



# COLLEGE of CENTRAL FLORIDA

## ADMINISTRATIVE PROCEDURE

### Title: Disciplinary Action and Rights of Appeal – Code of Student Conduct

Page 1 of 14

Implementing Procedure For Policy # 7.05

Date Approved: 03/28/02

Date Revised: 03/27/08

Date Revised: 06/08/10

Date Revised: 09/17/21

Division: Enrollment Management and Student Affairs

### PURPOSE

In order to maintain an educational environment to meet CF's mission and goals, CF has established a Code of Student Conduct ("code") for students and student organizations that requires respect, integrity and civility in all College-related activities by all members of the CF student community.

This Code is intended to protect CF, its academic and social community, and its property from harm resulting from acts of its students. Both individuals and student organizations are expected to follow the Code and exercise responsible behavior and to observe CF rules, policies and procedures, as well as, all federal, state and local laws and guidelines.

This Code outlines prohibited conduct and provides for imposing appropriate discipline to students whose acts are in violation of prohibited conduct through hearing procedures affording both prompt disciplinary determinations and appropriate due process to the alleged student violator.

CF students may also be accountable to law enforcement authorities, as well as to the College, for acts that constitute violations of laws as well as violations of this Code. In such events, College disciplinary actions will proceed notwithstanding any pending criminal proceedings. Similarly, dismissal or acquittal of concurrent legal proceedings will not necessarily result in dismissal of College disciplinary actions.

The College recognizes its responsibility to act to protect the safety and well-being of the campus community. The range of student misconduct which could harm persons and property on campus is also broad. Accordingly, these regulations are to be interpreted broadly to effect fully the protection of the CF community. This Code is intended to define prohibited offenses and to give students notice of the behavioral standards expected of them. It is not meant to define misconduct in exhaustive terms or be all inclusive. CF may take action concerning student conduct for off-campus/site conduct if the conduct is associated with CF events, activities or if the conduct poses a threat to the safety or security of the CF community or threatens to undermine CF's educational process.

The College recognizes that some academic or athletic programs may require additional standards, policies, and/or rules which may be provided by law, regulatory bodies, advisory committees, national standards, and/or community standards, including accreditation standards that may provide for further program-specific discipline and/or rules for student conduct. Such programs are authorized to develop their respective standards in addition to those found in this rule. Students in these affected programs will be provided notice of such program standards and/or regulations. These expected behavior standards are in addition to, not in lieu of, the CF Code of Student Conduct.

### JURISDICTION

CF has jurisdiction over student misconduct that occurs on CF premises and/or at CF sponsored activities, and it may also address off-campus behavior if CF determines that the behavior, or the continued presence of the student, impairs, obstructs, interferes with or adversely affects the mission, processes, operation or functions of the College. Any student who commits a criminal act or violates any provision of this Code may be subject to College discipline. CF may pursue

## **Disciplinary Action and Rights of Appeal – Code of Student Conduct – Page 2**

disciplinary action against a student at the same time the student is facing criminal charges for the same offense, even if criminal prosecution is pending, has been dismissed or the charges have been reduced.

The College shall enforce the provisions of Section 1006.62, Florida Statutes and the Code.

The term “student” includes all persons taking courses, both credit and non-credit, from the College of Central Florida, both full and part time. If a student withdraws from the College during the semester of the violation, the college may continue student disciplinary proceedings. Persons who are not currently enrolled for a particular term are not considered students for purposes of the Student code of Conduct. An individual who is not currently enrolled may be issued a trespass warning and denied access to College premises without the need for Student Conduct proceedings. Students are responsible for informing their guests about campus regulations and they may be held accountable for the behavior and actions of a guest.

The term “student organization” means group of students who have complied with the formal requirements for recognition by the College.

### **Time Limit for Bringing Charges**

The time limit for charging a student or student organization with a violation of the Code is up to one calendar year after the date of the alleged violation. The time limit may be extended or waived if the identity of the alleged violator is not determined within the one-year limit, or if the alleged violation is discovered at a later date. The time limit may also be extended or waived at the discretion of the Vice President for Enrollment Management and Student Affairs.

The Vice President for Enrollment Management and Student Affairs is the College official designated by the College President to be responsible for the administration of this Code.

### **College Policy on Student Violations of Law**

On-Campus misconduct constituting a criminal offense will be immediately reported to the Public Safety Office who will contact law enforcement. If a student’s illegal act is also in violation of this Code, proceedings will be instituted under this Code. If the College itself is a victim of the illegal act, the college may file a complaint against the student with local law enforcement and take all actions available through the legal system. CF may take conduct action against a student for off-campus conduct if it is required by law to do so, if the conduct arises from CF activities, or if the conduct poses a significant threat to the safety or security of the college community, or if the conduct poses a significant threat of undermining the college’s educational process.

The Department of Public Safety is responsible for investigating all student violations of the law that occur on campus, and should be notified immediately upon detection of any such violation. As soon as practical upon receipt of such notification, a Public Safety officer shall advise the appropriate local law enforcement authority of such violation and that an investigation is being made. The Department of Public Safety shall take whatever action may be necessary, legal and proper within the scope of its authority with respect to such violation, for the protection of persons and property on campus, and shall cooperate fully with the law enforcement authorities in the apprehension of suspects, preservation of evidence, aid to victims and all other aspects of the case. Complainants will be asked to prepare a complete factual incident report after the occurrence of each violation and a copy thereof sent to the Department of Public Safety. These reports shall be prepared whether or not the violation is also investigated by a local law enforcement authority.

### **VIOLATIONS**

The following behavior is subject to disciplinary action under this Code. Any individual, group or a student organization may be charged with any of the violations:

1. Academic Dishonesty— engaging in all forms of academic dishonesty including but not limited to cheating, fabricating and plagiarism. Violations of the Academic Integrity Policy are handled first by the Academic Integrity Procedure found in the Student Handbook. Should there be multiple violations and/or the violation was particularly egregious, the Student Conduct Administrator may also file charges under the Cheating and Plagiarism sections of the Code of Student Conduct.

## Disciplinary Action and Rights of Appeal – Code of Student Conduct – Page 3

### 2. Alcohol Violations

- a. Unauthorized purchase, distribution, delivery, sale, use of, possession or consumption of alcohol when under the age of 21 as specified by the State of Florida.
- b. Possession or use of alcohol in any campus location or any off-campus student event by a college recognized student organization.
- c. Driving on campus property while under the influence of alcohol.
- d. Displaying behaviors that indicate intoxication from alcohol.

### 3. Illegal Drugs

- a. Unauthorized use or possession of any substance constituting a “controlled substance or dangerous drug” as defined by the Florida Criminal Code or any illegal drug.
- b. Purchase, distribution, delivery, or sale of any substance constituting a “controlled substance or dangerous drug” as defined by the Florida Criminal Code or any illegal drug.
- c. Possession or use of drug paraphernalia.
- d. Unauthorized purchase, distribution, delivery, sale, use of, possession, consumption, or provision of legally obtained drugs to someone who does not have a prescription for the medication and/or verification that the medication came from a licensed pharmacy.
- e. Driving on campus property while under the influence of alcohol or any illegal substances.
- f. Displaying behaviors that indicate intoxication from a “controlled substance or dangerous drug” as defined by the Florida Criminal Code or any illegal drug.

### 4. Disruptive Conduct

- a. Knowingly violating the terms of an CF disciplinary sanction imposed in Accordance with this Code.
- b. Intentionally or recklessly causing physical or psychological harm to any person or intentionally or recklessly causing reasonable apprehension of such harm.
- c. Physical or verbal obstruction or disruption of teaching, research, administrative proceedings or any authorized college program, event, function, or activity.
- d. Intentionally interfering with the freedom of expression of others.
- e. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions.
- f. Fighting. A physical contact or altercation between two or more individuals.

### 5. Failure to Comply

- a. Failing to comply with the direction of college officials, including campus and contracted public safety officers, acting in performance of their duties.
- b. Inability or refusal to provide identification when requested by a college official or public safety officer.
- c. Making false, fraudulent, or incomplete statements on any college forms, in any format. Forgery, alteration, or misuse of any college document, record, instrument of identification including the omission of relevant or material facts to any college official or instructor.
- d. Intentionally furnishing false information to the College or intentionally withholding requested information.

### 6. Gambling—Gambling of any form or participation in games of chance for money or other things of value except as permitted by Florida law.

### 7. Harassment/Stalking

- a. Intentionally or recklessly causing physical or psychological harm to anyone or reasonable apprehension and all threats of physical, verbal or psychological nature.

## Disciplinary Action and Rights of Appeal – Code of Student Conduct – Page 4

- b. Engaging in stalking or pursuing behavior that creates an intimidating, hostile or offensive educational or work environment for another person/group.
  - c. Conduct that threatens, intimidates, humiliates or otherwise harms another person/ group including face-to-face fighting words and profane expressions.
  - d. Stalking includes following or contacting via any means another person repeatedly for no legitimate purpose, so as to put that person in fear for their life, personal safety or cause the person substantial emotional distress.
8. Lewd, indecent or obscene conduct.
9. Allegations of discrimination or sexual harassment, and all other Title IX related charges, will be referred to the College Equity Officer and College Procedure 1.03.
10. Technology Misuse/Abuse
  - a. Unauthorized access; entry or use of a computer, computer system, phone, network, software, data, password or account.
  - b. Unauthorized alteration or tampering with computer equipment, software, network or data.
  - c. Unauthorized copying or distribution of computer software or data.
  - d. Unauthorized access of a file and/or network for any purpose and/or introduction of a destructive program, including viruses.
  - e. Use of computers to falsify records, tamper with records or commit any act of academic dishonesty.
  - f. Any other act in violation of law and/or CF policies and procedures regulating computer use.
11. Hazing, in accordance with Florida law, includes 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, affiliation with, or perpetuation or furtherance of a tradition or ritual of any group or organization operating under the sanction of the College.
  - a. “Hazing” includes, but is not limited to, pressuring or coercing the student into violating state or federal law; any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements forced consumption of any food, liquor, drug, or other substance, or other forced physical activity that could adversely affect the physical health or safety of the student; or any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student.
  - b. “Hazing” also includes the solicitation of others to commit hazing and active involvement in the planning of any act of hazing. The express or implied consent of the victim is not a defense. It is also not a defense to hazing that the conduct or activity prohibited under this section was not a part of an official student organization event, not otherwise sanctioned or approved by a student organization, or not done as a condition of membership to a student organization.
  - c. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.
12. Fire and Safety
  - a. Damage to, removal of or tampering with any fire safety systems, firefighting equipment or other emergency warning or safety equipment.
  - b. Intentionally or reckless burning or setting fire to any building or piece of property owned or controlled by the College/Foundation.
  - c. Initiating a false report, warning or threat of fire, explosion or other emergency.
13. Property/Facilities/Services
  - a. Allowing another person to use your CF ID Card.
  - b. Stealing, damaging, defacing or misusing College or any other person/group’s property or services, which also include possessing stolen property.

## Disciplinary Action and Rights of Appeal – Code of Student Conduct – Page 5

- c. Unauthorized entry into facilities, including but not limited to buildings, classrooms, hallways, entryways, conference rooms and campus grounds.
- d. Unauthorized possession, duplication, or use of keys or other access control systems to access any College premises or unauthorized entry to or use of College premises or vehicles.
- e. Bringing animals/pets into College buildings except where authorized.
- f. Use of operation of rollerblades, skates, skateboards, bicycles and similar items inside College facilities, walkways, patios or in unauthorized areas.
- g. Violation of CF policies/guidelines for use of College facilities.
- h. Consuming food/beverages in unauthorized areas, which include classrooms, labs, library and restrooms.
- i. Smoking or using any tobacco product of e-cigarette on any facility, property, or vehicle owned by the college.
- j. Unauthorized audio or video recording on campus of college facility, or of a class or lecture for purposes other than (1) personal educational use, (2) in a complaint against the institution or (3) for use as evidence in a civil or criminal proceeding.

### 14. Other Violations

- a. Academic Dishonesty – Handled by separate college procedure, Academic Integrity, CF Procedure 4.14.
- b. Physical, verbal, or written abuse, bullying, threats, intimidation, coercion, or any other conduct which threatens or endangers the health, safety, or rights of any person.
- c. Violation of any published or posted College regulations not specifically mentioned in this section, including CF rules, procedures and regulations.
- d. Aiding another in any violation of laws or College policies or procedures.
- e. Attempt or intent to commit any violation of this Code or circumvent imposed sanctions.
- f. Off-campus conduct as described in the Jurisdiction provision of this Code.
- g. As authorized by the laws of the State of Florida, unauthorized use, possession or Possession of firearms, electric weapon, devices, explosives, destructive devices, other weapons, including a razor blade, knives, or box cutter, or dangerous chemicals on College premises. Police officers as defined by state law are excluded from this section and are authorized to carry firearms and other weapons on College premises as part of their job and as permitted by law.
- h. Any unauthorized use of electronic or other devices to make an audio or video recording of any person while on College premises without his or her prior knowledge, or without his or her effective consent when there is a reasonable expectation of privacy and/or when consent is required by law. This includes, but is not limited to, recording a faculty member or invited speaker without prior consent (except as explicitly permitted by law) or taking pictures of another person in a gym, locker room, or restroom without prior consent. A recording may be permitted as an accommodation under the Americans with Disabilities Act (ADA), as amended, but only as authorized through the College's Office of Disability Services. Under no circumstances may a recorded lecture be published without the consent of the lecturer.

## DISCIPLINARY PROCEDURES

### Complaints

An allegation of a violation of the Code of Student Conduct may be made by any member or guest of the College community or by any representative of any department of the College.

Allegations must be in made writing within ten (10) days of the report of an alleged code violation (or discovery of the violation) and shall be filed with the Dean of Student Services or other lead conduct administrator at the campus where the infraction occurred. The Dean of Student Services or designee shall then investigate the alleged violation of the Code of Student Conduct.

The Dean of Student Services or designee will determine one of two actions:

## Disciplinary Action and Rights of Appeal – Code of Student Conduct – Page 6

1. If there is a probable violation of the Code, the Dean or designee will determine which section(s) of the Code have been allegedly violated, notify student in writing, and request a meeting with the student(s) involved.
2. If there is not enough sufficient facts or information to substantiate a claim or Code of Conduct violation, the matter will be dropped and the student will be notified in writing.

If the Dean of Student Services or designee determines there is a probable violation of the Code, the Dean or designee will determine which section(s) of the Code have been allegedly violated, then request a meeting with the student(s) involved. Any alleged violations will be explained to the respondent in writing within fifteen (15) business days of the Dean's receipt of the documentation.

Notification of the complaint shall be in person, e-mail to the CF email address with confirmation receipt, and/or by certified mail, return receipt requested, addressed to the student.

### Required Written Notification

The written notification shall contain the following:

1. the allegations;
2. citation to the specific provisions of the Code of Conduct;
3. the process to be used to determine if a violation occurred (preponderance of the evidence);
4. a list of the witnesses that have provided or will provide information against the student and a copy of their statements and/or documents of the alleged violations along with any other evidence the complainant intends to submit against him/her;
5. all known information related to the allegation including both exculpatory and inculpatory;
6. the date, time and location of the proceeding/meeting;
7. the student's right to a presumption that no violation occurred (CF has the burden to prove by a preponderance of the evidence that a violation of the code of conduct has occurred. Preponderance of the evidence means that the information presented supports the finding that it is more likely than not that the violation of the code of conduct was committed by the student);
8. The time limit provision must be included setting the time limit for charging the student with a code of conduct violation and a description of how the time can be extended or waived;
9. The student's rights which include:
  - a. the right to an impartial Hearing Officer;
  - b. the right against self-incrimination;
  - c. the right to remain silent. Silence may not be used against the student;
  - d. the student's right to present relevant information and to question witnesses;
  - e. the right to an Advisor or advocate who may not serve in any other role such as an investigator, decider of fact, or hearing officer;
  - f. the right to have the Advisor, advocate or legal representative at the student's own expense, present at any proceeding, whether informal or formal who may participate in all aspects of the proceeding, including the presentation of relevant information and questioning of witnesses;
  - g. the right to appeal the decision of the Dean or conduct hearing panel directly to the to the VP of for Enrollment Management and Student Affairs/or another senior administrator designated to hear the appeal. This Vice President or senior administrator may not participate in any other proceedings related to this charged violation.
  - h. the right to an accurate record of all disciplinary proceedings related to the charged violation of the Code of Conduct, including a record of the appeal which must be available for copying by the student.

## Disciplinary Action and Rights of Appeal – Code of Student Conduct – Page 7

### INTERIM MEASURES

#### Interim Suspension

In certain circumstances, the Vice President for Enrollment Management and Student Affairs, or a designee, may impose a College suspension or issue a “no contact order” prior to the student conduct hearing (if necessary). The college’s Threat Assessment Team will meet and make that recommendation to the VP or Dean.

Interim suspension may be imposed:

1. to ensure the safety and well-being of members of the College community or preservation of College property when a student is accused of conduct either on campus or off campus that potentially violates a law and/or the Code and, and that student’s continuing presence at the College may be a threat to the safety and well-being of the College community and property;
2. to ensure the student’s physical or emotional safety and well-being;
3. or if the student poses a threat of disruption of, or interference with, the normal operations of the College.

During the interim suspension, a student shall be denied access to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Vice President for Enrollment Management and Student Affairs may determine to be appropriate. Students suspended on an interim basis are not entitled to any special considerations because of their separation from the College, i.e., make-up tests, refund of fees, etc. Any request for special considerations may be addressed to the Vice President for Enrollment Management and Student Affairs in writing following the disposition of the case.

The interim suspension does not replace the Student Conduct process, which shall proceed on the normal schedule, up to and through a student conduct hearing, if required.

However, the student shall be notified in writing of this action and the reasons for the suspension. The notice should include the time, date, and place of a subsequent opportunity to be heard at which the student may demonstrate why his or her continued presence on the campus does not constitute a threat.

The Vice President for Enrollment Management and Student Affairs may elect to rescind the interim suspension based on the circumstances surrounding the case prior to it being heard. If the allegations of misconduct are dropped by the College prior to a hearing, the interim suspension will be rescinded.

#### Interim No Contact Order

In certain circumstances, the Vice President for Enrollment Management and Student Affairs or a designee, may impose a no contact order prior to the Student Conduct Board hearing (if necessary).

A no contact order may be imposed:

1. To ensure the safety and well-being of members of the College community when a student is accused of conduct (either on campus or off campus) that potentially violates a law and/or the Code and the Vice President for Enrollment Management and Student Affairs or Dean of Student Services determines that the student may pose a threat to members of the College community;
2. To ensure a student’s physical or emotional safety and well-being; or
3. There is a threat of disruption, or interference with, the normal operations of the College.

When an interim no contact order is imposed, the student shall be prohibited from having contact with another student or college employee, the order may also require a neutral third party be present before and/or during the contact. Any requests for special considerations may be addressed to the Vice President for Enrollment Management and Student Affairs in writing following the disposition of the case.

The interim no contact order does not replace the student conduct process, which shall proceed on the normal schedule, up to and through a student conduct hearing, if required.

## **Disciplinary Action and Rights of Appeal – Code of Student Conduct – Page 8**

The student shall be notified in writing of this action and the reasons for the no contact order. The notice should include the time, date, and place of a subsequent opportunity to be heard at which the student may demonstrate why his or her continued presence on campus is not a threat.

The Vice President for Enrollment Management and Student Affairs may elect to rescind the interim no contact order based on the circumstances surrounding the case prior to it being heard. If the allegations of misconduct are dropped by the College prior to a hearing, the interim no contact order will be rescinded.

### **INFORMAL RESOLUTION WITH STUDENT CONDUCT OFFICER**

With the written consent of the accused student, the Dean of Student Services or designee may convene an informal meeting to discuss the allegations, the Code of Student Conduct, statements or evidence, and potential sanctions, and to answer any questions. Witnesses will not be allowed to attend the meeting without the permission of the Dean. If witnesses are present, the Advisor, advocate or legal representative will be permitted to question the witness(es).

Upon receipt of the notification of the alleged violations and meeting appointment, the student has five (5) business days to contact the Dean of Student Services or designee to reschedule the meeting for a documented conflict. If the student refuses to meet or misses a scheduled meeting with the Dean, the formal disciplinary process will proceed.

The accused student has the right to be assisted by an advisor of their choice, at their own expense. The advisor may participate in all aspects of the informal resolution process. If the student intends to have an attorney serve as the advisor, they must notify the Conduct Officer within 48 hours of the meeting with the Student Conduct Officer for the informal resolution. The College reserves the right to have counsel in attendance or on notice for the meeting.

If the accused student, during this informal meeting, elects not to accept responsibility for the alleged violation, the Dean of Students or designee will end the informal process and refer the disciplinary matter to a scheduled Student Conduct Hearing.

If the accused student, during this informal meeting, agrees to resolve the matter informally and accepts responsibility for the alleged violations, the student will sign a waiver of a formal hearing and written acceptance of responsibility. The student and Dean may then discuss a plan for resolving the issues involved in the misconduct, which may include agreed-upon sanctions. A student who elects to resolve the charge(s) with the Dean shall, after being informed of their rights, sign a written waiver of a formal hearing, and a written acceptance of the responsibility, and a written acceptance of the specified sanction(s) imposed. No appeals of an Informal Resolution are permitted. If a student accepts responsibility for the violations of the Student Conduct Code, but the student and the Dean cannot agree on sanctions, the matter may be referred to the student conduct hearing for a sanctions-only hearing.

### **STUDENT CONDUCT HEARING**

The Vice President for Student Services and Enrollment Management or designee shall provide the date, time and place of the Student Conduct Hearing. The meeting date shall not be less than ten (10) days from the date of notification. Time limits for scheduling of Student Conduct Hearings may be extended at the discretion of the Student Conduct Officer.

The Dean of Student Services will inform the student of the charge(s) which can be done in person, by email (official college email), certified mail, return receipt requested (if student is a minor, notice may be made to student's parent email address).

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 information presented supports the finding that it is more likely than not that the violation of the Code was committed by the student. An accused student has a right against self-incrimination and the right to remain silent. Such silences may not be used against the student. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Conduct Code proceedings.



## Disciplinary Action and Rights of Appeal – Code of Student Conduct – Page 9

At least five Instructional Days before the disciplinary proceeding, the Student a Conduct Officer will provide the Respondent with:

- A list 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 (i.e. information or evidence that tends to prove and disprove the allegation).

### Required Written Notification

The written notification shall contain the following:

1. the allegations;
2. citation to the specific provisions of the Code of Conduct;
3. the process to be used to determine if a violation occurred;
4. a list of the witnesses that have provided or will provide information against the student and a copy of their statements and/or documents of the alleged violations along with any other evidence the complainant intends to submit against him/her;
5. all known information related to the allegation including both exculpatory and inculpatory;
6. the date, time and location of the proceeding/meeting;
7. the student's right to a presumption that no violation occurred (CF has the burden to prove by a preponderance of the evidence that a violation of the code of conduct has occurred. Preponderance of the evidence means that the information presented supports the finding that it is more likely than not that the violation of the code of conduct was committed by the student);
8. The time limit provision must be included setting the time limit for charging the student with a code of conduct violation and a description of how the time can be extended or waived;
9. The student's rights which include:
  - a. the right to an impartial Hearing Officer;
  - b. the right against self-incrimination;
  - c. the right to remain silent. Silence may not be used against the student;
  - d. the student's right to present relevant information and to question witnesses;
  - e. the right to an Advisor or advocate who may not serve in any other role such as an investigator, decider of fact, or hearing officer;
  - f. the right to have the Advisor, advocate or legal representative at the student's own expense, present at any proceeding, whether informal or formal who may participate in all aspects of the proceeding, including the presentation of relevant information and questioning of witnesses;
  - g. the right to appeal the decision of the student conduct hearing directly to the Vice President for Enrollment Management and Student Affairs or other appropriate senior administrator identified by the Vice President. This Vice President or senior administrator may not participate in any other proceedings related to this charged violation.
  - h. the right to an accurate record of all disciplinary proceedings related to the charged violation of the Code of Conduct, including a record of the appeal which must be available for copying by the student.

A copy of this notification shall be filed in the Dean of Student Services' Office.

If, after due notice of the alleged violations and date of hearing, the student fails to appear and the majority of the Hearing Panel is satisfied that the student had appropriate notice of the charge and date of the proceeding and no valid excuse for not appearing, the Hearing Panel may then hold the hearing without the student present.

Following the conclusion of the hearing, deliberations will be conducted in private by members of the Hearing Panel. Decisions in all cases shall be determined by a simple majority vote of the members present. The chair will notify the Dean of Student Services of the final disposition of the deliberations. In addition to ruling on responsible or not responsible, the panel may make a recommendation of sanctions to the Dean of Student Services. Final determination of sanctions will be made by the Dean of Student Services or designee.

The Hearing panel will ensure student rights outlined in this Code are honored.

## Disciplinary Action and Rights of Appeal – Code of Student Conduct – Page 10

Student Conduct Hearings shall be conducted by a panel of at least three impartial members appointed by the Vice President for Enrollment Management and Student Affairs. The Vice President will also identify one member to serve as Chair for the Hearing.

1. Student Conduct Board hearings normally shall be conducted in private.
2. The Complainant, Respondent and their advisors, if any, shall be allowed to attend the entire portion of the Student Conduct Board hearing at which information is received (excluding deliberations). Admission of any other person to the Student Conduct Board hearing shall be at the discretion of the Student Conduct Hearing Chair.
3. In Student Conduct Board hearings involving more than one Respondent, the Student Conduct Officer, in his or her discretion, may permit the Student Conduct Panel hearings concerning each student to be conducted either separately or jointly.
4. The Complainant and the Respondent have the right to be assisted by an advisor of their choice, at their own expense. If the Complainant or the Respondent intend to have an attorney serve as the advisor, they must notify the Conduct Officer within 48 hours of receipt of notice of the hearing. The College reserves the right to have counsel in attendance or on notice for the hearing. The Respondent's advisor may participate in all aspects of the hearing, including the presentation of relevant information and questioning of witnesses. A Respondent or Complainant should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Student Conduct Board Hearing because delays will not normally be allowed to accommodate the scheduling conflicts of an advisor. The advisor for the Complainant or Respondent may not serve in any other role in the Student Conduct process, including as an investigator, decider of fact, hearing officer, or any appeal.
5. The Complainant, the Respondent and the Student Conduct Panel may arrange for witnesses to present pertinent information in the hearing. Witnesses will be asked to provide information to and answer questions from the Hearing Panel, Respondents, Complainants, and their respective advisors, if any. The College, Respondents, Complainants, and their respective advisors, if any, have the right to present relevant information and question witnesses.
6. 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 a Student Conduct Hearing Panel at the discretion of the chairperson.
7. All procedural questions are subject to the final decision of the chairperson of the Student Conduct Hearing.
8. After the Student Conduct Board Hearing, the Student Conduct Board shall determine by majority vote whether the Respondent has violated each section of the Student Conduct Code the Respondent is charged with violating.
9. Respondents have a right to a presumption that no violation of the Code occurred.
10. 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 information presented supports the finding that it is more likely than not that the violation of the Code was committed by the Respondent. The Respondent has a right against self-incrimination and the right to remain silent. Such silences may not be used against the Respondent. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Conduct Code proceedings.
11. The College shall keep an accurate and complete record of every disciplinary proceeding relating to a charged violation of the Code, including record of any appeal, to be made, preserved, and available for copying upon request by a Respondent. The College shall create a single verbatim record of all Student Conduct Hearings (not including deliberations). Deliberations shall not be recorded.

## Disciplinary Action and Rights of Appeal – Code of Student Conduct – Page 11

12. If a Respondent, with notice, does not appear before a Student Conduct Board hearing, the information in support of the charges may be presented and considered even if the Respondent is not present.
13. The Student Conduct Officer may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Respondent, and/or other witness during the hearing by providing separate facilities, by using, when available and feasible, a visual screen, and/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 Student Conduct Officer to be appropriate.

In addition, the Hearing Panel may adopt any other procedural rules that are not inconsistent with these rules in order to assure a fair and impartial hearing and shall file a report containing findings of fact and conclusions as to the validity of the alleged violations. The report, along with recommendations shall be filed with the Dean of Student Services. If the hearing was conducted in the absence of the individual charged, the report shall so indicate.

**Imposition of Sanctions** - If the student charged is found responsible or accountable for violating the Code, the Dean of Student Services shall review the Hearing Panel report and recommendations, then impose any appropriate sanction or sanctions. A report of findings and impositions of sanctions shall be provided to the alleged violator of the Code (signature required) in person or by certified mail, return receipt requested. A student's failure to sign constitutes a de-facto acceptance.

In each case in which a Student Conduct Hearing Panel determines that a student and/or student organization has violated the Student Conduct Code, the sanction(s) shall be determined and imposed by the Student Conduct Officer. In cases in which persons other than, or in addition to, the Student Conduct Officer have been authorized to serve as the Student Conduct Board, the recommendation of the Student Conduct Board shall be considered by the Student Conduct Officer in determining and imposing sanctions. The Student Conduct Officer is not limited to sanctions recommended by members of the Student Conduct Board. Following the conclusion of the Student Conduct process, the Student Conduct Officer shall advise the Respondent in writing of its determination and of the sanction(s) imposed, if any. If the Complainant believes they were the victim of a student's conduct, the Complainant will be informed in writing that the case has been appropriately resolved and the window for appeals has closed, as permitted by law.

**Appeal** - The student may appeal the decision of the Student Conduct Hearing to the Vice President Enrollment Management and Student Affairs, who has the final decision in these cases. The Vice President will review Hearing findings, the basis of the appeal, including procedural matters, and make a final determination and informs the student within (7) days of the request for appeal.

### **DISCIPLINARY SANCTIONS**

In keeping with the essential values of CF College, sanctions are designed to promote the College's mission. Sanctions may also serve to promote safety or to deter students from behavior that harms, harasses, or threatens people or property. Some behavior is so harmful or disruptive to the College community or to the educational process that it may require sanctions such as removal from specific courses or activities, suspension from the College, or expulsion. More than one sanction may be recommended.

#### **Factors Considered in Determining Sanctions**

Although not binding or definitive, the following factors may be considered in determining what sanctions are appropriate in a particular case:

1. The nature of the violation(s).
2. Prior violations and Student Conduct history.
3. Mitigating circumstances surrounding the violation.
4. The student's motive or purpose for engaging in the behavior.

## Disciplinary Action and Rights of Appeal – Code of Student Conduct – Page 12

5. Sanctions which have been imposed in similar cases in the past.
6. The developmental and educational impact on the student.

**One or more of the following disciplinary measures may be imposed upon students found to have violated this code.**

1. Expulsion (permanent dismissal from the college).
2. Suspension (separation from the college for a specified period).
3. Disciplinary probation (participation in extracurricular activities, athletics, in student organizations, for a specified time and period). Conduct probation also means a student is not in good standing with the College and cannot represent the College on any athletic team other than intramurals, cannot hold an office in any student organization registered with the College, and may not represent the College in any extracurricular activity or official function nor participate in any study abroad program.
4. Restitution (the obligation to replace or pay for damaged property or to compensate for losses incurred, because of the violation). Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
5. Fines - Previously established and published fines may be imposed.
6. Discretionary Sanctions - Work assignments, essays, service to the College, service to the community, educational requirements, or other related discretionary assignments.
7. Revocation of Admission and/or Degree - Admission to or a degree awarded from the College may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
8. Cancellation of test scores, including placement tests, and the rescission or invalidation of College credit or of any degree awarded.
9. Withholding Degree - The College may withhold awarding a degree or certificate otherwise earned until the completion of the process set forth in this Student Conduct Code, including the completion of all sanctions imposed, if any.
10. Withdrawal from a class, program, and/or department.
11. Loss of privileges (temporary revocation of such privileges as driving on campus, use of the cafeteria, library-borrowing privileges, attending athletic events, restricted access to defined locations on campus, suspension or loss of parking privileges.
12. Warning/reprimand - A notice in writing to the student that the student is violating or has violated institutional rules, policies or procedures.
13. Performance of conciliatory act (if the student and the college are mutually agreeable and if circumstances of the violation and the student's attitude so warrant, a disposition will avoid imposition of a sanction yet will require some conciliatory act by the student evidencing a positive attitude toward his/her conduct in the future). Examples include:
  - a. Behavioral counseling.
  - b. Voluntary withdrawal with opportunity to resume studies at a later time, interim period.
  - c. Performance of some service for the college in mitigation of harm caused by misconduct.

### Additional Sanctions for Student Organizations

Those sanctions listed above

Probation for a designated period of time. No recognized meetings, activities, travel, or budget.

Charter Suspension. Loss of all privileges, including College recognition, for a specified period of time.

### DEFINITIONS

The term “student” includes all persons taking courses, both credit and non-credit, from the College of Central Florida, both full and part time. If a student withdraws from the College during the semester of the violation, the college may continue student disciplinary proceedings. Persons who are not currently enrolled for a particular term are not considered students for purposes of the Student code of Conduct. An individual who is not currently enrolled may be issued a trespass warning and denied access to College premises without the need for Student Conduct proceedings.

The term “Respondent” means any student accused of violating this Code of Student Conduct.

The term “Complainant” means any person who submits a complaint or charge alleging that a student violated this Student Code. When a student believes that s/he has been a victim of another student’s misconduct, the student who believes she/he has been a victim will have the same rights under this Code of Student Conduct as are provided to the Complainant, even if another member of the College community submitted the charge itself.

The term “Student Conduct Hearing Panel” refers to a group of representative and impartial College employees selected by the Student Conduct Administrator to participate in hearings and to act in an advisory capacity only to the Student Conduct Administrator for those matters which could ultimately lead to suspension, expulsion, or other serious sanction.

The term “Informal Administrative Conference” refers to a meeting held by the Student Conduct Administrator with the Accused and/or Complainant. The Student Conduct Administrator may employ mediation and/or conflict resolution to arrive at an outcome that is acceptable to both parties including the Student Conduct Administrator.

The term “College” means College of Central Florida.

The term “College Official” includes any person employed by the College performing assigned administrative or professional responsibilities.

The term “College Premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College (including adjacent streets and sidewalks) and by the CF Foundation (with the exception of College Square Apartments).

The term “College premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College of Central Florida.

The term “Faculty Member” means any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty.

The term “May” is used in the permissive sense.

The term “Shall” is used in the imperative sense.

The term “Member of the College community” includes any person who is a student, faculty member, College official or any other person employed by the College. A person’s status in a particular situation shall be determined by the Vice President for Enrollment Management and Student Affairs.

The term “Organization” means any number of persons who have complied with the formal requirements for College registration or recognition.

**Disciplinary Action and Rights of Appeal – Code of Student Conduct – Page 14**

The term “Policy” means the written regulations of the College as found in, but not limited to, the Code of Student Conduct, the College Policy Manual, College web pages, the Student Handbook, Computer Use Policy, and Catalog. The term “Student Conduct Administrator and/or Officer” refers to any person authorized by the Vice President for Enrollment Management and Student Affairs to investigate whether a student has violated the Code of Student Conduct and to impose sanctions upon any student(s) or organization found to have violated the Code of Student Conduct.

The “Vice President for Enrollment Management and Student Affairs” is that person designated by the College President to be responsible for the administration of the Code of Student Conduct.

_____ Vice President, Administration and Finance	_____ Date
_____ Vice President, Student Affairs	_____ Date
_____ Approved by President	_____ Date