



## **CODE OF STUDENT CONDUCT AND DISCIPLINARY PROCEDURE**

### **I. PURPOSE**

In order to maintain an educational environment to meet HCC's mission and goals, HCC has established a Code of Conduct for students that requires respect, integrity and civility in all College-related activities by all members of the HCC student community.

This Code of Conduct "CODE" is intended to protect HCC, its academic and social community, and its property from harm resulting from acts of its students.

Both individuals and student organizations are expected to follow a code of responsible behavior and to observe HCC rules, policies and procedures, as well as, all federal, state and local laws and guidelines.

This Code outlines prohibited conduct and provides for imposing of appropriate discipline to students whose acts are in violation of prohibited conduct through hearing procedures affording both prompt disciplinary determinations and appropriate due process to the alleged student violator.

HCC students may also be accountable to law enforcement authorities, as well as to the College, for acts that constitute violations of laws as well as violations of this Code. In such events, College disciplinary actions will proceed notwithstanding any pending criminal proceedings. Similarly, dismissal or acquittal of concurrent legal proceedings will not necessarily result in dismissal of College disciplinary actions.

The College recognizes its responsibility to act to protect the safety and well-being of the campus community. The range of student misconduct which could harm persons and property on campus is also broad. Accordingly, these regulations are to be interpreted broadly to effect fully the protection of the HCC community. This Code is intended to define prohibited offenses and to give students notice of the behavioral standards expected of them. It is not meant to define misconduct in exhaustive terms or be all inclusive. HCC may take action concerning student conduct for off-campus/site conduct if the conduct is associated with HCC events, activities or if the conduct imposes a threat to safety or security of the HCC community or threatens to undermine HCC's educational process.

### **II. JURISDICTION**

HCC has jurisdiction over student misconduct that occurs on HCC premises and/or HCC-sponsored activities, which includes all activities at both the Hawk's Landing student housing complex, and it may also address off-campus behavior if HCC determines that the behavior, or the continued presence of the student, impairs, obstructs, interferes with or adversely affects the mission, processes, operation or functions of the College. Any student who commits a criminal act or violates any provision of this Code may be subject to College discipline. HCC may pursue disciplinary action against a student at the same time the student is facing criminal charges for the same offense, even if criminal prosecution is pending, has been dismissed or the charges have been reduced.

HCC will fully enforce this Code at Hawks Landing and will enforce discipline for prohibited conduct as outlined in this Code at Hawks Landing.

The College shall enforce the provisions of Section 1006.62, Florida Statutes and the Code.

### **III. COLLEGE POLICY ON STUDENT VIOLATIONS OF LAW**

On-Campus misconduct constituting a criminal offense will be immediately reported to the Public Safety Office who will contact law enforcement. If a student's illegal act is also in violation of this Code, proceedings will be instituted under this Code. If the College itself is a victim of the illegal act, the college may file a complaint against the student with local law enforcement and take all actions available through the legal system. HCC may take conduct action against a student for off-campus conduct if it is required by law to do so, if the conduct arises from HCC activities, or if the conduct poses a significant threat to the safety or security of the college community, or if the conduct poses a significant threat of undermining the college's educational process.

The Department of Public Safety is responsible for investigating all student violations of the law that occur on campus, and should be notified immediately upon detection of any such violation. As soon as practical upon receipt of such notification, a Public Safety officer shall advise the appropriate local law enforcement authority of such violation and that an investigation is being made. The Department of Public Safety shall take whatever action may be necessary, legal and proper within the scope of its authority with respect to such violation, for the protection of persons and property on campus, and shall cooperate fully with the law enforcement authorities in the apprehension of suspects, preservation of evidence, aid to victims and all other aspects of the case. Complainants will be asked to prepare a complete factual incident report after the occurrence of each violation and a copy thereof sent to the Department of Public Safety. These reports shall be prepared whether or not the violation is also investigated by a local law enforcement authority. If the student violates an ordinance on state, federal or foreign country law that is not associated with a college program or activity, or on HCC property, HCC will not take action and will allow applicable laws to impose any fine/penalty.

### **IV. VIOLATIONS**

The following behavior is subject to disciplinary action under this Code. Any individual, group or a student organization may be charged with any of the violations:

- A. Academic Dishonesty—Engaging in all forms of academic dishonesty in any form including cheating, fabricating and plagiarism.
- B. Alcohol Violations
  - 1. Unauthorized purchase, distribution, delivery, sale, use of, possession or consumption of alcohol when under the age of 21 as specified by the State of Florida.
  - 2. Unauthorized distribution, sale, or provision of alcohol to an individual who is under the age of 21 as specified by the State of Florida.
  - 3. Possession or use of alcohol in any unauthorized public location.
  - 4. Possession or consumption of alcohol on any part of Hawks Landing property, regardless of age of the individual in possession or consuming.
  - 5. Driving on campus property while under the influence of alcohol.
  - 6. Displaying behaviors that indicate intoxication from alcohol.
- C. Illegal Drugs
  - 1. Unauthorized use or possession of any substance constituting a “controlled substance or dangerous drug” as defined by the Florida Criminal Code or any illegal drug.

2. Purchase, distribution, delivery, or sale of any substance constituting a “controlled substance or dangerous drug” as defined by the Florida Criminal Code or any illegal drug.
3. Possession or use of drug paraphernalia.
4. Unauthorized purchase, distribution, delivery, sale, use of, possession, consumption, or provision of legally obtained drugs to someone who does not have a prescription for the medication and/or verification that the medication came from a licensed pharmacy.
5. Driving on campus property while under the influence of any illegal substances.
6. Displaying behaviors that indicate intoxication from a “controlled substance or dangerous drug” as defined by the Florida Criminal Code or any illegal drug.

D. Disruptive Conduct

1. Knowingly violating the terms of an HCC disciplinary sanction imposed in accordance with this Code.
2. Intentionally or recklessly causing physical or psychological harm to any person or intentionally or recklessly causing reasonable apprehension of such harm.
3. Commission on or off campus of any offense involving danger to the person or others, as specified in the Florida Criminal Code, or in a comparable law of the jurisdiction in which said offense was committed if other than Florida.
4. Intentionally furnishing false information to the College or intentionally withholding requested information.
5. Physical or verbal obstruction or disruption of teaching, research, administrative proceedings or any authorized college program, event, function, or activity.
6. Intentionally interfering with the freedom of expression of others.

E. Failure to Comply

1. Failing to comply with the direction of college officials, including campus and contracted public safety officers and/or Resident Assistants, acting in performance of their duties and failing to comply with the direction of Hawks Landing property management personnel.
2. Inability or refusal to provide identification when requested by a college official, including campus and contracted public safety officers and/or Resident Assistants acting in performance of their duties.
3. Failure to comply with a directive including physical or verbal obstruction of a college official, campus and contracted public safety officer, Resident Assistant, and/or Law Enforcement officer’s ability to confront and/or resolve a violation of the Code or law.

F. Gambling—Gambling of any form or participation in games of chance for money or other things of value except as permitted by Florida law.

G. Harassment/Stalking

1. Intentionally or recklessly causing physical or psychological harm to anyone or reasonable apprehension and all threats of physical, verbal or psychological nature.
2. Engaging in stalking or pursuing behavior that creates an intimidating, hostile or offensive educational or work environment for another person/group.
3. Conduct that threatens, intimidates, humiliates or otherwise harms another person/group including face-to-face fighting words and profane expressions.
4. Stalking includes following or contacting via any means another person repeatedly for no legitimate purpose, so as to put that person in fear for their life, personal safety or cause the person substantial emotional distress.
5. Lewd, indecent or obscene conduct.

H. Sexual Assault or Sexual Violence/Sexual Harassment

1. All forms of harassment including slurs, jokes and other verbal, graphic or physical conduct relating to an individual's sex, pregnancy, sexual orientation, race, color, national origin, age, religion including unwelcome religious persuasion, disability, marital and any other protected status.
2. Any sexual act that occurs without the consent of another person or occurs when the other person is unable to give consent due to drugs, alcohol or a disability. Sexual violence includes rape, sexual assault, sexual battery and sexual coercion. The provision also includes conduct of a sexual nature that is intimidating, hostile or offensive to campus, educational and/or working environment for another person. This includes unwelcome sexual advances or requests for sexual favors, inappropriate sexual or gender-based activities, comments, gestures or other forms of verbal, physical conduct or communications which constitutes sexual harassment. Sexual harassment and assault are prohibited by federal or state law and by HCC rules.

Regardless of an official filing of a complaint or law enforcement investigation, the College will promptly investigate to determine what occurred, and take the appropriate steps to resolve the situation, to include internal grievance procedures and/or local authorities.

The HCC policy is found at <http://www.hccfl.edu/gwsc/equity--diversity-office/hcc-policies-procedures--forms.aspx>.

#### I. Computer Misuse

1. Unauthorized access; entry or use of a computer, computer system, network, software, data, password or account.
2. Unauthorized alteration or tampering with computer equipment, software, network or data.
3. Unauthorized copying or distribution of computer software or data.
4. Use of computers to falsify records, tamper with records or commit any act of academic dishonesty.
5. Any other act in violation of law and/or HCC policies and procedures regulating computer use (<http://www.hccfl.edu/oit/policies--procedures.aspx>).

J. Guests—Students are responsible for informing their guests about campus regulations, which includes guests of residents of Hawks Landing, and you may be held accountable for the behavior and actions of the guest.

K. Hazing—Any action or activity committed by active members of an organization that threatens, inflicts or intends to cause physical or mental harm or anxieties to another participant. This includes any action/activity, which may demean, degrade or disgrace another person and any action or situation, which either intentionally or unintentionally endangers a student who is attempting admission or affiliation with a student organization.

#### L. Fire and Safety

1. Damage to, removal of or tampering with any fire safety systems, firefighting equipment or other emergency warning equipment.
2. Intentionally or reckless burning or setting fire to any building or piece of property owned or controlled by the College/Foundation.
3. Initiating a false report, warning or threat of fire, explosion or other emergency.

#### M. Property/Facilities/Services

1. Allowing another person to use your Hawk Card.
2. Stealing, damaging, defacing or misusing College or any other person/group's property or services, which also include possessing stolen property.

3. Unauthorized entry into facilities, including but not limited to buildings, classrooms, hallways, entryways, conference rooms and campus grounds.
4. Bringing animals/pets into College buildings except where authorized.
5. Use of operation of rollerblades, skates, skateboards, bicycles and similar items inside College facilities, or in unauthorized areas.
6. Violation of HCC policies/guidelines for use of College facilities.
7. Consuming food/beverages in unauthorized areas, which include classrooms, labs, library and restrooms.
8. Smoking in unauthorized areas.
9. Violating the terms of the Lease Agreement and the rules/regulations at Hawks Landing.
10. Unauthorized recording of conversations, meetings or activities, which include unauthorized recording of a class or meeting unless expressly approved by the HCC representative.

#### N. Other Violations

1. Violation of any published or posted College regulations not specifically mentioned in this section, including HCC rules, procedures and regulations.
2. Aiding another in any violation of laws or College policies.
3. Attempt or intend to commit any violation of this Code.
4. Off-campus conduct as described in the Jurisdiction provision of this Code.
5. It is a violation of this policy to use or possess an unauthorized weapon on College property or a College site except as authorized by the laws of the State of Florida. (Administrative rule 6HX-10-2.07)

### V. **DISCIPLINARY MEASURES**

One or more of the following disciplinary measures may be imposed upon students found to have violated this Code.

1. Expulsion (Permanent dismissal from the College).
2. Interim Suspension (Suspension from the College for up to 10 days). The Dean of Student Services may assign an interim suspension to students whose conduct he/she determines to present a continuing threat to the college community (student, staff, faculty) or to the academic process. The student must be officially notified of the interim suspension and the violation charges. The student will be provided an opportunity to refute the charges with the Dean of Student Services within the interim suspension period.
3. Suspension (Separation from the College for a specified period).
4. Disciplinary Probation (Loss of participation in extracurricular activities, athletics, and/or holding of an office in student organizations, for a specified time and period).
5. Restitution (The obligation to replace or pay for damaged property or to compensate for losses incurred, because of the violation).
6. Loss of Privileges (temporary revocation of such privileges as driving on campus, use of the cafeteria, library-borrowing privileges, attending athletic events, restricted access to defined locations on campus, suspension or loss of parking privileges, restriction or loss of housing at Hawks Landing, restriction or loss of visitation privilege to Hawks Landing, restriction or loss of guest privileges to residents of Hawks Landing, etc.).
7. Disciplinary Censure (Written warning to the student with copy to student file for having engaged in misconduct).
8. Performance of Conciliatory Act (If the student and the College are mutually agreeable and if circumstances of the violation and the student's attitude so warrant, a disposition may be made that will avoid imposition of a sanction yet will require some conciliatory act by the student evidencing a positive attitude toward his/her conduct in the future). Examples include:
  - a. Behavioral counseling.
  - b. Voluntary withdrawal with opportunity to resume studies at a later time, and with a plan for the interim period.

- c. Performance of some service for the College in mitigation of harm caused by misconduct.

## **VI. DISCIPLINARY PROCEDURES**

### **A. Complaints**

1. Allegation of a violation of the Code of Student Conduct may be made by any member or guest of the College community, or by any representative of any department or agency of the College.
2. Allegations must be in writing within ten (10) days of the report of an alleged code violation (For example, Departmental Complaint or Documentation Form and/or Public Safety, contracted security, or Law Enforcement report, etc.) and shall be filed with the Dean of Student Services at the campus where the infraction occurred.
3. The Dean of Student Services or his/her designee shall then investigate the alleged violation of the Code of Student Conduct.
4. The Dean of Student Services or his/her designee will determine one of two actions:
  - a. If there is a probable violation of the Code, the Dean or his/her designee will determine which section(s) of the Code have been allegedly violated, then request a meeting with the student(s) involved.
    - i. Any alleged violations will be explained to the student in writing within fifteen (15) business days of the Dean's receipt of the documentation.
    - ii. Notification of the complaint shall be in person, e-mail with confirmation receipt, and/or by certified mail, return receipt requested, addressed to the student.
    - iii. The written notification shall contain the date, time and location of a meeting with the Dean of Student Services or his/her designee within ten (10) business days of the date of the notification.
  - b. If there is not enough substance to support a probable violation of the Code, the matter will be dropped.

### **B. Meeting with the Dean or his/her designee**

1. Upon receipt of the notification of the alleged violations and meeting appointment, the student has five (5) business days to contact the Dean or his/her designee to reschedule the meeting for a documented conflict. If the student refuses to meet or misses a scheduled meeting with the Dean or his/her designee, the violations will be considered and decision made without his/her input.
2. During the meeting with the Dean or his/her designee, the evidence will be reviewed to determine the alleged violation(s) of the Code and will be presented to the student. Witnesses will not be allowed to attend the meeting without the permission of the Dean.
3. If the student acknowledges responsibility and/or accountability for any violations of the Code, he/she would let the Dean or his/her designee know this during the meeting.
  - a. The Dean or designee will invoke one or more of the disciplinary measures from Section 5 and make appropriate adjustments for the particular violation(s).
  - b. The Dean or designee will inform the student of sanctions in writing within ten (10) business days.
  - c. The matter is closed with no appeal with the exception of suspension or expulsion.
4. If the student does not accept responsibility and/or accountability for one or more violations of the Code, he/she would let the Dean or his/her designee know during this meeting.

- a. The Dean or designee will review all materials and documentation, listen to the student's perspective, then consider the evidence to determine if the alleged violation(s) of Code are legitimate.
  - b. The Dean or designee may invoke one or more of the disciplinary measures from Section 5 and make appropriate adjustments for the particular violation(s).
  - c. The Dean or designee will inform the student of the decision and/or sanctions in writing within ten (10) business days.
  - d. The matter is closed with no appeal with the exception of suspension or expulsion.
5. If the Dean or his/her designee determines that the violation warrants either expulsion or suspension, the student will be advised that he/she has a five (5) business day period to request a hearing before the College Code of Conduct Committee (CCCC).
  6. The burden of establishing facts in mitigation of expulsion or suspension will be upon the alleged violator.
    - a. If the student does not request to be heard by the CCCC within the five (5) day period, the Dean of Student Services shall recommend the sanction of suspension or expulsion to the Campus President and advise the student in writing.
    - b. The Dean of Student Services or Campus President may opt to refer the matter to the College Code of Conduct Committee.
    - c. If the Dean of Student Services or Campus President requests the case be heard before the CCCC, the Dean of Student Services or designee shall forward the reports and evidence concerning the case to the Vice President for Student Services and Enrollment Management.

C. Appeal to the College Code of Conduct Committee (CCCC)

1. The Vice President for Student Services and Enrollment Management (VPSSEM) shall provide the date, time and place of the hearing to the CCCC. The Dean of Student Services will inform the alleged violator. The meeting date shall not be less than ten (10) days from the date of notification. Notification of the charge shall be in person (receipt required) or by email, certified mail, return receipt requested. A copy of this notification shall be filed in the Dean of Student Services' Office. In addition, the College Code of Conduct Committee shall instruct the Dean of Student Services to forward to the student immediately, a list of witnesses and a copy of their statements and/or documents of alleged violations along with other evidence that the complainant intends to submit against him/her.
2. If, after due notice of the alleged violations and date of hearing, the student fails to appear and the majority of the CCCC is satisfied that the student had appropriate notice of the charge and date of the proceeding and no valid excuse for not appearing, the CCCC may then hold the hearing without the student present.
3. Decisions in all cases shall be determined by a simple majority vote of the members present.
4. The CCCC shall follow the Rules Governing Procedures of the CCCC and Procedural Rights of Individuals Charged (see Section 8). In addition, the CCCC may adopt any other procedural rules that are not inconsistent with these rules in order to assure a fair and impartial hearing, and shall file a report containing findings of fact and conclusions as to the validity of the alleged violations. The report, along with recommendations shall be filed with the Dean of Student Services. If the hearing was conducted in the absence of the individual charged, the report shall so indicate.

D. Imposition of Sanctions—If the person charged is found responsible or accountable for violating the Code, the Campus President and the Dean of Student Services shall review the CCCC report and recommendations, then impose any appropriate sanction or sanctions. A report of findings and impositions of sanctions shall be provided to the alleged violator of the Code (signature required) in

person or by certified mail, return receipt requested. A student's failure to sign constitutes a de-facto acceptance.

- E. Administrative Suspension—Pending the completion of the hearing before the CCCC, the status of the alleged violator of the Code within the college shall not be altered unless his/her continued involvement or presence on campus is found by the Dean of Student Services to constitute a serious threat to the College community or to the property of the College.

**VII. COLLEGE CODE OF CONDUCT COMMITTEE**—The College Code of Conduct Committee shall be organized to hear cases referred to it by the Dean of Student Services or Campus President at the campus where the infraction occurred or brought before it by the student facing charges.

- A. Composition of the CCCC: The CCCC shall consist of five persons, appointed by the Vice President for Student Services and Enrollment Management and include at least one representative from each of the following constituencies: a Dean, at least one student, one faculty member, and two staff members (one district and one campus staff member). The chairperson of the CCCC shall be appointed by the Vice President for Student Services and Enrollment Management (VPSSEM). The responsibilities of the chairperson will be to insure that the right to due process is not abridged and that the CCCC holds its hearings in accordance with procedures set forth herein. A simple majority of the members of the Committee shall constitute a quorum.
- B. Jurisdiction: The CCCC shall be the principle college-wide disciplinary committee with jurisdiction to review student suspensions or expulsions. After careful deliberation, the CCCC will recommend appropriate action to the Campus Dean of Student Services, and Campus President. The committee may choose to sustain, modify, or dismiss the sanctions imposed upon the student.
- C. The College Code of Conduct Committee shall have the authority to prescribe supplementary rules of procedure consistent with the requirements contained herein. The College Code of Conduct Committee may also, on request, render written advisory opinion concerning the meaning and application of this code, or of the rules and regulations promulgated pursuant to this code.

**VIII. RULES GOVERNING PROCEDURES OF THE COLLEGE CODE OF CONDUCT COMMITTEE (CCCC) AND PROCEDURAL RIGHTS OF INDIVIDUALS CHARGED**

- A. The CCCC procedures are without reference to any matter developed previously in an informal proceeding in which disciplinary action was considered.
- B. No member of the CCCC who participated in the particular case, who would appear as a participant in the particular case, or who would appear as a participant before the Board itself shall sit in judgment during that particular proceeding.
- C. Incidents heard before the CCCC shall be held in private unless the alleged Code violator requests that the public be admitted. The public may then be admitted subject to the following stipulations:
  - 1. That in the event of disorder or disruption of the proceeding by spectators, the CCCC may order it closed to the public.
  - 2. The Committee may order all spectators excluded from the proceeding during testimony of a witness when the Committee concludes that such exclusion is necessary and appropriate to avoid embarrassing publicity for a witness.
- D. The alleged Code violator shall have the right to have any one advisor of his/her choice from within or without the college community present during proceedings. The advisor may consult with the student throughout the proceeding, but may not directly address the CCCC or attempt to delay or disrupt the progress of the proceeding at any time.



- E. The alleged Code violator shall have the right to be informed of the identity of the person initiating the incident and/or alleged Code violations against him/her and the right to hear the witnesses against him/her and subject to reasonable rules of procedure, the right to question such witnesses.
- F. The alleged Code violator shall have the right to produce witnesses in his/her own defense. The CCCC may limit the number of repetitive witnesses in order to avoid dilatory tactics.
- G. The alleged Code violator shall have the right to testify in his/her own behalf, or to refuse to testify without such refusal being construed against him/her.
- H. The violations of the Code may be presented by either the appropriate Dean of Student Services or another agent of the College appointed by the Dean of Student Services.
- I. A record of the proceedings shall be made and preserved for not less than sixty (60) days.
- J. Order of Business:
  - 1. Call to order—Chairperson
  - 2. Statement of case to be heard—Chairperson
  - 3. Opening Statement—Complainant or College Delegate
  - 4. Opening Statement—Alleged Violator of Code
  - 5. Presentation and question of evidence and witnesses for the Complainant or College
  - 6. Presentation and question of evidence and witnesses for the Alleged Violator
  - 7. Closing Statement from the Complainant or College Delegate
  - 8. Closing Statement from the Alleged Violator
  - 9. Closing comments and announcements regarding the calendar—Chairperson
  - 10. Adjournment—Chairperson
- K. Deliberations of the Committee shall be conducted out of the presence of the student who allegedly committed the Code violation and with no other persons or spectators present.
- L. No record or transcript of the Committee's deliberations shall be made except a formal record of the Committee's action.

(SS Operations Procedure 3/5/14)