


|  | ADMINISTRATIVE PROCEDURE MANUAL | | |
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Purpose

The purpose of this procedure is to outline the disciplinary procedures for student organizations or clubs relating to alleged violations of Board of Trustees Rule 6Hx7-11.2, Student Activities.

Procedure

A. Process

1. Any individual, including, but not limited to, administrators, employees or students may allege violations against any student organization or club.
2. The Associate Vice President of Student Support or his/her designee, is responsible for investigating any complaint concerning a student organization or club and a violation of a law, ordinance or Board Rule.
3. The Associate Vice President of Student Support is responsible for imposing penalties against any student organization or club that violates any law, ordinance or Board Rule.
4. Any appeal of the Associate Vice President of Student Support's decision shall be presented to the Vice President of Student Services.

B. Temporary Order of Suspension

1. When an alleged violation disrupts campus operations or endangers others the Associate Vice President of Student Support, if in the best interest of the College, may issue a temporary order of suspension of the alleged student and/or organization or club per Board Rules 6Hx7-11.1, Student's Rights and Responsibilities and 6Hx7-11.2, Student Activities. When a temporary suspension is issued, the student organization or club involved shall not conduct any activities on or off College property pending a decision by the Associate Vice President of Student Support relating to the allegations brought against the student organization or club. Further, during a temporary order of suspension, the student organization or club is prohibited from having access to any College student organization or club funds.
2. The Associate Vice President of Student Support, or his/her designee, will immediately notify the Vice President of Student Services concerning any temporary order of suspension. The Vice President of Student Services, if appropriate, will notify the College President of the action with regard to the temporary suspension.

C. Investigation, Notice and Scheduling



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1. When the Associate Vice President of Student Support receives information that a student organization or club has allegedly violated a law, ordinance or Board Rule, the Associate Vice President of Student Support, or his/her designee, shall investigate the alleged violation(s). During the course of the investigation and/or hearing there is a presumption that no violation(s) occurred. The Associate Vice President of Student Support, or his/her designee, may dismiss the allegation(s) as unfounded after investigation and review of the facts and circumstances relating to the conduct of the student organization or club. If there are no violations, the Associate Vice President of Student Support, or his/her designee, will close the investigation. If after completing the investigation, the Associate Vice President of Student Support, or his/her designee, determines that there has been a violation of law, ordinance or Board Rule, he/she will:
 - a. Advise the student organization or club that the review has been completed and of any findings with regard to violating any law, ordinance or Board Rule. The Associate Vice President of Student Support, or his/her designee, will provide notification by sending the student organization or club officer(s) and sponsor(s) a letter by certified mail, return receipt requested.
 - b. The letter will advise the student organization or club that formal charges are being filed based upon alleged violations of a law, ordinance or Board Rule. The letter will include the witnesses that support the finding(s) and documentary evidence that will be presented at the hearing.
 - c. The student organization or club will be provided five (5) business days from the date of the notice to request a hearing. The request must be made in writing to the Associate Vice President of Student Support.
 - d. If the student organization or club requests the opportunity to be heard, a hearing will be scheduled. The hearing will be scheduled not more than ten (10) business days after the date of the student organization or club request.
 - e. A scheduling letter will advise the student organization or club of the date, time and place of the hearing and to advise of its right to appear and have witnesses appear on its behalf.

3. The hearing may be postponed when there is good cause in response to a request made by a student organization or club. The Associate Vice President of Student Support, in his/her sole discretion, will have the option of rescheduling the hearing. If the hearing is rescheduled, notice will be provided including the date, time and place to the student organization or club and all affected parties. The Associate Vice President of Student Support must advise all interested parties concerning any rescheduling.
 - a. The Associate Vice President of Student Support may find that there is good cause due to pending criminal or civil charges.

4. Under ordinary circumstances, charge determinations should be made within 30 calendar days of student conduct's receipt of a complaint, unless extenuating circumstances require an additional review period.

D. Hearing



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1. An impartial Hearing Officer, to include but not be limited to, the Associate Vice President of Student Support, or his/her designee, is responsible for conducting the hearing concerning a violation of law, ordinance or Board Rule by a student organization or club and determining whether the charges are founded or unfounded.
2. The Associate Vice President of Student Support, or his/her designee, will make every effort to ensure that all individuals including the student organization or club are treated fairly.
3. The student organization or club will have the opportunity to be present at the hearing and respond to the allegations by presenting witnesses and documentation to support its response.
4. Separate proceedings may be conducted by the College concerning individual students.
5. At the hearing, the Associate Vice President of Student Support, or his/her designee, within his/her discretion, will provide a reasonable opportunity for witnesses to be heard.
6. The student(s) or organization has the right to have an advisor, advocate or legal representative representing the student(s) solely in that capacity, at the student(s) or organization's own expense. The student(s) advisor, advocate or legal representative may be 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.
7. Throughout the investigative process and any subsequent administrative hearing or discipline committee hearing, the student(s) or organization retain the right against self-incrimination and the right to remain silent. Such silence may not be used against the student(s) or student organization.
8. The hearing will be tape recorded and a copy shall be maintained by the Associate Vice President of Student Support for a period prescribed by Florida Statutes. Students may request a copy of these records from the College.
9. If the Associate Vice President of Student Support or his/her designee, finds that the alleged charges have been sustained, the Associate Vice President of Student Support, or his/her designee, will determine an appropriate penalty to be imposed.

E. Failure to Comply

1. Failure of the officer(s) of a student organization or club to attend the hearing when notice is provided will result in the charges being sustained.

F. Penalties

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1. The Associate Vice President of Student Support, or his/her designee may, after review and consideration of the facts and circumstances or at the end of a hearing, based upon his/her findings, impose the following penalties upon a student organization or club:
 - a. Probation. A notice that the continuation or repetition of violation of any law, ordinance or Board Rule during the probationary period will be cause for a more severe penalty.
 - b. Suspension (temporary). A notice that a student organization or club is not authorized to engage in any activities on or off campus for a specified period of time. If a suspension is ordered, the student organization or club may not have access to any College student organization or club funds during the suspension.
 - c. Recission (permanent). A notice to the student organization or club that the College rescinds any authority granted to the student organization or club to organize, engage in any activities on or off campus and to use the College name. Any funds of the student organization or club, in any College account shall be forfeited to the College and deposited to the College's Student Activity fund when the student organization or club's authority is rescinded by the College.
 - d. Restitution. A notice to the student organization or club that it is required to remunerate the College, other student organization or club or individual for any loss associated with the conduct of the student organization or club. The requirement to remit restitution may be included as a condition of any probation or suspension imposed.

2. The Associate Vice President of Student Support, or his/her designee shall, after a hearing and a review of the facts and circumstances, notify the student organization of his/her decision concerning the matter. Such notification shall be made by certified mail, return receipt requested. Any penalty imposed shall be effective immediately unless the Vice President of Student Services determines that the penalty will not be imposed pending appeal.

3. Notification of the decision will be provided to the Vice President of Student Services and the College President.

G. Appeal

1. The student organization may appeal the decision of the conduct administrator or hearing authority only on the following grounds:
 - a. New information, not available at the time of the original hearing, was discovered and such new information could affect the decision rendered in the original conduct case.
 - b. Procedural error that resulted or prevented a fair, impartial or proper hearing. Deviations from the designated procedures will not be a basis for sustaining an appeal unless material harm or prejudice results.
 - c. Appeals submitted on a claim that a sanction was excessive and not representative of the finding in the hearing.



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2. Consideration of an appeal does not include a rehearing, but rather a review of the initial hearing procedure and substantive new information provided by the student organization, if any. Appeals will not be granted on the basis of a student organization disagreeing with the outcome of the original conduct case.
3. Any student organization wishing to file a request for appeal must do so to the Vice President of Student Services, or designee, within ten (10) calendar days of the original hearing outcome notification.
 - a. If the 10th calendar day falls on a Saturday, Sunday or College non-operational day the deadline for filing the appeal will be extended to the next operational College day.
 - b. If no appeal is filed within the appeal period, no further appeal requests can be made.
4. Appeal decisions are final and cannot be petitioned further.

REFERENCES: F.S. 1001.64, 1001.65, 1006.60

Adopted Date: June 10, 2014

Revision Date: November 17, 2021