

Department of Law Enforcement (FDLE). The FDLE then is required to notify the local law enforcement agency where the registrant resides or attends an institution of higher learning. Information regarding sexual predators or offenders attending an institution of higher learning may be obtained from the local law enforcement agency with jurisdiction for the particular NWF State College campus or center, by calling the FDLE hotline (1-888-FL-PREDATOR) or (1-888-357-7332), by visiting the FDLE website at www.fdle.state.fl.us, or the Dean of Students.

A Student's Guide to Reporting Harassment

The purpose of this guide is to ensure an orderly resolution of charges of sexual, racial, or other forms of harassment brought by students at NWF State College. Sexual harassment and racial harassment have been held to constitute a form of discrimination prohibited by the Title VII of the Civil Rights Act of 1964, as amended and Title IX of the Education Amendments of 1972. Applicable law prohibits other types of harassment.

NWF State College upholds the Clery Act and Violence Against Women Reauthorization Act of 2013.

NWF State College prohibits all acts of harassment and will properly investigate any claims of harassment.

Sexual and Other Unlawful Harassment

NWF State College is committed to providing an educational and work environment that is free from all forms of discrimination and harassment. NWF State College expressly prohibits any form of unlawful discrimination or harassment based on race, color, gender, religion, national origin, age, ethnicity, marital status, or disability or genetic information. NWF State College provides ongoing harassment training to ensure everyone the opportunity to work and/or learn in an environment free of sexual and other unlawful harassment.

Definitions of Harassment

Sexual harassment is defined as unwanted sexual advances, including visual, verbal, or physical conduct of a sexual nature. This definition includes gender-based harassment of a person of the same sex as the harasser. Examples of conduct expressly prohibited by the policy include, but are not limited to, the following:

- Making unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Leering, making sexual gestures, or displaying of sexually suggestive objects, pictures, cartoons, or posters.
- Making or using derogatory comments, epithets, slurs, or jokes.
- Making verbal commentaries about an individual's body.
- Using sexually degrading words used to describe an individual.
- Sending suggestive or obscene letters, notes, communications or invitations.
- Touching, assaulting, impeding or blocking movements or violating someone's "personal space."
- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment or reward; (2) submission to or rejection of the conduct is used as a basis for making educational, academic, or employment decisions; or, (3) the conduct has the purpose or effect of interfering with educational, academic, or employment performance or creating an intimidating, hostile, or offensive educational, academic, or employment environment.

Responsibilities

All College employees and students are responsible for creating an atmosphere free of discrimination or harassment, sexual or otherwise. Further, all College employees and students are responsible for respecting the rights of all members of the College community. Any student who experiences or witnesses any sexual or other unlawful harassment or discrimination in the College environment should promptly report the behavior to the Dean of Students. If the Dean of Students is unavailable, the student should promptly contact the Human Resources Office. Reports should be made, in writing, within sixty working days of the incident. This policy applies to all incidents of alleged discrimination or harassment, including those occurring off-campus or during off-hours, when the alleged offender has a relationship with the College.

Investigation

All allegations of sexual or other harassment will be quickly and discreetly investigated and kept confidential to the maximum extent possible. All students have a duty to cooperate fully with the College in connection with any such investigation. If NWF State College determines that an employee or student is guilty of discriminating against or harassing another individual, appropriate disciplinary action will be taken against the offending employee or student, up to and including termination of employment, suspension, or expulsion.

Retaliation

NWF State College prohibits any form of retaliation against any student or employee for filing a bona fide complaint under this policy or for assisting in a complaint investigation. However, if after investigating any complaint of harassment or unlawful discrimination, the College determines that the complaint is not bona fide and was not made in

good faith or that a student has provided false information regarding the complaint, disciplinary action may be taken

against the individual who filed the complaint or gave raise information.

Office of the Student Ombudsman

Per Florida Statute 1006.51, NWF State College provides a Student Ombudsman with whom students may confidentially discuss complaints, concerns, or problems to reach an informal consensus before proceeding with official college processes. The Director of Student Life on the Niceville Campus will serve as the Student Ombudsman and may be contacted at 850-729-5277 or ombudsman@nwfsc.edu.

Student Grievance Procedures

Student grievances fall into two categories: academic and all other. While the grievance process is similar for both, different college offices are responsible for each category. NWF State College prohibits any form of retaliation against any student filing a grievance, academic or non-academic.

Academic Grievances

Academic grievances must be initiated within 30 days of the incident being grieved. If a student believes that he or she has not been graded fairly in a course, a grievance may be filed. The grade grievance process applies only to final course grades.

Academic Grievance Process

The student should submit the grievance in writing by completing the Grievance form located at <http://www.nwfsc.edu/disputes/>.

Non-Academic Grievances

Non-Academic grievances must be initiated within 30 days of the incident being grieved. These procedures apply to all non-academic student grievances, including those alleging discrimination and harassment.

Informal Non-Academic Grievance Process

The student should first request a conference with the Dean of Students. The Dean will attempt to resolve the grievance informally to the satisfaction of the student. If the issue is not resolved the student may proceed to the formal grievance process.

Formal Non-Academic Grievance Process

The Dean will conduct an adequate, reliable, and impartial investigation of the complaint and render a decision. The Dean of Students may refer the matter to an ad hoc hearing committee to assist in evaluating the complaint. The student will be notified of the response to his or her grievance and the basis for that decision within 10 business days. The student may also appeal the decision of the Dean by requesting a formal hearing (see Student Due Process) conducted by the Judicial Council.

Student Code of Conduct

College students are citizens of the local, state, and national governments and of the academic community and are therefore expected to conduct themselves as law abiding members of each community at all times. Admission to the College carries with it special privileges and imparts special 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 it seeks to serve, the Northwest Florida State College Board of Trustees 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.

Pursuant to this authorization, the College has developed the following regulations, which are intended to govern student conduct on the campus. The College may enforce its own regulations regardless of any proceedings instituted by other authorities. Conversely, violation of any section of these regulations may subject a student to disciplinary measures by the College whether or not such conduct is simultaneously in violation of local, state, or national laws. When a student fails to abide by the rules and regulations of the College or fails to obey the ordinance of local, state, and national governments, disciplinary action may be taken.

Student Disciplinary Offenses

For the purpose of these regulations, a "student" shall mean any person who is registered for study at the College for any academic period. Generally, through appropriate due process procedures, College disciplinary measures shall be imposed for conduct which adversely affects the College's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or person at the College or on any College controlled property.

All police officers have been given the authority to control access and to patrol facilities. Failure to leave after instruction to do so can result in trespassing charges. Individual, group, or organizational misconduct, which is subject

inclusion to do so can result in trespassing charges. Individual, group, or organizational misconduct, which is subject to disciplinary sanctions, shall include but not be limited to the following offenses:

Academic Offenses

- **Academic dishonesty:** Students are expected to conduct themselves as responsible members of the academic community and to be honest and forthright in their academic endeavors. Academic dishonesty may include but is not limited to:
 - **Cheating:** During any academic evaluation activity, the use or attempted use of unauthorized materials, information, notes, study aids or other devices, information from another student or student's paper. During any academic evaluation activity, engaging in unauthorized communication of information, including collaborating, contrary to the requirements of a course.
 - **Plagiarism:** Presenting work in part or whole of another as one's own without proper acknowledgment of the source or sources. The sole exception to the requirement of acknowledging sources occurs when ideas or information are common knowledge.

Non-Academic Offenses

- **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 an offense is defined as the intention to commit an offense coupled with the taking of some action toward its commission).
- **Alcoholic beverages:** The unauthorized use and or possession of alcoholic beverages on the College campus, or at any College sponsored event, except College events where alcoholic beverages are provided by the College.
- **Bullying:** Systematically and chronically inflicting physical hurt or psychological distress on one or more students. 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.
 - **Bullying includes:** Teasing; social exclusion; threat; intimidation; stalking; physical violence; theft; sexual, religious or racial harassment; public or private humiliation; and/or destruction of property.
 - **Cyberbullying:** Bullying, through the use of 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. Bullying 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.
- **Classroom misconduct:** Classroom misconduct includes direct or indirect disruptive, threatening, or otherwise unacceptable social behavior in the classroom. Engaging in or assisting with such activity is prohibited. The instructor has the primary responsibility for control over classroom behavior and maintenance of academic integrity and can order any student engaged in disruptive conduct or conduct that violates the general rules and regulations of the College to be temporarily removed or expelled from the classroom.
- **Dangerous conduct:** Any conduct that constitutes a serious danger to any person's health, safety, or personal well-being, including any physical or immediate threat to others.
- **Dating violence, domestic violence, sexual assault, or stalking:** A type of abuse or violence where there is a pattern of controlling behaviors that one person is used to establish power over an intimate partner in order 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 intimate partner may use against another partner, causing a partner physical harm, stalking, threatening, isolating, gesturing and/or demanding unwanted sex practices.
- **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.
- **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.
- **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.
- **Failure to cooperate with College officials:** Failure to comply with directions of College officials acting in the performance of their duties.
- **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.
- **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 as appropriate action by civil authorities.
- **Gambling:** Gambling in any form.
- **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.
- **Hazing:** Hazing is 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. For the purpose of this statement, hazing is defined as those actions taken and situations created in connection with initiation into or affiliation with any organization.

- **Inappropriate dress:** College students are mature enough to make wise and appropriate decisions on the type of apparel suitable for a college campus. Attire that disrupts the learning process is not allowed. Dress that includes any words or images that are obscene, offensive, or tend to promote violence, drugs or disrespect is prohibited.
- **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.
- **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:
 - Unauthorized occupancy of the College, College controlled facilities, or blockage of access to or from such facilities.
 - Interference with the right of way of any college member or other authorized person to gain access to the College or College controlled activity, program, event, or facilities.
 - Obstruction or delay of a campus security officer, fire/rescue service, or any College official in the performance of his/her duty.
 - 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 of the College community or a guest of the College.
- **Theft:** Unauthorized possession or sale of College property
- **Unacceptable conduct at a College hearing:** Any conduct at any College hearing involving contemptuous, disrespectful, or disorderly behavior or false testimony or other evidence at any hearing.
- **Violations of general rules and regulations:** Any violation of the general 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.
- **Violations of state or federal laws:** Any violation of state or federal laws or regulations proscribing conduct or establishing offenses.

Disciplinary Procedures

Disciplinary offenses fall into two categories: academic and all others. While the procedures are similar for both, different college offices are responsible each category. The Dean of Students and/or the Vice President for Academic Affairs, if the offense is academic in nature, are responsible for enforcement of student disciplinary policies and procedures, and will, in the pursuit of that responsibility, observe the proper aim of discipline, observe due process procedure, consider all evidence, determine the facts, render a decision, and impose appropriate disciplinary sanctions when a student has been charged with violation of College rules and/or regulations. Ultimately the President has responsibility and oversight of student disciplinary procedures, processes, and sanctions.

Disciplinary Process

Conference: The Dean of Students, Vice President of Academic Affairs, or designee, hereafter referred to as the "Administrator", shall request a meeting with the student for a preliminary conference where the student shall be apprised of his/her basic rights and made aware of the student due process procedures.

The student will be extended the opportunity to explain the conduct in question and provide the Administrator with a detailed written explanation. Failure of the student to meet with the Administrator within 10 days of the request for a meeting will not prevent the process of collecting information or the decision to move forward.

Investigation: The Administrator shall consider all evidence, determine the facts, render a decision, and impose disciplinary sanction(s) as necessary.

Sanctions: The Administrator will, in writing, identify the claimed misconduct, infraction or offense and present a statement of the full penalty or sanction, in addition to a statement of the student's right to due process. The student shall be provided this information either in person or by college email and registered mail.

Disciplinary Sanctions

Upon determination that a student or organization has violated any of the rules, regulations, or disciplinary offenses set forth in College policy, the Administrator may impose the following disciplinary sanctions either singly or in combination.

- **Warning:** The appropriate College officials may notify the student that continuation or repetition of specified conduct may be cause for other disciplinary action.
- **Reprimand:** A written reprimand or censure may be given any student or organization whose conduct violates any part of these regulations. Such a reprimand does not restrict the student in any way, but does have important consequences. It signifies that he or she is in effect being given another chance to conduct himself or herself as a proper member of the College community and that any further violation may result in more serious penalties.
- **Restitution:** A student 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.
- **Restrictions:** Restrictions upon a student or organization's privileges for a period of time may be imposed. 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.

- **Disciplinary Probation:** Continued enrollment of a student on probation may be conditioned upon or adherence to these regulations. Any student placed on probation will be notified of such in writing and will also be notified of the terms and length of probation. Probation may include restrictions upon the extracurricular activities of a student. Any conduct in violation of these regulations while on probationary status may result in the imposition of a more serious disciplinary action.
- **Suspension:** If a student is suspended, he or she is separated from the College for a stated period of time with conditions of readmission to the College. Student must appeal for reinstatement.
- **Expulsion:** Permanent removal and exclusion from the College, College controlled facilities, programs, events, and activities.
- **Dismissal:** The dismissal of a student whose character and behavior prove unsatisfactory for a period up to two years.

Some disciplinary actions must adhere to additional state, federal, or organizational and accrediting agency guidelines and regulations. Immediate sanctions, up to and including expulsion, or dismissal 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 sanctions based upon the nature and seriousness of the offense. At this point, the student is able to request a final appeal to the President.

Due Process

Northwest Florida State College recognizes that occasionally issues arise between members of the college community. When such instances occur the college encourages the parties to attempt to reconcile their differences informally between themselves. If the informal approach doesn't render an acceptable solution or an aggrieved isn't comfortable with the informal approach then the following procedures must be utilized to notify the college of an "official" grievance.

All "informal" efforts noted above are not recorded and will not exist in college records. The process outlined below is the only means an individual has to notify the college of a grievance. Grievances must be submitted to the college within 30 days of the aggrieved becoming aware of the grievance (except for issues that have a defined timeline outlined by governmental administrative procedure or state/federal statute.) The form must be completed and submitted by the grievant to initiate action by the college. When a grievance is submitted through this system the person completing the form will receive an automated acknowledgment with a receipt number. Please keep the receipt for your reference and reference it when contacting the college concerning your complaint.

The following procedures will be utilized in the case of a grievance or a disciplinary offense.

Formal Grievance Investigation Procedure (Step 1)

- Individuals wishing to file a grievance with the college must do so by completing the Grievance form located at <http://www.nwfs.edu/disputes/>. Once filed, the grievance will be assigned to a college administrator for investigation. Grievances may be filed for academic issues, potential violations of college policies or procedures, or potential violations of Title VII or Title IX. Any grievance filed concerning criminal issues will be referred to law enforcement and when required by the Clery Act or Title IX the school will initiate a parallel investigation into the incident.
- The individual filing the grievance must identify the following points in their submission:
 - College faculty member or college department that initiated the initial action of concern.
 - Identify the action taken by the person or college department that is being grieved.
 - Identify why the action taken by the person or college department is factually flawed or contrary to federal law, state law or college policy or practice.
 - Desired outcome of the grievance.
 - If the actions taken by the college faculty member or college department resulted in sanctions, and the individual filing the grievance wishes for the sanctions to be suspended during the step 1 process the individual filing must provide justification for the request.
- The administrator will issue a notice of investigation to the individual(s) being investigated, if applicable. The notice will include a summary of the incident and possible violations, as know at the time, being investigated. The individual(s) will be notified via college email.
- The administrator may, for safety reasons, issue temporary sanctions or accommodations, as appropriate, during the investigation.
- The administrator will meet with the appropriate parties to collect the facts of incident.
- Once all known facts of the incident have been collected the administrator will consider the details and render a decision. All decisions will be based on a "beyond a reasonable doubt" standard.
- The administrator will notify the individual(s) of the decision. If the individual is found "responsible" for the incident sanctions will be applied.
- If the administrator denies the appeal and determines that the sanctions issued by the original college employee or college department are insufficient, the administrator may expand the sanctions on behalf of the college.
- The individual will be notified of the decision and sanctions (if appropriate) via school email.
- In the case of Title VII and Title IX violations the "victim" of the incident will also be notified of the decision and sanctions rendered on the accused.

Grievance Appeal Procedures (Step 2)

- Step 2 appeal must be filed within 10 calendar days of the issuance of the Step 1 finding. This is accomplished by the individual filing their intent by completing the on-line appeal form located

- at <http://www.nwfsc.edu/disputes/>. During the appeal process the sanctions issued in Step 1 will stand. In the case of Title VII and Title IX issues the "victim" of the violation may initiate the appeal process if they do not concur with the decision of the administrator in Step 1.
- Step 2 grievance may be filed if the individual filing the grievance believes there was an error or omission of fact or law considered by the administrator in Step 1.
 - The individual filing the grievance must identify the following points in their submission:
 - Administrator who conducted the step 1 grievance.
 - Identify the outcome that the administrator issued as a result of Step 1.
 - Identify why the outcome issued by the administrator is factually flawed or contrary to federal law, state law or college policy or practice.
 - Desired outcome of the grievance.
 - If the step 1 grievance resulted in sanctions and the individual filing the grievance wishes for the sanctions to be suspended during the step 2 process the individual filing must provide justification for the request. The VP of Academic Affairs (or designee) will be the sole arbiter of this request.
 - Upon review by the VP of Academic Affairs (or designee) the VP may return the appeal back to the individual if it is determined the appeal was not based on a factual matter or for clarification. The VP of Academic Affairs (or designee) will be the sole arbiter of the validity of the request. This decision will be allowed to be appealed by filing a Step 3 appeal.
 - The individual filing the appeal has a right to the factual data and documents used in the decision of Step 1 and must state his/her request in the Step 2 appeal. The individual is not entitled to the investigative notes of the Administrator in Step 1. Any information protected by the Family Education Rights and Privacy Act (FERPA) or non-critical academic information will be redacted.
 - Step 2 Appeal will be heard by a panel of:
 - Two full-time college employees (faculty members, from a different department, if the incident is academic in nature)
 - One full-time Student Affairs employee
 - Two students (from an academic program other than the student filing the appeal, if appropriate.)
 - The panel will be chaired by an administrator assigned by the VP of Academic Affairs who will be a non-voting member and serve as the recorder of the hearing.
 - Individuals filing the appeal will be notified of the date, time and location of the hearing in writing via college email. This notification will occur a minimum of 10 calendar days prior to the hearing.
 - The individual filing the appeal must represent him/herself at the hearing unless the assistance of a representative is required by law.
 - The college will be represented by the Administrator in Step 1.
 - Only persons directly involved in the cases, panel members, administration representative, the filing individual, and persons giving testimony will be allowed in the proceedings.
 - Persons giving testimony will only be allowed in the proceedings while testifying.
 - Audio and visual recording devices are not allowed in the proceedings.
 - The chair will provide a summary of the "case" as it exists, including the Step 1 outcome for all involved.
 - The individual and the administrator will present "their" case, including the presentation of evidence and witnesses. The individual will present first followed by the administrator. At the conclusion of each presentation, the other party may provide a rebuttal to the evidence or testimony presented.
 - Once the presentations are completed closing statements may be made by the individual and administrator (in order.) The closing statement must only be a summation of the case.
 - In closed session the panel will consider the evidence and testimony and decide, on a majority vote, to affirm the Step 1 decision or overturn the Step 1 decision based on the documented basis of the appeal. All decisions must be based on a "beyond a reasonable doubt" standard.
 - If the panel decides to affirm the appeal the panel may:
 - Alter the findings and/or sanctions in Step 1.
 - Refer the investigation back to the Step 1 administrator for continued investigation. Note: if this option is selected the process is considered to be back at the Step 1 investigation and the individual still has the full appeals option available when the revised findings are published.
 - The individual will be notified of the decision via their college email.

Grievance Appeal Procedures (Step 3)

- Step 3 appeal must be filed within 10 calendar days of the issuance of the Step 2 finding. This is accomplished by the individual filing their intent with the completion of the on-line appeal form located at <http://www.nwfsc.edu/disputes/>. During the appeal process the sanctions issued/affirmed in Step 2 will stand.
- The VP Academic Affairs (or designee) will be the sole arbiter of this request. In the case of Title VII and Title IX issue the "victim" of the violation may initiate the grievance process if they do not concur with the decision of the panel in Step 2.
- Step 3 grievance may be filed if the individual filing the grievance believes there was an error or omission of fact or law considered by the panel in Step 2.
- The individual filing the grievance must identify the following points in their submission:
 - Identify the outcome that the panel issued as a result of Step 2.
 - Identify why the outcome issued by the panel is factually flawed or contrary to federal law, state law or college policy or practice.
 - Desired outcome of the grievance.
 - If the step 2 grievance resulted in sanctions and the individual filing the grievance wishes for the sanctions to be suspended during the step 3 process, the individual filing must provide justification for the request.

Upon review by the VP Academic Affairs (or designee) the request may be returned back to the individual if it is