


<b>ADMINISTRATIVE PROCEDURE MANUAL</b>			
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## **Purpose**

The purpose of this procedure is to outline the discipline process relating to alleged violations of rules as outlined in Board of Trustees Rule 6Hx7-11.1, Students' Rights and Responsibilities.

## **Procedure**

### **A. Responsibility for Discipline**

1. The appropriate student conduct administrator, or designee will be responsible for overseeing the student discipline process. All alleged student violations of Board Rules or College regulations will be referred to the appropriate student conduct administrator, or designee. Any administrator, faculty member, career employee, student, guest of the College or other College staff person may allege violations against any currently enrolled student, including those studying abroad.

### **B. Temporary Order of Suspension**

1. In the case of a violation which clearly disrupts the orderly processes of campus operations/online environment or endangers the life of others, the appropriate student conduct administrator, or designee may issue a temporary order of suspension or removal from the campus in order to protect the best interest of the College. In all cases of temporary suspension or removal from the campus/online environment, the student(s) involved shall be requested to remain off College property/online environment pending the scheduling of a hearing regarding the charges brought against the student(s).
2. The appropriate student conduct administrator, or designee, shall immediately notify the College President and the Vice President of Student Services of his/her action of temporary suspension and the Board Rule that allegedly has been violated. The student(s) involved will be notified in writing of a hearing and the nature of the charges. The Notice of Hearing Letter format shall be used to notify the student of the specific charges and the time and place for the hearing.
3. A written report of the incident and all other pertinent documentation shall be maintained in the appropriate student conduct system.

### **C. Initial Investigation of Discipline Problems**

1. When the appropriate student conduct administrator, or designee, receives information that a student has allegedly violated a Board Rule or other College regulation, the appropriate student conduct administrator, or designee, shall investigate the alleged violation(s). During the course of the investigation and/or hearing there is a presumption that no violation occurred. After completing the investigation, the following may occur:
  - a. Dismiss the allegation(s) as unfounded, either before or after conferring with the student(s) and/or other parties concerned.



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- b. Advise the student(s) of his/her rights to an administrative hearing by an impartial Hearing Officer, to include but not be limited to, the appropriate student conduct administrator, or designee, or a campus discipline committee hearing. Student(s) will receive a seven (7) business day notice of the upcoming hearing date:
    - i. that formal charges are being filed based upon alleged violations of the specific District Board of Trustees Rule(s);
    - ii. witnesses and documentary evidence supporting the allegations will be prepared for use in the disciplinary hearing; and
    - iii. advise the student(s) of their right to have witnesses appear on their behalf.
  - c. 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.
2. Any student(s) charged with an offense for which suspension, dismissal or restitution may be warranted shall be provided, by the appropriate student conduct administrator or designee, written notice of the charges and an opportunity to present relevant information and question witnesses before the appropriate student conduct administrator, or designee. Additionally, when the charge involves a sex offense:
- a. The College will honor requests by students who are alleged victims of sexual offense to changes in their academic situation, if those changes are reasonably available;
  - b. The accused and accuser are entitled to and shall have the same opportunities to have others present with them during disciplinary hearings;
  - c. Both the accuser and the accused shall be informed of the results of any institutional disciplinary proceeding that is brought alleging a sex offense.
  - d. The College will assist the student in notifying appropriate law authorities. Please see APMs 11-0801 and 11-0802 for more information on reporting sexual offenses.
3. Florida State College at Jacksonville will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the College against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, Florida State College at Jacksonville will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.
4. The College President shall have authority, after notice to the student of the charge(s) and after a hearing thereon, to expel, suspend or otherwise discipline any student who is found to have violated any rule or regulation of the District Board of Trustees or any law or ordinance, the violation of which has an adverse effect on the College. If the appropriate student conduct administrator or Associate Director of Student Conduct reasonably believes, after a hearing that the charge(s) are accurate, they shall recommend suspension or appropriate sanction of the student to the College President together with reasons and appropriate supporting documentation.

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5. The College President shall, after a review of the recommendation, notify the student(s) of their decision on the matter. Such notification shall be made by email or certified mail, return receipt requested and shall be effective immediately unless otherwise specified by the College President.
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.

#### D. Administrative Hearing

1. A student may refuse an administrative hearing and elect a hearing before a campus/virtual discipline committee.
2. If the student accepts an administrative hearing, he/she shall sign a statement prepared by the appropriate student conduct administrator, or designee, that he/she understands the nature of the charge(s), his/her rights to a hearing, or the rights to waive the same, and accept whatever penalty may be imposed.
3. Minutes shall be kept of the administrative hearing and made available to involved student(s) upon request.
4. Written notification of the results shall be furnished, in cases when suspension, dismissal or restitution is recommended, to the student, Vice President of Student Services, the appropriate Associate Provost, instructor(s), and Registrar, as appropriate.

#### E. Discipline Committee Hearing

1. If it is decided that a campus discipline committee hearing will be held, the appropriate student conduct administrator, or designee, will notify the student(s) to appear before the student discipline committee in connection with the alleged charge(s) via written communication.
  - a. The letter shall be sent at least seven (7) business days before the disciplinary proceeding and direct the student(s) to appear at a specific time and place. If participating in a virtual hearing, the student will receive an email with the time/date and link to participate in the meeting.
  - b. The letter shall also describe briefly the alleged violation(s).

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2. The appropriate student conduct administrator, or designee, will appoint a committee of not fewer than three (3) persons to serve on the disciplinary committee.
  - a. The committee shall be made up of at least one (1) faculty member, one (1) student and a career, administrative or professional employee.
  - b. The appropriate student conduct administrator, or designee, shall appoint one (1) individual to serve as chairperson for the hearing.
3. The appropriate student conduct administrator, or designee, will coordinate with the committee chairperson the date, time and place for the hearing as well as to summon witnesses and require the production of documentary evidence.
4. The proceedings will be tape recorded and copies shall be maintained by the appropriate student conduct administrator, or designee, for a period as prescribed by Florida Statutes. Students may request a copy of these records from the College.
5. The hearing shall be informal and the chairperson shall provide reasonable opportunities for witnesses to be heard.
6. The appropriate student conduct administrator, or designee, shall monitor the proceedings and make every effort to ensure that the student is treated fairly.
7. If, after the hearing, the committee finds that the alleged charges are true, the committee will recommend an appropriate sanction to the appropriate student conduct administrator, or designee, who shall decide the penalty to be imposed.


#### F. Failure to Comply

1. Failure of a student to comply, either by telephone/virtual or in person, with notification to appear before either an administrative hearing or discipline committee hearing, will result in the charges being deemed to be true.
  - a. The appropriate student conduct administrator, or designee, may request the discipline committee to commence hearing proceedings and make recommendations, or the appropriate student conduct administrator, or designee, shall recommend an appropriate sanction.
2. The appropriate student conduct administrator, or designee, may postpone a hearing upon the request of a student so long as all interested parties are notified and agree with the new hearing date, time and place.
  - a. The appropriate student conduct administrator, or designee, may postpone a hearing for violation of a Board Rule due to pending criminal or civil charges.

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## G. Sanctions

1. The appropriate student conduct administrator, or designee, may, at the end of an administrative or committee hearing, and based upon the findings, impose the following sanctions upon students:
  - a. Warning - A notice in writing that continuation or repetition of violation of a Board Rule or College rule within a period of time stated in the warning may be cause for more severe disciplinary action.
  - b. Pursuant to receiving a warning a student may be required to participate in the college's student assistance program
2. Disciplinary Probation
  - a. This may lead to exclusion from attending or participating in extracurricular institutional activities as set forth on a written notice for a stated period of time.
  - b. Violation of probation may lead to suspension, or other sanctions reasonable to the nature of the violation.
  - c. Conditions of probation may include mandatory participation in the College's student assistance program.
3. Restitution
  - a. The student shall reimburse the College for damage to or misappropriation of College property. This sanction typically will be combined with another sanction.
4. Suspension
  - a. Recommend to the College President and Vice President of Student Services of restrictions from campus, classes and other such privileges and activities, as set forth in the notice, for a definite period of time not to exceed two (2) years.
  - b. The conditions for readmission, if any, shall be stated in the notification to the student.
  - c. Conditions of readmission may include mandatory participation in the College's student assistance program.
5. Dismissal
  - a. Recommend to the College President and Vice President of Student Services of dismissal for an indefinite period.
  - b. The conditions of readmission, if any, shall be stated in the notification to the student.
  - c. Conditions of readmission may include mandatory participation in the College's student assistance program.

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## H. Appeals

1. The student 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 excessively and not representative of the finding in the hearing.
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, if any. Appeals will not be granted on the basis of a student disagreeing with the outcome of the original conduct case.
3. Any student 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 10<sup>th</sup> 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: September 19, 1990

Revision Date: November 13, 2012, September 9, 2020, November 17, 2021