

POLICY: 6Hx28:8-03



Responsible Official:
Vice President, Student Affairs

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

Effective Date: 05-15-2007

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 wellbeing 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 due 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 President's Office 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 in order 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. Proceedings:

1. Disciplinary proceedings 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 proceeding 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, that may adversely affect the College community.

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 his or her 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. Disciplinary proceedings 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. Student.

Student as used in this code means:

1. All persons taking Valencia courses, both full-time and part-time; 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 attending classes on a Valencia campus 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.

B. Campus.

Campus means:

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

III. 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 6Hx28:04-38, 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 (see Policies 6Hx28:02-01, 02-02, and 02-03): 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 his or her 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 6Hx28:10-17.
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 community college security officers.

- e. Disruptive activities as defined and prohibited in accordance with the criminal provisions of Section 877.13, Florida Statutes.

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.
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.
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. Violate 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 he or she:

- 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 his or her 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 his or her violations of chapter 893 prior to his or her arrest; or
 - iii. If the student commits him or herself, 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.

IV. Standards of Classroom Behavior

A. 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 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.

- B. 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 which violate previously prescribed classroom guidelines or constitute an unreasonable interruption of the learning process;
 3. Side discussions which 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;
- C. 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.
- D. Implementation.

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

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 campus Dean of Students, or designee. Normally, a written complaint to

the campus Dean of Students will be requested promptly after the occurrence or discovery of the alleged infraction(s), although the campus Dean of Students may initiate disciplinary processes without a written complaint. Those reporting cases are normally expected to participate in the proceedings 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 campus Dean of Students or designee will evaluate whether the circumstances merit disciplinary action based on the nature of the alleged charges.

II. Steps in Student Conduct Resolution process:

- A. The first step in the process is an informal conference between the student(s) and the Dean of Students or designee. 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, the Dean of Students or designee will refer the case to Mediation or for a Disciplinary Conference, depending on the nature and severity of the alleged violation and his or her judgment as to how to reach the best resolution for all involved.

- B. *Procedures for Mediation*

Mediation is a confidential process whereby two 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. In the event that the participants do not reach a full and final resolution, the case will be referred back to the Dean of Students or designee. The mediator will be assigned by the Dean of Students or designee.

- C. The Dean of Students or designee, at his or her discretion, may decline to process a complaint until the parties involved make a reasonable attempt to achieve a mediated settlement. To be binding in a disciplinary case, any mediated settlement must be approved by the campus Dean of Students. If mediation fails, the case will be forwarded for a Disciplinary Conference.

- D. *Procedures for Disciplinary Conference*

The campus Dean of Students or designee will convene and conduct the Disciplinary Conference with the Student Conduct Committee. He or she 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, 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.

- E. 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 President's Office, faculty, academic deans, security staff, students, and other student affairs staff.
- F. Both the findings and the sanctions determined by Student Conduct Committee are recommendations to the campus Dean of Students or designee who will render a final decision.
- G. The Vice President for Student Affairs or designee is responsible for training and providing administrative support to the campus Student Conduct Committees and staff who serve as mediators.
- H. The following procedural protections are provided to students referred for disciplinary action in Disciplinary Conferences:
 - 1. A written notice of the specific charges at least 24 hours prior to the scheduled conference with additional time at the campus Dean of Students or designee's discretion.
 - 2. Reasonable access to the case file prior to and during the conference
 - 3. An opportunity to respond to the evidence
 - 4. A right to be accompanied by an advisor. At their own discretion, person(s) who filed the report of student conduct violation and students referred for disciplinary action may be advised by a College student, faculty, or staff member or a personal friend. The role of advisors is limited to consultation. While advisors may be present at Disciplinary Conferences or hearings, they may not address hearing bodies, speak in Disciplinary Conferences, or question witnesses. Because the purpose of this disciplinary process is to provide a fair review of alleged violations of this Code rather than a formal legal proceeding, participation of persons acting as legal counsel is not permitted.

5. 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. Nonetheless, the Disciplinary Conference will be held with all relevant parties present so that the Student Conduct Committee can understand the circumstances of the incident in order to make their recommendation on the outcomes of the case.
6. The Dean of Students will exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the hearing.
7. Any person, including the student referred for disciplinary action, who disrupts a Disciplinary Conference, may be excluded by the Dean of Students or designee conducting the Disciplinary Conference.
8. The Dean of Students or designee may make audio recordings of hearings.
9. 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.
10. 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.
11. 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.
12. Affidavits will be considered only if signed by the affiant and witnessed by the campus Dean of Students or designee.
13. The Student Conduct Committee will make a recommendation of findings and sanctions to the campus Dean of Students or designee who is conducting the hearing.

14. The campus 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 judicial cases, and make a final determination of the outcome and sanctions.

15. The campus Dean of Students or designee will convey the outcome of the disciplinary hearing to the student(s).

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, or 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 him or herself, 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.

IV. Appeals

Any disciplinary documentation arrived through a disciplinary conference and resulting 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 seven 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 the appeal is received.
- C. The Vice President for Student Affairs will determine viability based on whether there is new information that significantly alters the finding of fact, evidence of improper procedure, findings that are against the weight of the evidence, 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 on the campus poses a substantial threat to him or herself, to others, or to the stability and continuance of normal College functions.

Related Documents/Policies:

None

Policy History:

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

Procedure History:

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