

Procedure Manual



Title: Student Code of Conduct	Number: A6Hx2-5.02
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ARTICLE I: STUDENT CONDUCT REVIEW PROCEDURES

1. Any member of the College community may file a complaint against any student or student organization for misconduct. Complaints will be prepared in writing and directed to the dean of students where the violation was allegedly committed. Complaints should be submitted within 5 business days after the incident.
2. When the dean of students becomes aware of the complaint, she/he may do one or more of the following:
 - a. Immediate Sanction: If the student or student organization poses a threat to any person, is unruly, disruptive, uncontrollable, damages or threatens to damage any property, or some other serious condition exists, the dean of students may immediately suspend the student or organization from class(es) or other activities at the College. If there is an immediate threat to campus or classroom environment, this suspension may occur prior to due process being extended to the student or student organization.
 - b. Trespass: In accordance with College Policy 6Hx2-2.02 – Trespass, at the direction of the dean of students, students may be escorted off College property if their continued presence is considered a threat to the safety of persons or property. Trespass may occur prior to due process being extended to the student or student organization.
 - c. Review by dean of students: Other than in instances where a possible outcome of a disciplinary hearing is suspension or expulsion, the dean of students will review evidence, meet with the student or student organization, meet with witnesses, and impose sanctions as outlined in Article III of this procedure within 15 business days after receiving the complaint. A review by the dean of students may occur prior to sanctions being imposed or after sanctions are imposed and/or a notice of trespass is issued in accordance with items I.2.a & b above.
 - d. Review by Student Conduct Committee: In cases involving possible suspension or expulsion, the matter will be heard by the Student Conduct Committee in accordance with the guidelines set forth in Article II of this procedure.
 - e. Disruptive Students: In instances where student behavior manifests symptoms of possible psychological/psychiatric issues, the Campus Behavioral Intervention Team (BIT) chair or the dean of students may recommend to the Campus President that a student complete a psychiatric and/or psychological evaluation based on the student's behavior. The Campus President, in consultation with the Vice President for Student Affairs and Enrollment Management shall determine if an evaluation is warranted. The results of the psychiatric and/or or psychological evaluation will assist the College in determining the student's ability to continue participation in educational programming at the College in accordance with the provisions of this procedure. Students deemed to pose an immediate threat to themselves or others will be subject to immediate sanction and/or may be trespassed from all college locations in accordance with item A and B above pending the outcome of full due process rights afforded by this procedure.

Recommending Officer's Signature	Date: 10/25/2011	President's Signature <i>J. David Anthony J.</i>	Date: 10/25/2011
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3. Students are responsible for their conduct. Students may not invoke their official or informal complaint or grievances against other persons or departments as part of their defense against allegations of having violated the Student Code of Conduct. Even if legitimate, a grievance against a member of the college community is not sufficient grounds, nor a defense for a violation of the Student Code of Conduct.

ARTICLE II: STUDENT CONDUCT COMMITTEE HEARING PROCEDURES

1. The Student Conduct Committee is a sub-committee of the Academic Standards Committee as codified in College Policy 6Hx2-5.28 – Academic Standards Committee. The Student Conduct Committee consists of members chosen from the Academic Standards Committee. Members of the Student Conduct Committee must not be directly associated with the case. The Chair of the Academic Standards Committee will serve as the Hearing Officer of the Student Conduct Committee. If the Chair of the Academic Standards Committee is unable to preside, the dean of students shall designate a Chair. The Hearing Officer will only vote if there is a tie.
2. The dean of students will forward pertinent paperwork to the Hearing Officer who will present the complaint and the hearing procedures to the student or student organization in writing. A time will be set for a hearing within 15 business days of the initial complaint.
3. In cases involving more than one referred student, the Hearing Officer of the Student Conduct Committee, at her/his discretion may permit separate hearings.
4. The complainant and the referred student or student organization have the privilege of being assisted, at their own expense, by one adviser of their own choice. The adviser may be an attorney. The complainant and/or the referred student are responsible for presenting their own case. Advisers are not permitted to speak or to participate directly or indirectly in any hearing before a Student Conduct Committee.
5. The complainant, the referred student or student organization, and the Student Conduct Committee will have the privilege of presenting witnesses, subject to inquiry or questioning by the Student Conduct Committee.
6. The student or student organization must notify the Hearing Officer of any witnesses and/or items for review they wish to present, at least 3 business days prior to the hearing.
7. At the discretion of the Hearing Officer, pertinent records, exhibits and written statements may be accepted for consideration by a Student Conduct Committee.
8. All procedural questions are subject to the final decision of the Hearing Officer.
9. All communication at a student conduct hearing shall be directed through the Hearing Officer.
10. There will be a single verbatim record, such as a tape recording, of all hearings before a Student Conduct Committee. The record will be the property of the College.

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11. After the hearing, the Student Conduct Committee will determine by majority vote if the student or student organization has violated specific sections of the Student Code of Conduct.
12. The Student Conduct Committee's determination will be made on the basis of whether it is more likely than not that the referred student or student organization violated the Student Code of Conduct.
13. The Student Conduct Committee, after hearing the case in the manner outlined in this Procedure, will recommend sanction(s) within 5 business days to the dean of students. The dean of students may accept, reject, or modify the recommendation offered by the Student Conduct Committee and will communicate the disposition of the matter in writing within 10 business days after receiving the recommendation of the Student Conduct Committee.
14. The Hearing Officer and committee members shall keep confidential the recommendations of the committee and only the sanction imposed by the dean of students will be communicated to the student or student organization.

ARTICLE III: SANCTIONS

The dean of students or the Vice President for Student Affairs and Enrollment Management (per Section IV of this Procedure) may impose one or more of the following sanctions based on the severity of the incident. The sanctions listed below do not reflect a progressive process and a student may immediately receive a more severe sanction depending on the nature of the violation.

Level 1 Sanctions (may be imposed by the dean of students):

1. Warning – A notice in writing to the student that they have violated institutional regulations indicating the potential consequences of future violations.
2. Probation – A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to have violated any institutional regulation(s) during or after the probationary period.
3. Loss of Privileges - Denial of specified privileges for a designated period of time.
4. Fines – A student may be required to pay fines incurred (i.e. parking, library, etc.) as a condition for complying with the sanction imposed.
5. Restitution – Compensation for loss, damage or injury; this may take the form of appropriate service and/or monetary or material replacement.
6. Discretionary Sanctions – Work assignments, community service to the College, counseling referrals or other related discretionary sanctions.

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7. Administrative Withdrawals – Withdrawal for all courses without refund. Students receiving financial aid are subject to College Policy 6Hx2-5.11 – Financial Aid.
8. Trespass – in accordance with BC Policy 6Hx2-2.02, students may be prohibited from entering Broward College locations.

Level 2 Sanctions (may be imposed by the dean of students after case is heard by the Student Conduct Committee):

1. Any Level 1 sanction listed above.
2. College Suspension – Separation of the student from the College for a definite period of time, after which the student or student organization is eligible to return; conditions for readmission may be specified.
3. College Expulsion – Permanent separation of the student from the College.

The following sanctions may be imposed by the College on student organizations:

1. Those sanctions listed above.
2. Deactivation or loss of specific organizational privileges for a specified period of time.

ARTICLE IV: APPEALS

1. A student, student organization, or complainant may appeal to the Vice President for Student Affairs and Enrollment Management the sanctions imposed by the dean of students. Such appeals must be in writing and must be delivered to the Vice President for Student Affairs and Enrollment Management within 5 business days of the receipt of sanctions from the dean of students.
2. Sanctions imposed by the dean of students go into effect immediately unless a student or student organization appeals the decision. In such cases, the dean of students in consultation with the Vice President for Student Affairs and Enrollment Management will decide if sanctions will be enforced immediately or pending the outcome of an appeal process.
3. In considering the appeal, the Vice President for Student Affairs and Enrollment Management will limit her/his review to a determination of whether the student or student organization received a fair hearing in accordance with established policies and procedures. A student who has been sanctioned may only appeal on the following grounds:
 - a. A substantial procedural error occurred that rendered the process or the outcome fundamentally unfair.

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- b. New substantive evidence, impossible for the dean of students or the Student Conduct Committee to have heard at the time of the hearing, has been discovered and a failure to review such evidence would be fundamentally unfair.
 - c. The finding and/or the sanction was fundamentally unfair or inappropriate.
 4. The Vice President for Student Affairs and Enrollment Management will generally limit her/his review to the written appeal and the record of the hearing. In exceptional circumstances, the Vice President for Student Affairs and Enrollment Management may, at her/his discretion, meet with student(s) directly to review evidence, meet with witnesses and the accused student(s) or student organization.
 5. After considering the appeal, the Vice President for Student Affairs may:
 - a. Find that there are no grounds to consider the appeal.
 - b. Refer the matter back to the dean of students for further review based on specific issues, with a designated time-frame for reconsideration indicated.
 - c. Alter the findings or the sanctions imposed by the dean of students. Sanctions imposed during the appeal process may be less severe, or in unusual circumstances, more severe than those originally imposed.
 6. The Vice President for Student Affairs and Enrollment Management shall communicate the final disposition of the matter to the student or student organization in writing within 10 business days after receiving the appeal. The decision of the Vice President for Student Affairs and Enrollment Management shall be final.

ARTICLE V: COMMUNICATION

In cases where there is no appeal to the Vice President for Student Affairs and Enrollment Management in the specified time period in accordance with this procedure, the dean of students shall notify appropriate members of the college community regarding the sanction. In instances where an appeal is submitted and the matter is adjudicated by the Vice President for Student Affairs and Enrollment Management he/she will notify appropriate College personnel of the decision.

[Link to Policy 6Hx2-5.02](#)

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