

STUDENT CODE OF CONDUCT POLICY

Broward College Policy 5.02 (http://www.broward.edu/legal/policies-and-procedures/_docs/policy/6hx2-5.02.pdf)

General Statement

Upon admission to Broward College (the "College"), students agree to act responsibly in all areas of their conduct and to take full responsibility for their actions. Student organizations also agree to act responsibly in all areas of their conduct and take full responsibility for their collective actions. Because learning can only be achieved in an atmosphere free of intimidation and coercion, students must observe local, state, and federal laws as well as the academic and behavioral regulations found in the Broward College Student Handbook, the College Catalog, other official publications of the College, and the College website (<http://www.broward.edu/>). If there is a conflict with any of the aforementioned sources, this policy shall prevail.

The College maintains partnerships with external institutions, including but not limited to educational institutions, libraries, and health services providers. A student who violates the rules of a College partner is also subject to College Policy, including the College Student Code of Conduct. Additionally, a student who violates the College Student Code of Conduct may also be found to have violated the rules of a College partner.

The Policy and the Student

The following is a non-exclusive list of behaviors prohibited by students and student organizations at any College location or via any College resource including electronic communication, at any college-sponsored activity, or at any location and/or via any medium (including electronic) if the behavior impacts students, faculty, or staff in the educational environment. Other behaviors not on this list, which adversely impact the College community will be considered on a case-by-case basis and may also be considered violations of the Student Code of Conduct:

1. Abusive Conduct
2. Bribery
3. Bullying, including but not limited to the following behaviors directed at an individual or a group:
 - a. Unwanted teasing
 - b. Threatening or intimidating behaviors
 - c. Stalking
 - d. Public humiliation
 - e. Spreading malicious and derogatory rumors or falsehoods
 - f. Using discriminatory slurs against an individual or group
 - g. Cyberbullying – including, but not limited to the use of communication-based technologies, including telephones, cellular telephones, e-mail, instant messaging, text messaging, social networking, other web-based technologies, or other electronic methods of communication (either currently available or available in the future) to engage in deliberate harassment or intimidation of individuals or groups.
4. Discriminatory comments or action and/or retaliatory actions by a student, including but not limited to remarks or actions against a student, faculty, or a staff member of the College. See note below regarding Relationship to Other Policies. Students with a concern regarding sexual harassment or sexual misconduct by any member of the College community (including by students, faculty or staff) should refer to Policy 6Hx2-5.39. Students with concerns regarding any other form of discrimination, harassment or retaliation by faculty or a staff member of the College should refer to Policy 6Hx2-3.34.
5. Dishonesty, including but not limited to the following:
 - a. Cheating, plagiarism, or other forms of academic dishonesty
 - b. The use or possession of materials, devices, or technology during academic work, tests, quizzes or other assignments which are not authorized by the person administering the academic work, test, quiz, or other assignment. This includes classrooms, testing centers, or any other Broward College environment, whether physical or virtual. Any such conduct, regardless of intent, will be regarded as academic dishonesty. This standard applies when it has been clearly and unambiguously communicated in writing that such materials, devices, or technology are prohibited
 - c. The acquisition, use, sale, or distribution of teaching or testing materials, including test banks and answer keys, or access to online resources provided by textbook publishers or others, without the express written permission of the instructor
 - d. Furnishing false information, making false accusations, or misrepresentation of oneself or others to any College official, including but not limited to faculty, staff or administrators, representing oneself as an agent of the College, and/or entering into a contract on behalf of the Board of Trustees
 - e. Forgery, alteration, or the misuse of any College document, record, or instrument of identification
 - f. Tampering with the election of any recognized College student organization
 - g. Violation of copyright as defined in College Policy 6Hx2.8.05
6. Disorderly Conduct
7. Disruption of the Educational Environment – including but not limited to:
 - a. To ensure the quality of the educational environment, the use of electronic communication and entertainment devices, such as cell phones, iPods, iPhones, MP3s, etc. by students in the classroom is prohibited unless otherwise explicitly stated by the individual instructor's syllabus

- or for the purpose of recording a class lecture as allowed by Florida Statute 1004.097 and defined in this policy. Therefore, all such devices must be inaudible and placed out of sight during class
- b. Classroom disturbances, including but not limited to: continually leaving and re-entering the classroom without permission, constant interruption of the professor or students, talking loudly to others or self, poor personal hygiene, grandstanding, comments that are antagonistic, openly rude, threatening, or abusive
 - c. Behaviors which a reasonable person would identify as being suggestive of a potential threat to the well-being and safety of others on College campuses, facilities, or at college-sponsored events
 - d. Physical or verbal altercations on the College campuses, facilities, or college-sponsored events
 - e. Animals, other than medically prescribed and documented service animals, on campus
 - f. The usage of skateboards, scooters, or hover-boards on the interior sidewalks of campuses
8. False Report – falsely reporting a bomb or other incendiary device or any other dangerous condition by any medium. Note: These acts are considered acts of terrorism, and the College will use all means available to assist in the identification of students who make such threats.
 9. Grades and Enrollment Status – If an enrollment status or assignment or course grade is correct, it is a violation of the Code of Conduct to ask a professor or any college official to make changes in order to address the student's status in various activities and programs, including, but not limited to immigration status, financial aid status or awards, intercollegiate participation, honors institute participation, employment requirements, etc.
 10. Hazing as defined in section 1006.63, Florida Statutes - Any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes including, but not limited to:
 - a. Initiation into any organization operating under the sanction of a postsecondary institution
 - b. Admission into any organization operating under the sanction of a postsecondary institution
 - c. Affiliation with any organization operating under the sanction of a postsecondary institution, or
 - d. The perpetuation or furtherance of a tradition or ritual of any organization operating under the sanction of a postsecondary institution
 - i. A person commits hazing, a third-degree felony, punishable as provided in section 775.082 or section 775.083, Florida Statutes, when he or she intentionally or recklessly commits, solicits a person to commit, or is actively involved in the planning of any act of hazing as defined above, upon another person who is a member or former member of or an applicant to any type of student organization and the hazing results in a permanent injury, serious bodily injury, or death of such other person
 - ii. A person commits hazing, a first degree misdemeanor, punishable as provided in section 775.082 or in section 775.083, Florida Statutes, when he or she intentionally or recklessly commits, solicits a person to commit, or is actively involved in the planning of any act of hazing as defined above, upon another person who is a member or former member of or an applicant to any type of student organization and the hazing creates a substantial risk of physical injury or death to such other person
 - iii. It is not a defense to a charge of hazing that:
 1. The consent of the victim had been obtained;
 2. The conduct or activity that resulted in the death or injury of a person was not part of an official organizational event or was not otherwise sanctioned or approved by the organization; or
 3. The conduct or activity that resulted in death or injury of the person was not done as a condition of membership to an organization
 - iv. Violations under this section may result in sanctions, up to and including, the imposition of fines; the withholding of diplomas or transcripts pending compliance with the rules or pending payment of fines; and the imposition of probation, suspension, or dismissal from the College. Additionally, the College will cooperate fully with law enforcement and other agencies in enforcing the law on campus and in the conditions imposed by a judge in a court of law, as outlined in the Code of Conduct Policy, section 28 - Violation of Law and college Policy. Violations under this section shall apply to acts conducted on or off campus whenever such acts are deemed to constitute hazing
 - v. In the case of any College organization that authorizes hazing in blatant disregard of this section, penalties may also include rescission of permission for that organization to operate on campus property or to otherwise operate under the sanction of the College - 11. Misbehavior - Any behavior that is inappropriate and detrimental to the mission, goals, and purpose of the institution
 - 12. Misuse of College Identification as defined in College Policy 6Hx2.5.24
 - 13. Non-Compliance with Directions:
 - a. Non-Compliance with the directions of College personnel or law enforcement or fire safety officers acting in the performance of their duties
 - b. Non-compliance with directions relating to disease transmission such as the wearing of face masks, social distancing requirements, and any other standards established at the sole discretion of the College
 - c. Failure to identify oneself to these persons when properly requested to do so
 - 14. Non-Compliance With the Student Discipline System, including but not limited to:
 - a. Failure to appear before the Dean of Students, Hearing Officer, Student Conduct Committee, or other College officials when requested to do so
 - b. Falsification, distortion, or misrepresentation of information before a Student Conduct Committee
 - c. Disruption or interference with the orderly conduct of a Student Conduct Hearing
 - d. Knowingly making false accusations of student misconduct without cause
 - e. Attempting to discourage an individual's proper participation in, or use of, the student discipline system

- f. Attempting to influence the impartiality of a member of a Student Conduct Committee prior to, and/or during the course of, the Student Conduct Hearing
 - g. Harassment (verbal or physical) and/or intimidation of a member of a Student Conduct Committee prior to, during, and/or after a Student Conduct Hearing
 - h. Failure to comply with the sanction(s) imposed under the Student Code
 - i. Influencing or attempting to influence another person to commit an abuse of the student discipline system
15. Obstruction of Pedestrian or Vehicular Movement
16. Public Intoxication/Disorderly Behavior
17. Smoking and tobacco use in accordance with College Policy 6Hx2-7.21
18. Sexual Harassment/Misconduct as defined in College Policy 6Hx2-5.39 (see note below regarding Relationship to Other Policies).
- a. The Family Educational Rights and Privacy Act (FERPA) permits a post-secondary institution to disclose to an alleged victim of any crime of violence or non-forcible sex offense the final results of a disciplinary proceeding conducted by the institution against the alleged perpetrator of that crime, regardless of whether the institution concluded a violation was committed.
 - b. FERPA also permits institutions to disclose to anyone the final results of a disciplinary proceeding, relating to a crime of violence or non forcible sex offense.
19. Student Organization Misconduct - Student organizations (as well as members and officers individually and collectively) may be held accountable when an alleged offense is committed by one or more members or guests of the organization and any one of the following conditions apply:
- a. The offense occurred at an event that was sanctioned by an officer of the organization
 - b. Organizational funds are used to finance the activity
 - c. The event where the offense occurred is substantially supported by the organization's membership
 - d. Members with knowledge of the forthcoming violation did not attempt to prevent the infraction
 - e. The organization fails to report or chooses to protect the individuals(s) alleged to have committed the offense
20. Theft or Damage, or Attempted Theft or Damage, to a Person's or the College's Property
21. Unauthorized Computer Usage as Defined in College Policies 6Hx2-8.01 and 6Hx2-8.03
22. Unauthorized Demonstration - participation in a campus demonstration where the student's behavior (including but not limited to excessive volume, obstruction of movement or access to College facilities or services, harassment of other students, faculty, or staff etc.), disrupts the normal operations of the College and infringes on the rights of other members of the College community through, or leading or inciting others to disrupt scheduled and/or normal activities within any campus/center building or area, or intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular
23. Unauthorized Possession, Duplication, or Use of Keys to Any College Facility
24. Unauthorized Possession, Use, or Distribution of Controlled Substances or Alcohol as defined in College Policy 6Hx2-5.18
25. Unauthorized Publishing of Faculty Lectures – A student may record video or audio of class lectures for their own personal educational use, in connection with a complaint to the public institution of higher education where the recording was made, or as evidence in, or in preparation for, a criminal or civil proceeding. A recording of a class lecture may not be published without the consent of the lecturer, except it may be shared with College officials in connection with a complaint to the College or as evidence in a criminal or civil proceeding. Violation of this provision may subject the student to disciplinary action by the College and/ or to legal action by a person injured by the publication
- a. A person injured by a violation of this section may bring an action against a person who has published video or audio recorded in a classroom without consent in a court of competent jurisdiction to obtain declaratory and injunctive relief and may be entitled to damages plus court costs and reasonable attorney fees, with the total recovery not to exceed \$200,000.
26. Unauthorized Recording - Students are prohibited from recording classroom activities other than lectures as outlined above, including but not limited to student presentations (whether individually or as part of a group), class discussion (except when incidental to and incorporated within a class lecture), labs, clinical presentations such as patient history, academic exercises involving student participation, test or examination administrations, field trips, and private conversations between students in the class or between a student and the lecturer.
27. Unauthorized Use of College Property or Facilities
28. Violation of Law and College Policy - Students may be subject to discipline per the Student Code of Conduct for violations of law that occur on College premises or at any college-sponsored activity, and for violations of law that do not occur on College Premises or at College-Sponsored Activities:
- a. If a student is charged only with an off-campus violation of federal, state, or be taken and sanctions imposed for grave misconduct which demonstrates flagrant disregard for the College community and/or which could disrupt the educational mission of the College. Such an off-campus violation must be of a nature wherein the presence of the student at a College campus is reasonably considered to be a danger to persons or property; or disruption to the educational environment.
 - b. College disciplinary proceedings may be instituted against a student charged with violation of a law that is also a violation of this Student Code. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
 - c. When a student is charged by federal, state or local authorities with a violation of the law, the College will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before the

Student Conduct Committee under the Student Code, however, the College may advise off-campus authorities of the existence of the Student Code and of how such matters will be handled internally within the College community.

- d. The College will cooperate fully with law enforcement and other agencies in enforcing the law on campus and in the conditions imposed by a judge in a court-of-law. Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives, as they deem appropriate.

- 29. Violation of Published College Policies/Procedures, Rule, or Regulation.
- 30. Violence Against Women Act prohibitions against dating violence, domestic violence, sexual assault, and stalking, as defined by College Policy 6Hx2-5.39. (Sexual Harassment/Misconduct).
- 31. Weapons and Dangerous Materials – Refer to Weapons on College Property, College Policy 6Hx2-5.38.
- 32. Violation of Section 553.865 Florida Statutes, the Safety in Private Spaces Act.

The Policy and the Faculty and Staff

Faculty and staff are responsible for notifying the Dean of Students on the campus about possible violations of the Student Code of Conduct. Per FERPA regulations, faculty and staff may disclose personally identifiable information from an educational record to appropriate parties, including parents of an eligible student in connection with an emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals.

Implementation and Oversight

The President has the authority to establish procedures to implement this policy. The Dean of Students on the campus/center where the infraction is alleged to have occurred, in consultation with the College Ombudsperson, is responsible for the implementation of this policy. The Vice Provost for Student Services is responsible for policy oversight. Students wishing to grieve a decision may appeal in accordance with the provisions of the Student Code of Conduct Procedure, College Procedure A6Hx2-5.02.

Violation of Policy

The College retains the right to discipline students and student organizations up to dismissal from the College for violation of this policy.

Definitions

Abusive Conduct - physical abuse, verbal abuse, threats, intimidation, harassment, coercion and/or other conduct which threatens or endangers the physical or emotional health or safety of any person.

Bias-Motivated Conduct (commonly referred to as “Hate Crimes”) - occurs when a perpetrator targets a victim because of his or her actual or perceived membership in a certain social group, usually defined by race, color, ancestry, ethnicity, religion, sexual orientation, national origin, homeless status, mental or physical disability, gender, gender identity, political affiliation, etc. Hate crimes differ from conventional crimes because they are not directed simply at an individual, but cause fear and intimidation in an entire class of people.

Bribery - offering, soliciting, receiving, or giving money or any item or service to a College employee for the purpose of attempting to obtain assistance, priority consideration, or any benefit that would not have otherwise been provided.

Bullying - behavior that inflicts physical or psychological abuse on one or more members of the College community. Such behavior may occur in-person or via electronic communication.

Cheating - includes but is not limited to, copying homework assignments from another student; working together with another individual on a take-home test or homework when specifically prohibited from doing so by the instructor; and looking at text, notes or another student’s paper during an examination when not permitted to do so. Cheating also includes the giving of work or information to another student to be copied and/or used as his or her own. Including, but not limited to, giving a student answers to exam questions either when the exam is being given or after having taken an exam; informing another student of specific questions that appear or have appeared on an exam in the same academic term; giving or selling a term paper, report, project or other restricted written materials to another student.

Class Lecture - A class lecture is defined as a formal or methodical oral presentation as part of a college course intended to present information or teach enrolled students about a particular subject. A class lecture will occur most often in a course identified by the college as a lecture type course, whether online or in-person, as opposed to a lab course or a course section identified as a discussion section. Class lecture does not include lab sessions, student presentations (whether individually or as part of a group), class discussion (except when incidental to and incorporated within a class lecture), clinical presentations such as patient history, academic exercises involving student participation, test or examination administrations, field trips, private conversations between students in the class or between a student and the faculty member during a class session.

Code of Conduct - a set of conventional principles and expectations that are considered binding on any student at the College.

Controlled Substance - all illegal drugs and prescription drugs taken without a physician's order.

Discrimination - treating any student, officer, employee or agent of the College differently than others are treated based upon race, color, sex, national origin, religion, age, disability, marital status, sexual orientation, veteran status, or any other legally protected classification.

Disorderly Conduct - conduct which is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on College premises or at functions sponsored by, or participated in by the College.

Disruption - disruption or obstruction of teaching, research, administration, disciplinary proceedings, other College activities, including its public-service functions on or off campus, or other authorized non-College activities.

Harassment - any verbal or physical conduct based on race, color, sex, national origin, religion, age, disability, marital status, sexual orientation, veteran status, or retaliation, and that has the purpose or effect of unreasonably interfering with the individual's education by creating an intimidating, hostile or offensive environment.

Hazing – includes, but it not limited to, pressuring or coercing the student into violating state or federal law; any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity that could adversely affect the physical health or safety of the student; or any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student. This term does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

Plagiarism - includes but is not limited to, an attempt by a student to claim the work of another as the product of his or her own thoughts, regardless of whether that work has been published; quoting improperly or paraphrasing text or other written materials without proper citation on an exam, term paper, homework, or other written material submitted to an instructor as one's own work; and handing in a paper to an instructor that was purchased from a term paper service or downloaded from the Internet and presenting another person's academic work as one's own. Individual academic departments may provide additional examples in writing of what does and do not constitute plagiarism, provided that such examples do not conflict with this policy.

Publish - to share, transmit, circulate, distribute or otherwise provide access to the recording, regardless of format or medium, to another person (or other persons), including but not limited to another student in the class. Additionally, a recording, or transcript of the recording, is published if it is posted on or uploaded to, in whole or in part, to any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, picket signs, or any mode of print.

Retaliatory Action - any materially adverse action taken against the person who makes or supports a complaint of discrimination, or creating a hostile or threatening environment against such persons.

Student Organization - a student group that has registered with a campus/center Student Life Office in accordance with the provisions of this policy and procedure.

Relationship to Other Policies

1. Concerns or complaints regarding alleged conduct by a student constituting unlawful discrimination and/or unlawful retaliation made pursuant to Policy 6Hx2-3.34 (Unlawful Discrimination and Retaliation) may be addressed pursuant to the procedures accompanying this policy or may be addressed pursuant to the procedures accompanying Policy 6Hx2-3.34, should there also exist an employment relationship between the student and the College.
2. Concerns or complaints regarding alleged conduct by a student constituting Sexual Harassment/Misconduct should be addressed pursuant to Policy 6Hx2-5.39 and its accompanying procedures.