

FLORIDA GATEWAY COLLEGE

POLICY

TITLE: Student Discipline

NUMBER: 6Hx12:9-08

AUTHORITY: District Board of Trustees

PAGE: 1

RESPONSIBILITY: Vice President for
Student Services

DATE: See History Below

OTHER: Florida Statute 1001.64; 1001.65

It is the policy of the District Board of Trustees to establish and implement a Student Code of Conduct. Direct responsibility for administration of the Student Code of Conduct is assigned to the Vice President for Student Services.

History: Adopted: 12/10/74; Effective: 12/10/74; Revised: 8/17/82, 7/14/87, 12/10/91,8/16/94,
8/11/98; 4/11/00; 08/28/12

PROCEDURE

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NUMBER OF RELATED BOARD POLICY: 6Hx12:9-08

- I. **Purpose:** The purpose of this procedure is to establish a Student Code of Conduct and the structure of the College discipline system.

- II. **Student Code of Conduct:** The Code of Conduct is intended as a guideline for acceptable behavior as a member of the Florida Gateway College community. The following list is not all-inclusive. The goal of the College is to fulfill the educational mission in part by teaching students how to function within acceptable guidelines in an educational environment. Consequently, the disciplinary procedures enacted by Florida Gateway College are developed as tools for guiding and teaching rather than punishment.
 - A. **ACADEMIC MISCONDUCT**
 1. No student shall receive or give assistance not authorized by the instructor in the preparation of any essay, laboratory assignment, examination or other assignment included in an academic course.
 2. No student shall take or attempt to take, steal or otherwise procure in an unauthorized manner any material pertaining to the conduct of a class, including but not limited to tests, examinations, laboratory equipment and roll books.
 3. No student shall sell, give, lend, or otherwise furnish to any unauthorized person material which can be shown to contain the questions or answers to any examinations given at the College without authorization from the instructor.
 4. Plagiarism is prohibited. Themes, essays, term papers, tests and other similar requirements must be the work of the student submitting them. When direct quotations are used, they must be indicated and when the ideas

of another are incorporated in the paper they must be appropriately acknowledged.

5. Regarding academic assignments which require the use of a computer; violations of the academic honor code shall include using another person's personal access to computer records for purposes of either obtaining privileged information or causing unauthorized changes. It shall be considered inappropriate for the student to electronically or by whatever means bypass security measures installed on the computer for purposes of record-keeping.

B. ALCOHOLIC BEVERAGES

The possession or consumption of alcoholic beverages or illegal drugs on College property or at events sponsored or supervised by the College or on College sponsored trips is prohibited. Florida Gateway College's detailed policy regarding alcohol and other drugs is Policy 6Hx12:10-09.

In keeping with its educational mission, Florida Gateway College will utilize primarily educational strategies as its major approach to addressing problems related to the abuse of alcohol and other drugs by students. Any student who violates the drug and alcohol policy will be subject to sanctions imposed by the disciplinary procedures of the College and/or civil authorities.

C. DAMAGE, THEFT, OR MISUSE OF PROPERTY

1. Malicious or intentional damage, destruction, or theft of property belonging to the College, to a member of the College community, or to a visitor to the campus is prohibited. Tampering or the misuse of emergency equipment including fire escapes, fire doors, fire hoses, extinguisher, alarm equipment, smoke detectors, and blocking fire exits is strictly forbidden.
2. No student may enter or use any College facility which is otherwise closed to use. This includes forced and non-forced entry.

D. DISORDERLY CONDUCT

1. Disorderly or obscene conduct or breach of the peace by any student on College property or at any College-sponsored function is prohibited.
2. No student shall push, strike, or physically assault or threaten such an act toward any other student, member of the faculty, administration, staff, or

any visitor to the campus.

3. Conduct on College property, or at functions sponsored or supervised by the College or any recognized College organizations, which materially interferes with the normal operation of the College or the requirements of appropriate discipline is prohibited.
4. Conduct, expressions, or manner of dress which are obscene or which are patently offensive to the prevailing standards of the community are prohibited. Shirts and shoes are required in all academic and administrative buildings.
5. No student shall interfere with, give false name to, or fail to cooperate with any properly identified College faculty, administration, or staff personnel while these persons are in the performance of their duties.
6. No student shall contract in the name of the College or claim to represent it in an official capacity. For further clarification, contact the Vice President for Student Services.
7. All campus speakers and lecturers outside the classroom must have approval from the Vice President for Student Services or his/her designee.

E. DISORDERLY ASSEMBLY

1. No person shall assemble on campus for the purpose of creating a riot, or destruction, or disorderly diversion which interferes with the normal operation of the College. This should not be construed as to deny any student the right of peaceful, non-disruptive assembly.
2. No student or group of students shall obstruct the free movement of other persons about the campus, interfere with the use of College facilities, or materially interfere with the normal operation of the College.

F. FALSE INFORMATION

No student shall supply the College with false information, including but not limited to, admission documents, advisor's signatures, registration information, health forms, disciplinary records, or checks written with insufficient funds.

2. No student shall give false information to any properly identified College faculty, administrative or staff personnel while these persons are in the performance of their duties.

G. FIREARMS, WEAPONS, FIREWORKS, EXPLOSIVES

Firearms, weapons, fireworks, explosives, bullets or ammunition are not permitted in any campus buildings except as detailed in College Policy and Procedure 6Hx12:3-10.

H. HARASSMENT AND SEXUAL MISCONDUCT

1. Students, employees of the College, independent contractors performing services for the College, and employees of vendors to the College are guaranteed the right to perform their duties, render services, vend services and products and/or pursue their educational goals, free from all forms of unlawful harassment or misconduct. The College will not tolerate such behavior, and will take steps and measures to address such behavior.
2. Students who wish to discuss or file a complaint concerning an incident of harassment should meet with the Executive Director of Human Resources or the Vice President for Student Services.
3. Sexual Assault, Domestic Violence, Dating Violence, and Stalking

Florida Gateway College (FGC) is committed to providing a safe learning and working environment. FGC complies with federal law, specifically the Jeanne Clery Act (Clery Act) and Violence Against Women Act (VAWA) including the Campus Sexual Violence Elimination Act (SaVE Act). FGC will not tolerate sexual assault, domestic violence, dating violence, or stalking in any form.

Sexual Assault refers to any sexual act directed against another person, forcibly and/or against the person's will; or not forcibly, including coerced submission by threat, or against the person's will where the survivor is incapable of giving consent, as well as incest or statutory rape. Ignorance or belief as to victim's age is no defense.

Domestic Violence includes felony or misdemeanor crimes of violence committed by:

A current or former spouse or intimate partner of the survivor;

A person with whom the survivor shares a child in common;

A person who is or was residing in the same household as the survivor; or
Any person against someone who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Dating Violence refers to violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the survivor.

Stalking occurs when an individual engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

For further clarification, refer to Sexual Battery, Chapter 794, Florida Statutes.

Reporting an Incident

FGC encourages any member of the college community who has experienced sexual assault, domestic violence, dating violence, or stalking, or knows of another member of the community who has experienced sexual assault, domestic violence, dating violence, or stalking to report the incident to the College.

If an FGC student, faculty or staff member, visitor, or contractor has experienced a sexual assault, domestic violence, dating violence, or stalking, they may contact FGC Security (386) 754-4426. FGC Security will assist all members of the FGC community by assessing the incident, advising the survivor on how he or she can seek legal protection, and making the survivor aware of medical, counseling, and other support services. They can assist the survivor in notifying the local police department with jurisdiction over the crime. In case of an emergency or ongoing threat, a survivor should get to a safe location and call 911. Calling 911 will put you in touch with local police.

Students who have experienced a sexual assault, domestic violence, dating violence, or stalking may also report an incident to Vice President of Student Services (386) 754-4298, Bldg. 14. Employees who have experienced a sexual assault, domestic violence, dating violence, or stalking may also report an incident to the Executive Director of Human Resources (386) 754-4314, Bldg. 1. These offices will provide survivors of sexual

domestic violence, dating violence, and stalking with information about available support services and resources, and also assist any survivor in notifying law enforcement, including the local police, if the survivor elects to do so.

Survivors are not required to report to area law enforcement in order to receive assistance from or pursue any options within Florida Gateway College.

Reporting sexual assault, domestic violence, dating violence, and stalking to the police does not commit the survivor to further legal action. However, the earlier an incident is reported, the easier it will be for the police to investigate, if the survivor decides to proceed with criminal charges.

Rights and options of the survivor include the right(s) of a survivor to:

Go to court, and to file a domestic abuse complaint requesting an order restraining your attacker from abusing you, and/or an order directing your attacker to leave your household, building, school, college, or workplace;
Seek a criminal complaint for threats, assault and battery, or other related offenses;
Seek medical treatment (the police will arrange transportation for you to the nearest hospital or otherwise assist you in obtaining medical treatment if you wish);
Request the police remain at the scene until your safety is otherwise ensured;
Request that a police officer assist you by arranging transportation or by taking you to a safe place, such as a shelter or a family or friend's residence;
and
Obtain a copy of the police incident report at no cost from the police department.

Procedures Survivors Should Follow

If an incident of sexual assault, domestic assault, dating violence, or stalking occurs, it is important to preserve evidence so that successful criminal prosecution remains an option.

The survivor of a sexual assault should not wash, shower or bathe, douche, brush teeth, comb hair, or change clothes prior to a medical exam or treatment. If a survivor has removed the clothing he or she was wearing during the assault prior to seeking medical treatment, that clothing should be placed in a brown paper, not plastic, bag and brought to the hospital

when treatment is sought. If the survivor is still wearing the clothes that he or she

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was wearing during an assault, he or she should bring a change of clothes with him or her to the hospital so that the clothes containing possible evidence can be preserved and examined for evidence of the crime.

Evidence of violence, such as bruising or other visible injuries, following an incident of sexual assault, or domestic or dating violence, should be documented by taking a photograph. Evidence of stalking, including any communications such as written notes, email, voice mail, or other electronic communications sent by the stalker, should be saved and not altered in any way.

Regardless of whether a student or employee reports an incident of sexual assault, domestic violence, dating violence, or stalking to law enforcement or pursues any formal action, if they report such an incident to the College, FGC is committed to providing them as safe a learning or working environment as possible. Upon request, FGC will make any reasonably available change to a survivor's academic and working situation.

Survivor Confidentiality

FGC recognizes the sensitive nature of sexual assault, domestic violence, dating violence, and stalking incidents. We are committed to protecting the privacy of individuals who report incidents of abuse, to the extent that doing so is permitted by law and consistent with the College's need to protect the safety of the community.

A survivor's ability to speak in confidence and with confidentiality may be essential to his or her recovery. FGC thus expects employees to treat information they learn concerning incidents of reported sexual assault, domestic violence, dating violence, and stalking with as much respect and as much privacy as possible. College employees must share such information only with those College officials who must be informed of the information pursuant to College policy.

While federal law requires FGC to include certain reported incidents of sexual assault, domestic violence, dating violence, and stalking among its annual campus crime statistics, such information will be reported in a manner that does not permit identification of survivors.

FGC Educational Programs

FGC is committed to increasing the awareness of and prevention of violence. FGC makes continued efforts to provide students and employees with education programming, and strategies intended to prevent rape,

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acquaintance rape, sexual assault, domestic violence, dating violence, and stalking before they occur.

To address the issue of sexual assaults, domestic violence, dating violence, and stalking in a college environment, FGC offers practical guidance for risk reduction, violence prevention, and bystander intervention. Workshops are offered throughout the year by the Student Activities office (386) 754-4316, Bldg. 7. Also, employee training is offered through the Human Resources office (386) 754-4314, Bldg. 1.

Campus Sexual Assault Victim Bill of Rights

Victims of a sexual assault have the right

To reasonable changes to academic schedule;

To referrals to counseling, and assistance in notifying law enforcement;

The same opportunity as accused to have witnesses present at disciplinary hearing;

To be notified of the outcome of hearing, sanctions, and terms of sanctions in place;

To speak (or not speak) to anyone regarding the outcome;

See College Policy and Procedure 6-23 for the College's detailed policy regarding harassment, including the definition of harassment. For the College's detailed policy relating to sexual misconduct, see Policy and Procedure 6-45.

I. DISCIPLINARY PROCESS

All students are guaranteed the following rights:

1. The right to specific written notification of the charges. (It is the responsibility of the student to have a current mailing address on file with the Registrar.)
2. The right to a copy of all redacted written statements regarding the charges.
3. The right to a prompt appeals meeting.
4. The right to an advocate of choice. The advocate may serve only in an advisory capacity to the student, and may not participate in the proceedings directly.

5. The right to present witnesses or information.

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6. The right to refuse to give self-incriminating statements.
7. The right to a full and complete record of the appeals meeting.
8. The right to an appeal of a disciplinary action of “suspension or expulsion”.

J. DISCIPLINARY ACTIONS

One or more of the following penalties may be assessed against an individual or group for violation of the Student Code of Conduct.

1. **Official Warning or Reprimand:** A written statement from the Vice President for Student Services expressing disapproval of conduct. A record of warning or reprimand shall be maintained in the disciplinary file for the student.
2. **Restitution:** The student or group is required to pay for damages to College property, provided that such payment shall be limited to the actual cost of repair or replacement of such property.
3. **Fines:** The student or group may be required to pay reasonable fines assessed by the Campus Appeals Board or the Vice President for Student Services.
4. **Facility Usage and Participation:** Temporary or permanent loss of privilege of use of College facility and/or participation in campus activities and programs.
5. **Apology:** A written statement of regret written by the individual or group and approved by the Vice President for Student Services.
6. **Disciplinary Probation:** Formal written warning that the student's conduct is in violation of the Student Code of Conduct. The continued enrollment of the student is contingent on the maintenance of satisfactory conduct during the period of probation.
7. **Community Service:** Participation in or completion of a variety of programs or activities on campus or in the community based on the nature of the offense.

8. **Suspension:** Temporary separation of the student from the College for a specified period of time. Suspended students are excluded from all classes, privileges, facilities and activities.
9. **Expulsion:** Permanent separation of the student from the College, preventing readmission to the institution.

III. **Violations of Student Code of Conduct:**

- A. All alleged violations of the Student Code of Conduct should be referred to the Vice President for Student Services or designee. Charges may be filed by faculty, staff, students, or guests of the College, and should be made in writing. A preponderance of evidence standard will be utilized in disciplinary proceedings.
- B. The Vice President for Student Services is authorized to immediately suspend a student from the College if the vice president feels that the student's presence represents a threat to the safety, health or general well-being of the student body or the College. The suspended student must be informed in writing of this action. (It is the student's responsibility to have a current mailing address on file with the Registrar's Office).
- C. The Vice President for Student Services or designee may hear the complaint of alleged violation of the Student Code of Conduct and render a decision.
 1. If the Vice President for Student Services or designee hears the complaint and renders a decision:
 - a. the decision will be made available simultaneously to the parties involved within three working days,
 - b. any student who wishes to appeal a decision of "suspension or expulsion" must notify the Chair of the Campus Appeals Board in writing within fifteen working days of the decision.
 - c. The Campus Appeals Board will function as the first level of appeal for decisions of "suspension" or "expulsion". The Campus Appeals Board shall consist of a chair, and at least five members chosen from faculty, staff, and students (See Committee Structure Handbook).

- d. The student will receive at least three days' written notification of the meeting date.

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- e. The Campus Appeals Board may accept, modify, or reject a decision of the Vice President for Student Services, or designee.
- f. The decision of the Campus Appeals Board will be made available simultaneously to the parties involved within three working days after the appeal meeting, and
- g. any student who wishes to appeal the decision of the Campus Appeals Board must do so within three working days of the decision. The appeal must be made in writing to the President.

1. If the Campus Appeals Board reviews the complaint:

- a. the student will receive written notification of the charges and meeting date no less than three days before the meeting date,
- b. in the event the student fails to appear and participate in the Campus Appeals Board meeting, without prior written notification to the Chair of the Campus Appeals Board, the meeting will take place as scheduled. The Campus Appeals Board will review the case and reach a recommendation based upon available information.

If the Chair of the Campus Appeals Board receives prior notification and justification that the student is unable to attend the Campus Appeals Board meeting, the meeting will be rescheduled. Failure on the part of the student to attend the rescheduled meeting will result in the Campus Appeals Board reviewing the case and reaching a decision based upon available information,

- c. the decision of the Campus Appeals Board will be made available simultaneously to the parties involved within three working days after the meeting, and
- d. any student who wishes to appeal the decision of the Campus Appeals Board, must do so within three working days of the decision. The appeal must be made in writing to the President.

D. Appeals of “suspension or expulsion” may be made by any principal involved, and must be based on one or more of the following criteria:

1. Prejudicial error as to a question of policy or procedure.

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2. Abuse of discretion by a committee member or administrator in that the sanction of “suspension” or “expulsion” imposed is inappropriate for the offense.
3. New information is available that could impact the decision.

E. The President is the final authority.

History: Effective: 8/16/94; Revised: 8/16/94, 8/13/96, 5/13/97, 8/11/98; 4/11/00; 04/05/10; 12/02/11; 08/28/12; 01/15/14; 08/05/14; 9/15/15