



# Santa Fe College

## Rules Manual

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Title: **Student Conduct Code** **Rule: 7.23**

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

Law Implemented: FS 1004.097(3)(g), 1006.60, 1006.61, 1006.62, 1006.63, 790.115

Effective Date: February 20, 2024

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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; to outline the associated student conduct process to be administered by the College; and to protect the due process rights of students and student organizations throughout the student conduct code process.

### **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 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 at College-sponsored activities, or, if their off-campus conduct adversely affects 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 formally 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.<sup>1</sup>
- 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.
- 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

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<sup>1</sup> Note, however, that an individual who is a current student but is not currently enrolled may be issued a trespass warning and denied access to College premises without the need for Student Conduct proceedings.

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 and impartial 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 and impartial person who is formally authorized by the Vice President for Student Affairs to impose sanctions upon students found to have violated the Code. The Student Conduct Officer is formally authorized to serve as one of the members of a Student Conduct Board. A “Deputy Student Conduct Officer” is an appropriately trained and impartial person formally 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 “Appellate Board” is made up of at least three appropriately trained and impartial persons, not from the original Student Conduct Board, 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, notes, phones, tablets, calculators, and online or other electronic resources 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 before the exam is given, when the exam is given or after having taken an exam; giving or selling a term paper or other course or written materials to another student or third party (like a website); 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, electronic media and content generated by artificial intelligence. 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 or code 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 dishonesty.
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, procedure, and/or the Code. The College will evaluate the allegations in determining whether to pursue charges.

Q. The term "Respondent" refers to a student or student organization charged or alleged to have violated College policy, rule, procedure, and/or code.

R. The term "theft of identity" means the use, unlawfully or without permission, of the affected party's name, student identification number, 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.

T. The term “Instructional Days” means days when the College has regularly scheduled courses, including Saturdays. The number of Instructional Days specified in this Rule will never be interpreted to be fewer than the number of days required by a statute.

U. The term “disciplinary proceeding” means Student Conduct Board Hearing.

V. The term “advisor” means advisor, advocate, or legal representative. An advisor may be an attorney.

W. The term “Class Lecture” means a formal or methodical oral presentation as part of a college course intended to present information or teach students about a particular subject. A class lecture will occur most often in a course identified by the college as a lecture type course, whether online or in-person, as opposed to a lab course. “Class Lecture” does not include student presentations (whether individually or as part of a group), class discussions, labs, clinical presentations such as patient history, academic exercises involving student participation, test or examination administrations, field trips, private conversations between students in the class or between a student and the lecturer. A recording that personally identifies a student who has not consented to being recorded will not be recognized as a Class Lecture.

X. The term “Publish” means to share, transmit, circulate, distribute, or otherwise provide access to the recording, regardless of format or medium, to another person (or other persons), including but not limited to another student in the class. Additionally, a recording, or transcript of the recording, is published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited social media, book, magazine, newspaper, leaflet, picket signs, or any mode of print.

## **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 student conduct hearings to the extent provided by law and will receive appropriate training to carry out the responsibilities of a board member. College participants in the student conduct process shall have appropriate training including but not limited to annual training in issues relating to sexual violence, dating violence, domestic violence and stalking.

C. 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 hearing. The composition of the Student Conduct Board pool should reflect the diversity of the College community and 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 or while the student is on academic or conduct suspension, even if they are no longer considered “current.” The Vice President for Student Affairs (or designee), in their 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. Additionally, the Vice President for Student Affairs (or designee) will, on a case-by-case basis, determine whether a program is an SF sponsored program or activity and, in making this determination, will consider how much involvement SF has with the program or activity and how much authority over the parties the College would be able to assert.

B. Time Limit for Bringing Charges: The time limit for charging a student or student organization with a violation of the Code is up to one calendar year after the date of the alleged violation. The time limit may be extended or waived if the identity of the Respondent is not determined within the one-year limit. The time limit may also be extended or waived at the discretion of the Vice President for Student Affairs.

C. Misconduct: Any student or student organization 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, 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, coercion, or any other conduct which threatens or endangers the health, safety, or rights of any person.
4. All forms of discrimination, harassment, and non-Title IX sexual harassment prohibited under College Rule 2.8. Discrimination, harassment, and non-Title IX sexual harassment are defined and addressed in College Rule 2.8. Sexual harassment may include stalking, sexual violence including sexual assault or rape, other sexual misconduct, domestic violence, or dating violence.

The Student Conduct Officer will transfer any complaints related in whole or in part to discrimination, harassment, or sexual harassment to the College's Equity Officer. The Equity Officer will review and determine whether it should be processed under Rule 2.8 or Rule 7.23. The Equity Officer may process complaints for violation of this Code that do not involve sex discrimination or sexual harassment but *arise out of the same facts or circumstances* as a report or complaint of sex discrimination or a report or formal complaint of sexual harassment under Rule 2.8. Alternatively, when a complaint alleges both violation of Rule 7.23 and Rule 2.8, the Equity Officer may split the complaint into Rule 7.23 components to be handled under Rule 7.23 and Rule 2.8 components to be handled under Rule 2.8.

If the Equity Officer determines that a complaint, in whole or in part, should not be processed under Rule 2.8, the Equity Officer, in consultation with the Vice President for Student Affairs, may transfer the complaint or appropriate portion of the complaint to the Student Conduct Officer for processing under Rule 7.23. The Equity Officer and Student Conduct Officer may work together to investigate a complaint until a determination as to whether it should be processed under Rule 2.8 or Rule 7.23 can be reached. However, if a decision based on the merits is reached for a complaint under Rule 2.8 and its accompanying procedures (as opposed to a decision dismissing the complaint for lack of jurisdiction or failure to meet definitions of discrimination, harassment, or sexual harassment under Rule 2.8), the same incident of misconduct described in the complaint may not then be processed under Rule 7.23. A decision on the merits may only be reached under one rule or the other.

Title IX sexual harassment, as defined and prohibited under College Rule 2.8, may only be processed under Rule 2.8 and its accompanying Procedure 2.8P Part B. Title IX sexual harassment may not be addressed under or in conjunction with this Code.

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, includes any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes including, but not limited to, initiation or admission into, affiliation with, or perpetuation or furtherance of a tradition or ritual of 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 food, liquor, drug, or other substance, or other forced physical activity that could adversely affect the physical health or safety of the student; or any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student. "Hazing" also includes the solicitation of others to commit hazing and active involvement in the planning of any act of hazing. The express or implied consent of the victim is not a defense. It is also not a defense to hazing that the conduct or activity prohibited under this section was not a part of an official student organization event, not otherwise sanctioned or approved by a student organization, or not done as a condition of membership to a student organization. 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 systems 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 rules of the State Board of Education, county or municipal ordinances, or

laws of the State of Florida, the United States, or any other state on College premises or at College-sponsored or supervised activities or off-campus when the conduct would impair, interfere with, or obstruct the orderly conduct, processes, and functions of the College.

11. Use, possession, or distribution of narcotics or other controlled substances, except as permitted by law and College rules, procedures, and other requirements. 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. Consistent with College Rule 3.38, 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. "Weapons" are as defined 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 part of their job and as permitted by law. Students are not permitted to carry firearms on their person on College premises, including parking lots.
14. Consistent with College Rule 3.38, failure to promptly report 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.
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, video, or other 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. A student shall not record or take pictures of another person in a gym, locker room, or restroom without prior consent.

A student shall not make a recording in class unless the recording is limited to the Class Lecture, and the recording is made for the student's personal educational use, in connection with a complaint to the College, or as evidence in or in preparation for a criminal or civil proceeding. Students are not permitted to record in class, through any means over any medium, any academic or other activity that is not a Class Lecture. A recording of any meeting or conversation between students or between students and faculty is strictly prohibited unless all parties have consented to such recording. Exceptions 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. A recording of a Class Lecture may not be Published without the prior express written consent of the recorded faculty member.

19. Theft or other abuse of College information technology (IT) resources (computers, related technology, software, 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, streaming, or transfer or facilitating others to download or stream 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 or procedures associated with Rule 2.8 (“Rule 2.8 Procedures”), 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 or Rule 2.8 Procedures.
  - b. Falsification, distortion, or misrepresentation of information before a Student Conduct Board or as part of a Rule 2.8 Procedure.
  - c. Disruption or interference with the orderly conduct of a Student Conduct Board proceeding or Title IX Live Hearing.
  - d. Initiation of a Student Conduct Code proceeding or alleging a violation of College Rule 2.8 in bad faith or knowingly without cause.
  - e. Attempting to discourage an individual’s proper participation, or use of, the Student Conduct System or the Rule 2.8 Procedure.
  - f. Attempting to inappropriately influence the impartiality of a member of a Student Conduct Board or Title IX Live Hearing board prior to, and/or during the course of, a hearing.
  - g. Harassment (verbal or physical) and/or intimidation of the Student Conduct Officer, the Equity Officer, a member of a Student Conduct Board or a Title IX Live Hearing board, prior to, during, and/or after a hearing.
  - h. Failure to comply with the sanction(s) imposed under the Student Conduct Code or Rule 2.8.
  - i. Influencing or attempting to influence another person to commit an abuse of the Student Conduct System or Rule 2.8.
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 Disclosure Form).

27. Willfully entering a restroom or changing facility designated for the opposite sex and refusing to depart when asked to do so by any administrative personnel, faculty member, security personnel, or law enforcement personnel, except for lawful purposes as defined by Florida Statutes 553.865.
28. 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. The Vice President for Student Affairs or designee will interpret whether or not the situation is governed by the Code and will authorize appropriate action.

D. 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 or in accordance with current memoranda of understanding with the Eighth Judicial Circuit State Attorneys' Office or other government agencies. 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 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 the online Santa Fe Student Conduct Report (“SCR”) form, report the alleged misconduct, document the notification 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 notify the instructor and department chair/director to assess the potential academic misconduct. 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 of the classroom sanction(s). The Student Conduct Officer will notify the Respondent in writing of the charge, the classroom sanction(s), and the 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 sanction(s). The notification feature of eSantaFe will also be used to alert the student of the Student Conduct Information System 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 additional or alternative 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/director 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 in writing 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 set forth in Article V, E.

G. Upon an academic misconduct case’s conclusion, the Student Conduct Officer will notify the faculty member who reported the misconduct of the outcome of the case, including classroom sanctions and any other sanction that might impact the student’s experience in their class.

## **Article V: Student Conduct Procedures**

The College encourages students, faculty, and staff to resolve disputes informally in appropriate cases. The Office of the 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 by submitting the online Student Conduct Report form. The Student Conduct Officer, under the leadership of the Vice President for Student Affairs, will receive and manage the complaint in accordance with the Code. Any allegation should be submitted as soon as possible after the alleged violation takes place, preferably within seven Instructional Days.

The Student Conduct Officer will provide timely written notice to Respondents of any alleged violation of the Code. The notice will, at a minimum, include the allegations to be investigated, citation to the specific provision of the Code at issue, the process to be used in determining whether a violation has occurred and associated rights, and the date, time, and location of the disciplinary proceeding. The notice will be provided to the Respondent at least seven Instructional Days before any disciplinary proceeding and may be provided by delivery to the Respondent's Santa Fe College e-mail address or in such other manner as authorized by law.

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 Respondent. 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. If mediation for an allegation is unsuccessful, other forms of resolution remain available.
3. **Informal Resolution.** The Respondent and the Student Conduct Officer may agree to resolve the matter informally. The Respondent has the right to be assisted by an advisor of their choice, at their own expense. The Respondent's advisor may participate in all aspects of the informal resolution process. If the Respondent intends to have an attorney serve as the advisor, they must notify the Conduct Officer within 24 hours of meeting with the Student Conduct Officer for informal resolution. The

College reserves the right to have counsel in attendance or on notice for the meeting. If the Respondent agrees to resolve the matter informally, the Respondent and the Student Conduct Officer shall review the charges and the Respondent shall accept responsibility for the violations of the Student Conduct Code. The Respondent 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 Respondent who elects to resolve the charge(s) with the Student Conduct Officer shall, after being informed of their rights, sign a written waiver of a formal hearing and a written acceptance of the responsibility and the specified sanction(s) imposed. No appeals of an Informal Resolution are permitted. If a Respondent accepts responsibility for the violations of the Student Conduct Code, but the Respondent and the Student Conduct Officer cannot agree on sanctions, the matter may be referred to the Student Conduct Board for a sanctions-only hearing, using the procedure outlined in Article V, A.4.

4. Student Conduct Board Hearing. A Student Conduct Board Hearing consists of a formal hearing before a panel of at least three appropriately trained and impartial 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 Respondent in written form via the Student Conduct Information System.

A time shall be set for a Student Conduct Board hearing, not less than seven nor more than twenty-five 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 session, which provides specific information about the hearing process. Information about the availability of this session will be included with the notification letter.

At least five Instructional Days before the disciplinary proceeding, the Student Conduct Officer will provide the Respondent with:

- A list of all known witnesses that have provided, or will provide, information against the Respondent; and
- All known information relating to the allegation, including inculpatory and exculpatory information (i.e. information or evidence that tends to prove and disprove the allegation).

Student Conduct Board hearings shall be conducted by a Student Conduct Board according to the following guidelines except as provided by Article V, A.4.I. below:

- a. Student Conduct Board hearings normally shall be conducted in private.
- b. The Complainant, Respondent 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 Chair.

- c. In Student Conduct Board hearings involving more than one Respondent, 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 Respondent have the right to be assisted by an advisor of their choice, at their own expense. If the Complainant or the Respondent intend to have an attorney serve as the advisor, they must notify the Conduct Officer within 24 hours of receipt of notice of the hearing. The College reserves the right to have counsel in attendance or on notice for the hearing. The Respondent's advisor may participate in all aspects of the hearing, including the presentation of relevant information and questioning of witnesses. A Respondent or Complainant 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 to accommodate the scheduling conflicts of an advisor. The advisor for the Complainant or Respondent may not serve in any other role in the Student Conduct Process, including as an investigator, decider of fact, hearing officer, member of the Student Conduct Board, or any appeal.
- e. The Complainant, the Respondent and the Student Conduct Board may arrange for witnesses to present pertinent information to the Student Conduct Board. Witnesses will be asked to provide information to and answer questions from the Student Conduct Board, Respondents, Complainants, and their respective advisors, if any. The College, Respondents, Complainants, and their respective advisors, if any, have the right to present relevant information and question witnesses.
- f. Relevant records, exhibits, and written statements may be accepted as inculpatory or exculpatory information (i.e. information or evidence that tends to prove and disprove the allegation) 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 Respondent has violated each section of the Student Conduct Code the Respondent is charged with violating.
- i. Respondents have a right to a presumption that no violation of the Code occurred. The College has the burden to prove, by a preponderance of the evidence, that a violation has taken place. Preponderance of the evidence means that the

information presented supports the finding that it is more likely than not that the violation of the Code was committed by the Respondent. The Respondent has a right against self-incrimination and the right to remain silent. Such silences may not be used against the Respondent. 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.

- j. The College shall keep an accurate and complete record of every disciplinary proceeding relating to a charged violation of the Code, including record of any appeal, to be made, preserved, and available for copying upon request by a Respondent. The College shall create a single audio recording of all Student Conduct Board hearings (not including deliberations). Deliberations shall not be recorded.
- k. If a Respondent, with notice, does not appear before a Student Conduct Board hearing, the information in support of the charges may be presented and considered even if the Respondent is not present.
- l. The Student Conduct Officer may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Respondent, 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 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, service to the community, educational requirements, or other related discretionary assignments.
- g. Conduct Flag- A conduct flag is placed on a student who has unfinished business with a College official or department. A conduct 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 flag is lifted by the Student Conduct Officer only if the student attends to the matter that initiated the conduct 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 and/or during the 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. Expulsion is notated on the student's transcript.
  - 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 placement tests, 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
    - i. Required retest, resubmission, rewrite, additional assignment, and/or alternative assignment.
    - ii. Reduction of grade on the evaluation instrument/process (text, quiz, assignment, term paper, demonstrated skill, etc.).
    - iii. Assignment of "F" grade for course.
    - iv. Removal from the course (Removal from the course does not impact enrollment; the student is still enrolled in the course but cannot participate online or in person).
    - v. Any combination of the above-listed sanctions.
3. 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.
4. Other than College expulsion, placement of an "XF" on the student's transcript, revocation of a degree, 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 the Family Educational Rights and Privacy Act).

5. In situations involving both a Respondent (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 Respondent 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.
6. 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 conclusion of the Student Conduct process, the Student Conduct Officer shall advise the Respondent in writing via the Santa Fe Student Conduct Reporting system of its determination and of the sanction(s) imposed, if any. If the Complainant believes they were the victim of a student's conduct, the Complainant will be informed in writing that the case has been appropriately resolved and the window for appeals has closed, as permitted bylaw.

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 Behavioral Intervention Team (BIT), 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 physical or emotional safety and well-being; or
  - c. If the student poses a threat of disruption of, or interference with, the normal operations of the College.
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 Behavioral Intervention Team (BIT) determines that the student may pose a threat to members of the College community;
  - b. To ensure a student's physical or emotional safety and well-being; or
  - c. There is a threat of disruption, or interference with, the normal operations of the College.
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 and/or during the 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 order 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 Respondent to an Appellate Board consisting of at least three members within five (5) Instructional Days of the decision. In cases involving non-Title IX sexual harassment that are processed under this Rule 7.23, the Complainant(s), in addition to the Respondent, 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 Respondent 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 Respondent 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 E.2. 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, the review of the sanctions by the appellate board shall not result in more severe sanction(s) for the Respondent. 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 Respondent of that decision.

#### F. Expungement

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, revocation of a degree, 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, revocation of a degree, 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. Any such expungement will only occur if it is determined that there is no continuing administrative value in maintaining these records as per College Rule 5.11P and the Florida Administrative Code Chapter 1B-24.

## **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

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