

STUDENT CODE OF CONDUCT PROCEDURE

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

Article I: Student Conduct Review Procedures

1. Any member of the Broward College ("College") community may file a complaint against any student or student organization for misconduct. Students are encouraged to submit complaints in writing, directed to the Dean of Students assigned to the campus where the violation was allegedly committed. Allegations must be submitted within 5 business days after the alleged incident in order to be considered timely. Circumstances in which this time limit may be extended or waived include but are not limited to issues involving the safety and security of members of the College community, and/or to uphold the academic integrity of the College. Both the complainant and the referred student will receive a written copy of the Student Code of Conduct and other College policies and procedures applicable to the alleged violation. This complaint procedure serves as the general process followed in most situations to adjudicate and sanction student conduct. In cases where reasonable deviations to these procedures occur, such deviations will not invalidate the process or outcomes.
 - a. Faculty-Imposed Penalties for Academic Dishonesty: Breaches of the College's policies pertaining to academic dishonesty may result in academic penalties imposed by the instructor. Appeals relating to grades imposed that are associated with allegations of academic dishonesty may be appealed in accordance with College Policy and Procedure 6Hx2-4.19. The shared conviction represented in this procedure is that academic integrity is best taught and reinforced by faculty as an element of the teaching and learning process. Faculty should continue to report instances of academic dishonesty to student services through the appropriate reporting mechanism, and only in instances where the dean of students has reviewed multiple findings where a student has engaged in academic dishonesty, or one that is particularly egregious in impact to the learning environment, should the process move to action in accordance with the Student Code of Conduct, College Policy & Procedure 6Hx2-5.02. When the dean of students becomes aware of an allegation of academic dishonesty they will notify the student of their right to appeal the course sanction in accordance with College Policy & Procedure 6Hx2-4.19. The dean of students will not generally conduct an investigation to determine if academic dishonesty occurred but will instead rely on the findings as determined by the instructor.
 - b. Student – Employee Violations: Students who are also employees of the College, who are found to have violated the Student Code of Conduct, may also be subject to disciplinary action as employees up to and including termination of their employment from the College. Any such instances will be investigated by the Executive Director of Talent and Culture or his/her designee. Additionally, employees of the College who are also students, and who are subject to disciplinary action in their role as employees, may also be subject to disciplinary action through the Student Code of Conduct.
2. When the Dean of Students becomes aware of the complaint, she/he may do one or more of the following:
 - a. Emergency Removal: If a student or student organization poses a threat to any person, is unruly, disruptive, uncontrollable, damages or threatens to damage any property, or some other serious condition exists, the dean of students, with the approval of the College Ombudsperson or Vice Provost for Student Services, may immediately remove the student or organization from class(es) or other activities at the College. If there is an immediate threat to campus or classroom environment, this removal may occur prior to due process being extended to the student or student organization. If an emergency removal is imposed, reasonable attempts should be made to accelerate the formal disciplinary process.
 - b. Support for Complainant: The College will take immediate interim steps to protect the complainant and other impacted members of the College community pending the final outcome of the investigation and the imposition of sanctions. Interim measures are available to address safety as well as any hostile educational environment resulting from the alleged misconduct. These measures include, but are not limited to, changing an employee's or student's work schedule, altering the complainant's or referred student's course schedule or campus, allowing the withdrawal or retake of classes without penalty, academic support such as tutoring, student services support such as assistance with financial aid issues, visa and immigration assistance, and the issuance of no-contact orders, assisting the student in notifying law-enforcement, recommending appropriate community support, recommending options for counseling, and assisting the student with initiating a College complaint and investigation regarding the allegation in accordance with applicable College policies. Interim measures are temporary and may be removed, enhanced, or otherwise altered upon final determination of the issue. Support given to the complainant prior to the conclusion of due process afforded by this procedure, does not presume the guilt of the accused student and the College will take great care to not impose an undue burden on an accused student who has not yet been in violation of the Code of Conduct.
 - c. Trespass: In accordance with College Policy 6Hx2-2.02 – At the direction of the dean of students, students may be escorted off College property and/or issued a law enforcement executed notice of trespass if their continued presence is considered a threat to the safety of persons or property. The dean of students, with the approval of the College Ombudsperson or Vice Provost for Student Services, may exercise their authority to issue a notice of trespass, prior to the completion of due process.
 - d. Review by Dean of Students or designee: Upon receiving a complaint, an initial inquiry will be conducted consisting of reviewing the allegations and other available information to determine if an investigation is warranted. If an investigation is initiated, appropriate steps will be taken to ensure that the investigation is adequate, reliable, and impartial, and includes the opportunity for all parties to present witnesses and evidence. If the violation may result in a Level 2 Sanction (Suspension or Expulsion), the dean of students shall assign the investigation to the District Director of Student Conduct & Integrity or other designee. Persons called to present information as part of an investigation will be notified of the allegations and possible violations of the Student Code of Conduct and will receive a copy of the Student Code of Conduct Policy and Procedure. At the conclusion of the investigation, an investigative report will be prepared outlining: 1) a description of the specific behavior that occurred that allegedly violated the Code of Conduct; 2) the specific sections of the Code of Conduct that the student or student organization is alleged to have violated; 3) a summary of all statements, interviews, evidence, etc.; 4) a finding as to whether it is more likely

than not (preponderance of the evidence standard) that the student or student organization violated the Code of Conduct; 5) sanctions imposed or recommended (depending on jurisdiction); and 6) if applicable, steps taken to stop the offending conduct, prevent recurrence, and mitigate risks to the community. Sanctions may be imposed only for acts or omissions in violation of the Code of Conduct and/or state or federal law.

- i. During the investigation, the complainant and the referred student or student organization have the following due process rights:
 1. The right to timely written notice – 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
 - a. 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 email address
 - b. At least 5 business days before the disciplinary proceeding, the College must provide the student or student organization with:
 - i. A listing of all known witnesses that have provided, or will provide, information against the student or student organization
 - ii. All known information relating to the allegation, including inculpatory and exculpatory information
 2. The right to a presumption that no violation occurred. The College has the burden to prove, by a preponderance of the evidence, meaning that the information presented supports the finding that it is more likely than not that a violation of the Code of Conduct was committed by the student or student organization.
 3. The right to an impartial hearing officer.
 4. The right against self-incrimination and the right to remain silent. Such silence may not be used against the student or student organization
 5. The right to present relevant information and question witnesses.
 6. The right to have an advisor, advocate, or legal representative, at their 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. This advisor or advocate may not serve in any other role, including as an investigator, hearing officer or decision-maker, member of the Conduct Committee, or appeal decision-maker.
 7. The right to appeal the final decision of the hearing officer, or any committee or panel, directly to the College Ombudsperson or Vice Provost of Student Services or their designee. The Vice Provost of Student Services or College Ombudsperson or their designee may not have directly participated in any other proceeding related to the charged violation.
 8. 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.
 9. Either the complainant or the referred student may question the impartiality of the review with the College Ombudsperson or Vice Provost of Student Services, and up through the chain of command as needed depending on the nature of the concern about impartiality. The College will preserve all evidence that may be of value in conducting an investigation and determining culpability and sanctions imposed upon the referred students and will share such evidence with appropriate law enforcement entities as required by law. Students charged with a violation of the Code of Conduct will receive a copy of the investigative report.
 - e. Authority of Student Dean and Student Conduct Committee: Other than in instances where a possible outcome of a disciplinary hearing is suspension or expulsion, the dean of students will review evidence, meet with the student or student organization, meet with witnesses, and impose sanctions as outlined in Article III of this procedure within 15 business days after receiving the complaint. A review by the dean of students may occur prior to sanctions being imposed or after sanctions are imposed and/or a notice of trespass is issued in accordance with items I.2.a, b, & c above.
 - f. Review by Student Conduct Committee: In cases involving possible suspension or expulsion, the matter will be heard by the Student Conduct Committee in accordance with the guidelines set forth in Article II of this procedure. In cases where the matter is referred to the Student Conduct Committee, the dean of students or designees will still conduct the inquiry and or investigation described above.
 - g. Disruptive Students: In instances where student behavior manifests symptoms of possible psychological/psychiatric issues, the Dean of Students, with the approval of the College Ombudsperson or Vice Provost for Student Services may require that a student complete a psychiatric and/or psychological evaluation based on the student's behavior. The results of the psychiatric and/or psychological evaluation will assist the College in determining the student's ability to continue participation in educational programming at the College in accordance with the provisions of this procedure. Students deemed to pose an immediate threat to themselves or others will be subject to immediate sanction and/or may be trespassed from all College locations in accordance with item A and B above pending the outcome of full due process rights afforded by this procedure may require that a student complete a psychiatric and/or psychological evaluation based on the student's behavior. The results of the psychiatric and/or psychological evaluation will assist the College in determining the student's ability to continue participation in educational programming at the College in accordance with the provisions of this procedure. Students deemed to pose an immediate threat to themselves or others will be subject to immediate sanction and/or may be trespassed from all College locations in accordance with item A and B above pending the outcome of full due process rights afforded by this procedure
3. Students are responsible for their conduct. Students may not invoke their official or informal complaint or grievances against other persons or departments as part of their defense against allegations of having violated the Student Code of Conduct. Even if legitimate, a grievance against a member of the college community is not sufficient grounds, nor a defense for a violation of the Student Code of Conduct.
 4. Complaints of Sexual Harassment/Misconduct (as defined by Policy 6Hx2-5.39) shall be addressed pursuant to the procedure provided for by Policy 6Hx2-5.39.

Article II: Student Conduct Committee Hearing Procedures

1. The Student Conduct Committee shall be appointed by the District Director of Student Conduct & Integrity. The Committee shall consist of a cross-section of the College community and shall include representation from Academic Affairs and Student Services. Committee members shall receive at least once-annual training from the District Director of Student Conduct & Integrity in order to remain active members.
2. At least five (5) members of the Student Conduct Committee must assemble to hear a case. In situations where the case involves a student receiving accommodations under the ADAAA and/or Section 504 of the Rehabilitation Act of 1973, one member must represent the Office of Accessibility Resources. In all instances, members assembled to hear a case must not be directly associated with the case.
3. One (1) Student Services Administrator and one (1) Academic Affairs Administrator shall serve as co-chairs of the Student Conduct Committee. One of the co-chairs will serve as the Hearing Officer of the Student Conduct Committee. If neither of the co-chairs of the Student Conduct Committee is able to preside, the Dean of Students on the campus related to the case shall designate a chair. In cases involving sexual misconduct, or other matters where the privacy of student complainants is an issue, the Hearing Officer, in consultation with the Dean of Students, may exclude students from hearing the case. The Hearing Officer will only vote if there is a tie. The complainant or the referred student may question the impartiality of members of the Student Conduct Committee to the Dean of Students, or if the question is about the Dean of Students, to the appropriate Campus President, and up through the chain of command as needed depending on the nature of the concern regarding impartiality.
4. The Dean of Students will forward pertinent paperwork to the Hearing Officer who will present the complaint and the hearing procedures to the referred student or student organization, and the complainant, in writing. A time will be set for a hearing within 15 business days of the initial complaint.
5. In cases involving more than one referred student, the Hearing Officer of the Student Conduct Committee, at her/his discretion may permit separate hearings.
6. The complainant and the referred student or student organization have the privilege of being assisted, at their own expense, by one adviser of their own choice. The adviser may be an attorney.
7. The complainant, the referred student or student organization, and the Student Conduct Committee will have the privilege of presenting witnesses, subject to inquiry or questioning by the Student Conduct Committee. In cases of alleged sexual misconduct, the referred student or student organization is not permitted to introduce evidence or ask questions regarding the complainant's prior sexual conduct with anyone other than the referred student. It should be noted that evidence of a prior consensual relationship between the parties does not imply consent. Additionally, the hearing officer may prohibit the referred student from directly interacting with or cross examining the complainant in cases of alleged sexual misconduct or in other instances where it is deemed to not be appropriate.
8. The complainant and referred student or student organization must notify the Hearing Officer of any witnesses and/or items for review they wish to present, at least 3 business days prior to the hearing. All parties shall have equal and timely access to information and evidence.
9. All procedural questions are subject to the final decision of the Hearing Officer
10. The College will create an audio recording of all hearings before a Student Conduct Committee. Participants and guests are not permitted to record the hearing. The record will be the property of the College. The referred student or student organization has 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.
11. After the hearing, the Student Conduct Committee will determine by majority vote if the student or student organization has violated specific sections of the Student Code of Conduct.
12. The Student Conduct Committee's determination will be made on the basis of whether it is more likely than not that the referred student or student organization violated the Student Code of Conduct, commonly referred to as a preponderance of the evidence standard.
13. The Student Conduct Committee, after hearing the case in the manner outlined in this Procedure, will recommend sanction(s) within 5 business days to the dean of students. The dean of students may accept, reject, or modify the recommendation offered by the Student Conduct Committee and will simultaneously communicate the disposition of the matter to the complainant and the referred student or student organization in writing within 10 business days after receiving the recommendation of the Student Conduct Committee.
14. The Hearing Officer and committee members shall keep confidential the recommendations of the committee and only the sanction imposed by the dean of students will be communicated to the student or student organization.

Article III: Sanctions

1. The dean of students or the College Ombudsperson or Vice Provost for Student Services (per Section IV of this Procedure) may impose one or more of the following sanctions based on the severity of the incident. The sanctions listed below do not reflect a progressive process and a student may immediately receive a more severe sanction depending on the nature of the violation.
The following Level 1 Sanctions (may be imposed by the Dean of Students):
 - a. Warning – A notice in writing to the student that they have violated institutional regulations indicating the potential consequences of future violations.
 - b. Probation – A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to have violated any institutional regulation(s) during or after the probationary period.
 - c. Loss of Privileges – Denial of specified privileges for a designated period of time.

- d. Fines – A student may be required to pay fines incurred (i.e. parking, library, etc.) as a condition for complying with the sanction imposed.
 - e. Restitution – Compensation for loss, damage or injury; this may take the form of appropriate service and/or monetary or material replacement.
 - f. Discretionary Sanctions – Work assignments, community service to the College, counseling referrals or other related discretionary sanctions.
 - g. Administrative Withdrawals – Withdrawal for all courses without refund. Students receiving financial aid are subject to College Policy 6Hx2-5.11 – Financial Aid.
 - h. Trespass – in accordance with College Policy 6Hx2-2.02, students may be prohibited from entering College locations.
2. The following Level 2 Sanctions (may be imposed by the Dean of Students after the case is heard by the Student Conduct Committee):
 - a. Any Level 1 sanction listed above.
 - b. College Suspension – Separation of the student from the College for a definite period of time, after which the student or student organization is eligible to return; conditions for readmission may be specified.
 - c. College Expulsion – Permanent separation of the student from the College.
 3. The following sanctions may be imposed by the College on student organizations:
 - a. Those sanctions listed above.
 - b. Deactivation or loss of specific organizational privileges for a specified period of time.
 4. Bias-Motivated Conduct (Commonly referred to as “Hate Crimes”): The College believes that members of the College community have the right to lawfully affiliate free from harassment with social groups of their choice without fear of intimidation based on this membership. Therefore, the College will impose significantly increased sanctions against perpetrators who commit one or more of the offenses in this Policy, if the College determines that the perpetrators’ actions were motivated by the actual or perceived affiliation of the victim with a particular social group, race, gender, religion, sexual orientation, ethnicity, national origin, disability, age, marital status, and/or gender identity. Additionally, the College will support the criminal prosecution of students who engage in bias-motivated violations of this Code in accordance with section 775.085, Florida Statutes, 18 U.S.C. §§ 245 and 249, and other applicable laws.
 5. Article III Sanctions may be imposed by the College on any student who violates Policy (6Hx2 7.23).

Article IV: Appeals

1. A referred student, student organization, or complainant may appeal to the College Ombudsperson or Vice Provost for Student Services the sanctions imposed by the Dean of Students. Such appeals must be in writing and must be delivered to the College Ombudsperson or Vice Provost for Student Services 5 business days of the receipt of sanctions from the dean of students.
2. Sanctions imposed by the Dean of Students go into effect immediately unless a student or student organization appeals the decision. In such cases, the Dean of Students in consultation with the College Ombudsperson or Vice Provost for Student Services will decide if sanctions will be enforced immediately or pending the outcome of an appeal process.
3. In considering the appeal, the College Ombudsperson or Vice Provost for Student Services will limit her/his review to a determination of whether the student or student organization received a fair hearing in accordance with established policies and procedures. A student who has been sanctioned may only appeal on the following grounds:
 - a. A substantial procedural error occurred that rendered the process or the outcome fundamentally unfair.
 - b. New substantive evidence, impossible for the Dean of Students or the Student Conduct Committee to have heard at the time of the hearing, has been discovered and a failure to review such evidence would be fundamentally unfair
 - c. The finding and/or the sanction was fundamentally unfair or inappropriate.
4. The College Ombudsperson or Vice Provost for Student Services will generally limit her/his review to the written Ombudsperson or Vice Provost for Student Services may, at her/his discretion, meet with student(s) directly to review evidence, meet with witnesses and the accused student(s) or student organization.
5. After considering the appeal, the College Ombudsperson or Vice Provost for Student Services may:
 - a. Find that there are no grounds to consider the appeal.
 - b. Refer the matter back to the Dean of Students for further review based on specific issues, with a designated time-frame for reconsideration indicated.
 - c. Alter the findings or the sanctions imposed by the Dean of Students.
Sanctions imposed during the appeal process may be less severe, or in unusual circumstances, more severe than those originally imposed.
6. The College Ombudsperson or Vice Provost for Student Services shall simultaneously communicate the final disposition of the matter to the complainant and referred student or student organization in writing within 10 business days after receiving the appeal. The decision of the College Ombudsperson or Vice Provost for Student Services shall be final.

Article V: Communication

In cases where there is no appeal to the College Ombudsperson or Vice Provost for Student Services within the specified time period in accordance with this procedure, the dean of students shall notify appropriate members of the college community regarding the sanction. In instances where an appeal is submitted, and the matter is adjudicated by the College Ombudsperson or Vice Provost for Student Services, he/she will notify appropriate College personnel of the decision. Both the complainant and referred student or student organization will receive simultaneous written notice of the outcome of the complaint including the rationale for the decision. Communication indicating the outcome of a disciplinary proceeding shall include a summary of the alleged behavior, the specific parts of the Code of Conduct allegedly violated, a finding as to whether or not the student or student

organization was found to have violated the Code of Conduct including the rationale for the decision, the sanctions imposed, and opportunities for appeal. Additionally, the dean of students or the College Ombudsperson (as appropriate in accordance with the protocol indicated above) shall notify the Vice Provost of Student Services in instances of trespass, suspension, or expulsion of students.

Article VI: International Centers and Affiliates

1. In cases involving Broward College students at our international centers or affiliates, the Center Director or his/her designee shall serve as the principal authority to adjudicate and sanction student conduct. The Center Director or designee may unilaterally impose Level 1 Sanctions, as outlined in **Article III** of this procedure.
2. Level 2 Sanctions may be imposed by the Center Director or designee after the case is heard by a conduct committee consisting of:
 - a. A Hearing Officer designated by the Center Director
 - b. Additional members from the international center as identified by the Center Director
 - c. The District Director, International Student Success
 - d. The international center's faculty liaison

Cases shall be referred to the conduct committee after investigation by the Center Director in consultation with the District Director, International Student Success. In cases involving suspension or expulsion, the conduct committee shall make a recommendation to the District Director, Student Conduct & Integrity who shall send written communication to the student, record the sanction in the student conduct database and communicate with the Registrar to ensure that the suspension or expulsion is properly recorded in the student record.
3. Students at the international centers or affiliates have the right to appeal sanctions as outlined in **Article IV** of this procedure.