be required to adhere to additional state, federal, or organizational and accrediting agency guidelines and regulations regarding disciplinary consequences and proceedings. The students in these programs will be made aware of the additional requirements and must follow those requirements as well. Those requirements may provide that, if the student's conduct does not meet the requirements, the student may not continue in the program or the student's behavior must be reported to regulatory authorities.

### **Dual Enrollment Program Requirements**

Dual enrollment students must have good attendance and discipline records to participate in the dual enrollment program. Dual enrollment students understand that if they violate any items in their high school's code of conduct, NWFSC reserves the right to deny that student participation in dual enrollment. A few examples include:

- When a dual enrollment student is placed on out-of-school suspension by their high school, the student will not be permitted to attend dual enrollment classes at NWFSC physical locations for the dates indicated in the suspension.
- Dual enrollment students are not permitted to enroll in, register for, or participate in College course(s) if they are currently subject to expulsion processes or have previously been expelled from a secondary school.
- If a dual enrollment student has committed an act that constitutes a serious threat to any secondary or postsecondary school or student safety (aggravated battery; homicide; armed robbery; possession, use, or sale of any explosive; arson device; battery or aggravated; possession, use, or sale of narcotic or other controlled substance; possession, use, or sale of any firearm; battery on a teacher or other school personnel; sexual battery; victimization; false alarms, including but not limited to, pulling fire alarms) which results in a recommendation for expulsion, or placement in an alternative setting, by the high school, the student will immediately lose all privileges to participate in the dual enrollment program.

A suspended dual enrollment student will be subject to any penalties noted in the syllabi of or any other consequences related to the NWFSC course(s) in which the student is registered. An expelled dual enrollment student will be administratively withdrawn. No further due process is required under the NWFSC Student Code of Conduct in any situation that falls under this section.