

NOTICE OF PROPOSED REGULATION DEVELOPMENT
The New College of Florida Board of Trustees

Date: October 18, 2024

REGULATION CHAPTER NUMBER:

Chapter 6 – Student Affairs

REGULATION NUMBER AND TITLE:

6-3005: New College of Florida Student Code of Conduct

AUTHORITY: Section 1006.60, Florida Statutes; BOG Regulations 1.001 and 6.0105

SUMMARY OF PROPOSED REGULATION AMENDMENT:

6-3005: This proposed regulation amends and restates the Student Code of Conduct for New College of Florida.

TEXT OF PROPOSED REGULATIONS:

The full text of the proposed regulation is set out following this notice.

NEW COLLEGE OFFICIAL INITIATING THE REGULATION:

Dr. Almeda Jacks, Vice President of Student Affairs

PROCEDURE FOR COMMENTING ON PROPOSED REGULATION:

Comments concerning the proposed regulation should be submitted **within 14 days of the date of this notice** to David Brickhouse, Vice President for Legal Affairs, 5800 Bay Shore Road, Sarasota, Florida 34243, (941)-487-4106 office, generalcounsel@ncf.edu. Comments provided to Mr. Brickhouse will be presented to the Board of Trustees for consideration.

THE FULL TEXT OF THE PROPOSED REGULATION IS BELOW

~~Strikethrough~~ indicates deletion; Underlining indicates addition

NEW COLLEGE OF FLORIDA
REGULATIONS MANUAL

CHAPTER 6 – Student Affairs

6-3005 New College of Florida Student Code of Conduct

Table of Contents

I.	<u>Definitions</u>	<u>3</u>
II.	<u>Authority.....</u>	<u>8</u>
III.	<u>Scope</u>	<u>8</u>
IV.	<u>Amnesty</u>	<u>10</u>
V.	<u>Violations.....</u>	<u>10</u>
	A. <u>Sex Discrimination and Sexual Misconduct.....</u>	<u>11</u>
	B. <u>Endangerment.....</u>	<u>14</u>
	C. <u>Harassment</u>	<u>15</u>
	D. <u>Invasion of Privacy.....</u>	<u>15</u>
	E. <u>Hazing</u>	<u>16</u>
	F. <u>Weapons and Dangerous Substances.....</u>	<u>17</u>
	G. <u>Fire and Safety.....</u>	<u>18</u>
	H. <u>Alcohol, Tobacco, Controlled Substances, and Illegal Drugs</u>	<u>18</u>
	I. <u>Disruption and Obstruction.....</u>	<u>19</u>
	J. <u>Falsification and Misrepresentation.....</u>	<u>20</u>
	K. <u>Property</u>	<u>20</u>
	L. <u>Computers.....</u>	<u>21</u>
	M. <u>Gambling</u>	<u>21</u>
	N. <u>Other Violations</u>	<u>22</u>
	O. <u>Title IX Compliance Policy.....</u>	<u>22</u>
VI.	<u>Procedural Standards</u>	<u>23</u>
	A. <u>Advisors.....</u>	<u>23</u>
	B. <u>Reports.....</u>	<u>24</u>
	C. <u>Review and Investigation</u>	<u>25</u>
	D. <u>Notice of Alleged Violation(s)</u>	<u>28</u>
	E. <u>Information Session.....</u>	<u>28</u>

F. <u>Resolutions</u>	29
G. <u>Outcomes</u>	37
H. <u>Appeal Procedures</u>	40
I. <u>Record Keeping Practices</u>	42
J. <u>Amendments</u>	43

INTRODUCTION

The Student Conduct Code (further referred to as "Code") emphasizes New College of Florida’s (further referred to as "University") commitment to a campus community which exercises the responsible engagement of student freedoms. The pursuit of responsible freedom is consistent with efforts to promote civility at the University, as students balance their pursuit of excellence and exploration with consideration to the impact of behavior on themselves and others.

The Student Conduct Authority at the University embraces the University's commitment to an educational experience that provides students with an understanding of the complex moral issues inherent in human life and develops the knowledge and skills for effective and responsible participation in the world.

The University fully recognizes and values the right of all students and individuals to seek knowledge, debate ideas, form opinions, and freely express views in accordance with the expectations set forth in this Code. The University supports the principles of free speech and civil discourse outlined in the Board of Governors’ “Statement of Free Expression” (“Statement of Free Expression”, Florida Board of Governors, 2019). This right must be exercised in a manner which will not interfere with the same rights and freedoms of others in their enjoyment of the benefits of the programs offered by this University, or their lawful use of University facilities, including ingress and egress (for more information, see the University's Freedom of Expression Rights and Responsibilities regulation). Additional expectations for student organizations are outlined in the Student Organization Conduct Code and other University rules, regulations, and/or policies.

The student conduct process is designed to be educational in nature and promotes the University's mission. Being a member of the University community is a privilege, and the conduct process will determine if a student's conduct warrants modification of or restriction upon that privilege.

I. DEFINITIONS

Terms specific to conduct prohibited by the Sex Discrimination and Sexual Misconduct Policy and Title IX Compliance Policy are defined in those policies.

- A. **Advisor** - Any one person, who may also be an advocate or legal representative, chosen by a respondent, complainant, or witness to provide guidance throughout the student conduct process, and who may be permitted to participate fully during a disciplinary proceeding. Individuals are highly encouraged to select an advisor with reasonable availability. The advisor serves at the individual's own expense and may present at any proceeding. An involved party may permit their advisor to directly participate in all aspects of a proceeding, including the presentation of relevant information and questioning of witnesses.

- B. **Allegation** - An assertion that someone has engaged in behavior that may be a violation of the Student Conduct Code.

- C. **Administrative Measure** - Actions taken by the University to address or remedy a behavior separate and apart from a Conduct outcome. Actions include but are not limited to holds on student accounts, No Contact Orders, and additional non conduct University Directives.

- D. **Administrative Panel** - A group of students in addition to faculty or staff selected and trained by Student Conduct and Community Standards who serve as a hearing body with responsibility for adjudicating student conduct cases. Students shall comprise at least one- half of the membership.

- E. **Consent** - Consent to sexual activity must be: knowing, intelligent, unambiguous, and voluntary. Consent is active, not passive. This means there must be clear and willing participation, through words or actions, for each sexual act.
 - I. Consent to one type of sexual activity does not imply consent to other types of sexual activity. There must be consent at every stage of the sexual encounter

 - II. Past consent to sexual activity does not imply consent to future sexual activity.

 - III. Consent can be withdrawn at any time, including in the middle of a sexual encounter, if the withdrawal of consent is clearly indicated by words or actions. Meaning any indication of unwillingness, including but not limited to the following, terminates consent.
 - a. Any verbalization of no, stop, don't; I do not want, I am not sure, that hurts, etc.

 - b. Ceasing participation in sexual activity (e.g. freezing, or not actively engaging), pulling away, pushing someone away, removing someone's touch from a specific area, blocking someone from touching a specific area, etc.

 - IV. Individuals who are not of legal age, are incapacitated, or are forced cannot give consent to sex (no matter what they say or do); see definition of incapacitation.

 - V. Consent cannot be obtained by force. Force includes the use of coercion, intimidation,

physical violence, and/or threats.

- a. Coercion. Using an unreasonable amount of pressure, including alcohol or drugs, to have sexual contact with someone. Coercion is more than an effort to persuade, entice, or attract another person to have sexual contact. When a person makes clear a decision not to participate in a particular sexual activity, continued pressure can be coercive. In evaluating whether coercion was used, the University will consider frequency of the application; intensity; duration of the pressure and the degree of isolation imposed upon the individual being pressured.
- b. Intimidation. An implied threat that menaces or causes reasonable fear in another person. A person's size alone does not constitute intimidation; however, it may be a contributing factor (e.g., blocking access to an exit.)
- c. Physical violence. Use of physical violence and/or imposing on someone physically to control and engage in sexual contact or intercourse. Physical violence includes but is not limited to hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.
- d. Threats. Words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person's reputation, or to cause a person academic or economic harm.

F. **Incapacitation** - A state where a person cannot make knowing, intelligent, unambiguous, and voluntary decisions and therefore cannot give consent (e.g. cannot understand the who, what, when, where, why, or how of the sexual interaction). An individual can be incapacitated by voluntary or involuntary use of drugs (legal, illegal, or prescription) or alcohol, illness, mental impairment/disability, or by a state of being asleep or unconscious.

I. Incapacitation is a state beyond drunkenness or intoxication. The impact of drug and alcohol use varies from person to person. Whether an individual was incapacitated by substance use will be assessed by the totality of the information. Relevant factors include but are not limited to: stumbling or otherwise exhibited loss of equilibrium; slurred speech or word confusion; combativeness or emotional volatility; vomiting; incontinence; being disoriented or confused as to time, place, etc.; and/or loss of consciousness. In matters of accountability/culpability, the University will consider whether a Respondent knew or should have known that the Complainant was incapacitated. However, the use of drugs or alcohol by the person initiating the sexual activity is not an excuse for failing to obtain consent.

II. Legal age. The legal age of consent in Florida is 18; however, this Policy recognizes exceptions as defined by section 794.05, Florida Statutes. Legal age of consent may differ in various jurisdictions.

G. **Day** - Any weekday Monday through Friday in which the University is in operation. This includes days when the University is in operation, but classes are not in session.

- H. **Hearing** - Any informal or formal disciplinary proceeding, conducted by a hearing body in accordance with the Code, following which determinations on responsibility and/or outcomes are made with regard to alleged Code violations and outcomes are assigned as appropriate. Alternative resolutions, restorative resolutions, information sessions, investigation meetings, or other meetings conducted by the University are not considered to be a disciplinary proceeding.
- I. **Hearing Body** - Any person or persons authorized by the Code to conduct hearings, to make a finding of whether a student has violated the Code, and recommend or assign outcomes as appropriate.
- J. **On-Campus** - All land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University, including adjacent streets, sidewalks, and parking lots. See also the definition of "University" below.
- K. **Policy** – The written statements governing the University as found in, but not limited to, the State of Florida Board of Governors regulations, the University's Board of Trustees regulations, policies adopted by the President or Vice Presidents, the Student Conduct Code, the Undergraduate Catalog, the Graduate Catalog, the University Housing Guide to Residence Living, the Anti-Sexual Misconduct Policy, the Title IX Compliance Policy, and other written requirements of departments, organizations, and clubs.
- L. **Preponderance of the Information** - The standard of evidence upon which a determination of "responsible" or "not responsible" is made and is used in adjudicating all hearings under this Code. It means that the information, as a whole, demonstrates it is more likely than not that the fact sought to be proved is true. The individual bearing the burden of proof must present evidence/information which is more credible and convincing than that presented by the other individual or which shows that the fact to be proven is more probable than not.
- M. **Complainant** - Any individual who is alleged to be the victim of conduct that could constitute one or more violation(s) of the Code. The complainant is the individual who is affected and files a report or formal complaint or on whose behalf a report or formal complaint is filed.
- N. **Non-Sexual Consent** - As related to alleged violations of the Code that do not involve sex discrimination or sexual misconduct, consent is the voluntary, informed, and freely given agreement, through words and/or actions, to participate in mutually agreed upon behavior or activity.
- O. **Respondent** - A student who has been reported to be the perpetrator of conduct that could constitute one or more violation(s) of the Code.
- P. **Report** - Information submitted to a Student Conduct Authority alleging conduct that could constitute one or more violation(s) of the Code.
- Q. **Formal Complaint** - Information from a complainant or a University official alleging conduct that could constitute one or more violation(s) of the Code by a respondent.
- R. **Student** - Any individual meeting one or more of the criteria below. The term applies to all

campuses, sites, locations and delivery methods of credit-bearing course offerings.

- I. Admitted. Any person, regardless of academic career, who is admitted to the University and accepts an offer of admission to participate in any University program, course, or activity leading to enrollment, including but not limited to online or in-person orientation, graduate student orientation, teaching assistant orientation, or workshops.
- II. Enrolled. Enrolled in any credit-bearing course or program offered by New College of Florida at the time any alleged violation(s) occurred.
- III. Active student. Any person who has been enrolled at the University and continues to be associated with the University in order to complete the course or program in which the student was enrolled. "Active" status is determined by academic policy and is enforced by the Registrar's Office. This can include periods of non-enrollment during which the student is still eligible to enroll in classes. The term also includes any student who has been issued an Interim Health and Safety Action (IHSA) pending the outcome of a student conduct proceeding.
- IV. Dual enrollment. Any student enrolled in a credit-bearing course on a dual-enrollment basis. Jurisdiction over a dual-enrollment student's conduct will be determined in consultation with appropriate officials at the student's home institution.
- S. **Student Conduct Authority** - An individual or administrative unit whose administrative duties include the administration of the student conduct process, including formal or informal action. Please see the section on "Authority" for more information. This definition includes, but is not limited to, the Office of the Vice President for Student Affairs, the Department of Student Conduct and Community Standards, and International Programs or their successors.
- T. **University** – New College of Florida, each of the programs and activities under its control, and all property owned, leased, used, or controlled by the University, including all campuses, study centers, facilities, and University International Programs' locations and property.
- U. **University Community** - Any person who is a student, faculty member, University official, visitor, contractor, volunteer, representative of the University, or any person employed by the University.
- V. **University Official** - Any person assigned to engage in teaching, research, administrative, professional, or other responsibilities while acting within the scope of their employment, appointment, or volunteer role with the University.
- W. **Student Conduct Board** - A group of currently enrolled students in good conduct standing selected and trained by the Department of Student Conduct and Community Standards to adjudicate student conduct cases as a hearing body excluding cases of alleged violations of the Anti-Sexual Misconduct Policy or Title IX Compliance Policy and cases that may result in a respondent's separation from the University.
- X. **Single Hearing Administrator** - Any University Official designated and trained by a Student Conduct Authority to facilitate meetings or information sessions and administer alternative

resolutions, or to serve as the hearing body for informal or formal hearings.

- Y. **Student Organization** - An organization that has been approved by the Vice President for Student Affairs or designee, to function at the University. Further stipulations regarding recognition are outlined in University regulations relating to Student Organizations and Activities. For purposes of the Code, the term "student organization" also refers to a student group which is defined as any number of persons who are associated with the University and each other, but who have not registered, or are not required to register, as a student organization that conducts business or participates in University-related activities. This includes, but is not limited to, student organizations that are no longer recognized by the University and/or (inter)national organization.
- Z. **Law Enforcement Statement** - A sworn statement or report by a duly authorized law enforcement officer that may be relied upon by a hearing body in a student conduct proceeding.
- AA. **University Official Report** - A narrative or document prepared by a University employee in the course of their employment that provides information about an incident. Examples include, but are not limited to, Office of Title IX and Civil Rights Compliance ("Office of Title IX") investigation reports and University Housing Incident Reports.
- BB. **Witness Statement** - A narrative or document that is not part of a law enforcement statement or university official report and that is prepared and submitted as a part of the reporting of an incident or in lieu of a witness's live appearance at a conduct proceeding, which provides the information that the witness has regarding an alleged violation of the Code.
- DD. **Informal Resolution** - The process by which a student may accept responsibility and outcomes for an alleged violation of the Student Conduct Code. This resolution is noted as a finding of responsibility and results in a student conduct record for the respondent.
- EE. **Notice** - Notice is considered given to a student when it is sent to the student's official University email address, is hand-delivered to the student or current residence, or upon the University's receipt of a certified mail return receipt when communication is sent to the local address on file with the Office of the University Registrar or to the permanent address on file if a local address has not been provided.
- FF. **University Program or Activity** - Locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the conduct occurs, and also includes any building owned or controlled by a student organization that is recognized by the University. A program or activity may include events, programs, and circumstances that occur in person, on a virtual platform, or via electronic communication or publication including but not limited to phone, email, text, or social media.

II. AUTHORITY

- A. **Authority for student conduct ultimately rests with the New College of Florida Board of Trustees which has delegated such authority to the President of New College of Florida (hereinafter "President"). The Board further assigns authority through this Code, a Board Regulation. The President has delegated direct authority to the Vice President for Student Affairs (hereinafter "Vice President"). The Vice President delegates this authority to the Dean of Students and to the Director**

of University Housing. Under the direction of the Dean of Students and the Director of University Housing, the Associate Dean(s) of Students/Director of the Office of Student Conduct and Community Standards, the Assistant Dean(s) of Students, directors/program leaders of International Programs, and appropriate University Housing staff are responsible for implementing the student conduct system. Implementation includes, but is not limited to, selection and training of hearing bodies.

- B. The President, Vice President, Dean of Students, Director of University Housing or their designees, or directors/program leaders in International Programs or their designees may take direct jurisdiction of any case when it is determined by the immediate circumstances that taking direct jurisdiction is in the best interest of the University.
- C. The President, Vice President, and Dean of Students or designee have the authority to designate individuals internal or external to the University as advisors or hearing or appellate officers, when appropriate.
- D. All hearing bodies have the authority to consult with other appropriate University officials in order to effectively resolve a student conduct case.
- E. The initial decision or recommendation of a hearing body is considered a hearing decision. If a hearing decision is not appealed as provided within the Code, the hearing decision becomes final agency action.
- F. The authority of appellate officers is further enumerated in the Code section on "Appeal Procedures." Appellate decisions are considered recommendations to the Vice President or designee and become final agency action upon approval by the Vice President or designee.
- G. Any reference in the Code to the role or responsibilities of a specific University official may be delegated by the University official to an appropriate designee.

III. SCOPE

New College of Florida may address the alleged misconduct of any student as specified in the "Violations" section of this Code pursuant to the following:

- A. In any proceeding to determine whether a student has violated the Code, the University will apply the substantive Code provisions defining conduct violations that are in effect on the date the alleged conduct occurred. The University will apply the procedural standards, outlined in section VI. "Procedural Standards", that are in effect at the time the student is provided notice of the specific allegation(s) of code, regulation, or other policy violations, regardless of the date of the alleged violation.
- B. The Code will apply to student conduct that occurs on University premises, at University- sponsored activities and off-campus as determined by the Student Conduct Authority. Factors that will be considered when determining whether to address off campus conduct include, but are not limited to, whether the incident is documented by a verifiable source, adversely affects the University community, occurs at a University program or activity, or endangers the health or safety of a student or others.

- C. The Code applies to the University as defined in this Code. Non-substantive procedural modifications that reflect the particular circumstances of each campus or international program are permitted as approved by the Student Conduct Authority.
- D. The Code includes procedural standards that apply specifically to the resolution of violations of the Student Conduct Code that are not encompassed under Sexual Harassment as defined in, or that fall outside of the jurisdiction of the Title IX Compliance Policy. The University reserves the authority to determine what level of procedural standards will apply to a report or formal complaint and whether application of the appropriate procedural standards should change based on new or evolving information regarding a specific case. The University may, in its discretion, address conduct that has been dismissed during or as a result of the Title IX investigation process if the conduct or circumstances fall outside of the jurisdiction of the Title IX Compliance Policy but would fall within the other jurisdictions and provisions of the Code.
- E. Student conduct proceedings may be initiated for alleged conduct that potentially violates both law and University policy without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under these procedural standards may be carried out prior to, concurrently with, or following civil or criminal proceedings at the discretion of the Student Conduct Authority. Determinations made or outcomes imposed will not be subject to change because criminal charges or civil complaints arising out of the same facts giving rise to violation of University policy were dismissed, reduced, or resolved in favor of the respondent.
- F. The University may adopt the finding of fact in a criminal or civil proceeding with a similar or higher standard of proof and conduct an outcomes-only proceeding if appropriate.
- G. The University has up to 180 calendar days to resolve an alleged violation(s) of the Code with a respondent upon receipt of a report of a possible violation that includes enough substantive information to conduct an investigation by the Student Conduct Authority or upon receipt of an investigation report from the Office of Title IX. However, the University has discretion to extend this time period if deemed necessary to perform a thorough investigation, preserve fundamental due process, or due to other extraordinary circumstances.
- H. The University may restrict a student's contact with specified individuals when determined appropriate based on the facts or information and circumstances of each unique incident. The Student Conduct Authority can administratively issue such a restriction to any individuals involved in a conflict or incident, regardless of whether a determination of alleged violations has been made. Such restrictions are valid and enforceable only with respect to individuals who are students at the University.
- I. The University may determine what University personnel have an educational need-to-know regarding the status and/or outcome of conduct processes and to provide notice to relevant University personnel as determined by the Student Conduct Authority.

IV. AMNESTY

- A. An element of promoting safety is providing clear, responsible methods of reporting and addressing incidents of misconduct. Therefore, in order to remove potential barriers to reporting, the Student Conduct Authority, may in its discretion, not charge a complainant with a violation for conduct originating from the same incident if reported by that student in good faith to a University official, or otherwise discovered in investigation.
- B. The University's highest priority is the physical and mental health and safety of students and members of the University community. Therefore, no student seeking assistance for themselves or others as a result of a hazing incident, sexual misconduct, intoxication, or medical emergency from alcohol or other drugs will be charged with violation of the alcohol, controlled substances, and illegal drug or hazing provisions of the Code if:
 - 1. The student calls local or University law enforcement or medical assistance;
 - 2. The student cooperates fully with University, law enforcement, and medical personnel as applicable; and
 - 3. The student remains at the scene with the person in need until assistance has arrived.
- C. The University recognizes that during times of a public health emergency as declared by local, state, or national authorities the priority of gathering information regarding contact and exposure to contagion may be greater than resolution of a violation of the Student Conduct Code. Therefore, the University has discretion over whether a student will be charged with a violation of the Student Conduct Code if information is a result of providing important contact tracing information to University or public health officials.

V. VIOLATIONS

Each student is expected to abide by these rules of conduct and to be accountable for their behavior. Lack of familiarity with the Code is not a justification for violating any provision of this Code. Unless specifically noted, intent is not a required element to establish a Code violation. Intoxication or impairment from alcohol, drugs, or other substances is not a justification for violating any provision of this Code. These rules of conduct should be read broadly and are not designed to define prohibited acts in exhaustive terms. See Title IX Compliance Policy violations.

A. Sex Discrimination and Sexual Misconduct

1. Sex/Gender-based Discrimination

- a. Disparate treatment toward a person based on sex, gender, sexual orientation, gender identity, or gender expression which adversely impacts academic, employment, or other decisions related to University programs and activities.
- b. Maintaining seemingly neutral policies, practices, or requirements that have a disparate impact on academic or employment opportunities without a valid academic or business reason.

2. Sex/Gender-based Harassment. Conduct toward a person based on sex, gender, sexual orientation, gender identity, or gender expression that is so severe, pervasive, and objectively offensive that it creates a hostile work or educational environment for the person; and
 - a. Unreasonably denies, interferes with, or limits an individual's ability to participate in or benefit from University programs, opportunities, or activities; or
 - b. Alters the terms, conditions, or privileges of the person's University employment.

The totality of the circumstances will be considered in determining whether conduct is harassment, including frequency of the conduct, its severity, whether it is physically threatening or humiliating, or merely offensive. These circumstances are considered from both subjective and objective viewpoints, considering not only the effect the conduct had on the person, but also the impact it likely would have had on a reasonable person in the same situation. Repeated incidents, where each would not, on its own, constitute harassment, may collectively constitute harassment. Harassment may also be found in a single severe incident, as well as a pattern of behavior.

3. Sexual Harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature when:
 - a. Submission to such conduct is made an explicit or implicit term or condition of employment, academic status, receipt of University services, or participation in University programs or activities, or submission to or rejection of such conduct is used as a factor in, or the basis for, an academic or employment decision; or
 - b. The conduct is so severe, pervasive, and objectively offensive that it creates a hostile work or educational environment for the person; and
 - i. Unreasonably denies, interferes with, or limits an individual's ability to participate in or benefit from University programs, opportunities, or activities; or
 - ii. Alters the terms, conditions, or privileges of the person's University employment.

The totality of the circumstances will be considered in determining whether conduct is harassment, including frequency of the conduct, its severity, whether it is physically threatening or humiliating, or merely offensive. These circumstances are considered from both subjective and objective viewpoints, considering not only the effect the conduct actually had on the person, but also the impact it likely would have had on a reasonable person in the same situation. Repeated incidents, where each would not, on its own, constitute sexual harassment, may collectively constitute sexual harassment.

- c. Sexual Harassment may also be found in a single severe incident, as well as a pattern of behavior. Examples of behavior that could constitute sexual harassment when it meets the standard set forth above include, but are not limited to:
 - i. Verbal Conduct: sexual teasing, sexual jokes, sexual innuendoes, sexual remarks about a person's body or sexual attractiveness, unwelcome demands for sexual favors, continuing unwelcome sexual advances or flirting, and sexual

whistling (cat-calling).

- ii. Non-Verbal Conduct: staring at someone's sexual body parts (breasts, buttocks, groin), sexual gestures, and inappropriate display of sexual graffiti, posters, pictures, cartoons, drawings, emails, texts, body parts, or objects.
 - iii. Physical Conduct: unwelcome touching of another's body, not otherwise defined by Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact, such as massaging, patting, hugging, rubbing, etc.
4. Sexual Violence. Includes any sexual act performed without the consent of the Complainant (or when the Complainant is unable to give consent), whether referred to as sexual violence, rape, sexual battery, or sexual assault. For purposes of this policy, sexual violence includes:
- a. Non-Consensual Sexual Contact. Any unwelcome, intentional contact of a sexual nature either under or over clothing, without consent with a person's breasts, buttocks, groin, genitals, mouth, or other intimate parts. This includes: touching of any of these intimate body parts; touching another with any of these body parts; forcing a person to touch you, or themselves, or another with any of these body parts; or any other intentional bodily contact in a sexual manner with any other body part.
 - b. Non-Consensual Sexual Intercourse. Any vaginal or anal penetration by a penis, tongue, finger, or object, or any mouth to genital contact, no matter how slight the penetration or contact, without consent.
5. Dating/Domestic Violence (Intimate Partner Violence). Is a single severe incident or pattern of abusive behavior in a relationship that is used by one partner to maintain power and control over another current or former intimate partner. Dating/Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes but is not limited to any behavior that intimidates, manipulates, humiliates, isolates, frightens, terrorizes, coerces, threatens, hurts, inures, wounds someone, prevents an individual from doing what they wish, or forces them to behave in ways they do not want, or property damage. It can also include abuse through the use of technology.
- a. Dating Violence. Violence between an individual who is or recently has been in a continuing and significant relationship of a romantic or sexual nature and the other party. The existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.
 - b. Domestic Violence. Violence between family or household members. Family/household members are, or are similarly situated to, spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and person who are legal guardians of a child in common regardless of whether they have been married.

With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

Dating/Domestic Violence also includes assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal violation.

6. Stalking. Engaging in a course of conduct (i.e. more than one act) directed at a specific person which would cause a reasonable person (under similar circumstances and with similar identities to the Affected Individual), to fear for the person's safety or the safety of others; or suffer substantial emotional distress. Acts that together constitute stalking may be direct actions or may be communicated by a third party, and can include, but are not limited to, threats of harm to self, another, or property; pursuing or following; non-consensual communication by any means; unwanted gifts; trespassing; and surveillance or other related types of observation. Stalking also includes cyber-stalking through electronic means including electronic mail, social media, cell phones, text messages, other communication applications, or the internet.
7. Sexual Exploitation. Any act where one person violates the sexual privacy of another or takes unjust or abusive sexual advantage of another without their consent for their own benefit or for the benefit of anyone other than the person being exploited. Sexual exploitation includes but is not limited to:
 - a. Causing or attempting to cause the incapacitation of another person for the purpose of gaining sexual advantage;
 - b. Prostituting another person (i.e., personally gaining money, privilege or power from the sexual activities of another) or sex trafficking;
 - c. Where there is a reasonable expectation of privacy, or without consent, the videotaping photographing or audio-recording of intimate, nude or sexual activity and/or distribution of these materials via media such as, but not limited to, the internet and other electronic/digital media;
 - d. Exceeding the boundaries of consent. Including but not limited to: deviation from the agreed upon sexual contact with regards to use of a birth control method/option or other medication for prevention of pregnancy and sexually transmitted disease/infection transmission; knowingly exposing another to a sexually transmitted disease/infection without their knowledge or consent; or other omissions or falsifications that would imminently endanger the health or safety of the other party.
 - e. Engaging in indecent exposure (i.e. intentionally exposing one's genitals in public, or via electronic communication) with the intention of alarming, distressing, and/or offending others.
 - f. Soliciting a minor, or creation, possession, transmission, or distribution of child pornography.

- g. Voyeurism, such as, watching a person undressing, using the bathroom, or engaging in sexual acts without the consent of the person being observed.
- 8. Retaliation. Any creation of a hostile environment or adverse action threatened or taken against an individual because they: make a report pursuant to this Policy; assist another person in making a report; participate in the investigation or resolution of such a report; in good faith and in a reasonable manner opposes conduct that they believe constitutes a violation of this Policy. An individual filing a good faith complaint, in and of itself is not retaliatory.
- 9. Complicity. Engaging in any action or behavior with the intent of aiding, facilitating, promoting, or encouraging the commission of an act of sexual misconduct.

B. Endangerment

- 1. Use of physical violence or unwelcome force against a person or the property of any person or group.
- 2. Action(s) that imminently endanger the health, or safety of another person or group.
- 3. Interference with the freedom of another person to move about in a lawful manner by force, threat, intimidation, or other means without consent.
- 4. Intentionally or negligently inserts or causes ingestion of a foreign substance into the body of another person without their consent. This includes, but is not limited to, drugs and substances not meant for human consumption.
- 5. Action(s) that endanger the health, safety, or well-being of an animal. This includes, but is not limited to, intentionally or unintentionally torturing or in a cruel manner killing or causing serious bodily injury to an animal; failing to provide necessary food, water, or care for an animal; unreasonably abandoning an animal in the student's custody; transporting or confining an animal in a cruel manner; causing one animal to fight with another animal; or inappropriately overworking an animal. This provision does not prohibit any activity conducted as part of an approved academic or research program within the University.

C. Harassment

- 1. Conduct, not of a sexual nature, including any gesture, written, verbal or physical act, or any electronic communication (includes text messages and postings on web-sites or social media), that places a person in reasonable fear of harm to their person or damage to their property, infringes upon rights of personal privacy, has the effect of substantially interfering with a reasonable person's academic performance or ability to participate in opportunities or benefits provided by the University, or has the effect of substantially interfering with the orderly operation of the University.
- 2. Stalking, not of a sexual nature, defined as a course of conduct (i.e. more than one act) directed

at a specific individual which would cause a reasonable person to experience substantial emotional distress, or to fear for their safety or the safety of another.

D. Invasion of Privacy

1. Unauthorized intrusion upon a person's private property or communications.
2. Unauthorized appropriation and/or use of someone's identifying or personal data or documents.
3. Using electronic or other means to make a video or photographic record of any person where there is a reasonable expectation of privacy without the person's consent. This includes, but is not limited to, taking video or photographic images in shower /locker rooms, residence hall rooms, private bedrooms, and restrooms. The sharing and/or distributing of such unauthorized records by any means is also prohibited. This section is not intended to restrict recordings of those expressive activities protected under s.1004.097, F.S. or other specific provisions of law.
4. Using electronic or other means to make an oral record of any person where there is a reasonable expectation of privacy without the person's consent. Such oral communications include, but are not limited to, recordings made using any device and any wire, oral, or electronic communication.

E. Hazing

1. Any individual action or situation, which occurs on or off University property, that intentionally, recklessly, or negligently endangers the mental or physical health or safety of a student for purposes including, but not limited to, initiation or admission into or affiliation with any University student organization or other group whether officially recognized by the University, or the perpetuation or furtherance of a tradition or ritual of any such student organization or group. Hazing includes, but is not limited to:
 - a. brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of food, liquor, drug, or other substance;
 - b. subjecting a person 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 a reasonable person;
 - c. pressuring or coercing a person into violating local, state, federal law and/or University policy;
 - d. interfering with or impeding a person's academic pursuits, employment, religious observances, or affiliation with other individuals, groups, or activities;
or

- e. otherwise infringing upon a person's personal or property rights or substantially interfering with a reasonable person's ability to participate in or benefit from the services, activities, or privileges provided by the University.

Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

2. Soliciting another or aiding or assisting another to engage in any act of hazing as defined in this Code, or active involvement in the planning of such action.
3. Observing or participating in any conduct defined as hazing pursuant to the Code by a member of the student organization or group who is not themselves a complainant, without reporting the incident to a University official.

The following circumstances do not constitute a defense to allegations of hazing:

- a. the consent of the victim had been obtained;
- b. the conduct or activity that resulted in the death or injury of a person was not part of any official organizational event or otherwise sanctioned or approved by the student organization or group; or
- c. the conduct or activity that resulted in the death or injury of a person was not done as a condition of membership into a student organization or group.

BOG 6.021, and Section 1006.63, Florida Statutes are considered part of this Code and incorporated as applicable.

F. Weapons and Dangerous Substances

1. On-campus possession or use of firearms, destructive devices, or other dangerous articles or substances not permitted under state or federal law, including but not limited to non-lethal weapons such as pellet guns, B.B. guns, paintball markers, slingshots, crossbows, Tasers, archery equipment, or any dangerous chemical or biological agent. This section shall not apply to:
 - a. any law enforcement officer who is a student or to any student ROTC member acting under the supervision of an ROTC unit in a manner proscribed by military regulations of the United States Government; or
 - b. any student whose possession of a weapon as described above is approved by the New College Police Department for a bona fide educational purpose; or
 - c. a concealed firearm or other weapon kept for lawful purposes with or without a license by persons 18 years or older within the interior of a private vehicle, provided that such a firearm is not carried on the person and provided that a firearm or other weapon must be kept securely encased or otherwise not readily accessible for use, consistent with section 790.25(4), Florida Statutes; or
 - d. a student in possession of a stun gun or non-lethal electric weapon or device designed

solely for defensive purposes and which weapon does not fire a dart or projectile as provided in Section 790.06(13), Florida Statutes; or

- e. Pepper spray/mace for the purpose of personal protection where permitted by local, state, or federal law.
2. On-campus possession or use of unauthorized knives. Bladed instruments or objects with longer than a four-inch blade are prohibited and include, but are not limited to, swords, hunting knives, daggers, dirks, stiletto knives, machetes, axes, and hatchets are not permitted. This also includes items that may be considered decorative in manner, such as sword-canes, ornamental daggers, and swords.
 - a. Culinary knives used in designated areas for their intended purpose and common pocket knives with blades of less than four inches are permitted
3. On-campus possession or use of fireworks, sparklers, and any item designed with the primary intention of exploding, including but not limited to: firecrackers, skyrockets, rockets, roman candles, and cherry bombs.
4. Off-campus, unlawful, or unauthorized possession or use of firearms, explosives, or other weapons or dangerous articles or substances in violation of state or federal law.

This section is authorized by Section 790.115, Florida Statutes. In accordance with Section 790.33, Florida Statutes, nothing in this section is intended to prohibit or regulate the lawful possession of a weapon or firearm as defined in Section 790.001, Florida Statutes, except as permitted by law.

G. Fire and Safety

1. Inappropriate activation of any emergency warning equipment or the false reporting of any emergency.
2. Unauthorized possession, or removal of, damage to, or tampering with fire, safety, or other emergency warning equipment.
3. Failure to evacuate a University building or facility within a reasonable amount of time after a fire alarm is sounded.
4. Setting or attempting to set any unauthorized fire or creating a safety hazard.
5. Obstructing the egress of an emergency exit or leaving exit, fire, and/or smoke doors propped open, or entering or exiting buildings through emergency-only doors or egresses during non-emergencies.
6. Presence on the roofs of University buildings, fire escapes, ledges, service elevators, balconies, and other areas that are designated as closed or where access is prohibited.
7. Unauthorized on-campus use of any remote-controlled aircraft or vehicle (i.e., drones) or

failure to comply with established guidelines for authorized use of remote-controlled aircraft on or off-campus.

H. Alcohol, Tobacco, Controlled Substances, and Illegal Drugs

1. Unlawful possession, purchase or attempted purchase, misuse, or misappropriation of controlled substances, including prescription medication.
2. Possession, purchase or attempted purchase, or use of illegal drugs.
3. Actual or intended distribution, delivery, manufacture, or sale of illegal drugs or controlled substances.
4. Possession or use of drug paraphernalia.
5. Students must comply with all federal, state, and local laws pertaining to alcohol and tobacco. No person under the legal age may possess, purchase, attempt to purchase, consume, be under the influence of, distribute, sell, provide, or be provided alcoholic beverages or tobacco products.
6. Control or operation of a wheeled conveyance while under the influence of alcohol or any controlled substances or illegal drugs.
7. Disrupting the campus or off-campus community or engaging in any law or policy violation while under the influence of alcohol, mind-altering substances, controlled substances, or illegal drug.
8. Hosting by owners, residents, or others in control of the event or property where the underage consumption of alcohol, illegal use of controlled substances, or illegal drug use occurs, including in a residence hall room, residence hall common area, or any space that is occupied by, under the control of, or reserved for the use of a student or student organization.
9. Any other violation of the Regulation 6-3004 Alcohol and Other Drugs.

I. Disruption and Obstruction

1. Failure to comply with the lawful order or reasonable request of an identified University official, any non-University law enforcement official, any non-University emergency responder, or any protective order.
2. Providing false or misleading information to a University official, law enforcement official, paramedics, or other medical staff. This may include allowing an advisor, advocate, or legal representative to submit false or misleading information on behalf of the student.
3. Commercial solicitation on campus without prior written approval from appropriate University officials.

4. Acts that disrupt the University student conduct process or other University investigation, adjudication, or resolution process. Examples may include but are not limited to: attempting to coerce or influence a person regarding the reporting of a student conduct violation or a person's participation in any student conduct proceeding; avoiding or impeding communication in regard to a conduct proceeding; or actively disrupting a meeting or proceeding.
5. Urination or defecation in a space not designated for such use.
6. The unauthorized sale or attempted sale of University provided resources or facilities, including but not limited to University-issued student tickets, seats in a class, etc.
7. Any disruption of normal University operations caused by a student's guest or animal.
8. Behavior which disrupts or obstructs student learning, instruction, research, administrative or other University operations or previously scheduled or reserved on- campus activities.
9. Obstruction of free flow of pedestrian or vehicular traffic.
10. Unreasonable disruption of peace, academic study, or sleep of others on or off campus.
11. Retaliation against another for making a report of conduct that may be in violation of this Code or other University policy, or for participating in an investigation, process, or hearing. Making a report that is not made in good faith may be considered retaliation. See the Title IX Compliance Policy or Anti-Sexual Misconduct Policy for prohibited conduct defined as retaliation in that policy.
12. Interfering or attempting to interfere with an individual's attempt to contact law enforcement, emergency responders, or other form of aid.

J. Falsification and Misrepresentation

1. Engaging in the falsifications or misrepresentation of identity, including but not limited to:
 - a. Possession, ownership, or use of false identification or another person's identification.
 - b. Impersonating or misrepresenting the authority to act on behalf of another individual, organization, group, or the University.
 - c. Manufacture, distribution, delivery, sale, or purchase of false identification.
 - d. Permitting another person to use any form of the student's identification.
2. Forgery, alteration, unauthorized duplication, or misuse of identification, documents, communications, event tickets, records, keys, or access codes.
3. Falsifying, or being party to the falsification of, any official identification card, record

(including oral or written communication), or document. This includes providing false information in report, investigation, or University conduct resolution meeting or proceeding.

K. Property

1. Defacement, damage, or destruction of property.
2. Theft, defined as removing, relocating, or using the property or services of another person, off- campus entity, or of the University.
3. Receipt, possession, sale, or purchase of property or services that are known or reasonably should have been known to have been stolen or obtained through unlawful means.
4. Entering or using the property or facilities of another person(s) or entity without consent or authorization or refusing to depart when directed by a university official.

Willfully entering a restroom or changing facility designated for the opposite sex on campus, and refusing to depart when directed by a university official with the exception of the following circumstances:

- a. to accompany a person of the opposite sex for the purpose of assisting or chaperoning a child under the age of 12, an elderly person, or a person with a disability or developmental disability;
- b. For law enforcement or governmental regulatory purposes;
- c. For the purpose of rendering emergency medical assistance or to intervene in any other emergency situation where the health or safety of another person is at risk;
- d. For custodial, maintenance, or inspection purposes, provided that the restroom or changing facility is not in use; or
- e. If the appropriate designated restroom or changing facility is out of order or under repair and the restroom or changing facility designated for the opposite sex contains no person of the opposite sex.

For purposes of this violation only, “sex” is defined as under the provisions of section 553.865, Florida Statutes.

L. Computers

1. Unauthorized access or entry into a computer, computer system, network, database account, software, or data.
2. Unauthorized alteration of computer equipment, software, network, or data.
3. Unauthorized downloading, copying, or distribution of computer software or data.
4. Any other act that violates Florida law or the University’s policies and regulations for use of campus computer and network resources.

M. Gambling

1. Engaging in or offering games of chance for money, property, goods, services, or other gain in

violation of Florida law.

N. Other Violations

1. Violation of federal or state law, local ordinance, or laws of other national jurisdictions.
2. Violation of any Florida Board of Governors Regulation.
3. Aiding, abetting, furthering, conspiring, soliciting, inciting, or attempting to commit any other violation of University policy, federal law, state law, local ordinance, or laws of other national jurisdictions.
4. Violation of any other University regulation or policy as defined in “Definitions” in this Code.
5. Violation of the Academic Honor Policy when the student is not currently enrolled in the related course or when the incident cannot otherwise be processed under the Academic Honor Policy. Refer to the Academic Honor Policy for violations and descriptions.

O. Title IX Compliance Policy Violations

The alleged conduct listed below will be resolved under the jurisdiction of the Title IX Compliance Policy and applicable procedural standards if the conduct occurred within a University program or activity within the United States

Sexual Harassment. Conduct on the basis of sex that satisfies one or more of the following:

1. A student employee of the University conditioning the provision of aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct; or
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity (may include sexual exploitation that also meets this definition); or
3. Sexual Assault: an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation:
 - a. Forcible Rape. Penetration, or attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the complainant, or
 - b. Forcible Sodomy. Oral or anal sexual intercourse or attested intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity; or
 - c. Sexual Assault With An Object. To use or attempt to use an object or instrument to

penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity; or

- d. Forcible Fondling. The touching or attempted touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against the person's will (non-consensually), or not forcibly or against the person's will in instances where the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity; or
 - e. Incest: Nonforcible sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by state law; or
 - f. Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent.
- 4. Dating Violence: violence, not limited to sexual or physical abuse or the threat of sexual or physical abuse, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant; and where the existence of such a relationship shall be determined based on a consideration of the following factors: i) the length of the relationship, ii) the type of relationship, and iii) the frequency of interaction between the persons involved in the relationship; or
 - 5. Domestic Violence: includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of their jurisdiction; or
 - 6. Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

VI. PROCEDURAL STANDARDS

A. Advisors

- 1. An advisor may participate in any disciplinary proceedings or speak on behalf of the respondent, complainant, or witness. Advisors will conduct themselves in compliance with Rules of Decorum. In Title IX hearings only, the advisor must conduct questioning as described in the Title IX Compliance Policy.

2. Consultation with an advisor during a meeting, proceeding or hearing must take place in a manner that is not disruptive.
3. Identity of an advisor is required to be reported to the Student Conduct Authority at least three business days prior to a meeting, proceeding, or hearing.
4. Advisors may not be individuals who serve other roles in the process as outlined in this Code (i.e. hearing administrator, witness, etc.), or if service in an advisory capacity would unreasonably conflict with the fair administration of the student conduct process as determined by the appropriate Student Conduct Authority.
5. The University is not responsible for selecting or compensating an advisor for any student navigating the student conduct process. If a student does not have access to an advisor for purposes of student conduct procedural standards, a list of trained University community members is available upon request for the student to utilize if desired. In a process falling under the Title IX Compliance Policy, if a student does not have access to an advisor for purposes of the student conduct hearing, the University will provide a University representative to serve as an advisor.
6. The availability of an advisor to attend a student conduct meeting, proceeding, or hearing will not unreasonably interfere with or delay the student conduct process. For Title IX hearing proceedings, if a student's advisor does not appear the University will assign an advisor or delay proceedings as outlined in the Title IX Compliance Policy.
7. Once a meeting, proceeding, or hearing has been scheduled it will rarely be rescheduled due to unavailability of an advisor.
8. A representative from the University's Office of the General Counsel may also be present at any meeting, proceeding, or hearing.
9. An advisor will be required to comport with the expectations and guidelines outlined in the Rules of Decorum Policy to participate in any administrative meeting, investigation meeting, alternative resolution process, or disciplinary proceeding at the University.

B. Reports

1. Anyone may file a report with the University alleging that a student has violated the Code. Any report should be submitted as soon as possible after the incident takes place, preferably within 60 calendar days. When there is significant delay, the Student Conduct Authority's ability to resolve an incident may be difficult due to access to reliable information and witnesses. Therefore, the Student Conduct Authority has discretion whether to pursue resolution of a report and will only pursue a significantly delayed report when:
 - a. The behavior falls under the Anti-Sexual Misconduct Policy or Title IX Compliance Policy; or
 - b. the conduct or respondent are deemed to pose a potential threat to the health or safety

of an individual or the University community or other exceptional circumstances.

2. The Student Conduct Authority may receive reports or information pertaining to criminal or civil cases from the New College Police Department, Sarasota Police Department, Sarasota County Sheriff's Office, Manatee County Sheriff's Office, Division of Alcoholic Beverages and Tobacco, other law enforcement agency, or any municipal, state, or federal court.
3. Reports may be accepted through alternate reporting mechanisms at the discretion of the Student Conduct Authority including but not limited to written communication, published information, or referral from another University department.
4. For reports alleging sex discrimination or sexual misconduct, the reporting process can be found in the Anti-Sexual Misconduct Policy and/or the Title IX Compliance Policy. If a report alleges sexual misconduct, the Student Conduct Authority will report the matter to the appropriate Office of Title IX authority, in accordance with the University's Anti-Sexual Misconduct Policy and/or Title IX Compliance Policy. The Office of Title IX will evaluate the report pursuant to the policy before it will be referred to Student Conduct and Community Standards to review for possible violations of the Code.

C. Review and Investigation

1. All reported information will be reviewed by the Student Conduct Authority to determine appropriate next steps.
2. Interim Health and Safety Actions may be issued pursuant to the Administrative Measures section of the Code.
3. Investigation
 - a. Upon receipt of a report, except for reports that are referred to the Office of Title IX, a prompt, thorough, and impartial investigation may be conducted by the Student Conduct Authority, other designated staff, or Campus Police Department if further information is required to determine appropriate resolution by the Student Conduct Authority.
 - b. Investigations will include a review of the submitted report, and other additional information, such as that gathered from investigation meetings with involved individuals or groups. Any involved individuals or groups will be interviewed and asked to share information they have regarding the incident including documents (text messages, emails, photos, etc.) and identification of any additional witnesses who may provide direct information regarding the incident.
 - c. Students may be accompanied by an advisor of their choice. Individuals are highly encouraged to participate in the process in order to allow for as thorough an investigation as possible; however, an individual may decline to participate in the investigation process.

- d. At the conclusion of an investigation, the investigating office or designated staff will produce an incident/investigation report and forward to the Student Conduct Authority for determination of appropriate referral, resolution or dismissal in accordance with University policy.

4. Administrative Measures

- a. Interim Health and Safety Actions. Interim actions may be initiated to protect the health or safety of individuals involved in an incident or investigation or in circumstances when a student is alleged to have engaged in conduct that poses a substantial risk to the University community or operations. IHSA's may be issued in conjunction with, or pending the outcome of, an investigative or adjudicative process of the Student Conduct Code, Student Organization Conduct Code, Anti- Sexual Misconduct policy, or Title IX Compliance Policy. For cases falling under the jurisdiction of the Title IX Compliance Policy, an interim health and safety action temporarily separating a student from the University or precluding participation in a course or courses must only be assigned when there is an immediate threat to physical health or safety of an individual that arises out of a report or formal complaint, or other aspect of the procedures described in the Title IX Compliance Policy. Other supportive measures and remedies may be instituted as described in the Title IX Compliance Policy.
 - i. Interim action(s) will be communicated in writing consistent with the notice provisions of this Code.
 - ii. Interim action(s) are temporary measures applied through the duration of an investigation and/or resolution process and do not replace a resolution process as outlined in this Code.
 - iii. A student may request a review of an interim action in writing to the Department of Student Conduct and Community Standards. The scope of the request is limited to whether the interim action(s) should remain in place, based on the information available. The respondent in an IHSA is afforded an opportunity to request a review of the allegations or information presented by the University as the basis for the Interim Health and Safety Action. The Dean of Students, or designee, will review the reconsideration request and any other materials provided by the respondent within three business days of receiving the written request. The requesting student may provide information including reports, witness statements, communications, or other documentation in the meeting. When applicable, a complainant may provide information to the Department of Student Conduct and Community Standards for purposes of this review. The Dean of Students, or designee, may schedule a meeting to review submitted materials and to hear directly from the student why they believe the University Directive is not necessary or appropriate. Interim actions may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The Dean of Students or designee will communicate the final decision in writing within one

business day of the review meeting.

- iv. Interim Action(s) may include any actions deemed appropriate to mitigate the threat to health, safety, or welfare of the University community or individuals involved in an incident, ranging from interim suspension to restrictions on participation in university-sponsored programs or activities or presence on campus.
- b. Termination or reassignment of housing. Removal or reassignment of an individual in University housing after a specific date and for a specified period of time. If removed, the student may be restricted from entering all University residence halls. This status constitutes a disciplinary record that will remain on file with the Student Conduct Authority in a manner consistent with University records retention policies.
- c. No contact directive/extension of existing no contact directive. A no contact directive is an official University directive that serves as notice to an individual that they must not have physical contact with or proximity to, or direct verbal, electronic, written, and/or indirect communication intentionally made through another individual for a specified period of time. This may be a new directive, extension of an existing directive, or include altered or additional parameters or instructions to an existing directive. No contact directives may only be removed prior to the specified period of time at the discretion of the Student Conduct Authority and at the written request of all involved individuals.
- d. University Directive. As an administrative measure, the University, at its discretion, may adopt the terms and conditions of a court order or other similar directive, with reasonable modification to apply to the University setting. The University Directive may be issued independently, preceding, or concurrent with the University conduct process. For the duration of the directive, an involved individual may submit documentation of any modifications issued by the originating source. The University may adjust the University Directive as new information becomes available.
 - i. An individual may request reconsideration of the University Directive. The Dean of Students, or designee, will review the reconsideration request and any other materials provided by the respondent within three business days of receiving the written request. The requesting individual may provide information including reports, witness statements, communications, or other documentation in the meeting. When applicable, a complainant may provide information to the Department of Student Conduct and Community Standards for purposes of this review. The Dean of Students, or designee, may schedule a meeting to review submitted materials and to hear directly from the student why they believe the University Directive is not necessary or appropriate. The University Directive may be affirmed, modified, or lifted as a result of a requested review. The Dean of Students, or designee, will communicate the final decision in writing within one business day of the review of submitted material or scheduled review meeting.

- ii. University Directives issued as a result of a signed Restorative Resolution Agreement signed by all necessary parties are considered final and are not subject to any further review or appeal.

D. Notice of Alleged Violation(s)

1. Written notice given to any complainant(s) or respondent(s) will include the following:
 - a. Sufficient detail to allow the individual to prepare a response (including source of information if possible, description of the alleged behavior(s), and specific alleged Code violation(s)); and the date, time, and location of a disciplinary proceeding to address the allegations. Absent exigent circumstances, the Student Conduct Authority will notify a respondent of any alleged Code violation(s) a minimum of within seven business days before a disciplinary proceeding.
 - b. The date, time, and location of an information session, during which the complainant or respondent may review all known inculpatory or exculpatory information related to the allegation, a listing of all known witnesses who have or will provide information in a proceeding, receive instruction regarding the student conduct process and the student's rights, and discuss the type of resolution process to be utilized.
 - c. The identity of the hearing body and a listing of all relevant known witnesses will be made available a minimum of five business days in advance of the disciplinary proceeding.
 - d. Applicable deadlines for submissions by the individuals including, but not limited to, impact statements, information, objections, and witness identification where not otherwise specified will be specified in the notice letter. The University may adjust these deadlines with written notice in a reasonable amount of time prior to the disciplinary proceeding.
2. Legal Guardians of any student under the age of eighteen at the time of the alleged violation(s) may also be notified of pending alleged violation(s).

E. Information Session

1. During the information session the complainant or respondent may view all materials related to the case, review procedural standards, and discuss available options for resolution.
2. The Student Conduct Authority will determine what resolution process is appropriate after considering the expressed preferences of any complainants and respondents, and the totality of the circumstances.
3. If a respondent elects to resolve the allegation and the Student Conduct Authority deems appropriate, the administrator conducting the information session may immediately facilitate a resolution or schedule the resolution to take place within a reasonable time. Options for resolution will be scheduled no sooner than five days after the information session, unless a

student waives their right for a resolution to be scheduled sooner.

4. A formal hearing process will be utilized if elected by the respondent or if determined by the Student Conduct Authority to be the appropriate resolution process based on the totality of the circumstances of the case. If selected, a single hearing administrator is the only option for a formal hearing if the incident alleges violations of the Anti-Sexual Misconduct Policy or Title IX Compliance Policy.
5. In cases involving a complainant, the administrator will gather the necessary information and conduct a appropriate resolution within a reasonable time.
6. When a respondent has two or more outstanding incidents, those incidents may be heard as a single case at the discretion of the Student Conduct Authority.

F. Resolutions

1. Alternative Resolution

- a. If deemed appropriate by the Student Conduct Authority a student may agree to resolve their student conduct process with an Alternative Resolution. Factors that the University will consider when determining whether a student is eligible for an Alternative resolution include, but are not limited to, the following:
 - i. Whether the respondent has a previous conduct record.
 - ii. Whether the respondent has previously resolved an allegation with an alternative resolution or restorative resolution.
 - iii. The number and severity of the alleged violations.
- b. In an Alternative Resolution, the respondent accepts responsibility for the behaviors and agrees to complete the assigned outcomes. Once the Alternative Resolution Agreement is signed by the respondent, it constitutes a University Directive.
- c. A respondent may be charged with a violation of the Code or have a hold placed on their account for failure to adhere to the required outcomes of an Alternative Resolution.
- d. Cases resolved through an Alternative Resolution are not categorized as a student conduct record at the University but may be referred to as an aggravating factor in assigning outcomes if a future violation occurs.

2. Restorative Resolution

- a. Participation is voluntary and both the Responsible Party and the Impacted Party must consent in writing to participate in a Restorative Resolution via the Restorative Resolution Opt-In Form.

- b. The Restorative Resolution process is used for incidents which allege behavior that violates a specific University policy.
- c. The Restorative Resolution process will not be used for incidents that allege violence against a member of a vulnerable population, the use of a dangerous weapon, or significant physical injury.
- d. The Responsible Party must acknowledge responsibility for having violated the alleged policy to participate in a Restorative Resolution.
- e. The University will not pressure or compel any party to participate in any form of Restorative Resolution.
- f. The Restorative Resolution process is not a disciplinary proceeding and therefore, a Supporting Party may not speak on behalf of the Responsible Party, Impacted Party, or Affected Party.
- g. Any party may withdraw from the Restorative Resolution process until the signing of the Restorative Resolution Agreement.
- h. In the event that any party withdraws from the Restorative Resolution or if parties are not able to reach an agreement through the Restorative Resolution Agreement, the incident will be referred back to the Student Conduct Authority, Office of Title IX, or other relevant University department based on the nature of the allegation, for further action.
- i. Information obtained through the Restorative Resolution process may not be utilized in any other form of investigation or resolution. Additionally, information obtained through the Restorative Resolution will be kept confidential except when otherwise required by the University.
- j. Separate meetings in the Restorative Resolution process may be merged by the Facilitator based on their discretion and the needs of the students or University.
- k. A Restorative Resolution concludes with the drafting of a Restorative Resolution Agreement detailing the agreed upon outcomes for the Responsible Party. Restorative Resolution Agreements must be signed by both the Responsible Party and the Impacted Party as well as the Facilitator. Restorative Resolution Agreements signed by all necessary parties are considered final and are not subject to any further review or appeal. Upon signing, the outcomes agreed upon in the Agreement constitute a University Directive.
- l. Cases resolved by a signed Restorative Resolution Agreement through the Restorative Resolution process are not categorized as a student conduct record at the University but may be referred to as an aggravating factor in assigning outcomes if a future violation occurs. Further, parties agreeing to a final resolution waive the ability to utilize a formal investigation and disciplinary proceeding through the University to resolve the same

matter.

- m. Involved Parties may be accompanied by a Supporting Party at any meeting during the alternative resolution process.
- n. The Responsible Party may be charged with a violation of the Code or have a hold placed on their account for failure to adhere to the requirements agreed upon in the signed Restorative Resolution Agreement.

3. No-Contest Resolution

- a. A respondent may elect to resolve an outstanding violation(s) through a no- contest resolution in lieu of a hearing if deemed appropriate by the Student Conduct Authority and if the student accepts the finding of responsibility for the alleged violation(s).
- b. In a no-contest resolution, because the student accepts the finding of responsibility, the proceeding will be focused on potential appropriate outcomes.
- c. No-contest resolutions may take place during the information session or scheduled within a reasonable time thereafter.
- d. No-contest resolutions are noted as a finding of responsibility for violation(s) of the Code and are considered a student conduct record.
- e. No-contest resolutions are not permitted for cases falling under the jurisdiction of the Title IX Compliance Policy.

4. Informal Hearing

- a. A respondent may elect to resolve an outstanding violation(s) through an informal hearing if deemed appropriate by the Student Conduct Authority. Informal hearings are typically utilized when there is not conflicting, complex, or additional information that would be best examined through a formal hearing setting.
- b. Informal hearings may take place as an element of the information session or scheduled within a reasonable time.
- c. The respondent may provide information including reports, witness statements, communications, or other documentation in the hearing.
- d. A hearing administrator may temporarily adjourn the informal hearing if the administrator determines that further review of clarification is necessary including, but not limited to interviewing the complainant or witnesses.
- e. A hearing administrator may utilize information gathered from information sessions, investigation meetings, or other proceedings involving students from the same incident in making a determination on responsibility. If such information is under consideration, a

respondent will be informed of the information and have an opportunity to respond.

- f. Informal hearings are not permitted for cases falling under the jurisdiction of the Title IX Compliance Policy.

5. Formal Hearing

- a. A formal hearing may be heard by a single hearing administrator, Student Conduct Board, or Administrative Hearing Panel. For cases that include allegations of sex discrimination or sexual misconduct either under the Student Conduct Code or the Title IX Compliance Policy, if a formal hearing is selected, the hearing will be conducted by a single administrator.
- b. Notice of a formal hearing, including the identity of the hearing administrator or body, will occur at least five business days prior to the hearing. Any objection regarding selected hearing administrator or hearing body must be submitted by the deadline specified in the notice.
- c. Formal Hearing Guidelines
 - i. Private hearing. A formal hearing is conducted in private. The complainant(s) (if applicable), respondent(s), and advisor(s) are allowed to attend the entire portion of the hearing at which information is presented. Admission of any other individual to the hearing is at the discretion of the Student Conduct Authority.
 - ii. Scheduling. Formal hearings are scheduled based on the availability of the complainant(s) (if applicable), respondent(s), person providing information on behalf of the University, and the hearing body. Student availability is determined based on academic class schedules and requirements. Absent exigent circumstances, lack of availability based upon personal matters, employment schedules, or the availability of an advisor, advocate, or legal representative are not considered in scheduling a formal hearing. A student should select as an advisor a person whose schedule reasonably allows attendance at the scheduled date and time for the hearing.
 - iii. Witnesses. Appropriate witnesses identified by the Student Conduct Authority, complainant(s), or respondent(s) may be invited to the hearing to provide information in support of, or challenging responsibility of the alleged violation(s). Absent extraordinary circumstances, any witnesses must be identified at the information session or by the date otherwise given in a notice of allegations or other communication from the Student Conduct Authority. Potential witnesses who could have been reasonably known or identified during the course of the University investigation, but who were not otherwise provided by the individual afforded the opportunity to do so, will not be invited to a Formal Hearing. Only witnesses providing relevant and permissible information will be invited. Witnesses identified solely on the basis of character reference will not be allowed to participate in the fact-finding portion of a hearing. In identifying appropriate witnesses, individuals

shall supply the name, email and a summary of information the witness will provide to address the student conduct code allegations. Witnesses will be invited by the Student Conduct Authority. Formal hearings will be scheduled within a timeframe to allow witnesses reasonable notice to participate, but a proceeding will not be unreasonably delayed or disrupted based on the availability of witnesses. The University will make reasonable efforts to secure in-person testimony from law enforcement officers in cases where a student conduct charge results from an incident that was reported to law enforcement, and any University personnel who were involved in investigating a matter. However, sworn statement of law enforcement officers and official university reports may be considered by a hearing body in the absence of in-person testimony of the law enforcement officer or appropriate University employee(s), provided that the hearing body reasonably finds that the statement or report is otherwise reliable, and the respondent has an adequate opportunity to respond to all facts allege in the statement. If the witness does not attend, other written witness statements will be accepted for review in a formal hearing at the discretion of the hearing administrator or body. However, such statements will not be considered as having equal weight as witness information presented in a hearing and cannot be used as the sole information supporting a finding of responsibility.

- iv. Questions. The hearing administrator or body may pose questions directly to any individual providing information in the hearing. The complainant(s) (if applicable), respondent(s), and/or advisors may propose questions to be answered by any individual providing information during a disciplinary proceeding. At their discretion, the hearing administrator or chair will retain the responsibility to determine whether questions or potential information are appropriate for review as part of the formal hearing at their discretion. In formal cases falling under the jurisdiction of the Title IX Compliance Policy, questioning of participants in the hearing and determinations of relevancy will be made as described in the Title IX Compliance Policy.
- v. Information
 2. Additional information, including, but not limited to, reports, witness statements, communications, or other documentation may also be reviewed in a hearing. Any such documentation that was reasonably available during a University investigation, but which was not provided during the course of the investigation by individuals afforded an opportunity to do so, will not be considered. Any additional information must be submitted to the Student Conduct Authority immediately upon discovery of such information.
 3. Individuals may decline to provide information or answer questions posed in a hearing. However, the hearing body will make a decision on responsibility after considering the information that is shared as a part of the formal hearing.
 4. Past behavior of the respondent(s) or complainant(s) will be excluded from

the hearing unless deemed relevant by the administrator or chair of the hearing body.

5. Past behavior of a respondent may be reviewed as an aggravating or mitigating factor for consideration in assigning appropriate outcomes if the respondent is found responsible for a violation.
6. Complainants and respondents may submit an impact statement to the appropriate Student Conduct Authority by the deadline set in the notice letter. Impact statements are considered an element of the hearing record and accessible for review by a complainant and respondent in the event there is a finding of responsibility. If applicable, the complainant and respondent may review the impact statement and provide a response within a reasonable time and by such method as determined by the Student Conduct Authority.
7. Consideration of information for a determination regarding responsibility is limited to that information presented in the formal hearing. Information that is discovered in a separate hearing or proceeding originating from the same reported incident may be introduced in a formal hearing.

6. Asynchronous Hearing

- a. At the discretion of the Student Conduct Authority, hearings may be conducted asynchronously by written statements. This format is generally only offered in cases where a court order or other protective order prevents contact between one or more of the involved parties or key witnesses. Other possible circumstances may be reviewed upon request.
- b. To resolve the allegation through an asynchronous hearing, the respondent, and complainant if applicable, must agree to participate in writing and waive their ability to conduct live questioning. The respondent, and complainant if applicable, may submit their questions for the other involved parties and witnesses by the specified deadline.
- c. All relevant individuals will be given the opportunity to submit written statements in lieu of live hearing participation. The respondent, and complainant if applicable, will be given the opportunity to review and submit a response to the hearing officer about the received statements and hearing record.

7. Outcomes-Only Hearing

- a. The Student Conduct Authority may determine that an outcomes-only hearing is appropriate to resolve a case in the following scenarios:
 - i. where a student is found guilty or at fault in a criminal or civil court based on a preponderance of the evidence or higher standard; or

- ii. there has been a determination by another investigation/disciplinary proceeding at New College of Florida for the same or comparable policy violation based on a preponderance of information or higher standard.
- b. Outcomes-only hearings may take place as an element of the information session, be scheduled within a reasonable time, or be conducted in writing with the consent of the student. If a student does not participate in the hearing, the Student Conduct Authority will issue the appropriate outcomes based on the information available.
- c. The respondent may provide information, including an impact statement, for consideration.
- d. An outcomes-only hearing is not permitted for violations charged under the jurisdiction of the Title IX Compliance Policy.
- e. An outcomes-only decision is not eligible for appeal on the basis of information review.

8. General Guidelines

- a. Basis for decision(s). The basis for any decision of responsibility in an informal or formal hearing will be whether upon a preponderance of the information, it is more likely than not that a violation or violations of the Code occurred. The burden to demonstrate that this standard has been met rests with the University, and all respondents are considered to be not responsible for a violation until and unless a hearing body makes a finding of responsibility.
- b. Informal procedural standards. 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 proceedings.
- c. Personal health and safety accommodations. The Student Conduct Authority may accommodate individuals with concerns for their personal health or safety during a proceeding or hearing by providing separate facilities or physical dividers, and/or by permitting participation by video conference or other viable means as determined by the Student Conduct Authority as appropriate and do not infringe upon fundamental due process.
- d. Accommodations for qualified individuals with a disability. Any student with a qualified disabling condition may work with the Accessible Learning Center (ALC) to request a reasonable accommodation in order to equally participate in the student conduct process. All requests for reasonable accommodations must be made either through the Student Conduct Authority or the ALC. All accommodation requests must be made in a timely manner and coordinated with the student's appropriate disability specialist within the ALC. Non-students may make a reasonable request for accommodation with the Student Conduct Authority.
- e. Decision in absentia. If a complainant, respondent, or witness does not appear for a

proceeding or hearing after notice, the Student Conduct Authority or hearing body may postpone the proceeding or review any information in support of or challenging the violations in the individual's absence and determine a finding regarding responsibility and any related outcomes based upon the available information.

- f. Status pending conduct proceedings.
 - i. A respondent will remain eligible to attend classes and university activities pending the final outcome of a student conduct matter with the exception of when a Student Conduct Authority determines that an Interim Health and Safety Action, restricting a respondent from classes or activities is necessary to preserve the health, safety, or welfare of the community.
 - ii. If a respondent's eligibility to attend classes or university activities are temporarily suspended as noted above, but are subsequently found not responsible for any violation of the Student Conduct Code, the University will correct any record of enrollment status and refund a pro rata portion of any charges for tuition and out-of-state fees as appropriate.
 - iii. An individual who leaves the University before a conduct matter or assigned outcomes are resolved or completed may be prohibited from future enrollment or obtaining University records until the matter is resolved. Degrees, credentials, transcripts, enrollment certifications, diplomas, or other academic records may be withheld until the matter is resolved including completion of any assigned outcomes or suspension period. Final determination in a case that occurs after the awarding of an academic degree or credential with a result of expulsion may result in revocation of the academic degree or credential.
- g. Any question of application of or objection to procedural standards, authority, scope or other provisions of the Code must be referred to the Director of Community Education and Community Standards by the deadline specified in the notice letter.
- h. A hearing body or the Student Conduct Authority may impose other reasonable procedural requirements for the orderly administration of student conduct proceedings, provided that such requirements are not inconsistent with this Code and do not infringe upon a student's procedural due process rights.
- i. Joint hearing. In cases involving more than one respondent, whether a formal or informal hearing, the hearing body may permit the hearing concerning each student to be conducted either separately or jointly.
- j. Hearing audio record. There will be a single record, such as a digital audio recording of all disciplinary proceedings. Deliberations will not be recorded. This recording will be the property of the University but will be made available for the complainant(s) or respondent(s) to review upon request. Any recordings of the hearing without the acknowledgement and permission of involved individuals is prohibited.
- k. The decision of any hearing or resolution must be presented to the respondent and

complainant (if applicable) in writing and within a reasonable period of time after the conclusion of the proceeding.

G. Outcomes

Outcomes are status designations or education assignments that alone or in any combination are assigned to a student as a final outcome at the conclusion of a resolution process.

The purpose of outcomes through the student conduct process is to facilitate student accountability, learning, and overall wellness. The outcomes listed below are not intended to serve as an exhaustive list of all outcomes the University may be able to utilize regarding a given student conduct concern.

1. Status Outcomes.

- a. Reprimand. A notice in writing to the student that the student is violating or has violated University expectations for behavior and that further violations may result in more severe disciplinary action.
- b. Housing Probation. This status is assigned to a student for a specified period of time. While on this status, any further violation(s) may result in termination or reassignment of housing. In addition, this status constitutes a disciplinary record that will remain on file in a manner consistent with University records retention policies.
- c. Disciplinary Probation. This status is assigned to a student for a specified period of time. While on this status, any further violations may result in suspension or expulsion from the University. Other restrictions may apply when a student is on disciplinary probation including but not limited to: participation in University or student activities, representation of the University on athletic teams or in other leadership positions, entrance into University facilities or campus areas, or contact with any specified individual(s). In addition, this status constitutes a disciplinary record that will remain on file in a manner consistent with University records retention policies.
- d. Suspension. Separation from the University after a specific date and for a specified period. Through the duration of the suspension period the individual may be restricted from University property and may be required to provide prior notice and receive approval from the Student Conduct Authority for the purpose of conducting University business. In addition, this status constitutes a disciplinary record that will remain on file indefinitely. The University will withdraw the student from any current courses and cancel any future enrollment. Whether an individual is eligible for a refund upon withdrawal or cancellation is dependent upon the University's refund schedule. Depending on the length of the suspension, a suspended student may be subject to University policies and requirements regarding readmission. If a student is required to apply for readmission, readmission is not guaranteed after a period of suspension is completed; and the student is responsible for communicating with the Office of Admissions to identify appropriate process(es) for re-entry at the expiration of the suspension period and when any terms of suspension or other outcomes are satisfied.

- e. Expulsion. Separation from the University without the possibility of readmission. The University will withdraw the student from any current courses and cancel any future enrollment. Whether an individual is eligible for a refund upon withdrawal or cancellation is dependent upon the University's refund schedule. In addition, the individual may be restricted from University property. This status will be noted on the individual's academic transcript and will constitute a disciplinary record that will remain on file indefinitely.
- f. Degree Withdrawal or Revocation. A degree may be withdrawn or revoked when a student has graduated and an incident occurred before graduation in the following circumstances:
 - i. The student has a pending conduct hearing that was scheduled before or as the student graduated; or
 - ii. At any time after the student has graduated or received a degree, the University becomes aware of an incident involving an alleged violation of this Code that took place before the student graduated or received a degree from the University.

The student will receive the degree once the matter is resolved and any outcomes (when applicable) are completed unless the outcome is expulsion, in which case the degree may be revoked.

2. Educational Outcomes

- a. Reflective Outcomes. Assignments, essays, presentations, research projects, conduct contracts, or other discretionary assignments.
- b. Restorative outcomes. Completion of service or work assignments under the supervision of a University or outside agency.
- c. Educational Plan. Develop an educational plan with the aid of the Student Conduct Authority and assigned mentor with continuous evaluation and support for a specified period of time.
- d. Counseling Assessment. Referral for assessment at University Counseling and Wellness Center for alcohol/drug concerns, general mental health, or other wellness concerns.

3. Administrative Directive Outcomes

- a. Restitution. Compensation for loss, damage, or injury to University property. This may take the form of appropriate service, monetary, or material replacement.
- b. Termination or reassignment of housing. Removal or reassignment of an individual in University housing after a specific date and for a specified period of time. If removed, the student may be restricted from entering all University residence halls. This status constitutes a disciplinary record that will remain on file with the Student Conduct Authority in a manner consistent with University records retention policies.

- c. Restrictions. Denial or modification of any specified privilege for a specified period of time. Examples include, but are not limited to: guest privileges, restriction from a University event or program, or restriction from an area or building.
- d. Guardian notification. Notification may be sent to family, guardians, or the emergency contact of a student who is under 18 years of age, or financially dependent on their legal guardians, depending on the circumstances surrounding the incident. Legal guardians may also be notified of alcohol and other drug incidents for students under 21 years of age, regardless of financial dependency or resulting outcome.
- e. Behavioral Plan. This is a directive to the student from the Student Conduct Authority and/or in consultation with another appropriate office (including, but not limited to Housing, Title IX, etc.) which outlines expected behaviors to aid in a student's success.

H. Appeal Procedures

1. Student appeal. Both a complainant (if applicable) and a respondent are afforded a single opportunity to appeal decisions and/or any outcomes issued by a hearing body within five business days of the date of the written decision and outcomes. Only complainants who are students are eligible to submit an appeal request with the exception of cases of sex discrimination or sexual misconduct or Title IX Compliance Policy violations in which a complainant may submit an appeal regardless of student status. Any interim actions will remain in effect at the discretion of the Student Conduct Authority, however any outcome(s) resulting from the original hearing decision will be held in abeyance pending the conclusion of the New College of Florida appeal process. A complainant (when applicable) and a respondent will be notified of an appeal submission by the other individual, given the opportunity to review the submitted appeal request, and given the opportunity to submit a response.
2. Required Format. All appeal requests must be in writing using the appropriate form, identify the basis or bases for appeal, and include any supporting documentation the appealing individual or student wishes to be considered.
3. Scope of Review. Deference is given to the original hearing body's findings of fact and decision on responsibility and/or any outcomes; therefore, the burden is on the individual filing an appeal request to sufficiently demonstrate cause to alter the decision of the hearing body or any outcomes. An appeal review will generally be limited to a review of the record of the hearing and supporting documents for one or more of the bases of appeal listed below, provided however, that under extraordinary circumstances the appeal administrator may request additional information or clarification from the University, investigator(s), hearing body, Student Conduct Authority, complainant, respondent, or witnesses for purposes of this review.
4. Appellate Administrator(s). The Vice President for Student Affairs designates University administrators to facilitate policies and procedural standards as outlined in this Code, including appellate review. All intermediate appellate reviews are considered recommendations for review and action for the Vice President for Student Affairs' final agency action on behalf of New College of Florida.

- a. Decisions of the Administrative Hearing Panel, Student Conduct Board, or hearing administrators appointed by Student Conduct and Community Standards may be appealed to the Dean of Students.
 - b. Decisions of the Dean of Students may be appealed to the Vice President.
5. Bases for Appeal. Appeal reviews are not a "re-hearing" of a student conduct matter, rather, a review of process and submitted information to ensure stated procedural standards were followed. Appeal considerations are limited to one or more of the following bases:
- a. Process Review. That the proceeding was not conducted in accordance with established procedural standards. Such procedural errors must have substantially affected the outcome of the hearing.
 - b. Bias Review. That the proceedings were not conducted without bias or prejudice on the part of the hearing body. May include but is not limited to demonstration of a conflict of interest, or failure to objectively evaluate all relevant information.
 - c. Information Review. That the information presented in a proceeding does not support the finding of the hearing body that a violation of Code exists.
 - d. Outcome Review. That the outcomes are extraordinarily disproportionate given the nature of the violations and any aggravating or mitigating circumstances presented.
 - e. New Information. That new information exists that was not known to the individual appealing and could not reasonably have been know or discovered at the time of the original proceeding, and which would have substantially affected the outcome of the proceeding. This does not include statements from a complainant or respondent who did not appear for a proceeding or hearing.

For cases falling under the jurisdiction of the Title IX Compliance Policy, the appeal grounds are limited to those identified in the policy.

6. Appeal Decision. An appeal administrator reviewing an appeal request may make one of the following recommendations:
- a. Affirm. The administrator may affirm the decision and/or outcomes of the original hearing body.
 - b. Alter outcome. The administrator may alter the outcome(s) issued by the original hearing body. Alteration in the outcome may include reducing or increasing the severity of outcome(s) or requirements.
 - c. New hearing. The administrator may determine a new hearing by a different hearing body is warranted to correct procedural irregularity or to consider new information. A student may appeal any decision by a hearing body assigned to adjudicate a new hearing.

- d. Remand. The administrator may direct the original hearing body to review their original decision subject to any instructions from the appeal administrator, including the requirement of further clarification of the rationale supporting the decision. The hearing body may affirm its original decision or render a new decision consistent with those instructions. A student may appeal a decision made on remand; however, if a hearing body affirms its original decision, a student may not appeal the decision on the same grounds as in the previous appeal.
7. Final Agency Action. The appeal administrator will forward findings and recommendations to the Vice President for Student Affairs for review. The Vice President's review and decision is considered the final decision of the University and will be communicated in writing within fifteen business days to the respondent and if applicable, simultaneously to the complainant. This timeline may be extended if necessary, in consideration of the record on appeal. Final agency action decisions are only appealable by writ of certiorari to the 12th Judicial Circuit in and for Sarasota County, Florida.

I. Record Keeping Practices

1. File maintenance. A student who participates in a student conduct process as a complainant, respondent or witness has a file created and maintained by the Department of Student Conduct and Community Standards. Files are maintained in a manner consistent with University record retention policy and in compliance with Florida Public Record Law. Files regarding cases resulting in a respondent's suspension or expulsion are maintained indefinitely.
2. Access to and Copies of Records. Students are permitted access and review of their records pursuant to FERPA for the purpose of reviewing information that is subject to consideration as part of a student conduct proceeding.
3. Transcriptions of hearings. Any student desiring a transcript of a recorded hearing that is a part of their education record should contact the Office of the General Counsel, which will arrange for the preparation of the transcript by a court reporting service. The court reporting service will provide the transcript to the Office of the General Counsel, which will perform a confidentiality review of the transcript and redact any confidential or exempt information pursuant to state or federal law. The requester shall bear the cost of the transcript preparation and confidentiality review.
4. Petition for clearing a disciplinary record. Student conduct records may be cleared upon review and approval by the Dean of Students, or designee. When a record is cleared, the information it contains is no longer considered a disciplinary record. However, the University may be required to produce the record regardless of its status in order to comply with a subpoena or other information request consistent with federal or state law. The University is required by law and policy to retain student education records for specified periods of time, and for certain purposes. Clearing a record affects only information maintained by the Department of Student Conduct and Community Standards. Copies of letters distributed by or to other University departments, incident reports, police reports, and the results of previous background checks reported outside of the Student Conduct Authority are not affected by this process.

Petitions for clearing a record may be made no sooner than one year after the date of the respondent's last finding of responsibility from the student conduct process or one calendar year prior to their anticipated graduation, whichever is later. The request must be made in writing to the Dean of Students and will not be granted for conduct that resulted in suspension or expulsion from the University. A petition may also be denied for any records related to conduct that involved a student complainant, posed a threat to a member of the University community or serious damage to University property.

J. Amendments

1. This Code will be reviewed in its entirety every two years by a committee that includes student representation. Any substantive changes will be reviewed by the Vice President for Student Affairs and presented to the Board of Trustees for approval. Any amendments can be proposed by University community members for review by submitting to the Vice President for Student Affairs.
2. If any portion of state or federal statute or regulation is stayed or held invalid by a court of law, any impacted elements of this policy will be deemed revoked as of the publication date of the opinion or order.

~~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.~~

~~(d) Examine their behavior in light of its potential impact on the College community and the community at large.~~

~~(e) Attempt to reach common understandings of values and College community standards by means of respectful communication and process.~~

~~(f) Utilize dialogue as a means of confronting uncomfortable situations or violations of 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.~~

~~(e) “Dean” means the Dean of Student Affairs or the Dean’s designee. The Dean is responsible for the administration of the Code of Conduct and for ensuring that all students are afforded due process.~~

~~(f) “Student” means an individual who is enrolled as a student at the College, or a person who has submitted an application for admission, housing, or any other service provided by the College which requires student status. All students are subject to the Student Code of Conduct.~~

~~(g) “Complainant” means one who makes a formal charge that a student has violated the Code of Conduct. Any member of the college community may make a complaint that a student has violated the Code of Conduct. However, during the student conduct process, the College shall be the Complainant and shall have the burden of showing the Respondent was responsible for alleged violations.~~

~~(h) “Respondent” means a student against whom a complaint has been lodged.~~

~~(i) “Student Conduct Officer” means the Dean or the Dean’s designee.~~

~~(j) “Conflict of Interest” refers to any situation where regard for the private interests of a person could lead to disregard of the public duty for objectivity and fairness.~~

~~(k) “Community Board” refers to the six (6) member hearing board that makes recommendations to the Associate Dean of Student Affairs as to whether a Respondent is responsible for alleged violations of the Code of Conduct and what an appropriate sanction may be.~~

~~All other terms used in this Code shall be given their ordinary meaning.~~

~~(3) Student Responsibilities and Rights~~

~~(a) Students are responsible for compliance with all federal and state laws, applicable county and municipal ordinances, and all rules, regulations, and written policies of the State of Florida Board of Governors and New College of Florida. Students accused of a crime can be prosecuted under federal or Florida criminal laws and also disciplined under the Student Code of Conduct. The College may pursue disciplinary action~~

even if criminal justice authorities choose not to prosecute.

~~(b) Upon accepting a student for admission, the College shall provide the student with access to the Student Code of Conduct, the New College of Florida student government constitution, and any other statement of student rights and obligations that the College recognizes or expects a student to live up to.~~

~~(c) Without limiting or affecting the scope of the legal rights and obligations a student has under federal, state, and local constitutions, laws, rules, regulations, ordinances, and judicial decisions, students shall have the following rights and responsibilities:~~

- ~~1. To express, individually and collectively, their views on issues of College policy.~~
- ~~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. New College provides the following due process protections to students and student organizations:~~

~~a. The right to timely written notice. New College will provide a student or student organization with timely written notice of the student's or student organization's alleged violation of the code of conduct. The notice must include sufficient detail and be provided with sufficient time for the student or student organization to prepare for any disciplinary proceeding.~~

~~1) The written notice must include the allegations to be investigated; the citation to the specific provision of the code of conduct 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.~~

~~2) The written notice is considered timely if it is provided at least 7 business days before the disciplinary proceeding and may be provided by delivery to the student's institutional e-mail address and, if the student is under 18 years of age, to the student's parent or to the student organization's e-mail address.~~

~~3) At least 5 business days before the disciplinary proceeding, New College must provide the student or student organization with:~~

~~a. A listing of all known witnesses who have provided, or will provide, information against the student or student organization.~~

~~b. All known information relating to the allegation, including inculpatory and exculpatory information.~~

~~b. The right to a presumption that no violation occurred. New 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 of conduct was committed by the student or student organization.~~

~~e. The right to an impartial hearing officer.~~

~~d. The right against self-incrimination and the right to remain silent. Such silence may not be used against the student or student organization.~~

~~e. The right to present relevant information and question witnesses.~~

~~f. The right to an advisor or advocate who may not serve in any other role, including as an investigator, decider of fact, hearing officer, member of a committee or panel convened to hear or decide the charge, or any appeal.~~

~~g. The right to have an advisor, advocate, or legal representative, at the student's or student organization's own expense, present at any proceeding, whether formal or informal. Such person may directly participate in all aspects of the proceeding, including the presentation of relevant information and questioning of witnesses.~~

- ~~h. The right to appeal the final decision of the hearing officer, or any committee or panel, directly to the vice president of student affairs who must hear the appeal and render a final decision. The vice president of student affairs may not have directly participated in any other proceeding related to the charged violation.~~
- ~~i. The right to an accurate and complete record of every disciplinary proceeding relating to the charged violation of the code, including record of any appeal, to be made, preserved, and available for copying upon request by the charged student or student organization.~~
- ~~j. A provision setting a time limit for charging a student or student organization with a violation of the code of conduct, and a description of those circumstances in which that time limit may be extended or waived.~~

~~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 impacts 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 the record of a formal hearing.~~

~~(5) Offenses~~

- ~~(a) Any of the following actions, or the aiding, abetting, or inciting of any of the following actions, constitutes an offense for which a student will be subject to the student disciplinary process:~~
 - ~~1. Misuse of Keys—Unauthorized possession or use of any key or key type device to any College facility or property.~~
 - ~~2. Misuse of Identification—The use of falsified identification documents or of another's identification card/document, including the use of another's computer account/password.~~
 - ~~3. False Information—Knowingly making a false oral or written statement to any College board, committee, office, or member of the College community.~~
 - ~~4. Misuse of Materials—Unauthorized reading, removing, duplicating, photographing, and/or forging,~~

counterfeiting, altering or misusing of any College material, file, document or record, computer records, software, data files and similar entities owned or maintained by any member of the College community.

5. ~~Failure to Respond to Notice~~— Failure to make a timely response to any official request from a member of the faculty, administration, or staff. The College requires that each student maintain a current address on file with the College. Official College correspondence mailed to that address is deemed sufficient as notice to the student. It is a student's responsibility to notify the College immediately of any change of address.
6. ~~Failure to Respond to Instructions~~— Failure to comply with authorized oral instructions from or agreements with College officials, including student employees, acting in accordance with their assigned duties.
7. ~~Misuse of Property~~— Destruction, damage, misuse, or defacing of, or unauthorized entry into College buildings or property, private property and personal property, on the campus of the College, including but not limited to access to the College pool, access to files, documents, records, research apparatus, or library materials, including computer systems, networks, and peripherals, owned or maintained by members of the faculty, administration, staff, or student body. It also includes intentional misuse of any College fire alarm or safety equipment.
8. ~~Aiding and Abetting~~— Any student who knowingly acts in concert to violate a Student Code of Conduct policy, who knowingly acts to conceal, or who knowingly obstructs an investigation will be subject to the student disciplinary process.
9. ~~Theft~~— The unauthorized taking, misappropriation or possession of any real, personal, or intellectual property owned or maintained by the College or any person on campus.
10. ~~Gambling~~— Conducting or organizing any form of gambling which harms or exploits any member of the College community.
11. ~~Hazing~~— Hazing means any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or admission into an affiliation with an organization. Such actions shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or any other forced physical activity which could adversely affect the physical health or safety of the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual.
12. ~~Weapons, Firearms, or Explosive Devices~~— The unauthorized possession, use or sale of any weapon, firearm, or any incendiary, explosive or destructive device, including fireworks.
13. ~~Bomb Threat~~— Reporting false presence of an explosive or incendiary device.
14. ~~Illegal Use or Possession of Drugs~~— Illegal possession, use, sale or attempt to obtain any drug. The term "drugs" includes any narcotic drug, central nervous system stimulant, hallucinogenic drug,

barbiturate, or any other substance treated as such and defined by the law as a drug or controlled substance. See New College Regulation—6 3004 for specifics regarding level of offenses and sanctions.

~~15. Privacy—Failure to respect the right to privacy of any member of the College community, including accessing another's computer files and/or email, prying observation, or voyeurism.~~

~~16. Illegal Downloading of File Sharing Material.~~

~~17. Inappropriate Expression—The College recognizes that students must be free to utilize their constitutional rights to freedom of speech and freedom to assemble. While students are encouraged to express those rights, any demonstrations or protests must be non-violent in nature, and must be conducted without endangering their own health and safety, or the health and safety of other students, faculty, staff, or visitors. Students shall not knowingly damage any College or personal property. No student or group of students shall obstruct the free movement of other persons, including police and other emergency service personnel about the campus, interfere with the use of College facilities, or prevent the normal operation of the College, both inside and outside the classroom setting.~~

~~18. Bullying, Harassment or Retaliation—Conduct which creates an intimidating, hostile, offensive working or educational environment, or harassment of a Complainant or other person alleging misconduct, including, but not limited to intimidation and threats, as well as shaming and bullying on electronic forums and social media.~~

~~19. Disruptive Conduct—Actions that impair, interfere with or obstruct the orderly conduct, processes and functions of the College. Disruptive conduct shall include, but not be limited to the following:~~

~~a. Interference with freedom of movement of any member or guest of the College;~~

~~b. Impeding or interference with the rights of others to enter, use or leave any College facility, service or scheduled activity, or to carry out their normal functions or duties;~~

~~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.~~

~~20. Violent Misconduct—When one person actually and intentionally touches or strikes another person against his/her will, or intentionally causes bodily harm.~~

~~21. The following offenses are violations of the student code of conduct, but may also be a violation of Title IX. For conduct which meets the applicable definitions under Title IX, see New College of Florida Regulation 3 4018 regarding Sexual Discrimination/Harassment for specifics about procedures for investigation, adjudication, remedial measure and related matters. Those matters which do not fall under Title IX will be proceeded against under this student code of conduct.~~

- a. ~~Stalking—To repeatedly follow or encounter another person so as to harass that person.~~

- b. ~~Sexual Misconduct, Including Sexual Harassment and Public Indecency and Voyeurism—Sexual harassment is conduct of a sexual nature or with sexual implications, which interferes with a person’s status or performance by creating an intimidating, hostile or offensive educational or working environment. This conduct may include, but is not limited to, the following: inappropriate and unwanted touching; the display of sexually explicit or suggestive materials; use of sexually explicit or suggestive language or gestures; and subtle pressure for sexual activity, as well as demands for sexual favors or physical assault. Public indecency refers to open and notorious actions which are offensive to common propriety, e.g., public sexual intercourse.~~

- c. ~~Domestic/Relationship Violence—Assault or battery to a person who is a relative, spouse, boyfriend, or girlfriend of the student. This can occur without regard to the gender of the victim or the student in question.~~

- d. ~~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 regardless of whether the assailant is a stranger or an acquaintance or a group of individuals. The type of force employed may involve physical violence, coercion or threat of harm to the victim. Date or acquaintance rape is the sexual battery of an individual by someone the victim knows. Group or gang rape is the sexual battery of an individual by multiple perpetrators.~~

- 22. ~~Underage Zero Tolerance—As referenced in Section 322.2616, Florida Statutes, the State of Florida prohibits persons under the age of 21 from having a breath alcohol level of 0.02 percent or higher and to drive or be in actual physical control of a motor vehicle. Such violations shall result in the State suspending one’s license and referral to the student disciplinary process. See New College Regulation 6-3004 for specifics regarding level of offenses and sanctions.~~

- 23. ~~Disorderly Intoxication—No student shall be publicly intoxicated to the point of being unruly, causing a disturbance, or endangering the safety of himself/herself or another person or property. See New College Regulation 6-3004 for specifics regarding level of offenses and sanctions.~~

- 24. ~~Violation of New College of Florida Alcohol and Other Drug Regulation 6-3004.~~

- 25. ~~Inappropriate Conduct at College-sponsored Events—Students are expected to govern their behavior at College-sponsored events and conduct themselves within the guidelines of the Student Code of Conduct.~~

- 26. ~~Violation of Residence Hall Policies as set out in student housing contracts.~~

- 27. ~~Bikes/Skateboards/Rollerblading—Riding a bicycle, skateboard, or rollerblades within an area on campus where there are signs posted that such actions are strictly prohibited is cause for referral to~~

Office of Student Affairs.

~~28. Violation of New College of Florida traffic rules and regulations.~~

~~29. Violation of any federal, state, or local law, ordinance, rule or regulation, including but not limited to the rules, regulations, and written policies of the Florida Board of Governors and New College of Florida.~~

~~30. Violation of probation—Failure to abide by conditions of probation.~~

~~31. Obstruction of Student Judicial Process—Acts that disrupt the College judicial process, including attempting to coerce or influence a person in order to discourage their participation in any judicial proceeding. Such acts shall include, but may not be limited to:~~

~~a. Failure to appear at an official College hearing when proper notification has been provided;~~

~~b. Knowingly falsifying, distorting or misrepresenting information before a judicial proceeding;~~

~~c. Deliberate disruption or interference with the orderly conduct of a judicial proceeding;~~

~~d. Knowingly initiating a complaint/referral without cause;~~

~~e. Use of threats, coercion, or intimidation to discourage proper participation or use of the judicial process;~~

~~f. Attempting to influence the impartiality of a member of the judicial process prior to or during the course of the judicial proceeding;~~

~~g. Harassment or intimidation of any participant in the judicial process.~~

~~(b) Misbehavior of Guests—When a student invites a guest to the campus, the student is either responsible for being physically present while the guest is on campus or the visitor must have an authorized, current College guest card. Students are responsible for their guests' conduct. Students will be held accountable for any actions or conduct of their guests that are in violation of this Code.~~

~~(6) Student Conduct Process and Procedures. [See section (3)(c)12 for student and student organization due process protections. See New College Regulation 3-4018 for Sexual Discrimination/Harassment Process and Procedures. See section (7) of this regulation for Academic Dishonesty Process and Procedures.]~~

~~(a) Filing a Complaint~~

~~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. The Respondent has the right to have an advisor, advocate, or legal representative, at the Respondent's own expense, present at the proceeding. Such person may directly participate in all aspects of the proceeding, including the presentation of relevant information and questioning of witnesses.~~

~~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 on-campus housing, restrictions on attending classes, restriction on attending on-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.~~

~~(e) 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 at least seven 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. The Respondent has the right to have an advisor, advocate, or legal representative, at the Respondent's own expense, present at the hearing. Such person may directly participate in all aspects of the proceeding, including the presentation of relevant information and questioning of witnesses.~~

~~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. Such silence may not be used against the Respondent. 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 responsible, then it shall meet in private to recommend, again by majority vote, an appropriate sanction in accordance with the Code. The Board's findings will be submitted to the Associate Dean of Student Affairs in writing within 24 hours of the decision being reached. The findings may include dissenting opinions, if any.~~
- i. ~~All hearings will be closed to spectators.~~
- j. ~~If a hearing involves more than one Respondent, the Dean shall determine whether hearings concerning each Respondent will be conducted separately or jointly. The determination shall be based upon consideration of the fairness of the proceeding to all of the parties. If conducting hearings jointly will prejudice any of the Respondents, the hearings shall be conducted separately.~~
- k. ~~Questions and answers from Complainant, Respondent and witnesses shall all be addressed to the Board, not asked directly. Civility and maturity is expected from all parties. The Complainant, the Respondent, as well as members of the Community Board, will have the opportunity to ask questions.~~
- l. ~~No information that is not pertinent to the charges will discussed or considered at the hearing. Only after a decision about whether the Respondent is responsible has been reached can past behaviors be considered by the Board with respect to appropriate disciplinary sanctions.~~
- m. ~~The Respondent has the right to a presumption that no violation occurred. The burden of proof is on the Complainant. The standard of proof is "preponderance of evidence" and "more likely than not". The question that the Board should consider is whether it is reasonable to conclude from the information submitted that the Respondent committed the offense for which the Respondent has been charged. This burden differs from the criminal law standard of proof "beyond a reasonable doubt." Accordingly, the respondent is found "responsible" or "not responsible," as opposed to guilty or not guilty.~~

3. ~~Emergency Hearings. The Student Conduct Officer for expedited emergency hearings will be either the Dean or the Associate Dean of Student Affairs.~~

~~(d) Post Hearing Procedures~~

- 1. ~~Within two (2) business days after receiving the Board's findings and recommendations, the Associate Dean will review and decide whether to adopt, modify, or reject the Board's recommended decision and sanctions. If there are any differences between the~~

recommendations of the Board and the decision of the Associate Dean, such variance from the recommendation shall be explained in writing and presented to the Respondent within that two (2) business day period.

- ~~2. The Respondent may appeal the decision of the Associate Dean to the Dean of Student Affairs within five (5) business days of the Associate Dean's decision. The appeal must be in writing and must clearly state the grounds for the appeal. The entire record of the initial hearing will be considered on appeal. The Dean is authorized to contact any participants from the initial hearing for clarification. In considering appeals, the Dean shall determine whether proceedings of the Community Board were conducted fairly and in conformance with the Code, and whether the decision was based upon substantial information, that is, whether there were facts in the case sufficient to support the decision of the Board. The decision of the Dean will be rendered within five (5) business days of receipt of the appeal. The Dean may uphold, amend or overrule the decision of the Associate Dean. Additionally, if appropriate, the Dean may direct that a new hearing be conducted. The decision shall be in writing. A copy will be given to the Respondent and a second copy will be filed in the Dean's office. The Dean's decision shall be final.~~
- ~~(e) A Respondent shall remain eligible to attend classes and College activities pending the College's disciplinary decision and until any appeal is concluded, except as set forth below:~~
- ~~1. In cases where the President or President's designee determines that the health, safety, or welfare of the Respondent or a member of the College community is involved, the Respondent may be temporarily suspended from classes and/or university activities.~~
 - ~~2. In cases where the sanction(s) determined by the College official(s) in the disciplinary decision include either suspension or expulsion, the Respondent's privileges at the university, including the ability to attend classes and engage in university activities may be revoked.~~
 - ~~3. If a Respondent's privileges are temporarily suspended or revoked as described in this paragraph, but the Respondent is subsequently found not responsible for the violation, the university shall:
 - ~~a. Correct any record of the change in enrollment status in the Respondent's permanent records and reports in a manner compliant with state and federal laws; and~~
 - ~~b. Refund to the Respondent a pro rata portion of any charges for tuition and out-of-state fees, as appropriate, if the temporary revocation or suspension of the student's ability to attend classes lasts for more than ten (10) school days.~~~~
- ~~(f) Sanctions. Sanctions shall be commensurate with the offense with consideration given to any aggravating or mitigating circumstances. The Board may take into consideration past sanctions for similar infractions. When imposing sanctions, the Board can review the accused student's past disciplinary file and take into consideration past relevant sanctions. The student's past~~

disciplinary file should not be consulted until the Board has determined whether the Respondent is “responsible” or “not responsible.” Past behavior must be as documented in the student’s discipline file. Any of the following sanctions, or combination of sanctions, can be imposed on a student, group of students, or student organization. Students who are found “not responsible” are not subject to further sanctions.

1. ~~Expulsion—Permanent termination of a student’s privilege to attend the College, including trespass on campus. In cases where the student resides on campus, the student will be given reasonable time to vacate the residence halls (e.g., 24-48 hours). During the period of the expulsion, all of the student’s contact with College departments and services must be through the Office of Student Affairs.~~
2. ~~Suspension—Termination of a student’s privilege to attend the College for a specific period of time, including trespass on campus. In cases where the student resides on campus, the student will be given reasonable time to vacate the residence halls (e.g., 24-48 hours). During the period of the suspension, all of the student’s contact with College departments/services must be through the Office of Student Affairs.~~
3. ~~Exclusion from the Residence Halls—permanent or temporary termination of the student’s privilege to live in the New College Residence Halls. In cases where the student currently resides on campus, the student will be given reasonable time to vacate the residence halls (e.g., 24-48 hours). During the period of the Residence Hall expulsion, the student is in effect trespassed from using any of the Residence Halls, attending social gatherings in and around the halls, visiting friends or acquaintances in the halls or using the residence hall facilities or the residential life’s staff services.~~
4. ~~Disciplinary Probation—An official warning that the student’s continued enrollment depends upon the maintenance of satisfactory citizenship during the period of disciplinary probation. A favorable recommendation to outsiders normally will not be furnished during the period of disciplinary probation. When disciplinary probation is imposed as a sanction, the student should be advised of the consequences of violation of the disciplinary probation. In the event disciplinary probation terms or conditions are violated, the Dean will impose the consequences of the disciplinary probation violation.~~
5. ~~Restrictions and behavioral contracts—Conditions imposed on a student that specifically dictate and limit the future presence on campus and participation in College-related activities. The restrictions involved will be clearly identified and can 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 hand thoughts and observations original to the student do not require citations. Citations may be made in footnotes or within the body of the text. Plagiarism also consists of passing off as one’s own segments or the total of another person’s work.~~

~~(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.~~
- ~~(e) 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

History: Adopted 04-27-02, as Policy 30-010; Revised 11-15-07, 07-30-08, 05-15-10, 11-04-11; Revised and renumbered 03-07-15; Revised 06-11-16, 08-19-16 (technical amendment); Revised 10-20-20; 12-10-21; Revised 11-19-2024