



# Daytona State College Procedure Manual

<b>Title:</b> STUDENT CODE OF CONDUCT	<b>Number:</b> 701(a)
<b>Based on Policy Number and Title:</b> 7.01 STUDENT CONDUCT	<b>Page:</b> Page 1 of 4

I. PURPOSE:

To establish a student code of conduct and a disciplinary process.

II. PROCEDURES:

A. The Student Discipline Committee (SDC)

The Student Discipline Committee is established and responsible for adjudicating allegations of misconduct against students.

B. Student Code of Conduct

1. Misconduct

Possible violations include, but are not limited to the following: unauthorized or illegal possession or use of firearms, firecrackers, explosives, toxic or dangerous chemicals or any other dangerous substances, compounds, devices or weapons on College property or during College-sponsored events; consumption of alcoholic beverages or narcotics; illegal use or possession of drugs or narcotics; academic dishonesty (e.g. cheating, plagiarism, bribery, conspiracy, or misrepresentation); stealing; use of indecent or abusive language; gambling; hazing; vandalism or destruction of property; falsification of records; unauthorized use of the College name; lewd or indecent conduct; violence against any member or guest of the College community; theft or willful destruction of College property or of the property of members of the College; interference with the freedom of movement of any member or guest of the College, disruptive or threatening behavior; obstruction of the normal processes and activities essential to the functions of the College community; deliberate interferences with the rights of others; violations of a federal, state law or county/city ordinance; repeated offenses of a less serious nature; violation of the Network

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and Internet Use College policy; failure to provide requested accurate identification to a College official acting in the performance of his/her duty.

**C. Disciplinary Action**

A student violating the rules and regulations of the College shall be subject to disciplinary action(s) determined by the nature of the offense, and the student's previous conduct record. Disciplinary action includes, but is not limited to the following: warning, reprimand, probation, restriction(s), registration block, restitution, administrative withdrawal, suspension, permanent dismissal, failing grade, and disciplinary action set forth in Board Policy 7.01.

**D. The student code of conduct shall be published on the College's website.**

**E. In order to protect the rights of all students, the following due process protections are provided:**

1. The right to timely written notice. The College must 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 to prepare for any disciplinary proceeding.
  
2. 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.
  
3. 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 college e-mail address, and if the student is under

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18 years of age, to the student’s parent or to the student organization’s e-mail address.

4. At least 5 business days before the disciplinary proceeding, the college must provide the student or student organization with:
  - a. A listing of all known witnesses that 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.
  - c. The right to presumption that no violation occurred. The 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.
  - d. The right to an impartial hearing officer.
  - e. The right against self-incrimination and the right to remain silent. Such silence may not be used against the student or student organization.
  - f. The right to present relevant information and question witnesses.
  - g. 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.
  - h. The right to have an advisor, advocate, or legal representative, at the student’s or student organization’s own expense, present at any

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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.

i. The right to appeal the final decision of the hearing officer, or any committee or panel, directly to the vice president of student affairs, or any other senior administrator designated by the code of conduct, who must hear the appeal and render a final decision. The vice president of student affairs or person designated by the code of conduct to hear the appeal may not have directly participated in any other proceeding related to the charged violation.

j. 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.

The time limit for charging a student or student organization with a violation is thirty (30) days from the time the Vice President of Student Affairs is notified of the misconduct. This time limit may be increased by the President.

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