

Student Rights and Responsibilities

BC reserves the right to amend policies and procedures at any time. For the most current version of the following

Policies, please check on-line at

www.broward.edu/PolicyAndProcedure/

Student Code of Conduct

Unlawful Sexual Harassment /Battery/Assault

Unlawful Discrimination, Harassment and Retaliation

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Student Rights and Responsibilities

Student Code of Conduct

The Student Code of Conduct outlines acceptable and unacceptable behavior for BC students, as well as appropriate disciplinary procedures and sanctions.

Upon admission to Broward College, students agree to act responsibly in all areas of personal and social conduct and to take full responsibility for their individual and collective action. Because learning can only be achieved in an atmosphere free of intimidation and coercion, students shall observe local, state, and federal laws as well as the academic and behavioral regulations found in the Broward College Student Handbook, the College Catalog, other official publications, and the BC web site online at www.broward.edu.

Any student or student organization found to have committed the following misconduct, on or off campus, is subject to the disciplinary sanctions outlined in Student Code of Conduct Procedures.

1. Dishonesty, including but not limited to the following:
 - a. Cheating, plagiarism, or other forms of academic dishonesty. The term "cheating," includes but is not limited to, copying homework assignments from another student; working together with another individual on a take-home test or homework when specifically prohibited from doing so by the instructor; looking at text, notes or another person's paper during an examination when not permitted to do so. Cheating also includes the giving of work or information to another student to be copied and/or used as his or her own. This includes but is not limited to, giving someone answers to exam questions either when the exam is being given or after having taken an exam; informing another student of specific questions that appear or have appeared on an exam in the same academic term; giving or selling a term paper, report, project or other restricted written materials to another student. The term "plagiarism" includes, but is not limited to, an attempt of an individual to claim the work of another as the product of his or her own thoughts, regardless of whether that work has been published. Plagiarism includes, but is not limited to,
 - quoting improperly or paraphrasing text or other written materials without proper citation on an exam, term paper, homework, or other written material submitted to an instructor as one's own work. Plagiarism also includes handing in a paper to an instructor that was purchased from a term paper service or downloaded from the Internet and presenting another person's academic work as one's own. Individual academic departments may provide additional examples in writing of what does and does not constitute plagiarism, provided that such examples do not conflict with the intent of this policy.
2. Disruption: disruption or obstruction of teaching, research, administration, disciplinary proceedings, other BC activities, including its public-service functions on or off campus, or other authorized non-BC activities, when the act occurs on BC premises.
3. Abuse: physical abuse, verbal abuse, threats, intimidation, harassment, coercion and/or other conduct which threatens or endangers the physical or emotional health or safety of any person.
4. Theft or damage to property: attempted or actual theft of and/or damage to BC property or the property of a member of the BC community or other personal or public property.
5. Discrimination as defined in BC Policy 6Hx2-5.22.
6. Sexual Harassment as defined in BC Policy 6Hx2-5.20.
7. Sexual Battery/Assault as defined in BC Policy 6Hx2-5.20.
8. Hazing as defined in Florida State Statute 240.1325
9. Non-compliance with directions: failure to comply with directions of BC officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
10. Keys: unauthorized possession, duplication, or use of keys to any BC premises or unauthorized entry to or use of BC premises.

11. Violation of published BC policies/procedures, rules or regulations.
12. Violation of law: violation of federal, state or local law on BC premises or at BC sponsored or supervised activities.
13. Controlled substances: use, possession, or distribution of narcotic or other controlled substances except as expressly permitted by law. Smoking in classrooms, on elevators, and in other designated non-smoking areas is prohibited.
14. Alcohol: use, possession, or distribution of alcoholic beverages except as expressly permitted by law and BC regulations.
15. Public intoxication.
16. Weapons and dangerous materials: illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on BC premises.
17. Unauthorized demonstration: participation in a campus demonstration which disrupts the normal operations of BC and infringes on the rights of other members of the BC community, or leading or inciting others to disrupt scheduled and/or normal activities within any campus/center building or area, or intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.
18. Obstruction of movement: obstruction of the free flow of pedestrian or vehicular traffic on any BC premises or at BC sponsored or supervised functions.
19. Disorderly conduct: conduct which is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on BC premises or at functions sponsored by, or participated in by BC.
20. Computer usage:
 - a. unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
 - b. unauthorized transfer of a file.
 - c. unauthorized use of another individual's identification and password.
 - d. use of computing facilities to interfere with the work of another student, faculty member, or BC official.
 - e. use of computing facilities to send or receive obscene or abusive messages.
 - f. use of computing facilities to interfere with the normal operation of BC computing system.
21. False representation: contracting or representation in the name of the College.
22. Abuse of the student discipline system, including but not limited to:
 - a. failure to appear before the chief student affairs officer, Hearing Officer, Student Conduct Committee, or other BC officials when requested to do so.
 - b. falsification, distortion, or misrepresentation of information before a Student Conduct Committee.
 - c. disruption or interference with the orderly conduct of a Student Conduct Hearing.
 - d. false accusations of student misconduct knowingly without cause.
 - e. attempting to discourage an individual's proper participation in, or use of, the student discipline system.
 - f. attempting to influence the impartiality of a member of a Student Conduct Committee prior to, and/or during the course of, the Student Conduct Hearing.
 - g. harassment (verbal or physical) and/or intimidation of a member of a Student Conduct Committee prior to, during, and/or after a Student Conduct Hearing.
 - h. failure to comply with the sanction(s) imposed under the Student Code.
 - i. influencing or attempting to influence another person to commit an abuse of the student discipline system.
23. Bribery: offering or giving money or any item or service to a BC employee for the purpose of attempting to obtain assistance that would not have otherwise been provided.
24. Violation of law and BC discipline.
 - a. If a student is charged only with an off-campus violation of federal, state, or local laws, but not with any other violation of this Code, disciplinary action may be taken and sanctions imposed for grave misconduct which demonstrates flagrant disregard for the BC community and/or disrupts the educational mission of the College.
 - b. BC disciplinary proceedings may be instituted against a student charged with violation of a law that is also a violation of this Student Code. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
 - c. When a student is charged by federal, state or local authorities with a violation of law,

BC will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before the Student Conduct Committee under the Student Code, however, BC may advise off-campus authorities of the existence of the Student Code and of how such matters will be handled internally within the BC community.

- d. BC will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives, as they deem appropriate.

Consequences Based on Academic Dishonesty

Breaches of the College's policies pertaining to academic dishonesty may result in academic penalties and/or disciplinary action at the discretion of the instructor. Academic penalties may include, but are not limited to, a failing grade for a particular assignment or a failing grade for a particular course. Additionally, the student may be referred to the chief student affairs officer of the campus/center for violations of the Student Code of Conduct.

Student Organizations

Student organizations (as well as members and officers individually and collectively) may be held accountable when an alleged offense is committed by one or more members or guests of the organization, and any of the following conditions apply:

1. the offense occurred at an event that was sanctioned by an officer of the organization.
2. organizational funds are used to finance the activity;
3. the event where the offense occurred is substantially supported by the organization's membership.
4. members with knowledge of the forthcoming violation did not attempt to prevent the infraction.
5. the organization fails to report or chooses to protect the individuals(s) alleged to have committed the offense.

Recording Prohibition

Students may not make an audio or video recording of an instructor or speaker unless prior consent of the instructor or speaker is obtained. However, if such recording is an Americans with Disabilities Act accommodation, prior notification is required, rather than consent.

Institute of Public Safety Students

Institute of Public Safety students who are enrolled in programs or courses regulated by the Florida Criminal Justice Standards and Training Commission are subject to the provisions of the Institute's *Trainee Rules, Regulations, and Procedures*, in addition to the Student Code of Conduct.

Student Code of Conduct Procedure

The administration of student discipline shall be flexible and consistent with the philosophy and educational objectives of Broward College. In those cases not likely to result in a termination of a student's enrollment at the College, the campus/center chief student affairs officer shall have the responsibility for the administration of student sanctions and may impose varying degrees of disciplinary actions.

Article I: Student Conduct Review Procedures

1. Any member of BC community may file charges against any student or student organization for misconduct. Charges shall be prepared in writing and directed to the chief student affairs officer on the campus/center where the violation was committed. Any charge(s) should be submitted as soon as possible after the event takes place, preferably within forty-eight hours.
2. The chief student affairs officer of the campus/center, after reviewing the evidence and meeting with witnesses and the accused student, may impose sanctions outlined in this Procedure. The student shall be informed of the sanctions in writing.

Article II: Sanctions

1. Warning: A notice in writing to the student that the student is violating or has violated institutional regulations.
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 be violating 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: Students may be required to pay fines incurred (i.e. parking, library) as one of the conditions 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, service to BC or other related discretionary assignments.
7. Withdrawal Without Refund: Withdrawal without refund is administratively imposed for violations of specific regulations.
8. BC Suspension: Separation of the student from BC for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
9. BC Expulsion: Permanent separation of the student from BC.
10. The following sanctions may be imposed upon BC groups or organizations:
 - a. those sanctions listed above.
 - b. deactivation or loss of specific organizational privileges for a specified period of time.

Other than BC suspension and expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's confidential record. Upon graduation, the student's confidential record may be expunged of disciplinary actions other than BC suspension or BC expulsion, upon application to the Vice President for Student Affairs. Cases involving the imposition of sanctions other than BC suspension or BC expulsion shall be expunged from the student's confidential record five years after final disposition of the case.

Article III: Appeals

1. A student, student organization, or complainant may appeal the sanctions imposed by the chief student affairs officer of the campus/center to the Vice President for Student Affairs. Such appeals shall be in writing and shall be delivered to the Vice President for Student Affairs within five business days of the receipt of the sanctions from the campus/center chief student affairs officer. A student may appeal grades received involving allegations of academic dishonesty as

outlined in BC Policy 6Hx2-4.19 and Procedure A6Hx2-4.19.

2. If a student appeals the decision of the chief student affairs officer to the Vice President for Student Affairs, the chief student affairs officer shall decide if sanctions shall be in effect immediately or pending the outcome of the appeal process. 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 very serious condition exists, the chief student affairs officer of the campus/center may suspend the student or organization from activity at BC immediately, and have the student escorted off BC property.
3. The chief student affairs officer will forward all necessary paperwork to the Vice President, including but not limited to all incident reports filled out by BC personnel, all security reports, any witness statements, and any police reports.
4. If the matter is referred to the Vice President for Student Affairs, he/she will decide if the matter will be heard and notify the student or student organization in writing of his/her decision. If the matter will be heard, the Vice President for Student Affairs will refer the case to the Student Conduct Committee. The Student Conduct Committee is a sub-committee of the Academic Standards Committee. The Student Conduct Committee shall consist of six members chosen from the Academic Standards Committee. A Hearing Officer shall be selected by the Vice President for Student Affairs from among the six members of the Student Conduct Committee. The Hearing Officer shall assume the role of Chair of the Student Conduct Committee.
5. The Vice President for Student Affairs shall forward all pertinent paperwork to the Hearing Officer who shall present the charges to the student or student organization in written form. A time shall be set for a hearing, not less than five or more than fifteen business days after the student has been notified. Maximum time limits for scheduling of hearings may be extended at the discretion of the Hearing Officer.
6. The Student Conduct Committee, after hearing the case in the manner outlined in this Procedure, shall recommend sanction(s) to the Vice President for Student Affairs. The Vice President may accept, reject, or modify the recommendation offered by the Student Conduct Committee.

Article IV: Hearing Procedures

1. Hearings normally shall be conducted in private. At the request of the accused student(s), and subject to the discretion of the Hearing Officer, a representative of the student press may be admitted, but shall not have the privilege of participating in the hearing.
2. In hearings involving more than one accused student, the Hearing Officer of the Student Conduct Committee, at his or her discretion, may permit the hearings concerning each student to be conducted separately.
3. The complainant and the accused have the privilege of being assisted by any advisor they choose, at their own expense. The advisor may be an attorney. The complainant and/or the accused are responsible for presenting his or her own case and, therefore, advisors are not permitted to speak or to participate directly in any hearing before a Student Conduct Committee.
4. The complainant, the accused, and the Student Conduct Committee shall have the privilege of presenting witnesses, subject to the right of cross-examination by the Student Conduct Committee.
5. The student or student organization must notify the Hearing Officer of any witnesses and/or evidence they wish to present, at least three business days prior to the hearing.
6. Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by a Student Conduct Committee at the discretion of the Hearing Officer.
7. All procedural questions are subject to the final decision of the Hearing Officer.
8. At the discretion of the Hearing Officer, the accused may have the privilege of facing the accuser.
9. There shall be a single verbatim record, such as a tape recording, of all hearings before a Student Conduct Committee. The record shall be the property of BC.
10. After the hearing, the Student Conduct Committee shall determine by majority vote if the student has violated the section(s) of the Student Code that the student is charged with violating.
11. The Student Conduct Committee's determination shall be made on the basis of whether it is more likely than not that the accused student violated the Student Code.
12. If the Student Conduct Committee determines that a violation(s) of the Student Code has

occurred, they will vote on sanction(s) to recommend to the Vice President for Student Affairs. The recommended sanction(s) of the Student Conduct Committee may be more or less severe than those originally imposed by the chief student affairs officer.

13. The Vice President for Student Affairs, after receiving the recommendation of the Hearing Officer shall impose sanctions on the student or student organization. Sanctions shall be delivered to the student in writing.
14. Except in the case of a student charged with failing to obey the summons of a Student Conduct Committee or BC official, no student may be found to have violated the Student Code solely because the student failed to appear before a Student Conduct Committee. In all cases, the evidence in support of the charges shall be presented and considered.
15. A quorum for the Student Conduct hearing will be the Hearing Officer and three members of the Student Conduct Committee.

Article V: Interpretation and Revision

1. Any question of interpretation regarding the Student Code shall be referred to the Vice President for Student Affairs or his or her designee for final determination.
2. The Student Code shall be reviewed periodically at the discretion of the Vice President for Student Affairs.

Unlawful Sexual Harassment/Battery/Assault

Sexual Harassment. As established in the College's Policy 6Hx2-5.22, *Unlawful Discrimination, Harassment and Retaliation Policy*, the College intends to protect all students from sexual harassment.

For the purpose of this policy, sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature which (1) makes submissions to or rejection of such conduct either an explicit or implicit basis for Admissions and/or academic decisions affecting the individual or (2) unreasonably interferes with the individual's education or academic performance by creating an intimidating, hostile, or offensive environment.

Conduct which falls into the definition of sexual harassment includes, but is not limited to:

- Unwelcome physical contact of a sexual nature such as patting, pinching, or unnecessary

- touching.
- Overt or implied threats against an individual to induce him/her to perform sexual favors or to engage in an unwelcome sexual relationship.
 - Verbal innuendos or jokes of a sexual nature, including graphic or degrading verbal comments about an individual and/or his or her appearance.
 - Use of sexually suggestive terms or gestures to describe a person's body, clothing, or sexual activities.
 - Displaying or posting offensive sexually suggestive pictures or materials on campus.

Sexual Battery/Assault. No student may commit or attempt a sexual battery/assault against any student or employee of the College or against any person at a College sponsored or supervised activity. In addition to any criminal or civil actions which may be pending or in process, the College may pursue a separate disciplinary action against any student believed to have committed or attempted a sexual battery as defined below.

Sexual Battery Defined. Commonly referred to as rape, sexual battery shall be defined in accordance with Florida Statutes, Chapter 794.011, as a criminal act consisting of "oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object" without that person's consent. *Consent* means intelligent, knowing, and voluntary consent and does not include a coerced submission or a submission obtained by threatening the victim. Consent shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender. Furthermore, consent cannot be obtained from a person who is temporarily or permanently incapable of appraising the nature of his/her conduct. For example, a person who is under the influence of an intoxicating substance may be unable to appraise the nature of his/her conduct. Under Florida law, both males and females may be *victims* of sexual battery. It does not matter whether the victim knew his/her attacker (date/acquaintance rape) or did not know his/her attacker (stranger rape). It does not matter if the victim has had a previous relationship with his/her attacker.

Unlawful Sexual Harassment/Battery/Assault Procedure

Sexual Harassment

The Unlawful Discrimination, Harassment and Retaliation Procedure for Students, *A6Hx2-5.22*, is the appropriate procedure to follow in order to file a complaint of sexual harassment.

Sexual Battery/Assault

The Chief Student Affairs Officer on the campus/center has the responsibility to administer this procedure. Any violation of the College's Policy *6Hx2-5.20*, Unlawful Sexual Harassment/Battery/Assault, on-campus or at College-sponsored events, shall be reported immediately to the Campus Security office, the Campus Provost, and the campus/center Chief Student Affairs Officer. The Chief Student Affairs Officer or Campus Provost/Center Director and/or Campus Security Office shall immediately confer with the Vice President for Student Affairs and Enrollment Management and notify appropriate law enforcement agencies. The investigation of sexual battery/assault shall be the responsibility of law enforcement personnel. College personnel shall assist the law enforcement agencies as required under the law. College personnel may also offer counseling support to victims and their families and arrange referrals to community agencies as necessary.

In the event an alleged perpetrator of a sexual battery/assault is an enrolled student, the Campus Provost/Center Director or the Chief Student Affairs Officer will consult with the Vice President for Student Affairs and Enrollment Management, with law enforcement personnel, and the college attorney, to decide the appropriate disciplinary action to take, if any, against the alleged offender. Action taken by the College against the alleged offender will be pursuant to the College disciplinary process as outlined in the *Student Handbook* to ensure a safe and harmonious educational environment for students.

In the case of off-campus violations of this policy involving students, the Chief Student Affairs Officer, Campus Provost/Center Director and Vice President for Student Affairs and Enrollment Management may assist law enforcement personnel consistent with the Family Educational Rights and Privacy Act and applicable *Florida Statutes*. Victim counseling and other support may also be provided

according to the needs of the victim and family members.

Unlawful Discrimination, Harassment, and Retaliation Policy for Students

General Statement. Broward College Recognizes its obligation to work towards a community in which diversity is valued and equal access to educational opportunities are provided free from discrimination, and unlawful harassment and retaliation in accordance with federal, state and local laws.

Administration and Consultation. The Campus Provost/Center Director, working in close consultation with the Vice President for Student Affairs and Enrollment Management, and the Equity Office in Human Resources shall investigate formal and informal complaints according to the College policies and procedures. Campus Provost/Center Director have the administrative responsibility to ensure that the College community adheres to the College's policies prohibiting discrimination, harassment, and retaliation.

1. The College affirms its commitment to ensure that every student/applicant for admission be permitted to learn in an environment free from any form of discrimination or harassment based upon race, color, religion, age, disability, sex, national origin, marital status, sexual orientation, or veteran status, or other legally protected classification.
2. Any student/applicant for admission who believes that they have been subjected to discrimination, harassment or retaliation in violation of the College's policies may file a complaint within sixty (60) days of the alleged harassment, discriminatory and/or retaliatory conduct by utilizing either an informal and/or formal complaint process as defined in procedure A6Hx2-5.22.
3. The College affirms its commitment to ensure that students/applicants for admission who complain about discrimination or harassment are protected from retaliation based upon their good faith opposition to discriminatory conduct. Pursuant to this policy, the College establishes a procedure whereby students/applicants for admission may file a complaint of alleged discrimination or harassment without fear of retaliation.

4. It shall be a violation of this policy for any officer, employee, student, or agent of the College to discriminate against or harass, as hereinafter defined, any student/applicant for admission.
5. Any administrator or supervisor who suspects or becomes aware of any alleged discrimination, harassment or retaliation must immediately notify the Campus Provost/Center Director.
6. Failure of any college employee to notify the Campus Provost/Center Director of actual or suspected sexual harassment or any other type of discrimination, harassment or retaliation of any type is a violation of this policy.
7. Violation of this policy by any employee shall result in appropriate corrective and/or disciplinary action, up to and including termination of employment.
8. The procedure and time limitations for filing a complaint for a violation of this policy are set forth in Procedure A6Hx2-5.22, Reporting Violations and Conducting Investigations of Student Complaints Alleging Discrimination, Harassment and/or Retaliation.
9. All complaints of discrimination, harassment, retaliation, and investigations of the same will be kept as confidential as possible to the extent possible to permit an effective investigation, and as allowed by law.
10. All persons who are involved in the investigation of a complaint of discrimination, harassment or retaliation are urged to respect the privacy of both the complaining student and the alleged wrongdoer so as not to impair the reputation, education, or career of either. All parties must be aware of the seriousness of such complaints and the potential harm to everyone concerned.

Definitions

1. Discrimination is defined as treating any student/applicant for admission differently than others are treated based upon race, color, religion, age, disability, sex, national origin, marital status, sexual orientation, and/or veteran status, or other legally protected classification.

Conduct which falls into the definition of discrimination and which is prohibited by this policy includes, but is not limited to:

- a. Disparity of treatment in recruitment of students, delivery of educational programs and related support services on the basis of

- membership in one of the groups listed in item (1) above.
- b. Limiting access to athletic, social, cultural or other college activities based upon membership in one of the groups listed in item (1) above.
 - c. Retaliation for filing complaints or protesting practices which are prohibited under this policy.
 - d. Discrimination in educational opportunity based upon a bona fide requirement or distinction (i.e., gender-specific restrooms, athletics, and other such areas) is not a violation of this policy.
2. Unlawful harassment is defined as conduct that is unwelcome and unreasonably interferes with a student/applicant for Admission's access to education, a student's access to academic performance or participation in athletic, social or other college activities by creating an intimidating, hostile, or offensive environment.
 - a. It may, depending on the circumstance, include offensive or demeaning language or treatment of an individual, where such language or treatment is based on prejudicial stereotypes of the group to which an individual may belong.
 - b. It may also include, but is not limited to, objectionable epithets, threatened or actual physical harm or abuse, or other intimidating or insulting conduct directed against the individual.
 - c. For the purpose of this policy, sexual harassment is as defined in BC Policy 6Hx2-5.20 – Unlawful Sexual Harassment/Battery/Assault.
 3. Conduct which falls into the definition of unlawful harassment includes, but is not limited to, harassment based on race, color, religion, age, disability, sex, national origin, marital status, sexual orientation, or veteran status or other legally protected classification.
 4. The College strongly encourages any alleged victims of harassment and/or discrimination to promptly report the incident. The College recognizes the unusual burden that the alleged harassing or discriminatory conduct places on the recipient and acknowledges the necessity for a thorough and careful resolution of all reported cases. It is contrary to College policy for any individual to engage, whether directly or indirectly, in retaliatory action against a person who files a harassment and/or discrimination complaint. Persons who participate in any investigation of such a complaint should not be retaliated against. As used in this paragraph, "retaliatory action" is any material adverse action taken against the person who makes or supports a complaint of discrimination. A material adverse action can be (depending on all of the circumstances) disciplinary action, the denial of admission, denial of a degree, poor grades, material changes in the terms and conditions of admission or education, suspension or expulsion from school, or by creating a hostile or threatening environment. Any student who believes that retaliatory actions have been taken against him or her for having filed a complaint or provided testimony in an investigation of harassment and/or discrimination must contact the Campus Provost/Center Director.
 5. Jurisdiction of Campus Provost/Center Director
 - a. Complaint by Student against Student: In carrying out the applicable College policies and upon receipt of a complaint, the Campus Provost/Center Director will investigate or facilitate investigation and make recommendations following such investigations. Consistent with federal and state law related to harassment and nondiscrimination, the Campus Provost/Center Director will investigate (or facilitate investigation) complaints of harassment and discrimination on the basis of any protected category. The Campus Provost/Center Director may also conduct investigations (or facilitate investigations) based upon requests for Administrative Reviews from Deans, Directors, Vice Presidents, and the President when those administrators believe that harassment and/or discrimination in violation of federal or state law may be occurring in their units.
 - b. Complaint by Student, Faculty, or Staff against Faculty or Staff: Upon receipt of a complaint by a student against Faculty or Staff, the Campus Provost/Center Director shall refer the complaint to the Equity Office in Human Resources. Employees should refer to College Policy 6Hx2.3.34 *Discrimination, Harassment and Retaliation Policy for employees*.
 6. Scope of Prohibitions: The policies enunciated above are relevant to all educational or student recruitment activities involving students/applicants for admission involving the College and its employees, including, but not

limited to, all educational, cultural, and social activities occurring on campus or sponsored by the College.

Unlawful Discrimination, Harassment, and Retaliation Procedure for Students

General Statement. In compliance with Board Policy 6Hx2-5.22, any student who believes that they have been subjected to unlawful discrimination, harassment or retaliation in violation of the College's policies may file a complaint within ninety (90) days of the alleged discriminatory, harassment and/or retaliatory conduct by utilizing either an informal and/or formal complaint process described below. (For employee Complaints about alleged discrimination, harassment, or retaliation, refer to College Policy 6Hx2-3.34 and Procedure A6Hx2-3.34).

Complaints. The informal complaint process does not have to be exhausted prior to filing a complaint under the formal complaint process. Complainants are encouraged, where applicable, to attempt initially to resolve complaints through the informal process. Additionally, individuals who believe that they have been victims of unlawful discrimination, harassment or retaliation may file a complaint with the appropriate federal, state or local agencies.

Upon receipt of an informal or formal complaint, the Campus Provost/Center Director will provide an initialed, signed, date-stamped copy of the complaint to the complainant. The complaint shall contain:

1. The name, campus, home address and telephone number(s) of the complainant.
2. A statement of facts explaining what happened and what the complainant believes constituted the unlawful act(s) in sufficient detail to give each respondent an account of what is claimed against him/her. The statement should include the date, approximate time and place where the alleged act(s) of unlawful discrimination, harassment, or retaliation occurred. If the act(s) occurred on more than one date, the statement should also include the last date on which the act(s) occurred as well as detailed information about the prior act(s). The names of any potential witnesses should be provided.
3. The name(s) of the respondent(s), i.e., the person(s) claimed to have committed the act(s) of unlawful discrimination, harassment or retaliation.

4. Identification of the category of the person(s) charged i.e. faculty, staff or student.
5. Other supplemental information may be requested.
6. Upon receipt of the complaint, the Campus Provost/Center Director will notify the respondent(s), that a complaint has been made and that the respondent is to immediately contact the Campus Provost/Center Director to arrange for a time to meet and discuss the allegations.
7. This process will be used for both the initiation of complaints under the informal and formal procedure and the conversion of the complaint to the formal procedure.

Informal Complaint Process

1. Any student who believes he/she has been the subject of conduct in violation of the College's above-stated policies must contact the Campus Provost/Center Director. A supervisor who receives a complaint of discrimination, harassment or retaliation from an employee shall immediately refer such complaint to the Campus Provost/Center Director who will investigate the complaint.
2. If a complainant elects to have the matter dealt with in an informal manner, the Campus Provost/Center Director will attempt to reasonably resolve the problem to the mutual satisfaction of the parties.
3. At the informal level, the goal is to resolve the situation to the mutual satisfaction of all parties. The informal processing of a complaint will be based on principles of mediation, communication, negotiation, facilitation, and problem-solving that emphasizes fairness, the needs and interests of the participants, and to the extent possible confidentiality.
4. In seeking an informal resolution, the Campus Provost/Center Director shall attempt to review all relevant information, interview pertinent witnesses, and bring together the complainant and the respondent(s), if appropriate under the circumstances. If a resolution satisfactory to both the complainant and the respondent is reached, a written notice to that effect along with the terms of the agreement reached and a copy of the complaint, with redacted personal contact information, will be sent to the complainant and respondent(s). Any agreement reached shall be signed and dated by the complainant, the respondent(s) and the Campus Provost/Center Director. The College will

attempt to complete the informal process no later than ninety (90) working days after the complainant and the respondent(s) have agreed to this process. If the Campus Provost/Center Director is unable to resolve the complaint to the mutual satisfaction of the complainant and the respondent(s) within the timeframe for filing of the complaint, the Campus Provost/Center Director shall notify all the parties accordingly. The Campus Provost/Center Director will again advise the complainant of his/her right to proceed to the formal process. The time limitations set forth may be extended by mutual agreement of the complainant and the respondent(s) with the approval of the Campus Provost/Center Director.

5. If the complainant brings a complaint beyond the period in which the complaint may be addressed under these procedures, the Campus Provost/Center Director may terminate any further processing of the complaint.
6. If the complainant first pursues the informal process and subsequently wishes to pursue a formal complaint, he/she may do so by checking the appropriate box, sign and date the complaint form.

Formal Complaint Process

1. A formal complaint may be made in writing or by telephone to the Campus Provost/Center Director. Upon receipt of a written or verbal complaint, the Campus Provost/Center Director will furnish the complainant with a copy of the Harassment and Discrimination Complaint Form which must be completed and signed.
2. Upon receipt of a complaint, the Campus Provost/Center Director will mail a notice of the complaint and a copy of the complaint to the respondent(s) and initiate the investigation.
3. The Campus Provost/Center Director shall investigate the complaint. The investigation may include, but is not necessarily limited to, interviewing the complainant, witnesses, and respondent(s) and reviewing any relevant documents. Upon completion of the investigation, a report shall be prepared which includes a summary of the complaint, a description of the investigation, the findings, and recommendations for further action by the College, if any.
4. If the complaint is about the Campus Provost/Center Director the complaint shall be

made to the Vice-President for Student Affairs and Enrollment Management. The Vice President for Student Affairs will coordinate with the Vice President for Human Resources and Equity to ensure that appropriate college policies and procedures are followed regarding complaints against employees.

5. The College will attempt to complete all investigations within ninety (90) working days after the date the formal complaint is filed. The time limitations set forth may be extended by mutual agreement of the complainant and the respondent(s) with the Campus Provost/Center Director.
6. The College will take all necessary and appropriate action to resolve the situation. This could include, but not be limited to, instituting appropriate counseling or disciplinary action or proceedings which may include counseling up to and including termination.

Voluntary Withdrawal of Complaint. The complainant may withdraw the complaint at any time by submitting a written statement to the Campus Provost/Center Director, indicating his or her desire to withdraw the complaint and stating that the decision to withdraw the complaint was made by his or her own volition, without coercion or threat of retaliation.

Record of Complaint. The Equity Office in Human Resources will maintain all documents regarding complaints of discrimination, harassment and retaliation in a file separate and confidential from the complainant's personnel file or student's academic record, to the extent permitted by law.

Resolution of Complaint. The final report of the investigating official shall be transmitted to the complainant, the respondent(s), the respondent(s) immediate supervisor, the Vice President for Student Affairs and Enrollment Management, and the Vice-President for Human Resources and Equity and/or his or her designee. If disciplinary action is warranted, the appropriate College official shall make a recommendation as to the discipline and/or suggest any other corrective action. In making a decision regarding discipline, any record of previous conduct and the seriousness of the violation may be considered. The Equity Office in Human Resources and/or the Vice-President for Human Resources and Equity, and the Vice President for Student Affairs and Enrollment Management shall approve

the proposed resolution. Disciplinary action shall be taken in accordance with BC policy and procedures affecting the class of employees and the terms of any applicable collective bargaining agreement(s).

Review of Findings.

1. Either party may request that the President or his/her designee review the findings of the investigating official by filing a written request within twenty (20) days of the receipt of said findings.
2. The request shall be in writing, and shall set forth the issues to be considered in the review. Copies of the request shall be provided to the opposing party, the investigating official, and to the President or his or her designee.
3. The written request must state in detail the reason(s) for the review and shall address one or more of the following: relevant evidence was not reviewed or factual errors were included; there were substantial procedural errors; new evidence is available; or the factual evidence was insufficient to support the findings.
4. The opposing party and/or the investigating official may file a response to the request with the President or his or her designee within twenty (20) days of receipt of the request.
5. The President or his or her designee shall issue a written finding no more than twenty (20) days after receipt of the request or a response to the review, whichever is later.

Duty to Report Alleged Violations. Any administrator or supervisor who receives a complaint or has knowledge about allegations of violations of Policy 6Hx2-5.22 by or against any member of the College community has the duty to report the same to the Campus Provost/Center Director. Administrators and supervisors shall also inform the complainant of the process for filing a complaint. Any administrator, or supervisor who knowingly fails to comply with Policy 6Hx2-5.22 and 6Hx2-5.20 may be subject to discipline, up to and including termination of employment.

Prohibition of Retaliation. It is a violation of BC policy for any action to be taken against a student because he or she has filed a complaint or participated in an investigation. Any act of retaliation shall be treated as a separate allegation of discrimination.

Confidentiality. All complaints of discrimination, harassment, or retaliation and investigations of the same will be kept as

confidential as possible throughout the investigation and to the extent allowed by law.

No Waiver of Rights. Nothing contained in this procedure shall affect the right of a complainant to pursue the matter with an appropriate external agency as permitted by law.

Complaint Process for Students for Non-Instructional Issues

The College encourages its students to resolve their differences with College employees as soon as possible; however, so that students may be assured fair consideration of their problems, an appeal process to a higher-level authority, without prejudice, is hereby established.

Complaint Defined. For the purpose of this policy a complaint is defined as a student's perception of the improper application of the College's policies or procedures. Complaints of discriminatory treatment should be made through the College's student policy prohibiting Unlawful Harassment, Discrimination and Retaliation, Policy 6Hx2-5.22 and Procedure A6Hx2-5.22.

Any student has a right to file a complaint. The President shall establish appropriate procedures for facilitating complaints from students.

The following steps are established to provide a fair review of student non-instructional complaints.

Informal Resolution. The student shall informally submit his/her complaint, to the supervisor of the department where the alleged improper application of College policy or procedure occurred. The student must promptly file his/her complaint within 30 calendar days after the incident is alleged to have occurred and the complaint must refer to the specific College Policy or Procedure that was unfairly or misapplied. Students may choose to either ask for a specific action on the part of the College or are free to simply voice their complaint without asking for any action on the part of the College. However, even if the student requests that no action be taken on his/her complaint, the College may be required to investigate and take appropriate action under the law and/or the College's policies and procedures.

Formal Resolution. If a satisfactory resolution cannot be reached with the supervisor of the department, the student may formally appeal the

decision, in writing, to the next higher level supervisor. The student must promptly file his/her complaint within 30 calendar days after a response is received from the informal process. Appeals to higher levels of authority end with the appropriate Provost or Vice President.

The Vice President for Student Affairs and Enrollment Management may serve as a liaison between students and staff at all levels of the complaint process.

Student Bill of Rights

Broward College students should expect quality instruction delivered by a dedicated faculty engaged in continued professional growth (BC Policy 6Hx2-2.05: Philosophy and Mission of the College). Broward College students are granted the following rights as outlined in BC Policies and Procedures, the *Student Handbook*, College Catalog, and other appropriate publications of the College.

Access to Education: Broward College maintains an open door to all students who qualify according to the BC admission standards.

Sources:

- BC Policy 6Hx2-2.05: Philosophy and Mission of the College
- BC Policy 6Hx2-5.01: Admission
- BC Policy 6Hx2-5.09: Service to Student with Disabilities
- BC Policy 6Hx2-5.11: Student Financial Services Programs

Fairness in Grading: Students will receive a syllabus outlining relevant course policies regarding attendance and grading procedures during the first week of instruction. Students may appeal final grades that they consider a misapplication of College Policy or the course syllabus.

Sources:

- BC Policy 6Hx2-4.18: Class Attendance
- BC Policy 6Hx2-4.19: Grades and Grade Appeal Process

Due Process When Charged With Violation of Student Code of Conduct: Students have the right to due process when charged with a violation of the Student Code of Conduct.

Source:

- BC Policy 6Hx5-5.02: Student Code of Conduct

Non-discrimination and Harassment: Students have a right to be free from illegal discrimination and harassment based on race, color, religion, disability, sex, sexual orientation, national origin, marital status, and veteran's status.

Sources:

- BC Policy 6Hx2-5.02: Student Code of Conduct
- BC Policy 6Hx2-5.20: Sexual Harassment/Battery/Assault
- BC Policy 6Hx2-5.22: Non-Discrimination and Harassment Policy for Students

Confidentiality of Records: The College protects the rights of students and their parents or guardians with respect to the confidentiality of student records. Student records may be released to third party individuals only as their requests comply with federal, state, or local laws, court orders and subpoenas, and circumstances involving the safety of persons or property.

Source:

- BC Policy 6Hx2-5.03: Student Records

Student Publications: Students have the right to participate in free and responsible journalism at BC.

Source:

- BC Policy 6Hx2-5.04: Student Publications

Association and Assembly: Students have the right to form student organizations and may peacefully assemble on BC property per the guidelines set forth in BC Policy.

Sources:

- BC Policy 6Hx2-5.02: Student Code of Conduct
- BC Policy 6Hx2-5.13: Student Life

Instructional/Non-instructional Issues: BC provides policies and procedures for students to address instructional and non-instructional issues. Students shall follow the steps outlined in the following policies and procedures. Students are not precluded from appealing issues not specifically identified below.

Sources:

- BC Policy 6Hx2-4.02: Academic Load

- BC Policy 6Hx2-4.03: Applicable Catalog/Recency of Credit
- BC Policy 6Hx2-4.04: CLAST Waivers
- BC Policy 6Hx2-4.05: Cancellation of Previous Unsatisfactory College Record for A.S. Degree and Certificate Students
- BC Policy 6Hx2-4.07: Completion of Graduation Requirements After Transfer
- BC Policy 6Hx2-4.09: Substitution Admission and Graduation Requirements for Student with Disabilities
- BC Policy 6Hx2-4.11: Program Acceleration
- BC Policy 6Hx2-4.18: Class Attendance
- BC Policy 6Hx2-4.19: Grades and Grade Appeal Process
- BC Policy 6Hx2-4.20: Religious Observances
- BC Policy 6Hx2-5.01: Admissions
- BC Policy 6Hx2-5.02: Student Code of Conduct
- BC Policy 6Hx2-5.20: Sexual Harassment/Battery/Assault
- BC Policy 6Hx2-5.22: Non-Discrimination and Harassment Policy for Students
- BC Policy 6Hx2-5.23: Grievance Process for Students for Non-Instructional issues

Dismissal of Disruptive Students

Students who cannot conform to the standards of appropriate behavior as set forth in Broward College Policy 6Hx2-5.02, *Student Responsibilities*, shall not be permitted to interfere with other students' access to a college education. Broward College students are subject to federal and state law, county and municipal ordinances, and all policies and procedures of the Board of Trustees. Violation of these published laws, ordinances, or policies and procedures may subject the violator to appropriate action by College authorities. The campus Deans of Student Affairs are authorized to recommend to the Vice President for Student Affairs the suspension or expulsion of students based on disruptive behavior. The Vice President for Student Affairs is authorized to enforce suspension or removal decisions, including the use of appropriate legal processes. Nonviolent student dissent does not fall under the purview of this policy.

For students who exhibit disruptive behavior serious enough to merit disciplinary action, the College may refer the students for appropriate psychological/psychiatric evaluation. The College shall retain the services of a

psychological/psychiatric evaluator to assess the behavior and psychological condition of students who exhibit disruptive behavior or threaten bodily harm to themselves or others or exhibit severely disoriented perceptions and/or behaviors. Alternatively, College counselors may be used to assist students who exhibit less severe disruptive behavior.

All records associated with the treatment or disciplinary process shall be kept confidential. Students treated for a mental disorder under this policy are protected by the Americans with Disabilities Act of 1991 and Section 504 of the Rehabilitation Act of 1973.

Students suspended under this policy shall (1) receive a 100% refund for the term during which they were suspended and (2) re-enroll only after certification by a licensed clinical psychologist or psychiatrist, a recommendation from a campus Dean of Student Affairs, and approval by the Vice President for Student Affairs.

For students suspended or expelled under this policy, the campus Dean of Student Affairs shall consult with the student's Professors regarding the student's grades for the term during which they have been suspended or expelled. Final determination of grades, however, shall rest with the Professors.

If a student has been removed from the College through disciplinary dismissal, expulsion, or suspension due to disruption of the educational process, or the endangerment of the health and safety of others, and returns to the College in a subsequent academic term as a student, the Vice President for Student Affairs or his/her designee may share with the student's teachers otherwise confidential information concerning the student when in his/her judgment it will further educational interests. To protect confidentiality and the possible sensitive nature of the information, the Vice President for Student Affairs or his/her designee should share the information in person with the Faculty member, and point out the nature of the information and its educational relevance. Only relevant information should be shared, not the entire record. No copies of the record shall be made.

Dismissal of Disruptive Students Procedure

All referrals for immediate intervention with a disruptive student will be made to the appropriate campus/center chief student affairs officer,

consistent with BC Policy 6Hx2-5.19, Dismissal of Disruptive Students. The campus chief student affairs officer will assess the student's condition, and if further evaluation is needed he/she will consult with the Vice President for Student Affairs and Enrollment Management. The campus/center chief student affairs officer and Vice President will determine whether an evaluation with an agency consultant is necessary, and the Vice President or his/her designated representative will make the referral to a professional clinician for psychological and/or psychiatric evaluation. The campus/center chief student affairs officer may decide not to allow the student onto campus prior to the results of professional evaluation.

The student will be informed by the campus/center chief student affairs officer of the reason(s) that he/she is being referred for the initial evaluation and whether the College would assume the expense for this evaluation. The results of the evaluation will be used by the Vice President, and the campus/center chief student affairs officer, in determining the student's enrollment status with the College.

The College will retain the services of professional clinicians who:

1. Are state licensed and have appropriate credentials in the field of mental health, according to State of Florida guidelines.
2. Will provide a written evaluation and diagnosis of the student in a timely manner following referral.
3. Will provide information regarding follow-up treatment if necessary.
4. Have the ability and available personnel to provide immediate crisis intervention, if the severity of the incident or client's condition so warrants.

Re-entry Process: If a student, who has been removed from the College under the Disruptive

Student Policy, applies for re-entry to the College, the following process will be followed:

1. The campus/center chief student affairs officer must be contacted by the student regarding her/his request for re-entry to the College. The campus/center chief student affairs officer, in consultation with the Vice President for Student Affairs, shall determine if a student will be allowed to return to BC. Students who are considered likely to disrupt the educational environment or who pose a threat to persons or property will not be re-admitted.
2. If a student does not agree with the decision made by the campus/center chief student affairs officer, he/she may appeal to the Vice President for Student Affairs and Enrollment Management.

