

RULE

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LEGAL AUTHORITY	6Hx23-1.232	4/15/14 Revision #14-4

6Hx23-1.232 POLICY FOR THREATS, VIOLENCE, STALKING AND/OR USE OR POSSESSION OF EXPLOSIVES, DESTRUCTIVE DEVICES, FIREARMS AND/OR WEAPONS, ETC.

I. GENERAL POLICY

Nothing is more important than the safety and security of the students and employees of the College. Threats, threatening behavior, acts of violence, stalking, the use and/or possession of explosives, destructive devices, and the use or unauthorized possession of firearms and/or weapons, etc. will not be tolerated, whether the conduct is directed against students, employees, visitors, guests or any other individuals on College property or against any one attending a College sponsored event. The College has zero tolerance for such conduct. Violations of this policy by a student or employee will lead to disciplinary action as provided in the Board of Trustees' Rules, State Board of Education Rules and law, which may include suspension or dismissal, and may subject the student or employee to immediate removal from the campus or other College property.

II. PROHIBITED CONDUCT

This policy prohibits:

- A. Any substantial threat - any threat to harm or endanger the safety of others or threat to damage or destroy property. It shall not be an excuse that the threat was false, unintentional or a joke.
- B. Any threatening behavior - behavior or actions interpreted by a reasonable person as carrying the potential for violence and/or acts of aggression.
- C. Acts of violence - any act(s) which a reasonable person would believe constitutes battery under Florida law and/or the intentional damaging or destruction of property.

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D. Stalking as defined in law pursuant to Florida Statute 784.048.

E. Use and/or possession of an explosive(s), or destructive device(s) and/or weapon(s), including firearms, as those terms are defined in Florida Statutes 790.001, by any person except for use and possession by certain persons who may carry or possess a weapon(s) or firearm, in accordance with College Procedure P6Hx23-1.232.

F. Leaving unattended book bags or other item(s) wherein explosives, destructive devices, firearms and/or weapons, etc. may be located.

This policy is not meant in any way to curtail an individual's right to express himself/herself as long as that expression is not disruptive, inappropriate, unprofessional and would not cause a reasonable person to be put in fear of harm.

III. ACTION TO BE TAKEN

Any person who makes substantial threats, exhibits threatening behavior, engages in violent acts, stalks, uses or possesses explosives, destructive devices, possesses an unauthorized firearm and/or weapon, or uses any firearm or weapon other than in accordance with College Procedure P6Hx23-1.232 on College property, online instructional platform, SPC email, or any other means shall be in violation of the College code of conduct and forfeit any right to be on the College's website, property or at a College sponsored event and shall be removed from the premises as quickly as safety permits. College personnel or security shall immediately notify the local law enforcement authority by calling 911 (9-911 from a College telephone) and request immediate assistance in the removal of the person. College personnel should also promptly notify College Security at 791-2560, the site provost, associate provost or designee, the director of Human Resources and the General Counsel's Office, as appropriate.

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Any book bag or other item(s), wherein explosives, destructive devices, firearms and/or weapons, etc. may be located, left unattended may be secured by College staff, security, and/or law enforcement personnel for inspection for explosives, destructive devices and/or weapons and firearms.

IV. DISCIPLINE OF STUDENTS AND EMPLOYEES

Should the prohibited conduct be committed by a College student or employee, an investigation shall be conducted, and, if appropriate, disciplinary proceedings commenced. Where it is deemed necessary the student or employee will be removed from the campus or site immediately pending disciplinary proceedings pursuant to this Rule and College Procedure P6Hx23-4.33, Section III. In the case of a student, disciplinary proceedings shall commence pursuant to College Procedure P6Hx23-4.35. In addition, students may be subject to the threat assessment procedure found in College Procedure P6Hx23-4.351. Employees may be subject to disciplinary action including, but not limited to, suspension and dismissal under the provisions of Board of Trustees' Rules and Procedures pertaining to employees.

Whether the student or employee is entitled to return to the College for continuation of his/her coursework or employment during the pending investigation and disciplinary proceedings will depend upon the nature of the conduct and the best judgment of the site provost, administrator or designee consistent with the general policy described in this Rule. The site provost, administrator or designee shall attempt to provide the student or employee with an opportunity to tell their side of the story before imposing restrictions. The site provost, administrator or designee may impose restrictions consistent with said general policy on an employee's or student's return to the College during the time the investigation and proceedings are pending. The student or employee will have an automatic review of the provost's, administrator's or designee's decision by the President or designee. The student or employee and the site provost, administrator or designee shall submit their position/evidence to the President or designee in writing within

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three (3) working days after the site provost's, administrator's or designee's decision. The President or designee may require more investigation or enter a decision based on the furnished information. A decision on this issue shall not necessarily affect whether or not the student or employee shall be subject to discipline.

In any disciplinary proceeding brought against the student or employee, the discipline may include limited access to College facilities, and other restrictions, reassignment, training, counseling, reprimand, probation, suspension, or dismissal of the student or employee as circumstances may indicate.

V. CONFLICT WITH OTHER RULES, ETC.

No existing College Rule, policy, practice and/or procedure should be interpreted to prohibit decisions designed to stop a threat from being carried out, a violent act from occurring or a life threatening situation from developing.

VI. REPORTING OF PROHIBITED CONDUCT AND RESTRAINING ORDERS

Students and employees are responsible for notifying campus security via the College-wide security phone number, their site provost, associate provost or designee, or the senior vice president of Student Services or the director of Human Resources of any threats, threatening behavior, acts of violence or stalking in which they have been subjected to, witnessed or have been told that another person has witnessed or received, as well as any item left unattended wherein an explosive, destructive devices, firearms and/or weapon, etc. could be located. Even without an actual threat, students and employees should also report any behavior that they have witnessed which they regard as intimidating, threatening or violent in nature when that behavior is related to or might be carried out on College property or at a College sponsored activity.

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Any individual who applies for or obtains a protective or restraining order that lists any College site as being a protected area must provide campus security, the provost, associate provost, or designee or director of Human Resources at the listed site(s) a copy of the petition, the affidavit, if any, used to seek the order, a copy of any temporary or protective restraining order granted and a copy of any protective and restraining order that is made permanent. The provost, associate provost, site administrator or their designee or the director of Human Resources or campus security shall report any violation of any protective or restraining order to the law enforcement agency charged with the enforcement of said orders.

VII. STUDENT THREAT ASSESSMENT

A student may be subject to a threat assessment to evaluate whether that student's behavior in a given specific circumstance may suggest a threat of targeted violence to self or others. These threats may include, among other threatening acts on campus, acts of violence, stalking, the use or anticipated use of explosives, destructive devices, firearms and/or weapons. In such cases, the threat assessment procedure as outlined in College Procedure P6Hx23-4.351 shall be activated where appropriate. In any case, a student subject to a threat assessment may also be subject to this Rule, as well as subject to disciplinary action pursuant to College Procedure P6Hx23-4.33 and College Procedure P6Hx23-4.35.

VIII. DEPARTMENTAL PLANS

As part of the College's Emergency Management Plan, each campus and site shall develop and disseminate a written procedure for dealing with what action should be taken by members of the department in the event of a threat, threatening behavior, acts of violence, stalking and/or the use or possession of explosives, destructive devices, firearms and/or deadly weapons, etc. on each campus or site, or at a College sponsored event. Human Resources shall help identify risks and advise on how to manage the risk of departments upon request.

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IX. OVERSIGHT

The Emergency Management Council, in conjunction with Campus Security and Human Resources shall from time to time review the effectiveness of, consistency in application and the need to amend this Rule.

X. TRAINING

The College shall provide training to its provosts, associate provosts, site administrators, or designees, and full-time security in a budgeted position in the areas of conflict and anger management techniques, negotiation techniques and crisis management. Risk Management and Human Resources will identify risk areas and Human Resources will provide training accordingly.

Specific Authority: 1001.64 (2) & (4), F.S.

Law Implemented: 1001.64(4)(a) & (b), 1001.64(8)(f), Chapter 790, F.S.

History: The Emergency Rule shall be effective for ninety (90) days commencing May 18, 1999; 7/20/99; Adopted - 7/20/99. Effective - 7/20/99; 11/18/08. Filed – 11/18/08. Effective – 11/18/08; 4/15/14. Filed – 4/15/14. Effective – 4/15/14.