

IN THE CIRCUIT COURT, FOR THE
SIXTH JUDICIAL CIRCUIT, IN AND
FOR PINELLAS COUNTY, FLORIDA

CASE NO.:
DIVISION:

FLORIDA CARRY, INC.,
a Florida non-profit corporation,

Plaintiff,

v.

ST. PETERSBURG COLLEGE,
a college of the State of Florida;
ST. PETERSBURG COLLEGE BOARD OF TRUSTEES; and
DR. WILLIAM D. LAW, an individual;
MR. LARRY "DOE", an individual.

Defendants.

_____ /

COMPLAINT

COMES NOW Plaintiff, Florida Carry, Inc., by and through its undersigned attorneys and
sues ST. PETERSBURG COLLEGE, a college of the State of Florida; ST. PETERSBURG
COLLEGE BOARD OF TRUSTEES; and DR. WILLIAM D. LAW, an individual. and says:

GENERAL ALLEGATIONS

1. This is an action for damages in excess of \$15,000.00 and/or for statutory fines,
declaratory judgment, and injunctive relief.

2. Plaintiff Florida Carry, Inc. is non-profit corporation, chartered under the laws of
the State of Florida, in the public interest.

3. Plaintiff's membership consists of individuals, who seek to protect and exercise their rights to keep and to bear arms, including but not limited to firearms, and protect the right of self-defense pursuant to the Constitution and laws of the State of Florida.

4. Plaintiff's members desire to carry a firearm while traveling to and from St. Petersburg College as lawful method of self defense, and to store the firearm while on campus.

5. Defendant St. Petersburg College ("SPC"), is an entity of the State of Florida, operating a public college, located within the state of Florida.

6. Defendant Dr. William D. Law ("Law") is the president of SPC, and as such is the chief administrative officer of SPC, responsible for the operation and administration of SPC and is ultimately responsible for all rules and regulations of SPC, and is a public employee, and has ultimate decision making authority over the SPC Student Handbook.

7. Defendant St. Petersburg College Board of Trustees ("the Board") is the entity with authority to pass administrative regulations for the operation of SPC.

8. Larry "Doe" ("Doe") is an individual employed by SPC, in its Security Department, whose surname is unknown at this time.

9. All actions, rules and regulations of SPC in regards to the issues herein may be imputed to Law as the agency head with the ultimate authority, to enact and promulgate rules and regulations on behalf of SPC, as its president and chief administrative officer, and as the party with administrative authority over the employees and agents of SPC in its day-to-day operations.

10. Plaintiff has statutory standing to bring this action pursuant to Sec. 790.33, Fla. Stat., in that Plaintiff's membership consists of individuals, who are eligible and seek to protect and exercise their rights to keep and to bear arms, including but not limited to firearms, pursuant

to the Constitution and laws of the State of Florida, and who are substantially affected by the preempted rules and regulations enacted by Defendants.

11. Plaintiff's members include several individuals who are either students or employees of SPC.

12. Plaintiff's members desire to possess arms, including firearms while traveling to and from the SPC campus as lawful method of self defense, and to store the arms while on campus.

13. Plaintiff's members include both students and employees of Defendant SPC who travel to and from campus property in private conveyances, and seek to store arms in their private conveyances.

14. Other members of Plaintiff Florida Carry, are visitors to SPC property for any variety of lawful reasons are desire to possess a firearm in their private conveyance.

15. Plaintiff's membership lists are confidential and protected by the right of associational privacy.

16. Many members are fearful of reprisal if identified.

17. All conditions precedent to the filing of this suit have occurred or have been waived.

18. Sec. 768.28, Fla. Stat., is not applicable to this action as it only waives sovereign immunity for the purposes of a tort action.

19. The legislature has specifically authorized this action by the passage of amendments to Sec. 790.33, Fla. Stat., without requiring notice pursuant to Sec. 768.28, Fla. Stat or any other statute.

20. There are no administrative remedies which must be resorted to prior to bringing suit pursuant to Sec. 790.33, Fla. Stat.

21. On or about 28 February 2014, in response to a member complaint, Florida Carry's Campus Policy Director, contacted the SPC Security Department and spoke with an individual who identified himself only as Larry, identified herein as Larry Doe.

22. Doe informed Florida Carry that it was a violation of SPC policies for a student to possess a firearm in their personally owned vehicle while on campus.

23. Plaintiff reviewed the administrative Rules and policies promulgated by the Board and SPC on the SPC website and confirmed that the Board and SPC, by Rule and policy prohibit firearms anywhere on SPC property.

24. Plaintiff has retained the undersigned law firm to represent them in this matter and have paid or become obligated to pay a fee for the services of the firm.

COUNT I- VIOLATION OF SEC. 790.33, FLA. STAT. BY THE BOARD

Plaintiff re-alleges paragraphs 1-24 as if set forth in full and further says:

25. This is an action for damages, statutory fines and injunctive relief.

26. Pursuant to Sec. 790.33, Fla. Stat., the Legislature has expressly preempted the entire field of firearms and ammunition regulation, including but not limited to, the definition, the method and place of carry, the manner of use, who may possess firearms, and where firearms may be possessed.

27. Additionally, the Legislature has expressly preempted the carrying of both firearms and weapons, in regards to persons with a concealed weapon or firearm license pursuant to Sec. 790.06 Fla. Stat.

28. Article I, Sec. 8 of the Florida Constitution reserves to the Legislature the exclusive authority to regulate the manner of bearing arms.

29. The Board has passed and promulgates Rules or regulations expressly prohibited by Fla. Stat. 790.33, by:

- a. Promulgating a Rule “Policy for Threats, Violence, Stalking and or Use or Possession of Explosives, Destructive Devices, Firearms and/or Weapons”, which prohibits the “Use and/or possession of [a] . . . weapon(s), including firearms, as those terms are defined in Florida Statutes 790.001, by any person except those certain persons who may carry a weapon(s) or firearm, if authorized by the District Board of Trustees’ Rule 6Hx23-4.33. (Exhibit A).
- b. Promulgating a Rule “Procedure: Student Code of Conduct” which prohibits the possession or carrying of a firearm upon any college property with limited exceptions for law enforcement and law enforcement trainees. (Exhibit B).
- c. Promulgating a Rule “Employment of Career Service Employees- Standards of Conduct, Discipline, and Corrective Action” which prohibits unauthorized possession of weapons or firearms on college property. (Exhibit C).
- d. Attempting to impose administrative penalties for violation of their preempted Rules.

30. Sec. 790.06(12)(b), Fla. Stat., specifically allows licensed persons to carry or store

firearms in a vehicle for lawful purposes.

31. Sec. 790.25, Fla. Stat., specifically allows a person without a concealed weapon or firearm license to carry a firearm other than a handgun anywhere in a private vehicle or a “securely encased” concealed firearm in their vehicle.

32. Furthermore, Sec. 790.25, Fla. Stat., provides that the provisions of Sec. 790.25 are to be liberally construed in favor of the right to bear arms, and “shall supersede any law, ordinance, or regulation in conflict herewith.”

33. Despite the enactment of amendments to Sec. 790.33, Fla. Stat., on June 2, 2011, to create an enforcement mechanism to the longstanding preemption of firearms law, the Board continues to promulgate its preempted Rules and has made no effort to correct its mis-statements of the law to students by university wide communication.

34. The Board’s failure to correct these inaccurate statements, repeal the Rules, or notify students of the inaccurate information being promulgated, is an unlawful attempt to continue to enact, enforce, and promulgate rules and regulations in violation of Sec. 790.33, Fla. Stat.

35. The Board constitutes the appointed officials under whose jurisdiction these violations have occurred and has violated the Legislature’s occupation of the whole field of regulation of firearms and ammunition, promulgating and/ or enforcing rules, policies and/or regulations impinging upon the Legislature’s exclusive occupation of the field..

36. This blatant attempt to continue to regulate the use and possession of firearms in light of recent court decisions is a willful and knowing violation of the statute by the Board.

37. If plaintiff prevails in this matter, plaintiff is entitled to attorney’s fees and costs

pursuant to Sec. 790.33, Fla. Stat.

WHEREFORE, Plaintiff seeks

- a. An award of actual and statutory damages;
- b. An injunction against the enforcement of any firearms Rules or regulations, by the Board other than those contained in chapter 790, Fla. Stat., and against any disciplinary action against any student for possession of a firearm in a private conveyance, use of a firearm in lawful self defense, or possession of an operable firearm or weapon in accordance with State law;
- c. An order to remove any university rules and regulations regarding firearms from any university publication except as specifically provided for employees by Chapter 790, Fla. Stat.;
- d. Ordering the repeal of all preempted and unauthorized Florida Administrative Code regulations or Board Rules regarding possession of firearms on public college campuses;
- e. A finding that the Board has knowingly and willfully violated the terms of Sec. 790.33, Fla. Stat.
- f. An award of attorneys fees and costs and all other relief deemed just and equitable.

COUNT II- VIOLATION OF SEC. 790.33, FLA. STAT. BY SPC

Plaintiff re-alleges paragraphs 1-24 as if set forth in full and further says:

38. This is an action for damages, statutory fines and injunctive relief.
39. Pursuant to Sec. 790.33, Fla. Stat., the Legislature has expressly preempted the entire field of firearms and ammunition regulation, including but not limited to, the definition, the method and place of carry, the manner of use, and who may possess firearms where firearms

may be possessed.

40. Additionally, the Legislature has expressly preempted the carrying of both firearms and weapons, in regards to persons with a concealed weapon or firearm license pursuant to Sec. 790.06 Fla. Stat.

41. Article I, Sec. 8 of the Florida Constitution reserves to the Legislature the exclusive authority to regulate the manner of bearing arms.

42. SPC has passed rules or regulations expressly prohibited by Fla. Stat. 790.33 by:

- a. Promulgating a code of “Student Conduct” which prohibits the possession of deadly weapons, including firearms upon “college property.” (Exhibit D).
- b. Assessing students as a threat if they have access to or possession of, or use, firearms or weapons. (Exhibit E).
- c. Attempting to impose administrative penalties for violation of their preempted regulations.

43. Upon information and belief, SPC has previously punished and/or referred individuals for criminal prosecution for lawful possession or storage of a firearm in a private conveyance on campus.

44. The rules and regulations provided to students at the time of enrollment and promulgated on the SPC website prohibit them from exercising their right to possess firearms in their vehicle.

45. Sec. 790.06(12)(b), Fla. Stat., specifically allows licensed persons to carry or store firearms in a vehicle for lawful purposes.

46. Sec. 790.25, Fla. Stat., specifically allows a person without a concealed weapon or firearm license to carry a firearm other than a handgun anywhere in a private vehicle or a “securely encased” concealed firearm in their vehicle.

47. Furthermore, Sec. 790.25, Fla. Stat., specifically provides that the provisions of Sec. 790.25 are to be liberally construed in favor of the right to bear arms, and “shall supersede any law, ordinance, or regulation in conflict herewith.”

48. Despite the enactment of amendments to Sec. 790.33, Fla. Stat., on June 2, 2011, to create an enforcement mechanism to the longstanding preemption of firearms law, SPC continues to promulgate its preempted regulations and policies and has made no effort to correct its mis-statements of the law to students by university wide communication.

49. SPC’s failure to correct these inaccurate statements, repeal the regulations, or notify students of the inaccurate information being promulgated, is an unlawful attempt to continue to enact, enforce, and promulgate rules and regulations in violation of Sec. 790.33, Fla. Stat.

50. This blatant attempt to continue to regulate the use and possession of firearms in light of recent court decisions is a willful and knowing violation of the statute by SPC.

51. If plaintiff prevails in this matter, plaintiff is entitled to attorney’s fees and costs pursuant to Sec. 790.33, Fla. Stat.

WHEREFORE, Plaintiff seeks

- a. An award of actual and statutory damages;
- b. An injunction against the enforcement of any firearms rules or regulations, by SPC other than those contained in chapter 790, Fla. Stat., and against any disciplinary action

against any student for possession of a firearm in a private conveyance, use of a firearm in lawful self defense, or possession of an operable firearm or weapon in accordance with State law;

c. An order to remove any college rules and regulations regarding firearms from any university publication except as specifically provided for employees by Chapter 790, Fla. Stat.;

d. Ordering the repeal of all preempted and unauthorized Florida Administrative Code regulations regarding the possession of firearms on public college campuses;

e. An award of attorneys fees and costs and all other relief deemed just and equitable.

COUNT III- VIOLATION OF SEC. 790.33, FLA. STAT. BY LAW

Plaintiff re-alleges paragraphs 1-24 as if set forth in full and further says:

52. This is an action for damages, statutory fines and injunctive relief.

53. Pursuant to Sec. 790.33, Fla. Stat., the Legislature has expressly preempted the entire field of firearms and ammunition regulation, including but not limited to, the definition of firearms, the method and place of carry, the manner of use, and who may possess firearms where firearms may be possessed.

54. Article I, Sec. 8, of the Florida Constitution reserves to the Legislature the exclusive authority to regulate the manner of bearing arms.

55. Law, as the chief administrative officer of SPC has passed, authorized, and/or allowed the passage of rules or regulations expressly prohibited by Fla. Stat. 790.33 by:

- a. Promulgating a code of “Student Conduct” which prohibits the possession of deadly weapons, including firearms upon “college property.” (Exhibit D).

- b. Assessing students as a threat if they have access to or possession of, or use, firearms or weapons. (Exhibit E).
- c. Attempting to impose administrative penalties for violation of their preempted regulations.

56. Upon information and belief, Law, or his agents have previously punished and/or referred individuals for criminal prosecution for lawful possession or storage of a firearm in a private conveyance on campus.

57. The rules and regulations provided to students at the time of enrollment prohibit them from exercising their right to possess firearms in their vehicle.

58. Sec. 790.06(12)(b), Fla. Stat., specifically allows licensed persons to carry or store firearms in a vehicle for lawful purposes.

59. Sec. 790.25, Fla. Stat., specifically allows a person without a concealed weapon or firearm license to carry a firearm other than a handgun anywhere in a private vehicle or a “securely encased” concealed firearm in their vehicle.

60. Despite the enactment of amendments to Sec. 790.33, Fla. Stat., on June 2, 2011, to create an enforcement mechanism to the longstanding preemption of firearms law, SPC continues to promulgate its preempted regulations and has made no effort to correct its misstatements of the law to students by university wide communication.

61. Law’s failure to correct these inaccurate statements, repeal the regulations, or notify students of the inaccurate information being promulgated, is an unlawful attempt to continue to enact, enforce, and promulgate rules and regulations in violation of Sec. 790.33, Fla. Stat.

62. This blatant attempt to continue to regulate the use and possession of firearms in light of recent court decisions is a willful and knowing violation of the statute by Law.

63. Law's failure to correct these inaccurate statements, repeal the regulations, or notify students of the inaccurate information being promulgated by SPC, is an unlawful attempt to continue to enact and enforce rules and regulations in violation of Sec. 790.33, Fla. Stat.

64. There is no basis for any rule or regulation regarding firearms by Law no matter how well intentioned or reasonable where the legislature has expressly preempted such rules and regulations.

65. Law, as state employee attempting to enforce the illegal Rules, policies and regulations promulgated by the Board and SPC, is a person within the meaning of Sec. 790.33 who has violated the Legislature's occupation of the whole field of regulation of firearms and ammunition, by enforcing rules, policies and/or regulations impinging upon the Legislature's exclusive occupation of the field.

66. Law is the appointed official or administrative agency head under whose jurisdiction these violations have occurred.

67. If plaintiff prevails in this matter, plaintiff is entitled to the statutory fine, attorney's fees and costs pursuant to Sec. 790.33, Fla. Stat.

WHEREFORE, Plaintiff seeks:

- a. An award of actual and statutory damages and/or fine;
- b. An injunction against the enforcement of any firearms rules or regulations, by Law or his subordinates other than those contained in chapter 790, Fla. Stat., and against any disciplinary action against any student for possession of a firearm in a private conveyance, use of

a firearm in lawful self defense, or possession of an operable firearm or weapon in accordance with state law;

c. An order to remove any college rules and regulations regarding firearms from any university publication except as specifically provided for employees by Chapter 790, Fla. Stat.;

d. Ordering the repeal of all preempted and unauthorized regulations and policies regarding the possession of firearms on public university campuses;

e. A finding that Law has knowingly and willfully violated the provisions of Sec. 790.33;

f. An award of attorneys fees and costs and all other relief deemed just and equitable.

COUNT IV- VIOLATION OF SEC. 790.33, FLA. STAT. BY DOE

Plaintiff re-alleges paragraphs 1-24 as if set forth in full and further says:

68. This is an action for damages, statutory fines and injunctive relief.

69. Pursuant to Sec. 790.33, Fla. Stat., the Legislature has expressly preempted the entire field of firearms and ammunition regulation, including but not limited to, the definition of firearms, the method and place of carry, the manner of use, and who may possess firearms where firearms may be possessed.

70. Article I, Sec. 8, of the Florida Constitution reserves to the Legislature the exclusive authority to regulate the manner of bearing arms.

71. Doe, as state employee attempting to enforce the illegal Rules, policies and regulations promulgated by the Board, SPC and Law, is a person within the meaning of Sec. 790.33 who has violated the Legislature's occupation of the whole field of regulation of firearms

and ammunition, by enforcing a regulation impinging upon the Legislature's exclusive occupation of the field and notifying persons who contact the Security department that it is a violation of the District Board of Trustees' and SPC's Rules, policies and regulations to possess a firearm in a private conveyance on the SPC campus.

72. Sec. 790.06(12)(b), Fla. Stat., specifically allows licensed persons to carry or store firearms in a vehicle for lawful purposes.

73. Sec. 790.25, Fla. Stat., specifically allows a person without a concealed weapon or firearm license to carry a firearm other than a handgun anywhere in a private vehicle or a "securely encased" concealed firearm in their vehicle.

74. This blatant attempt to continue to enforce the illegal regulations regarding the use and possession of firearms in light of recent court decisions is a willful and knowing violation of the statute by Doe.

75. Despite the enactment of amendments to Sec. 790.33, Fla. Stat., on June 2, 2011, to create an enforcement mechanism to the longstanding preemption of firearms law, Doe individually and on behalf of SPC continues to promulgate SPC's illegal rules and procedures by his statements.

76. There is no lawful basis for Doe's statements to Plaintiff.

77. If plaintiff prevails in this matter, plaintiff is entitled to the statutory fine, attorney's fees and costs pursuant to Sec. 790.33, Fla. Stat.

WHEREFORE, Plaintiff seeks:

- a. An award of actual and statutory damages and/or fine;
- b. An injunction prohibiting Doe or any other employee of SPC from materially

misrepresenting the law regarding possession of lawful arms on SPC property;

c. A finding that Doe has knowingly and willfully violated the provisions of Sec. 790.33;

d. An award of attorneys fees and costs and all other relief deemed just and equitable.

COUNT V- VIOLATION OF ART. I SEC. 8, FLORIDA CONSTITUTION AND SEC.

790.06, FLA. STAT., BY THE BOARD

Plaintiff re-alleges Paragraphs 1 through 37 as if set forth in full and further says:

78. This is an action for damages, statutory fines and injunctive relief.

79. Pursuant to Sec. 790.06, Fla. Stat., the Legislature has expressly preempted the possession of firearms and ammunition and concealed weapons regulation, including but not limited to, the definition, the method and place of carry, the manner of use, and who may possess firearms where firearms may be possessed, as well as the possession of certain electric weapons and devices.

80. Article I, Sec. 8 of the Florida Constitution reserves to the Legislature the exclusive authority to regulate the manner of bearing arms.

81. The Legislature has additional implied preemption over the field of regulating the possession of chemical weapons or devices, self-defense chemical sprays, and electric weapons or devices.

82. The Board has passed and promulgates Procedures and Rules or regulations expressly and impliedly preempted by Article I, Sec. 8, Florida Constitution, and Sec. 790.06, Fla. Stat. by Promulgating a Procedure “Procedure: Student Code of Conduct” and a Rule

“Employment of Career Service Employees– Standard of Conduct, Discipline, and Corrective Action” which:

- a. Requires a student who possesses or carries a stun gun or non-lethal electric weapon or device to obtain the written permission of the President of the college in order to possess or carry the authorized arms on the campus. (Exhibit B).
- b. Requires an employee to obtain permission from the President in order to possess weapons or firearms on the College campus. (Exhibit C).
- c. Attempting to impose administrative penalties for violation of their preempted Rules.

83. Sec. 790.06, Fla. Stat., specifically permits the possession and carrying of a non-lethal electric weapon or device which does not fire a dart or projectile.

84. Despite the enactment of amendments to Sec. 790.33, Fla. Stat., on June 2, 2011, to create an enforcement mechanism to the longstanding preemption of firearms law, and the preemption of Sec. 790.06, Fla. Stat., the Board continues to violate the constitutional and legislative preemption of electric weapons and devices.

85. The Board’s failure to correct these inaccurate statements, repeal the Rules, or notify students of the inaccurate information being promulgated, is an unlawful attempt to continue to enact, enforce, and promulgate rules and regulations in violation of Secs. 790.06 and 790.33, Fla. Stat.

86. The Board constitutes the appointed officials under whose jurisdiction these violations have occurred and has violated the Legislature’s occupation of the whole field of

regulation of firearms and ammunition and other arms, by enforcing rules, policies and/or regulations impinging upon the Legislature's exclusive occupation of the field..

87. This blatant attempt to continue to regulate the use and possession of arms in light of recent court decisions is a willful and knowing violation of the statute by the Board.

88. If plaintiff prevails in this matter, plaintiff is entitled to attorney's fees and costs pursuant to Sec. 790.33, Fla. Stat.

WHEREFORE, Plaintiff seeks

- a. An award of actual and statutory damages;
- b. An injunction against the enforcement of any Rules or regulations, by the Board other than those contained in chapter 790, Fla. Stat., and against any disciplinary action against any student for lawful possession of an arm or self-defense device on campus in accordance with State law;
- c. An order to remove any university rules and regulations regarding arms or self-defense devices from any university publication;
- d. Ordering the repeal of all preempted and unauthorized Florida Administrative Code regulations or Board Rules regarding possession of stun guns, or other self-defense devices on public college campuses;
- e. An award of attorneys fees and costs and all other relief deemed just and equitable.

COUNT VI- DECLARATORY JUDGMENT PURSUANT TO SEC. 790.33, FLA. STAT.

Plaintiff re-alleges the allegations in paragraphs 1 through 88 as if set forth in full, and further says:

89. This is an action for declaratory relief pursuant to Fla. Stat. 790.33.

90. Plaintiff seeks a ruling of the Court on behalf of its membership, that the Board and SPC's Rules, regulations, and policies authorized, allowed and or enforced by Law and Doe, regarding firearms and weapons are expressly and impliedly preempted.

91. Plaintiffs will suffer material harm without a declaratory judgment as they will be denied the exercise of their right to bear arms as specifically authorized by Florida law.

92. Sec. 790.33, Fla. Stat. Specifically authorizes Plaintiffs to seek a declaratory judgment in this matter.

93. The Board, SPC and Law's continued promulgation of Procedures and Rules prohibiting all firearms and weapons, which the Board, SPC and Law have failed to repeal, along with their failure to issue any communication to students which would clarify their intent to not enforce and to repeal or discontinue promulgating these rules and regulations leaves plaintiff with no clear remedy other than a declaratory judgment that the Board, SPC and Law are in violation of the preemption statute, and an order requiring the Board, SPC and Law to take corrective action to remedy their illegal and misleading actions.

WHEREFORE, Plaintiff requests an order finding:

- a. The Board and SPC's Procedures, Rules, and administrative regulations regarding firearms are null and void.
- b. SPC students and lawful visitors have the right to carry and store lawfully possessed firearms in their vehicle while present on the SPC campus without threat of criminal prosecution or administrative punishment.

- c. An award of attorneys fees and costs and all other relief deemed just and equitable.

COUNT VII- INJUNCTION AND WRIT OF MANDAMUS

Plaintiff re-alleges the allegations in paragraphs 1 through 93 as if set forth in full and further says:

94. The Legislature has declared all regulation of firearms to be preempted by the Legislature, and has determined that students should be allowed to possess and/or store firearms in private automobiles on university campuses, and that there is no need or authorization for additional regulation or enforcement of firearms rules by the Board, SPC, Law or Doe.

95. The Board, SPC, Law and Doe's continued regulation of firearms in the face of express preemption is continually harming the members of Plaintiff Florida Carry, Inc.

96. The risk of assault or other physical force against the members of Florida Carry and the lack of any duty by the Board, SPC, Law or Doe to protect them is a harm which cannot be compensated solely by an award of money damages.

97. The Board, SPC, Law, and Doe have no reasonable basis for their enactment of rules regarding firearms and are unlikely to prevail on the merits.

98. The continued promulgation of mis-information regarding the Board and SPC's regulation of firearms by the Board, SPC, Law, and Doe in violation of state law leaves its students and visitors without clear guidance as to their conduct and as to whether their rights under Florida law end when crossing the SPC property line.

WHEREFORE, Plaintiff seeks an injunction against the Board, SPC, Law, and Doe

prohibiting any enforcement of any Board or SPC rules or regulations regarding the possession of firearms and weapons on campus, and an injunction and/or a writ of mandamus, ordering the Board and SPC to repeal all enjoined rules and regulations, and ordering the Board and/or SPC to take steps to replace all student handbooks and student codes of conduct, to eliminate any rule, regulation, or provision regarding the possession and/or use of firearms in all publications, and all other relief deemed just and equitable.

Demand for Jury Trial

99. Plaintiff demands trial by jury on all issues.

Dated this 3rd day of March 2014

/s/ Eric J. Friday

Eric J. Friday

FLETCHER & PHILLIPS

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EXHIBIT A

RULE

SUBJECT	POLICY FOR THREATS, VIOLENCE, STALKING AND/OR USE OR POSSESSION OF EXPLOSIVES, DESTRUCTIVE DEVICES, FIREARMS AND/OR WEAPONS ETC.	PAGE
		1.232-1
LEGAL AUTHORITY	6Hx23-1.232	11/18/08 Revision #08-11

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, and/or use or possession of explosives, destructive devices, firearms and/or weapons, etc. will not be tolerated against students, employees, visitors, guests or any other individuals on College property or 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 District Board of Trustees Rules, State Board of Education Rules and law, which may include suspension or dismissal, and may be subject the student 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.
- D. Stalking as defined in law pursuant to Florida Statute 784.048.

RULE

SUBJECT	POLICY FOR THREATS, VIOLENCE, STALKING AND/OR USE OR POSSESSION OF EXPLOSIVES, DESTRUCTIVE DEVICES, FIREARMS AND/OR WEAPONS ETC.	PAGE
		1.232-2
LEGAL AUTHORITY	6Hx23-1.232	11/18/08 Revision #08-11

- E. Use and/or possession of an explosive(s), destructive device(s) and/or weapon(s), including firearms, as those terms are defined in Florida Statutes 790.001, by any person except those certain persons who may carry a weapon(s) or firearm, if authorized by the District Board of Trustees' Rule 6Hx23-4.33.
- 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, and/or uses and/or possesses explosives, destructive devices, firearms and/or weapons, etc. 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.

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.

RULE

SUBJECT	POLICY FOR THREATS, VIOLENCE, STALKING AND/OR USE OR POSSESSION OF EXPLOSIVES, DESTRUCTIVE DEVICES, FIREARMS AND/OR WEAPONS ETC.	PAGE
		1.232-3
LEGAL AUTHORITY	6Hx23-1.232	11/18/08 Revision #08-11

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 Rule 6Hx23-4.33, Section III. In the case of a student, disciplinary proceedings shall commence pursuant to Rule 6Hx23-4.35. In addition, students may be subject to the threat assessment procedure found in Rule 6Hx23-4.351. 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 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.

RULE

SUBJECT	POLICY FOR THREATS, VIOLENCE, STALKING AND/OR USE OR POSSESSION OF EXPLOSIVES, DESTRUCTIVE DEVICES, FIREARMS AND/OR WEAPONS ETC.	PAGE
		1.232-4
LEGAL AUTHORITY	6Hx23-1.232	11/18/08 Revision #08-11

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 vice president of Academic & Student Affairs 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.

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

EXHIBIT B

PROCEDURE

SUBJECT	PROCEDURE: STUDENT CODE OF CONDUCT	PAGE
		4.33-1
LEGAL AUTHORITY	P6Hx23-4.33	7/17/12 Revision #12-7

6Hx23-4.33 STUDENT CODE OF CONDUCT

- I. The following actions are prohibited at or on any campus or center of the College, or at any College-sponsored or College-affiliated activity or event. Violation of any of these regulations may result in disciplinary action. In addition, the College reserves the right to impose discipline based on any student conduct, regardless of location, that may adversely affect the College or College community. Further, disciplinary action may be imposed in special circumstances where prescribed by law.
 1. Possession or consumption of alcoholic beverages.
 2. Use, possession, sale, barter, exchange, gift, distribution, or other transaction of any drugs which would be in violation of Chapter 893 of the Florida Statutes.
 3. Cheating in any form.
 4. Stealing or attempting to steal.
 5. The use of indecent or abusive language.
 6. Gambling.
 7. Hazing. The College's anti-hazing policy and the penalties for violations thereof are set forth in Board of Trustees' Rule 6Hx23-4.331.
 8. Vandalism or destruction of property.
 9. Unauthorized possession, duplication or use of keys or access cards to any College premises or services.
 10. Taking or unauthorized use or possession of College property or the private property of another.

PROCEDURE

SUBJECT	PROCEDURE: STUDENT CODE OF CONDUCT	PAGE
		4.33-2
LEGAL AUTHORITY	P6Hx23-4.33	7/17/12 Revision #12-7

11. Falsification, forgery, alteration, or misuse of any College record, document or identification card.
12. Permitting another to use his or her College identification card, impersonating another or misrepresenting being authorized to act on behalf of another.
13. Failure to comply with lawful directives of College officials or security officers acting within the performance of their duty.
14. Any action which causes or attempts to cause a fire, explosion, including bomb threats, or any false reporting of a fire, explosion or any tampering with the fire safety equipment or other safety devices or the failure to evacuate the College buildings during a fire alarm.
15. Fraudulent and/or unauthorized official use of College name, seal, emblem, nickname or motto.
16. Lewd or indecent conduct.
17. Behavior or actions which are disruptive of the normal, peaceable, and orderly operation of the College.
18. Any disorderly conduct or breach of peace. This includes, but is not limited to, such conduct as threatening, fighting or other tumultuous behavior, the making of unreasonable noise or offensively coarse utterances, gestures or display, or abusive language to any person, creation of a hazard or offensive condition or other causes or matters resulting in the disturbance of the public tranquility and order of the College, its students or personnel.
19. Participation in a campus demonstration which unreasonably disrupts the normal operations of the College and infringes upon the rights of other members of the College community; leading or inciting others to disrupt scheduled and/or normal activities within any campus (site), building or area; intentional obstruction which

PROCEDURE

SUBJECT	PROCEDURE: STUDENT CODE OF CONDUCT	PAGE
		4.33-3
LEGAL AUTHORITY	P6Hx23-4.33	7/17/12 Revision #12-7

unreasonably interferes with freedom of movement, either pedestrian or vehicular on campus (site).

20. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions.
21. Acts of verbal or written abuse, threats, intimidation, harassment, coercion and/or other conduct which creates an intimidating, hostile or offensive working and/or educational environment.
22. Violation of a federal or state law, county or city ordinance.
23. Repeated offenses of a less serious nature.
24. Assault or physical abuse.
25. Possession or use of explosives (including fireworks), chemical agents, or deadly weapons (including firearms).

No person shall possess or carry a firearm upon College property except municipal, county, state, and federal law enforcement officers either on or off duty and except students at the indoor firing range of the SPJC Allstate Center. When said law enforcement officers are not in uniform and carry an exposed firearm on their person, they shall be required to display their officially issued badge, shield or identification tag while participating as a student or instructor in Criminal Justice Institute programs at the Allstate Center. At all other sites, law enforcement officers not on duty or not in official uniform must conceal their weapons. When carrying concealed weapons on St. Petersburg College property, law enforcement officers must be ready to display officially issued badge, shield or law enforcement identification upon request. Registered students and employees of the College who are licensed to carry concealed weapons as authorized by F.S. §790.06, must register and receive written permission from the President or his designee to carry an authorized weapon on SPJC property.

PROCEDURE

SUBJECT	PROCEDURE: STUDENT CODE OF CONDUCT	PAGE
		4.33-4
LEGAL AUTHORITY	P6Hx23-4.33	7/17/12 Revision #12-7

Weapons carried upon College property by registered students and employees licensed pursuant to F.S. §790.06 must be with the written permission of the President or his designee. Said weapons shall be limited to a stun gun, or non lethal electric weapon or device solely designed for defensive purposes and the weapon does not fire a dart or projectile and shall be concealed at all times.

26. Unauthorized entry and/or occupancy of College facilities.
27. Violations of student traffic and parking control as listed in Board of Trustees' Rule 6Hx23-4.34.
28. Sexual harassment, as defined in Board of Trustees' Rule 6Hx23-2.011.
29. Sexual misconduct, as defined in Board of Trustees' Rule 6Hx23-4.332.
30. Discrimination. The denial of services or access to activities to an individual because of his or her race, religion, age, national origin, gender, marital status, or disability constitutes discrimination.
31. Stalking. To follow or harass repeatedly another person so as to put that person in fear for his/her safety.
32. Actions that are committed with disregard of the possible harm to an individual or group which could or does result in injury to an individual or group.
33. Failure to respect the right-to-privacy of any member of the College community.
34. Disobedience. Failure to abide by official College rules, procedures, policies or guidelines.

PROCEDURE

SUBJECT	PROCEDURE: STUDENT CODE OF CONDUCT	PAGE
		4.33-5
LEGAL AUTHORITY	P6Hx23-4.33	7/17/12 Revision #12-7

35. Conduct endangering safety and welfare. The commission of any act which one could reasonably foresee as having the potential to threaten or endanger the health or well-being of any person or property.
36. Misuse of Computer and Computer Information Resources:
- a. Altering, modifying, destroying, disclosing or taking information resource property, (including equipment, supplies, data, programs, software, and supporting documents) as well as modifying equipment or supplies without proper authorization.
 - b. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
 - c. Unauthorized transfer of a file.
 - d. Unauthorized use of another individual's identification and/or password.
 - e. Use of any computing facilities, either locally or remotely, to interfere with the work of another student, faculty or staff member of the College, or negatively impact the College network and/or computing system.
 - f. Use of any computing facilities, either locally or remotely, to send obscene or abusive messages through the College network and/or computing system.
 - g. Use of any computing facilities, either locally or remotely, to interfere with the normal operation of the College network and/or computing system.
 - h. Misuse of College computers. See BOT Rule 6Hx23-6.900.

PROCEDURE

SUBJECT	PROCEDURE: STUDENT CODE OF CONDUCT	PAGE
		4.33-6
LEGAL AUTHORITY	P6Hx23-4.33	7/17/12 Revision #12-7

37. False information. Furnishing false information to a College official in the exercise of his/her responsibilities.
38. Engaging in commercial solicitation on College property. This does not apply to approved College organization sales when approved by the College.
39. Knowingly instituting a false charge against another.
40. Intentionally, without consent, limits or restricts the freedom of another to move about in a lawful manner.
41. Any action which interferes with or obstructs the College's hearing process, including failure to appear upon request of a Chair for a hearing panel at a hearing; failure to testify upon a request of a Chair of a hearing panel at a hearing; improper conduct at a hearing; knowingly making false statements at a hearing; disruption or interference with the orderly conduct of the hearing process; attempting to discourage an individual's proper participation in or use of the hearing process; attempting to influence the impartiality of a member of the hearing panel prior to and/or during the course of the hearing process; harassment (verbal or physical) and/or intimidation of a member of the hearing panel prior to, during or after the hearing proceedings; influencing or attempting to influence another person to commit an abuse of the hearing process; and/or failure to complete imposed sanctions. Nothing in this subsection shall be construed to compel self incrimination.
42. Conspiracy to commit violation of any of the above or aiding, abetting, assisting, hiring, soliciting, or procuring another in the violation of any of the above.

Vehicle parking and traffic plans shall be approved by the President or designee.

PROCEDURE

SUBJECT	PROCEDURE: STUDENT CODE OF CONDUCT	PAGE
		4.33-7
LEGAL AUTHORITY	P6Hx23-4.33	7/17/12 Revision #12-7

Students are expected to be dressed neatly and in good taste at all times while on campus and while attending any College-sponsored activity.

In cases in which there has been a violation of law against the College or any of its officials, legal action may also be brought against the offender.

- II. Student organizations are also prohibited from engaging in the conduct listed in I. above. Violations of this Rule by a student organization could result in the rescission of the authority for such organization to operate on college property or under the sanction of the College.
- III. This section of the Rule is implemented as a result of growing conduct throughout the United States, the State of Florida and Pinellas County, including this College, of students threatening physical harm to other students, instructors and/or staff with an unpredictable but growing frequency of a student carrying out the threat or causing harm which necessitates the implementation of this Rule in order to better provide a reasonably safe academic and work environment. Due process of the accused, suspected student is believed to be protected by the following.

Therefore, a student may be immediately suspended from classes and/or from the College and its grounds and premises upon the recommendation of the student's campus/center associate provost or designee upon approval of the provost or designee or the President or designee when one or more of the following circumstances exist:

1. A student is reasonably suspected of threatening and/or causing physical harm to a student, instructor and/or staff member and/or their property or property of the College.
2. A student is reasonably suspected of violating Sub Paragraphs 14, 25, 31, 32, 35 or 40 of Paragraph I. of this Rule.

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SUBJECT	PROCEDURE: STUDENT CODE OF CONDUCT	PAGE
		4.33-8
LEGAL AUTHORITY	P6Hx23-4.33	7/17/12 Revision #12-7

Any student alleged to have violated one or more of the foregoing shall be contacted by the associate provost or designee, if reasonably possible, and request that the student come in to share his/her side of the story in advance of their consideration of whether or not the suspension should be imposed. However, because such conduct threatens bodily harm, life and/or property, if the student cannot be reached or does not promptly respond to the request, the associate provost or designee may recommend suspension if they reasonably suspect that any of the above violations have occurred. If the student does come in and share his/her side of the story and the associate provost or designee still reasonably suspects that any of the above violations have occurred, the associate provost or designee may recommend suspension. If the suspension is approved by the provost or designee, or the President or designee, the suspension will be imposed.

When deemed appropriate, the associate provost or designee may, as an alternative to this Rule or in conjunction with this Rule, recommend that an evaluation be done pursuant to Board of Trustees' Rule 6Hx23-4.333.

Any student suspended pursuant to the foregoing shall be notified of the suspension and shall comply with the directed suspension. Notification may be by personal delivery or by regular mail to the student's last known address. The student shall be entitled to an informal preliminary hearing within three (3) working days after the suspension at which time the provost or designee will conduct an informal preliminary hearing to determine whether or not there is trustworthy information to support the student's violation and/or continued suspension. At the hearing, the associate provost or designee shall offer evidence and/or witnesses to the threat, or other proscribed conduct. The student shall be entitled to offer their side of the story including any other evidence and/or witnesses. The provost or designee shall promptly determine whether or not to continue the suspension. The suspension shall continue to be in effect during the time the matter is being considered by the provost or designee.

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		4.33-9
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If the provost or designee determines that there is no trustworthy information to support the violation, the student shall be reinstated and shall be permitted to make up any coursework or testing that was missed as a result of the suspension. If the provost or designee believes that continuing the suspension is not appropriate, but that the student should be subject to further investigation and consideration for discipline, the suspension will be lifted and the matter referred to the associate provost or designee for further investigation and action as may be appropriate under Board of Trustees' Rule 6Hx23-4.35. If the provost or designee determines that the suspension is supported by trustworthy information and was appropriate, and continues to be appropriate, the provost or designee shall direct that the suspension continue and the matter shall be promptly referred to the Disciplinary Board for a full hearing in accordance with Board of Trustees' Rule 6Hx23-4.35. The student shall be notified of the provost's or designee's determination by personal delivery or mail to the student's last known address.

On sites where there is no provost and/or associate provost, the President shall designate the person(s) to undertake the duties of the provost and/or associate under this Rule.

INFORMATIONAL NOTE: 1. Notice of the Informal Preliminary Hearing should be given to the student at the same time the student is noticed of suspension. The student should also be advised of his/her right to testify, offer evidence and witnesses at the hearing.

History: Adopted – 7/17/12. Effective – 7/17/12.

EXHIBIT C

RULE

SUBJECT	EMPLOYMENT OF CAREER SERVICE EMPLOYEES—STANDARDS OF CONDUCT, DISCIPLINE AND CORRECTIVE ACTION	PAGE
		2.19-1
LEGAL AUTHORITY	6Hx23-2.19	10/20/09 Revision #09-10

6Hx23-2.19 EMPLOYMENT OF CAREER SERVICE EMPLOYEES—STANDARDS OF CONDUCT, DISCIPLINE AND CORRECTIVE ACTION

This Rule establishes a framework for employment action of the College with respect to career service employees and is not intended to be all-inclusive. Employment decisions made pursuant to this Rule do not provide a property right, right to formal appeal or grievance except as may be expressly stated below. The Board of Trustees reserves the right to modify or eliminate this Rule as it deems appropriate. Further, the College may take such other disciplinary action including suspension or dismissal as it may deem necessary with respect to any career employee.

I. Probationary Status

New career service employees will serve a twelve (12) month probationary period. Probationary status is defined as the period during which an employee is subject to training and development objectives in order to achieve a level of work performance that meets all required expectations. Employees returned to probationary status via the disciplinary procedure will serve up to a four (4) month probationary period. Employees acquiring a transfer will be on probationary status for a period of nine (9) months. During any probationary period the employee may be dismissed upon recommendation of the supervisor and the executive director of Human Resources and the approval of the President or the President's designee. There shall be no right of appeal or review from such dismissal and the approval of the recommendation of dismissal is final except as may be provided elsewhere in this Rule.

II. Non-Probationary Status

Non-probationary status is achieved when all required performance expectations are being met on a regular and consistent basis. The administration will issue a decision within the 30 calendar days prior to the end of the designated probationary period as to the removal of the probationary status. All career employees who

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		2.19-2
LEGAL AUTHORITY	6Hx23-2.19	10/20/09 Revision #09-10

satisfactorily complete the probationary period will be placed on non-probationary status.

III. General Expectations of Employees

- A. Career employees shall respect the rights of others.
- B. Career employees shall support the mission, purpose and best interest of the College.
- C. Career employees shall perform assigned duties in an orderly and efficient manner.
- D. Career employees shall comply with all federal, state and local laws and regulations and the rules and procedures of the College.

Discipline may be imposed for the violation of these general expectations, such as:

- 1. Poor work performance – Employees shall strive to perform at the highest level of efficiency and effectiveness.
 - a. Employees are expected to be reliable and dependable, for example: to show up for work, and be ready for work, on a reliable basis; to observe established work hours and scheduled appointments; to complete work on time; and to obtain permission before being off work and to schedule leave in a manner that minimizes work disruption.
 - b. Employees are expected to be effective, for example: to organize their work; to stay focused on job-related activities during work hours; to provide the level of effort necessary to get the job done; to demonstrate willingness and ability to make decisions and exercise

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SUBJECT	EMPLOYMENT OF CAREER SERVICE EMPLOYEES—STANDARDS OF CONDUCT, DISCIPLINE AND CORRECTIVE ACTION	PAGE
		2.19-3
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sound judgment; to produce work that consistently meets or exceeds expectations; to accept responsibility for their actions and decisions; to adapt to changes in work assignments, procedures, and technology; and to be committed to improving individual performance.

2. Negligence – Employees shall exercise due care and reasonable diligence in the performance of job duties.
3. Inefficiency or inability to perform assigned duties – Employees shall, at a minimum, be able to perform duties in a competent and adequate manner.
4. Insubordination – Employees shall follow lawful orders and carry out the directives of persons with duly delegated authority. Employees shall resolve any differences with management in a constructive manner.
5. Violation of law or College rules – Employees shall abide by the law and applicable rules and policies and procedures, including those of the College. The College may determine that an employee has violated the law even if the violation has not resulted in arrest or conviction. Employees shall abide by both the criminal law (for example, drug laws) and civil law, including laws prohibiting sexual harassment and employment discrimination.
6. Conduct unbecoming a public employee – Employees shall conduct themselves in an ethical manner, both on and off the job, that will not bring discredit or embarrassment to the College.
 - a. Employees shall be courteous, considerate, respectful, and prompt in dealing with and serving students, the general public and co-workers.

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		2.19-4
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- b. Employees shall maintain high standards of honesty, integrity, and impartiality. Employees shall place the interests of students, the College and the general public ahead of personal interests. Employees shall not use, or attempt to use, their official position for personal gain or to use confidential information for personal advantage.
 - c. Employees shall protect College property from loss or abuse, and they shall use College property in accordance with College rules and procedures.
7. Misconduct – Employees shall refrain from conduct that, while it may not necessarily be illegal, is inappropriate for a person in the employee’s particular position.
8. Drug use – The College shall not tolerate violations of the College’s Drug Free Workplace policy, or policies regarding the use of alcohol or the misuse of over-the-counter or prescription medications.
9. Misrepresentations, false statements and fraud may subject employees to disciplinary action by the College, and further, may subject an employee to prosecution where such action is a criminal offense or civil infraction.

IV. Discipline/Corrective Action

- A. College department administrators, managers and supervisors are responsible for identifying instances of unacceptable behavior and for taking appropriate action. Before taking corrective action, a supervisor shall have evidence that the employee failed to comply with a standard or expectation.
- B. Discipline is generally, but not necessarily, progressive from an oral or written warning, to suspension or dismissal. The severity of the disciplinary measure shall be related to the seriousness of the offense.

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SUBJECT	EMPLOYMENT OF CAREER SERVICE EMPLOYEES—STANDARDS OF CONDUCT, DISCIPLINE AND CORRECTIVE ACTION	PAGE
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- C. These guidelines cannot cover every situation that might require disciplinary action, nor is the College limited in applying disciplinary action to the personal conduct offenses or violations listed above.
- D. A violation or job deficiency will be dealt with fairly, but firmly, under consistent standards. However, since particular circumstances of some infractions may be unique, prescribed disciplinary actions may be lessened or expanded, including immediate termination, according to the situation. The welfare and/or safety of the College and its students, employees and visitors is to be considered in the application of discipline.
- E. Notwithstanding the above (and in accordance with Rule 6Hx23-1.232, the College's Policy for Threats, Violence, Stalking and/or Use or Possession of Explosives, Destructive Devices, Firearms and/or Weapons, etc.) any employee who engages in conduct that poses an immediate threat or danger to persons or property or that would have an immediate adverse impact on the operations of the College may be immediately suspended or dismissed. This determination may be made orally followed, as soon as practicable, by written confirmation of such determination, which shall include the reasons and supporting facts for the suspension or termination. Said written determination may be delivered to the employee by hand or by United States regular mail to the employee's last known address.
- F. Discipline shall be administered as a result of the College administrator, manager or supervisor conferring with the Office of Human Resources regarding the most appropriate course of action in accordance with Board of Trustees' rules and procedures. Discipline may include, but is not limited to, an oral or written warning, return to probationary status, suspension or dismissal. The degree of discipline will depend on the nature and circumstances of the conduct involved. (Assignment to developmental training programs or for

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mentoring assistance may be required as a form of corrective action.)

- G. In addition to the general expectations of employees as outlined above, here are other examples of unacceptable conduct that may result in disciplinary action (this list does not cover every situation but rather includes examples of personal conduct offenses):

Absence from work without authority or without notification

Tardiness

Willful time sheet violation

Unauthorized absence from work area

Alteration, destruction or falsification of a record

Neglect of duty, Not working, or Sleeping while on duty

Threatening or abusive language against other persons on College property

An act which threatens the safety, health, or well-being of the employee or another person on College property

Possession or drinking of alcoholic beverages, possession or use of illegal drugs or other intoxicants on College property, reporting to work intoxicated or under the influence of alcohol and/or illegal drugs

Interference with the work of others

Unauthorized possession of weapons or firearms on College property. (Only the President can grant permission for such possession.)

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		2.19-7
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Gambling on College property, or during working hours

Failure to care for or maintain College property used by employee

Violation of the College's computer use policies

Theft of College property or theft on College property

Failure to report suspension or revocation of employee's drivers license

Failure to obtain or maintain a license, certificate or other credential required or necessary to one's employment

Fraudulent use of sick leave (The College may require doctor's statement.)

Violation of employee drug and alcohol policies

Horseplay, carelessness, or negligence that could or does result in personal injury or damage to property

Sexual harassment

Conduct which is offensive and/or creates a hostile working environment and is discriminatory on the basis of race, national origin, creed, color, age, sex, religion, marital status and/or disability

Unauthorized use of College equipment or property

Working on personal matters during work hours

Mishandling of funds or documents

Excessive use of telephone for personal matters

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		2.19-8
LEGAL AUTHORITY	6Hx23-2.19	10/20/09 Revision #09-10

Negligent or willful destruction, abuse or misuse of College property or equipment

Unauthorized solicitation or sales on College premises

Unauthorized release of records or confidential information

Unauthorized distribution of written or printed material of any kind

Use of profane or abusive language to others

Rudeness to the public – being impolite, uncooperative either in language or action

Failure to maintain satisfactory working relations with employees, students, and/or the public

Fighting while on duty, other than reasonable defense to an unprovoked attack or in the reasonable defense of others

Negligent operation of a College vehicle resulting in an accident/personal injury or endangering the lives or property of others

Operation of College vehicle or equipment without required valid license

Violation of safety practices and policies of the College and/or federal and state laws and regulations

Violation of state or federal ethics laws

Violation of state or federal law while on College property, or violation of state or federal law which substantially affects the employee's fitness to perform assigned duties

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Conviction of federal, state criminal laws other than minor traffic offenses which adversely affects the College

Refusal to cooperate with administrative investigations or to answer a work-related question(s) or inquiry

Engaging in concerted action, encouraging or assisting another in an attempt to violate or the violation of a law, regulation, College rule or procedure

Conduct of such a nature that it brings discredit to the College and interferes with the effectiveness of the employee to the College

Conduct reflecting unfavorably on the reputation of the College and that adversely affects or interferes with the normal operations of the College

Conduct which interferes with the orderly operation of the College and/or other employees carrying out their duties

Gross misconduct or conduct unbecoming a College employee which substantially affects the employee's fitness to perform assigned duties

Conduct such that the employee's presence on the job could or would threaten the safety or health of the employee or others or such that the employee's fitness to perform assigned duties is affected

V. Formal Discipline of Non-probationary Employees

A. Verbal and Written Warnings

Formal verbal and written warnings may be given to an employee by the supervisor after review with the executive director of Human Resources. Documentation of formal

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verbal warnings will be maintained in the department files. Such warnings should include potential consequences.

B. Return to Probationary Status

Return to probationary status may be recommended by an administrative supervisor to a Cabinet-level supervisor. At the time such a recommendation is made, the following steps will be taken:

1. The Cabinet-level supervisor will provide the executive director of Human Resources with a written statement which specifies the reasons and supporting facts for the recommendation for return to probationary status.
2. If authorized by the executive director of Human Resources, the Cabinet-level supervisor shall provide the affected employee with a written statement which specifies the reasons and supporting facts for the return to probationary status.
3. The employee will be advised in writing that recurring performance deficiencies or disciplinary infractions during this period can result in a recommendation for suspension or dismissal. There shall be no right of appeal or review from such return to probationary status and approval of the recommended action is final except as may be provided elsewhere in this Rule. A return to probationary status will remain in effect for up to four (4) months and may be extended in accordance with this Rule. (Formal written warnings exceeding three (3) in a one (1) year period will automatically result in the return to probationary status.)

During any probationary period the employee may be dismissed upon the Cabinet-level supervisor's recommendation to the executive director of Human

RULE

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Resources and the approval of the President or the President's designee.

C. Suspension

Suspension may be recommended by an administrative supervisor to a Cabinet-level supervisor. At the time such a recommendation is made, the following steps will be taken:

1. The Cabinet-level supervisor will provide the executive director of Human Resources with a written statement which specifies the reasons and supporting facts for the recommendation for suspension.
2. If authorized by the executive director of Human Resources, the Cabinet-level supervisor shall provide the affected employee with a written document which specifies the reasons and supporting facts for the suspension and advises that recurring performance deficiencies or disciplinary infractions following the suspension can result in a recommendation for further discipline, up to and including termination. The suspension will take effect immediately. There shall be no right of appeal or review from such suspension and is final except as may be provided elsewhere in this Rule.

D. Dismissal

Dismissal may be recommended by an administrative supervisor to a Cabinet-level supervisor. At the time such a recommendation is made, the following steps will be taken:

1. The Cabinet-level supervisor will provide the executive director of Human Resources and the President with a written statement which specifies the reasons and supporting facts for the recommendation for dismissal.

RULE

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2. If authorized by the President or the President's designee, the Cabinet-level supervisor shall provide the affected employee with a written recommendation of dismissal which specifies the reasons and supporting facts.
3. The President may authorize, and/or direct as may be appropriate, further investigation as deemed necessary prior to a final decision.
4. An employee recommended for dismissal may submit a written statement for consideration in advance of the pre-determination meeting as provided herein, or where the employee has opted to forego such a meeting, in advance of the President's determination.
5. Within two working days of receiving the notice of the written recommendation of dismissal and prior to the President's final decision, the affected employee may request a pre-determination meeting to provide his/her side of the matter to a Cabinet-level supervisor appointed by the President. Said Cabinet member shall not be one who is already directly or indirectly involved in the matter. Should the employee choose not to have a pre-determination meeting, the employee may be thereafter dismissed subject to approval of the recommendation by the President. There shall be no right of appeal or review.

VI. Employee's Claim of Liberty Interest Violation - Name Clearing Hearing Rights/Procedure

Any employee who believes that there has been a deprivation of their constitutional liberty interest by a published stigmatizing false statement during the course of determination of a suspension or dismissal may request a hearing before the grievance committee pursuant to College Procedure P6Hx23-2.021 and shall be

RULE

SUBJECT	EMPLOYMENT OF CAREER SERVICE EMPLOYEES—STANDARDS OF CONDUCT, DISCIPLINE AND CORRECTIVE ACTION	PAGE
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LEGAL AUTHORITY	6Hx23-2.19	10/20/09 Revision #09-10

provided an opportunity to clear his/her name of the alleged false and stigmatizing statement.

VII. Abandonment of Position

An employee of SPC, whether probationary or not, who is absent for three consecutive days without approved leave will be considered to have abandoned his or her position. As a result, this is a resignation of the employee's position and becomes effective at the end of the third day of absence.

VIII. Resignation

An employee who resigns shall be requested to submit the resignation in writing. An employee who verbally resigns or who abandons his or her position shall be sent a letter confirming the resignation. A copy of the letter shall be placed in the employee's personnel file.

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

Law Implemented: 1001.64 (2) & (4), 1001.64 (18), F.S.; SBE Rule 6A-14.0261, F.A.C.

History: Adopted 10/25/77. Amended 6/29/81; 9/26/95. Filed - 9/26/95. Effective - 10/1/95; 10/19/98. Filed - 10/19/98. Effective - 10/19/98; 1/18/00. Filed - 1/8/00. Effective - 1/18/00; 10/20/09. Filed - 10/20/09. Effective - 10/20/09.

EXHIBIT D

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SPC > Student Conduct

8+1

Student Conduct

SPC students are expected to conduct themselves in a manner that will reflect credit to the college, the community and themselves. Each student, by registering, assumes the responsibility to become familiar with and abide by these general regulations and rules of conduct.

(Dos and don'ts)

Do: Treat others with the same respect you expect and you'll do fine.

Don't: The following actions are prohibited at or on any campus or center of the college, or at any college-sponsored or college-affiliated activity or event. Violation of any of these regulations may result in disciplinary action. The college reserves the right to impose discipline based on any student conduct, regardless of locations, that may adversely affect the college or college community. Further, disciplinary action may be imposed in special circumstances where prescribed by law.

1. Possession or consumption of alcoholic beverages.
2. Use, possession, sale, barter, exchange, gift, distribution or other transaction of any drugs, which would be in violation of Chapter 893 of the Florida Statutes.
3. Cheating in any form.
4. Stealing or attempting to steal.
5. The use of indecent or abusive language.
6. Gambling.
7. Hazing. The college's anti-hazing policy and the penalties for violations thereof are set forth in Board of Trustees' Rule 6Hx23-4.331.
8. Vandalism or destruction of property.
9. Unauthorized possession, duplication or use of keys or access cards to any college premise or service.
10. Taking or unauthorized use or possession of college property or the private property of another.
11. Falsification, forgery, alteration or misuse of any college record, document or identification card.
12. Permitting another to use his or her college identification card, impersonating another or misrepresenting being authorized to act on behalf of another.
13. Failure to comply with lawful directives of college officials or security officers acting within the performance of their duties.
14. Any action that causes or attempts to cause a fire or explosion, including bomb threats, or any false reporting of a fire, explosion or any tampering with the fire safety equipment or other safety devices or the failure to evacuate college buildings during a fire alarm.
15. Fraudulent and/or unauthorized official use of the college name, seal, emblem, nickname or motto.
16. Lewd or indecent conduct.
17. Behavior or actions disruptive of normal, peaceable and orderly operation of the college.
18. Any disorderly conduct or breach of peace. This includes, but is not limited to, such conduct as threatening, fighting or other tumultuous behavior, the making of unreasonable noise or offensively coarse utterances, gestures or display, or abusive language to any person, creation of a hazard or offensive condition or other causes or matters resulting in the disturbance of the public tranquility and order of the college, its students or personnel.
19. Participation in a campus demonstration which unreasonably disrupts the normal operations of the college and infringes upon the rights of other members of the college community; leading or inciting others to disrupt scheduled and/or normal activities within any campus (site), building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular on a campus (site).
20. Obstruction of the free flow of pedestrian or vehicular traffic on college premises or at college-sponsored or supervised functions.
21. Acts of verbal or written abuse, threats, intimidation, harassment, coercion and/or other conduct that creates an intimidating, hostile or offensive working and/or educational environment.
22. Violation of a federal or state law, county or city ordinance.
23. Repeated offenses of a less serious nature.
24. Assault or physical abuse.
25. Possession or use of explosives (including fireworks), chemical agents, or deadly weapons (including firearms). No person shall possess or carry a firearm upon college property except municipal, county, state and federal law enforcement officers either on or off duty, or students at the indoor firing range of the SPC Allstate Center. When said law enforcement officers are not in uniform and carry an exposed firearm on their person, they shall be required to display their officially issued badge, shield or identification tag while participating as a student or instructor in Criminal Justice Institute programs at the Allstate Center. At all other sites, law enforcement officers not on duty or not in official

uniform must conceal their weapons. When carrying concealed weapons on St. Petersburg College property, law enforcement officers must be ready to display an officially issued badge, shield or law enforcement identification upon request. Registered students and employees of the college who are licensed to carry concealed weapons as authorized by F.S. 790.06 must have the written permission of the president or his designee. Said weapons shall be limited to a stun gun, or non-lethal electric weapon, or a device solely designed for defensive purposes. These weapons must not fire a dart or projectile, and shall be concealed at all times.

26. Unauthorized entry and/or occupancy of college facilities.
27. Violations of student traffic and parking rules
28. Sexual harassment
29. Sexual misconduct
30. Discrimination. The denial of services or access to activities to an individual because of his or her race, religion, age, national origin, gender, marital status, or disability constitutes discrimination.
31. Stalking. To follow or harass repeatedly another person as to put that person in fear for his/her safety.
32. Actions committed with disregard of the possible harm to an individual or group which could or does result in injury to an individual or group.
33. Failure to respect the right-to-privacy of any member of the college community.
34. Disobedience. Failure to abide by official college rules, procedures, policies or guidelines.
35. Conduct endangering safety and welfare. The commission of any act which one could reasonably foresee as having the potential to threaten or endanger the health or well-being of any person or property.
36. Misuse of computer and computer information resources:
 - a. Altering, modifying, destroying, disclosing or taking information resource property, (including equipment, supplies, data, programs, software, and supporting documents) as well as modifying equipment or supplies without proper authorization.
 - b. Unauthorized entry into a file to use, read, or change the contents, or for any other purpose.
 - c. Unauthorized transfer of a file.
 - d. Unauthorized use of another individual's identification and/or password.
 - e. Use of any computing facilities, either locally or remotely, to interfere with the work of another student, faculty or staff member of the college, or to negatively impact the college network and/or computing system.
 - f. Use of any computing facilities, either locally or remotely, to interfere with the normal operating of the college network and/or computing system.
37. False information. Furnishing false information to a college official in the exercise of his/her responsibilities.
38. Engaging in commercial solicitation on college property. This does not apply to college organization sales when approved by the college.
39. Knowingly instituting a false charge against another.
40. Intentionally, without consent, limiting or restricting the freedom of another to move about in a lawful manner.
41. Any action that interferes with or obstructs the college's hearing process, including failure to appear upon request of a chairperson for a hearing panel at a hearing; failure to testify upon a request of a chairperson of a hearing panel at a hearing; improper conduct at a hearing; knowingly making false statements at a hearing; disruption or interference with the orderly conduct of the hearing process; attempting to discourage an individual's proper participation in or use of the hearing process; attempting to influence the impartiality of a member of the hearing panel prior to, during or after the hearing proceedings; influencing or attempting to influence another person to commit an abuse of the hearing process; and/or failure to complete imposed sanctions. Nothing in this subsection shall be construed to compel self incrimination.
42. Conspiracy to commit violation of any of the above or aiding, abetting, assisting, hiring, soliciting, or procuring another in the violation of any of the above.
43. Students are expected to be dressed neatly and in good taste at all times while on campus and while attending any college-sponsored activity.

Student and student organization regulations

Students enrolled at St. Petersburg College are expected to conduct themselves in a manner that will reflect credit to the college, the community and themselves. Each student, by registering, assumes the responsibility to become familiar with and to abide by the general regulations and rules of conduct listed in this rule. If found guilty of violation of any of these rules, a student may be subject to the placing of a hold on their student record, the withholding of grades, credits, transcripts, or diplomas, disciplinary probation, suspension or dismissal, in accordance with prescribed rules for the handling of disciplinary cases.

The following is a list of applicable procedures:

- Student and student organization regulations, Procedure 6Hx23-4.33
- General Discipline Rule for Students and Student Organizations, Procedure 6Hx23-4.35
- Evaluation and Dismissal of Students Exhibiting Unusual or Disruptive Behavior, Procedure 6Hx23-4.333

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EXHIBIT E

Overview

SPC > Threat Assessment



Parking

Threat Assessment

Student ID

Campus Safety

St. Petersburg College has adopted threat assessment procedures developed by the U.S. Department of Education and the U.S. Secret Service in a collaborative effort to help school and college campuses reduce violence and create safe climates. View SPC's Threat Assessment Policy. Faculty can download threat assessment forms on MySPC.

Emergency Alerts

What is Threat Assessment?

Emergency Response Guide

The primary purpose of a threat assessment is to prevent targeted violence. The threat assessment process is centered on an analysis of the facts and evidence of behavior in a given situation. The appraisal of risk in a threat assessment focuses on actions, communications and specific circumstances that might suggest that an individual intends to mount an attack and is engaged in planning or preparing for an event. The central question in a threat assessment inquiry or investigation is whether a student poses a threat, not whether the student has made a threat.

Emergency Management Plan

Faculty, administration, other staff and students must listen respectfully to each other. A school with a culture of two-way listening will encourage and empower students to have the courage to break the ingrained code of silence.

About Us



Suspicious Behavior

Sample Scenarios

Login to MySPC and go to [Helpful Links](#) to view the Shots Fired On Campus Video.

Reporting suspicious behavior

St. Petersburg College has adopted threat assessment procedures developed by the U.S. Department of Education and the U.S. Secret Service in a collaborative effort to help school and college campuses reduce violence and create safe climates.

Report suspicious behavior by students, employees or visitors to the Provost's Office:

- Caruth Health Education Center, Provost Office, 727-341-3666 or 341-3802
- Clearwater Campus, Provost Office, 727-791-2475 or 791-2492
- EpiCenter, Security Dispatch, 727-719-2560
- Seminole Campus, Provost Office, 727-394-6111 or 394-6109
- St. Petersburg/Gibbs Campus, Provost Office, 727-341-4656 or 341-4349
- SPC Allstate Center, Provost Office, 727-341-4530 or 341-4143
- SPC Downtown, Provost Office, 727-341-4245 or 341-7966
- SPC Midtown, Communications, 727-341-7158
- Tarpon Springs Campus, Provost Office, 727-712-5742 or 712-5720

Or call Security Dispatch at 727-791-2560

Early warning signs

It is not always possible to predict behavior that will lead to violence. However, educators and sometimes students can recognize certain early warning signs. In some situations, and for some students, different combinations of events, behaviors and emotions may lead to aggressive rage or violent behavior toward themselves or others. A good rule of thumb is to assume that these warning signs, especially when they are presented in combination, indicate a need for further analysis (threat assessment) to determine an appropriate intervention.

The National School Safety Center identified the following behaviors that could indicate a student's potential for harming him/herself or others, based on a recent study.

1. Severe social withdrawal
2. Excessive feelings of isolation and being alone
3. Excessive feelings of rejection
4. Being a victim of violence
5. Feelings of being picked on and persecuted
6. Expressions of violence in writings and drawings
7. Poor or deteriorating performance
8. Uncontrolled anger
9. Pattern of impulsive, intimidating or bullying behavior
10. History of disciplinary problems
11. Prejudicial attitudes and intolerance for differences

12. Affiliation with gangs
13. Access to, possession of, or use of firearms, explosives or weapons
14. Threats of violence when angry
15. Preference for books or videos with violent themes
16. Background of substance abuse, including alcohol
17. Few or no close friends
18. Often depressed and has significant mood swings
19. Has threatened or attempted suicide
20. Displays cruelty to animals

Circumstances that bring a student to official attention

Some students may bring themselves to the attention of authorities by engaging in communications that cause concern:

- A student submits a story for an English assignment about a character who shoots other students in a school setting
- Students in a video class make a movie about students who bring bombs to school
- An administrator receives an e-mail stating, I'm going to kill everyone in this asylum
- The personal webpage of a student has links to web pages with information about explosives

Other students of concern come to the attention of authorities through second or third parties:

- A school employee or student reports that he/she has overheard a conversation about a gun being brought to the campus
- A student reports that he/she has been threatened by another student and has been warned not to tell anyone
- A neighbor of a student calls campus authorities to report suspicions that the student is experimenting with bomb-making devices or weapons

In still other cases, students come to the attention of authorities through anonymous communications:

- An anonymous call is received through Security to report concerns about the behavior of a student
- Receipt of an anonymous call that a bomb will go off on one of the campuses
- An anonymous letter stating remember Virginia Tech warns that "Judgment Day" is coming

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