6-3005 New College of Florida Student Code of Conduct

Respecting community standards is a crucial expectation for any student choosing to enroll at New College. The purpose of this Regulation is to convey these community standards and expectations, and to provide well defined procedures for dealing with violations of them.

(1) New College seeks to promote a stimulating and demanding educational environment in which a diverse student body with wide-ranging individual interests, values and abilities can live, interact, learn and grow based on the following principles: mutual understanding, trust, respect and concern for the well-being and dignity of self and others; responsible exercise of personal and academic freedom; and individual accountability for words and actions. To this end, the College expects students to:

(a) Comply with all public laws, rules, regulations and ordinances as well as College rules and policies.

(b) Exercise personal and academic freedom in a responsible manner.

(c) Foster collective concern for and protect and maintain personal and academic integrity and College community standards.

College community standards.

(g) Promote respectful expression of values, not unproductive censorship.

(h) Avoid self-righteousness or the appearance of moral superiority.

(2) Definitions. For the purposes of the Student Code of Conduct, the following terms shall be defined as indicated:

(a) “Code” means this Student Code of Conduct.

(b) “College, NCF, and New College” means New College of Florida.

(c) “College community” includes students, staff and faculty members, as well as employees of the New College Foundation, Inc. and officers of the College, such as members of the Boards of Trustees, Foundation and NCAA.

(d) “President” means the President of the College or the President’s designee.

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2. To participate in the formulation of all policy changes that affect students.

3. To be informed by the President, through the student government, and to become involved, individually or through student government, in the formulation of any proposed change in policy that directly affects students prior to its implementation.

4. To receive within ten (10) days, through the student government, from the President, detailed and specific written responses to recommendations made in writing, through the student government, to the President, accepting, accepting with conditions, or rejecting such recommendations, and giving detailed reasons for any condition or rejection.

5. To have freedom of statement, association, or assembly in social, political, or personal matters.

6. To have equal availability of and access to the facilities necessary for the exercise of the rights set forth in paragraphs (i) through (v) without regard to race, sex, gender, religion, beliefs, nationality, ethnic origin, sexual orientation, gender identity or gender expression, disability, or any other reason, except as provided by law.

7. To publish student publications free from prior censorship.

8. To develop student publication editorial policy free from academic penalty or removal because of student, faculty, staff, or public disapproval of editorial policy or content.

9. To have information about a student, acquired by College employees, kept confidential, to the extent required by law, except upon specific request by the student to release such information.

10. To take reasoned and responsible exception to the data, views, assignments and methods offered in any course of study, to reserve judgment about matters of opinion, and to bring such grievances before the Council of Academic Affairs.

11. To conduct research freely, and publish, discuss, and exchange findings or recommendations, whether individually or in association with local, state, national, or international groups.

12. To due process as set forth in the Student Code of Conduct.

13. To the security and privacy of their dormitory rooms, persons, and personal possessions, and to be free from unreasonable restrictions upon the use of their rooms, personal possessions or their personal liberty, provided that this does not infringe upon the reasonable exercise of the privacy or property rights of others.

(4) Jurisdiction of the College

(a) College jurisdiction, including jurisdiction to impose disciplinary sanctions for violation of the Code, extends to any conduct which occurs on the campus of the College and to any conduct that occurs off campus that adversely impact the College, the College community, or the pursuit of the mission of the College.

(b) All students are subject to the Code. In addition to responsibility for their own conduct and actions, students may be responsible for their guests and their guests' conduct.

(c) Students charged with violating the Code will be provided with notice of the charges, will have the right to present information in their favor, the right to respond to the charges, and the right to a decision based upon t0.9 (n-1.6 (o)2 (n)2 (t0.9 (n-1.6 (o)2 (n)2 (-n(on)M-1.9 ( )10

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While students are enc

c. Interference with academic freedom and freedom of speech of any member or guest at the College; or

d. Threats of Violence – An intentional threat by word or act to do violence to another person, and doing some act which creates a well-founded fear that such violence is imminent.

e. Breach of Peace, such as causing a disturbance or being unruly.

23. Violent Misconduct – When one person actually and intentionally touches or strikes another person against his/her will, or intentionally causes bodily harm.

24. Sexual Battery/Rape – According to Section 794.011(1)(h), Florida Statutes, sexual battery is the "Oral, anal or vaginal penetration by union with a sexual organ of another or anal/vaginal penetration by another object." The act is performed against the victim's will or without her/his consent. An individual who is mentally incapacitated, asleep or physically helpless or unconscious due to alcohol or other drug consumption is considered unable to give consent. The same definition applies

1. Official complaints must be in writing. Verbal complaints can be made but may be dealt with informally, rather than following the procedure outlined below.

2. Any member of the College community may file a complaint against a student asserting a violation of the Student Code of Conduct. Complaints must be filed in writing with the Office of Student Affairs, (Hamilton Classroom 001, New College, 5800 Bay Shore Road, Sarasota, FL 34243) within a reasonable time following the discovery of the violation. In no event may a complaint be filed later than six (6) months after the time that the event was discovered, or reasonably should have been discovered, except in extraordinary circumstances. A complaint must include the following information:

   a. The name, address, telephone number, and email address of the person filing the complaint.

   b. The name of the student or students alleged to have committed the violation, and, if known, their address, telephone number, and email address.

   c. A statement of the provision or provisions of the Code that have been violated.

   d. The date when the violation occurred.

   e. A summary of the conduct or the essential facts asserted to violate the Code.

   f. The signature of the person filing the complaint.

3. The Office of Student Affairs shall investigate all complaints. Within five (5) business days of the filing of a complaint, the Dean shall determine whether there are reasonable grounds to believe that a violation of the Code has occurred. If it is determined that reasonable grounds exist, pre-hearing procedures will be initiated. At this point the College becomes the Complainant throughout the student conduct process.

4. If at any point the Dean determines that charges are not warranted or that insufficient evidence exists to continue, the charges may be withdrawn. In the event charges are withdrawn, the student shall be notified via mail and email within two (2) business days of the decision.

(b) Pre-hearing Procedure

1. The Dean shall appoint a Student Conduct Officer. The Student Conduct Officer shall be a member of the faculty, administration, or the Office of Student Affairs.

2. The Student Conduct Officer will email and mail, via campus mailbox, a written notice of the charges to the Respondent. Failure to respond to a written notice of charges is a violation of the Code and may result in additional charges. The notice will also remind the Respondent of how to access the Code so that the student can

understand the procedures that will be followed. The written notice of charges shall include a statement of the essential facts constituting a violation of the Code.

3. The Student Conduct Officer will conduct a preliminary meeting with the Respondent charged with violation of the Code. The meeting shall be conducted within five (5) business days of the date that the written notice of charges is mailed to the Respondent unless the Respondent provides documentation of extenuating circumstances preventing the Respondent from meeting with the Student Conduct Officer within five (5) business days of the notice being mailed to the student. The preliminary meeting has two purposes:

   a. To review the alleged violations and charges, the Code of Conduct, the hearing option and process, possible sanctions, as well as to answer any questions the Respondent may have, and

   b. To give the Respondent the option of acknowledging responsibility for the alleged violation and to accept the sanction proposed by the Student Conduct Officer in accordance with the Code or to contest responsibility and/or the sanction through the hearing process. The decision of the Respondent shall be confirmed in writing.

4. Respondents can choose to have an advisor of their choice present at the preliminary meeting with the Student Conduct Officer. The advisor must be a current member of the College community. College employees who have a potential conflict of interest may not serve as an advisor to the Respondent. The advisor can speak with the Respondent during the course of the preliminary meeting, but cannot speak for the student, act as attorney or otherwise participate in the meeting.

5. The Respondent and the Respondent's advisor, if any, shall have the right to inspect all of the information that will be presented during the Community Board hearing at least three (3) business days before the hearing. The College also has the right to review any information the Respondent intends to use at the hearing at least three (3) business days before the hearing.

6. The Dean, in consultation with the President, is authorized to institute interim measures including, but not limited to, removal from campus housing, restrictions on attending classes, restriction on attending campus activities and, when appropriate, suspension from the College if, in their judgment, the student's continued presence or use of privileges at the College pending the outcome of proceedings, is likely to cause harm to members of the College community. Any interim suspension shall be based upon information gathered in the initial stage of the investigation of student misconduct. Students issued an interim suspension must be provided an expedited emergency hearing within 48 hours of the preliminary hearing conducted by the Student Conduct Officer.

(c) Hearing Procedures

1. Composition of Community Board:

a. Each specific Community Board will consist of six members, three students and three full time, regular members of the faculty or staff, drawn from the available pool of Community Board members who have been vetted and trained annually. A Chair will be selected by the members for each hearing.

b. No member of the Board may have a conflict of interest in the proceeding, he/she will not be eligible to serve. The Complainant or the Respondent may request that any member of the Board step down when a conflict of interest exists.

c. The Student Conduct Officer shall advise the Community Board during the hearing and, if necessary, provide the tie-breaking vote when the Board decision is evenly split concerning a Respondent's responsibility or sanction.

2. Procedures

a. All Community Board hearings shall be conducted within fifteen business days of the Respondent's request for a hearing, unless extenuating circumstances require an extension of no more than fifteen additional business days. The Respondent and Complainant shall be given no less than three (3) business days' notice of when and where the hearing will be scheduled. If a Respondent fails to appear without justification, the Board may continue in the Respondent's absence.

b. At the start of the hearing the Student Conduct Officer will announce that the proceedings will be recorded and then turn the proceeding over to the Chair.

c. Board members shall introduce themselves and individually declare that they have completed the requisite Community Board training.

d. The Chair reads the charges against the Respondent and asks the Respondent to state for the record whether the Respondent accepts responsibility for each charge.

e. After the Respondent's response to the charges, the Complainant will make a statement to substantiate the allegations and provide any relevant documentation or evidence other than witness testimony. Following the Complainant's statement the Respondent will be allowed to make a statement refuting or contextualizing the information provided by the Complainant and provide any relevant documentation or evidence other than witness testimony. The Respondent may not be forced to present testimony that is self-incriminating. However, the College is not required to postpone disciplinary procedures or actions pending criminal prosecution.

f. Following the statements and presentation of evidence by each party, the Complainant will present any witnesses to the alleged violation(s) and ask questions of them. The Respondent will then be permitted to ask questions of those witnesses. After all of the Complainant's witnesses have been questioned

by both parties, the Respondent may call witnesses and ask questions of them. The Complainant shall be permitted to ask questions of each of the Respondent's witnesses. Witnesses are only to appear when they need to testify.

g. The Complainant shall then be allowed to make a closing statement summarizing the evidence presented demonstrating that the Respondent violated the Code of Conduct. Then the Respondent shall be allowed to make a closing statement summarizing the evidence presented demonstrating that the Respondent did not violate the Code of Conduct.

~~h.~~ After hearing all relevant testimony and reviewing all relevant evidence the Board shall determine by majority vote whether it believes the Respondent has violated the Code. If the Board determines that it believes the Respondent is

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include a restraining order forbidding the Respondent from all contact with individual members of the College community. Restrictions also can include denial of the privilege to operate a motor vehicle on campus, denial of participation in certain activities/events/organizations, denial of access to use of College services, and denial of presence in certain buildings or locations of campus.

6. Involuntary withdrawal – College withdrawal of student from enrollment and student status.

7. Restitution and/or fine – A set monetary fee or payment for injury in cases involving theft, destruction of property, etc.

8. Other appropriate educational sanctions, such as community service hours, educational programs, written assignments, counseling, and evaluation.

9. Trespass – Restriction from a specific area on campus.

10. Reprimand – a letter which makes the incident a matter of record in the student's college file.

11. Warning – an oral reprimand.

(g) Time Frames. Minor deviations in any time frame, time period, or time limitation set out in the Code are acceptable if they are not prejudicial to the College or the student. However, any deviation from the time frame shall be both noted and explained in the record.

(h) Status of Written Decisions or Appeals. Complaints, written decisions of the Board, and written decisions in appeal proceedings and any other written material submitted with regard to student conduct proceedings shall be treated as student records subject to confidentiality requirements of federal and State of Florida law. The records of Student Code of Conduct proceedings shall be kept separate from a student's academic records and maintained by the Office of the Dean of Student Affairs in a secure file. These records shall be destroyed ten years after the student's termination of enrollment at the College.

(7) Academic Dishonesty and Disruption of Academic Process

(a) Plagiarism: Plagiarism is defined as "literary theft" and consists of the unattributed quotation of the exact words of a published text, or the unattributed borrowing of original ideas by paraphrase from a published text. On written papers for which the student employs information gathered from books, articles, web sites, or oral sources, each direct quotation, as well as ideas and facts that are not generally known to the public at large, or the form, structure, or style of a secondary source must be attributed to its author by means of the appropriate citation procedure. Only widely known facts and first

(b) Cheating. Cheating is defined as follows:

1. the unauthorized granting or receiving of aid during the prescribed period of a course-graded exercise: students may not consult written materials such as notes or books, may not look at the paper of another student, nor consult orally with any other student taking the same test;

2. asking another person to take an examination in his/her place;

3. taking an examination for or in place of another student;

4. stealing visual concepts, such as drawings, sketches, diagrams, musical programs and scores, graphs, maps, etc., and presenting them as one's own;

5. stealing, borrowing, buying, or disseminating tests, answer keys or other examination material except as officially authorized, research papers, creative papers, speeches, etc.;

6. stealing or copying computer programs and presenting them as one's own. Such stealing includes the use of another student's program, as obtained from the magnetic media or interactive terminals or from cards, print-out paper, etc.

(c) Procedures for Handling Student Violations Involving Alleged Academic Dishonesty and Disruption of Academic Process:

1. An apparent violation of academic honesty is handled initially by the instructor, who will discuss the incident with the student. The student may request a meeting with his/her contract sponsor and the instructor to discuss the incident further. The instructor should contact the student's contract sponsor and the Dean of Studies to inquire whether the student has engaged or allegedly engaged in academic dishonesty in the past.

2. If the instructor decides, after the procedures in step (1) above, that further action is warranted, he or she will inform the student that the issue is being referred to the Dean of Studies.

3. The Dean of Studies may meet with the faculty member(s) and/or the student to resolve the issue or may convene a hearing board consisting of an equal number of students and faculty. The hearing board shall review evidence, hear witnesses, and consider all related matters. The Dean of Studies will provide the student with no less than 5 days' notice prior the hearing. The respondent may have an advisor present, at the respondent's own cost. If scheduling difficulties arise due to the availability of said advisor, the hearing will proceed regardless.

4. The hearing board will provide the Dean of Studies with its determination of responsibility and recommendation for sanction. The Dean of Studies will consider the recommendation and impose the appropriate sanction.

5. If found responsible, the respondent may appeal the Dean of Studies' decision to the Provost. The appeal must be in writing, state with specificity the grounds for appeal, and be within 5 days of receiving the Dean of Studies decision.

6. In the event of an appeal, the decision of the Provost shall be final.

Provisions of this Code shall be construed in order to enhance the mission of the College.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. 1006.60; Fla. Board of Governors Regulations 1.001, and 6.0105

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