



Santa Fe College

Rules Manual

Title: Student Conduct Code

Rule: 7.23

General Authority: FS 1006.60, 1001.64(4)(8)

Law Implemented: FS 1006.61, 1006.62, 1006.63, 790.115

Effective Date: January 21, 2015

Purpose: To set forth the specific authority and responsibility of the College in maintaining social discipline; to establish guidelines which facilitate a just and civil college community; to adopt codes of conduct and appropriate penalties for violations of rules, laws, and regulations by students and student organizations; and to outline the associated student conduct process to be administered by the College.

Philosophy and Overview

Santa Fe College is an institution that encourages the intellectual and personal growth of its students. As an educational facility, it is imperative that the College allows for the transmission and free exchange of knowledge, ideas, beliefs, and customs. In order to ensure an environment where these goals can be realized safely, the College promotes civility, integrity, and harmony among its College community. Students are therefore expected to respect the law and adhere to the highest ethical and moral standards of conduct. These high standards have been designed to protect the College community, the College's property, and create an educational environment conducive to the College's academic mission.

This Code sets forth the conduct prohibited for students. These regulations are considered necessary to preserve and maintain an environment conducive to learning, to ensure the safety and welfare of the members of the College community, to encourage students in the development and practice of good citizenship and self-discipline, and to protect the property and equipment of the College.

Choosing to join the College community obligates students and student organizations to become familiar with and abide by College regulations and acceptable standards of conduct. Students who fail to observe College regulations or maintain acceptable standards of personal conduct are subject to student conduct action if their actions occur on College premises or

adversely affect the College community and/or the pursuit of its objectives and/or when action is required by law. The student conduct process followed by the College will incorporate procedures for ensuring fundamental fairness, promptness, impartiality, and educational experience that facilitates the development and growth of the individual and/or organization. Student conduct action by the College may proceed while criminal proceedings are pending and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced.

The College recognizes that some academic programs may require additional standards, policies, and/or rules which may be provided by law, regulatory bodies, advisory committees, national standards, and/or community standards, including accreditation standards that may provide for further program-specific discipline and/or rules for student conduct. Such programs are authorized to develop their respective standards in addition to those found in this rule. Students in these affected programs will be provided notice of such program standards and/or regulations. The Vice President for Student Affairs may designate a person from such programs to serve as a Deputy Student Conduct Officer and to administer the Code and its processes to students in these programs. In administering this Code, the Deputy Student Conduct Officer shall work in consultation with the Student Conduct Officer and the office of the Vice President for Student Affairs.

Article I: Definitions

- A. The terms “College” and “Santa Fe” mean Santa Fe College.
- B. The term “Student Conduct Code” refers to College Rule 7.23 and may be referred to herein as the “Code.”
- C. The term “student” includes all persons taking courses, both credit and non-credit, from Santa Fe College, both full and part time. Persons who are not currently enrolled for a particular term but who have a continuing relationship with Santa Fe are considered students. Students are considered “current” for two full semesters (excluding Summer) following the final semester of enrollment.¹
- D. The term “instructor” means any person hired or requested by the College to conduct classroom or other educational activities.
- E. The term “College official” means any person employed or requested by Santa Fe to perform assigned administrative or professional responsibilities.

¹ Note, however, that an individual who is a current student but is not currently enrolled may be trespassed from the College without the need for Student Conduct proceedings.

- F. The term “Santa Fe community” or “College community” includes any person who is a student, employee, or any other person associated with the College. A person’s status in a particular situation in reference to this Code shall be determined by the Vice President for Student Affairs.
- G. The term “College premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by Santa Fe College and the Santa Fe College Foundation.
- H. The term “student organization” means group of students who have complied with the formal requirements for recognition by the College.
- I. The term “Student Conduct Board” means a group of at least three appropriately trained people authorized by the Vice President for Student Affairs to determine whether a student has violated the Code and to recommend imposition of sanctions.
- J. The term “Student Conduct Officer” refers to the appropriately trained person who is authorized on a case-by-case basis by the Vice President for Student Affairs to impose sanctions upon students found to have violated the Code. The Student Conduct Officer is authorized to serve as one of the members of a Student Conduct Board. A “Deputy Student Conduct Officer” is an appropriately trained person designated by the Vice President of Student Affairs to administer the Code in College programs which may have program-specific additional standards, rules, policies, regulations and/or discipline applicable to their students.
- K. The term “Appellate Board” means at least three appropriately trained persons authorized by the Vice President for Student Affairs to consider an appeal from a Student Conduct Board’s determination that a student has violated the Code or from the sanction imposed by the Student Conduct Officer.
- L. The term “shall” is used in the imperative sense.
- M. The term “may” is used in the permissive sense.
- N. The Vice President for Student Affairs is the College official designated by the College President to be responsible for the administration of this Code.
- O. The term “academic misconduct” includes, but is not limited to:
1. Cheating - The improper taking or tendering of any information or material which shall be used to determine an academic grade. Taking of information includes, but is not limited to, copying graded homework assignments from another student; working together with another individual(s) on a take-home test or homework when not specifically permitted by the instructor; looking or attempting to look at another

student's paper during an examination; looking or attempting to look at text or notes during an examination when not permitted; the acquisition of tests or other academic material belonging to a member of the Santa Fe faculty, staff, or student body without express authorization from the instructor (e.g. examination questions on reserve at the library). Tendering of information includes, but is not limited to, giving work to another student to be used or copied; giving someone answers to exam questions either when the exam is being given or after having taken an exam; giving or selling a term paper or other written materials to another student; sharing information on a graded assignment.

2. Plagiarism - The attempt to represent the work of another as the product of one's own thought, whether the work is published or unpublished. Plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. This applies to speech and electronic media as well. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling or distributing of term papers or other academic materials.
3. Bribery - The offering, giving, receiving, or soliciting of any materials, items, or services of value to gain an academic advantage for the student or another.
4. Misrepresentation - Any act or omission with intent to deceive an instructor for academic advantage. Misrepresentation includes using computer programs generated by another and handing it in as a student's own work unless expressly allowed by the instructor; lying to an instructor to increase a student's grade; lying or misrepresenting facts when confronted with an allegation of academic dishonestly.
5. Conspiracy - The planning or acting with one or more persons to commit any form of academic misconduct to gain advantage for the student or another.
6. Fabrication - The use of invented or fabricated information, or the falsification of research or other findings with the intent to deceive in order to gain academic advantage.
7. Failure to cooperate - Refusal to hand over materials, electronic media, and/or other resources pursuant to a reasonable request by a College official or instructor in their efforts to determine if academic misconduct has occurred.

P. The term "Complainant" refers to a person bringing forth allegations of potential violations of College policy, rule, procedures, and/or code. The College will evaluate the allegations in determining whether to pursue charges.

Q. The term “Accused” refers to a student or student organization charged or alleged to have violated College policy, rule, procedures, and/or code.

R. The term “theft of identity” means the use, unlawfully or without permission, of the affected party’s name, social security number, driver’s license number, or other personally identifiable information, leading, attempting to lead, or allowing others to believe that one is another real person.

S. The term “classroom sanctions” refers to those sanctions listed in Article V, B. initially assigned by an instructor or academic departments to students who commit any form of academic misconduct, consistent with the severity of the violations.

Article II: Student Conduct Authority

A. The Vice President for Student Affairs or designee shall determine the composition of Student Conduct Boards and appellate boards and which Student Conduct Board, Student Conduct Officer, and appellate board shall be authorized to hear cases. Prior to each hearing, the Vice President for Student Affairs or designee shall select a chairperson who shall lead the hearing and have the authority to resolve certain procedural questions as described in Article V, below. The composition of members of each Student Conduct Board may be changed or altered by the Vice President for Student Affairs as long as there are at least three members serving. The composition of members of each appellate board may be changed or altered by the Vice President for Student Affairs as long as there are at least three members serving.

B. The Vice President for Student Affairs shall develop policies, procedures, and protocols for the administration of the student conduct program and procedural rules for the conduct of hearings consistent with provisions of the Code. All members of the Student Conduct Board must value the confidentiality of the issues in a student conduct hearing to the extent provided by law and will receive adequate training to carry out the responsibilities of being a board member. College participants in the student conduct process shall have appropriate training, including training at least annually in issues relating to sexual violence, dating violence, domestic violence and stalking.

C. Student Conduct Board. The Vice President for Student Affairs will maintain a list of at least twenty persons consisting of members of the Santa Fe community to serve as a pool from which the Vice President for Student Affairs or designee shall appoint a Student Conduct Board for any given hearing. The composition of the Student Conduct Board pool should reflect the value of diversity and will include students. A list of potential Student Conduct Board members will be provided to the Vice President for Student Affairs by August 30 of each year. The pool will be compiled from the following candidates:

1. The College Senate will provide a list of at least ten faculty and/or administrators willing to serve on the Student Conduct Board.
2. A representative of Student Government as designated by the Director of Student Life will provide a list of at least ten currently enrolled students who are willing to serve on the Student Conduct Board.
3. The Career Service Council will provide a list of at least ten career service employees who are willing to serve on the Student Conduct Board.

The Vice President for Student Affairs may add or select other members for the Student Conduct Board.

Decisions made by a Student Conduct Board and/or Student Conduct Officer shall be final, pending the appeal process listed herein.

A Student Conduct Board may be designated as arbiter of disputes within the student community in cases which do not involve a violation of the Code. All parties must agree to arbitration and to be bound by the decision with no right of appeal.

Article III: Prohibited Conduct

A. Jurisdiction of the Student Conduct Code: The Code shall apply to conduct that occurs on College premises, at College-sponsored activities, and to off-campus conduct that adversely affects the College community and/or the pursuit of its objectives and/or when required by law. Each student shall be responsible for his or her conduct from the time of application for admission until the individual is no longer considered a "current" student, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if the student's conduct is not discovered until after a degree is awarded). Students are considered "current" for two full semesters (excluding Summer) following the final semester of enrollment. The Code shall apply to a student's conduct even if the student withdraws from school while a conduct matter is pending. The Vice President for Student Affairs, in his or her sole discretion, shall decide whether the Student Conduct Code shall be applied to conduct occurring off campus, and/or when a student is not registered for classes, on a case by case basis.

B. Misconduct: Any student found to have committed, or attempted to commit the following misconduct is subject to the sanctions outlined in the Code.

1. Acts of dishonesty, including but not limited to the following:
 - a. Cheating, plagiarism, or other forms of academic misconduct and/or lack of integrity.

b. Making false, fraudulent, or incomplete statements in the application, residence affidavit, or accompanying documents or statements in connection with, or supplemental to, the application for admission or readmission to or graduation from the College or a College program.

c. Furnishing false information to any College official, faculty member, or office, including writing bad checks to the College. This includes, but is not limited to, furnishing false information in academic petitions or appeals documents, financial aid documents, student employment documents, financial statements, medical documents, student employment documents, financial statements, medical documents, or any other false information provided to intentionally mislead College officials.

d. Forgery, alteration, or misuse of any College document, record, or instrument of identification including the omission of relevant or material facts to any college official or instructor.

e. Theft of identity.

2. Disruption or obstruction or interference with teaching; classes; research; administration; the educational environment or experience; conduct proceedings; any College activities, on College premises or at functions sponsored by, or participated in by, the College or members of the academic community. Classroom disruption is defined as behavior that a reasonable person would view as substantially and/or repeatedly interfering with the conduct of a class. Generally, disruptive behavior interferes with the instructor's authority and/or ability to conduct the class, or the ability of other students to profit from the instruction.

3. Physical, verbal or written abuse, bullying, threats, intimidation, stalking, sexual violence including sexual assault or rape, other sexual misconduct, domestic violence, dating violence, harassment, coercion, and/or any other conduct which threatens or endangers the health, safety, or rights of any person.

4. All forms of harassment and discrimination prohibited under College Rule 2.8. Harassment and discrimination are addressed in College Rule 2.8, and violations of that policy may be handled under that policy and accompanying procedures in conjunction with the Code as determined by the Vice President for Student Affairs in consultation with the College's Equity Coordinator. Additionally, under Article V, C, below, the Vice President of Student Affairs may choose to interim suspend a student potentially in violation of the discrimination and harassment prohibitions under Rule 2.8.

5. Attempted or actual theft or vandalism of and/or damage to property of the College or property of a member of the College community or other personal or public

property, on or off campus, including the theft of textbooks or library books or the sale or attempted sale of a stolen textbook or other College property.

6. Hazing, in accordance with Florida law, and which includes any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student, or any act which destroys or removes public or private property, for purposes including, but not limited to, initiation or admission into or affiliation with any group or organization operating under the sanction of the College. "Hazing" includes, but is not limited to, pressuring or coercing the student into violating state or federal law, any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any item and also includes, for example, any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, and forced conduct that could result in extreme embarrassment. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.

7. Failure to comply with directions of College officials or law enforcement officers acting in performance of their duties and/or failure to correctly identify oneself to these persons when requested to do so.

8. Unauthorized possession, duplication, or use of keys or other access control system to access any College premises or unauthorized entry to or use of College premises.

9. Violation of College policies, rules, or procedures published in hard copy or available electronically on the College website.

10. Violation of federal, state, or local law(s) on College premises or at College-sponsored or supervised activities or off-campus when the conduct would adversely affect the College community and/or the pursuit of its objectives.

11. Use, possession, or distribution of narcotics or other controlled substances, except as expressly permitted by law. Prohibited conduct includes the misuse of a prescription drug and the unprescribed use of a substance that will alter a student's mental state.

12. Use, possession, or distribution of alcoholic beverages, except as expressly permitted by the law and College rules or procedures. Alcoholic beverages may not, in any circumstance, be used by, possessed by or distributed to any person under twenty-one (21) years of age.

13. Possession of firearms, electric weapons or devices, explosives, destructive devices, other weapons, including a razor blade or box cutter, or dangerous chemicals on College premises, which is prohibited in College Rule 3.38. (Police officers as defined by state law are excluded from this section and are authorized to carry firearms and other weapons on

College premises as permitted by law.) Students are not permitted to carry firearms on their person on College premises, including parking lots.

14. Failure to promptly report, as provided for in College Rule 3.38, the possession of firearms, electric weapons or devices, explosives, destructive devices, other weapons, including a razor blade or box cutter, or dangerous chemicals on College premises to the appropriate College authorities, including the President, the Provost, the Chief of Police/designee, any College police officer, any Vice President, Associate Vice President, or Assistant Vice President, or any director, chair or coordinator.

15. Participation in an on-campus or off-campus demonstration, riot or activity which disrupts the normal operations of the College or infringes on the rights of other members of the College community and/or leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.

16. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions.

17. Conduct that 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 or members of the academic community.

18. Any unauthorized use of electronic or other devices to make an audio or video recording of any person while on College premises without his or her prior knowledge, or without his or her effective consent when there is a reasonable expectation of privacy and/or when consent is required by law. This includes, but is not limited to, recording a faculty member or invited speaker without prior consent or surreptitiously taking pictures of another person in a gym, locker room, or restroom. A recording may be permitted as an accommodation under the Americans with Disabilities Act (ADA), as amended, but only as authorized through the College's Disabilities Resource Center.

19. Theft or other abuse of College information technology (IT) resources (computers, related technology, and facilities), including but not limited to intentional:

a. Unauthorized access of a file and/or network for any purpose and/or introduction of a destructive program, including viruses.

b. Any use of computer facilities and resources in violation of copyright law including but not limited to illegal file sharing, downloading, or transfer or facilitating others to download copyrighted audio and/or video files without authorization.

c. Unauthorized use of another individual's identification and/or password.

d. Use of IT resources to access, send, display, print or transmit obscene, pornographic, harassing or discriminatory (for example, racist, sexist etc.), or abusive messages;

e. Use of IT resources to interfere with normal operation of College computing systems and services or interfere with the work of another student or College employee. This includes unauthorized modification of the system setup of the College's computer teaching labs.

f. Any other violation of the College "Information Technology Appropriate Use Policy (AUP)."

20. Unauthorized or inappropriate use of college telephones, fax machines, copier machines, printers or any other office communication devices.

21. Gambling as defined in Florida Statutes Chapter 849.

22. Abuse of the Student Conduct System, including but not limited to:

a. Failure to obey the notice from a Student Conduct Board or College official to appear for a meeting or hearing as part of the Student Conduct System.

b. Falsification, distortion, or misrepresentation of information before a Student Conduct Board.

c. Disruption or interference with the orderly conduct of a Student Conduct Board proceeding.

d. Institution of a student conduct code proceeding in bad faith or knowingly without cause.

e. Attempting to discourage an individual's proper participation, or use of, the student conduct system.

f. Attempting to influence the impartiality of a member of a Student Conduct Board prior to, and/or during the course of, the Student Conduct Board proceeding.

g. Harassment (verbal or physical) and/or intimidation of a member of a Student Conduct Board prior to, during, and/or after a student conduct code proceeding.

h. Failure to comply with the sanction(s) imposed under the Student Conduct Code.

i. Influencing or attempting to influence another person to commit an abuse of the student conduct code system.

23. Failure to cooperate in the investigation of Rule or Code violations.

24. Failure to comply with a directive of a college official such as to cease all contact or interaction with another individual (i.e. “no contact order”).

25. Any conduct that constitutes any form of retaliation towards a complainant or any participant in an investigation or conduct process under this Code.

26. Failure to report any criminal or disciplinary problems arising after being admitted to the College in writing to the Office of the Registrar using the designated form (currently the Disciplinary History Disclosure Form).

27. On occasion, situations may arise not specifically covered by College Regulations or the Code, but which are harmful to the welfare of the Santa Fe community or are obstructive to the orderly processes of the College. In these instances, the Vice President for Students Affairs or designee will make interpretation and appropriate action will be taken.

C. Violation of Law and College Student Conduct Code

1. College Student Conduct proceedings may be instituted against a student charged with conduct that potentially violates both the law and this Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings at the discretion of the Vice President of Student Affairs. Determinations made or sanctions imposed under this Student Conduct Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of College rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

2. If the alleged offense is also being processed under the Student Conduct Code, the College may advise off-campus authorities of the existence of the Code and of how such matters typically are handled at the College. To the extent permitted by law, the College will cooperate 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 (provided that the conditions do not conflict with College rules or sanctions). Individual students and other members of the College community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

Article IV: Academic Misconduct

Procedures for Cases Involving Charges of Academic Misconduct

A. Within seven instructional days of determining a student has committed Academic Misconduct, the instructor shall:

1. Make every reasonable attempt to meet with the student in order to notify the student of the potential misconduct and hear any explanation from the student prior to assigning appropriate classroom sanctions as defined in Article V, B. Instructors also are strongly encouraged to consult and/or notify their department chair/director during this period.

2. Access an online Santa Fe Student Conduct Report (“SCR”) form, report the alleged misconduct, document the meeting and assign appropriate classroom sanction(s) as defined in Article V, B., if applicable.

B. In the case of alleged academic misconduct during a proctored assessment (e.g. through the Disabilities Resource Center or Assessment Center), the proctor will:

1. Notify the instructor and department chair/director to assess the potential academic misconduct.

2. The instructor shall follow steps 1 through 2 in Article IV, A. above.

C. The SCR will notify the Student Conduct Officer of the alleged violation and the of the classroom sanction(s). The Student Conduct Officer will use the Student Conduct Information System (SCIS) to communicate to the accused student the charge, the classroom sanction(s), and about appropriate options for further procedures pursuant to Article V in the Student Conduct Code, should the student wish to contest the misconduct charge and/or the classroom sanctions. The notification feature of eSantaFe will also be used to alert the student of SCIS communication.

D. Based on the severity of the incident and the student’s conduct history, the Student Conduct Officer may choose to meet with the student for an informal hearing, during which time additional sanctions (as described in Article V, B., including but not limited to, Probation, Loss of privileges, Placement of an “XF” on the student’s transcript, Discretionary sanctions, Suspension, Withdrawal from program and/or department, Denial of academic credit, or Expulsion) may be imposed. The Student Conduct Officer will consult with the faculty member and department chair if proposed sanctions would impact the student’s transcript.

E. In all academic misconduct cases described above, students may contest the charges and/or the sanctions and request a formal conduct hearing by notifying the Student Conduct Officer within three instructional days of receiving the notification of the charges and sanctions. Conduct hearings will be held consistent with guidelines listed in Article V. All conduct hearing board members will be selected and trained per Article II. Instructors and department chairs/directors may be called as witnesses for the purpose of explaining the assignment, how

the academic misconduct was determined, the rationale for the assigned classroom sanctions, and department policy with regards to academic misconduct.

F. A decision reached by the Student Conduct Board or a sanction imposed by the Student Conduct Officer may be appealed in accordance with the policies for appeals laid out in Article V, D.

Article V: Student Conduct Procedures

The College encourages students, faculty, and staff to resolve disputes informally in appropriate cases. The Office of Vice President for Student Affairs can offer more information about College-facilitated procedures for informal dispute resolution.

A. Charges and Student Conduct Board Hearings

Any member of the College community may file a complaint against a student for violations of the Student Conduct Code. The complaint should be submitted via an SCR form, which is managed by the Vice President for Student Affairs, who is responsible for the administration of the College Student Conduct Code process. The Vice President for Student Affairs will forward the written complaint to the Student Conduct Officer. Any complaint should be submitted as soon as possible after the event takes place, preferably within seven instructional days. Students contesting charges and/or sanctions related to academic misconduct and who are requesting a formal student conduct board hearing in accordance with Article IV, E, above, also shall notify the Student Conduct Officer in writing with a paper copy to the Office of the Vice President for Student Affairs or in a response through the Santa Fe Student Conduct Reporting system for proceedings under this Article of the Student Conduct Code.

The Student Conduct Officer may conduct an investigation to determine the appropriate resolution for the charges, which may include one or more of the following possible outcomes:

1. **Insufficient Cause.** If the Student Conduct Officer finds insufficient cause to charge a student with violating the Student Conduct Code, and/or if the investigation indicates that the student is not responsible for the violations, he/she will be informed of that in writing by the Student Conduct Officer.
2. **Mediation.** In appropriate cases, the Student Conduct Officer may coordinate a mediation process with the complainant and the accused student. Mediation is a voluntary process in which the parties involved meet with a trained, neutral third party to discuss and design a resolution of the issues in concern. Mediation often results in a written agreement that is drafted and signed by both parties. While mediation may be used in some types of sexual harassment cases, it will not be used to resolve sexual

assault complaints. If mediation for a complaint is unsuccessful, other forms of resolution remain available.

3. **Informal Resolution.** The student and the Student Conduct Officer may agree to resolve the matter informally. In that event, the student and the Student Conduct Officer shall review the charges and the student shall accept responsibility for the violations of the Student Conduct Code. The student and the Student Conduct Officer may then discuss a plan for resolving the issues involved in the misconduct, which may include agreed-upon sanctions. A student who elects to resolve the charge(s) with the Student Conduct Officer shall, after being informed of his or her rights, sign a written waiver of a formal hearing and a written acceptance of the responsibility and the specified sanction(s) imposed. There is no appeal from an Informal Resolution.
4. **Student Conduct Board Hearing.** A Student Conduct Board hearing consists of a formal hearing before a panel of at least three appropriately trained people, and is held in accordance with the procedures described below.

In cases where there will be a hearing, all charges shall be presented to the Accused in written form via the Student Conduct Information System. A time shall be set for a Student Conduct Board hearing, not less than five nor more than fifteen instructional days after the student has been notified. Maximum time limits for scheduling of Student Conduct Board hearings may be extended at the discretion of the Student Conduct Officer. Students are encouraged to contact the Student Conduct Officer prior to the scheduled hearing for a voluntary information hearing session, which provides specific information about the hearing process. Information about the availability of this session will be included with the notification letter. Student Conduct Board hearings shall be conducted by a Student Conduct Board according to the following guidelines except as provided by Article V, A.7 below:

- a. Student Conduct Board hearings normally shall be conducted in private.
- b. The Complainant, Accused and their advisors, if any, shall be allowed to attend the entire portion of the Student Conduct Board hearing at which information is received (excluding deliberations). Admission of any other person to the Student Conduct Board hearing shall be at the discretion of the Student Conduct Board and/or its Student Conduct Officer.
- c. In Student Conduct Board hearings involving more than one accused student, the Student Conduct Officer, in his or her discretion, may permit the Student Conduct Board hearings concerning each student to be conducted either separately or jointly.
- d. The Complainant and the Accused have the right to be assisted by an advisor they choose, at their own expense. The advisor may be an attorney. The Complainant and an

Accused in a complaint involving sexual assault, dating violence, domestic violence or stalking have the right to be accompanied to any related meeting or proceeding by the advisor of their choice in addition to the Student Conduct Board hearing. The Complainant and/or the Accused is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or to participate directly in any Student Conduct Board hearing before a Student Conduct Board. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Student Conduct Board hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor.

e. The Complainant, the Accused and the Student Conduct Board may arrange for witnesses to present pertinent information to the Student Conduct Board. Witnesses will provide information to and answer questions from the Student Conduct Board. Questions may be suggested by the Accused and/or Complainant to be answered by each other or by other witnesses. This will be conducted by the Student Conduct Board with such questions directed to the chairperson, rather than to the witness directly. Questions of whether potential information will be received shall be resolved in the discretion of the chairperson of the Student Conduct Board.

f. Pertinent records, exhibits, and written statements may be accepted as information for consideration by a Student Conduct Board at the discretion of the chairperson.

g. All procedural questions are subject to the final decision of the chairperson of the Student Conduct Board.

h. After the Student Conduct Board hearing, the Student Conduct Board shall determine by majority vote whether the Accused has violated each section of the Student Conduct Code the student is charged with violating.

i. The Student Conduct Board's determination shall be made on the basis of whether it is more likely than not that the Accused violated the Student Conduct Code. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Conduct Code proceedings.

5. The College shall create a single verbatim record, such as an audio or video file, of all Student Conduct Board hearings before a Student Conduct Board (not including deliberations). Deliberations shall not be recorded. The record shall be the property of the College. Students may request a transcription of the record but must agree to the redaction of other students' records/information and must pay for all costs of transcription. If an Accused, with notice, does not appear before a Student Conduct Board hearing, the information in support of the charges shall be presented and considered even if the Accused is not present.

6. The Student Conduct Officer may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Accused, and/or other witness during the hearing by providing separate facilities, by using, when available and feasible, a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Student Conduct Officer to be appropriate.

B. Determination of Sanctions

In keeping with the essential values of Santa Fe College, sanctions are designed to promote the College's educational mission. Sanctions may also serve to promote safety or to deter students from behavior that harms, harasses, or threatens people or property. Some behavior is so harmful or disruptive to the College community or to the educational process that it may require sanctions such as removal from specific courses or activities, suspension from the College, or expulsion. More than one sanction may be recommended.

1. Factors Considered in Determining Sanctions.

Although not binding or definitive, the following factors may be considered in determining what sanctions are appropriate in a particular case:

- a. The nature of the violation(s).
- b. Prior violations and Student Conduct history.
- c. Mitigating circumstances surrounding the violation.
- d. The student's motive or purpose for engaging in the behavior.
- e. Sanctions which have been imposed in similar cases in the past.
- f. The developmental and educational impact on the student.

2. Possible Sanctions.

Multiple sanctions may be imposed, including but not limited to one or more of the following:

- a. Warning/reprimand - A notice in writing to the student that the student is violating or has violated institutional rules, policies or procedures.
- b. Probation - A written reprimand for violation of specified rules, policies or procedures. Probation is for a designated period of time and includes the probability of more severe Student Conduct sanctions if the student is found to violate any institutional rule(s), policy(ies) or procedure(s) during the probationary period. Conduct probation also means a student is not in good standing with the College and cannot represent the College on any athletic team other than intramurals, cannot hold an office in any student organization

registered with the College, and may not represent the College in any extracurricular activity or official function nor participate in any study abroad program.

- c. Loss of Privileges - Denial of specified privileges for a designated period of time.
- d. Fines - Previously established and published fines may be imposed.
- e. Restitution - Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- f. Discretionary Sanctions - Work assignments, essays, service to the College, or other related discretionary assignments.
- g. Conduct - Order/Flag- A conduct order/flag is placed on a student who has unfinished business with a College official or department. A conduct order/flag prohibits a student from one or more of the following: obtaining transcripts, obtaining a diploma, receiving funds, registering for classes, and attending classes. The conduct order/flag is lifted by the Student Conduct Officer only if the student attends to the matter that initiated the conduct order/flag.
- h. No Contact or Stay Away Order- the College may prohibit the student from having contact with another student or college employee or require a neutral third party be present before there is contact.
- i. College Suspension - Separation of the student from the College and/or a College program for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- j. College Expulsion - Permanent separation of the student from the College or a College program.
- k. Revocation of Admission and/or Degree -Admission to or a degree awarded from the College may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- l. Cancellation of test scores, including PERT, and the rescission or invalidation of College credit or of any degree awarded.

- m. Withholding Degree - The College may withhold awarding a degree or certificate otherwise earned until the completion of the process set forth in this Student Conduct Code, including the completion of all sanctions imposed, if any.
- n. Withdrawal from a class, program and/or department.
- o. Placement of an "XF" on the student's transcript to indicate academic misconduct.
- p. Denial of academic credit.
- q. Classroom Sanctions
 - 1. Required retest, resubmission, rewrite, additional assignment, and/or alternative assignment.
 - 2. Reduction of grade on the evaluation instrument/process (text, quiz, assignment, term paper, demonstrated skill, etc.).
 - 3. Assignment of "F" grade for course.
 - 4. Removal from the course.
 - 5. Any combination of the above-listed sanctions.
- 3. Other than College expulsion, placement of an "XF" on the student's transcript, or revocation or withholding of a degree, Student Conduct sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's conduct record (both types of records are education records protected by FERPA). Upon graduation and application to the Student Conduct Officer, the student's conduct record may be expunged of conduct actions other than academic misconduct, placement of an "XF" on the student's transcript, College suspension, College expulsion, or revocation or withholding of a degree. Cases involving the imposition of sanctions other than placement of an "XF" on the student's transcript, College suspension, College expulsion or revocation or withholding of a degree may be expunged, upon the student's request, from the student's confidential record seven years after final disposition of the case.
- 4. In situations involving both an Accused (or group or organization) and a student(s) claiming to be the victim of another student's conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the Accused and the student(s) claiming to be the victim because the educational career and chances of success in the academic community of each may be impacted.

The following sanctions may be imposed upon student organizations:

- a. Those sanctions listed above in Article V(B)(2)(a)–(f).
 - b. Charter Suspension. Loss of all privileges, including College recognition, for a specified period of time.
5. In each case in which a Student Conduct Board determines that a student and/or student organization has violated the Student Conduct Code, the sanction(s) shall be determined and imposed by the Student Conduct Officer. In cases in which persons other than, or in addition to, the Student Conduct Officer have been authorized to serve as the Student Conduct Board, the recommendation of the Student Conduct Board shall be considered by the Student Conduct Officer in determining and imposing sanctions. The Student Conduct Officer is not limited to sanctions recommended by members of the Student Conduct Board. Following the Student Conduct Board hearing, via the Santa Fe Student Conduct Reporting system, the Student Conduct Officer shall advise the Accused, and/or student organization (and a complaining student who believes s/he was the victim of another student's conduct) in writing of its determination and of the sanction(s) imposed, if any. In cases alleging sexual harassment under SF College Rule 2.8, sexual assault, dating violence, domestic violence and stalking, the Complainant also will receive simultaneous notice of the relevant finding(s) and related sanction(s), as permitted by law, as well as notice of any changes and when such determinations are final.
- C. Interim Suspension: In certain circumstances, the Vice President for Student Affairs, or a designee, may impose a College suspension prior to the Student Conduct Board hearing (if necessary).
1. Interim suspension may be imposed:
 - a. to ensure the safety and well-being of members of the College community or preservation of College property when a student is accused of conduct either on campus or off campus that potentially violates a law and/or the Code and, as determined by the College's Threat Assessment and Management Team (TAM Team), that student's continuing presence at the College may be a threat to the safety and well-being of the College community and property;
 - b. to ensure the student's own physical or emotional safety and well-being;
 - c. if the student poses a threat of disruption of, or interference with, the normal operations of the College; or
 - d. if the student has potentially violated the discrimination and harassment prohibitions under College Rule 2.8.

2. During the interim suspension, a student shall be denied access to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Vice President for Student Affairs may determine to be appropriate. Students suspended on an interim basis are not entitled to any special considerations because of their separation from the College, i.e., make-up tests, refund of fees, etc. Any request for special considerations may be addressed to the Vice President for Student Affairs in writing following the disposition of the case.

The interim suspension does not replace the Student Conduct process, which shall proceed on the normal schedule, up to and through a Student Conduct Board hearing, if required.

However, the student shall be notified in writing of this action and the reasons for the suspension. The notice should include the time, date, and place of a subsequent opportunity to be heard at which the student may demonstrate why his or her continued presence on the campus does not constitute a threat. The Vice President for Student Affairs may elect to rescind the interim suspension based on the circumstances surrounding the case prior to it being heard. If the allegations of misconduct are dropped by the College prior to a hearing, the interim suspension will be rescinded.

D. Interim No Contact Order

In certain circumstances, the Vice President for Student Affairs or a designee, may impose a no contact order prior to the Student Conduct Board hearing (if necessary).

1. A no contact order may be imposed:
 - a. To ensure the safety and well-being of members of the College community when a student is accused of conduct (either on campus or off campus) that potentially violates a law and/or the Code and the College Threat Assessment and Management Team (TAM Team) determines that the students may pose a threat to each other's safety and well-being;
 - b. To ensure a student's own physical or emotional safety and well-being;
 - c. There is a threat of disruption, or interference with, the normal operations of the College; or
 - d. If the student has potentially violated the discrimination and harassment prohibitions under College Rule 2.8.

2. When an Interim No Contact Order is imposed, the student shall be prohibited from having contact with another student or college employee, the order may also require a neutral third party be present before there is contact. Any requests for special considerations may be addressed to the Vice President for Student Affairs in writing following the disposition of the case.
3. The Interim No Contact Order does not replace the Student Conduct process, which shall proceed on the normal schedule, up to and through a Student Conduct Board hearing, if required.

The student shall be notified in writing of this action and the reasons for the No Contact Order. The notice should include the time, date, and place of a subsequent opportunity to be heard at which the student may demonstrate why his or her continued presence on campus is not a threat. The Vice President for Student Affairs may elect to rescind the interim no contact based on the circumstances surrounding the case prior to it being heard. If the allegations of misconduct are dropped by the College prior to a hearing, the Interim No Contact Order will be rescinded.

E. Appeals

Following a Student Conduct Board hearing, a decision reached by the Student Conduct Board or a sanction imposed by the Student Conduct Officer may be appealed by the Accused to an Appellate Board consisting of at least three members within five (5) instructional days of the decision. In cases involving sexual harassment under College Rule 2.8, sexual assault, domestic violence, dating violence or stalking, the Complainant(s), in addition to the Accused, will have the right to appeal. Such appeals shall be in writing and shall be delivered to the Student Conduct Officer or his or her designee. If the appeal is mailed, the postmarked date will be used as the official receipt date of the appeal. The appeal shall state all specific reason(s) for the appeal.

Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of the Student Conduct Board hearing and supporting documents for one or more of the following purposes:

1. To determine whether the Student Conduct Board hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the Student Conduct Code was violated, and giving the Accused a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.

2. To determine whether the decision reached regarding the Accused was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the Student Conduct Code occurred.
3. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Conduct Code which the student was found to have committed.
4. To consider new information, sufficient to alter a decision or sanction, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original Student Conduct Board hearing.

If an appeal is upheld by the appellate board due to new evidence in accordance with section D.2.d. above, the matter shall be remanded to the original Student Conduct Board to allow reconsideration and review of the original determination and/or sanctions. If due to extenuating circumstances, a member of the original Student Conduct Board is unavailable for this process, the Vice President for Student Affairs may make reasonable changes to the original Student Conduct Board to accommodate the circumstances. The result of the review will be submitted to the Vice President for Student Affairs in writing for a final determination of the case, including responsibility and sanctions.

For all other reasons for appeals listed above (2.a. through 2.c.), an appellate board will review the appeal and make its recommendation(s) to the Vice President for Student Affairs for a final decision on the appeal.

In cases involving appeals by a student accused of violating the Code, review of the sanctions by the appellate board may not result in more severe sanction(s) for the accused student. Instead, following an appeal, the Vice President for Student Affairs may, upon review of the case, reduce, but not increase, the sanctions imposed by the Student Conduct Officer.

In all cases, once a final decision has been made, the Vice President for Student Affairs shall inform the Accused and the Complainant in writing of that decision via the Santa Fe Student Conduct Reporting system.

Article VI: Interpretation and Revision

- A. Any question of interpretation regarding the Code shall be referred to the Vice President for Student Affairs or his or her designee for final determination.

B. The Code shall be reviewed annually under the direction of the Vice President for Student Affairs.

Rule History

January 2015 (410.497)
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