

Polk State College Procedure

Subject	Reference	Date	Number
Student Code of Conduct: Sanctions and Assignment of Penalties for Violations	DBOT Rule 4.01	April 5, 2022	5028

I. Purpose

This procedure outlines the College's processes regarding a student charged with violating the *Polk State College Student Code of Conduct*, as stated in District Board of Trustees (DBOT) Rule 4.01: *Code of Conduct for Students and Student Organizations*, and to explain the disciplinary use of sanctions and penalties the College authorizes in response to such a violation. The administration of student discipline must be flexible and consistent with the philosophy and educational objectives of Polk State College.

The District Associate Dean of Student Services (or his or her designee) has responsibility for the administration of student sanctions, serves as Investigative Officer for alleged violations, and may impose varying degrees of disciplinary penalties as outlined in this procedure. This document's provisions include cases of group or organization violations, sexual misconduct, and classroom disruptions.

The *Student Disruption/Discipline Report Form* should be used in reporting cases of classroom disruption. Cases in which possible sanctions may include expulsion or suspension from the institution are presented to the Student Services Discipline Committee.

The processes discussed in this document do not include violations pertaining to academic dishonesty; procedures, sanctions, and penalties for these situations are described in Polk State College Procedure 5026: *Student Code of Conduct Violation: Academic Dishonesty*.

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. Student Conduct Review and Due Process Procedures

Any person may refer a student suspected of unacceptable conduct to the District Associate Dean of Student Services. A person making such a referral is requested to provide information pertinent to the case and is normally expected to appear in subsequent proceedings as the complainant.

A. Timely Reporting of Alleged Violations

Any charge(s) should be submitted as soon as possible after the incident, but no later than three working days after the incident. The District Associate Dean of Student Services may extend this period at his or her professional discretion.

B. Timely Notice of Alleged Violations

No later than one working day after receipt of the alleged violation, the District Associate Dean of Student Services must notify the student (or student organization), in writing through the student's institutional email address (or the student's parent's email address if under 18; or to the student organization's email address, if

applicable), of the following:

1. The allegations to be investigated, including the specific provision(s) of the *Polk State College Student Code of Conduct*, per DBOT Rule 4.01, alleged to have been violated.
2. A copy of this procedure that outlines the investigative process and assignment of penalties and sanctions.
3. The date, time, and place of the disciplinary proceedings; these must occur no sooner than seven working days from the date of the written notice.

C. Timely Notice of Evidence

At least five working days before the date of the disciplinary proceedings, the College provides the student under investigation (or student organization) with the following:

1. A listing of all known witnesses who have provided (or plan to provide) information against the accused party (or parties).
2. All known information relating to the allegation.

D. Student and Student Organization Rights in the Disciplinary Process

The student (or student organization) who is under investigation regarding a violation has the right to:

1. The presumption of innocence (i.e., that no violation has occurred). It is the burden of the institution and Investigative Officer to show, by a *preponderance of the evidence*, that the violation occurred as charged.
2. An impartial Investigative Officer (i.e., the District Associate Dean of Student Services).
3. The ability to refrain from self-incrimination and the right to remain silent. Such silence cannot be used against the student (or student organization).
4. The presence of an advisor, advocate, or legal representative at disciplinary proceedings. This person may participate in all aspects of the proceedings; however, he or she may not act in any other role, including that of Investigative Officer (Associate Dean of Student Services – District), Hearing Officer (as defined in Procedure 5025), member of the committee or panel, or other role associated with this process.

Note: *In the event that the student (or student organization) wishes to include an attorney or legal representative, disciplinary proceedings may be postponed to provide sufficient notice for the Polk State College attorney to also be present. The rescheduling of the proceedings is not to be unreasonably delayed in these instances.*

5. An appeal of the decision of the District Associate Dean of Student Services.
6. An accurate and complete record of the disciplinary proceedings upon their conclusion. This includes a written disposition of any imposed sanctions and, as applicable, details of how the sanctions may be lifted upon expiration.

III. Sanctions

One or more of the following penalties may be imposed for unacceptable conduct. These are listed in order of decreasing severity:

- A. **Expulsion**
This involves a permanent separation of the student from the College. Permanent documentation of the Expulsion appears on the student's transcript. The student is also barred from the College's premises in perpetuity. If a student comes onto campus without specific written permission from the District Associate Dean of Student Services, the student is subject to arrest.
- B. **Suspension**
This involves a separation of the student from the College for a specified period. Permanent documentation of the Suspension appears on the student's transcript. The student cannot participate in any College-sponsored activities and is barred from the College's premises. Conditions for readmission are to be specified within the Suspension Letter.
- C. **Withdrawal With or Without a Refund**
This is an administratively imposed sanction in which the student is withdrawn from the College, a particular class, or group of classes (as deemed appropriate). If the individual is withdrawn without a refund, no compensation is provided for the loss of enrollment.
- D. **Discretionary Sanctions**
Discretionary Sanctions involve work assignments, service to Polk State College, or other related discretionary duties that are a mandatory condition of remaining enrolled in (or for permission to re-enroll at) the College.
- E. **Disciplinary Probation**
The sanction of Disciplinary Probation means that the student is not eligible to represent the College in any extracurricular activity, run for office, or hold office in any student group or organization. Additional restrictions or conditions may also be imposed. Notification of Disciplinary Probation is sent to the appropriate College offices, including the Student Activities and Leadership Office (SALO). The Disciplinary Probation Period is noted in the student's Confidential Disciplinary Record but is not noted on the student's transcript. Results of this Disciplinary Probation Period can be introduced at future proceedings as necessary or appropriate.

Note: A meeting with the District Associate Dean of Student Services is required at the end of the Disciplinary Probation Period.

- F. **Written Warning**
A Written Warning involves a notice in writing given to the student in violation of the *Polk State College Student Code of Conduct* (cf. DBOT Rule 4.01) or other institutional regulations. The Written Warning is placed in the student's Confidential Disciplinary Record but is not noted on the student's transcript. Results of this Written Warning can be introduced at future proceedings as necessary or appropriate.
- G. **Verbal Warning**
A Verbal Warning involves a verbal notice given to the student who is in violation of the *Polk State College Student Code of Conduct* (cf. DBOT Rule 4.01) or other institutional regulations. A summary of the Verbal Warning is placed in the student's Confidential Disciplinary Record but is not noted on the student's transcript. Results of this Verbal Warning can be introduced at future proceedings as necessary or appropriate.
- H. **Lesser Sanctions**

Other lesser sanctions may be imposed instead of, or in addition to, those specified above (e.g., limitation of the student's participation in club activities, a stern verbal warning).

I. Restitution

This is when a student (or student organization) is required to make payment to the College (or to other persons, groups, or organizations) for damages incurred as a result of unacceptable conduct.

J. Fines and Obligations

A student may be required to pay fines incurred (e.g., parking, library) or other outstanding obligations as one of the conditions for complying with the sanction imposed.

IV. Removal from Campus

In accordance with DBOT Rule 2.12: *Disruptors on Polk State College Locations*, and at the direction of College leadership or Campus Safety staff, a student may be escorted off College property and issued a law enforcement-executed *Notice of Trespass* if the individual's continued presence is considered a threat to safety or property. The District Associate Dean of Student Services, with the approval of the Associate Vice President for Student Services or Vice President for Student Services, may exercise the authority to issue a *Notice of Trespass* prior to the completion of due process.

V. Assignment of Penalties

- A. The District Associate Dean of Student Services, after reviewing the evidence and meeting with the witness(es) and accused student, may impose the various sanctions outlined in this Procedure as well as those in accordance with Polk State College Procedure 6085: *Investigations*. The student is notified of all sanctions in writing.
- B. Violations of the *Polk State College Student Code of Conduct*, as stated in District Board of Trustee Rule 4.01, may result in expulsion from the institution, or a lesser penalty as outlined in Section III of this document. Repeated or aggravated violations of any section of the *Polk State College Student Code of Conduct* may also result in Expulsion or Suspension, or in the imposition of lesser penalties as appropriate.
- C. Attempts to commit acts prohibited by the *Polk State College Student Code of Conduct* are punished according to the same policies as actions that are carried out.
- D. Other than Suspension or Expulsion from the institution, disciplinary sanctions do not become part of the student's permanent academic record, but instead become part of the student's Confidential Disciplinary Record. Upon graduation, the student's Confidential Disciplinary Record may be expunged of all disciplinary actions, excluding Suspension and Expulsion, upon formal written request by the student to the District Associate Dean of Student Services.
- E. Cases involving the imposition of sanctions other than Suspension or Expulsion from the College are expunged from the student's Confidential Disciplinary Record five years after the final disposition of the case. Polk State College has the right to release disciplinary records to any institution to which the student applies, provided the student's record has not been previously expunged.

VI. Interim Suspension

The District Associate Dean of Student Services, with the approval of the Associate Vice

President for Student Services or Vice President for Student Services, may suspend a student for an interim period pending disciplinary proceedings or 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 that student personally, to others, or to the stability and continuance of normal College functions. Before an interim suspension is implemented, the District Associate Dean of Student Services must contact the student for the purpose of conducting an informal hearing to: 1) determine the reliability of the information concerning the student's conduct, including the student's identity; and 2) determine 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.

VII. Processing of Appeals for Imposed Sanctions

- A. A student, student organization, or complainant may appeal the sanctions imposed by the District Associate Dean of Student Services to the Vice President for Student Services for referral to the Student Discipline Committee. Such appeals must be delivered in writing to the Vice President for Student Services within five working days of the receipt of the sanctions from the District Associate Dean of Student Services.
- B. If the student (or student organization) appeals the decision of the District Associate Dean of Student Services, the Associate Dean must decide if sanctions are to be placed in effect immediately or pending the outcome of the appeal process. If the student (or student organization) poses a threat to any person; is unruly, disruptive, or uncontrollable; damages or threatens to damage to any property; or there is evidence of another serious condition, the District Associate Dean of Student Services may suspend the student (or the student organization) immediately and have the student(s) escorted from any campus facility as noted above.
- C. Once an appeal is received by the Vice President for Student Services, the case is referred to the Student Discipline Committee for a hearing. At this point, Polk State College Procedure 5025: *Student Appeals Hearing Protocol* is followed.

History

Adopted: December 23, 1974
 Revised: July 28, 1976; May 28, 1984; September 23, 1991; May 23, 1994; August 28, 2007; February 28, 2012; July 1, 2014; November 5, 2019; and April 5, 2022

<i>Reginal T. Well</i>	4/5/22	<i>Reginal T. Well</i>	4/5/22
Executive Responsible for Procedure	Date	President's Staff Member's Approval	Date
<i>Angela M. Falconetti</i>			4/5/22
President's Approval			Date