

# THE SCHOOL DISTRICT OF LEE COUNTY

## CODE OF CONDUCT FOR ADULT STUDENTS 2018 – 2019



Lee County Public Education Center  
2855 Colonial Boulevard  
Fort Myers, Florida 33966

The School Board of Lee County, Florida

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**To be a world-class school system.**

## **MISSION**

**To ensure that each student achieves his/her highest potential.**

## **STRATEGIC PLAN GOALS**

- ✓ **Increase Student Achievement**
- ✓ **Increase Family and Community Engagement**
- ✓ **Increase Retention of Effective and Highly Effective Employees**
- ✓ **Become a Model Continuous Improvement Organization (Quality)**

## TABLE OF CONTENTS

District Strategic Plan .....	Inside/Front Cover
Code of Conduct for Adult Students .....	1
Scope of Authority .....	1
Statement of Non-Discrimination Policy .....	2
Diversity .....	2
Federal Drug-Free School Act .....	2
Drug-Free Schools .....	3
Tobacco-Free Campus Rule .....	3
Sexual Harassment Policy .....	3
Anti-Bullying Information .....	3
Family Rights and Privacy Act of 1974 (FERPA) Release .....	4
Student Dress Code Requirements .....	4
Disciplinary Sanctions/Consequences .....	4
Warning .....	4
Restitution .....	4
Suspension .....	4
Withdrawal .....	4
Other .....	4
Discipline Infractions and Consequences .....	5
Academic Integrity and Classroom Behavior .....	5
Adjudicated Violations of State or Federal Law .....	5
Alcohol .....	5
Arson .....	5
Battery .....	5
Bullying/Harassment .....	5
Breaking/Entering .....	6
Cell Phone Use .....	6
Cheating .....	6
Computer Misuse .....	6
Disruptive Behavior .....	6
Dress Code Violation .....	6
Disruption on Campus .....	6
Drug Sale/Distribution .....	7
Drug Use/Possession .....	7
Fighting .....	7
Falsification of Forgery .....	7
Gambling .....	7
Hate Crimes .....	7
Hazing .....	7
Insubordination/Disrespect .....	8
Other Major Disruption .....	8
Sexual Harassment .....	8
Threat/Intimidation .....	8
Trespassing .....	8
Vandalism .....	8
Weapons Possession .....	9
Off-Campus Felony .....	9
Profanity .....	9
Safety Violation .....	9

Other Rule Violations .....	9
Pornographic Material .....	9
Unauthorized Area.....	9
Responsibility to Carry out Disciplinary Procedures .....	10
Disciplinary Procedures .....	10
Appeals .....	11
Re-Admission after Disciplinary Suspension.....	12

## **CODE OF CONDUCT FOR ADULT STUDENTS**

By applying and registering at a Lee County Technical College, or a Lee County Adult Education Program, all students agree to abide by all regulations, as published in the school catalog, the student handbook and other school publications, as well as federal, state and local laws.

As a post-secondary and adult education institution, the college or school expects students to be mature and responsible citizens at all times and places. Any student whose conduct or dress is in violation of the law, is a public nuisance or is deemed improper and detrimental to the school, and/or does not abide by the policies of a program may be subject to disciplinary action, including probation, suspension, withdrawal or denial of reenrollment.

All high school students that attend an Adult Education Program at the Lee Technical Colleges or any other Adult Education sites are subject to the School District of Lee County Code of Conduct for Students – Grade 6 to Grade 12.

### **SCOPE OF AUTHORITY**

The Principal, Director, or Coordinator has the right to determine the appropriate response for the misconduct and the corresponding level of the offense based on the facts and circumstances of the incident in accordance with Florida statutes sections 1003.31 or 1006.61.

Proceedings of the investigation of each case and the action taken will be officially recorded. Students are expected to respect the rights and welfare of other members of the school community and its guests. This district recognizes that a thoughtful and reasoned search for truth can be conducted only in an atmosphere that is free of intimidation and coercion. As such, violence, the threat of violence, disruption to the learning process and intimidation are unacceptable to the adult learning community. Students are expected to assume full responsibility and will be held accountable for their individual or collective actions.

Certain conduct and actions while on campus shall be considered improper conduct and shall be subject to disciplinary action which may include suspension or withdrawal. Each case will be reviewed on an individual basis by the director or his/her designee giving each student the fundamental right of procedural due process. The degree of formality associated with a conference or hearing in the determination of a suspension or withdrawal will depend upon the nature of the offense and the severity of the sanctions that may be imposed as a result. Only the Principal, Director, Coordinator, or their designee has the authority to suspend a student. Only the Principal, Director, or Assistant Director has the authority to withdraw a student.

## **STATEMENT OF NON-DISCRIMINATION POLICY**

The School District of Lee County does not discriminate on the basis of gender, race, color, age, religion, sex, sexual orientation, national or ethnic origin, marital status, or disability in the provision of educational programs, activities or employment policies as required by Title IX, Title VI, Title VII, Age Discrimination Act of 1967 and Section 504 of the Rehabilitation Act of 1973, 1992, Americans with Disabilities Act, the Florida Educational Equity Act of 1984 and the Boy Scouts of America Equal Access Act. Established grievance procedures and appropriate discrimination complaint forms are available from the Departments of Professional Standards and Equity or Student Services or the equity coordinator at each school. Complaints/inquiries regarding compliance with these regulations may be submitted in writing to: Michelle Freeman, Director of Professional Standards & Equity. All programs and courses are open for enrollment to all students without regard to race, color, sex, creed, religion, age, national origin, pregnancy, or handicap. Lack of English language skills will not be a barrier to admission and participation. The district may assess each student's ability to benefit from specific programs through placement tests and counseling, and, if necessary, will provide services or referrals to better prepare students for successful participation.

## **DIVERSITY**

The School District of Lee County is committed to building and maintaining a diverse, accessible, civil, and supportive learning community. It fosters respect and understanding among all cultures and all individuals who work, study, live, and teach within this community. Bigotry, expressions of hatred or prejudice, behaviors that infringe upon the freedom and respect that every individual deserves, and harassment of any kind transgress the school's purposes and values. Just as learning benefits from the interplay of teaching and scholarship in a variety of disciplines, so does the school community learn and profit from diverse cultures and perspectives.

## **FEDERAL DRUG-FREE SCHOOL ACT**

Federal legislation has been passed as part of the war on drugs. This legislation is intended to convey to students of any institution receiving federal funds (contracts, grants, student financial aid, etc.) the health risks which exist for those who abuse alcohol or drugs. In addition, penalties for those who violate school standards are in place and consistently enforced.

## **DRUG-FREE SCHOOLS**

The unlawful manufacture, distribution, possession or use of a controlled substance or the unlawful possession and use of alcohol is wrong, harmful, and prohibited in or on The School District of Lee County owned and controlled property or as part of any of its activities.

## **TOBACCO-FREE CAMPUS RULE**

To provide a safe and healthful environment for employees, students, and visitors, and to minimize costs associated with health issues related to tobacco use, the use of tobacco products is prohibited on any and all property, including land, buildings, or vehicles, owned or operated by The School District of Lee County, whether indoors or outdoors, all day, every day, whether school is in or out of session. For purposes of this rule, "Use of Tobacco Products" means smoking, burning, chewing, snuffing, dipping, or otherwise ingesting or deriving the effects of tobacco and shall include the use of tobacco-like substances or products intended to provide or simulate the effects of tobacco including, but not limited to, electronic cigarettes or similar devices.

## **SEXUAL HARASSMENT POLICY**

Sexual harassment undermines the integrity of the academic and work environment and prevents its victims and their peers from achieving their full potential. All members of the school community are entitled to work and study in an atmosphere free from sexual overtures or innuendoes that are unsolicited and unwelcome. It is the particular responsibility of those members of the school community who hold positions of authority over others to avoid actions that are or can be considered sexually abusive or unprofessional. The school provides an equity coordinator for help in these matters.

## **ANTI-BULLYING INFORMATION**

The Jeffrey Johnston Stand-Up-for-All-Students Act became a law in June 2008. The School Board of Lee County has approved a board policy which states their guidelines for the identification and reporting of bullying, expectations for behavior, procedures, and consequences regarding bullying and harassment. In short, The School District of Lee County will not tolerate any form of bullying or harassment between students and/or adults on our school campuses. Our goal is protection of our students and provision of a safe and nurturing educational environment for all of our students and staff.

**FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 (FERPA)**  
**RELEASE**

For adult students, the Family Educational Rights and Privacy Act of 1974 (FERPA) Release provides for the confidentiality of student education records. The technical colleges may not disclose educational information nor permit inspection of a student's education records without the written permission of the student unless such actions are covered by certain exceptions as stipulated in FERPA.

**STUDENT DRESS CODE REQUIREMENTS**

The dress and grooming of students shall contribute to the health and safety of the individual, promote a positive educational environment, and not disrupt the educational activities and processes of the school. These minimum standards of dress and grooming apply to all students in The School District of Lee County. Programs have specific dress code requirements. Student dress code guidelines can be found in the student handbook, program syllabi, or Master Plan of Instruction.

**DISCIPLINARY SANCTIONS/CONSEQUENCES**

1. **Warning:** A written reprimand to the student indicating that repetition of said act will be cause for further disciplinary action; copies of which will be placed in student discipline files.
2. **Restitution:** Reimbursement or payment for damage to or misappropriation of property.
3. **Suspension:** Exclusion from classes and other privileges or activities, as set forth in the notice of suspension for a defined period of time.
4. **Withdrawal:** Disenrollment of the student from school, terminating their status as an enrolled student in the school. In accordance with State Statute 1006.61, this is for a minimum of 2 years.
5. **Other:** Other types of discipline, as set forth in school regulations and consistent with the incident involved, such as: a letter of apology to aggrieved parties, community service, repair of damages, mandatory attendance of an anger management seminar, etc.

## **DISCIPLINE INFRACTIONS AND CONSEQUENCES**

**ACADEMIC INTEGRITY AND CLASSROOM BEHAVIOR:** Students are expected to be honest in all of their academic coursework and activities. Academic dishonesty, such as cheating on examinations, course assignments or projects, plagiarism, misrepresentation and the unauthorized possession of examination or course-related materials, is prohibited. Intentional obstruction or disruption of teaching, research or lab activities is prohibited.

Offense Consequences: Suspension and/or Administrative Review.

**ADJUDICATED VIOLATIONS OF STATE OR FEDERAL LAW:** Any adjudicated violations of Florida or federal criminal statutes on school premises or at school-sponsored events held off campus will result in disciplinary action.

Offense Consequences: Suspension and/or Administrative Review.

**ALCOHOL:** Possession, use, or under the influence of alcoholic beverage.

Offense Consequences: Administrative Review.

**ARSON:** Damaging, or attempting to damage, any real or personal property by fire or explosion; intentionally setting a fire on/with school property.

Offense Consequences: Withdrawal from school.

**BATTERY:** Physical use of force or violence by an individual against another; uninvited physical contact with another person, including but not limited to, pushing, shoving, and /or contact via an object.

Offense Consequences: Suspension and/or Administrative Review.

**BULLYING/HARRASSMENT:** Unwanted and repeated written, verbal, or physical behavior, including and threatening, insulting, or dehumanizing gesture, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment, cause discomfort or humiliation, or unreasonably interfere with the individual's school performance or participation.

Offense Consequences: Suspension and/or Administrative Review.

**BREAKING/ENTERING:** Unlawful entry or attempted entry or unauthorized presence in a building or other structure, or conveyance with evidence of the intent to damage or remove property or harm a person(s).

Offense Consequences: Withdrawal from school.

**CELL PHONE USE:** Use of any communication or recording device, such as cell phone, text messaging devices, or digital cameras, during instructional activities, (which is not instructor approved or directly associated to the lesson).

Offense Consequences: 1<sup>st</sup> –Warning, 2nd Suspension, Repeated incidents; Administrative Review.

**CHEATING:** Deliberate distribution or use of information, notes, materials, or work of another person in the completion of an academic exam, test, or assignment.

Offense Consequences: Zero Grade, Suspension and/or Administrative Review.

**COMPUTER MISUSE:** Manipulation of computer hardware, software or data, and or the misuse of telecommunication services, including but not limited to: improper use of technology devices, accessing or posting inappropriate information on the internet, at any time on school-owned equipment, or school-owned or maintained network that may interfere with the educational process.

Offense Consequences: Suspension and/or Administrative Review.

**DISRUPTIVE BEHAVIOR:** Participating in and/or encouraging any activity that substantially disrupts the classroom environment or its related function

Offense Consequences: Suspension and /or Administrative Review.

**DRESS CODE VIOLATION:** Failure to comply with dress code requirement(s) (Including failure to wear student ID). Repeated violations constitute insubordination.

Offense Consequences: Correction or Suspension.

**DISRUPTION ON CAMPUS:** Disruptive behavior that poses a serious threat to the learning environment, health, safety, or welfare of others, including but not limited to: making a bomb threat, inciting a riot, initiating a false fire alarm, etc.

Offense Consequences: Withdrawal from school.

**DRUG SALE/DISTRIBUTION:** Manufacture, cultivation, sale, or distribution of any drug, narcotic, controlled substance, substance represented to be a drug, including giving prescription drugs prescribed for someone else to another person.

Offense Consequences: Withdrawal from school.

**DRUG USE/POSSESSION:** Use possession, or under the influence of any drug, narcotic, or controlled substance, including any possession of drug paraphernalia or a student possessing prescription drugs that are not prescribed for him/her.

Offense Consequences: Administrative Review.

**FIGHTING:** Two or more persons mutually participating in the use of force or physical violence that requires physical or verbal restraint or results in injury that requires first aid or subsequent medical attention.

Offense Consequences: Administrative Review.

**FALSIFICATION OR FORGERY:** Deliberately making any false or misleading verbal or written statements on any official correspondence or application, or attendance record keeping device, or falsify any school records.

Offense Consequence: Suspension and/or Administrative Review.

**GAMBLING:** Participating in any form of gambling activities on campus.

Offense Consequences: Suspension and/or Administrative Review.

**HATE CRIMES:** Incidents of criminal acts that evidence prejudice based on race, religion, ethnicity, color, ancestry, sexual orientation, gender identity, disability, or national origin.

Offense Consequence: Withdrawal from school.

**HAZING:** Hazing is defined as any group or individual action or activity that endangers the mental or physical health or safety or which may demean, disgrace, or degrade any person, regardless of location, intent, or consent of participant(s).

Offense Consequence: Administrative Review.

**INSUBORDINATION/DISRESPECT:** Refusal or failure to follow a direction or an order from a school staff member, or any adult in authority including guest teachers and security personnel. Use of words or acts which demean, degrade, antagonize, or humiliate a person or group of persons.

Offense Consequence: Suspension and/or Administrative Review.

**OTHER MAJOR DISRUPTION:** Any serious, harmful incident resulting in the need for law enforcement intervention.

Offense Consequences: Withdrawal from school.

**SEXUAL HARRASSMENT:** Unwanted and repeated verbal or physical behavior with sexual connotations that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment, cause discomfort or humiliation or unreasonably interfere with the individual's school performance or participation.

Offense Consequences: Administrative Review and/or Withdrawal from school.

**THREAT/INTIMIDATION:** Threat to cause physical harm to another person with or without the use of a weapon that includes all the following elements:

- (1) Intent - an intention that the threat is heard or seen by the person who is the object of the threat.
- (2) Fear - a reasonable fear or apprehension by the person who is the object of the threat that the threat could be carried out.
- (3) Capability - the ability of the offender to actually carry out the threat directly or by a weapon or other instrument that can be easily obtained.

Offense Consequences: Suspension and/or Administrative Review.

**TRESPASSING:** Entering or remaining on school grounds/campus or at a school-sponsored activity off campus without authorization or being told to leave or while on suspension.

Offense Consequences: Suspension and/or Administrative Review.

**VANDALISM:** Intentional destruction, damage, or defacement of public or private property.

Offense Consequences: Suspension and/or Administrative Review.

**WEAPONS POSSESSION:** Possession of any instrument or object that can inflict serious harm on another person or that can place a person in reasonable fear of serious injury, including but not limited to: any firearms, handguns, Tasers, zip guns, knives, brass knuckles, razor blades, chains, chemical sprays, sharp objects, etc. (Possession includes any location within reach or control of the person, concealed or carried openly, including in vehicle, lockers or back pack.)

Offense Consequences: Suspension and/or Administrative Review.

**OFF-CAMPUS FELONY:** Any student who has been charged with a felony, other than on school property, involving violence, drugs, sexual offense, or weapons.

Offense Consequence: Administrative Review

**PROFANITY:** Use of profanity, and/or vulgar, abusive, or inappropriate language or gestures.

Offense Consequence: Student to Adult Staff: Administrative Review  
Student to Student: Suspension and/or Admin. Review

**SAFETY VIOLATION:** Engaging in an act that endangers the safety of self or others.

Offense Consequence: Suspension and/or Administrative Review.

**OTHER RULE VIOLATIONS:** Other rule violations that do not fall into categories or other offenses as indicated.

Offense Consequence: Administrative Review

**PORNOGRAPHIC MATERIAL:** Possession and/or distribution of any pornographic material.

Offense Consequence: Withdrawal from school.

**UNAUTHORIZED AREA:** Being present in buildings, rooms, or other areas on school campus that are restricted to student access during all or part of the day.

Offense Consequences: Suspension and/or Administrative Review.

Repeated misconduct during the school year or multiple incidents requiring disciplinary action may result in an Administrative Review and withdrawal from school.

Note: During a period of suspension, the suspended student is prohibited from returning to campus or a school related activity off campus. Violation without the permission of the School Director or designee could result in that student being subject to arrest and prosecution for trespassing.

### **RESPONSIBILITY TO CARRY OUT DISCIPLINARY PROCEDURES**

The Coordinator, Assistant Principal, or Assistant Director (herein referred to as the judicial officer) is designated by the school Principal or Director as the staff member having primary responsibility for the administration of student discipline, including the investigation of alleged student violations of the School's standards of conduct. Alleged violations of student regulations or other student misconduct shall be referred to the judicial officer or designated representative by any member of the School community. The judicial officer or designated representative will immediately investigate the situation. The judicial officer or designated representative shall take whatever steps are necessary to determine probable foundation for the alleged infraction.

Lee County Technical Colleges and all Lee County Adult Education Centers will abide by all Florida Statutes and Florida board rules applicable to student discipline. Deliberate care shall be taken to provide for due process and to ensure that students receive fair and equitable treatment and are clearly aware of all their rights.

### **DISCIPLINARY PROCEDURES**

1. Alleged violations of student regulations or other misconduct are to be referred to the judicial officer or designated representative by any member of the school community.
2. The charges will be investigated by the judicial officer or designated representative, and after careful consideration of the facts, the judicial officer or a designated representative will determine the degree of disciplinary action to be taken, if any. If extenuating circumstances exist, the judicial officer or a designated representative may temporarily suspend a student from attending classes and ban the student from campus, pending the outcome of an Administrative Review.
3. If a formal complaint is to be filed against a student, the student will be notified in writing of the nature of the charges against him/her and the date and place of the Administrative Review with the judicial officer or designated representative.
4. The student will be notified in writing of the disciplinary action to be taken by the School, if any, as soon as possible following the Administrative Review.

5. Action of the judicial officer or a designated representative that would impose a suspension or withdrawal from school may be appealed to the Principal or Director of the School, and if needed, to an appeal committee at the School District of Lee County.

### APPEALS

The following procedures are to be followed:

1. The appeal must be made in writing within three work days after notification to the student. The appeal must be sent to the Director or Principal. There are three grounds for appeal:
  - (1) Improper disciplinary procedures being followed.
  - (2) New, relevant or mitigating evidence that was unavailable to the student at the time of the original hearing.
  - (3) Sanctions recommended by the original judicial officer are thought to be excessive.
2. The student will be notified in writing of the date and place of the appeal hearing. The notice will also inform the student of his/her right to appear at a fair and impartial appeal hearing, present relevant evidence and to bring witness statements on his/her behalf and have the opportunity for cross-examination. At this hearing, the student has the right to a representative of his choice and any fee charged by such a representative shall be the student's responsibility. This representative may act only in an advisory capacity to the student and will not be permitted to otherwise participate in the hearing.
3. The judicial officer will be present at the appeal hearing to present testimony, evidence and witness statements on behalf of the school.
4. Upon conclusion of the appeal hearing within 3 work days, the Director or Principal will provide the student with written notification of the decision. This notification will include the findings of fact regarding the alleged violation(s) and the degree of disciplinary action.
5. If the student wishes to challenge the findings of the Director or Principal, he or she may appeal this decision to an appeal committee composed of administrators at the School District of Lee County. The committee will consist of the Director of Adult, Career and Technical Education, the Director of Student Services, and the Director of a Technical College not involved in the case. The appeal should be made in writing within five work days after notification to the student. The appeal committee will review the facts of the case and findings of the Director or Principal and make a decision regarding the disposition of the student's case. The actions and/or sanctions imposed by the appeal committee are final and shall constitute final agency action of the School District.

## **RE-ADMISSION AFTER DISCIPLINARY SUSPENSION**

Students under disciplinary suspension may re-enter after the specified time period identified in the suspension notice. Students who have been dismissed may request re-admission to the school after a minimum period of two school years from the dismissal notice. Students withdrawn from one technical college for disciplinary reasons, may not request admission to another Lee County Technical College until the two year waiting period has expired. Such requests for re-admission must be made to the Director or Principal in writing. A record of previous disciplinary action shall be admissible in subsequent determinations for re-admission.