

NORTHWEST FLORIDA STATE COLLEGE
Policy Number 6Hx17-7.220

TITLE	STUDENT DISCIPLINE
REFERENCE	FS 1006.62
HISTORY	Florida Statute Revised 2002 Local Language Revised July 1993

1006.62 Expulsion and discipline of students of community colleges and state universities. --

(1) Each student in a community college or state university 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.

(2) Violation of these published laws, ordinances, or rules and regulations may subject the violator to appropriate action by the institution's authorities.

(3) Each president of a community college or state university 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:

(a) 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 university or community college;

(b) If the student voluntarily discloses his or her violations of chapter 893 prior to his or her arrest; or

(c) If the student commits himself or herself, or is referred by the court in lieu of sentence, to a state-licensed drug abuse program and successfully completes the program.

History – Formerly FS 240.133

Local Language

1. Academic and personal behavior of NWFSC students shall be governed by policies contained in the College Catalog, the Student Handbook, such other policies as may be approved by the Board on recommendation of the President

and by pertinent provisions of Florida Statutes and SBE Rules. Any act or behavior by a student which tends to interfere with or otherwise disturb the orderly conduct, processes, functions and/or interests of the College is prohibited. Such acts and behaviors include but are not limited to:

- a. Cheating in any form, *including plagiarism*,
- b. Gambling,
- c. Theft, vandalism or destruction of College property, or property of members of the College community,
- d. Falsification of personal or College records,
- e. The use, distribution, manufacture, sale, or possession of alcoholic beverages or illicit drugs on campus or at any college-sponsored event or activity,
- f. Violence including, but not limited to, sexual assault, robbery, murder, or battery against any member or guest of the College community.
- g. Hazing, and
- h. Harassment.

Prohibited behaviors which are motivated by bias are more likely to provoke retaliatory acts, inflict distinct emotional harm on their victims and incite community unrest. Therefore, the College will impose the maximum penalties on those students who within the hearing process are found to have participated in or performed prohibited behaviors that are motivated by bias.

2. Provisions relative to honors, probation, suspension, dismissal and other conditions relative to a student's enrollment status in the College, including issuance or withholding of credits, will be specified in the College Catalog.

3. Instances of prohibited student behavior will be submitted, in writing, to the Dean of Student Services or designee for resolution.

- a. A member of Student Services will be appointed to make inquiries into the circumstances of the matter to determine if it has been handled through the proper channels. The inquiry will be completed within seven (7) working days of the submission date. This person may recommend that the matter be dismissed, settled informally, or be the subject of formal charges.
- b. All reports of sexual assault and/or harassment are to be treated as confidential to the extent possible. The member of the College staff receiving the complaint should treat the victim with respect and consideration. It is important that confidentiality be extended to the accused as well as the victim. All persons involved in this

procedure are directed not to discuss the matter except with college personnel involved in the process, attorneys for the victim and/or the accused, law enforcement personnel, and other authorized agencies.

(1) Informal settlement will be at the discretion of the Dean of Student Services or designee who may do one or more of the following: give oral or written warning and/or admonition; require restitution or counseling. The informal settlement will take place within seven (7) working days of the inquiry recommendation.

(2) Formal charges, in writing, will be prepared by the Dean of Student Services or designee, within five (5) working days, and presented to the accused student. The charges will include:

- (a) The accused student's name, address, and social security number.
- (b) A description of the alleged violation that includes dates, times, and places.
- (c) The names of any witnesses and a description of any physical or written evidence that was known at the time that formal charges were prepared.

c. At the time of notification of formal charges, the Dean of Student Services or designee will offer the student a choice of hearing settings which will take place within seven (7) working days of the written notification:

(1) An administrative hearing which will be conducted by the Dean of Student Services who will decide guilt or innocence and the appropriate action or sanction: dismissal of the charges, placing the student on disciplinary probation, or recommending to the President suspension or dismissal.

(2) A Student Conduct Committee hearing which will decide guilt or innocence. The committee will be comprised of the Dean of Student Services (chair), two other members of Student Services, two faculty members appointed by the Vice President for Instruction, and two students appointed by the Dean of Student Services upon recommendation of the Student Government Association President. After the presentation of the evidence (against and in defense of the student), if the committee decides that there is clear and convincing evidence that the student is

guilty, it will recommend the action or sanction to be taken. If the committee decides that the student is not guilty, it will recommend that the charges be dismissed. The Dean of Student Services will make the final decision, and recommendation, then inform the student of the decision, the procedures of review and the grounds for appeal.

In both hearing settings the following will apply:

- (1) The accuser and the accused are entitled to have the same opportunities to have others present.
- (2) Both the accuser and the accused will be informed of the outcome of any disciplinary hearing or an appeal of the findings.
- (3) Persons serving as legal counsel may not participate in disciplinary hearings.
- (4) Adult students may not seek advice from any person while a disciplinary hearing is in progress.
- (5) The participation of a parent or legal guardian of the accuser or of the accused student who is a minor may be limited by the Dean of Student Services, at his/her discretion.
- (6) All other rules of procedure for the hearing will be outlined at the beginning of the hearing by the Dean of Student Services.

d. Seven days after the student has been notified of the findings and recommendations, the Vice President for Instruction will review the records, evidence and findings of all hearings before the recommendation for suspension or dismissal goes forward to the President. If the Vice President for Instruction decides that published disciplinary procedures were not followed, the matter will be returned to the Dean of Student Services for rehearing.

e. Students who are found guilty in either hearing setting may, within seven (7) days of notification of the findings and recommendations, appeal in writing to the Vice President for Instruction on the basis of one of the following:

- (1) the discovery of new evidence.
- (2) The recommended penalty would impose unusual and severe hardship on the student.
- (3) Published disciplinary procedures were not followed.

The Vice President for Instruction will hear the appeal and do one of the following:

(1) Uphold the original hearing findings, and forward to the President:

- (a) the recommendation to suspend, or dismiss, or
- (b) a recommendation to impose a lesser sanction.

(2) Based upon new evidence, dismiss the charges, or

(3) Return the matter to the original hearing setting for rehearing if published disciplinary procedures were not followed.

f. A student may appeal the decision of the Vice President for Instruction to uphold the original findings and recommendations only on the basis of new evidence. This appeal must be submitted to the President, in writing, within seven (7) days after notification to the student of the Vice President for Instruction's decision.

4. No student shall be suspended or dismissed from NWFSC without approval of the President.

a. The President shall have the authority to temporarily suspend, while awaiting the disciplinary procedures outcome, any student whose behavior is judged by him to be detrimental, or potentially detrimental, to the College community.

b. Upon recommendation, and after implementation of the hearing process, a student may be suspended or dismissed by the President for prohibited or otherwise unacceptable behavior.

5. The Board of Trustees shall be advised of dismissal actions at its next regular meeting following such actions.

See Appendix E for Student Grievance Procedures