

# Policy Manual



<b>Title:</b> Student Code of Conduct	<b>Number:</b> 6Hx2-5.02
<b>Legal Authority:</b> Fla. Statutes 1001.64; 1001.65; 1006.60	<b>Page:</b> Page 1 of 9

## GENERAL STATEMENT

Upon admission to Broward College (the “College”), students and student organizations 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 must 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 of the College, and the College web site at <http://www.broward.edu>. If there is a conflict with any of the aforementioned sources, this policy shall prevail.

When a student exhibits disruptive behavior that appears to pose a threat to the health and safety of the student or others, the College may direct the student to participate in a psychiatric and/or psychological evaluation. The psychiatric and/or psychological evaluation process will assess the student's ability to safely participate in the educational programs at the College as part of the due process for students who are alleged to have violated this policy and procedure.

Students enrolled in various programs at the College may also be subject to standards of conduct unique to these programs, including but not limited to health sciences programs, Institute for Public Safety, Aviation, etc. Violations of the standards of behavior for these programs shall be considered a breach of this Code of Conduct. Students should refer to the program guidelines included in College Procedure A6Hx2-5.02 to learn more about applicable standards of conduct associated with their academic program.

**Bias-Motivated Conduct** (Commonly referred to as “Hate Crimes”): The College believes that members of the College community have the right to lawfully affiliate free from harassment with social groups of their choice without fear of intimidation based on this membership. Therefore, the College will impose significantly increased sanctions against perpetrators who commit one or more of the offenses in this Policy, if the College determines that the perpetrators’ actions were motivated by the actual or perceived affiliation of the victim with a particular social group, race, gender, religion, sexual orientation, ethnicity, national origin, disability, age, marital status, and/or gender identity. Additionally, the College will support the criminal prosecution of students who engage in bias-motivated violations of this Code in accordance with Florida Statutes 775.085, Federal Statutes 18 U.S.C. § 245 & 249, and other applicable laws.

## THE POLICY AND THE STUDENT

The following is a non-exclusive list of behaviors prohibited by students and student organizations at any College location or via any College resource including electronic communication, at any College-sponsored activity, or at any location and /or via any medium (including electronic) if the behavior impacts students, faculty, or staff in the educational environment. Other behaviors not on this list which adversely impact the College community will be considered on a case-by-case basis and may also be considered violations of the Student Code of Conduct:

**History:** Reissued as Student Freedom and Responsibility on September 21, 1982; revised, combined with Policy 5.04 (Student Academic Freedom and Responsibility), Policy 5.05 (Academic Honesty), and Policy 5.06 (Standards of Conduct), and re-titled on July 23, 1997; revised June 27, 2001, revised August 26, 2008; revised August 17, 2010; revised January 25, 2011; revised May 24, 2011; revised October 25, 2011; revised August 27, 2013; revised January 28, 2014; revised December 2, 2014; revised March 24, 2015; revised August 20, 2015; revised October 24, 2017

**Approved by the  
Board of Trustees**

**Date:**  
10/24/17

**President’s Signature**

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1. Abusive Conduct
2. Bribery
3. Bullying, including but not limited to the following behaviors directed at an individual or a group:
  - a. Unwanted teasing
  - b. Threatening or intimidating behaviors
  - c. Stalking
  - d. Public humiliation
  - e. Spreading malicious and derogatory rumors or falsehoods
  - f. Using discriminatory slurs against an individual or group
  - g. Cyberbullying – including, but not limited to the use of communication-based technologies, including telephones, cellular telephones, e-mail, instant messaging, text messaging, social networking, other web-based technologies, or other electronic methods of communication (either currently available or available in the future) to engage in deliberate harassment or intimidation of individuals or groups.
4. Discriminatory comments or action and/or retaliatory actions, including, but not limited to remarks or actions against a student, faculty, or staff member of the College  
 Complaints against faculty and staff are not covered under this policy. Students should refer to College Policy 6Hx2-3.34 – Discrimination, Harassment and Retaliation if they believe they have been the victim of discrimination or retaliation by a College faculty or staff person.
5. Dishonesty, including but not limited to the following:
  - a. Cheating, plagiarism, or other forms of academic dishonesty
  - b. Using electronic devices to store, retrieve, search for answers and/or share answers in testing environments when the use of the device is not permitted
  - c. The acquisition, use, sale, or distribution of teaching or testing materials, including test banks and answer keys, or access to online resources provided by textbook publishers or others, without the express written permission of the instructor
  - d. Furnishing false information, making false accusations, or misrepresentation of oneself or others to any College official, including but not limited to faculty, staff or administrators, representing oneself as an agent of the College, and/or entering into a contract on behalf of the Board of Trustees
  - e. Forgery, alteration, or the misuse of any College document, record, or instrument of identification
  - f. Tampering with the election of any recognized College student organization
  - g. Violation of copyright as defined in College Policy 6Hx2.8.05
6. Disorderly Conduct

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7. Disruption of the Educational Environment – including but not limited to:
  - a. To ensure the quality of the educational environment, the use of electronic communication and entertainment devices, such as cell phones, iPods, iPhones, MP3s, etc. by students in the classroom is prohibited unless otherwise explicitly stated by the individual instructor’s syllabus. Therefore, all such devices must be inaudible and placed out of sight during class.
  - b. Classrooms disturbances, including but not limited to: continually leaving and re-entering the classroom without permission, constant interruption of the professor or students, talking loudly to others or to self, poor personal hygiene, grandstanding, comments that are antagonistic, openly rude, threatening, or abusive.
  - c. Physical or verbal altercations on the college campuses, facilities, or college-sponsored events
  - d. Animals, other than medically prescribed and documented service animals, on campus
  - e. The usage of skateboards, scooters, or hover-boards on the interior sidewalks of campuses.
8. False Report – falsely reporting a bomb or other incendiary device or any other dangerous condition by any medium. Note: These acts are considered acts of terrorism and the College will use all means available to assist in the identification of students who make such threats.
9. Grades and Enrollment Status – If an enrollment status or assignment or course grade is correct, it is a violation of the Code of Conduct to ask a professor or any college official to make changes in order to address the student’s status in various activities and programs, including, but not limited to immigration status, financial aid status or awards, intercollegiate participation, honors institute participation, employment requirements, etc.
10. Hazing as defined in Florida State Statute, Chapter 1006.63
11. Misbehavior - Any behavior that is inappropriate and detrimental to the mission, goals, and purpose of the institution
12. Misuse of College Identification as defined in College Policy 6Hx2.5.24
13. Non-Compliance with Directions:
  - a. Non-compliance with the directions of College personnel or law enforcement officers acting in the performance of their duties
  - b. Failure to identify oneself to these persons when properly requested to do so
14. Non-Compliance With the Student Discipline System, including but not limited to:
  - a. Failure to appear before the Dean of Students , Hearing Officer, Student Conduct Committee, or other College 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. Knowingly making false accusations of student misconduct without cause
  - e. Attempting to discourage an individual's proper participation in, or use of, the student discipline system

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- 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
15. Obstruction of Pedestrian or Vehicular Movement
16. Public Intoxication/Disorderly Behavior
17. Smoking and tobacco use in accordance with College Policy 6Hx2-7.21
18. Sexual Misconduct as defined in College Policy 6Hx2-5.39
- a. The Family Educational Rights and Privacy Act (FERPA) permits a postsecondary institution to disclose to an alleged victim of any crime of violence or non-forcible sex offense the final results of a disciplinary proceeding conducted by the institution against the alleged perpetrator of that crime, regardless of whether the institution concluded a violation was committed.
  - b. FERPA also permits institutions to disclose to anyone – not just the victim – the final results of a disciplinary proceeding, if the College determines that the student is an alleged perpetrator of a crime of violence or non-forcible sex offense, and with respect to the allegation made against him or her, the student has committed a violation of the institution’s rules or policies.
19. Sexual Harassment as defined by College Policy 6Hx2-5.39 by students against any member of the College community
- Complaints against faculty and staff are not covered under this policy. Students should refer to College Policy 6Hx2-3.31 – Sexual and Other Workplace Harassment if they believe they have been the victim of sexual or other harassment by a College faculty or staff person.
20. Student Organization Misconduct - 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 one the following conditions apply:
- a. The offense occurred at an event that was sanctioned by an officer of the organization
  - b. Organizational funds are used to finance the activity
  - c. The event where the offense occurred is substantially supported by the organization’s membership
  - d. Members with knowledge of the forthcoming violation did not attempt to prevent the infraction
  - e. The organization fails to report or chooses to protect the individuals(s) alleged to have committed the offense
21. Theft or Damage, or Attempted Theft or Damage, to a Person’s or the College’s Property
22. Unauthorized Computer Usage as Defined in College Policies 6Hx2-8.01, 6Hx2-8.03

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23. Unauthorized Demonstration - participation in a campus demonstration where the student's behavior (including but not limited to excessive volume, obstruction of movement or access to College facilities or services, harassment of other students, faculty, or staff etc.), disrupts the normal operations of the College and infringes on the rights of other members of the College community through, 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
24. Unauthorized Possession, Duplication, or Use of Keys to Any College Facility
25. Unauthorized Possession, Use, or Distribution of Controlled Substances or Alcohol as defined in College Policy 6Hx2-5.18
26. Unauthorized Recording - Students may not make an audio or video recording of an instructor or speaker's seminar, lecture, tutorial or other instructional setting without prior consent from the instructor or speaker. However, if such recording is an accommodation in accordance with the Americans with Disabilities Act, prior notification is required, rather than consent. Students may not make an audio or video recording of persons in conversation without prior consent of all parties
27. Unauthorized Use of College Property or Facilities
28. Violation of Law and College Policy - Students may be subject to discipline per the Student Code of Conduct for violations of law that occur on College premises or at any College-sponsored activity, and for violations of law that do not occur on College Premises or at College-Sponsored Activities:
  - 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 College community and/or which could disrupt the educational mission of the College. Such an off-campus violation must be of a nature wherein the presence of the student at a College campus is reasonably considered to be a danger to persons or property; or a disruption to the educational environment.
  - b. College 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, the College 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, the College may advise off-campus authorities of the existence of the Student Code and of how such matters will be handled internally within the College community.
  - d. The College will cooperate fully with law enforcement and other agencies in enforcing the law on campus and in the conditions imposed by a judge in a court-of-law. Individual students and faculty

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members, acting in their personal capacities, remain free to interact with governmental representatives, as they deem appropriate.

29. Violation of Published College Policies/Procedures, Rules or Regulation.
30. Violence Against Women Act prohibitions against dating violence, domestic violence, sexual assault, and stalking, as defined by College Policy 6Hx2-5.39.
31. Weapons and Dangerous Materials – Refer to Weapons on College Property, College Policy 6Hx2-5.38.

## THE POLICY AND THE FACULTY AND STAFF

Faculty and staff are responsible for notifying the Dean of Students on the campus about possible violations of the Student Code of Conduct.

Per FERPA regulations, faculty and staff may disclose personally identifiable information from an educational record to appropriate parties, including parents of an eligible student in connection with an emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals.

## IMPLEMENTATION AND OVERSIGHT

The President has the authority to establish procedures to implement this policy. The Dean of Students on the campus/center where the infraction is alleged to have occurred, in consultation with the Associate Vice President for Student Life & Ombudsperson, is responsible for the implementation of this policy. The Vice President for Student Services is responsible for policy oversight. Students wishing to grieve a decision may appeal in accordance with the provisions of the Student Code of Conduct Procedure, College Procedure A6Hx2-5.02.

## VIOLATION OF POLICY

The College retains the right to discipline students and student organizations up to dismissal from the College for violation of this policy.

Students who are also employees of the College, who are found to have violated the Student Code of Conduct, may also be subject to disciplinary action as employees up to and including termination of their employment from the College. Any such instances will be investigated by the Executive Director of Human Resources or his/her designee. Additionally, employees of the College who are also students, and who are subject to disciplinary action in their role as employees, may also be subject to disciplinary action through the Student Code of Conduct.

Breaches of the College's policies pertaining to academic dishonesty may result in academic penalties imposed by the instructor in accordance with College Policy 6Hx2-4.19. Academic penalties may include, but are not limited to, a failing grade for a particular assignment or a failing grade for the course. Additionally, the student

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may be referred to the Dean of Students of the campus/center for violations of the Student Code of Conduct for disciplinary action.

The College maintains partnerships with external institutions including but not limited to educational institutions, libraries, and health services providers. A student who violates the rules of a College partner is also subject to College Policy, including the College Student Code of Conduct. Additionally, a student who violates the College Student Code of Conduct may also be found to have violated the rules of a College partner.

College-sponsored programs or sanctioned events may have their own rules and disciplinary procedures that would be applicable in addition to the Student Code of Conduct, such as the Institute of Public Safety, Aviation Institute, etc.

## DEFINITIONS

**Abusive Conduct** - 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

**Bias-Motivated Conduct** (commonly referred to as “Hate Crimes”) – occurs when a perpetrator targets a victim because of his or her actual or perceived membership in a certain social group, usually defined by race, color, ancestry, ethnicity, religion, sexual orientation, national origin, homeless status, mental or physical disability, gender, gender identity, political affiliation, etc. Hate crimes differ from conventional crimes because they are not directed simply at an individual, but cause fear and intimidation in an entire class of people.

**Bribery** - offering, soliciting, receiving, or giving money or any item or service to a College employee for the purpose of attempting to obtain assistance, priority consideration, or any benefit that would not have otherwise been provided.

**Bullying** – behavior that inflicts physical or psychological abuse on one or more members of the College community. Such behavior may occur in-person or via electronic communication.

**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; and looking at text, notes or another student’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. Including, but not limited to, giving a student 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

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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.

Code of Conduct - a set of conventional principles and expectations that are considered binding on any student at the College.

Controlled Substance – all illegal drugs and prescription drugs taken without a physician’s order.

Discrimination - treating any student, officer, employee or agent of the College differently than others are treated based upon race, color, sex, national origin, religion, age, disability, marital status, sexual orientation, veteran status, or any other legally protected classification.

Disorderly Conduct - conduct which is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on College premises or at functions sponsored by, or participated in by the College.

Disruption - disruption or obstruction of teaching, research, administration, disciplinary proceedings, other College activities, including its public-service functions on or off campus, or other authorized non-College activities.

Harassment - any verbal or physical conduct based on race, color, sex, national origin, religion, age, disability, marital status, sexual orientation, veteran status, or retaliation, and that has the purpose or effect of unreasonably interfering with the individual’s education by creating an intimidating, hostile or offensive environment.

Plagiarism - includes but is not limited to, an attempt by a student to claim the work of another as the product of his or her own thoughts, regardless of whether that work has been published; 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; and 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 this policy.

Retaliatory Action - any material adverse action taken against the person who makes or supports a complaint of discrimination, or creating a hostile or threatening environment against such persons.

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Student Organization - a student group that has registered with a campus/center student life office in accordance with the provisions of this policy and procedure.

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