

**District Board of Trustee Policy
(BOT)**



Policy Title: STUDENT CODE OF CONDUCT

Policy Number: 6Hx6:6.01

Specific Authority:

Florida Statute 1006.60

Florida Administrative Code

Policy Approved: 04/23/92; 08/23/05; 04/18/17

Policy:

I. Statement of Philosophy

Florida SouthWestern State College is committed to maintaining an environment that fosters learning and personal development. All members of the Florida SouthWestern State College community are responsible for their own behavior and are expected to be familiar with the rules and regulations of the College. Students are expected to uphold these standards of behavior and to respect the rights of others. Each student shall comply with the rules and regulations of the College, including these standards.

II. Definitions – This section of the Student Code of Conduct outlines the definitions of words commonly used in the Code.

A. Student:

1. All persons taking FSW courses, both full-time and part-time; or
2. All persons who are not officially enrolled for a particular term, but have a continuing relationship with FSW or intend to enroll in the next term. This provision is intended to include those persons enrolled in the spring and fall semesters who engage in misconduct during the summer and students who are first time enrollees, or applicants, who engage in misconduct prior to the time of enrollment; and/or
3. All persons who are attending an FSW course although they may be enrolled students in other educational institutions.
4. This definition also includes persons who may have committed violations of the code of conduct while a student, but may no longer be actively enrolled at the College.

B. Campus: Campus means all land, buildings, facilities, and other property-including adjacent streets and sidewalks in the possession of or owned, used, or controlled by FSW.

III. Scope

A. Jurisdiction: Florida SouthWestern State College's jurisdiction over student conduct issues is limited to conduct that occurs on College premises, or during college sponsored programs, or that adversely affects the College Community. However, when off-campus activities have a negative impact on the College Community and/or our external Community and partners, hinder the College in its

pursuit of learning objectives, reflect poorly on the College, or are potentially harmful to other members of the College Community, Florida SouthWestern State College will exercise its right to sanction involved students.

B. Violation of Local, State, Federal Law

Student Code of Conduct proceedings may be instituted based upon a student's alleged conduct that, if committed, could violate criminal law or the Student Code of Conduct without regard to the pendency of civil or criminal litigation. Proceedings under the Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

Student Code of Conduct proceedings may also be instituted based upon a student's alleged conduct that, if committed, could violate other College policies, College procedures, written agreements, and this Code of Conduct.

IV. **Conduct Violations** – The aiding, abetting, inciting of, attempting to commit or committing of any act or behavior by a student which tends to interfere with or otherwise disrupts the orderly conduct, process, function, and/or interests of the College is prohibited and subjects a student to sanctions under the Student Code of Conduct. Such acts and behaviors include but are not limited to the following:

A. Academic Misconduct

1. Cheating
2. Plagiarism
3. Any other academic misconduct which violates the rules governing academic integrity at the College.

B. Alcohol and Illegal Drugs

1. Possession or use of alcoholic beverages on campus or at a College-approved function for those individuals under the age of 21.
2. Possession or use of alcoholic beverages, other than at a college function where service of alcohol has been approved by College administration, by students of any age.
3. Possession or use of illegal drugs on campus or at any College-sponsored program or activity.
4. Purchase, distribution, delivery or sale of illegal drugs.
5. Possession or use of illegal drug paraphernalia.
6. Driving while under the influence of alcohol or any illegal substances.
7. The misuse, purchase, distribution, sale, or delivery of a prescription drug.
8. The non-prescribed use, inhalation or ingestion of a substance that will alter a student's mental state.

C. Campus Disturbances and Demonstrations, Parades, or Picketing

1. Unlawful interference with academic freedom or the freedom of speech of any member of the College Community and intentional interference with the educational function of the College.

D. Commercial Solicitation and Fundraising on Campus

1. Students, are prohibited from entering the grounds or buildings of Florida SouthWestern State College for the purpose of transacting business with students, faculty, or other College personnel, unless they have been given permission by the appropriate College official.

E. Computers

1. Any act that violates the Technology Acceptable Use Policy of the College, which is hereby adopted by reference.

F. Disruptive Conduct

1. Obstructing or disrupting any College activity including teaching, research, administrative functions, social activities and public service functions.
2. Engaging in any obscene, profane, reckless, destructive or unlawful course of conduct.
3. Failure to comply with a directive of a College official or any non-College law enforcement official.
4. Providing false information to a College Official or to any public official that has a connection or impacts the College community, including disciplinary hearing bodies. This also includes falsifying the Admission Application or other documents submitted to the College.
5. Acts that impair, interfere with, or obstruct the functions of the College or the rights of other members of the College Community. This includes acts that occur both inside and outside of the classroom and may involve the use of electronic or cellular equipment.
6. Any act which deliberately obstructs or interferes with the normal flow of pedestrian or vehicular traffic.
7. Only currently enrolled students are authorized to be in classrooms, except for situations involving an approved accommodation for a student with a disability. All other persons require express prior approval of the academic dean.
8. Any acts that disrupt the College disciplinary process.

G. Endangerment

1. Physical violence towards another person or group.
2. Intentional touching or striking a person against his/her will.
3. An action that endangers the health, safety, or well-being of one's self or another person or group.
4. Intentional threat by word or act to do violence to a person or persons.
5. A false report of an explosive or incendiary device, which constitutes a threat or bomb scare.
6. Retaliation against a complainant or other person alleging misconduct.
7. Interference with the freedom of another person to move about in a lawful manner.

H. Fire and Safety

1. Inappropriate activation of any emergency warning equipment or the false reporting of any emergency.
2. Illegal possession, removal of, damage to or tampering with fire safety or other emergency warning equipment.
3. Failure to evacuate a College building or facility when a fire alarm is sounded.
4. Intentionally or recklessly causing a fire that may result in damage to College property or harm to an individual.

I. Gambling

1. Engages in or offers games of chance for anything of value or other gain in violation of the laws of the State of Florida.

J. Harassment¹

1. Conduct, (not of a sexual nature), that creates an intimidating, hostile, or offensive environment for another person.
2. Action(s) or statement(s) that threaten harm or intimidate another.
3. Acts that invade the privacy of another person.

4. Stalking: to follow or otherwise contact another person repeatedly, so as to put that person in fear for his or her life or personal safety.
5. Unwelcome verbal or physical abuse which causes the recipient discomfort or humiliation or which interferes with the recipient's academic performance or employment.
6. Unlawful harassment related to an individual's race, color, sex, religion, national origin, ethnicity, age, marital status, veteran's status, genetic information, sexual orientation, pregnancy, or physical disability is a violation of this policy.

¹ Florida SouthWestern State College maintains a separate set of procedures to address complaints that entail accusations of discrimination, stalking or harassment. These types of complaints are addressed through Florida SouthWestern State College Board Policy 6Hx6:2.03. Students should notify the Equity Officer for assistance in resolving any discrimination or harassment issues. Please see the **Discrimination and Harassment Complaint Procedure (COP 05- 0107)** for more information.

K. Hazing

1. Any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for the purposes including, but not limited to, of initiation or admission into or affiliation with any organization operating under the sanction of Florida SouthWestern State College. Such term includes, but is not limited to, pressuring or coercing the student into violating any 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 which could adversely affect the physical health or safety of the student, and also includes any activity which would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or other forced activity which could adversely affect the mental health or dignity of the student. Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

L. Identification

1. Permits another person to use his or her identification.
2. Inappropriate use of another person's identification.
3. Impersonation or misrepresenting the authority to act on behalf of another or the College.
4. Forgery, alteration or misuse of identification, documents, records, keys or access codes.
5. Manufacture, distribution, delivery, sale, purchase, possession or use of false identification.

M. Property

1. The intentional or reckless damage, misuse or destruction of public property or property of another.
2. Possession, sale, or purchase of property or services that are known or reasonably, should have been known to have been stolen.
3. Enters or uses public property or property of another without the proper consent or authorization.
4. No swimming/wading is allowed on campus lakes.

5. No pets or animals are allowed on campus unless that animal is assisting a person who has a disability, or if the pet is present on campus for a specific college-sanctioned event or activity
6. The use of any recreational wheeled device, including, but not limited to skateboards, hoverboards, and bicycles, inside any campus building, including LightHouse Commons, is prohibited.
7. Except for approved recreational, educational or research activities, no person shall disturb or harm any wildlife found on campus.

N. Sexual Misconduct

Florida SouthWestern State College maintains a separate set of procedures to address complaints that entail sexual misconduct. Students should notify the Title IX Coordinator for assistance in resolving any sexual misconduct or sexual harassment issue.

O. Tobacco/Electronic Cigarettes

Tobacco use is prohibited on all property and in all facilities owned, leased or operated by Florida SouthWestern State College, including all vehicles owned or rented by the College. There are no designated smoking areas on such College property. Tobacco use includes all types of tobacco and tobacco-like products including smoke-less tobacco and any other smoking or smoking simulation products including electronic cigarettes. Tobacco is defined as any product made of tobacco including, but not limited to, cigarettes, cigars, cigarillos, hookahs, pipes, and any smokeless tobacco product. The use of any tobacco product, whether intended to be lit or not, which includes smoking as well as the use of electronic cigarette or any other device intended to simulate smoking and the use of smokeless tobacco is prohibited on College-owned, operated or leased property.

P. Weapons

1. Except as authorized by Florida or Federal law, on-campus possession or use of firearms (even with a permit), explosives, knives and other weapons or dangerous articles or substances, including but not limited to, non-lethal weapons such as pellet guns, look-alike weapons, or the use of any item as a weapon.
2. Off-campus, illegal possession or use of firearms, explosives or other weapons or dangerous articles or substances.
3. Except as authorized by Florida law, off-campus possession of ammunition or other weapons and/or setting off any explosive device, fireworks or flammable liquid or objects.

Q. Other Violations

1. Violation of Federal or State law or local ordinance on or off campus.
2. Aids or abets any other violation of Federal law, State law or local ordinance.
3. Failure to Complete Sanctions: A student who fails to adhere to or complete sanctions will have a disciplinary hold placed on his or her record. This hold will affect the student's ability to register for classes and the student may receive additional charges under the Student Code of Conduct. Disciplinary holds will not be removed until the sanctions are completed.
4. Violation of any other College regulation or policy as described in the College Catalog, Student Handbook, College Housing Contract, the Guide to Residence Living, other College housing publications, Board of Trustees Policies, College Operating Policies, and Student Government Association manuals/policies, all of which are hereby adopted by reference.

R. Sanctions

Florida SouthWestern State College makes every attempt to provide an educational sanction that will help a student to make better choices in the future. The educational sanction applied will become progressively more demanding if the student repeats violations, demonstrating that learning has not taken place. An accumulation of a variety of violations may result in severe sanctions such as suspension, expulsion or negative notation on a transcript. Academic dishonesty and violations affecting the health, safety and wellbeing of the community are deemed the most severe and may result, upon the first violation, in a negative notation being placed on a transcript, suspension, or expulsion.

Student Conduct Sanctioning is intended:

- To make sure the student sanctioned has learned from the experience.
- To educate the student so he or she does not commit the violation again.
- To offer the student the opportunity to make good on a mistake.
- To ensure that College expectations regarding appropriate behavior are clear.
- To educate the student concerning how his or her behavior impacts others in the College Community.
- To protect the College Community from people who may harm others in the College Community or who may substantially interfere with the educational mission of the College or other institutions.

Sanctions include, but are not limited to:

1. **Warning:** A notice in writing to the student that a violation of the Student Code of Conduct has occurred in which the individual student may have been directly or indirectly involved. This is an informal warning which does not become part of the student's educational record and therefore cannot be requested to be reviewed via a Formal Hearing. No further consequences follow a Warning.
2. **Reprimand:** A written reprimand or censure may be given to any student or organization whose conduct violates any part of the Student Code of Conduct. Such a reprimand does not restrict the student in any way, but does have important consequences. It signifies that he or she is in effect being given another chance to conduct himself or herself as a proper member of the College community and that any further violation may result in more serious penalties.
3. **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 be violating any institutional regulation during the probationary period.
4. **Referral to an Outside Program:** Referral to a tobacco intervention program, the Student Assistance Program, or mental health counseling.
5. **Service Hours:** Completion of tasks under the supervision of a College department or outside agency.
6. **Educational Activities:** Attendance at educational programs, interviews with appropriate officials, planning and implementing educational programs, or other educational activities.
7. **Loss of Privileges:** Denial of specified privileges for a designated period of time.
8. **Restitution:** Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
9. **Prohibited Contact:** Prohibition of contact with a specified person within the College Community.

10. **Removal from Classroom/Course:** Removal from the classroom and/or the course, including but not limited to, dismissal from the course or reassignment to another section.
 11. **Counseling Assessment and Compliance:** Referral for assessment (at the student's expense) to a licensed mental health professional or counseling center for general mental health or other counseling issues. Students found responsible for alcohol, drug or behavioral violations may be referred to an on campus licensed mental health counselor or to an outside agency or counselor based on the seriousness of the violation. Students must comply with all recommendations established as a result of any assessment resulting from the imposition of this sanction.
 12. **Suspension:** Separation of the student from Florida SouthWestern State for a definite is eligible to return. Conditions for readmission may be specified. All recommendations for suspension must be reviewed and approved by the Vice President of Student Affairs ad Enrollment Management or designee.
 13. **Dismissal:** Separation from the College for an indefinite period of time. Readmission may be possible, based on meeting all readmission criteria and obtaining clearance from the Chief Student Affairs Officer or designee. All recommendations for dismissal must be reviewed and approved by the Vice President of Student Affairs and Enrollment Management or designee.
 14. **Expulsion:** Permanent separation of the student from Florida SouthWestern State. All recommendations of expulsion must be reviewed and approved the College President or designee.
 15. **Transcript Notation:** A written notation indicating that disciplinary action was taken. This sanction may be applied in cases in which the student has been permanently separated from the College.
 16. **Change in Housing Assignment:** Removal or reassignment of the student to another location in College Housing. All recommendations for removal from College Housing must be reviewed and approved by the Vice President of Student Affairs and Enrollment Management or designee.
 17. **Exclusion or Removal from College Housing:** Exclusion or removal may be permanent or for a specified period of time. If the student is excluded or removed from Housing, the Housing Agreement will be cancelled. The Terms and Conditions of the Housing Agreement regarding cancellation fees and proration of rental fees will apply. All recommendations for removal from College Housing must be reviewed and approved by the Vice President of Student Affairs and Enrollment Management or designee.
 18. **Other:** An action for follow up to ensure compliance and success for the student, and the welfare of the community. Or another action determined by the student and the Chief Student Affairs Officer.
- V. The President of the College is authorized to develop procedures to implement this policy, including procedures for interim actions.