

**STUDENT SERVICES  
OPERATIONS MANUAL**

<b>Title:</b> <b>BILL OF STUDENT RIGHTS</b>	<b>Page: 1 of 2</b>
	<b>Effective Date: 6/13/02</b>
	<b>HCC Rule:</b>
	<b>Procedure:</b>

**Approval Signature(s):**

*Samela M. Heglar* *6/13/02*  
\_\_\_\_\_  
**Director of Student Services** **Date**

*Stephen M. ...*  
\_\_\_\_\_  
**Vice President of Education and Student Development** **Date**

**PURPOSE**

This procedure establishes a bill of student rights for students at Hillsborough Community College.

**PROCEDURE**

Hillsborough Community College exists to provide for the educational development of all students enrolled at the institution as well as the general well being of society. As members of the academic, technical and occupational communities, students are encouraged to develop the capacity for critical judgment and to engage in an independent search for truth. The College will implement administrative procedures to ensure academic freedom at the institution.

The admission policy of Hillsborough Community College is an Open Door Policy for all qualified students. No student will be barred from admission on the basis of race, sex, marital status, national origin, age, color or disabled status. The College facilities and services will be available to all students who are enrolled at the College.

Instructors will encourage free discussion, expression and inquiry, both in the classroom and in conference. Student performance will be evaluated solely on an academic basis, not on opinion or matters unrelated to academic standards.

**BILL OF STUDENT RIGHTS** - Students, as members of the academic community, will have the following rights while enrolled at Hillsborough Community College:

1. Students will be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion expressed during a course of study.

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However, students enrolled in a course are responsible for learning the material.

2. Students will be protected against prejudicial or capricious academic evaluation. At the same time, students will be responsible for maintaining the standards of academic performance established for each course.
3. Information regarding a student's views, beliefs and political associations, revealed during a course of study will be considered confidential. Under appropriate circumstances a faculty member may comment on a student's ability or character which normally occurs with the student's knowledge or consent.
4. Students will have active representative participation in College areas where students have a responsibility to the institution.
5. Students will have the right to establish a representative student government.
6. Students will have the right to establish and participate in student organizations, free from unreasonable restrictions, limitations and/or discrimination.
7. Students will have the right of access to written statements regarding educational policies, curricular activities and regulations which include the State Board of Education Rules, the HCC Administrative Rules and Procedures and pertinent regulations established by the Student Government, faculty, staff or administration.
8. Students will have the right to review their personal records. Subject to legal restrictions, students may challenge statements contained in their personal records.
9. Students will not be suspended or expelled from the College without receiving a hearing on the allegations.

**STUDENT SERVICES  
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<b>Title:</b> <b>CODE OF STUDENT CONDUCT AND DISCIPLINARY PROCEDURE</b>	<b>Page: 1 of 15</b>
	<b>Effective Date: 3/22/02</b>
	<b>HCC Rule:</b>
	<b>HCC Procedure:</b>
<b>Approval Signature(s):</b>	
<i>Samela M. Heglar</i> <b>Director/of Student Services</b>	<b>6/13/02</b> <b>Date</b>
<i>Salvador Wayne Coyle</i> <b>Vice President of Education and Student Development</b>	<b>6/13/02</b> <b>Date</b>

**1. PURPOSE**

This Code of Conduct is intended to protect Hillsborough Community College, its academic and social community, and its property from harm resulting from acts of its students causing injury thereto, or threat of injury.

To this end, this Code defines prohibited conduct and provides for the imposition of appropriate discipline upon those students whose acts are in violation of its standards of conduct by the means of hearing procedures affording both prompt disciplinary determinations and appropriate due process to the alleged violator.

Hillsborough Community College students may be accountable to the civil authorities, as well as to the College, for acts that constitute violations of laws as well as violations of this Code. In such events, College disciplinary actions will proceed notwithstanding any pending criminal, drug or disorderly persons' proceedings. Similarly, dismissal or acquittal of such concurrent legal proceedings will not necessarily result in dismissal of College disciplinary actions.

The College recognizes that its inherent powers and responsibilities to act so as to protect the safety and well-being of the campus community are broad and that the potential range of student misconduct which could harm persons and property on campus is also broad. Accordingly, these regulations are to be interpreted broadly to effect fully the protection of the Hillsborough Community College community. These written regulations are intended to define prohibited offenses with precision to give students notice of the behavioral standards expected of them. They are not meant to define misconduct in exhaustive terms.

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## 2. COLLEGE POLICY ON STUDENT VIOLATIONS OF LAW

On-Campus misconduct constituting a criminal, drug, or disorderly persons offense will be immediately reported to the security office. Where a student's illegal act also is in violation of this Code, proceedings will be instituted under this Code. Where the College itself is a victim of the illegal act, and where witnesses are available to present statements to investigators and to testify in court, the College may file a court complaint against the student.

The Security Office is responsible for investigating all student violations of law that occur on campus, and should be notified immediately upon detection of any such violation. As soon as practical upon receipt of such notification, the Chief of Security shall advise the appropriate civil law enforcement authority of such violation and that an investigation is being made. The Security Office shall take whatever action may be necessary, legal and proper within the scope of its authority with respect to such violation, for the protection of persons and property on campus, and shall cooperate fully with the civil authorities in the apprehension of suspects, preservation of evidence, aid to victims and all other aspects of the case. Complainants should prepare a complete factual incident report after the occurrence of each violation and a copy thereof sent to the Chief of Security. Said reports shall be prepared whether or not the violation is also investigated by a civil law enforcement authority.

## 3. PROHIBITED CONDUCT

The following acts shall be deemed as misconduct on college property or at college sponsored activities under this Code:

- A. Intentionally or recklessly causing physical or psychological harm to any person or intentionally or recklessly causing reasonable apprehension of such harm.
- B. Commission on or off campus of any offense involving danger to the person or others, as specified in the Florida Criminal Code, or in a comparable law of the jurisdiction in which said offense was committed if other than Florida.
- C. If said student has been named as a defendant in a criminal complaint and if said student's presence on campus endangers her/his physical or emotional safety and well-being, or endangers the safety and well being of other students, teachers, and members of the college community.
- D. Unauthorized use, possession or storage of any weapon(s), firearm(s) and/or explosives.

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- E. Intentionally initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency.
- F. Intentionally or recklessly interfering with normal college activities including, but not limited to studying, teaching, research, extra curricular activities, job placement activities, college administration, or fire, police security or emergency.
- G. Knowingly violating the terms of any disciplinary sanction imposed in accordance with this Code.
- H. Engaging in “stalking or pursuing” behavior that is, unsolicited or continual advances towards another.
- I. Unauthorized distribution, use of, or possession of any substance constituting a “controlled substance or dangerous drug” as defined by The Florida Criminal Code or any illegal drug.
- J. Physical or verbal obstruction or disruption of teaching, research, and administration disciplinary proceedings or of any authorized college program, event, function, or activity.
- K. Intentionally or recklessly misusing or damaging fire safety equipment.
- L. Intentionally furnishing false information to the college.
- M. Forging or the unauthorized alteration or use of any college document or instrument of identification.
- N. Gambling in any form.
- O. \*All forms of academic dishonesty, including cheating, fabricating, facilitating academic dishonesty and plagiarizing.
- P. Intentionally interfering with the freedom of expression of others.
- Q. Stealing, damaging, or misusing college property or services. Knowingly possessing stolen property.
- R. Intentionally or recklessly destroying or damaging the property of others.
- S. Failing to comply with the direction of college officials, including campus security officers, acting in performance of their duties.
- T. Violating published college regulations or policies, as approved and compiled by the Board of Trustees, President, or their designees such as regulations relating to entry and use of college facilities, sale or consumption of alcoholic beverages, use of vehicles and amplifying equipment, campus demonstrations, computer facilities, misuse of identification cards, and improper dress standards, etc.
- U. Lewd, indecent, or obscene conduct or face-to-face use of fighting words and/or profane expressions.

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\* This item is extensively detailed in current regulation and perhaps should not be included here.???

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- V. Unauthorized presence in or use of college premises, facilities, or property.
- W. Soliciting or assisting another to commit any act that would subject a student to suspension or probation.
- X. Smoking in areas designated as “No Smoking.”
- Y. Consuming food and beverages in unauthorized areas; e.g., classrooms, laboratories, library, restrooms, etc.

#### 4. DISCIPLINARY MEASURES

One or more of the following disciplinary measures may be imposed upon students found to have violated this Code.

- A. **Expulsion.** Permanent dismissal from the College.
- B. **Temporary Suspension.** Suspension from the College for up to three days.
- C. **Suspension.** Separation from the College for a specified period.
- D. **Disciplinary probation.** Loss of participation in extracurricular activities, athletics, and/or holding of office in student organizations, for specified time and period.
- E. **Restitution.** The obligation to replace or pay for damaged property or to compensate for losses incurred, because of the violation.
- F. **Loss of privileges.** Temporary revocation of such privileges as driving on campus, use of the cafeteria, library-borrowing privileges, attending athletic events, etc.
- G. **Disciplinary censure.** Written warning to the student with copy to student file for having engaged in misconduct.
- H. **Performance of conciliatory act.** If the student and the College are mutually agreeable and if circumstances of the violation and the student’s attitude so warrant, a disposition may be made that will avoid imposition of a sanction yet will require some conciliatory act of the student evidencing a positive attitude toward his/her conduct in the future. Examples include:
  - (1) Behavioral counseling;

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- (2) Voluntary withdrawal with opportunity to resume studies at a later time, and with a plan for the interim period;
- (3) Performance of some service for the College in mitigation of harm caused by misconduct.

### **5. RANGE OF SANCTIONS CONTINGENT UPON SECTION C**

- A. VIOLATIONS of this Code may result in expulsion, unless specific and significant mitigating factors are present. Factors to be considered in mitigation shall be the present demeanor and past disciplinary record of the alleged violator, as well as the nature of the violations and severity of any damage, injury or harm resulting from it.
- B. Violations of this Code may result in any one or more of the following lesser sanctions: suspension, disciplinary probation, restrictions, loss of privileges, reprimand, or performance of a conciliatory act unless specific and significant mitigating factors as specified in Section \_\_\_\_ are present.
- C. Repeated or aggravated violations of any section of this Code may also result in expulsion or suspension or in the imposition of, such lesser sanctions as may be appropriate.
- D. Attempts to commit acts prohibited by this Code may result in imposition of the same discipline as for actual misconduct.
- E. The sanction imposed in a particular case should be appropriate and just depending on the facts of that case. The burden of establishing facts in mitigation of expulsion or suspension will be upon the alleged violator.

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### 6. **DISCIPLINARY PROCEDURES**

#### A. **Complaints**

- (1) Allegation of a violation of the Code of Student Conduct may be made by any member or guest of the College community, or by any representative of any department or agency of the College.
- (2) Allegations shall be in writing (Complaint Form) and shall be filed with the Dean of Student Services at the campus where the infraction occurred.
- (3) The Campus Dean shall then investigate the alleged allegation of the Code of Student Conduct, (Complaint Form, Incident Reports, etc.). If he/she determines that there is no substance to the charge, all charges shall be dropped. In the event that the Dean of Student Services determines that the charge warrants only a reprimand, he/she shall meet with the student, discuss the charge with him/her and issue the written warning. The issuance of the written warning shall be the termination of the complaint.
- (4) If the Dean of Student Services determines that there is sufficient evidence to warrant other than a reprimand, he/she shall prepare and notify the student of formal charges setting forth the nature, time and place of the violation charged. The written charges shall be provided to the student within 15 days of the filing of the charges. Notification of the complaint shall be in person or by certified mail, return receipt requested, addressed to the student. The charge shall be accompanied by notification of the date, time and place of a hearing with the Dean of Student Services.

#### B. **Informal Hearings**

- (1) If a student wishes to plead guilty to the charge and waive his/her right to a hearing, he/she may do so by signing a written waiver to this effect. The student will return the waiver to the Dean of Student Services who shall make recommendation of disciplinary action and assign appropriate sanctions.

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- (2) If a student wishes to plead innocent, an informal hearing will be held before the Dean of Student Services. At said hearing, the Dean of Student Services shall present the charges and evidence supporting the charges. The student has the right to be present at the hearing, be informed of the evidence considered against him/her, have an opportunity to rebut it and to present evidence on his/her behalf, and have the assistance of an advisor of his/her choice.
- (3) If after said hearing the Dean of Student Services shall determine that either the student is innocent or that the violation committed by the student warrants a penalty, other than expulsion or suspension, he/she shall, if applicable, assess said penalty and the matter shall be deemed closed.
- (4) If after said hearing the Dean of Student Services shall determine that the violation committed by the student warrants either expulsion or suspension he/she shall advise the student, who shall then have a (5)-day period to request a hearing before the College Code of Conduct Committee (CCCC). If the student does not request such a hearing within such time, the Dean of Student Services shall recommend the sanction to the Campus President and advise the student in writing of such sanction or may refer the matter to the College Code of Conduct Committee. If the Dean of Student Services or Campus President requests such a hearing, the Dean of Student Services shall forward the reports and evidence concerning the case to the College Code of Conduct Committee.

### **C. College Code of Conduct Committee (CCCC) Actions**

- (1) The College Code of Conduct Committee shall then inform the student charged of the date, time and place of the hearing before the CCCC, which date shall not be less than ten (10) days from the date of notification. Notification of the charge shall be in person (receipt required) or by certified mail, return receipt requested. A copy of this notification shall be filed in the Dean of Student Services' Office. In addition, the College Code of Conduct Committee shall instruct the Dean of Student Services to forward to the student immediately, a list of witnesses and a copy of their statements or charges along with other evidence that the complainant intends to submit against him/her.

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- (2) If, after due notice of the charge and date of hearing, the student fails to appear and the majority of the CCCC is satisfied that the student had appropriate notice of the charge and date of the hearing and no valid excuse for not appearing, the CCCC may then hold the hearing without the student present.
- (3) Decisions in all cases shall be determined by a simple majority vote of the members present.
- (4) The CCCC shall follow the Rules Governing Procedures attached hereto. In addition, the CCCC may adopt any other procedural rules that are not inconsistent with these rules in order to assure a fair and impartial hearing, and shall file a report containing findings of fact and conclusions as to the validity of the charges. The report, along with recommendations of disciplinary action, shall be filed with the Dean of Student Services. If the hearing was conducted in the absence of the individual charged, the report shall so indicate.

### **D. Imposition of Sanctions**

If the person charged is found guilty, the Campus President and the Dean of Student Services shall upon reviewing the CCCC report and recommendations may impose any appropriate sanction or sanctions. A report of findings and impositions of sanctions shall be provided to the charged student (signature required) in person or by certified mail, return receipt requested.

### **E. Appeals**

- (1) Any student found to be in violation of this Code under the foregoing procedures may appeal the decision of the CCCC directly to the Vice President of Education and Student Development. An appeal shall stay implementation of sanctions, but shall not permit a student removed from campus to return.
- (2) The charged student may appeal the decision of the Vice President of Education and Student Development to the President of the College within five College working days of the receipt of the Vice President's decision. The President's decision will be final.

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- (3) A copy of the notice of appeal must be filed with the Chairperson of the CCCC.
- (4) After an Appeal Form has been filed, a transcript of the hearing shall be prepared as soon as practical and shall be forwarded to the College President and the student or his representative.
- (5) The College President, within ten (10) College working days of receiving the Appeal Notice, shall affirm, reverse, or modify the decision of the CCCC. The President's written decision shall be forwarded to the student or his/her representative, to the complainant, and to the chairperson of the CCCC. The President's written decision shall include his/her reasons for arriving at the decision. The decision shall be final.

### **F. Administrative Suspension**

Pending the completion of the hearing before the CCCC, the status of the charged student within the college shall not be altered unless his/her continued presence on campus is found by the Dean of Student Services to constitute a serious threat to the College community or to the property of the College.

### **G. Pending Criminal Proceedings**

Upon the written request of the student charged, filed in the Dean of Student Service's office any time before the hearing begins before the CCCC, the hearing shall be postponed until disposition at the trial court level of any pending criminal proceedings arising out of the same conduct, provided however that a student who is convicted of a criminal offense arising out of the same conduct and is charged with the violation of a College rule shall be ineligible to register at the College in the semester following his/her conviction and thereafter unless and until the College charges against him/her have been heard and decided.

## **7. COLLEGE CODE OF CONDUCT COMMITTEE**

The College Code of Conduct Committee shall be organized to hear cases referred to it by the Dean of Student Services at the campus where the infraction occurred or brought before it by the student facing charges.

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- A. **Composition of the CCCC:** The CCCC shall consist of five persons, to include the District Director of Student Services, a Dean, at least one student, one faculty member, and one staff member. Alternates shall be available from the nominee pool. The chairperson of the CCCC shall be elected by a majority vote from the CCCC. The responsibilities of the chairperson will be to insure that the right to due process is not abridged and that the CCCC holds its hearings in accordance with procedures set forth herein. A simple majority of the members of the Committee shall constitute a quorum.
- B. **Appointment Process:** Students, faculty and staff shall be nominated for membership on an individual basis by submitting a Student Code of Conduct Committee nomination form to the District Director of Student Services each Spring Semester. The Director will announce the nomination process each spring semester. The Director may announce a fall semester appointment process in the event of CCCC members or alternate members vacate. Student members must have enrolled at least one semester and have a least a 2.0 cumulative average.

The Director shall make the final appointment of the members of the CCCC. Appointments shall be made by the first week of the Fall Semester and by the first week of the Spring Semester if necessary.

- C. **Terms of Office:** Students, faculty, and staff members shall be appointed for one-year terms. In the event of a resignation, an appointment will be made from the nominee pool for the length of the unexpired term from the nominee pool.
- D. **Jurisdiction:** The CCCC shall be the principle college-wide committee with jurisdiction to hear all charges of student misconduct. After careful deliberation, the CCCC will recommend appropriate action to the Campus Dean of Student Services and the Campus President.

The College Code of Conduct Committee shall have the authority to prescribe supplementary rules of procedure consistent with the requirements contained herein. The College Code of Conduct Committee may also, on request, render written advisory opinion concerning the meaning and application of this code, or of the rules and regulations promulgated pursuant of this code.

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### **8. RULES GOVERNING PROCEDURES OF THE COLLEGE CODE OF CONDUCT COMMITTEE (CCCC) AND PROCEDURAL RIGHTS OF INDIVIDUALS CHARGED**

- A. The CCCC is de nova, that is, without reference to any matter developed previously in an informal proceeding in which disciplinary action was considered.
- B. No member of the CCCC who participated in the particular case, who would appear as a participant in the particular case, or who would appear as a participant before the Board itself shall sit in judgment during that particular proceeding.
- C. Hearings before the CCCC shall be held in private unless the student charged requests that the public be admitted. The public may then be admitted subject to the following stipulations:
  - (1) That in the event of disorder or disruption of the hearings by spectators, the CCCC may order the hearing closed to the public.
  - (2) The Committee may order all spectators excluded from the hearing during testimony of a witness when the Committee concludes that such exclusion is necessary and appropriate to avoid embarrassing publicity for a witness.
- D. The student charged shall have the right to any representative of his/her choice from within or without the college community. Only the student who has been charged with misconduct will be allowed to speak.
- E. The student charged shall have the right to be informed of the identity of the person initiating the charges against him/her and the right to hear the witnesses against him/her and subject to reasonable rules of procedure, the right to question such witnesses.
- F. The student charged shall have the right to produce witnesses in his/her own defense. The CCCC may limit the number of repetitive witnesses in order to avoid dilatory tactics.
- G. The student charged shall have the right to testify in his/her own behalf, or to refuse to testify without such refusal being construed against him/her.

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- H. The charges may be presented by either the appropriate Dean of Student Services or another agent of the College appointed by the Dean of Student Services.
  
- I. A written transcript or other record of the hearing shall be made and preserved for not less than sixty (60) days after the student charged has been notified of the Committee's action in the case. In the event no appeal is taken from the Committee's good action within the time set for such appeal, the transcript or record may be destroyed.
  
- J. Order of Business:
  - (1) Call to order  
Chairperson
  
  - (2) Statement of case to be heard  
Chairperson
  
  - (3) Opening Statement  
Complainant or College Delegate
  
  - (4) Opening Statement  
Accused Student or Advisor
  
  - (5) Presentation and question of evidence and witnesses for the prosecution
  
  - (6) Presentation and question of evidence and witnesses for the defense
  
  - (7) Closing Statement from the charged student  
Complainant or College Delegate
  
  - (8) Closing Statement from the charged student  
Accused Student or Advisor
  
  - (9) Closing comments and announcements regarding the calendar  
Chairperson
  
  - (10) Adjournment  
Chairperson

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- K. Deliberations of the Committee shall be conducted out of the presence of the student charged with misconduct and with no other persons or spectators present.
  
- L. No record or transcript of the Committee's deliberations shall be made except a formal record of the Committee's action.

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**HILLSBOROUGH COMMUNITY COLLEGE  
Student Conduct Complaint Form**

Complaint filed against the following student:

\_\_\_\_\_

First Name Last Name

Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_

Location of Incident: \_\_\_\_\_

Please clearly describe incident (i.e. specific behaviors, intervention, reactions, etc.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Witnesses: \_\_\_\_\_ Address/Phone Number: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name(s) and Phone number of Person(s) filing complaint: \_\_\_\_\_ Signature(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Returned completed Student Conduct Complaint Form to the Dean of Student Services at the appropriate campus. Parties will be contacted for investigation, confirmation, and resolution of complaint.

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**OFFICE USE ONLY**

Date/Time Complaint Form Received in the office of the Dean of Student Services.

\_\_\_\_\_

Date Time

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## Hillsborough Community College Student Code of Conduct

### Appeal Form

(Please print or type)

Student's Name: \_\_\_\_\_ SS#: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Permanent Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone (Day) # \_\_\_\_\_ Telephone (Evening) # \_\_\_\_\_

I wish to appeal the decision of the College Code of Conduct Committee regarding:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reason for appeal: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Student's Signature

\_\_\_\_\_  
Date

This Appeal Form must be received at the Office of the College President within 5 working days of receipt of the College Code of Conduct Committee's decision.