

# PROCEDURE

<b>Subject</b>	<b>Disciplinary Proceedings for Violation of Standards of Student Behavior</b> <span style="float: right; font-size: small;">Page 1 of 11</span>	<b>Number:</b> 4.10.01
<b>Source</b>	Vice President , Student Affairs	<b>Reference (Rule #)</b> 6HX14-4.10
<b>President's Approval Date:</b> 02/25/2014		

## I. PURPOSE

The District Board of Trustees of State College of Florida, Manatee – Sarasota, faculty and staff are determined that the campus be a place of learning, safety, shared responsibility and harmony. To ensure this quality environment, SCF reserves the right to remove any person who acts to impair or prevent the accomplishments of any of the College’s lawful missions, processes, or activities.

All faculty, staff, and students (the “College Community”) have an obligation to foster an atmosphere of mutual respect and high regard for the welfare and property of the College Community.

It is expected that all members of the College Community will share respect for the law and adhere to the highest ethical and moral standards of conduct. In the event that these high standards are not observed, the College will take action to enforce and protect its interests. Student conduct on campus, at off- campus sponsored activities and facilities, or electronically is expected to be supportive of these interests

**Attendance at State College of Florida, Manatee – Sarasota is a privilege, and as such each student, by application, registration, and/or enrollment, assumes the responsibility to become familiar with and to abide by College regulations and acceptable standards of conduct.** Students who fail to observe College regulations or to maintain acceptable standards of personal conduct on the campus, at College sponsored functions or facilities or via electronic media are subject to disciplinary action. SCF reserves the right to discipline a student for activities which take place off campus when those activities adversely affect the College Community. Disciplinary action by the College may proceed while criminal proceedings are pending and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced.

## II. DISCIPLINARY SANCTIONS AND CONFLICT RESOLUTION PROCEDURES

Violation of any Standards of Student Behavior contained in the State College of Florida, Manatee - Sarasota Catalog and Student Handbook, supporting Board of Trustees Rule 6HX14-4.10: Standards of Student Behavior, will be subject to College disciplinary action; records of which will be placed in College judicial files.

### A. Academic Ethics

## 1. Degrees of Disciplinary Sanctions

When a faculty member has information that a student has violated academic ethics in a course or program for which he or she is responsible and substantiates that a violation has occurred, he/she will inform the student. Within five (5) working days, based upon the nature and severity of the violation, the faculty member has the right to impose one or more of the academic sanctions listed. This listing serves as an example of possible sanctions; not a definitive, comprehensive list of possible sanctions.

- a. Possible disciplinary sanctions
  - Warning without further penalty.
  - Requiring re-writing of a paper containing plagiarized material.
  - Lowering a paper or project grade by one full grade or more.
  - Assigning a failing grade on a paper containing plagiarized material.
  - Assigning a failing grade on an examination in which cheating occurred.
  - Lowering a final grade by one full grade or more.
  - Assigning a failing grade in a course.
- b. Refer the matter to the department chairperson following the procedure set forth.
- c. Impose one or more of the academic sanctions listed AND refer the matter to their department chairperson following the procedure set forth.

If a faculty member announces a failing grade in the course as a possible result of academic dishonesty, the student receiving such a penalty will not be permitted to withdraw from the course unless the final decision in the adjudication process finds such penalty to be excessive.

Faculty members shall report all sanctions they impose, in writing, within five (5) working days, to their respective department chairperson. The report shall include a brief description of the incident and rationale for the sanction. A copy of the report is to be given to the student. The department chair will maintain a copy of such reports for the duration of the student's enrollment at the College.

## 2. Conflict Resolution Procedure

Students who feel they have been erroneously penalized for an academic ethics infraction or think that the penalty is inappropriate may, within ten (10) working days of notification of the academic sanction, appeal the matter through Procedure 4.14.01; Student Request for Conflict Resolution as Related to Academic Matters.

## **B. Computer Ethics**

### 1. Degrees of Disciplinary Sanctions

The following are the degrees of disciplinary sanctions which may be taken for student violations of computer ethics policies.

- a. Apology – A written statement of regret written by the individual or group and approved by the Vice President, Student Affairs.

- b. Warning – A verbal or written notice to the student that continuation or repetition of specified conduct will be cause for further disciplinary action.
- c. Censure – A written reprimand to the student for violation of a specified regulation.
- d. Disciplinary Probation – A written reprimand and warning to the student that a repetition of violations may be grounds for more serious disciplinary action; also may include exclusion from participation in student privileges or extracurricular College activities, or temporary/permanent loss of privilege or use of designated College facilities for a specified time as set forth in the notice of disciplinary probation.
- e. Restitution – Reimbursement for damage to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.
- f. Suspension – Exclusion from classes and other student privileges or activities as set forth in the notice of suspension pending final determination of an alleged violation.
- g. Expulsion – Termination of student status for a definite period of time. At the end of this period of expulsion, the student is eligible to apply to the Vice President, Student Affairs for consideration for re-admission.
- h. Dismissal – Permanent termination of student status. A notation shall appear on the College Record.
- i. Violation of acceptable classroom behavior for Computer Ethics Policies – Online Instruction will be subject to the same degrees of disciplinary sanctions as those provided for under Academic Ethics and/or Behavioral Expectations and Regulations.

## 2. Conflict Resolution Procedure

The time limits provided in this Procedure shall be strictly observed by all parties, unless extended by written agreement of the parties. The number of days indicated at each step will be considered maximum and every effort will be made by all parties to expedite the process.

In each of the procedural steps, working days shall be defined as any day the College is open for business and shall EXCLUDE Saturdays, Sundays, any holiday the College has published as “College Closed,” and emergency closings.

### Step One – Reporting Misconduct

It is the policy of State College of Florida, Manatee - Sarasota to maintain the best possible computing facilities for its users. These facilities include large and small systems, communications networks and personal computers as well as the software, files, and data. The College believes that while computers may enhance abilities to communicate and modify the means by which to do so, the basic ethics and rights of privacy and ownership of property must be maintained. Since the computing facilities are available to and are used by all segments of the College Community, each computer user must act responsibly to maintain and protect the rights of others.

- a. The Information Technology Services (ITS) department regularly monitors all computer system usage. When there is an indication of abuse, which either interferes with the proper functioning of the system or impinges on another user’s

- rights, ITS staff conducts an in-depth investigation. This can necessitate accessing user's files to gather evidence or to protect the system for other users. Findings of each investigation are forwarded to the campus Chief of Public Safety and Security.
- b. Anyone who knows or suspects that he/she has been a victim of unethical computer conduct, or who observes a violation of the computer ethics code, should report such incidents to the campus Office of Public Safety and Security.
  - c. Any member of the College Community may bring charges of misconduct against a student of State College of Florida, Manatee - Sarasota.

All charges must be submitted through the respective campus Office of Public Safety and Security. Forms will be provided for documentation of violations of the Standards of Student Behavior.

In all instances, the party bringing the charges will follow the procedures set forth. Step

### Two – Investigation of Allegations

- a. When the Campus Public Safety and Security office receives an allegation from a student, College employee, or the ITS department that a user knows or suspects that he/she has been a victim of unethical computer conduct, or who observes a violation of the computer ethics code, a College Offense Report will be generated, and an investigation into the allegations will be conducted.
- b. The Campus Public Safety and Security office will notify the Vice President, Student Affairs that an Offense Report has been filed and document the nature of the allegation(s).
- c. The College Public Safety and Security office will conduct a thorough fact finding process investigating the allegation(s).

### Step Three – Informal Procedure

- a. In collaboration with the Chief of Public Safety and Security, a College advisor from student services, acting in the capacity of *student advocate*, the Vice President, Student Affairs will call the student(s)/computer user(s) against whom the allegations have been made to an initial conference. The student(s) will be informed of the findings of the initial investigation by the College Public Safety and Security office.  
The Vice President, Student Affairs will also inform the student(s) of the college rules or policies that may have been violated, and the range of disciplinary actions that might be imposed. The Vice President, Student Affairs will provide the student with a copy of the procedural guidelines for adjudicating charges of violation of Standards of Student Behavior and answer any procedural questions asked.
- b. The student(s) will be given the opportunity to refute the allegations, make any statements, or provide any evidence or mitigating circumstances.
- c. If the disciplinary matter can be resolved by mutual agreement of the student(s) and the Vice President, Student Affairs, the disciplinary proceedings will terminate, subject to any terms of the agreement.
- d. If the charges cannot be disposed of by mutual agreement, the Vice President, Student Affairs will within five (5) working days inform the President in writing that a Disciplinary Committee must be convened to resolve the disciplinary action.

The Committee shall convene within ten (10) working days from the date the Vice President, Student Affairs notifies the President in writing of the need of the Committee to convene.

If the violation is viewed as jeopardizing property or the individual's welfare or that of others in the College Community, the Vice President, in collaboration with the Chief of Public Safety and Security, shall be further empowered to have the student removed from campus and enforce the restraint of the accused student's access to the College, in whole or in part, until his/her presence is required for the adjudication of the case by the Disciplinary Committee.

In the event the accused student provides the names of any witnesses, the Office of Public Safety and Security will facilitate a fact finding investigation in accordance with the provisions set forth in STEP TWO of this Procedure.

#### Step Four - Formal Procedure

- a. In any instance where the complaint is referred to the College Disciplinary Committee, the Committee shall convene within ten (10) working days from the date the Vice President, Student Affairs notified the President of the need to convene.
- b. The Committee will adjudicate the charge(s) as put forth in the Procedure under the heading:

*Committee Hearing Proceedings* as provided herein.

### **C. Behavioral Expectations and Regulations/Student Code of Conduct**

#### 1. Degrees of Disciplinary Sanctions

The following are the degrees of disciplinary sanctions which may be imposed for violation of any Behavioral Expectations and Regulations/Student Codes of Conduct.

- a. Apology – A written statement of regret written by the individual or group and approved by the Vice President of Educational and Student Services.
- b. Warning – A verbal or written notice to the student that continuation or repetition of specified conduct will be cause for further disciplinary action.
- c. Censure – A written reprimand to the student for violation of a specified regulation.
- d. Disciplinary Probation – A written reprimand and warning to the student for a repetition of violations as grounds for more serious disciplinary action; also may include exclusion from participation in student privileges or extracurricular College activities, or temporary/permanent loss of privilege or use of designated College facilities for a specified time as set forth in the notice of disciplinary probation.
- e. Removal from College-Sponsored Housing – A temporary or permanent exclusion from any College-sponsored housing accommodations without reimbursement of any type of housing allowance, or a mandatory room change.
- f. Restitution – Reimbursement for damage to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise

- compensate for damages.
- g. Suspension – Exclusion from classes and other student privileges or activities as set forth in the notice of suspension pending final determination of an alleged violation.
  - h. Expulsion – Termination of student status for a definite period of time. At the end of this period of expulsion, the student is eligible to apply to the College for consideration for re- admission.
  - i. Dismissal – Permanent termination of student status. A notation shall appear on the College Record.

## 2. Conflict Resolution Procedure

The time limits provided in this Procedure shall be strictly observed by all parties, unless extended by written agreement of the parties. The number of days indicated at each step will be considered maximum and every effort will be made by all parties to expedite the process.

In each of the procedural steps, working days shall be defined as any day the College is open for business and shall EXCLUDE Saturdays, Sundays, any holiday the College has published as “College Closed,” and emergency closings.

### Step One – Investigation of Allegations

- a. When the respective campus Office of Public Safety and Security receives or observes an allegation of a violation of Behavioral Expectations and Regulations/Student Code of Conduct, a College Offense report will be generated, and an investigation into the allegations will be conducted.
- b. The campus Office of Public Safety and Security will notify the Vice President, Student Affairs, that an Offense report has been filed, and document the nature of the allegation(s).
- c. The Office of Public Safety and Security will conduct a thorough fact finding process investigating the allegation(s).

### Step Two – Informal Procedure

- a. In collaboration with the Chief of Public Safety and Security, and a College advisor from student services acting in the capacity of *student advocate*, the Vice President, Student Affairs will call the student(s) against whom the allegations have been made to an initial conference, the student(s) will be informed of the findings of the initial investigation by the Office of Public Safety and Security office.  

The Vice President, Student Affairs will also inform the student(s) of the college rules or policies that may have been violated, and the range of disciplinary sanctions that might be imposed. The Vice President, Student Affairs will provide the student with a copy of the procedural guidelines for adjudicating charges of violation of Standards of Student Behavior and answer any procedural questions asked.
- b. The student(s) will be given the opportunity to refute the allegations, make any statements, or provide any evidence or mitigating circumstances.

- c. If the disciplinary matter can be resolved by mutual agreement of the student(s) and the Vice President of Student Affairs the disciplinary proceedings will terminate, subject to any terms of the agreement.
- d. If the charges cannot be disposed of by mutual agreement, the Vice President, Student Affairs will, within five (5) working days, inform the President in writing that a Disciplinary Committee shall be convened to resolve the disciplinary action. The Committee must convene within ten (10) working days from the date the Vice President, Student Affairs notified the President in writing of the need of the Committee to convene.

If the violation is viewed as jeopardizing property or the individual's welfare or that of others in the College Community, the Vice President, Student Affairs in collaboration with the Chief of Public Safety and Security, shall be further empowered to have the student removed from campus and enforce the restraint of the accused student's access to the College, in whole or in part, until his/her presence is required for the adjudication of the case by the Disciplinary Committee.

In the event the accused student provides the names of any witnesses, the Office of Public Safety and Security will facilitate a fact finding investigation in accordance with the provisions set forth in STEP TWO of this Procedure.

### **III. COLLEGE DISCIPLINARY COMMITTEE A. Composition**

The College shall establish and maintain a College Disciplinary Committee. Membership on the Committee shall consist of three full-time faculty members; two administrators, at least one of which shall be from the division of student affairs; and two students. The faculty members shall be recommended to the President by the Faculty Senate. The two administrators will be selected by the President, and the student recommendations to the President will come from the respective campus Student Government Association. The President shall appoint all members of the Committee, one of whom shall be elected as Chairperson, and one of whom shall be elected as the vice chair *for the particular matter for which* the Committee must convene.

Student members shall serve for no more than one calendar year. The faculty members shall serve for three years. The two administrators will serve term lengths at the discretion of the President.

#### **B. Training Program**

The College will provide a training program for those persons who agree to serve on the Disciplinary Committee to familiarize them with the College Regulations, procedural and substantive due process, and the role of the Committee.

#### **C. Prior Knowledge or Bias**

Any Committee member having personal knowledge of the matter to be heard or a bias or conflict with respect thereto may disqualify himself/herself, or may be disqualified by a vote of three members of the committee. Alternates may be appointed by the President as required.

#### **D. Chairperson**

A Chairperson of the Committee will be elected by the Disciplinary Committee membership for each particular matter for which it convenes. The Chairperson:

- Sends written notification to all participants in the proceedings as to the exact charges and the time, place and nature of the Hearing;
- Arranges the Hearing calendar and selects a location for each hearing;
- Chairs all Hearings and deliberations of the Committee;
- Announces the findings of the committee and communicates in writing the Committee's findings; and
- Certifies and transmits the appropriate records.

#### **E. Hearing Process**

A quorum consisting of five members, one of whom must be a student, must be present before a Hearing can be convened. Hearings normally shall be closed and shall be conducted according to the fundamental standards of procedural fairness and substantive due process and shall not be unduly restricted by court procedures and formal evidentiary rules.

The charges and evidence shall be presented by a person acting on behalf of the College, usually an administrator and/or the Chief of Public Safety and Security or his/her designee. A College advisor from student services acting in the capacity of *student advocate* will be available as a resource for the student during the entire Hearing process. The student also has the right to a non-SCF employee advisor of his or her choice, and at his or her expense, to act in an advisory capacity only. Advisors may not speak for or take the place of the student. All parties shall have the right to offer and examine evidence and to offer and cross-examine witnesses. Committee members may address questions to all witnesses of those parties involved. The College will transcribe the proceedings at the Hearing at their own cost. All parties shall have reasonable access to such record at the requestor's expense.

#### **F. Hearing Proceedings**

The Disciplinary Committee shall not be bound by the technical rules of evidence, but may hear and receive any testimony of evidence which it deems is relevant and material to the issues.

Only the primary parties in interest and members of the Disciplinary Committee will be permitted to be present throughout the Hearing.

The Chairperson of the Disciplinary Committee will read the specific charges.

The person(s) presenting the charges will first provide any opening comments and provide any and all additional information and/or witnesses to support the charges. Upon recognition by the Chairperson, both the person being charged and members of the Committee may ask any and all questions of the person(s) bringing the charges and the witnesses that they deem appropriate to clearly pertinent information in understanding the

charges and responses.

The person being charged will then be afforded an opportunity to make opening comments, respond to the charges, and provide any and all additional information and/or witnesses which support his/her case. The person being charged may refuse to make any opening statement if he/she desires; and this shall not be interpreted as evidence of guilt by the Committee. Upon recognition by the Chairperson, both the person(s) presenting charges and members of the Committee may ask any and all questions of the person being charged and the witnesses that they deem appropriate to clarify pertinent information in understanding the charges and responses.

Witnesses will be called individually. Once they have completed their testimony, they will be required to leave the room.

In the case of violations of College Computer Ethics or Behavioral Expectations and Regulations/Student Code of Conduct, the Vice President, Student Affairs will have already imposed and/or recommended disciplinary sanctions. These disciplinary sanctions will have already been made known to and discussed with the accused prior to the Hearing.

When the Chairperson determines that all charges, statements, and relevant presentations have been received and reviewed, the primary parties in interest will be entitled to make a closing statement.

The Chairperson will then declare the Hearing closed.

The Disciplinary Committee will then convene in closed session and consider only information presented in the Hearing. If necessary, the Disciplinary Committee may adjourn and reconvene.

## **G. Disciplinary Committee Judgment**

The Disciplinary Committee shall render a decision after the Hearing. The Committee may accept or reject, in whole or in part, or may modify the disciplinary sanction(s) imposed or recommended by the Vice President, Student Affairs.

If the Disciplinary Committee rejects in whole or in part the imposed and/or recommended disciplinary sanctions, the new findings must be based on substantial evidence in the record and the rationale shall be included in the decision.

In all cases, within ten (10) working days, the Disciplinary Committee shall transmit, in writing, its decision and recommendations for sanction to the College President; the party who initiated the disciplinary proceedings; the student; and in cases of assault and/or harassment or discrimination, the victim consisting of:

- a. a state of charges;
- b. a statement of findings of facts; and
- c. the decision of the Committee including the appropriate sanctions to be imposed.

## **H. Appeals**

Within ten (10) calendar days after the Disciplinary Committee's written decision, either of the parties may appeal, in writing, to a College Appeals Board. This request must be directed to the President of the College.

### Appeals Board

The Appeals Board of the College Disciplinary Committee will be appointed by the President of the College and be comprised of one (1) administrator, and one (1) faculty member, both of whom would be selected from the College's Conflict Resolution Pool; and one (1) student from the Executive Board of the respective campus Student Government Association. No person serving on the Appeals Board should be from the same division as the parties in interest.

The Appeals Board of the College Disciplinary Committee will convene within fifteen (15) working days of the receipt of the appeal and render one of the following decisions:

#### **Appeal Denied:**

Based on the cause stated and supportive evidence presented in the written appeal, there is insufficient proof that one or more of the following conditions existed:

- a. A significant procedural error was committed by omission or commission.
- b. All evidence/information was not considered.
- c. Newly discovered evidence is available.

The Appeals Board will transmit copies of the decision to the President, Chairperson of the Disciplinary Committee, and the parties in interest.

The decision of the Appeals Board shall be the final settlement of the adjudication process.

#### **Appeal Granted:**

Based on the cause stated and supportive evidence presented in the written appeal, there is sufficient proof that one or more of the following conditions existed.

- a. A significant procedural error was committed by omission or commission.
- b. All evidence/information was not considered.
- c. Newly discovered evidence is available.

The Appeals Board will transmit copies of the decision to the President, Chairperson of the Disciplinary Committee, and the parties in interest.

In the event that the Appeals Board determines that the appeal will be heard, the Appeal Board must convene within the fifteen (15) working days of the receipt of the appeal, adjudicate the appeal, and transmit copies of the decision to the Chairperson of the Disciplinary Committee, the College President, and all parties involved.

The decision of the Appeals Board shall be the final settlement of the adjudication process.

*State College of Florida, Manatee - Sarasota*