NEW COLLEGE OF FLORDA
REGULATIONS MANUAL

CHAPTER 7 - Miscellaneous Provisions

7-1001 Alcohol and Other Drugs

Students are sovereign individuals and bear ultimate, personal responsibility for their actions. Students understand that the College knows and obeys the law. The College rightly expects students to do the same.

(1) Applicable State and Federal Laws. State laws concerning alcohol and other drugs will be fairly and consistently enforced. A summary of applicable State and Federal laws regarding Alcohol and Other Drugs is provided, as follows:

(a) Alcohol Laws.

1. Chapter 562 of Florida Statutes details the State of Florida laws regarding alcohol. Additionally, Chapter 322 details laws regarding the consumption of alcohol and the operation of a motor vehicle.

2. Possession of alcohol by persons under the age of 21 is illegal.

3. Intoxication that places an individual or others in harm's way is illegal.

(b) Other Drugs Laws.

1. Possession and consumption of non-prescription controlled substances is illegal.

2. Possession and consumption of prescription controlled substances must conform to the prescription.

(2) Risks and Dangers. As part of its enforcement mission, the College seeks to create an environment that promotes the responsible use and non-use of alcohol and educates students about the dangers of the abuse of alcohol and other drugs. Risks and dangers are associated with the abuse of Alcohol and Other Drugs.

(a) Abuse of alcohol or other drugs may cause lifetime changes to an individual's physical and/or psychological health, especially before the age of 25.

(b) Abuse of alcohol or other drugs can interfere with the process of free and open intellectual inquiry that is crucial to the educational community.

(3) Wherever possible, the College will seek to promote the health and well-being of students over the pursuit of punitive sanctions.

(a) For counseling and psychological support, students are advised to seek confidential consultations at the Counseling and Wellness Center.

(b) Students may also contact local groups for advice and support. The Counseling & Wellness Center can provide a list of these groups.

(4) Alcohol Regulation. In order to promote an environment that allows for the responsible consumption of alcohol, the consumption of alcohol by persons 21 years of age and older shall be permitted in the following designated areas:

(a) Z Dorm complex, including Z Green

(b) VWXY complex, including the Promenade

(c) Dort and Goldstein Residence Halls, including the Crease

(d) Pei complex, including all three courts and Palm Court

(e) B-Dorm complex

All guests shall be subject to this Regulation.

1. Violations.

a. Underage Possession, whereby an individual under the age of 21 possesses or consumes alcohol, shall be a violation.

b. Prohibited Possession, whereby an individual of any age possesses or consumes alcohol outside the designated areas, shall be a violation.

c. Disorderly Intoxication, whereby an intoxicated individual disrupts the normal proceedings or peace of the college community, shall be a violation.

d. Hazardous Intoxication, whereby an intoxicated individual poses a threat to the health and/or safety of him/herself or another, shall be a violation.

e. Abusive Coercion, whereby an individual repeatedly applies unwanted social pressure in an attempt to induce another to consume alcohol, shall be a violation.

(5) Drug Regulation.

(a) Violations.

1. Possession and/or Consumption of Marijuana, whereby an individual possesses and/or consumes marijuana, shall be a violation.

2. Possession and/or Consumption of Other Drugs, whereby an individual possesses and/or consumes some other controlled substance(s), shall be a violation.

3. Misuse of Prescription Drugs, whereby an individual misuses his or her own prescription or uses a medication for which he or she does not have a prescription, shall be a violation.

4. Manufacture or Distribution of Controlled Substances, whereby an individual manufactures, sells, or barters a controlled substance, shall be a violation.

5. Abusive Coercion, whereby an individual repeatedly applies unwanted social pressure in an attempt to induce another to consume a controlled substance or prescription medication, shall be a violation.

(6) Medical Amnesty.

New College of Florida seeks to ensure that students at medical risk as a result of alcohol or substance misuse will receive prompt and appropriate medical attention. NCF wants to facilitate access and remove barriers to students seeking medical assistance for alcohol and/or drug related emergences. NCF expects students to seek immediate medical assistance when they are concerned about their own health or that of another student. Medical Amnesty attempts to ensure that intoxicated students receive immediate medical assistance and follow-up assessment to reduce the likelihood of future occurrences.

Medical Amnesty applies to a student when it is determined that the individual sought emergency medical attention for the self or another person; or medical assistance was sought for them by another student related to the consumption of alcohol and/or other drugs. If Medical Amnesty applies, the student will not be charged with an Alcohol/Drug violation by the Dean of Student Affairs or designee. The Dean, or designee, reserves the right to mandate in such cases that the student undergo a substance abuse assessment with the Counseling and Wellness Center. Failure to comply with such a mandate may itself be considered a violation of the student code of conduct.
Finally, it should be noted that the foregoing policy applies only to cases that are brought before the Office of Student Affairs, and has no authority over formal charges brought against a student by law enforcement or any other institution, including but not limited to the Sarasota County District Attorney's office.

(7) Sanctions.

(a) All violations of the New College of Florida Alcohol and Other Drug Regulation shall be handled by the Office of Student Affairs in accordance with established procedures.

(b) Whether the violation is addresses by the Office of Student Affairs Judicial Coordinator or the Community Board, students found responsible for a violation may receive sanctions ranging from a verbal warning to a recommendation of expulsion.

(c) The sanctioning body shall take into account the severity of the offense and any previous violations when determining the appropriate sanction.

(d) A violation of the Alcohol and Other Drugs Regulation shall not be construed to be a mitigating factor for any Code of Conduct violations committed in conjunction with an Alcohol and Other Drug Regulation violation.

(8) Distribution and Revision of Regulation 7-1001.

(a) A digital copy of this Regulation shall be placed on the appropriate section of the College's website. A hard copy of this Regulation is to be on file in the Office of Student Affairs, available

for review by students. Additionally, the Office of Student Affairs shall provide the Student Government with a hard copy of this Regulation.

(b) A copy of this Regulation shall be included in the orientation materials for new students or otherwise provided to new students in a timely manner.

(c) The Office of Student Affairs, in conjunction with the student body, shall conduct a biennial review of this Regulation and make any and all changes that are deemed necessary.

(d) The Counseling and Wellness Center may make revisions to Section 3 (Support and Counseling) to update the list of counseling centers and support groups without seeking to formally amend this Regulation.

History: adopted as new Regulation 6-18-11. Revised and approved 5-31-2014

NEW COLLEGE OF FLORDA
REGULATIONS MANUAL

CHAPTER 7 - Miscellaneous Provisions

NEW COLLEGE OF FLORIDA STUDENT CODE OF CONDUCT

(1) Definitions.

(a) For the purposes of the Student Code of Conduct, the following terms shall be defined as indicated.

1. "Code" means this Student Code of Conduct.

2. "College", "NCF", or "New College" mean New College of Florida.

3. "College community" includes students, members of the faculty of the College, officers or officials of the College, employees of the College, and employees of the New College Foundation, Inc.

4. "Dean" means the Dean of Students of the College or the Student Conduct Officer appointed from the faculty or the Dean of Student's office.

5. "President" means the President of the College or the President's designee.

6. "Student" means an individual who is enrolled as a student at the College, a student organization, or a person who has submitted an application for admission, housing, or any other service provided by the College which requires student status. All students are subject to the Student Code of Conduct.

7. "Complainant" means any a member of the College community who has submitted a complaint asserting a violation of this Code.

8. "Respondent" means a student against whom a complaint has been submitted.

9. "Student Conduct Officer" means the Dean, the Dean's designee, or a person designated by the President of the College.

10. "Conflict of Interest" refers to any situation where regard for the private interests of a person, such as involvement in an issue that is the subject of a complaint proceeding or familiarity with the complainant or respondent, would tend to lead to disregard of the public duty for objectivity and fairness.

(b) All other terms used in this Code shall be given their ordinary meaning.

(2) Summary of Student Rights, Responsibilities, and Standards of Conduct.

(a) Student Rights and Responsibilities.

1. Students are responsible for compliance with all federal and state laws, applicable county and municipal ordinances, and all rules, regulations, and written policies of the State of Florida Board of Governors and the College. Students accused of a crime can be prosecuted

under Florida criminal laws and be subject to disciplinary sanctions under this Code. The College may pursue disciplinary action even if criminal justice authorities choose not to prosecute. The Code does not limit the scope of the legal rights and obligations a student has under federal, state, and local constitutions, laws, rules, regulations, ordinances, and judicial decisions.

2. Upon accepting a student for admission, the College shall provide the student with copies of the Student Code of Conduct, the New College of Florida student government constitution, and any other statement of student rights and obligations that the College recognizes or expects a student to live up to.

3. It is the College's expectation that all students required to do so will participate fully in the student conduct hearing process. Failure to participate may result in additional sanctions.

(b) Standards of Conduct.

1. The College seeks to promote a stimulating and demanding educational environment in which a diverse student body with wide-ranging individual interests, values and abilities can live, interact, learn and grow based upon mutual understanding, trust, respect and concern for the well being and dignity of self and others, upon responsible exercise of personal and academic freedoms and upon individual accountability for words and actions.

2. Complete statements of rights, responsibilities and standards of conduct are set out in Sections (4) and (5) of this Code.

(3) Student Conduct Process and Procedures.

(a) Jurisdiction of the College.

1. College jurisdiction, including jurisdiction to impose disciplinary sanctions for violation of this Code extends to any conduct which occurs on the Campus of the College and to any conduct that occurs off campus that adversely impacts the College, the College community, or the pursuit of the mission of the College.

2. All students are subject to this Code. In addition to responsibility for their own conduct and actions, students are responsible for their guests and their guests' conduct. Students will be held accountable for the conduct of their guests.

3. Students charged with violating this Code will be provided with notice of the charges, will have the right to present information in their favor, the right to respond to the charges, and the right to a decision based upon the record of a Student Conduct Board hearing.

(b) Filing a Complaint.

1. Any member of the College community may file a complaint against a student asserting a violation of the Student Code of Conduct. Complaints must be filed in writing with the Office of Student Affairs, (Hamilton Classroom 001, New College, 5800 Bay Shore Road, Sarasota, FL 34243) within a reasonable time following the discovery of the violation. In no

event may a complaint be filed later than six (6) months after the time that the event was discovered, or reasonably should have been discovered, except in extraordinary circumstances. A complaint must include the following information:

a. The name, address, telephone number, and email address of the person filing the complaint.

b. The name of the student or students alleged to have committed the violation, and, if known, their address, telephone number, and email address.

c. A statement of the provision or provisions of this Code that have been violated.

d. The date when the violation occurred.

e. A summary of the conduct or the essential facts asserted to violate this Code.

f. The signature of the person filing the complaint.

(c) Pre-hearing Procedure.

1. The Office of Student Affairs shall investigate all complaints. Within five (5) working days of the filing of a complaint, the Dean shall determine whether there are reasonable grounds to believe that a violation of this Code has occurred. If the Dean determines that there are reasonable grounds, the Dean will initiate pre-hearing procedures.

2. The Dean shall appoint a Student Conduct Officer. The Student Conduct Officer shall be a member of the faculty or the office of the Dean. If the Dean is unavailable or has a conflict of interest in the case, the President shall designate a member of the faculty or staff from outside the Office of Student Affairs to serve as the Student Conduct Officer. The Student Conduct Officer will email and mail a written notice of the charges to the student's last known address. It is incumbent upon students to keep the Dean's office informed of where College mailings should be sent. Failure to respond to a written notice of charges is a violation of this Code and may result in additional charges. The notice will also remind the student of how to access this Code so that he or she can understand the procedures that will be followed.

3. The written notice of charges shall include a statement of the essential facts constituting a violation of this Code.

4. The Student Conduct Officer will conduct a preliminary meeting with the student charged with violation of this Code. The meeting shall be conducted within five (5) days of the date that the written notice of charges is mailed to the student unless the student is unable to be present at the meeting within that time. The student can accept or contest the charges. If the student contests the charges the matter will be referred to the Student Conduct/Mediation Board for proceedings as set herein.

5. If the student acknowledges that the violation occurred, the Student Conduct Officer shall impose sanctions in accordance with this Code. The decision shall be in writing. A copy will

be given to the Respondent and a second copy will be filed in the Dean's Office. If the student does not accept the sanctions imposed by the Student Conduct Officer, the student may request resolution by the Student Conduct/Mediation Board. If the student does not request resolution by the Student Conduct/Mediation Board, the student waives any further right to proceedings conducted by the Student Conduct/Mediation Board.

6. The student can choose to have an advisor of his/her choice present at the preliminary meeting with the Student Conduct Officer. The advisor must be a member of the College community. College employees who have a potential conflict of interest may not serve as an advisor to the student. The advisor can speak with the student during the course of the preliminary meeting, but cannot speak for the student, act as attorney or otherwise participate in the meeting.

7. The Dean, in consultation with the President, is authorized to suspend a student from the College or from participating in official College functions, programs, intercollegiate competitions, and other student activities if in their judgment, the student's continued presence or use of privileges at the College pending the outcome of proceedings, is likely to cause harm to members of the College community. Any interim suspension shall be based upon information gathered in the initial stage of the investigation of student misconduct. Students issued an interim suspension must be provided an expedited emergency hearing within 48 hours of the preliminary hearing conducted by the Student Conduct Officer.

(d) Hearing Procedures.

1. Composition of Student Conduct/Mediation Board. The Student Conduct/Mediation Board will consist of an available pool of six students chosen by student government, and three members of the faculty or staff of the College appointed by the Dean in consultation with the President. The Dean will choose three students to serve on a particular proceeding, based upon schedules and/or any conflicting interests. Students who have been sanctioned by the Board must be approved by the Dean before they are eligible to serve.

a. The Dean will serve *ex officio* as a member of the Student Conduct/Mediation Board to advise the Board of precedent, procedure and regulations.

b. The term of appointment for all members of the Board will be one academic year. The chair and vice-chair will be elected by the Board at the beginning of the semester. One or the other must be present at every hearing.

2. Procedures.

a. Hearings conducted by the Board shall be conducted not less than five or more than fifteen calendar days after the student has requested a hearing before the Board.

b. When a charge has been filed by a student, the Complainant will present his or her charges to the Board. The Respondent will then have an opportunity to respond. If the violation does not involve two students but is rather between College interests and a

student, the Dean will appoint a member of the college staff who is not on the Board to present the charges to the Board.

c. If any member of the Board has a conflict of interest in the proceeding, he/she will not be eligible to serve when the matter is heard. The Complainant or the Respondent may request that any member of the Board step down when the matter is heard on account of a conflict of interest.

d. All hearings will be closed to uninvolved spectators. Witnesses, however, may be brought in to verify assertions. Witnesses are only to appear when they need to testify. The Complainant and the Respondent may also have advisors of their choice present. Advisors must be members of the College community. The advisor may speak with the Complainant or Respondent but may not speak for them, act as an attorney, or otherwise participate directly in the case. The hearing will be tape-recorded. The Board's deliberations will be confidential.

e. If a hearing involves more than one Respondent, the Student Conduct/Mediation Board shall determine whether hearings concerning each Respondent will be conducted separately or jointly. The determination shall be based upon consideration of the fairness of the proceeding to all of the parties. If conducting hearings jointly will prejudice any of the Respondents, the hearings shall be conducted separately.

f. Questions and answers from Complainant, Respondent and witnesses shall all be addressed to the Board, not asked directly. Civility and maturity is expected from all parties. The Complainant, the Respondent, as well as members of the Student Conduct/Mediation Board, will have the opportunity to ask questions.

g. No information that is not pertinent to the charges will discussed or considered at the hearing. Only after a decision regarding the pending case is reached can past behaviors be considered by the Board with respect to appropriate disciplinary sanctions.

h. The burden of proof is on the Complainant. The standard of proof is "preponderance of evidence" and "more likely than not". The question that the Board should consider is whether it is reasonable to conclude from the information submitted that the Respondent committed the offense for which he or she has been charged. The burden is not the strict criminal law standard of proof "beyond a reasonable doubt." For this reason, the student is found "responsible" or "not responsible," as opposed to guilty or not guilty.

i. The Board shall first determine whether the Respondent has violated this Code by majority vote. If the Board determines that the Respondent is responsible, it shall determine an appropriate sanction in accordance with this Code by majority vote. The Board's findings will be reduced to writing within 24 hours after the decision is reached. It will include a dissenting opinion, if there is one. A copy will be given to the Respondent and a second copy will be filed in the Dean's office. In cases of sexual misconduct, sexual harassment, and/or sexual violence, when the sanction directly related to the complainant, the judgment will also be sent to the complainant. This includes an order that the harasser stay away from the harassed student, that the student

is prohibited from attending school for a period of time, is transferred to other classes or is moved to another residence hall. Disclosure of other information in the student's "education record," including information about sanctions that do not relate to the harassed student will not be disclosed; disclosure of this sort could result in a violation of FERPA. The Student Conduct Officer does not have a vote on the Board. However, if the Board cannot reach a decision, a tie vote will be broken by the Student Conduct Officer.

j. If a Respondent fails to appear without justification, the Board may continue in his/her absence.

k. All charges should be heard during the academic year in which the offense occurred, and usually within one week of the request for a hearing. Cases that happen in the final week of the academic semester will either be heard in the first week of the next academic semester, or during the summer. The Student Government President will work with the Dean to appoint an appropriate Board with students who are on-campus during the summer, if the Dean determines that the case needs to be resolved before the fall semester.

l. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil judicial proceedings, are not followed in student conduct hearings.

m. The Respondent may be represented by counsel and have counsel present during student conduct hearings, and the Respondent may consult with counsel during the course of the hearing. Counsel may not, however, participate in the hearing by making statements, arguments, or conducting examination of witnesses.

3. Emergency Hearings. An expedited emergency hearing will be held before the Dean in cases which involve the safety, health or welfare of any student or staff member, as for example in cases involving complaints of violent misconduct. The President or the Dean acting as the President's designee, will immediately suspend or withdraw a student, pending a hearing in emergency cases.

4. Sanctions. Sanctions shall be commensurate with the offense with consideration given to any aggravating or mitigating circumstances. The board may take into consideration past sanctions for similar infractions. When imposing sanctions, the Board can review the accused student's past disciplinary file and take into consideration past relevant sanctions. The student's past disciplinary file should not be consulted until the Board has determined whether the Respondent is "responsible" or "not responsible." Past behavior must be as documented in the student's discipline file. Any of the following sanctions, or combination of sanctions, can be imposed on a student, group of students, or student organization. Students who are found "not responsible" are not subject to further sanctions.

a. Expulsion – Permanent termination of a student's privilege to attend the College, including trespass on campus. In cases where the student resides on campus, the student will be given reasonable time to vacate the residence halls (e.g. 24-48 hours). During the

period of the expulsion, all of the student's contact with College departments and services must be through the Office of Student Affairs.

b. Suspension – Termination of a student's privilege to attend the College for a specific period of time, including trespass on campus. In cases where the student resides on campus, the student will be given reasonable time to vacate the residence halls (e.g. 24-48 hours). During the period of the suspension, all of the student's contact with College departments/services must be through the Office of Student Affairs.

c. Expulsion from the Residence Halls -- permanent or temporary termination of the student's privilege to live in the New College Residence Halls. In cases where the student currently resides on campus, the student will be given reasonable time to vacate the residence halls (e.g. 24-48 hours). During the period of the Residence Hall expulsion, the student is in effect trespassed from using any of the Residence Halls, attending social gatherings in and around the halls, visiting friends or acquaintances in the halls or using the residence hall facilities or the residential life's staff services.

d. Disciplinary Probation – An official warning that the student's continued enrollment depends upon the maintenance of satisfactory citizenship during the period of disciplinary probation. A favorable recommendation to outsiders normally will not be furnished during the period of disciplinary probation. When disciplinary probation is imposed as a sanction, the student should be advised of the consequences of violation of the disciplinary probation. In the event disciplinary probation terms or conditions are violated, the Dean of Students will impose the consequences of the disciplinary probation violation.

e. Restrictions and behavioral contracts – Conditions imposed on a student that specifically dictate and limit the future presence on campus and participation in College-related activities. The restrictions involved will be clearly identified and can include a restraining order forbidding the Respondent from all contact with individual members of the College community. Restrictions also can include denial of the privilege to operate a motor vehicle on campus, denial of participation in certain activities/events/organizations, denial of access to use of College services, and denial of presence in certain buildings or locations of campus.

f. Involuntary withdrawal – College withdrawal of student from enrollment and student status.

g. Restitution and/or fine – A set monetary fee or payment for injury in cases involving theft, destruction of property, etc.

h. Other appropriate educational sanctions, such as community service hours, educational programs, written assignments, counseling, and evaluation.

i. Trespass – Restriction from a specific area on campus.

j. Reprimand – a letter which makes the incident a matter of record in the student's college file.

k. Warning – an oral reprimand.

5. Appeals. The Respondent may appeal the decision of the Board in writing to the Dean within five (5) working days of the Board's decision. In the case of sexual misconduct, sexual harassment, and/or sexual violence, both the Respondent and the Complainant have the option to appeal the decision of the board. The letter must clearly state the grounds for the appeal. The record of the initial hearing will be considered on appeal. The Dean is authorized to contact any participants in the initial hearing for clarification and the charged student is entitled to access the record when appealing. In considering appeals, the Dean shall determine whether proceedings of the Student Conduct/Mediation Board were conducted fairly and in conformance with this Code, and whether the decision was based upon substantial information, that is, whether there were facts in the case sufficient to support the decision of the Board. The decision of the Dean will be rendered within one week of receipt of the appeal. The decision shall be in writing. A copy will be given to the Respondent and a second copy will be filed in the Dean's office. The Dean may reinstate, dismiss, or decrease sanctions imposed by the Board, or may direct that a new hearing be conducted.

(e) Time Frames. Minor deviations in any time frame, time period, or time limitation set out in this Code are acceptable if they are not prejudicial to the College or the student.

(f) Status of Written Decisions or Appeals. Complaints, written decisions of the Board, and written decisions in appeal proceedings and any other written material submitted with regard to student conduct proceedings shall be treated as student records subject to confidentiality requirements of Federal and Florida law. The records of Student Code of Conduct proceedings shall be kept separate from a student's academic records and maintained by the Office of the Dean of Students in a secure file. These records shall be destroyed ten years after the student's termination of enrollment at the College.

(4) Student Rights, Responsibilities, and Standards of Conduct.

(a) Student Rights and Responsibilities.

1. Students are responsible for compliance with all federal and state laws, applicable county and municipal ordinances, and all rules, regulations, and written policies of the State of Florida Board of Governors and New College of Florida. Students accused of a crime can be prosecuted under federal or Florida criminal laws and also disciplined under the Student Code of Conduct. The College may pursue disciplinary action even if criminal justice authorities choose not to prosecute.

2. Upon accepting a student for admission, the College shall provide the student with access to the Student Code of Conduct, the New College of Florida student government constitution, and any other statement of student rights and obligations that the College recognizes or expects a student to live up to.

3. Without limiting or affecting the scope of the legal rights and obligations a student has under federal, state, and local constitutions, laws, rules, regulations, ordinances, and judicial decisions, students shall have the following rights and responsibilities:

a. to express, individually and collectively, their views on issues of College policy;

b. to participate in the formulation of all policy changes that affect students;

c. to be informed by the President, through the student government, and to become involved, individually or through student government, in the formulation of any proposed change in policy that directly affects students prior to its implementation;

d. to receive within ten (10) days, through the student government, from the President, detailed and specific written responses to recommendations made in writing, through the student government, to the President, accepting, accepting with conditions, or rejecting such recommendations, and giving detailed reasons for any condition or rejection;

e. to appeal within ten (10) days to the New College of Florida Board of Trustees, through the student government, any decision of the President or his designee conditioning acceptance or rejecting a recommendation made pursuant to paragraphs (2), (3) and (4);

f. to freedom of statement, association, or assembly in social, political, or personal matters;

g. to equal availability of and access to the facilities necessary for the exercise of the rights set forth in paragraphs (1) through (6) without regard to race, sex, gender, religion, beliefs, nationality, ethnic origin, sexual orientation, gender identity or gender expression, disability, or any other reason, except as provided by law;

h. to publish student publications free from prior censorship;

i. to develop student publication editorial policy free from academic penalty or removal because of student, faculty, staff, or public disapproval of editorial policy or content;

j. to have information about a student, acquired by College employees, kept confidential, to the extent required by law, except upon specific request by the student to release such information;

k. to take reasoned and responsible exception to the data, views, assignments and methods offered in any course of study, to reserve judgment about matters of opinion, and to bring such grievances before the Council of Academic Affairs;

l. to conduct research freely, and publish, discuss, and exchange findings or recommendations, whether individually or in association with local, state, national, or international groups;

m. to due process as set forth in the Student Code of Conduct;

n. to the security and privacy of their dormitory rooms, persons, and personal possessions, and to be free from unreasonable restrictions upon the use of their rooms, personal possessions or their personal liberty, provided that this does not infringe upon the reasonable exercise of the privacy or property rights of others.

(b) Standards of Conduct. The College seeks to promote a stimulating and demanding educational environment in which a diverse student body with wide-ranging individual interests, values and abilities can live, interact, learn and grow based upon mutual understanding, trust, respect and concern for the well-being and dignity of self and others, upon responsible exercise of personal and academic freedoms and upon individual accountability for words and actions. To this end, The College expects students to:

1. comply with all public laws, rules, regulations and ordinances as well as College rules and policies;

2. exercise personal and academic freedom in a responsible manner;

3. foster collective concern for and protect and maintain personal and academic integrity and College community standards;

4. examine their behavior in light of its potential impact on the College community and the community at large;

5. attempt to reach common understandings of values and College community standards by means of respectful communication and process;

6. utilize dialogue as a means of confronting uncomfortable situations or violations of College community standards;

7. promote respectful expression of values, not unproductive censorship; and

8. avoid self-righteousness or the appearance of moral superiority.

(5) Offenses.

(a) Any of the following actions, or the aiding, abetting, or inciting of any of the following actions, constitutes an offense for which a student will be subject to the student disciplinary process:

1. Misuse of Keys – Unauthorized possession or use of any key or key type device to any College facility or property.

2. Misuse of Identification -- The use of falsified identification documents or of another's identification card/document, including the use of another's computer account/password.

3. False Information -- Knowingly making a false oral or written statement to any College board, committee, office, or member of the College community.

4. Misuse of Materials – Unauthorized reading, removing, duplicating, photographing, and/or forging, counterfeiting, altering or misusing of any College material, file, document or record, computer records, software, data files and similar entities owned or maintained by any member of the College community.

5. Response to Notice -- Failure to make a timely response to any official request from a member of the faculty, administration, or staff. The College requires that each student maintain on file with the College a current address. Official College correspondence mailed to that address is deemed sufficient as notice to the student. It is a student's responsibility to notify the College immediately of any change of address.

6. Response to Instructions -- Failure to comply with authorized oral instructions from or agreements with College officials, including student employees, acting in accordance with their assigned duties.

7. Misuse of Property -- Destruction, damage, misuse, or defacing of, or unauthorized entry into College buildings or property, private property and personal property, on the campus of the College, including but not limited to access to the College pool, access to files, documents, records, research apparatus, or library materials, including computer systems, networks, and peripherals, owned or maintained by members of the faculty, administration, staff, or student body. It also includes intentional misuse of any College fire alarm or fire fighting or safety equipment.

8. Aiding and abetting – Any student who knowingly acts in concert to violate a Student Code of Conduct policy, who knowingly acts to conceal, or who knowingly obstructs an investigation will be subject to the student disciplinary process.

9. Theft -- The unauthorized taking, misappropriation or possession of any real, personal, or intellectual property owned or maintained by the College or any person on campus.

10. Gambling -- Conducting or organizing any form of gambling which harms or exploits any member of the College community.

11. Hazing -- Hazing means any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or admission into an affiliation with an organization. Such actions shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or any other forced physical activity which could adversely affect the physical health or safety of the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual.

12. Weapons, Firearms, or Explosive Devices – The unauthorized possession, use or sale of any weapon, firearm, or any incendiary, explosive or destructive device, including fireworks.

13. Bomb Threat -- Reporting false presence of an explosive or incendiary device.

14. Illegal Use or Possession of Drugs -- Illegal possession, use, sale or attempt to obtain any drug. The term "drugs" includes any narcotic drug, central nervous system stimulant, hallucinogenic drug, barbiturate, or any other substance treated as such and defined by the law as a drug or controlled substance.

15. Privacy -- Failure to respect the right to privacy of any member of the College community, including accessing another's computer files and/or email, prying observation, or voyeurism.

16. Illegal downloading of file sharing material.

17. Student Expression -- The College recognizes that students must be free to utilize their constitutional rights to freedom of speech and freedom to assemble. While students are encouraged to express those rights, any demonstrations or protests must be non-violent in nature, and must be conducted without endangering the safety, health, or life of themselves, other students, faculty, staff, or visitors. Students shall not knowingly damage any College or personal property. No student or group of students shall obstruct the free movement of other persons, including police and other emergency service personnel about the campus, interfere with the use of College facilities, or prevent the normal operation of the College, both inside and outside the classroom setting.

18. Harassment or Retaliation -- Conduct which creates an intimidating, hostile, offensive working or educational environment, or harassment of a Complainant or other person alleging misconduct, including, but not limited to intimidation and threats.

19. Stalking -- To repeatedly follow or encounter another person so as to harass that person.

20. Sexual misconduct, including sexual harassment and public indecency and voyeurism -- Sexual harassment is conduct of a sexual nature or with sexual implications, which interferes with a person's status or performance by creating an intimidating, hostile or offensive educational or working environment. This conduct may include, but is not limited to the following: inappropriate and unwanted touching; the display of sexually explicit or suggestive materials; use of sexually explicit or suggestive language or gestures; and subtle pressure for sexual activity, as well as demands for sexual favors or physical assault. Public indecency is open and notorious actions which are offensive to common propriety, e.g., public sexual intercourse.

21. Domestic/Relationship Violence -- Assault or battery to a person who is a relative, spouse, boyfriend, girlfriend, or other intimates of the student. This can occur without regard to the gender of the victim or the student in question.

22. Disorderly Conduct -- Breach of peace, such as causing a disturbance or being unruly.

23. Disruptive Conduct -- Actions that impair, interfere with or obstruct the orderly conduct, processes and functions of the College. Disruptive conduct shall include, but not be limited to the following:

a. Interference with freedom of movement of any member or guest of the College;

b. Impeding or interference with the rights of others to enter, use or leave any College facility, service or scheduled activity, or carry out their normal functions or duties;

c. Interference with academic freedom and freedom of speech of any member or guest at the College; or

d. Threats of Violence -- An intentional treat by word or act to do violence to another person, and doing some act which creates a well-founded fear that such violence is imminent.

24. Violent Misconduct -- When one person actually and intentionally touches or strikes another person against his/her will, or intentionally causes bodily harm.

25. Sexual battery/rape -- According to Section 794.011(1)(h), Florida Statutes, sexual battery is the "Oral, anal or vaginal penetration by union with a sexual organ of another or anal/vaginal penetration by another object." The act is performed against the victim's will or without her/his consent. An individual who is mentally incapacitated, asleep or physically helpless or unconscious due to alcohol or other drug consumption is considered unable to give consent. The
same definition applies regardless of whether the assailant is a stranger or an acquaintance or a group of individuals. The type of force employed may involve physical violence, coercion or threat of harm to the victim. Date or acquaintance rape is the sexual battery of an individual by someone the victim knows. Group or gang rape is the sexual battery of an individual by multiple perpetrators.

26. Underage Zero Tolerance – As referenced in Section 322.2616, Florida Statutes, the State of Florida prohibits persons under the age of 21 from having a breath-alcohol level of 0.02 percent or higher and to drive or be in actual physical control of a motor vehicle. Such violations shall result in the State suspending your license and referral to the student disciplinary process.

27. Disorderly Intoxication -- No student shall be publicly intoxicated to the point of being unruly, causing a disturbance, or endangering the safety of himself/herself or another person or property.

28. Violation of New College Of Florida Alcohol and Narcotics Policy.

29. Inappropriate Conduct at College sponsored Events -- Students are expected to govern their behavior at College-sponsored events and conduct themselves within the guidelines of the Student Code of Conduct.

30. Violation of Residence Hall Policies as set out in student housing contracts.

CHAPTER 7 - Miscellaneous Provisions

31. Bikes/Skateboards/Rollerblading -- Riding a bicycle, skateboard, or rollerblades within an area on campus where there are signs posted that such actions are strictly prohibited is cause for referral to Office of Student Affairs.

32. Violation of New College of Florida traffic rules and regulations.

33. Violation of any federal, state, or local law, ordinance, rule or regulation, including but not limited to the rules, regulations, and written policies of the Florida Board of Governors and New College of Florida.

34. Violation of probation -- Failure to abide by conditions of probation.

35. Off Campus Misconduct -- The College generally does not regulate the off-campus conduct of its students. However, misconduct occurring off-campus will be disciplined where the conduct directly impedes the effective operation of the College, as for example, where the off-campus conduct constitutes a danger to the health, safety or welfare of members of the College community.

36. Obstruction of Student Judicial Process - - Acts that disrupt the College judicial process, including attempting to coerce or influence a person in order to discourage their participation in any judicial proceeding. Such acts shall include, but may not be limited to:

a. Failure to appear at an official College hearing when proper notification has been provided;

b. Knowingly falsifying, distorting or misrepresenting information before a judicial proceeding;

c. Deliberate disruption or interference with the orderly conduct of a judicial proceeding;

d. Knowingly initiating a complaint/referral without cause;

e. Use of threats, coercion, or intimidation to discourage proper participation or use of the judicial process;

f. Attempting to influence the impartiality of a member of the judicial process prior to or during the course of the judicial proceeding;

g. Harassment or intimidation of any participant in the judicial process.

37. When a student invites a guest to the campus, the student is either responsible for being physically present while the guest is on campus or the visitor must have an authorized, current College guest card. Students are responsible for their guests' conduct. Students will be held accountable for any actions or conduct of their guests that are in violation of this Code.

(b) Provisions of this Code shall be construed in order to enhance the mission of the College.

NEW COLLEGE OF FLORDA
REGULATIONS MANUAL

CHAPTER 7 - Miscellaneous Provisions

Specific Authority: Article IX, Section 7 (b) and (c), Constitution of the State of Florida; Regulation Development Process established by the Florida Board of Governors; Resolutions of the Florida Board of Governors adopted January 7, 2003, and July 21, 2005; Sections 1001.74(4), (10)(e), 1006.60, Florida Statutes.

History: Originally adopted 1-28-04 as Rule 6C11-6.001, Florida Administrative Code, Revised November 15, 2007. Revised 7-30-0; 5-15-10; 11-4-11.