

Polk State College Procedure

Subject	Reference	Date	Number
Student Code of Conduct: Sexual Misconduct Procedure	DBOT Rule 4.01 Procedure 5030	09/01/2020	5027

I. Purpose

The purpose of this procedure is to outline the process by which complaints against students who violate the *Polk State College Student Code of Conduct* regarding sexual misconduct are handled by the College. The administration of student discipline must be flexible and consistent with the philosophy, educational objectives, and core values of Polk State College. In cases not likely to result in termination of a student's enrollment at the College, the campus Dean of Student Services (or his or her designee) has responsibility for the administration of student sanctions and may impose varying degrees of disciplinary action.

The Dean of Student Services (or his or her designee) may suspend a student for an interim period pending disciplinary proceedings, or the completion of a medical or psychological evaluation. Interim suspensions are indicated whenever there is reason to believe that the continued presence of the student on the College campus poses a possible threat to the student, to others, or to the stability and continuance of normal College functions. Before an interim suspension is implemented, the Dean of Student Services confers with the student and conducts an informal hearing on the following issues only:

- A. The reliability of the information concerning the student's conduct, including the matter of the student's identity.
- B. Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the College campus poses a possible threat to the student, to others, or to the stability and continuance of normal College functions.

For limited-admission programs, procedures and sanctions related to violations of the *Polk State College Student Code of Conduct* are written in the specific program's manual or student handbook.

II. Sexual Misconduct Cases

- A. A victim of sexual misconduct is encouraged to, and assisted in, referring or filing charges in accordance with Section I. A victim advocate is provided to assist the victim throughout the discipline process.
- B. The College notifies appropriate law enforcement officials in accordance with the following criteria, and proceeds with the College's disciplinary process in cases that involve:
 - 1. Any assault that is alleged to have occurred on College-owned or -controlled property (or immediately adjacent to such property), including any assault that originated with an abduction from such property.
 - 2. Any assault that is alleged to have occurred at or during a College-sponsored activity and which involves any student, employee, or volunteer of the College as the alleged

victim or perpetrator. This includes any assault that is alleged to have occurred during an off-campus College-related function or activity, or during a College-sponsored international activity.

3. Any assault that is alleged to have, or appears to have, a connection to College facilities, employees, volunteers, or students, such that the incident may pose a continuing danger to the College community.
 4. Any assault in which the alleged or apparent victim has specifically requested a College official to notify the local law enforcement agency.
- C. The processing of all sexual misconduct cases proceeds in accordance with Section IV of this document.

III. Sanctions and Assignment of Penalties

One or more sanctions or penalties may be assigned to the accused student as outlined in *Polk State College Procedure 5028: Student Code of Conduct: Sanctions and Assignment of Penalties for Violations*.

IV. Processing of Sexual Misconduct Cases

- A. Charges are referred to the Dean of Student Services (or his or her designee) as indicated in Section I of this document.
- B. A student accused of sexual misconduct is allowed to cross-examine the complainant, as well as any witnesses, during a live hearing led by the College's officials. Cross-examination is conducted by advisers for both parties, such as through legal counsel (i.e., not the parties themselves).
- C. A student who has committed a crime and is identified as a sexual predator by law enforcement is subject to regulations outlined in *Polk State College Procedure 5030: Policy on Sexual Offenders and Sexual Predators*.
- D. The Dean of Student Services (or his or her designee) ensures an appropriate investigation to determine the facts of the case for referral to the College's Student Disciplinary Committee. *Polk State College Procedure 5025: Student Appeals Hearing Protocol* is followed in all cases brought before the Disciplinary Committee.

History: Adopted: August 28, 2007
Reviewed: February 28, 2012; July 1, 2014; November 5, 2019; and September 1, 2020

<i>Reginal T. Well</i>	9/18/2020	<i>Reginal T. Well</i>	9/18/2020
Executive Responsible for Procedure	Date	President's Staff Member's Approval	Date
<i>Angela M. Falconetti</i>			9/21/2020
President's Approval			Date