

**NEW COLLEGE OF FLORIDA
REGULATIONS MANUAL**

CHAPTER 6 - Student Affairs

6-3005 New College of Florida Student Code of Conduct

Respecting community standards is a crucial expectation for any student choosing to enroll at New College. The purpose of this Regulation is to convey these community standards and expectations, and to provide well defined procedures for dealing with violations of them.

- (1) New 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 on the following principles: mutual understanding, trust, respect and concern for the well-being and dignity of self and others; responsible exercise of personal and academic freedom; and individual accountability for words and actions. To this end, the College expects students to:
 - (a) Comply with all public laws, rules, regulations and ordinances as well as College rules and policies.
 - (b) Exercise personal and academic freedom in a responsible manner.
 - (c) Foster collective concern for and protect and maintain personal and academic integrity and College community standards.
 - (d) Examine their behavior in light of its potential impact on the College community and the community at large.
 - (e) Attempt to reach common understandings of values and College community standards by means of respectful communication and process.
 - (f) Utilize dialogue as a means of confronting uncomfortable situations or violations of College community standards.
 - (g) Promote respectful expression of values, not unproductive censorship.
 - (h) Avoid self-righteousness or the appearance of moral superiority.
- (2) Definitions. For the purposes of the Student Code of Conduct, the following terms shall be defined as indicated:
 - (a) “Code” means this Student Code of Conduct.
 - (b) “College, NCF, and New College” means New College of Florida.
 - (c) “College community” includes students, staff and faculty members, as well as employees of the New College Foundation, Inc. and officers of the College, such as members of the Boards of Trustees, Foundation and NCAA.
 - (d) “President” means the President of the College or the President’s designee.

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- (e) “Dean” means the Dean of Student Affairs or the Dean’s designee. The Dean is responsible for the administration of the Code of Conduct and for ensuring that all students are afforded due process.
- (f) “Student” means an individual who is enrolled as a student at the College, 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.
- (g) “Complainant” means one who makes a formal charge that a student has violated the Code of Conduct. Any member of the college community may make a complaint that a student has violated the Code of Conduct. However, during the student conduct process, the College shall be the Complainant and shall have the burden of showing the Respondent was responsible for alleged violations.
- (h) “Respondent” means a student against whom a complaint has been lodged.
- (i) “Student Conduct Officer” means the Dean or the Dean’s designee.
- (j) “Conflict of Interest” refers to any situation where regard for the private interests of a person could lead to disregard of the public duty for objectivity and fairness.
- (k) “Community Board” refers to the six (6) member hearing board that makes recommendations to the Associate Dean of Student Affairs as to whether a Respondent is responsible for alleged violations of the Code of Conduct and what an appropriate sanction may be.

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

(3) Student Responsibilities and Rights

- (a) 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.
- (b) 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.
- (c) 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:
 - 1. To express, individually and collectively, their views on issues of College policy.
 - 2. To participate in the formulation of all policy changes that affect students.

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3. 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.
4. 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.
5. To have freedom of statement, association, or assembly in social, political, or personal matters.
6. To have equal availability of and access to the facilities necessary for the exercise of the rights set forth in paragraphs (i) through (v) 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.
7. To publish student publications free from prior censorship.
8. 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.
9. 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.
10. 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.
11. To conduct research freely, and publish, discuss, and exchange findings or recommendations, whether individually or in association with local, state, national, or international groups.
12. New College provides the following due process protections to students and student organizations:
 - a. The right to timely written notice. New College will provide a student or student organization with timely written notice of the student's or student organization's alleged violation of the code of conduct. The notice must include sufficient detail and be provided with sufficient time for the student or student organization to prepare for any disciplinary proceeding.
 - 1) The written notice must include the allegations to be investigated; the citation to the specific provision of the code of conduct at issue; the process to be used in determining whether a violation has occurred and associated rights; and the date, time, and location of the disciplinary proceeding.

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- 2) The written notice is considered timely if it is provided at least 7 business days before the disciplinary proceeding and may be provided by delivery to the student's institutional e-mail address and, if the student is under 18 years of age, to the student's parent or to the student organization's e-mail address.
- 3) At least 5 business days before the disciplinary proceeding, New College must provide the student or student organization with:
 - a A listing of all known witnesses who have provided, or will provide, information against the student or student organization.
 - b All known information relating to the allegation, including inculpatory and exculpatory information.
- b. The right to a presumption that no violation occurred. New 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 of conduct was committed by the student or student organization.
- c. The right to an impartial hearing officer.
- d. The right against self-incrimination and the right to remain silent. Such silence may not be used against the student or student organization.
- e. The right to present relevant information and question witnesses.
- f. The right to an advisor or advocate who may not serve in any other role, including as an investigator, decider of fact, hearing officer, member of a committee or panel convened to hear or decide the charge, or any appeal.
- g. The right to have an advisor, advocate, or legal representative, at the student's or student organization's own expense, present at any proceeding, whether formal or informal. Such person may directly participate in all aspects of the proceeding, including the presentation of relevant information and questioning of witnesses.
- h. The right to appeal the final decision of the hearing officer, or any committee or panel, directly to the vice president of student affairs who must hear the appeal and render a final decision. The vice president of student affairs may not have directly participated in any other proceeding related to the charged violation.
- i. The right to an accurate and complete record of every disciplinary proceeding relating to the charged violation of the code, including record of any appeal, to be made, preserved, and available for copying upon request by the charged student or student organization.

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- j. A provision setting a time limit for charging a student or student organization with a violation of the code of conduct, and a description of those circumstances in which that time limit may be extended or waived.

13. 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.

(4) Jurisdiction of the College

- (a) College jurisdiction, including jurisdiction to impose disciplinary sanctions for violation of the 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.
- (b) All students are subject to the Code. In addition to responsibility for their own conduct and actions, students may be responsible for their guests and their guests' conduct.
- (c) Students charged with violating the 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 formal hearing.

(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. Failure to Respond 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 a current address on file with the College. Official College correspondence mailed to that address is

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deemed sufficient as notice to the student. It is a student's responsibility to notify the College immediately of any change of address.

6. Failure to Respond 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 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. See New College Regulation 6-3004 for specifics regarding level of offenses and sanctions.

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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. Inappropriate 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 their own health and safety, or the health and safety of 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. Bullying, 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, as well as shaming and bullying on electronic forums and social media.
19. 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 to 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 threat 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.
 - e. Breach of Peace, such as causing a disturbance or being unruly.
20. Violent Misconduct – When one person actually and intentionally touches or strikes another person against his/her will, or intentionally causes bodily harm.
21. The following offenses are violations of the student code of conduct, but may also be a violation of Title IX. For conduct which meets the applicable definitions under Title IX, see New College of Florida Regulation 3-4018 regarding Sexual Discrimination/Harassment for specifics about procedures for investigation, adjudication, remedial measure and related matters. Those matters which do not fall under Title IX will be proceeded against under this student code of conduct.
 - a. Stalking – To repeatedly follow or encounter another person so as to harass that person.

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- b. 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 refers to open and notorious actions which are offensive to common propriety, e.g., public sexual intercourse.
 - c. Domestic/Relationship Violence – Assault or battery to a person who is a relative, spouse, boyfriend, or girlfriend of the student. This can occur without regard to the gender of the victim or the student in question.
 - d. 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.
22. 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 one’s license and referral to the student disciplinary process. See New College Regulation 6-3004 for specifics regarding level of offenses and sanctions.
23. 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. See New College Regulation 6-3004 for specifics regarding level of offenses and sanctions.
24. Violation of New College of Florida Alcohol and Other Drug Regulation 6-3004.
25. 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.
26. Violation of Residence Hall Policies as set out in student housing contracts.

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27. 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.
 28. Violation of New College of Florida traffic rules and regulations.
 29. 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.
 30. Violation of probation – Failure to abide by conditions of probation.
 31. 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.
- (b) Misbehavior of Guests – 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.
- (6) Student Conduct Process and Procedures. [See section (3)(c)12 for student and student organization due process protections. See New College Regulation 3-4018 for Sexual Discrimination/Harassment Process and Procedures. See section (7) of this regulation for Academic Dishonesty Process and Procedures.]
- (a) Filing a Complaint
1. Official complaints must be in writing. Verbal complaints can be made but may be dealt with informally, rather than following the procedure outlined below.

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2. 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 the 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 the Code.
 - f. The signature of the person filing the complaint.
3. The Office of Student Affairs shall investigate all complaints. Within five (5) business days of the filing of a complaint, the Dean shall determine whether there are reasonable grounds to believe that a violation of the Code has occurred. If it is determined that reasonable grounds exist, pre-hearing procedures will be initiated. At this point the College becomes the Complainant throughout the student conduct process.
4. If at any point the Dean determines that charges are not warranted or that insufficient evidence exists to continue, the charges may be withdrawn. In the event charges are withdrawn, the student shall be notified via mail and email within two (2) business days of the decision.

(b) Pre-hearing Procedure

1. The Dean shall appoint a Student Conduct Officer. The Student Conduct Officer shall be a member of the faculty, administration, or the Office of Student Affairs.
2. The Student Conduct Officer will email and mail, via campus mailbox, a written notice of the charges to the Respondent. Failure to respond to a written notice of charges is a violation of the Code and may result in additional charges. The notice will also remind the Respondent of how to access the Code so that the student can understand the procedures that will be followed. The written notice of charges shall include a statement of the essential facts constituting a violation of the Code.
3. The Student Conduct Officer will conduct a preliminary meeting with the Respondent charged with violation of the Code. The meeting shall be conducted within five (5) business days of the date that

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the written notice of charges is mailed to the Respondent unless the Respondent provides documentation of extenuating circumstances preventing the Respondent from meeting with the Student Conduct Officer within five (5) business days of the notice being mailed to the student. The preliminary meeting has two purposes:

- a. To review the alleged violations and charges, the Code of Conduct, the hearing option and process, possible sanctions, as well as to answer any questions the Respondent may have, and
 - b. To give the Respondent the option of acknowledging responsibility for the alleged violation and to accept the sanction proposed by the Student Conduct Officer in accordance with the Code or to contest responsibility and/or the sanction through the hearing process. The decision of the Respondent shall be confirmed in writing.
4. The Respondent has the right to have an advisor, advocate, or legal representative, at the Respondent's own expense, present at the proceeding. Such person may directly participate in all aspects of the proceeding, including the presentation of relevant information and questioning of witnesses.
 5. The Respondent and the Respondent's advisor, if any, shall have the right to inspect all of the information that will be presented during the Community Board hearing at least three (3) business days before the hearing. The College also has the right to review any information the Respondent intends to use at the hearing at least three (3) business days before the hearing.
 6. The Dean, in consultation with the President, is authorized to institute interim measures including, but not limited to, removal from on-campus housing, restrictions on attending classes, restriction on attending on-campus activities and, when appropriate, suspension from the College 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.

(c) Hearing Procedures

1. Composition of Community Board:
 - a. Each specific Community Board will consist of six members, three students and three full time, regular members of the faculty or staff, drawn from the available pool of Community Board members who have been vetted and trained annually. A Chair will be selected by the members for each hearing.
 - b. No member of the Board may have a conflict of interest in the proceeding, he/she will not be eligible to serve. The Complainant or the Respondent may request that any member of the Board step down when a conflict of interest exists.

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- c. The Student Conduct Officer shall advise the Community Board during the hearing and, if necessary, provide the tie-breaking vote when the Board decision is evenly split concerning a Respondent's responsibility or sanction.

2. Procedures

- a. All Community Board hearings shall be conducted within fifteen business days of the Respondent's request for a hearing, unless extenuating circumstances require an extension of no more than fifteen additional business days. The Respondent and Complainant shall be given at least seven business days' notice of when and where the hearing will be scheduled. If a Respondent fails to appear without justification, the Board may continue in the Respondent's absence. The Respondent has the right to have an advisor, advocate, or legal representative, at the Respondent's own expense, present at the hearing. Such person may directly participate in all aspects of the proceeding, including the presentation of relevant information and questioning of witnesses.
- b. At the start of the hearing the Student Conduct Officer will announce that the proceedings will be recorded and then turn the proceeding over to the Chair.
- c. Board members shall introduce themselves and individually declare that they have completed the requisite Community Board training.
- d. The Chair reads the charges against the Respondent and asks the Respondent to state for the record whether the Respondent accepts responsibility for each charge.
- e. After the Respondent's response to the charges, the Complainant will make a statement to substantiate the allegations and provide any relevant documentation or evidence other than witness testimony. Following the Complainant's statement the Respondent will be allowed to make a statement refuting or contextualizing the information provided by the Complainant and provide any relevant documentation or evidence other than witness testimony. The Respondent may not be forced to present testimony that is self-incriminating. Such silence may not be used against the Respondent. However, the College is not required to postpone disciplinary procedures or actions pending criminal prosecution.
- f. Following the statements and presentation of evidence by each party, the Complainant will present any witnesses to the alleged violation(s) and ask questions of them. The Respondent will then be permitted to ask questions of those witnesses. After all of the Complainant's witnesses have been questioned by both parties, the Respondent may call witnesses and ask questions of them. The Complainant shall be permitted to ask questions of each of the Respondent's witnesses. Witnesses are only to appear when they need to testify.
- g. The Complainant shall then be allowed to make a closing statement summarizing the evidence presented demonstrating that the Respondent violated the Code of Conduct. Then the Respondent

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shall be allowed to make a closing statement summarizing the evidence presented demonstrating that the Respondent did not violate the Code of Conduct.

- h. After hearing all relevant testimony and reviewing all relevant evidence the Board shall determine by majority vote whether it believes the Respondent has violated the Code. If the Board determines that it believes the Respondent is responsible, then it shall meet in private to recommend, again by majority vote, an appropriate sanction in accordance with the Code. The Board's findings will be submitted to the Associate Dean of Student Affairs in writing within 24 hours of the decision being reached. The findings may include dissenting opinions, if any.
- i. All hearings will be closed to spectators.
- j. If a hearing involves more than one Respondent, the Dean 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.
- k. 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 Community Board, will have the opportunity to ask questions.
- l. No information that is not pertinent to the charges will be discussed or considered at the hearing. Only after a decision about whether the Respondent is responsible has been reached can past behaviors be considered by the Board with respect to appropriate disciplinary sanctions.
- m. The Respondent has the right to a presumption that no violation occurred. 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 the Respondent has been charged. This burden differs from the criminal law standard of proof "beyond a reasonable doubt." Accordingly, the respondent is found "responsible" or "not responsible," as opposed to guilty or not guilty.

3. Emergency Hearings. The Student Conduct Officer for expedited emergency hearings will be either the Dean or the Associate Dean of Student Affairs.

(d) Post-Hearing Procedures

- 1. Within two (2) business days after receiving the Board's findings and recommendations, the Associate Dean will review and decide whether to adopt, modify, or reject the Board's recommended decision and sanctions. If there are any differences between the recommendations of the Board and the decision of the Associate Dean, such variance from the recommendation shall be explained in writing and presented to the Respondent within that two (2) business day period.

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2. The Respondent may appeal the decision of the Associate Dean to the Dean of Student Affairs within five (5) business days of the Associate Dean's decision. The appeal must be in writing and must clearly state the grounds for the appeal. The entire record of the initial hearing will be considered on appeal. The Dean is authorized to contact any participants from the initial hearing for clarification. In considering appeals, the Dean shall determine whether proceedings of the Community Board were conducted fairly and in conformance with the 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 five (5) business days of receipt of the appeal. The Dean may uphold, amend or overrule the decision of the Associate Dean. Additionally, if appropriate, the Dean may direct that a new hearing be conducted. 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's decision shall be final.
- (e) A Respondent shall remain eligible to attend classes and College activities pending the College's disciplinary decision and until any appeal is concluded, except as set forth below:
1. In cases where the President or President's designee determines that the health, safety, or welfare of the Respondent or a member of the College community is involved, the Respondent may be temporarily suspended from classes and/or university activities.
 2. In cases where the sanction(s) determined by the College official(s) in the disciplinary decision include either suspension or expulsion, the Respondent's privileges at the university, including the ability to attend classes and engage in university activities may be revoked.
 3. If a Respondent's privileges are temporarily suspended or revoked as described in this paragraph, but the Respondent is subsequently found not responsible for the violation, the university shall:
 - a. Correct any record of the change in enrollment status in the Respondent's permanent records and reports in a manner compliant with state and federal laws; and
 - b. Refund to the Respondent a pro rata portion of any charges for tuition and out-of-state fees, as appropriate, if the temporary revocation or suspension of the student's ability to attend classes lasts for more than ten (10) school days.
- (f) 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.

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1. 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.
2. 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.
3. Exclusion 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.
4. 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 will impose the consequences of the disciplinary probation violation.
5. 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.
6. Involuntary withdrawal – College withdrawal of student from enrollment and student status.
7. Restitution and/or fine – A set monetary fee or payment for injury in cases involving theft, destruction of property, etc.
8. Other appropriate educational sanctions, such as community service hours, educational programs, written assignments, counseling, and evaluation.
9. Trespass – Restriction from a specific area on campus.

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

11. Warning – an oral reprimand.

(g) Time Frames. Minor deviations in any time frame, time period, or time limitation set out in the Code are acceptable if they are not prejudicial to the College or the student. However, any deviation from the time frame shall be both noted and explained in the record.

(h) 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 State of 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 Student Affairs in a secure file. These records shall be destroyed ten years after the student’s termination of enrollment at the College.

(7) Academic Dishonesty and Disruption of Academic Process

(a) Plagiarism: Plagiarism is defined as “literary theft” and consists of the unattributed quotation of the exact words of a published text, or the unattributed borrowing of original ideas by paraphrase from a published text. On written papers for which the student employs information gathered from books, articles, web sites, or oral sources, each direct quotation, as well as ideas and facts that are not generally known to the public at large, or the form, structure, or style of a secondary source must be attributed to its author by means of the appropriate citation procedure. Only widely known facts and first-hand thoughts and observations original to the student do not require citations. Citations may be made in footnotes or within the body of the text. Plagiarism also consists of passing off as one’s own segments or the total of another person’s work.

(b) Cheating. Cheating is defined as follows:

1. the unauthorized granting or receiving of aid during the prescribed period of a course-graded exercise: students may not consult written materials such as notes or books, may not look at the paper of another student, nor consult orally with any other student taking the same test;
2. asking another person to take an examination in his/her place;
3. taking an examination for or in place of another student;
4. stealing visual concepts, such as drawings, sketches, diagrams, musical programs and scores, graphs, maps, etc., and presenting them as one’s own;
5. stealing, borrowing, buying, or disseminating tests, answer keys or other examination material except as officially authorized, research papers, creative papers, speeches, etc.;

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6. stealing or copying computer programs and presenting them as one's own. Such stealing includes the use of another student's program, as obtained from the magnetic media or interactive terminals or from cards, print-out paper, etc.
- (c) Procedures for Handling Student Violations Involving Alleged Academic Dishonesty and Disruption of Academic Process:
1. An apparent violation of academic honesty is handled initially by the instructor, who will discuss the incident with the student. The student may request a meeting with his/her contract sponsor and the instructor to discuss the incident further. The instructor should contact the student's contract sponsor and the Dean of Studies to inquire whether the student has engaged or allegedly engaged in academic dishonesty in the past.
 2. If the instructor decides, after the procedures in step (1) above, that further action is warranted, he or she will inform the student that the issue is being referred to the Dean of Studies.
 3. The Dean of Studies may meet with the faculty member(s) and/or the student to resolve the issue or may convene a hearing board consisting of an equal number of students and faculty. The hearing board shall review evidence, hear witnesses, and consider all related matters. The Dean of Studies will provide the student with no less than 5 days' notice prior the hearing. The respondent may have an advisor present, at the respondent's own cost. If scheduling difficulties arise due to the availability of said advisor, the hearing will proceed regardless.
 4. The hearing board will provide the Dean of Studies with its determination of responsibility and recommendation for sanction. The Dean of Studies will consider the recommendation and impose the appropriate sanction.
 5. If found responsible, the respondent may appeal the Dean of Studies' decision to the Provost. The appeal must be in writing, state with specificity the grounds for appeal, and be within 5 days of receiving the Dean of Studies decision.
 6. In the event of an appeal, the decision of the Provost shall be final.

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

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. 1006.60; Fla. Board of Governors Regulations 1.001, and 6.0105

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