

STUDENT CODE OF CONDUCT

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.

Florida SouthWestern State College (FSW) upholds high standards of academic integrity, which are essential to the College's mission. All members of the academic community share responsibility for maintaining these standards. Faculty must communicate expectations for academic conduct, and students are expected to understand and follow them. While learning and personal conduct are individual responsibilities, everyone is expected to support academic integrity by refusing to engage in or tolerate dishonesty.

As part of Florida SouthWestern State College's (FSW) student conduct process, the Chief Student Affairs Officer (CSAO), or their designee, may periodically review the conduct records of students involved in co-curricular, Greek organizations, and other registered student clubs and organizations. The purpose of these reviews is to ensure that all students representing FSW uphold the College's standards and values.

Students who are found responsible for multiple conduct or academic integrity violations during their time at FSW may lose their eligibility to participate in co-curricular activities. This may include a temporary suspension or permanent removal from these activities. Repeated violations not only affect the student but also harm their organization and the FSW community. Such patterns of behavior go against the College's mission and expectations for personal responsibility and integrity.

Any recommendation to suspend or revoke a student's co-curricular eligibility must be approved by the College President or a majority of the President's Strategic Leadership Team. In serious cases, the College may also choose to rescind a student's admission or enrollment, or limit their access to FSW Campuses and facilities, in accordance with Florida law (Florida Statutes, Sections 1001.64(5) and 1001.64(8)(a)).

If a student's eligibility for co-curricular participation is suspended or revoked, they will receive written notice from the CSAO (or their designee) within three business days of the decision. Once notified, the student will be immediately removed from any active rosters, positions, or roles within teams, clubs, student government, or other organizations. Any unused scholarships, tuition waivers, or other forms of financial assistance connected to these activities will be cancelled unless specifically stated otherwise in the written notice.

All decisions made by the College President or the President's Strategic Leadership Team are final and cannot be appealed.

FSW expects students to be honest in all academic work, ensuring it accurately reflects their own knowledge and abilities. Academic integrity is essential to the mission and values of the College.

SCOPE

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.

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.

DEFINITIONS

Definitions: This section of the Student Code of Conduct outlines the definitions of words commonly used in the code.

Student

- All persons taking FSW courses, both full-time and part-time; or
- 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, students who are first time enrollees, or applicants, who engage in misconduct prior to the time of enrollment; and/or
- All people who are attending an FSW course although they may be enrolled students in other educational institutions.

- 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.

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.

Faculty Member or Instructor

Any person hired by the college to conduct classroom or teaching activities or who is otherwise considered by the college to be a member of its faculty.

Case Administrator

Means a college official authorized on a case by case basis by the Associate Vice President, Student Life or designee to impose sanctions and to conduct the hearing process upon any student or students found to have violated the Student Code of Conduct.

Student Conduct Board

Any person or persons authorized by Associate Vice President, Student Life or designee to determine whether a student(s) has violated the student code of conduct and to recommend sanctions when a violation has been determined.

Appeals Designee

Any person or persons authorized by the Chief Student Affairs Officer to consider an appeal regarding whether a student has violated the Student Code of Conduct or of the sanctions imposed or recommended by the Case Administrator or Student Conduct Board.

Reporting Party

The individual or entity that initiates a report about an incident, offense, or transaction.

Respondent

The individual who has been reported to be the perpetrator of conduct that may violate the institution's policy against sex discrimination, such as sexual harassment, sexual assault, dating violence, or stalking, and is responsible for responding to the allegations during the investigation.

Complainant

The person alleging they've experienced sex-based discrimination, harassment, or violence, often defined as the alleged victim.

Witness

Any person with relevant information about an alleged incident, providing direct knowledge, secondary knowledge, or expert testimony.

Advisor

An Advisor is a support person who assists a student in navigating the student conduct process by providing guidance and procedural support, without serving as a representative or advocate unless otherwise allowed by policy (Refer to Statute 1006.60).

Attorney

As an attorney for the student, it is your responsibility to abide by all expectations established by the Florida Bar Association with respect to the autonomy of administrative processes. Additionally, the College expects that you will behave professionally and cooperate fully with the student disciplinary process; should your actions become disruptive to the process, you will be asked to remove yourself from the process.

Conduct Board Hearing Chair

The person at a Conduct Board Hearing responsible for maintaining order, determining the admissibility of information, facilitating deliberations, and announcing Conduct Board recommendation to the Case Administrator.

Peer Conduct Navigator

An individual who provides procedural guidance or consultation to a Respondent who is charged with a violation under the Code. The Peer Conduct Navigator is an assistant from the Conduct Board, another Student, or a faculty or staff member who is not an Attorney. Peer Conduct Navigators do not act as representatives or advocates for the Respondent. A Respondent is responsible for presenting their case even when a Peer Conduct Navigator is present.

Student Organization

Any organization at an institution of higher education - including, but not limited to, a club, society, association, varsity or junior varsity athletic team, club sports team,

fraternity or sorority, band, or student government - in which two or more members are students currently enrolled at the institution. This definition applies regardless of whether the organization is formally established, registered, or recognized by the institution.

Possession

Knowingly or intentionally having physical control of an item (such as alcohol, drugs, drug paraphernalia, weapons, or stolen property), or being responsible for a room, vehicle, or other space where the item is found and knowing, or reasonably expected to know, that it was there. If an item is found in a room, vehicle, or other space, it is generally assumed that the person responsible for that space knew about it, unless they can provide enough information to show otherwise.

Recusal

The act of removing oneself from participation in a decision-making process, investigation, hearing, review when a real or perceived conflict of interest, bias, or personal involvement could compromise impartiality.

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:

Cheating (Academic Misconduct)

Copying and/or taking credit for another's work by gaining an unfair advantage through obtaining materials by unauthorized means or materials.

Commercial Use of Academic Materials

The selling, sharing, or distribution of course materials to another individual, or the uploading of course materials to any third-party website or vendor, without prior authorization or the express written permission of the instructor. Course materials include, but are not limited to, class notes, slide presentations, examinations, quizzes, laboratory materials, instructional materials, homework assignments, study guides, and handouts.

Violation of Syllabus

Any action by a student that fails to follow the rules, expectations, or policies state in the course syllabus.

Unauthorized Assistance

Any help, support, or use of materials that a student receives or provides that is not explicitly permitted by the instructor or outlined in the course syllabus. This includes getting help on exams, quizzes, assignments, or academic work from people, tools, or sources that are prohibited.

Plagiarism

Using another's words, ideas, or wok without giving credit or acknowledgement, failing to provide accurate citations and/or, presenting another's work as one's own. This includes verbal or written communication.

Misrepresentation of Academic Information, Experiences, or Effort

Providing inaccurate or misleading information regarding academic information, experiences, or false information regarding coursework, absences, data, documentation, etc.

Academic Collusion (Collaborative Academic Misconduct)

Two or more students engage in actions which misrepresent an individual student's effort, academic experience or learning, and/or any contributions to assignments, exams, etc. This includes unauthorized collaboration with another student during an examination or non-approved assignment, before, during, or after the course assignment or exam.

Self-Plagiarism

Reuse of a student's previous work in any academic course without proper citation or acknowledgement.

Academic Misconduct

Any other academic misconduct which violates the rules governing academic integrity at the College.

Disruptive Conduct

Obstructing or disrupting any College activity including teaching, research, administrative functions, social activities, and public service functions.

Identification

Impersonation or misrepresenting the authority to act on behalf of another or the College. Forgery, alteration or misuse of identification, documents, records, keys, or access codes or manufacturing, distribution, delivery, sale, purchasing, possession, or use of false identification.

Alcohol

- I. Possession or use of alcoholic beverages on campus or at a college-approved function for those individuals under the age of 21.
- II. 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.
- III. Driving while intoxicated.

Drugs

- I. Possession or use of drugs on campus or at any College-sponsored program or activity.
- II. Purchase, distribution, delivery or sale of drugs.
- III. Possession or use of drug paraphernalia.
- IV. Driving while under the influence of any substances.
- V. The misuse, purchase, distribution, sale, or delivery of a prescribed drug.
- VI. The intentional use, inhalation, or ingestion of any substance not prescribed to the student, including but not limited to, alcohol, illicit drugs, or misused prescription medications, that alters or impairs the student's cognitive, emotional, or physical functioning.

Campus Disturbances and Demonstrations, Parades, or Picketing

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.

Solicitation and Fundraising on Campus

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.

Computers

Any act that violates the Technology Acceptable Use Policy.

Disruptive Conduct

- I. Obstructing or disrupting any College activity including teaching, research, administrative functions, social activities, and public service functions.
- II. Engaging in any obscene, profane, reckless, destructive, or unlawful course of conduct.
- III. Failure to comply with a directive of a college official or any non-College law enforcement official.
- IV. Providing false information to a College Official or to any public official that has a connection or impacts the College community. This also includes falsifying the Admissions Application or other documents submitted to the College.
- V. Acts that impair, interfere with, or obstruct the orderly processes and 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.
- VI. Any act which deliberately obstructs or interferes with the normal flow of pedestrian or vehicular traffic.
- VII. Any acts that disrupt the College disciplinary process.

Endangerment

- I. Physical violence towards another person or group.
- II. Engaging in conduct that infringes on the rights of others. Any action that puts the health, safety, or well-being of the student or others at risk. Knowingly making a false report of an explosive or incendiary device or any other threat and/or emergency, creating a safety risk or causing harm. Retaliation against a complainant or other person alleging misconduct.
- III. Interference with the freedom of another person to move about in a lawful manner.

Fire and Safety

- I. Illegal possession, removal of, damage to, tampering with and/or inappropriate activation of fire safety or other emergency warning equipment.
- II. Failure to evacuate a college building or facility when a fire alarm is sounded.
- III. Intentionally or recklessly causing a fire that may result in damage to college property or harm to an individual.

Gambling

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

- II. Students, student organizations and athletic-related groups may not play, sponsor, or promote any unlawful game of chance involving money or items of value on College premises or at events sponsored by a registered student organization.
- III. Students, student organizations and athletic-related groups may not unlawfully sell, trade, distribute, or otherwise transfer vouchers or any items used for participation in a game or scheme of chance - by any name - on College premises or at activities sponsored by a registered student organization.
- IV. Utilizing campus Wi-Fi for online gambling/betting purposes.

Harassment

- I. Conduct (not of a sexual nature), that creates an intimidating, hostile, or offensive environment for another person.
- II. Action(s) or statement(s) that threaten harm or intimidate another.
- III. Acts that invade the privacy of another person.
- IV. Stalking: To follow or otherwise contact another person repeatedly, to put that person in fear for their life or personal safety.
- V. Unwelcome verbal or physical abuse which causes the recipient discomfort or humiliation, or which interferes with the recipient’s academic performance or employment.
- VI. 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.

Note: Florida SouthWestern State College maintains a separate set of procedures to address complaints that entail accusations of unlawful 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 (COP05-0107) for more information.

Hazing

The term ‘hazing’, for purposes of reporting statistics on hazing incidents means any intentional, knowing, or reckless action taken by one person or a group against another person, whether or not the person agrees to participate, which meet both or all of the following conditions:

Connection to a Student Organization:

The action occurs as part of:

- Joining a student organization;
- Being affiliated with a student organization, or maintaining membership in a student organization

Identification

- I. Shares or permits the use of their identification (Driver's License, Buc ID, Social Security Card, Birth Certificate, etc.) by another person.
- II. Inappropriate use of another person's identification.
- III. Impersonation or misrepresenting the authority to act on behalf of another or the College. Forgery, alteration or misuse of identification, documents, records, keys, or access codes.
- IV. Manufacture, distribution, delivery, sale, purchase, possession, or use of false identification.

Property

- I. The intentional or reckless damage, misuse or destruction of public property or property of another
- II. Possession, sale, or purchase of property or services that are known or, should have been known to have been stolen.
- III. Enters or uses public property or property of another without the proper consent or authorization.
- IV. No swimming/wading or fishing is allowed on campus lakes.
- V. Animals are not permitted on campus except for service animals assisting individuals with disabilities or animals approved for specific college-sanctioned events or activities.
- VI. The use of any recreational wheeled device, including, but not limited to, electric micro mobility devices, scooters, skateboards, hover boards, and bicycles, inside any campus building, including Light House Commons, is prohibited.
- VII. Except for approved recreational, educational or research activities, no person shall disturb or harm any wildlife which is found on campus.

Sexual Misconduct

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

Tobacco/Electronic Cigarettes

FSW is a smoke-free campus. 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. Tobacco use includes all types of tobacco and tobacco-like products including smokeless 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.

Weapons

- I. Possession of firearms, electric weapons or devices, destructive devices, or other weapons as defined in Section 790.001(13), Florida Statutes, is prohibited on any College campus, at College facilities, or at College-sponsored events.
- II. Possession of firearms, ammunition (such as bullets), explosives, knives, or any other weapons or dangerous items on College campuses, at College facilities, or at College-sponsored events is prohibited. This prohibition includes, but is not limited to: non-lethal weapons, such as pellet guns.
- III. Any item that can be used as a weapon, including but not limited to, tasers, stun guns, or any other object, as well as any item that resembles a weapon.
- IV. Using any item as a weapon.

Disciplinary procedures for violations of the FSW Code of Conduct are detailed later in this document.

Other Violations

- I. Violation of Federal or State law or local ordinance on or off campus.
- II. Aids or abets any other violation of Federal law, State law or local ordinance.
- III. 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, FSW Safety in Private Spaces Policy, Hazing Policy, Freedom of Speech & Expression Policy, and Student Government Association manuals/policies, all of which are hereby adopted by reference.

Preponderance of Evidence

Standard shall be used in all Code of Conduct proceedings to determine responsibility. Under this standard, a finding of responsibility shall be made when the evidence, taken as a whole, establishes that it is more likely than not that the alleged violation occurred.

Consolidation of Cases and Assignment of Hearing Officer

In cases where conduct involves multiple allegations of violations, the Chief Student Affairs Officer or designee has the authority to handle all matters simultaneously through a joint hearing. If a Student is found Responsible for simultaneous Conduct and/or Academic Misconduct violations, sanctions from both processes may be imposed.

CONDUCT PROCEDURES

Student's Rights & Responsibilities

- Students are entitled to a fair and impartial hearing in accordance with the Student Code of Conduct.
- Students will receive written notice of the alleged violations and the misconduct on which the charges are based. Students will have reasonable access to the case file before and during the Hearing.
- Students may request the recusal of a participant by submitting a written request outlining the basis for the concern to Community Standards. The determination regarding recusal will be made by Community Standards. If a recusal is granted, an alternate will be appointed in accordance with College procedures.
- Students may review any available information supporting the charges during the Information Session and at the Hearing. Students may take notes from this information for use during the Hearing.
- Students may choose not to make a statement in response to the allegations. Choosing not to speak will not be considered an admission of responsibility.
- Students may have an advisor of their choice, at their own expense. Students are responsible for arranging the advisor's attendance.
- Students may hear and question witnesses who participate in the Hearing. For cases involving sexual misconduct or abuse, please refer to the FSW Title IX Reporting and Resolution Process for specific procedures.

Students who need Accommodations

Students who anticipate the need for disability-related accommodations for an information session or administrative hearing must self-identify with Adaptive

Services if they have not already registered. Accommodation requests must be submitted at least five (5) business days in advance of the scheduled session or hearing to allow sufficient time for review and implementation.

Please note, should the student fail to attend the scheduled Information Session, the Hearing will be held in the student's absence and the findings, including any sanctions, will be made using the information available at the time of the Information Session.

Conduct Process

This section of the code describes Student Conduct proceedings for Students and Student Organizations at Florida SouthWestern State College.

Filing an Incident Report

A student and student organization's conduct may be reported by any individual or entity for review of a potential conduct violation(s). A report may be submitted in writing using the designated referral form. Currently, the form is the Incident Reporting Form.

Timely Reporting

Any Code of Conduct incident (academic or conduct) should be submitted as soon as possible after the incident takes place. If an incident is not reported within six (6) months of the time it becomes known by the reporting party, it will be considered untimely unless Community Standards concludes that there has been good cause for the delay and that it is still feasible to hold a fair hearing.

Upon receipt of the Incident Report (Academic or Conduct) Community Standards will determine if the incident is unfounded or frivolous, and if so, they shall dismiss the report. Community Standards will also determine of the level of seriousness of an incident or report.

All reported information will be reviewed by Community Standards to determine appropriate next steps to include, but are not limited to, further fact gathering, issuance of Charges, referral to another department, or an Information Session to determine resolution of the report and potential conduct violations.

Note: Nothing in this regulation shall prevent the mediation of a complaint when deemed appropriate by the College.

Notice of Charges

The notice of potential violations of the Code of Conduct will be sent in the Information Session Letter via the student's official FSW Buc's email.

Information Session

The purpose of the Information Session is to provide the student with notice of potential Code of Conduct violation(s) and to ensure the student is aware of their rights, responsibilities, and available procedural options. The session is scheduled with consideration of the student's academic class schedule and serves as the initial step in the student conduct process.

During the Information Session, the following will be covered:

- I. Student's Rights & Responsibilities
- II. Student Code of Conduct and the basis of the charges
- III. Review the Incident Report and any additional information related to the incident
- IV. Provide an overview of the student conduct process, including applicable procedures and potential outcomes.

Following this review, the student will be given the opportunity to select how they wish to proceed. Resolution options may include:

- I. An Administrative Conference, when appropriate and if the student elects to proceed at that time;
- II. Scheduling an Administrative Hearing; or
- III. Requesting resolution through a Student Conduct Board Hearing.

In specific circumstances, the Case Administrator may determine the type of hearing based on the nature and severity of the alleged violations, the circumstances of the incident, and the range of potential sanctions that may apply.

If the student fails to appear for scheduled Information Session, Administrative Hearing, or Student Conduct Board Hearing, or fails to respond to written notification after being properly notified at their official student FSC Buc's email, the student has waived the right to appear and the hearing may proceed as scheduled. If the student requests multiple reschedules that unreasonably delay the process, the case may proceed in absentia. Absence of the student in such circumstances does not constitute grounds for an appeal. The Case Administrator will determine the outcome of the case based on the information provided in the student's absence.

Administrative Conference

Student decides to resolve through an Administrative Conference during the Information Session with the Case Administrator. The purpose of an Administrative Conference is to provide the student with an opportunity to resolve their case informally with the Case Administrator. During the conference, the Case Administrator will review the information provided by the student, along with the available evidence, and decide regarding the case. Administrative Conference resolutions and sanctions are intended to provide the student with an immediate resolution. With the Administrative Conference, the student waives the right to seven (7) business day notification of an Administrative Hearing.

Administrative Conferences are not recorded by the College or the student.

Administrative Hearing

The purpose of an Administrative Hearing is to provide a student with the opportunity to resolve a case through a more formal process with the Case Administrator. During the Administrative Hearing, the Case Administrator will review the information provided by the student, along with any relevant evidence, and determine regarding the case.

Students may present relevant witnesses and submit additional relevant evidence for consideration. All witness names and contact information, as well as any supporting documentation or evidence, must be submitted to the Case Administrator in writing and in a readable format (e.g., Word or PDF) no later than three (3) business days prior to the scheduled Administrative Hearing.

Students must notify the Case Administrator at least five (5) business days in advance if an advisor will be present at the Administrative Hearing and must indicate whether the advisor is an attorney. If the student's advisor is an attorney, FSW's General Counsel will be present at all proceedings.

Administrative Hearings are not recorded by the College or the student.

Student Conduct Board Hearing

The purpose of a Student Conduct Board Hearing is to provide a student with the opportunity to resolve a case through a formal process before the Student Conduct Board. During the Student Conduct Board Hearing, the Board-comprised of one (1) Student Chair, three to five (3-5) student members, one (1) faculty member, and one (1) staff member-will review the information provided by the student, along with any relevant evidence, and determine regarding the case.

Students may present relevant witnesses and submit additional relevant evidence in accordance with the procedures outlined above. All witness information and supporting documentation must be submitted within the established timelines prior to the scheduled hearing.

The Case Administrator will serve as an advisor to the Student Conduct Board but is not a voting member and will not influence or participate in the Board's decision-making process. The Case Administrator's role is limited to providing procedural guidance and support to the Board. The voting members of the Student Conduct Board will make the determination of the outcome of the case. If the Student Conduct Board cannot reach a decision, the determination will be made in the student's favor, resulting in a finding of not responsible.

Students must notify the Case Administrator of any advisors or other applicable requirements in accordance with the procedures outlined above.

Postponement of Hearing

Any request to postpone any Hearing or Meeting must be submitted in writing by the student and/or student organization at least five (5) business days prior to the Hearing to Community Standards. The request must state the reason(s) for the postponement. Community Standards will review the request and make the final decision. The College is not required to postpone the Student Conduct Process pending the outcome of any civil or criminal case.

Hearing Structure

The purpose of this hearing structure is to ensure a fair, consistent, and transparent process for addressing alleged violations of the Code of Conduct. This unified hearing structure applies to both academic misconduct and non-academic (behavioral) conduct violations. This hearing structure is designed to provide a fair, consistent, and educational process for reviewing alleged violations of the Code of Conduct. The procedures used do not follow a formal courtroom or legal model, and the hearing process is not intended to function as a legal proceeding in any form. Instead, the process is educational in nature, emphasizing accountability, learning, and the reinforcement of community standards. The unified hearing structure applies to both academic and non-academic (behavioral) violations, this ensures procedural consistency, impartial treatment, and allows for due process for all participants, while upholding community standards and institutional integrity.

Preponderance of Evidence Standard

The preponderance of evidence standard is used to determine responsibility in Code of Conduct proceedings. Under this standard, a determination is made based on

whether it is more likely than not that a violation of the Code of Conduct occurred. This standard requires that the evidence, taken as a whole, supports the conclusion that a violation is more probable than not. The preponderance of evidence standard reflects the educational nature of the conduct process and is not a legal or criminal burden of proof.

Notification

Written notice is provided seven (7) business days before the Hearing to the official student FSW Buc's email. This written notice will include: a brief description of the incident and the alleged violations of the Student Code of Conduct including:

- I. The date, time and location of the Hearing.
- II. Student Rights and Responsibilities.
- III. The Hearing process and procedures.

The following outlines the general order of the hearing process for Conduct Hearings.

This format serves as a guide and may be modified at the discretion of Community Standards, Associate Vice President for Student Life, or designee.

Note: The Student Conduct Board or Case Administrator may question any party or witness at appropriate points during the hearing.

Order of Proceedings

- I. Review of hearing procedures and information/evidence in case
- II. Presentation of Code of Conduct violations (academic or conduct) and information or evidence pertaining to the case
- III. Opening statement and presentation of relevant information by the student
- IV. Questions posed to the student by the Student Conduct Board or Case Administrator, and/or review of the student's statements (written or verbal)
- V. Questioning of relevant, voluntary College witnesses, followed by questioning of the student's relevant voluntary witnesses
 - o Questioning order
 - Case Administrator
 - Student/Student Organization
 - Advisor
- VI. Questions directed to the student by the Student Conduct Board or Case Administrator
- VII. Closing statements by the student
- VIII. Closed deliberation by the Student Conduct Board or Case Administrator
- IX. Notification of determination of responsibility to the student at the official student FSW Buc's email within seven (7) business days

- X. Appeal deadline is seven (7) business days upon receipt of notification of determination of responsibility.

Advisor

If the advisor, advocate, or legal representative does not adhere to their defined role in the Student Conduct Process, they may be removed from the disciplinary proceeding at the discretion of the Case Administrator or Student Conduct Board Chair. The student has the right to a chosen advisor, who may not serve in any other role, including as an investigator, decider of fact, hearing officer, or member of a committee or panel convened to hear or decide the charge or any appeal.

The student's advisor, at the student's, or student organization's own expense, may be present at any proceeding or meeting and may participate in the proceeding, including the presentation of relevant information and questioning of witnesses, at a designated time determined by the Case Administrator.

Advisors may not speak on behalf of the student, submit documentation, file appeals, or send emails in place of the student. The advisor's role is limited to providing guidance and support and does not include acting as the student's representative or defense. In addition, Community Standards will correspond at all times directly with the student, and not through any third party regardless of the student's relationship with the chosen advisor, advocate, or legal representative.

If a student chooses to have legal representation, notification must be given to the Case Administrator no less than three (3) business days prior to the hearing, in writing. FSW's General Counsel will be present any time legal representation is present. Note, the General Counsel may, as deemed appropriate, be present at any proceeding.

A student may select one advisor for the duration of the hearing process. Requests to change an advisor due to extenuating circumstances must be submitted in writing to the Case Administrator and must identify the reason for the request and the proposed new advisor.

Witnesses

The witnesses must provide relevant information to the case. The Hearing process is educational in nature, as such, no character witnesses will be a part of the process. All witness participation in hearings is voluntary. The College cannot compel any person to attend a student disciplinary hearing on behalf of a student. Any coercion by the student may result in additional conduct charges.

Student must provide a list of witnesses in writing to the Case Administrator no later than three (3) business days prior to the hearing.

The Case Administrator or the Student Conduct Board Chair shall have the authority to limit the number of witnesses in order to avoid unreasonable delays where the testimony of these witnesses is repetitious or irrelevant. The College cannot compel any person to attend a student disciplinary hearing on behalf of a student.

Questioning of witnesses shall be conducted by the Hearing Officer or, where applicable, the Student Conduct Board Chair, the student, and at applicable times, the student's advisor. Each witness will be advised of the obligation to provide truthful statements. If it is later determined that a student provided false or inaccurate statements during a hearing, the student may be charged with a violation of the Code of Conduct.

Recordings

No audio, video, or other recordings are permitted during any hearing, meeting, or disciplinary proceeding by any participant, Case Administrator, or Student Conduct Board.

*Note: The hearing process may vary at the discretion of the Associate Vice President for Student Life, Community Standards, or designee.

College Adjudication of Academic Misconduct

Adjudication of Academic Misconduct

When a faculty member believes there is sufficient evidence that academic misconduct may have occurred, the following procedures will apply. *All procedures must be completed within seven (7) business days of the initial report.*

Initial Faculty-Student Communication

- I. The faculty member will communicate directly with the student via the student's official FSW Buc's email, informing them of the allegations and charges.
- II. This correspondence will include:
 - a. A review of the alleged academic misconduct.
 - b. Possible Code of Conduct violations.
 - c. Any evidence, witnesses, and supporting documentation.
 - d. Any proposed academic sanction(s).

Faculty-Student Meeting

- I. The faculty member will request a meeting with the student to review the allegations, evidence, and proposed sanctions.
- II. This meeting may take place in person or through mutually agreed-upon electronic means.
- III. The faculty member may request an impartial advisor to be present but must inform the student in advance, providing the advisor's name and role.
- IV. The student has the right to contest the advisor's presence if they believe the advisor may be biased.

Advisor-Student Representation

- I. The student has the right to a chosen advisor, who may not serve in any other role, including as an investigator, fact-finder, hearing officer, or member of any committee or panel convened to hear or decide a charge or appeal.
- II. The advisor, at the student's own expense, may be present at any proceeding and may participate, including presenting relevant information and questioning witnesses, during the hearing with the faculty.
- III. Advisors may not speak on behalf of the student, submit documentation, file appeals, or communicate in place of the student.
- IV. The advisor's role is limited to providing guidance and support and does not include acting as the student's representative or defense.

Academic Misconduct Report Submission

- I. The faculty member will submit an Academic Misconduct Report, including:
 - a. All documentation related to the allegation.
 - b. Any correspondence with the student.
 - c. Evidence of the violation and supporting materials.

Student Responsibility

Student Accepts Responsibility with the Faculty Member

- I. If the student accepts responsibility, Community Standards will notify the student, faculty member, and Dean.
- II. The Outcome Letter will be placed in the student's conduct file, and the matter is considered resolved.

Student Does Not Accept Responsibility

- I. If the student does not accept responsibility or fails to respond, the case is referred to the Conduct process.

- II. The Associate Vice President of Student Life or designee will notify the student of the Information Session details.
- III. The student may attend the Information Session to ask questions and review documentation.
- IV. The student may resolve the case with the Hearing Officer during the Information Session.
- V. If student does not accept responsibility or fails to respond to Faculty, the case will be referred to the Conduct process and follow the Conduct Process as outlined in the Code of Student Conduct.

*Note: The hearing process for academic misconduct may conclude with a determination that the student is not responsible; however, this determination does not affect the faculty member's authority to evaluate coursework or assign grades. Decisions regarding assignment grades and final course grades remain solely the responsibility of the professor assigned to the course. A finding of not responsible does not automatically result in a change to any assignment grade or final course grade. This determination does not preclude the student from requesting a Late Withdrawal or Late Drop following the outcome.

Formal Hearing Process

If student does not accept responsibility or fails to respond to Faculty, the case will be referred to the Conduct process and follow the Conduct Process as outlined in the Code of Student Conduct.

*Note: The hearing process for academic misconduct may conclude with a determination that the student is not responsible; however, this determination does not affect the faculty member's authority to evaluate coursework or assign grades.

Decisions regarding assignment grades and final course grades remain solely the responsibility of the professor assigned to the course. A finding of not responsible does not automatically result in a change to any assignment grade or final course grade.

This determination does not preclude the student from requesting a Late Withdrawal or Late Drop following the outcome.

Appeals

The Chief Student Affairs Officer or designee is the final appeal at Florida SouthWestern State College. The Chief Student Affairs Officer or designee is responsible for reviewing substantive or procedural appeals from the decisions of a Student Conduct Board or Case Administrator. The appeal of the outcome of a conduct case must be based on one or more of the following causes:

- I. Due process errors including the College's failure to provide the student with notice or an opportunity to be heard.
- II. The sanction is extraordinarily severe in relation to the offense committed.
- III. New material or information that can be provided that was not available at the time of the original proceeding.

All appeals must be postmarked or received in correspondence within seven (7) business days of the date of the "Notice of Decision and Sanction" to the Chief Student Affairs Officer or designee, via the form in the outcome letter, for consideration. All appeals must specify the basis for the appeal. No person may hear or decide an appeal if he/she conducted or participated in the Hearing.

The student's status will remain unchanged pending the appeal determination by the Chief Student Affairs Officer or designee, (that is, a student shall remain eligible to attend classes and College activities pending the College's final decision in the student conduct proceeding), except where the Chief Student Affairs Officer or designee, determines that the safety, health or general welfare of the student or the College Community is involved, in which case a student's privileges at the College, including the ability to attend classes or engage in College activities, may be suspended on an interim basis as described under Interim Measures Provision.

After considering the appeal, the Chief Student Affairs Officer or designee, may reopen the Hearing, with a new Conduct Board or Case Administrator, uphold or reverse the prior decision of the Case Administrator or board, or revise the sanction. The Chief Student Affairs Officer or designee, shall provide the student written notice of the decision within seven (7) business days of receipt of the appeal request.

The appeal determination of the Chief Student Affairs Officer or designee, is final and binding on all parties. There are no further appeals within the College.

SANCTIONS

Florida SouthWestern State College strives to apply educational sanctions that help students make better choices in the future. Sanctions are designed to support the development of the student while also protecting the safety and wellbeing of the campus community. Sanctions will become progressively more serious if a student continues to violate College policies, showing that the intended learning has not occurred. Accumulating multiple violations may result in severe consequences, including suspension, administrative dismissal, or expulsion. Violations involving academic dishonesty or those that affect the health, safety, or wellbeing of the College community are considered especially serious and may result, even on a first offense, in suspension, administrative dismissal, or expulsion.

Sanctions include, but are not limited to:

- I. **Warning:** A formal notice that a student has violated the Code of Conduct. It serves to inform the student that their behavior was unacceptable and that further violations may result in more severe disciplinary action. A warning is intended a guidance and is not recorded on the student's official disciplinary record.
- II. **Disciplinary Probation:** A formal status indicating that a student has violated the Code of Conduct. During the probation period, the student is allowed to remain enrolled but must comply with all institutional rules and any additional conditions set by the institution. Any further violations or failure to meet the conditions of probation may result in more severe disciplinary action, up to and including suspension or removal from the institution.

Interim Measures

The Chief Student Affairs Officer or designee, is authorized to determine if an alleged violation of the Student Code of Conduct warrants interim measures. Interim Measures may be implemented any time prior to the conclusion of the conduct process, including the appeal process.

The criteria used in making this determination is:

- I. Whether a student poses an ongoing threat of harm, or interference with the normal operations of the College; and
- II. Whether interim measures are necessary to protect the health and wellness, safety or general welfare of the College Community, or to protect and preserve College property.

Interim measures include, but are not limited to, one or more of the following:

- I. **Interim Suspension.** If the Chief Student Affairs Officer or designee, determines that other interim measures are necessary to protect the health, safety, or welfare of the student or the College Community, they may:
 - a. Restrict or ban attendance of any or all classes.
 - b. Restrict or ban access or contact with individuals in the College Community.
 - c. Restrict or ban access to college property, places, facilities, or equipment.
 - d. Restrict or ban participation in college activities or organizations, or activities.
 - e. Restrict or ban college housing.
 - f. Suspend the FSW student organization and/or advisor.

The Chief Student Affairs Officer or designee, may immediately place a registration hold on any student. A registration hold may prevent the student from accessing, changing, or altering their course registration and/or admission status.

The Chief Student Affairs Officer or designee, may also request that a student's access to the portal, email, Canvas and other online information access be suspended.

Implementation of interim measures, requires the student be notified in writing immediately upon the determination that an interim measure(s) is warranted. The notice shall state the basis for the interim measure(s) and that the student will have the opportunity to inspect all information that initiated the interim measure(s). The written notice will be sent to the student's official FSW Buc's email. The College may also communicate the determination verbally to the student but must also concurrently deliver the written notice as described above. The student has three (3) business days from the date of the notice to make a written request to appeal the interim measure(s). The appeal of the interim measure(s) will be heard by the Chief Student Affairs Officer or designee, within three (3) business days of receipt of the appeal. The Hearing may be delayed due to a semester break or closing of the College. The notification of decision shall be in correspondence via email to the student's official FSW Buc's email within three (3) business days of hearing the appeal. The student's appeal of the interim measure(s) must be based on one of the following:

- A. An egregious error pertaining to the student's or organization's involvement.
- B. Contention that the violation, even if proven, does not pose a threat to the health, safety or general welfare of the College Community and thus does not warrant interim measures.

As a result of an appeal, if it is determined by the Chief Student Affairs Officer or designee, that the interim measure be overturned, the student's status will be reinstated, and the conduct process will continue in accordance with the Student Code of Conduct.

If the student does not appeal the interim measure, the conduct process will continue in accordance with the Student Code of Conduct.

Deferred Suspension

A disciplinary sanction in which a student is permitted to remain enrolled under specified conditions for a defined period. If the student is found responsible for any violation of the Code of Conduct or fails to comply with the conditions of the deferral, the suspension will be enacted immediately, and the student will be removed from FSW.

Disciplinary Suspension

A disciplinary action in which a student is temporarily removed from enrollment and all campus activities for a specified period of time. During the suspension, the student is not permitted to attend classes, participate in institutional activities, or access campus facilities. The college will impose Disciplinary Suspension immediately following the completion of the Student Code of Conduct process. All recommendations for suspension must be reviewed and approved by the Associate Vice President, Student Life or designee. Requirements for admission after suspension can be specified.

Administrative Dismissal

Separation from the College for a determined 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 Chief Student Affairs Officer or designee.

Expulsion

The permanent removal of a student from the institution by the Chief Student Affairs Officer or designee with no possibility of re-enrollment. The student is prohibited from attending courses, participating in campus activities, or accessing institutional facilities. Expulsion is the most severe disciplinary sanction and is imposed for the most serious violations of the Code of Conduct.

Other

An action for follow up to ensure compliance and success for the student, and the welfare of the community. This also includes any actions determined by the student and/or the Chief Student Affairs Officer.

Additional Sanctions

- I. No Contact Order: Prohibition of contact with a specified person within the College Community. More information is provided in communication with the student.
- II. Disciplinary measures that may be imposed on a student in conjunction with other primary sanctions (such as warning, probation, or suspension). These may include, but are not limited to, educational assignments, community service, restitution, loss of privileges, or other requirements deemed appropriate by the institution. Additional sanctions are intended to promote accountability, repair harm, and prevent future violations.

Accommodations

Students who anticipate the need for disability-related accommodations for an information session or administrative hearing must self-identify with Adaptive Services if they have not already registered. Accommodation requests must be submitted at least five (5) business days in advance of the scheduled session or hearing to allow sufficient time for review and implementation.

Medical Amnesty Policy

Amnesty from Student Code of Conduct Sanctions Where Medical Attention is Sought:

Student health and safety are of primary concern at Florida SouthWestern State College. As such, in cases of extreme intoxication or other medical emergency as a result of the ingestion of alcohol or drugs, the College encourages individuals to seek medical assistance for themselves or others. If an individual seeks such medical attention, Community Standards will not pursue student conduct sanctions against the student for alcohol or drug violations of the Code of Conduct. Students who seek or assist in obtaining medical attention for themselves or others are exempt from Code of Conduct violations related solely to alcohol or drug use. This protection does not apply to other Code violations and does not limit police or law enforcement action. This policy does not grant amnesty to possession with intent to distribute drugs or alcohol.

In lieu of sanctions under the *Student Code of Conduct*, the intoxicated student, as well as the referring student(s), will be required to meet with a member of the Community Standards staff or designee, who may issue educational sanctions that may include, but are not limited to, alcohol and/or drug education, and/or any other educational sanction they deem appropriate. Serious or repeated incidents will prompt a higher degree of concern/response/possible charges. Failure to complete educational sanctions issued under this policy will result in disciplinary action.

The Medical Amnesty Policy does not preclude sanctions due to any other violations of the Code of Conduct. Likewise, this policy does not prevent action by police or other law enforcement personnel.

Application to Student Organizations:

In circumstances where an organization is found to be hosting an event where medical assistance is sought for a member or guest, the organization (depending upon the circumstances) may be held responsible for violations of the Alcohol Beverage or Drugs Policy. However, the organization's willingness to seek medical assistance for a member or guest *will* be viewed as a mitigating factor in determining a sanction for any Code of Conduct violations.

Policies on discrimination and harassment are implemented and managed in Human Resources, specifically within the office of Title IX.

Academic Policies and Procedures Relating to Students - Florida SouthWestern State College

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