

CODE OF STUDENT CONDUCT

1. The Pensacola State College Code of Student Conduct is published in the College Catalog. A student or recognized student organization accused of violating the Pensacola State College Code of Student Conduct shall be entitled to certain procedural rights outlined below. All students attending the College are expected to abide by the Code of Student Conduct.
 - a. The term "student" includes any person taking courses, both credit and non-credit, at Pensacola State College on a full time, part time, or transient basis in any program, including but not limited to, undergraduate, professional, certificate, dual enrollment, adult education, and distance learning; any person who has been offered admission to Pensacola State College, regardless if enrolled in class; and/or any person who is not currently enrolled for a particular term but who has a continuing relationship with Pensacola State College.
 - b. The term "recognized student organization" includes any group of persons who is registered or recognized by an official Pensacola State College department, program or office, including but not limited to, student organizations, honor societies, academic/departmental groups or intramural teams.
2. The Code shall apply to conduct that occurs on College premises and at College-sponsored activities when such conduct adversely affects the College community and/or the pursuit of the College's objectives and/or when required by law. Pensacola State College reserves the right to review and adjudicate off campus conduct of any student or student organization that may adversely affect the College community and/or the pursuit of its objectives and/or when required by law.
3. The College reserves the right to put in place interim sanctions against a student or recognized student organization prior to the adjudication of alleged violations. Interim sanctions may include, but are not limited to, class removal, no contact directives and interim suspension. In the event the Executive Director, Institutional Equity and Student Conduct, Campus Public Safety and/or the Vice President, Administrative Services and General Counsel, determines that the continued presence of a student on any of the campuses or centers of Pensacola State College poses an imminent threat to the student and/or the College community, they shall have the authority to immediately remove the student from the campus without the immediate entitlement of due process for the student. The student may request the initiation of due process only when the Executive Director, Institutional Equity and Student Conduct, Campus Public Safety and/or the Vice President, Administrative Services and General Counsel, determines that the student no longer poses a threat to himself or herself or others in the College community.
4. The College may charge a student or a registered student organization with violation(s) of the Code of Student Conduct by the last day of the academic semester following the semester in which the violation(s) occurred. If the violation(s) involve criminal law, the College may bring charges in accordance with the statute of limitation under Florida law.

Any student or recognized student organization found to have committed or to have attempted to commit the following misconduct is subject to disciplinary sanctions through the student conduct process. Expulsion, suspension, or any lesser penalty may be imposed upon any student or recognized student organization who participates in any of the following:

1. **Abuse or Endangerment**

Physically harming or abusing, assaulting, battering, intimidating, harassing, coercing, bullying, verbally abusing or threatening harm to any person, intentionally or recklessly, or causing reasonable apprehension of such harm, or creating a condition that endangers the health and safety of one's self or others. Abuse also includes, but is not limited to, fighting, the use of a knife, gun, or other weapon, or restraining or transporting someone against his or her will.

2. **Abuse of Computer Resources**

Theft, improper use or other abuse of computer facilities and resources, including but not limited to

- a. Use of College computers and/or technology resources to send, receive, or view obscene or sexually explicit messages or pictures.
- b. Any violation of the College's Acceptable Use Policy which governs all use of the College's information technology services.
- c. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
- d. Unauthorized transfer of a file.
- e. Use of another individual's identification and/or password.
- f. Use of computing facilities and resources to interfere with the work of another student, faculty member, or College official.
- g. Use of computing facilities and resources to send obscene or abusive messages.
- h. Use of computing facilities and resources to interfere with normal operations of the College computing system.
- i. Use of computing facilities and resources in violation of copyright laws.

3. **Abuse of the Student Conduct System**

Abuse of the Student Conduct System, including but not limited to

- a. Failure to obey a notice from the Student Conduct Review Board, ~~the Executive Director~~, professional staff in the Office of Institutional Equity and Student Conduct, or any college official to appear for a meeting or hearing as part of the Student Conduct System.
- b. Falsification, distortion, or misrepresentation of information before a student conduct staff member or a disciplinary board.
- c. Disruption or interference with the orderly conduct of any disciplinary hearing.
- d. Knowing completion and submission of a false incident report.
- e. Attempting to discourage an individual's proper participation in, or use of, the Student Conduct process.
- f. Attempting to influence the impartiality of a member of the Student Conduct Review Board or the hearing administrator prior to, or during the course of, any phase of the student conduct process.

- g. Harassment (verbal or physical) or intimidation of a witness, complainant, or member of the Student Conduct Review Board or the hearing administrator prior to, during, or after a student conduct hearing.
- h. Failure to comply with the sanction(s) imposed at the resolution of an informal or formal hearing.
- i. Influencing or attempting to influence another person to commit an abuse of the student conduct system process.

4. Academic Misconduct

All forms of academic misconduct are prohibited at Pensacola State College. There are many types of academic misconduct, including but not limited to, plagiarism, cheating, facilitation, fabrication and unauthorized collaboration. Plagiarism involves presenting the work, words, or ideas of another student or writer without proper citation, even if unintentionally. Presenting someone else's work as your own, even if in your own words, is plagiarism. It is plagiarism if the work you present is derived from the work of any other person, including, among others, any other student or a College faculty member. It is plagiarism if the work you present is derived from any work, including among other things, any work of a literary, musical, dramatic, pictorial, graphic, sculptural, motion picture, sound recording, audiovisual or architectural nature, and regardless of the medium in which it is fixed, whether written, stored electronically, or in any other form by which it can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. Presenting plagiarized work as your own may also constitute infringement under Federal copyright laws (Title 17 U.S.C.). The receipt or transmission of unauthorized aid on assignments or examinations is prohibited and includes, but is not limited to, cheating, plagiarism, fabrication of information or citations, facilitation of acts of academic dishonesty by others, unauthorized possession of examinations, submitting work of another person or submitting one's own work previously used without informing the instructor, and tampering with the academic work of other students.

Faculty members retain the right to act against any student who is suspected of academic misconduct. The faculty member, using his or her academic judgment, may take actions including but not limited to awarding a failing grade or withdrawal of a student from the course with the assignment of a grade of F3. The evaluation of and awarding of grades for academic work, whether for individual assignments, tests/quizzes or the overall course grade, are at the sole discretion of the faculty member and are academic decisions. The Office of Institutional Equity and Student Conduct may bring charges under the Student Code of Conduct against any student who exhibits a pattern of academic misconduct during their enrollment at the College. These charges and any subsequent adjudication and sanctions would be in addition to any action a faculty member may determine is appropriate. In these instances, the disciplinary process and procedures for Non-Academic Misconduct would apply (see Non-Academic Misconduct).

5. Alcohol

Possession, use, manufacturing or distribution of alcoholic beverages on any College property, during College-sponsored student travel, or any College-sponsored event off campus. Exceptions to this policy will occur at special events expressly approved by an act of the District Board of Trustees of Pensacola State College where persons twenty-one (21) years of age or over, are permitted to consume alcohol.

6. Classroom Recordings

Pursuant to section 1004.907, Fla. Stat., a student may, without prior notice, make a video or audio recording of a class lecture for a class in which a student is enrolled for that student's own personal educational use. A class lecture is defined as a formal or methodical oral presentation as part of a college course intended to present information or teach enrolled students about a particular subject.

- a. Prohibited Classroom Recordings: It shall be a violation of this code of conduct to Prohibited Classroom Recordings: it shall be a violation of this code of conduct for students to record class activities other than class lectures. This prohibition on recording includes, but is not limited to, lab sessions, student presentations (whether individually or part of a group), student discussions (except when incidental to and incorporated within a class lecture), clinical presentations such as patient history, academic exercises involving student participation, tests or examination administrations, field trips, and private conversations between students in the class or between a student and a faculty member. An exemption to all or part of this paragraph may be made if such exemption is determined by the Student Resource Center for ADA Services to be required as a reasonable accommodation under Federal or Florida disability laws for a student with a documented disability.
- b. Prohibited Sharing of Classroom Recordings: It shall also be a violation of this code of conduct for students to publish or share any recording, whether lawfully made or made in violation of this section, without first obtaining the written consent of the faculty member and all other individuals captured in the recording. This prohibition on publishing and sharing includes transmitting, circulating, distributing or otherwise providing access to the recording, regardless of format or medium, to any other person, or persons, including but not limited to another student in the class. This prohibition on sharing also prohibits posting on or uploading to, in whole or in part, any social media or online video platform.

7. Destruction of Property

Malicious destruction, damage, vandalism, defacing or misuse of College property, including library materials, or any property belonging to others on campus.

8. Dishonesty

Acts of dishonesty include, but are not limited to, the following forms of deceit:

- a. Cheating, plagiarism, or other forms of academic dishonesty.
- b. Furnishing false information (written or oral) to any College official.
- c. Forgery, alteration, or misuse of any Pensacola State College document, record, or instrument of identification.

9. Disorderly or Indecent Conduct

Conduct that is disorderly, lewd, indecent, a breach of peace, or an unlawful assembly such as unauthorized occupation of any College facility, or aiding, abetting, or procuring another person to breach the peace on college premises or at functions sponsored by the College. Disorderly and indecent conduct includes, but is not limited to the following:

- a. Unauthorized use of electronic or other devices to make an audio or video record of any person while on College premises without his or her prior knowledge, or without his or her effective consent, when such a recording is likely to cause injury or distress.
- b. Taking unauthorized pictures of another person in a gym, locker room, or restroom.
- c. Exhibitionism in the form of nudity.
- d. Lewd and lascivious conduct.
- e. Indecent exposure of the person.
- f. Obscenity or public profanity.

10. Disruptive Behavior (Disruption of Operations)

Disruption of any function of the College, including but not limited to:

- a. Conduct which disrupts the learning environment of any class while in session and/or failure to comply with the directives of a faculty or other staff member.
- b. Interference with academic freedom or freedom of speech of any member or guest of the College.
- c. Participating in, or leading or inciting others to participate in any activity which disrupts, obstructs, or interferes with the normal operation of the College, including any classroom instruction, meetings, administrative functions, student events, athletic events, student services, disciplinary proceedings, public service activities, or any other College function or event of any kind, on or off campus, or any authorized non-College activities being conducted on campus.
- d. Interference with the freedom of movement of any member or guest of the College to enter, use or leave any College facility, service, or scheduled activity, to carry out their normal functions or duties, or the obstruction of the free flow of pedestrian or vehicular traffic on College premises or at college sponsored or supervised functions.

11. Drugs

Possession, use, manufacturing or distribution of narcotics, marijuana, sedatives, tranquilizers, stimulants, hallucinogens or any other controlled substances under Federal or State law, except as expressly permitted by law.

12. Failure to Comply

Failing to comply with reasonable directives from any College officials related to the performance of their official duties when directed to do so. Failure to provide identification to any College official or administrative officer, or when reasonable cause exists, failing to leave college-controlled premises or dangerous situations when directed to do so by properly authorized persons, including public safety personnel or other College staff. Failing to complete sanctions as part of the student conduct process.

13. Fire Safety Violations

Tampering with fire or other safety equipment or setting unauthorized fires. Exhibiting behaviors that risk the health and safety of one's self or others during a fire related incident. Burning candles, incense, or other items in athletic dormitories or other College facilities, whether attended or unattended.

14. Harassment

Engaging in behavior that is sufficiently severe or pervasive so as to threaten an individual or substantially interfere with the individual's employment, education or access to College programs, activities or opportunities, if such behavior would detrimentally affect a reasonable person under the same circumstances. Harassing behavior includes but is not limited to threats, intimidation, coercion, bullying and/or other conduct which threatens or endangers the mental or physical health or safety of any person or causes reasonable apprehension of such harm. Behaviors that are considered harassment also include, but are not limited to, the following:

- a. Directing physical conduct, or verbal, written, or electronic communication towards an individual because of the individual's age, race, color, ancestry, national origin, religion, creed, service in the uniformed services, veteran status, sex, sexual orientation, marital or family status, pregnancy, physical or mental disability, gender identity, genetic information, or political ideas.
- b. Subjecting a person or group of persons to unwanted physical contact or threat of such.
- c. Engaging in a course of conduct, including following the person without proper authority (e.g., stalking) under circumstances which would cause a reasonable person to fear for his or her safety or the safety of others or to suffer emotional distress.
- d. Engaging in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of devices or electronic or written communication directed at a specific person (e.g., cyber stalking), causing substantial emotional distress to that person and serving no legitimate purpose.

15. Hazing

Participation in hazing. See Anti-Hazing Policy.

16. Intoxication

Intoxication while on campus, whether resulting from consumption of alcohol, drugs or other substances on or off campus, when a person is intoxicated to the degree that the person may endanger himself or herself, other persons, or property, or disrupt persons in the vicinity.

17. Retaliation

Taking adverse or hostile action against any individual or group on the basis of a good faith report made or complaint filed by such individual or group, or on the basis of an individual's participation in an investigation, hearing, or inquiry by the College or an appropriate authority, or the individual's participating in a court proceeding relating to suspected wrongful conduct. Retaliation against any person or group making a complaint is in many cases prohibited by law, and in matters such as sexual assault or sexual violence, retaliation by the accused offender or someone associated with the accused offender is a serious offence.

18. Sexual Harassment or Sexual Misconduct

The College prohibits any sexual misconduct or sexual harassment and the College will discipline students for acts of sexual harassment or sexual misconduct when the conduct is unwelcome and would be determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the College's educational programs and/or activities. Sexual harassment may include, but is not limited to, verbal or physical conduct of a sexual nature, sexual advances, requests for sexual favors, sexual exploitation, and stalking. Sexual misconduct is a form of sexual harassment and refers to attempted or completed unwanted or non-consensual sexual activity, including but not limited to rape, sexual assault, sexual battery, forcible sodomy, sexual penetration with an inanimate object, intercourse without consent, sexual touching and fondling, the touching of an unwilling person's intimate parts (defined as genitalia, groin, breast or buttock, or clothing covering those intimate parts), forcing an unwilling person to touch another's intimate parts, sexual exploitation, domestic violence, dating violence, and sexual coercion. The College's Title IX policy, Policy 6Hx20-1.028, may be accessed at <https://www.pensacolastate.edu/current-students/student-services/studentconduct/#Title-IX>.

19. Smoking

Violating College policies prohibiting smoking indoors, including the use of e-cigarettes (vape).

20. Theft or Possession of Stolen Property

Actual or attempted theft, larceny, stealing, embezzlement, or taking of property owned by the College, a member of the College community, or any other person, on or off campus. Being in possession of property belonging to another individual or entity without the express permission of the owner of such property. Taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

21. Unauthorized Entry or Use

The College has the right to control all use and entry into facilities for reasons of security, safety or protections of property and may close facilities at specified times. It should be recognized that an open or unlocked door is not an invitation to enter and use facilities. Unauthorized entry or use may include, but is not limited to, the following:

- a. Unauthorized entry into or use of College property or facilities including buildings, offices, classrooms, athletic dormitory rooms, College property leased to private entities or individuals, computers, computer networks, and any other restricted facilities.
- b. Remaining on College property against the directive of a College police officer or public safety officer after the cessation of all classes and closure of all College offices, facilities, and libraries at night or when the College is officially closed for holidays.
- c. Unauthorized possession, duplication, or use of keys to any College premises, including but not limited to, College buildings, facilities or vehicles.
- d. Infringing upon the rights of any member of the College community to privacy in offices, laboratories, athletic dormitories, or College property leased to private entities or individuals.
- e. Infringing upon the rights of any member of the College community to maintain the confidentiality of their personal papers, records, and effects.

22. Violation of College Policies

Any violation of a written College policy, rule, procedure, administrative directive, or contract between the student and the College. Complicity in any violation by another person of this Code of Conduct, a College policy, rule, procedure, or administrative directive by being present at, or having advance knowledge of, such violation and taking any action that constitutes support, assistance, or an act in furtherance of the violation.

23. Violation of the Law

Committing any criminal act prohibited by, or otherwise violating, any federal, state, or local law, including applicable county and city ordinances.

24. Weapons, Explosives and Dangerous Items

Pensacola State College prohibits the possession of weapons at a College-sponsored event or on any College property, or the use of any weapon, even if legally possessed, in a manner that harms, threatens or causes fear to others. Weapons, as defined under s. 790.001(13), F.S., include but are not limited to, swords, sword canes, firearms, electric weapons or devices, destructive devices, razor blades, box cutters, pellet guns, and air rifles. Weapons and firearms stored in private vehicles on PSC property must adhere to FSS 790.251 requirements for proper storage. Sworn FDLE certified law enforcement officers attending class or events at any College campus or center may carry a weapon, if required to do so by the policies of the law enforcement agency by which such officers are employed.