



Success. It's In Our Nature.

Student Code of Conduct & Grievance Procedures

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Office of Community Standards
585.785.1211

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Table of Contents

INTRODUCTION	3
STUDENT RIGHTS	
Freedom to Learn	3
Freedom to Participate in the College Community	4
Personal Freedom	4
Religious Freedom	4
Authority	4
STATEMENT OF JURISDICTION	5
STANDARD OF EVIDENCE.....	5
STANDARDS OF CONDUCT – RULES & REGULATIONS	
Filing a Complaint	5
Prohibited Conduct.....	6
Sanctions	12
CONDUCT PROCEDURES	
Holds	18
Conduct Conference	18
Appeal/Review Procedures	18
ACADEMIC GRIEVANCES PROCEDURES	23
CONDUCT FILES AND RECORDS	26
MISCELLANEOUS	
Confidentiality	27
Refund Policy	27
OTHER PROCEDURES	
Civil Rights Discrimination Complaints	27
Non-discrimination of students on the basis of Pregnancy, Childbirth and Related Condition Discrimination	29
Sexual Misconduct Procedures.....	29
All Other Complaints and Disputes.....	46
APPENDIX A.....	47

INTRODUCTION

Finger Lakes Community College serves as a dynamic learning resource, empowering our students to succeed and fueling the cultural and economic vitality of the region.

To help promote a safe and civil campus environment, Finger Lakes Community College expects ALL students to follow the Student Code of Conduct (also referred to as the Student Code or Code). The Code outlines the educational processes of the College that address behavior(s) not consistent with its tenets. The Student Code of Conduct embraces several important values: the rights of free speech and peaceable assembly; the freedom of inquiry and the right to make constructive criticism; the central importance of honesty to this community; and the desire that all students participate on campus in an environment that respects differences of race, color, ethnicity, national origin, religion, creed, age, disability, sex, gender identity, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction.

Students are expected to abide by the rules of the College and to conduct themselves in accordance with accepted standards of good citizenship, respect, honesty, and decency, and with proper regard for the rights of others. Students must also obey federal, state, and local laws as would any good citizen. The maintenance of harmonious community standards requires that behavior which interferes with or threatens the welfare of others or the College community be prevented. Ignorance of these standards will not be considered a valid excuse or defense. Student participation in any unlawful or other serious violations of College policy may lead to suspension or dismissal from the College.

The Student Code enumerates the rights and responsibilities of students, behaviors prohibited on or off campus, possible sanctions, and the procedures adopted by the College for addressing student conduct. A student attending FLCC agrees to be governed by this Student Code of Conduct, as well as other College policies. All students at FLCC have access to the Student Code of Conduct. Copies of the Code are available online at <http://www.flcc.edu/offices/judicial/index.cfm> and from the Office of Community Standards (Student Center 1125).

Students who have questions about the Student Code of Conduct are encouraged to contact the Director of Community Standards at 585.785.1211.

STUDENT RIGHTS

I. Freedom to Learn

In accordance with Federal regulations, the New York State Human Rights Law, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, Finger Lakes Community College has adopted an internal due process procedure providing for prompt and equitable resolution of complaints alleging discrimination on the basis of race, color, ethnicity, national origin, religion, creed, age, disability, sex, gender identity, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction in its educational programs, activities, admissions, and employment policies. The name of the current Affirmative Action Officer is available from the Human Resources Office. The ultimate criterion for admission shall be the student's ability to benefit from the educational experience.

Neither student nor instructor shall be deprived of the tenets of academic freedom, including open discussion and investigation, and the College shall be ever conscious of and shall promote the motto of the State University System - "To Learn - To Search - To Serve."

Faculty shall evaluate student performance according to current academic guidelines and students shall have the right to challenge a grade or academic treatment in the classroom according to the procedures under “Academic Grievances” in this document.

II. Freedom to Participate in the College Community

Student representatives shall be voting members of the College Governance System, its standing committees, and voting members of the Finger Lakes Community College Student Corporation. Students may also form student clubs and organizations, subject to the provisions and approval of the Finger Lakes Community College Student Corporation. Advisors shall serve as consultants for student groups and organizations.

Students shall have the right to assembly and the right to invite speakers and guests and to discuss issues of their choice. Appropriateness of such assemblies and any dispute regarding such appropriateness must be referred to the Director of Community Standards. No student gathering or assembly shall physically obstruct the movement of others, deprive others of the opportunity to speak or be heard, represent their views as the views of the College, or disrupt the educational or institutional process in ways which interfere with the freedom of others.

Any event affiliated with the Office of Student Life held on the FLCC campus or FLCC campus centers and which has been promoted to the general public will require all individuals to provide identification. FLCC students are responsible for the behavior of their guest(s) while on FLCC premises.

III. Personal Freedom

The College shall not act as the arbiter of personal behavior or morals unless the conduct in question violates the rights of others, the mission of the College, and/or these policies and procedures. Regulation of personal conduct may be necessary to protect the health or safety of members of the college community or the public, to fulfill the educational responsibilities of Finger Lakes Community College, or to comply with local, state, or federal laws. A student’s personal property shall not be seized or searched without his/her consent unless such seizing or searching has complied with legal or college requirements.

Privacy of student records shall be maintained according to current records policies and the Family Educational Rights and Privacy Act (FERPA) as outlined in the College Catalog.

IV. Religious Freedom (with regard to class attendance)

Finger Lakes Community College complies with New York State law with regard to religious absences. No person shall be expelled from or be refused admission as a student to Finger Lakes Community College because s/he is unable, because of his/her religious beliefs, to attend classes or to participate in any examination, study, or work requirements on a particular day or days. Persons absent for reasons of religious observance based on a recognized, established religion shall be excused from any examination, study, or work requirements and shall be provided with an equivalent opportunity to make up any examination, study, or work requirements which s/he may have missed because of such absence. For further information, refer to the “Religious Beliefs” section in the College Catalog.

Authority

Authority for the administration, oversight, implementation, and regular review of the student conduct and grievance regulations and procedures is delegated from the College President through the Provost/Vice President of Academic and Student Affairs, to the Associate Vice President of Student Affairs and the Director of Community Standards. The Director of Community Standards and the Associate Vice President for Student Affairs shall develop procedures for the administration of the student conduct and grievance systems, and procedural rules for these processes that are not inconsistent with provisions of the Student Code.

Hearing officers in this process typically include, but are not limited to, the Director of Community Standards, the Director of Housing and Residential Life, the Assistant Director of Housing and Residential Life, and the Resident Director for Central Operations. Appellate officers and bodies typically include, but are not limited to, the Associate Vice President of Student Affairs, the Provost/Vice President of Academic and Student Affairs, the Conduct Board, and the Academic Grievance Board. Other officers and/or boards may be established as necessitated by the particular facets of each event and the staffing necessary to adequately complete the processes.

STATEMENT OF JURISDICTION

This Student Code of Conduct applies to all students and student organizations of Finger Lakes Community College. The Code of Conduct outlines prohibited misconduct on college premises (buildings or grounds owned, leased, operated, controlled, or supervised by the college). The Conduct Officer may address and take action based on student conduct occurring off campus when the behavior or the presence of the individual, in the College's sole judgment, adversely affects the campus community, damages the reputation of the institution, or impairs, obstructs, or interferes with the interests and/or mission, processes, or functions of Finger Lakes Community College.

Students are subject to this Code of Conduct beginning at the time they register/are registered for their first class. The Code applies to students during academic terms for which they are enrolled, during breaks between terms for which they are registered (including summer), during college holidays and vacations, and during periods of suspension.

If a student breaks a law that also violates the Code, that student may be held accountable by both civil authorities and the College. The college may, at its sole discretion, elect to pursue action against the student at the same time as criminal proceedings, even if criminal charges involving the same incident are not complete, have been dismissed, or were reduced.

Students are responsible for the behavior of their guests. A guest is any person who is not currently enrolled at the College whose purpose on college property is entirely, or in part, to make contact with a student(s). Students must accompany their guests at all times while on college property. Conduct of a guest which violates any part of college policy may result in the guest's immediate removal from college property and being banned from returning to college property in the future. In addition, conduct of a guest which violates any college policy may be considered a violation by the student(s) and result in college conduct processes and sanctions for the student(s).

STANDARD OF EVIDENCE

The standard of evidence used to determine responsibility is a "preponderance" (more likely than not) of evidence. This determination does not require a standard beyond a reasonable doubt and the technical rules of evidence applicable to civil and criminal procedures shall not apply to these administrative procedures.

The Student Code of Conduct shall be reviewed annually under the direction of the Director of Community Standards. Regulations governing student conduct shall be approved by the FLCC Board of Trustees.

STANDARDS OF CONDUCT – RULES & REGULATIONS

Filing a Complaint

Any person (a complainant) may file a complaint under the Code of Conduct alleging a violation of the Student Code of Conduct by a student. The complaint must be delivered to the Director of Community Standards within

30 days of when evidence comes to light regarding the alleged violation. Following receipt of a complaint, the Director of Community Standards (or designee) will evaluate whether the complaint should be dismissed or whether further information and/or action are necessary. It is unlikely a student will be informed of the outcome of a complaint for confidentiality purposes.

Any student found to be or to have been engaged in the following prohibited conduct is subject to the conduct sanctions outlined within this document. The severity of the offense, prior conduct history, and other relevant circumstances will be considered in determining the appropriate conduct action(s). Even a single act, if sufficiently severe, may warrant a student's suspension or dismissal from FLCC regardless of whether prior sanctions have been assigned.

More than one sanction may be imposed for a single violation. A single act may constitute a violation of more than one standard. Being under the influence of drugs or alcohol will not diminish or excuse a violation of the Student Code.

While the College does not condone violations of the Student Code of Conduct or state and federal laws, the College may take into consideration potentially life-saving actions of students who act as "Good Samaritans" by reducing the conduct actions associated with alcohol and or other drug use violations.

The term "Good Samaritan" is used to refer to a student(s) who summons medical attention for a person (including themselves) in need of medical assessment and/or treatment for a problem that this person may have contributed to or caused by participating in the use or abuse of alcohol and or other drugs.

A student who has been charged with a violation of the Student Code and who withdraws from the College or stops attending before the conduct process is completed will be required to complete the conduct process upon re-entry to the College and prior to subsequent registration. Students pre-enrolled for upcoming semesters may have their schedules deleted.

PROHIBITED CONDUCT

I. Interfering with, Obstructing, or Disrupting a College Function

Actions that interfere with, obstruct, or disrupt college functions are prohibited. College functions, on or off campus, are defined to include, but not limited to, teaching, research, administration, conduct proceedings, College activities, public safety, and public service functions. This includes authorized non-college functions when the act occurs on college premises. Participation in an on-campus or off-campus demonstration that disrupts the normal operations of the college or infringes on the rights of other members of the College community; leading or inciting others to disrupt scheduled and/or normal activities of the College; intentional obstruction that reasonably interferes with freedom of movement, either pedestrian or vehicular on college premises; and incitement to panic or riot, or rioting is prohibited. Examples of prohibited behavior include, but are not limited to, causing public inconvenience, annoyance or alarm; recklessly creating a risk by engaging in fighting or violent, tumultuous or threatening behavior; making unreasonable noise; disturbing any lawful assembly or meeting; obstructing vehicular or pedestrian traffic; congregating with other persons in a public area and refusing to comply with a lawful request of a college official to disperse; creating a hazardous or physically offensive condition by any act which serves no legitimate purpose.

II. Academic Dishonesty

Academic dishonesty, such as cheating and plagiarism is prohibited. The term "cheating" includes, but is not limited to:

- 1) use of any unauthorized assistance in taking quizzes, tests, or examinations;

- 2) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;
- 3) the acquisition, without permission, of tests or other academic material belonging to a member of the college faculty or staff; or
- 4) aiding and/or abetting another student for the purpose of cheating.

The term “plagiarism” includes, but is not limited to, the use by paraphrase or direct quotation of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials. These definitions, examples, and prohibition of academic dishonesty apply equally to all FLCC classes, whether online, at a campus center, or through any other method(s) of delivery.

Forms of academic dishonesty will not be tolerated by Finger Lakes Community College. Faculty may impose a mandatory minimum penalty upon a student found to have committed a violation. Action for violations of academic honesty will be determined by the instructor. The consequences for such violations may range from a warning to receiving an “F” in the course. Students who have been assigned a grade of “F” for academic dishonesty will not be permitted to change that grade by withdrawing from the course. Instances of academic dishonesty may also be referred to the Community Standards Office at the faculty member’s discretion. Please refer to the information in the *Sanctions* section for more detail on the handling of suspected academic dishonesty. Students charged with violating this section of the Code will have their academic file reviewed via the Registrar’s Office to verify any past academic dishonesty occurrences.

III. Dishonesty

Intentionally furnishing false information or omitting relevant or necessary information is prohibited. Using or possessing false, altered, or another’s’ identification (including drivers’ licenses and SUNY/FLCC ID cards) is prohibited. Examples of prohibited behavior include forgery, alteration, or falsification of any College document or record, or misrepresentation of college credentials. These include grade transcripts, student identification, computer records, and other official documents. Knowingly using a forged or altered document is also prohibited, even if someone else made the changes. Student identification cards are College property and must be shown or surrendered when requested by a college official in performance of their duties. The term “college official” is defined as any person hired by the college to work in a faculty, staff, administrative, safety, or security role and any other person designated to serve as a College official.

IV. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, bullying, and/or other conduct which is found to threaten or endanger the health or safety of any person.

Examples of prohibited behavior include, but are not limited to; murder, assault, battery, telephone/electronic harassment, threats, intimidation, physical abuse, verbal abuse, racial slurs, repeated and/or severe aggressive behavior which intimidates hurts, controls or diminishes another person, physically or mentally, and any other conduct which threatens or endangers the health or safety of any person or effectively denies them reasonable access to College resources or opportunities.

- 1) Physical abuse
- 2) Verbal abuse
- 3) Threats
- 4) Intimidation
- 5) Harassment
- 6) Coercion
- 7) Bullying
- 8) Other conduct which is found to threaten or endanger the health and safety of other person(s)

V. Stalking

Stalking is defined in the *Sexual Misconduct Procedures* section of the Code. Please see that section for information on reporting, resources regarding, and procedures for addressing incidents of stalking.

VI. Sexual Misconduct

Sexual misconduct, including sexual harassment, sexual violence, dating violence, domestic violence is defined in the *Sexual Misconduct Procedures* section of the Code. Please see that section for information on reporting, resources regarding, and procedures for addressing incidents of sexual misconduct.

VII. Attempted or actual theft of and/or damage to property of the College or property of a member of the

College community or other personal or public property, on or off campus.

Examples include but are not limited to: theft of any property of the College, FLCC College Association, member of the college community, college partner, or college-affiliated business, possession of property known to be stolen, and any form of identity theft or misrepresentation.

- 1) Attempted or actual theft of property
- 2) Attempted or actual damage to property

VIII. Gambling or solicitation on campus

Students may not use college property for any activity prohibited by federal, state, local law or the Student Code. Solicitation or the use of college facilities or resources for any personal gain or profit is prohibited. Examples of prohibited behavior include, but are not limited to, engaging in any nature of business for personal benefit on College property or using college resources, and/or gambling on college property. Student athletes should be aware that the Department of Athletics and the NJCAA provide additional restrictions, guidelines, and sanctions related to gambling. Students may contact the Director of Athletics for more information about policies.

IX. Use, possession, hosting, manufacture, or distribution of alcoholic beverages

Alcoholic beverages are prohibited on property owned, maintained, leased, managed, or controlled by the College. Alcoholic beverages are allowed on college premises only for special events expressly approved in writing in advance by the College President. Alcoholic beverages may not, **in any location** or circumstance, be used by, possessed by, hosted by, or distributed to any person under twenty-one (21) years of age. The use, offer for sale, distribution, possession, hosting, or manufacture of alcohol except as expressly permitted by law is prohibited. The use, offer for sale, distribution, possession, hosting, or manufacture of chemicals, products or materials for the purpose of use as an intoxicant except as expressly permitted by law is also prohibited. Behavior that is attributable to the use of alcohol and which is disruptive; adversely affects the campus community; impairs, obstructs, or interferes with the interests and/or mission, processes, or functions of the College; is detrimental to the learning environment, and/or damaging to the reputation of the institution is prohibited. Any student who becomes intoxicated after using alcohol or who after consuming alcohol becomes physically violent, aggressive, or refuses to cooperate with any College official who is performing his/her duties, is in violation of this policy. Other examples of prohibited disruptive behavior due to the use of alcohol includes, but is not limited to, attending class under the influence, loss of motor control, destruction of property, providing alcohol to minors. Behavior, either on or off campus, resulting from irresponsible and/or illegal use of alcoholic beverages and/or other drugs is prohibited.

- 1) Use of alcoholic beverages
- 2) Possession of alcoholic beverages
- 3) Hosting in illegal party where alcoholic beverages were served
- 4) Manufacturing of alcoholic beverages
- 5) Distribution of alcoholic beverages

X. Use, possession, hosting, manufacture, or distribution of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law.

The use, offer for sale, distribution, possession, hosting, manufacture of any controlled substance, including prescription medications, except as expressly permitted by law is prohibited. The use, offer for sale, distribution, possession, hosting, or manufacture of chemicals, products or materials, including prescription medications, for the purpose of use as a controlled substance except as expressly permitted by law is also prohibited. Use of inhalants such as huffing or sniffing glue, fuels, or paint, and the use of nitrous oxide (whip-its) or other gasses is prohibited. Possession of drug paraphernalia is also prohibited. Drug paraphernalia as it applies to this section means any equipment, product, or material of any kind that is used in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance.

- 1) Use of illegal drugs or controlled substance
- 2) Possession of illegal drugs or controlled substance
- 3) Hosting of illegal party where illegal drugs or controlled substance were found
- 4) Manufacturing of illegal drugs
- 5) Distribution of illegal drugs and/or controlled substance

XI. Possession or Use of Weapons

Possession of firearms, explosives, other weapons, weapon replicas or dangerous chemicals on college premises or use of any item, even if legally possessed, in a manner that harms, threatens or causes fear to others is prohibited. A weapon is defined as any instrument, device, or object capable of inflicting physical harm or death and designed, specifically adapted for use as a weapon, or possessed, carried, or used as a weapon. Examples of weapons include but are not limited to firearms, explosive devices, dangerous chemicals or substances, knives, firecrackers, compressed gas guns, pellet guns, stun or zip guns, slingshots, and BB guns. For additional information regarding weapons students may reference the Campus Safety Annual Safety Report.

XII. Discrimination

Discrimination on the basis of race, color, ethnicity, national origin, religion, creed, age, disability, sex, gender identity, gender expression sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction is particularly repugnant to the mission of Finger Lakes Community College. Finger Lakes Community College prohibits the unequal treatment of a person on the basis race, color, ethnicity, national origin, religion, creed, age, disability, sex, gender identity, gender expression sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, or other characteristic(s). (Note: Procedures for Civil Rights Discrimination complaints appear on page 27.)

XIII. Hazing

Defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts - they are violations of this Code. Examples of prohibited behavior include, but are not limited to, forced drinking, paddling, physical shocks, degrading or humiliating games, physical harassment, branding, public stunts, and forced tattoos. Student athletes should be aware that the Athletics Department and the NJCAA provide additional restrictions, guidelines, and sanctions related to hazing. Students may contact the Director of Athletics for more information about policies.

XIV. Violation of Law

Conduct which violates any federal, state, or local law is prohibited. The College will review any conduct reported by members of the college community, law enforcement personnel, or citizens as being in violation of the law. If in review, the College determines, in its sole judgment, that the alleged conduct violates college policy or the Code, appropriate conduct action will be taken.

XV. Failure to Comply

Failure to comply with any lawful order or directive of any college official acting pursuant to their duties is prohibited. (Emergency orders may supersede some written regulations. Students who receive orders which they consider unreasonable, although not illegal, must obey them at the time and may bring a formal complaint later against the issuing staff member by contacting the Associate Vice President of Student Affairs.) The term "college official" means any person hired by the College to work in a faculty, staff, administrative, safety, or security role and any other person designated to serve as a college official. Failure to comply with a lawful order to leave the property is prohibited. Other examples of prohibited behavior include, but are not limited to, failure to produce college identification upon request by a law enforcement officer or other college official; failure to attend a scheduled conduct conference upon request by the Conduct Officer or designee; failure to fulfill a sanction(s) imposed by the Conduct Officer, designee, Administrative Hearing officer, or Conduct Board; failure to exit the College premises during an emergency situation upon request of a college official.

XVI. False Alarms/Tampering

False alarms or reports are prohibited. Intentional initiation of any false report, warning, threat of fire, threat of explosion, or other emergencies is prohibited. Other examples of prohibited behavior include, but are not limited to, tampering with, impairing, disabling or misusing fire protection systems such as detectors, sprinklers, alarms, and extinguishers.

XVII. Student Computer Use Policy

Access to computing resources is granted to members of the college community for use in their academic work, with the understanding that such access is a privilege and carries with it certain responsibilities. Users of college computing resources including the college network agree to adhere to the requirements of the Student Computer Use Policy and Responsible Network Use Policy; to review policies, please visit <http://www.flcc.edu/offices/it/guides.cfm>

Copyright and Peer to Peer File Sharing

The policies above specifically prohibit peer to peer file sharing and use of college resources to violate copyright or other laws. In addition, the College conforms to federal laws requiring it to monitor these abuses.

In accordance with the DMCA (Digital Millennium Copyright Act), College policy also forbids the unauthorized copying, distribution, downloading, and uploading of copyrighted materials on any device utilizing the College network or computing resources. These materials include, but are not limited to, text (including e-mails and web information), graphics, art, photographs, music, film and software.

Additional examples of prohibited behavior include, but are not limited to:

- a. Violation of software copyrights, license agreements, or trade secrets;
- b. Unauthorized copying of computer software that is owned or licensed to the College
- c. Unauthorized transfer of a file;
- d. Use of computing resources to interfere with the work of another student, faculty member, or college official;
- e. Unauthorized entry into a file to use, read, or change the contents, or for any purpose;
- f. Unauthorized access to, use of, or control of computing resources including circumvention of

- computing system safeguards;
- g. Unauthorized use of another individual's identification or password;
- h. Use of computing resources to interfere with normal operation of the college computing system or education process;
- i. Use of computing facilities to send and/or receive obscene, pornographic or abusive messages/materials;
- j. Willful introduction of a virus or other destructive program into the college computing environment;
- k. Activities for personal financial gain except as provided for by other college policy.

Violations of these regulations may result in the loss of network access privileges in addition to conduct sanctions as prescribed by the Student Code of Conduct (including, but not limited to, conduct probation, suspension, and conduct dismissal from the College).

XVIII. Disorderly Conduct

Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on college premises or at functions sponsored by, or participated in by the College or members of the academic community. The use of any electronic device in any of the ways mentioned above may also be considered disorderly conduct. Disorderly conduct includes, but is not limited to, any unauthorized use of electronic or other devices to make an audio or video record of any person while on college premises without their prior knowledge, or without their effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, restroom, or other location

XIX. Complicity/Failure to Separate

Conspiracy to commit, solicitation of another to commit, aiding and/or abetting the commission of, attempting to commit, or failure to separate oneself from others engaged in any conduct which is prohibited under the Student Code is prohibited.

XX. Violation of College Policies

Students are required to follow all college policies, procedures, and regulations. Such policies, procedures, and regulations include, but are not limited to:

- 1) Alcohol Policy
- 2) Children on Campus Policy
- 3) Facility Use Policy
- 4) Parking and Traffic Regulations
- 5) Signs, Posters and Banners, and Political Canvassing Procedures
- 6) Smoking Policy
- 7) Solicitation Regulations
- 8) Student Computer Use Policy
- 9) Student Trip Policy
- 10) Recreational Sports Rules and Regulations
- 11) Vendor Policy
- 12) Vehicle Use Policy
- 13) NJCAA Policies (student athletes only)
- 14) Student Athlete Code of Conduct (student athletes only)

XXI. Unauthorized Use of Access Devices

The unauthorized use, distribution, duplication, or possession of any access device including key(s) or card(s) issued for any college building, laboratory, facility, or room is prohibited.

Sanctions

The College approaches the sanctioning of students from an educational standpoint. All sanctions received by students will be linked to one or more of the following six outcomes. Conduct letters received by students will reference these outcomes.

- A. **Self-Reflection:** Sanction designed to promote self-awareness of behavior, awareness of appropriateness/inappropriateness of behavior, awareness of institutional expectations
- B. **Impact on Others:** Sanction designed to promote student understanding of how behavior impacted or could have impacted others
- C. **Impact on College Community and/or Society:** Sanction designed to promote student understanding of community and/or societal standards
- D. **Impact on Personal Being:** Sanction designed to promote self-awareness of potential physical or psychological impacts of behavior
- E. **Impact on Personal Future:** Sanction designed to promote self-awareness of potential impacts of behavior on the student's future (choice of career, course of study, etc.)
- F. **Strong Deterrence and Awareness Raising:** Sanction designed to serve as a serious and/or uncomfortable intervention

The determination of whether the accused student is found responsible for the offense shall be made on the basis of whether or not there is evidence which supports the finding of a violation, indicating a "preponderance of evidence" that it is "more likely than not" that the accused student violated the Student Code of Conduct. Conduct sanctions shall be communicated to students in writing. Letters of suspension, dismissal, and permanent transcript notation are maintained, with corresponding conduct case files, permanently. For more information on student records please see the *Conduct Files and Records* section.

A student's conduct history is additive and cumulative throughout his/her FLCC career. Therefore, students should expect that sanctions should build upon one another and become more serious as subsequent incidents occur, even if the violations are for different parts of the Code of Conduct.

The severity of the offense, prior conduct history, and other relevant circumstances will be considered in determining the appropriate conduct action. A student who is found responsible for violating the Code may be suspended or dismissed for a single violation. Sanctions may be imposed singly or in combination for individuals or student organizations. Conduct action by the College does not preclude the possibility that a separate criminal prosecution or civil action may also be taken. In addition, conduct off campus may be grounds for college conduct action. Student organizations in violation of the Student Code are subject to equivalent sanctions. A student found responsible for violating any regulation will be subject to sanctions ranging from warning to dismissal. The most common sanctions are defined below and any additional sanctions, if appropriate, will be defined in a student's sanction letter:

A. No Action

No action indicates that a student is found not responsible for violating the Code. [Not eligible to appeal.]

B. Informal Warning

An informal warning indicates that a student's behavior may have violated the Code, but that no sanctions are being assigned by the College at the time. [Not eligible to appeal.]

C. Written Warning

Written warning is an official notification that the behavior of the student or student organization has been unacceptable. Written warnings will be placed in the student's or student organization's official conduct file.

[Not eligible to appeal.]

D. Sanctions for Academic Dishonesty

Sanctions for academic dishonesty will be guided by the procedures listed below. These procedures provide for a wide range of resolutions based upon each specific situation.

Should incidents of academic dishonesty occur, the following procedures will be used. The consequences for such violation may range from warning to receiving an “F” in the course, as well as possible college conduct actions up to and including conduct dismissal. Handling of academic dishonesty cases is initiated by the faculty member and includes the possibility of referral to the Office of Community Standards.

The Director of Community Standards may hear cases of alleged academic dishonesty referred by the faculty member as violations of the Student Code of Conduct. Examples of when this may occur include, but are not limited to:

- A. The student denies responsibility and the faculty member is convinced that the student is responsible.
- B. The faculty member is not convinced that the admitted violation was unintentional.
- C. The faculty member believes that the violation is severe enough to warrant suspension or dismissal from the College.
- D. The student has been involved in a previously documented incident of academic dishonesty.

Conduct decisions of the Director of Community Standards, and any subsequent appeal information, will be placed in the student’s conduct file. Information is maintained in accordance with the Records Policy in the Student Code of Conduct. If a student witnesses an act of academic dishonesty, he/she should report it to the faculty member of the course involved.

E. Ongoing Conduct Requirements/Restrictions

Conduct requirements may be imposed with or without suspension or probation. Conduct requirements include, but are not limited to:

- 1) restrictions from participating in intercollegiate athletics and extra-curricular activities
- 2) restrictions of access to some or all campus facilities/areas
- 3) monetary payments for purpose of restitution or to cover the expense of educational sanctions
- 4) no contact orders
- 5) denial of financial assistance from programs funded by the College
- 6) required attendance at educational/assessment programs such as behavioral management workshops and comprehensive substance abuse assessments
- 7) administrative hold on access to specified College documents
- 8) loss of on campus employment opportunities, including but not limited to, student aide and Resident Assistant positions
- 9) prohibition of campus employment

F. Community Service

Students may be assigned community service in a manner consistent with his/her violation (e.g. – a conduct violation in the Cafeteria may result in community service in the Cafeteria). Community service sanctions include, but are not limited to, participating in a designated service project or giving an identified community or agency (on or off campus) a number of service hours to be completed within a specified time period.

G. Conduct Probation

Conduct probation indicates to a student that his/her behavior has resulted in a sanction close to suspension. It

is imposed for a definite period of time and includes the likelihood of more severe conduct sanctions, including suspension or dismissal, if the student is found to be violating or to have violated any section of the Student Code of Conduct during the probationary period, and may include ongoing conduct requirements. A student on probation may be required to meet periodically with a person designated by the Director of Community Standards.

H. Conduct Suspension

Suspension prohibits the student from attending FLCC for a designated period of time, which shall not exceed a period of more than five calendar years following the effective date. While on suspension the student is, in most cases, restricted from being on college property. The Director of Community Standards or designee will determine the effective dates of the suspension. If required by the suspension, a student who has been suspended must petition for re-enrollment through the Office of the Associate Vice President of Student Affairs and/or Admissions Review Board. Notice of suspension is kept permanently in the student's official college record maintained by the Registrar's Office and by the Community Standards Office.

I. Conduct Dismissal

Conduct dismissal permanently separates the student from the institution, prohibits the student from ever attending Finger Lakes Community College and, in most cases, restricts a person from being on college property. A student may not be readmitted to the College after dismissal. Dismissals are usually accompanied by permanent transcript notations (see below.) Notice of conduct dismissal is kept permanently in the student's official college record maintained by the Registrar's Office and by the Community Standards Office.

J. Permanent Transcript Notation

Permanent Transcript Notations (PTN) indicating disciplinary action taken will be placed on student records where students have been found guilty of violating the Code of Conduct in the instances of behavior that leads to death or serious physical injury of another person, sexual assault or hazing. Finger Lakes Community College reserves the right to determine additional serious violations that will result in a PTN. A PTN will appear on a student's official academic transcript as grades of AW (Administrative Withdrawal) for the classes during the semester in which the sanction is imposed and a brief comment on the transcript noting sanction and date(s).

For crimes of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act¹ established in 20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII), institutions shall make a notation on the transcript of students found responsible after a conduct process that they were "suspended after a finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." For the respondent who withdraws from the institution while such conduct charges are pending, and declines to complete the disciplinary process, institutions shall make a notation on the transcript of such students that they "withdrew with conduct charges pending."

A student may appeal to remove a PTN from their transcript no sooner than one calendar year from the original sanction date. Requests for removal should be sent to the Associate Vice President of Student Affairs and should include a rationale for the request. Appeals will be reviewed by the AVP of Student Affairs and the Provost, Vice President for Academic and Student Affairs and a decision will be rendered within 30 calendar days from the receipt of the appeal.

When the decision is to not approve a request, the student may re-submit after one calendar year has elapsed. There shall be no more than five appeals for any student. Rationale for the reason the appeal is not granted will be provided.

K. Interim Suspension

The Director of Community Standards or designee may summarily suspend a student and/or student organization; prohibit the same from any or all appropriate portions of college premises, college-related activities, or registered student organization activities; and/or permit the student or student organization to remain only under specified conditions for the interim period prior to a conduct conference. An interim suspension will be imposed whenever the Director of Community Standards or designee determines that the continued presence of the student on the College campus poses a significant risk of substantial harm to the health and/or safety of another student, other members of the college community, to the stability or continuance of normal college functions, or to property.

The Director of Community Standards or designee may suspend a student for an interim period pending conduct proceedings or medical/mental health information. The interim suspension will become effective immediately without prior notice. Interim suspension may be imposed only:

- A. To ensure the safety and well-being of members of the college community or preservation of college property;
- B. To ensure other students' physical and/or emotional safety and well-being;
- C. If the student poses a significant threat of disruption of or interference with the normal operations of the College.

A student subject to an interim suspension will be given written notice of the suspension and will be referred to these standards and procedures. The student will be given an opportunity to appear personally before the Director of Community Standards or designee within four college business days from the effective date of the interim suspension, in order to review the following issues:

- 1) The reliability of the information concerning the student's conduct;
- 2) Whether or not the conduct and surrounding circumstances reasonably indicate a significant risk as described above;
- 3) Whether the risk posed by the student is the result of a medical or mental health condition or disability.

If the risk posed by the student is the result of a medical or mental health condition or disability, the Director of Community Standards or designee shall also determine whether the risk can be eliminated or sufficiently reduced through reasonable accommodation and, if so, shall take appropriate steps to ensure that accommodation is provided. The Director of Community Standards or designee may require that the student submit medical or mental health information to determine whether any such condition exists and whether reasonable accommodation is possible. If the student fails to submit required information and/or the available evidence establishes that the student's presence poses a significant risk of substantial harm to the health and/or safety of other students, other members of the college community, or to the stability or continuance of normal college functions or property, the Director of Community Standards or designee may continue the interim suspension.

¹ Violations equivalent to the Clery Act (as updated by the Violence Against Women Act Final Regulations) Part I crimes covered under the legislation that would require a transcript notation are: murder; rape, fondling, incest and statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; manslaughter; and arson.

L. Sanctions for Alcohol and Other Drug Violations

The College treats each student and each situation individually. Therefore, the certainty of sanctions cannot be assured prior to a Conduct Conference occurring. The sanction descriptions below provide *general* guidelines for Conduct Officer and student reference. These sanctions may, at the discretion of the Conduct Officer, or in consultation with College Officers, be changed and/or added to based upon the analysis of each student and situation. It is important to remember that while even a single violation can lead to Conduct Suspension or Conduct Dismissal from FLCC, that not all students charged with Code of Conduct violations receivesanctions.

A chart of alcohol and drug sanctions is provided in Appendix A.

1. Alcohol

- a. First Violation - Students found responsible for violating the respective section of the Code of Conduct will receive sanctions commensurate with his/her involvement in the situation. Students present in an area where policy violations occurred *may* receive a written warning, an educational assignment, and/or an online evaluation; while students responsible for hosting an event, or supplying alcohol for an event, *may* receive conduct probation, an educational assignment, parental notification (if under 21), a substance abuse evaluation, and/or an online evaluation.
- b. Second Violation – Students found responsible for violating the respective section of the Code of Conduct a second time will receive sanctions commensurate with his/her involvement in the situation. Students present in an area where policy violations occurred *may* receive conduct probation, parental notification (if under 21), an educational assignment, and/or a substance abuse evaluation; while students responsible for hosting an event, or supplying alcohol for an event, *may* receive conduct suspension, parental notification (if under 21), a substance abuse evaluation, an online evaluation, and/or conditions necessary for readmission.
- c. Third Violation - Students found responsible for violating the respective section of the Code of Conduct a third time will receive sanctions commensurate with his/her involvement in the situation. Students present in an area where policy violations occurred *may* receive conduct suspension, a permanent transcript notation, parental notification (if under 21), a substance abuse evaluation, and/or conditions necessary for readmission, while students responsible for hosting an event, or supplying alcohol for an event, *may* receive conduct dismissal, a permanent transcript notation, parental notification (if under 21), a substance abuse evaluation, an online evaluation, and/or conditions necessary for readmission.
- d. Fourth Violation - Students found responsible for violating the respective section of the Code of Conduct a fourth time will receive sanctions commensurate with their involvement in the situation. Students present in an area where policy violations occurred *may* receive conduct dismissal, a permanent transcript notation, parental notification (if under 21), a substance abuse evaluation, an online evaluation, and/or conditions necessary for readmission.

2. Other Drugs*

- a. First Violation - Students found responsible for violating the respective section of the Code of Conduct will receive sanctions commensurate with his/her involvement in the situation. Students present in an area where policy violations occurred *may* receive conduct probation, an educational assignment, parental notification (if under 21), a substance abuse evaluation, and/or an online evaluation, while students involved in hosting an event, or supplying drugs for an event *may* receive conduct suspension, parental notification (if under 21), a substance abuse evaluation, an online evaluation, and/or conditions necessary for readmission.

- b. Second Violation - Students found responsible for violating the respective section of the Code of Conduct a second time will receive sanctions commensurate with his/her involvement in the situation. Students present in an area where policy violations occurred *may* receive conduct suspension, parental notification (if under 21), a substance abuse evaluation, and/or an online evaluation, while students involved in hosting an event, or supplying drugs for an event *may* receive conduct dismissal, a permanent transcript notation, parental notification (if under 21), a substance abuse evaluation, an online evaluation, and/or conditions necessary for readmission.
- c. Third Violation - Students found responsible for violating the respective section of the Code of Conduct a third time will receive sanctions commensurate with his/her involvement in the situation. Students present in an area where policy violations occurred *may* receive conduct dismissal, parental notification (if under 21), a substance abuse evaluation, an online evaluation, and/or conditions necessary for readmission.

*Note: the sale or distribution of drugs or controlled substances may result in interim (immediate) suspension prior to a conduct conference occurring.

3. DWI/DUI

- a. First Violation – Students found responsible for violating the respective sections of the Code of Conduct, while operating a motor vehicle, will receive sanctions commensurate with his/her involvement in the situation. Students who are not responsible for property or personal damages *may* receive conduct probation, an educational assignment, parental notification (if under 21), a substance abuse evaluation, and/or an online evaluation, while students who are responsible for property or personal damages *may* receive conduct suspension, parental notification (if under 21), a substance abuse evaluation, an online evaluation, and/or conditions necessary for readmission.
- b. Second Violation - Students found responsible for violating the respective sections of the Code of Conduct a second time, while operating a motor vehicle, will receive sanctions commensurate with his/her involvement in the situation. Students who are not responsible for property or personal damages *may* receive conduct suspension, a permanent transcript notation, parental notification (if under 21), a substance abuse evaluation, an online evaluation and/or conditions necessary for readmission, while students who are responsible for property or personal damages *may* receive conduct dismissal, a permanent transcript notation, parental notification (if under 21), a substance abuse evaluation, an online evaluation, and/or conditions necessary for readmission.
- c. Third Violation - Students found responsible for violating the respective sections of the Code of Conduct a third time, while operating a motor vehicle, will receive sanctions commensurate with his/her involvement in the situation. Students who are not responsible for property or personal damages *may* receive conduct dismissal, a permanent transcript notation, parental notification (if under 21), a substance abuse evaluation, an online evaluation and/or conditions necessary for readmission.

If a student is suspended as a result of alcohol and/or other drug violations and subsequently returns to FLCC, another violation of alcohol or other drug parts of the Code of Conduct will likely result in conduct dismissal from the College. For very serious or multiple violations of the Student Code, additional sanctions may be warranted and imposed in accordance with normal college conduct procedures.

M. Persona Non-Grata Status

Persona non grata status refers to an individual who is prohibited from entering or remaining on any property owned or controlled by Finger Lakes Community College at any time, for any reason, without specific written reauthorization from the Office of Community Standards and/or Office of Campus Safety. Should an individual fail to comply with the terms of this directive, s/he will be considered a trespasser and will be subject to arrest and criminal prosecution.

CONDUCT PROCEDURES

*Note: procedures specific to sexual misconduct, stalking, and Civil Rights Discrimination complaints are found later in the Code.

Holds

A student who is charged with violating a section of the Student Code of Conduct will have a hold placed on his/her account until their conduct conference occurs, and any resulting sanctions are completed. A student who has been charged with a violation of the Student Code of Conduct and who withdraws from the College or stops attending before the conduct process is completed will continue to have this hold on his/her account indefinitely, and will be required to complete the conduct process in order to reenroll at the College.

Conduct Conference

The purposes of the conduct conference are to review the alleged incident(s), provide an explanation of the conduct process, and discuss the student's or student organization's alleged involvement in the incident. At the close of the conference the Conduct Officer will advise the student or student organization of the potential or actual sanction(s) for the alleged violation(s). The conduct conference will be conducted in private with the Conduct Officer and involved student, or authorized representative of the organization only. Conduct conferences will be electronically recorded and saved on the college server according to the records policy. Students may request a copy of the digital recording of his/her own conduct conference within three college business days of receipt of any sanction(s). The College will provide this copy within five college business days of receipt of the request.

The Director of Community Standards or designee, in consultation with the Provost, Vice President of Academic and Student Affairs or designee, shall determine whether the alleged violation(s) may result in suspension, dismissal, and/or a permanent transcript notation and so advise the student or student organization during the conduct conference. If a student or student organization (through an authorized student representative) fails to schedule or appear at a conduct conference following proper written notification, the Director of Community Standards or designee may render a decision using the information available and without the benefit of having the student or organization's representative's input or information. Such decisions do not presume a finding of responsibility. Conduct conferences may be rescheduled at the discretion of the Conduct Officer.

Upon completion of the conduct conference, the student or student organization shall receive written notification of the Conduct Officer's decision via a sanction letter stating whether they are being found responsible for violating the Code of Student Conduct, including a brief rationale for the decision, and stating any sanction(s) assigned by the College. The letter will include information on how a student or student organization may appeal the decision of the Conduct Officer and a time frame of not less than five college working days by which they must do so.

If the student or student organization fails to notify the Conduct Officer of their desire to appeal the decision(s) by the stated deadline, the decision of, and sanction(s) assigned by the Conduct Officer, will be upheld.

Appeal/Review Procedures

For formal sanctions above a written warning, a student has the right to appeal and shall be afforded a prompt review, reasonable under the circumstances, of the need for and terms of no contact orders, interim suspensions, and other interim measures, including potential modification, and shall be allowed to submit

evidence in support of his or her request. In the case of no contact orders the institution may establish an appropriate schedule for students to access applicable institution buildings and property when such buildings and property are not being accessed by the other individual(s).

Students may request reviews at any time the above measures are in effect (or at any time following a personal appearance before the Director of Community Standards in the case of interim suspensions). Requests for review should include any/all available supporting documentation/evidence/information and be delivered to the Director Community Standards Office, room 1125 Student Center, or electronically at their e-mail address, or by another individual if students are not permitted to access campus facilities at the time the review is sought.

Reviews are heard by the Associate Vice President of Student Affairs, or designee, within four College business days of their receipt and may, at the reviewer's, discretion, include a personal meeting with the student(s). Determinations of reviews, including any modifications to the above measures, will be communicated to students via College e-mail address, typically within four College business days of the review. Should an extension period be required to complete the review and notify students, the reviewer will communicate this requirement, rationale for such, and anticipated extension period to the affected parties within four College business days of the review.

Appeals

Grounds for Appeals

A student has a right to appeal a sanction if s/he demonstrates that grounds exist for an appeal. Requests for appeal must be delivered to the Director of Community Standards by the deadline date(s) mentioned in the student's letters. Appeals of conduct sanctions will only be considered in one of the following situations:

- 1) The student demonstrates a substantive procedural error occurred that significantly affected the outcome of the hearing. (e.g., a deadline that was missed or a failure to notify a student properly)
- 2) The student believes and articulates that the sanction(s) assigned is significantly inconsistent with institutional guidelines and/or past practice. (e.g., differing treatment of students in identical situations without appropriate explanation)
- 3) The student brings forth new evidence that was not available at the time of the hearing which, if introduced, would significantly affect the outcome of the hearing. (e.g., witness or other testimony not known/available at the conduct conference. NOTE: this should not include the outcome of criminal proceedings.)

Further examples of grounds for appeal can be provided by the Community Standards Office upon request.

Appeal Process for Violations other than Sexual Misconduct not resulting in Suspension, Conduct Dismissal, and/or Permanent Transcript Notation

Sanctions not including suspension, dismissal, and/or permanent transcript notation are appealed to the Associate Vice President of Student Affairs. The appeal must be in writing and must be delivered to the Director of Community Standards, Conduct Officer, or designee within the timeframe stated in the sanction letter.

- 1) During the period of appeal, all sanctions will be considered in effect, pending the resolution of the appeal. Students restricted from classes may be given the opportunity to participate and/or submit work remotely at the discretion of the Director of Community Standards or designee. Exemptions to this procedure may be requested from the Associate Vice President for Student Affairs.
- 2) The Associate Vice President of Student Affairs will review the appeal.

- 3) The appeal process will consist of a review of the records of the conduct conference and the supporting documents as well as the student, or authorized representative of a student organization, meeting with the Associate Vice President of Student Affairs. The meeting will be electronically recorded and the student may request a copy of the recording within three college business days of receipt of the decision. The College shall have five college business days from the time of the request to supply the recording.
- 4) The student will be notified in writing of the Associate Vice President of Student Affairs' decision within five College business days following their meeting.
- 5) If the appeal is denied, the original sanctions imposed may be upheld or reduced.
- 6) If a student or student organization (through an authorized student representative) fails to schedule or appear at an appeal meeting following proper written notification, the Associate Vice President of Student Affairs or designee may render a decision using the information available and without the benefit of having the student or organization's representative's input or information. Such decisions do not presume a finding of responsibility, or automatically result in upholding of sanctions.
- 7) Appeal meetings may be rescheduled at the discretion of the Associate Vice President of Student Affairs.
- 8) Students are limited to one appeal for each conduct conference.
- 9) The Associate Vice President of Student Affairs' decision is final.

Appeal Process for Sexual Misconduct Violations and Violations resulting in Suspension, Dismissal, and/or Permanent Transcript Notation

Sanctions including suspension, dismissal and/or permanent transcript notation are appealed to the Conduct Board. The college Conduct Board is composed of three faculty members (appointed by the Teaching Faculty Alliance with one representative for each academic department) and two matriculated students (appointed by the Associate Vice President of Student Affairs) who have each completed a minimum of twenty-four credits at Finger Lakes Community College and are in good academic and conduct standing. The chair of the Conduct Board will be a member of the faculty.

- 1) During the period of appeal, all sanctions will be considered in effect, pending the resolution of the appeal. Students restricted from classes may be given the opportunity to participate and/or submit work remotely at the discretion of the Director of Community Standards or designee. Exemptions to this procedure may be requested from the Associate Vice President for Student Affairs.
- 2) The appeal must be in writing and delivered to the Director of Community Standards (or designee) within the time frame stipulated in the sanction letter.
- 3) For cases in which the student or student organization is entitled to and has requested a hearing before the Conduct Board within the designated timeframe, the Director of Community Standards shall schedule the hearing.
- 4) The hearing shall commence not sooner than five college business days after the request for a hearing.
- 5) The student or student organization will be given a minimum of five college business days' notice prior to the hearing and may request a hearing time at a future day/time. Such requests must demonstrate extenuating circumstance and are at the discretion of the Director of Community Standards.

- 6) The student or student organization shall have the right to file with the Conduct Board a written response to any charge(s) and/or sanction(s). Any response must be delivered to the Director of Community Standards at least three full college business days prior to the hearing.
- 7) The student or authorized representative of the student organization is offered the opportunity to have a supporter from the college community (defined as currently enrolled student or current employee) to provide assistance and support before and during the formal hearing with the Conduct Board. The supporter shall not include professional lawyers or persons trained in the law. Upon request, the College will supply the name of a potential supporter from the college community. The student is responsible for contacting the supporter to obtain their approval to serve in this role. The student shall submit the supporter's contact information to the Director of Community Standards at least three full college business days prior to the hearing. The supporter may a) attend the formal hearing with the student; b) advise the student during the formal hearing; and c) provide a brief character statement on behalf of the student during the hearing. The supporter cannot a) investigate the Code of Conduct charges outside of the stated conduct procedures; b) present the student's case on behalf of the student; and c) question and respond to the Conduct Board or respondent(s) on behalf of the student during the formal hearing. The student or authorized representative of the student organization is responsible for presenting their own case.
- 8) The student or authorized representative of the student organization may invite witnesses, both factual and character, and bring other materials to the hearing. The student or student organization must provide the names, contact information, any other materials, and purpose of desired attendance and/or use to the Director of Community Standards at least three full college business days prior to the hearing. This information will be shared with the Board members prior to the hearing. Absent extenuating circumstance, the maximum number of witnesses shall not exceed three. It is the responsibility of the student or student organization to arrange for the attendance of any witnesses. Hearings will not be postponed for late or absent witnesses.
- 9) If a desired witness is unable to attend the designated hearing time, the student or student organization may obtain a written notarized statement from the witness to present at the hearing.
- 10) The hearing shall be closed to the public.
- 11) Personal belongings, other than files or other items pertinent to the hearing, will not be allowed to be brought into the room by the student, authorized representative of the student organization, supporter, or Board members. Provision will be made to store personal belongings outside the hearing room by the Director of Community Standards.
- 12) The chair, or a member of the Conduct Board designated by the chair to preside, shall have the right to determine the acceptability of testimony, including witnesses and any notarized statements and any other evidence during the hearing and may place time limitations on testimony and closing arguments.
- 13) The student, authorized representative of the student organization, and respondent(s) shall have the right to submit evidence and question all adverse witnesses who testify in the matter. If the Conduct Board elects to accept a witness's notarized written statement in lieu of live testimony, the identity of the witness and their statements shall be fully disclosed to the student, authorized representative of the student organization, and respondent(s) at the hearing and they shall be given the opportunity to respond to such statements. Witnesses other than the student, authorized representative of the student organization, and respondent(s) shall be present only when they are giving testimony. It is the student's responsibility to arrange for witnesses to attend the hearing.
- 14) In rare instances, the College may elect to present formally a case using legal counsel. If the College elects

to present a case using legal counsel, the student or student organization will be given notice of the decision and will also have the opportunity to be represented by legal counsel at the student's or student organization's own expense.

- 15) The hearing shall be recorded on equipment supplied by the College. The student, authorized representative of the student organization or respondent may request a copy of the recording by submitting a written request to the Director of Community Standards within five college business days following the hearing. The recording shall be made available to the student, authorized representative of the student organization or respondent not sooner than five college business days following the hearing.
- 16) Both sides shall be given reasonable opportunity to present a closing statement.
- 17) If a student or student organization (through an authorized student representative) fails to schedule or appear before the Conduct Board, following proper written notification, the Conduct Board may render a decision using the information available and without the benefit of having the student or organization's representative's input or information. Such decisions do not presume a finding of responsibility, or automatically result in upholding of sanctions.
- 18) Conduct Boards are not normally rescheduled absent extenuating circumstances. They may be rescheduled at the discretion of the Associate Vice President of Student Affairs or designee.
- 19) At the close of the hearing, the Conduct Board shall deliberate privately. The Board will seek to reach consensus in adjudicating cases. In the event there is no consensus, a majority vote (the chair voting) will determine the outcome. Within five college business days after the close of the hearing, the Conduct Board shall report its findings and recommendation(s) in writing to the Director of Community Standards.
- 20) Within five college business days from receipt of the Board's decision, the Director of Community Standards will notify the student or student organization in writing of the outcome of the hearing and will also notify the student, if responsible, of the sanction(s) changed or upheld.
- 21) The student or organization has the option to accept the Conduct Board's decision or to appeal the Conduct Board's decision to the College President (see below).

Appeal of the Conduct Board's Decision to the College President

- 1) The student or student organization has the right to file a request for appeal with the College President within five college business days of the written notification of the disposition of the Conduct Board. The request should state the basis for the request and include all supporting documents.
- 2) A copy of the appeal must be submitted to the Director of Community Standards. During the period of appeal, all sanctions will be considered in effect, pending the resolution of the appeal. Students restricted from classes may be given the opportunity to participate and/or submit work remotely at the discretion of the Director of Community Standards or designee. Exemptions to this procedure may be requested from the Associate Vice President for Student Affairs.
- 3) The request for appeal will be considered only if it meets at least one of the grounds for appeals mentioned previously.
- 4) The College President shall decide if the appeal has merit or not (e.g., to review or not review the decision).
 - a) If the appeal alleges that there was a substantive defect in procedure or new evidence is presented and the College President finds that there was a substantive defect in the procedure or new evidence presented which was sufficiently substantial to have affected the outcome, the College President will

order a new hearing.

- b) If the appeal alleges that the sanction was inappropriate and the College President finds the sanction to be inappropriate, the College President may change or decrease the sanction.
- 5) The College President will notify in writing the student or student organization, and the Director of Community Standards, of their decision within five college business days of their receipt of the request for appeal. If the College President requires additional time, the Director of Community Standards may extend the time limit. The extension shall be in writing and shall include the reason for the extension, and copies shall be forwarded to the student or student organization.
 - 6) The decision of the College President to change a sanction or sustain the finding of the Conduct Board is final.
 - 7) The result of any new hearing ordered by the College President may be appealed only as detailed in this section. If a new hearing is ordered, the new hearing will be held before the original hearing authority.

ACADEMIC GRIEVANCE PROCEDURES

I. Academic Grievances

Finger Lakes Community College has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging prejudiced, capricious, or unfair academic appraisal (e.g. grading, assessment, evaluation, examination, judgment) or treatment. All other complaints and disputes, other than those otherwise specified, should be presented to the Director of Community Standards within ten college working days following the occurrence. Students who have questions about the grievance procedures should contact the Director of Community Standards at 585.785.1211. The grievance procedures may be viewed at www.flcc.edu/offices/judicial/index.cfm

These procedures do not require a standard beyond a reasonable doubt and the technical rules of evidence applicable to civil and criminal procedures shall not apply.

Academic Grievance procedures may begin by a student contacting the instructor, the instructor's department chair, the Community Standards Office, or the Office of the Associate Vice Presidents of Instruction or Student Affairs. Before proceeding to a formal level, academic grievances must be submitted in writing to the Community Standards Office, contain the name of the complainant, course number and title, name of instructor, and a description of the allegations of unfair appraisal or treatment. Grievances must be initiated no later than week four after the beginning of the subsequent semester following the occurrence (that is, grievances relating to courses taken during the spring semester or summer terms must be initiated no later than week four after the beginning of the fall semester; grievances relating to courses taken during the fall semester or winter session must be initiated no later than week four after the beginning of the spring semester). Deadlines for the submission of an academic grievance appear in the FLCC Events Calendar. If a student misses the deadline, s/he can file an **Exception Request Form**. This form is available from the Associate Vice President of Instruction.

- A. Students charging a faculty member with prejudiced, capricious, or unfair academic appraisal (e.g., assessment, evaluation, examination, and judgment) or treatment shall notify and discuss the complaint with the instructor without fear of reprisal.
- B. If the problem remains unresolved, the student shall notify and discuss the complaint with the instructor's department chairperson.

- C. At the department chairperson's discretion, a meeting may occur with the student, instructor, and department chairperson.
- D. If, upon completing the aforementioned steps, the complaint remains unresolved, the student may request a hearing before the Academic Grievance Board by submitting a formal written complaint to the Director of Community Standards or designee. The Director of Community Standards or designee shall schedule a meeting with the student to discuss the merit(s) of the grievance and whether the Academic Grievance process is applicable to their situation (Note: a Registered Nursing student (AAS 622) who has already attended a departmental hearing may begin the grievance process at this point.)
- E. The student is offered the opportunity to have a supporter from the college community (defined as a currently enrolled student or current employee) to provide assistance and support prior to and during the hearing. The supporter shall not include professional lawyers or persons trained in the law. Upon request, the College will supply the name of a potential supporter from the college community. The student is responsible for contacting the supporter to obtain their approval to serve in this role. The student shall submit the supporter's contact information to the Director of Community Standards no less than three full college business days prior to the hearing date. The supporter may 1) advise the student on the merits of their grievance; 2) coach the student in fulfilling the informal grievance procedures; 3) review the student's formal written grievance prior to submission to the Director of Community Standards or designee; and 4) attend the formal hearing with the student. The supporter cannot 1) accompany the student in fulfilling the informal grievance procedures; 2) investigate the complaint outside of the stated Academic Grievance Procedures; 3) write the student's formal grievance; and 4) question and respond to the Grievance Board or instructor on behalf of the student during the formal hearing.
- F. The College Academic Grievance Board is composed of three faculty members and two matriculated students (recommended by the Director of Student Life and appointed by the Associate Vice President of Student Affairs) who have each completed a minimum of twenty-four credits at Finger Lakes Community College and are in good academic and conduct standing. The chair of the Academic Grievance Board will be a member of the faculty and will be appointed by the Director of Community Standards or designee.
- G. In cases in which the student has made a timely request for a hearing before the Academic Grievance Board by submitting a formal written complaint that cites the basis for the charge(s) and includes all supporting documentation, the Director of Community Standards or designee shall schedule the hearing. The Director of Community Standards or designee will disseminate the formal written complaint and all materials submitted by all parties no less than three full college business days prior to the hearing, to all parties associated with the grievance (i.e., Academic Grievance Board, instructor(s), student).
- 1) The Director of Community Standards or designee will recommend that the instructor respond in writing to the student's formal written complaint.
 - 2) A member of the Academic Grievance Board who is not presiding at the hearing may serve as a liaison to the grieved instructor(s) for the purpose of reviewing the Academic Grievance Procedures.
 - 3) The hearing shall commence not sooner than seven college business days after the request for a hearing. When a complaint is received following the conclusion of the fall or spring semesters, the hearing will be scheduled to occur in the subsequent spring or fall semester.
 - 4) The student will be given a minimum of five days' notice prior to the hearing and may request a hearing at a future day/time. Such requests must be submitted in writing to the Associate Vice President for Instruction or designee demonstrating extenuating circumstance and are at the discretion of the Associate Vice President of Student Affairs or designee.

- 5) If a student fails to schedule or appear before the Grievance Board, following proper written notification, the Board may render a decision using the information available and without the benefit of having the student's input or information. Such decisions do not presume a finding on behalf of the student or instructor(s).
- 6) Grievance Board hearings are not normally rescheduled absent extenuating circumstances. They may be rescheduled at the discretion of the Associate Vice President of Instruction or designee.
- 7) Personal belongings, other than files and other materials pertinent to the hearing, will not be allowed to be brought into the room by the student, instructor(s), supporter, or Board members. Provision will be made to store personal belongings outside the hearing room by the Director of Community Standards.
- 8) The student and the grieved instructor(s) may invite witnesses, both factual and character, to the hearing. The student and/or instructor(s) must provide the names, contact information, and purpose of desired attendance to the Director of Community Standards, or designee, at least five full college business days prior to the hearing. Absent extenuating circumstance, the maximum number of witnesses invited by each party shall not exceed three (six total per hearing). It is the responsibility of the instructor(s) and/or student to arrange for the attendance of any witnesses. Hearings will not be postponed for late or absent witnesses.
- 9) If a desired witness is unable to attend the designated hearing time, the student or instructor(s) may obtain a notarized statement from the witness to present at the hearing. Acceptance of such statements is at the discretion of the Board chair. If the Academic Grievance Board elects to accept a witness's written notarized statement in lieu of live testimony, the identity of the witness and their statements shall be fully disclosed to the student and instructor(s) and they shall be given the opportunity to respond to such statements at the hearing.
- 10) The student and faculty member shall have the right to submit evidence and question any witnesses who testify in the matter. All evidence must be submitted to the Director of Community Standards, or designee, no less than five full college business days prior to the hearing to be considered.
- 11) The Board chair shall have the right to determine the acceptability of testimony and other evidence (that is, witnesses, written documentation) during the hearing and may place time limitations on testimony and on closing statements.
- 12) Both sides shall be given reasonable opportunity to present a closing statement.
- 13) The hearing shall be closed to the public. The following individuals associated with the complaint shall attend the hearing: the student, the student's supporter (if appropriate), Academic Grievance Board, instructor(s), and hearing stenographer. The instructor(s) may request the department chair(s) attend the hearing.
- 14) The hearing shall be recorded on equipment supplied by the College, and a Community Standards Office representative will attend the hearing. A copy of the hearing recording will be provided to the student and/or instructor(s) upon receipt of a written request to the Director of Community Standards or designee. The copy shall be made available to the student and/or instructor(s) not sooner than five college business days following the hearing.

H. At the close of the hearing, the Academic Grievance Board shall deliberate privately. The Board will seek to

reach consensus in resolving cases. In the event there is no consensus, a majority vote (the chair voting) will determine the outcome. Within five college business days after the close of the hearing, the Academic Grievance Board shall report its findings to the Director of Community Standards or designee. The Director of Community Standards or designee will notify the student in writing of the Board's decision within five college business days upon notification of the Board's decision. If the Board finds the student's grievance to have merit, the Board will provide a written recommendation of the action(s) to be taken.

- I. The decision of the Academic Grievance Board to sustain or change an assessment, grade, or treatment is final.

CONDUCT FILES AND RECORDS

1) Written/Printed/pdf Materials

All written/printed/pdf conduct records, files, and hearing information are maintained by the Office of Community Standards for decisions not resulting in suspension, dismissal, or permanent transcript notation. Written/printed/pdf information on actions resulting in a finding of responsible is maintained by the Office of Student Conduct for seven years from the last date in the file. Conduct actions resulting in a finding of not responsible are maintained by in the Office of Community Standards for one year from the last date in the file.

- 2) Written/printed/pdf conduct records, files, and hearing information are maintained permanently by the Office of the Registrar and the Office of Community Standards for decisions resulting in suspension, dismissal or permanent transcript notation. Notice of a permanent transcript notation appears on the student's official academic transcript maintained by the Registrar's Office. A student or an alumna/alumnus may request that the permanent transcript notation be removed from the official academic transcript following three years from the date of the written notification of the disposition of the matter (see *Record Expunction*, below).

3) Electronic Records

Brief electronic records of incidents, regardless of the results of the conference or hearing (e.g., responsible or not responsible decision) are maintained permanently in a database by the Office of Community Standards. Digital copies of written/printed information on actions resulting in a finding of responsible are maintained on college servers for seven years from the last date in the file for decisions not resulting in suspension, dismissal, or permanent transcript notation. Digital copies of written/printed conduct records, files, and hearing information are maintained permanently on college servers for decisions resulting in suspension, dismissal or permanent transcript notation. Digital copies of written/printed information on actions resulting in a finding of not responsible are maintained by the Office of Community Standards for one year from the last date in the file.

4) Recordings

Digital recordings of conduct conferences for decisions not resulting in suspension, dismissal, or permanent transcript notation will be maintained on the college server for a period of seven years from the last date in the file. For decisions resulting in suspension, dismissal or permanent transcript notation the digital recordings will be maintained permanently the college servers, by the Office of the Registrar, and by the Office of Community Standards. Digital recordings of Board hearings (both grievance and conduct) will be maintained indefinitely on the college server and in the Office of Community Standards, as well as in the Office of the Registrar for decisions resulting in suspension, dismissal or permanent transcript notation.

The Office of Community Standards may share conduct record information with other entities at the request of the entity(ies), provided the student has given written consent to the entity(ies) to obtain such information from FLCC, or in such cases where consent is not required. Providing conduct information to hearing boards is permissible under FERPA.

MISCELLANEOUS

A. Confidentiality

The College complies with the Family Educational Rights and Privacy Act (FERPA) and will not typically share information that is part of a student's educational record with anyone other than the student, absent written permission from the student to do so. In situations involving serious conduct infractions, discussed herein, the College may send a copy of a student's sanction letter to a student's parent/guardian at their permanent address according to college records. The College may also share otherwise confidential information if there is reason to believe that a student is a threat to the safety of themselves or others. Conduct matters are kept confidential to the extent required by law. Student conduct matters may be shared with other college officials and offices. Special confidentiality concerns regarding sexual misconduct and stalking are discussed in the Sexual Misconduct Procedures section of the Code.

B. Refund Policy

In the event of a suspension or dismissal, the College will follow the regular refund schedule outlined in the College Catalog.

OTHER PROCEDURES

A. Civil Rights Discrimination Complaints

Finger Lakes Community College does not discriminate in its employment and educational processes, access to services, programs, and activities based on an individual's race, color, ethnicity, national origin, religion, creed, age, disability, sex, gender identity, gender expression sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction. Employees, students, applicants or other members of the college community (including but not limited to vendors, visitors, and guests) may not be subjected to harassment that is prohibited by law, or treated adversely or retaliated against based upon a protected characteristic.

The College policy is in accordance with federal and state law and regulations prohibiting discrimination and harassment. These laws include the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, Title VI and VII of the Civil Rights Act of 1964 as Amended by the Equal Employment Opportunity Act of 1972, and the New York State Human Rights Law. These laws prohibit discrimination, including sexual harassment and sexual violence.

Inquiries regarding the application of the Civil Rights including Title IX and other laws, regulations, and policies prohibiting discrimination may be directed to the Title IX Co-Coordinators: Jason Lanker, Director of Community Standards, at (585)785-1211 or Jason.Lanker@flcc.edu, Room 1125; Catherine Burns, Human Resources Compliance Coordinator, at (585) 785-1466 or Catherine.Burns@flcc.edu, Room B140A. Or the Civil Rights Compliance Officer (Affirmative Action Officer), Grace Loomis, at (585)785-1451 or Grace.Loomis@flcc.edu. The office is located on the first floor of the Canandaigua campus in room B140D. Inquiries may also be directed to the United States Department of Education's Office of Civil Rights, 32 Old Slip 26th Floor, New York, NY 10005-2500; Tel. (646)428-3800; or email OCR.NewYork@ed.gov.

Retaliation is prohibited against any person who files a charge of discrimination, participates in an OFCCP (Office of Federal Contract Compliance Programs) proceeding, or otherwise opposes discrimination under federal law.

Finger Lakes Community College has adopted internal grievance procedures providing for prompt and equitable resolution of civil rights complaints alleging discrimination. Civil rights complaints must be submitted to the Campus Safety Office, Community Standards Office, or Human Resources Office, contain the name of the victim, and a description of the allegations of discrimination. Civil rights complaints must be received no later than four weeks after the beginning of the subsequent semester following the occurrence (that is, complaints relating to allegations of discrimination occurring during the spring semester or summer terms must be filed no later than four weeks after the beginning of the fall semester; civil rights complaints relating to allegations of discrimination occurring during the fall semester or winter session must be filed no later than four weeks after the beginning of the spring semester). A waiver of this deadline must be requested in writing to the Associate Vice President of Student Affairs and cite the rationale for deferring the deadline. The Associate Vice President of Student Affairs will provide his/her decision in writing to the student within ten college business days of receiving the request.

- A. An investigation, as appropriate, shall be conducted by the appropriate office/officer following receipt of a civil rights discrimination complaint. This procedure intends to be informal but thorough investigations, affording all involved persons, including the complainant and the person(s) against whom the allegation(s) of discrimination have been made, an opportunity to submit information and documentation regarding the civil rights complaint allegations.
- B. A written determination with respect to the results of the investigation shall be issued by the appropriate office/officer and a copy forwarded to the complainant within thirty college business days of receipt of the complaint. Should an extension period be required to complete the determination and notify the complainant, the office/officer will communicate this requirement, rationale for such, and anticipated extension period to the complainant within thirty College business days of receipt of the complaint.
- C. The complainant shall be informed of the right to file a civil rights complaint with the appropriate state or federal agency. The right of a person to a prompt and equitable resolution of a submitted civil rights complaint shall not be impaired by the person's pursuit of other external remedies nor shall the use of this internal grievance procedure be a prerequisite to other external remedies.
- D. If the student is not satisfied with the determination of the office/officer, he/she has the right to file a written appeal with the Director of Community Standards within five college business days of the written notification of the determination. The appeal should state the basis for the request and include all supporting documents.
- E. Such appeals will be heard by the Academic Grievance Board and follow the procedures describe in under "Academic Grievances" section of this document.
- F. Retaliation against a person who files a civil rights complaint, serves as a witness, or assists or participates in any manner in this procedure is strictly prohibited and may result in conduct action. Retaliation is an adverse action taken against an individual as a result of complaining about unlawful civil rights discrimination or harassment, exercising a legal right, and/or participating in a complaint investigation as a third-party witness. Participants who experience retaliation should contact the campus Affirmative Action Officer/Title IX Co-Coordinators.

B. Non-discrimination of students on the Basis of Pregnancy, Childbirth and Related Conditions

Absences due to medical conditions related to pregnancy, childbirth, and related conditions must be excused for as long as medically necessary and the student must be given the opportunity to make up missed work,

with the goal of having the student graduate on time, if possible and if desired by the student. Professors and administrators should not direct, tell or advise students that they have to drop out of their classes or programs or change their educational plans due to their pregnancies or related conditions. Finger Lakes Community College cannot terminate or reduce athletic, merit or need-based scholarships based on pregnancy. These rules supersede any school-or-instructor-based attendance or other policies regarding allowable numbers of absences or ability to make up missed school work.

1. The student will notify, in writing, her faculty member(s) of absences that occur due to pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom within five business days from the start of the absence.
2. The faculty member will forward this communication to the AVP of Instruction. The AVP of Instruction will then communicate with the students to have a Medical Release Form submitted within ten business days of receipt of the form. This form will indicate the amount of time she is excused from class.
3. The AVP of Instruction will advise the student's instructors with information on the student's expected return.
4. Faculty will provide a plan for the AVP of Instruction on an individual basis to ensure compliance for each student. The plan must include:
 - a. The amount of time the student has to complete the work. The amount of time can be no less than the amount of time the student was medically excused.
 - b. The specific work that the student must complete.
 - c. If an Incomplete should be given as opposed to an F if there is not enough time before the end of the course for her to complete her work.

C. Sexual Misconduct Procedures

Introduction

Statement on Sexual Misconduct:

Finger Lakes Community College is committed to creating and maintaining an educational environment free from all forms of sex discrimination, including sexual misconduct. Any act involving sexual harassment, violence, coercion, and intimidation is prohibited and will not be tolerated. Specifically, FLCC strictly prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking. These acts have a real impact on the lives of victims. They not only violate a person's feelings of trust and safety, but they can also substantially interfere with a student's education. It is the policy of FLCC that, upon learning of an alleged act of sexual misconduct, immediate action will be taken to address the situation and punish the perpetrator(s) where appropriate. This may include working with campus, State and local law enforcement to bring possible criminal charges, seeking student conduct action, and adding permanent transcript notifications so other institutions are on notice of the offense(s) committed, where appropriate.

FLCC encourages the reporting of sexual misconduct that is prompt and accurate. This allows the college community to quickly respond to allegations and offer immediate support to the victim. FLCC is committed to protecting the confidentiality of victims/reporting individuals whenever possible and will work closely with students who wish to obtain confidential assistance regarding an incident of sexual misconduct. All allegations will be investigated promptly and thoroughly, and both the victim(s)/reporting individual(s) and the respondent(s) will be afforded equitable rights during the college investigative process.

It is the collective responsibility of all members of the FLCC community to foster a safe and secure campus environment. In an effort to promote this environment and prevent acts of sexual misconduct from occurring, the college engages in ongoing prevention and awareness education programs. All incoming students and employees are required to participate in these programs, and all members of the college community are encouraged to participate throughout the year in ongoing campaigns and trainings focused on the prevention

of sexual misconduct on campus.

Statement on Gender Identity:

As a condition of receiving Federal funds, Finger Lakes Community College agrees that it will not exclude, separate, deny benefits to, or otherwise treat differently on the basis of sex any person in its educational programs or activities unless expressly authorized to do so under Title IX or its implementing regulations. The Departments treat a student's gender identity as the student's sex for purposes of Title IX and its implementing regulations. This means that a school must not treat a transgender student differently from the way it treats other students of the same gender identity. The Departments' interpretation is consistent with courts' and other agencies' interpretations of Federal laws prohibiting sex discrimination.

The Departments interpret Title IX to require that when a student or the student's parent or guardian, as appropriate, notifies the school administration that the student will assert a gender identity that differs from previous representations or records, the school will begin treating the student consistent with the student's gender identity. Under Title IX, there is no medical diagnosis or treatment requirement that students must meet as a prerequisite to being treated consistent with their gender identity.⁶ Because transgender students often are unable to obtain identification documents that reflect their gender identity (*e.g.*, due to restrictions imposed by state or local law in their place of birth or residence),⁷ requiring students to produce such identification documents in order to treat them consistent with their gender identity may violate Title IX when doing so has the practical effect of limiting or denying students equal access to an educational program or activity.

A school's Title IX obligation to ensure nondiscrimination on the basis of sex requires schools to provide transgender students equal access to educational programs and activities even in circumstances in which other students, parents, or community members raise objections or concerns. As is consistently recognized in civil rights cases, the desire to accommodate others' discomfort cannot justify a policy that singles out and disadvantages a particular class of students.

Students' Bill of Rights

The State University of New York and Finger Lakes Community College are committed to providing options, support and assistance to victims/survivors of sexual assault, domestic violence, dating violence, and/or stalking to ensure that they can continue to participate in College and campus programs, activities, and employment. All victims/survivors of these crimes and violations, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, have the following rights, regardless of whether the crime or violation occurs on campus, off campus or while studying abroad:

All students have the right to:

- 1) Make a report to local law enforcement and/or state police;
- 2) Have disclosures of domestic violence, dating violence, stalking and sexual assault treated seriously;
- 3) Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure from the institution;
- 4) Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- 5) Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
- 6) Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
- 7) Describe the incident to as few institutional representatives as practicable and not to be required to unnecessarily repeat the description of the incident;
- 8) Be free from retaliation by the institution, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;

- 9) Access to at least one level of appeal of a determination;
- 10) Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process;
- 11) Exercise civil rights and practice of religion without interference by the investigation, criminal justice, or judicial or conduct process to the institution

Scope

Who:

These procedures apply to all members of the FLCC community, including students, faculty, staff, visitors, independent contractors, and other third parties who are on campus and involved in an incident of sexual misconduct (this can be someone who witnessed an incident or who wishes to report an incident on behalf of another). These procedures apply to these parties regardless of sexual orientation or gender identity. As with all parts of the Student Code of Conduct, the tenets herein apply to students beginning at the time they register/are registered for their first class. They apply to students during academic terms for which they are enrolled, during breaks between terms for which they are registered (including summer), during college holidays and vacations, and during periods of suspension.

What:

These procedures prohibit all forms of sexual misconduct. This broad term includes, but is not limited to, acts of sexual harassment, sexual violence, sexual coercion, sexual threats or intimidation, domestic violence, dating violence, sexual assault, stalking, and cyber-stalking. Please refer to the Definitions section for a list of terms and prohibited acts.

Where:

These procedures cover conduct that takes place on college property. This includes any building or property owned or controlled by FLCC and used in direct support of, or in a manner related to, the institution's educational purposes, including public property within or immediately adjacent to and accessible from campus. These procedures also cover conduct that takes place off-campus that may have a nexus to the college community.

Programs:

These procedures cover all educational, extracurricular, athletic, or other campus programs.

Evidentiary Standard:

The standard of proof in sexual misconduct cases is preponderance of evidence, which asks whether it is "more likely than not" that the sexual misconduct occurred.

Activities:

These procedures cover all campus and college-related activities, including, but not limited to, student organizations (academic, multicultural, religious, service, social and support, sports and recreational), community organizations with student and/or faculty participation, and all other educational or extracurricular events hosted by or at the college.

Relationships:

These procedures cover sexual misconduct occurring between individuals in various types of relationships. These include, but are not limited to, student to student, faculty member to student, staff to student, supervisor to subordinate, and coach to student athlete. Sexual misconduct may be acts committed by an individual or collective actions committed by members of a group or organization. These acts may be committed against an individual or against a group or organization. These acts may be committed by a stranger, an acquaintance, or

someone with whom the victim has a social, romantic, or intimate relationship. These acts may be committed by or against any individual, regardless of sexual orientation or gender identity.

Confidentiality:

The College is committed to maintaining the privacy of all individuals involved in a report of sexual misconduct. While the College encourages victims to report an incident of sexual misconduct, there are options available for students to speak with someone about what happened while maintaining confidentiality. Please see the following sections on Options for Confidentially Disclosing Sexual Violence for more information on confidentiality.

Definitions

Affirmative Consent:

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

Consent may be initially given but withdrawn at any time. When consent is withdrawn or can no longer be given, sexual activity must stop.

Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

Non-consent:

- Consent cannot be given when it is the result of coercion, intimidation, force or threat of harm;
- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act;
- Consent cannot be given when a person is incapacitated which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if any individual otherwise cannot consent.

Gender Identity:

Gender identify refers to an individual's internal sense of gender. A person's gender identify may be different from or the same as the person's sex assigned at birth.

Sex Assigned at Birth:

Sex assigned at birth to the sex designation recorded on an infant's birth certificate should such a record be provided at birth.

Sex discrimination:

All forms of sexual harassment, sexual assault, and other sexual violence by employees, students, or third parties against employees, students, or third parties. Students, employees, and third parties are prohibited from harassing others whether or not the harassment occurs on the FLCC campus or whether it occurs during work hours. Sex discrimination can be carried out by other students, college employees, or third parties. All acts of sex discrimination, including sexual harassment and sexual violence, are prohibited by Title IX.

Sexual Assault:

A physical sexual act or acts committed against another person without consent. Sexual assault is an extreme form of sexual harassment. Sexual assault includes what is commonly known as “rape” (including what is commonly called “date rape” and “acquaintance rape”), statutory rape and incest. For statutory rape, the age of consent in New York State is 17 years old.

Sexual Harassment:

Unwelcome, sexual, sex-based and/or gender-based, verbal, written, online and/or physical conduct that is sexual in nature and sufficiently severe, persistent, or pervasive that it unreasonably interferes with, denies, or limits someone’s ability to participate in or benefit from the College’s educational program and/or activities, and is based on power differentials, the creation of a hostile environment, or retaliation. Examples of sexual harassment include, but are not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that expressly or implicitly imposes conditions upon, threatens, interferes with, or creates a severe, pervasive and objectively offensive environment that interferes with or limits a student’s ability to participate in or benefit from the College’s program.

Sexual Violence:

Physical sexual acts perpetrated against a person’s will or perpetrated where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

Transgender:

Transgender describes those individuals whose gender identity is different from the sex they were assigned at birth. A transgender male is someone who identifies as male but was assigned the sex of female at birth; a transgender female is someone who identifies as female but was assigned the sex of male at birth.

Dating Violence:

Any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the victim’s statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.

Domestic Violence:

Any violent crime committed by a current or former spouse or intimate partner of the victim, a person sharing a child with the victim, or a person cohabitating with the victim as a spouse or intimate partner.

Stalking:

Intentionally engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear for his or her safety or the safety of others or cause that person to suffer substantial emotional damage. Examples include, but are not limited to, two or more acts by which the stalker directly, indirectly, or through third parties follows, monitors, observes, surveils, threatens, or communicates about a person or interferes with his or her property.

Retaliation:

Adverse action against another person for reporting a violation or for participating in any way in the investigation or conduct process. Retaliation includes harassment and intimidation, including but not limited to violence, threats of violence, property destruction, adverse educational or employment consequences, and bullying.

Victim/survivor:

A person who suffers personal, physical, or psychological injury.

Non-professional counselors and advocates:

Campus support resources that are not privileged or confidential. These individuals are not required to reveal personally identifiable information about a reporting individual/victim/survivor to the Title IX Co-Coordinators, Clery Coordinator, or anyone else on campus. They are required to report aggregate data to the Title IX Co-Coordinators, including nature, date, time, and general location of the incident.

Options for Confidentially Disclosing Sexual Violence

The State University of New York and FLCC want you to get the information and support you need regardless of whether you would like to move forward with a report of sexual violence to campus officials or to police. You may want to talk with someone about something you observed or experienced, even if you are not sure that the behavior constitutes sexual violence. A conversation where questions can be answered is far superior to keeping something to yourself. Confidentiality varies, and this document is aimed at helping you understand how confidentiality applies to different resources that may be available to you.

In this Policy:

- Privileged and Confidential Resources.
- Non-Professional Counselors and Advocates.
- Privacy versus Confidentiality.
- Requesting Confidentiality: How **FLCC** Will Weigh the Request and Respond.
- Public Awareness/Advocacy Events.
- Anonymous Disclosure.
- Institutional Crime Reporting.

Privileged and Confidential Resources:

Individuals who are *confidential* resources will not report crimes to law enforcement or college officials without your permission, except for extreme circumstances, such as a health and/or safety emergency. At FLCC, this includes:

- FLCC licensed medical professionals or supervised interns when they are engaged in a physician/patient relationship: Student Health Services. 585-785-1297, Room D312, <http://www.flcc.edu/studenthealth/> (confidential unless child abuse is disclosed)

Off-campus options to disclose sexual violence *confidentially* include (note that these outside options do not provide any information to the campus):

- Off-campus counselors and advocates. Crisis services offices will generally maintain confidentiality unless you request disclosure and sign a consent or waiver form. More information on an agency's policies on confidentiality may be obtained directly from the agency.
 - [Safe Harbors of the Finger Lakes](#)
Hotlines: Seneca & Ontario Counties: 800.247.7273
Yates County: 315.536.2897
 - [Victim Resource Center of the Finger Lakes](#)
Hotline: 866.343.8808
 - [New York State Office for the Prevention of Domestic Violence](#)

- Hotline: 800.942.6906
 - More resources can also be found at <http://nyscasa.org/>.
 - FF Thompson Hospital emergency room-Sexual Assault Nurse Examiner (SANE) available 24 hours/day. 350 Parrish St., Canandaigua, NY 14424. 585.396.6000
 - Newark-Wayne Community Hospital has a SANE nurse on call (not always in the hospital). Students should go to the emergency room, and the staff will contact the SANE nurse, as well as offer the student an advocate from the Wayne county Victim Resource Center. 1200 Driving Park Ave., Newark, NY 14513. 315.332.2022
- Off-campus healthcare providers
 - Note that medical office and insurance billing practices may reveal information to the insurance policyholder, including medication and/or examinations paid for or administered. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency compensation. More information may be found here: http://www.ovs.ny.gov/files/ovs_rights_of_cv_booklet.pdf, or by calling 1-800-247-8035. Options are explained here: <http://www.ovs.ny.gov/helpforcrimevictims.html>.

Note that even individuals who can typically maintain confidentiality are subject to exceptions under the law, including when an individual is a threat to him or herself or others and the mandatory reporting of child abuse.

Non-Professional Counselors and Advocates:

Non-professional counselors and advocates can also assist you without sharing information that could identify you. At FLCC, this includes **most staff members** in the [Educational Planning and Career Services Office](#) (Room 1121, 585.785.1268, or eduplanning@flcc.edu), as well as the EOP Counselor and Assistant Director of Academic Success and Access Programs (3rd floor of the Library or 585.785.1389.) It also includes the Campus Center Administrators and Campus Center Specialists at each campus center.

- Wayne Co. Campus Center – Administrator: 315.331.9098, ext. 305, Specialist: 315.331.9098, ext. 304
- Geneva Campus Center – Administrator: 315.789.6701, ext. 6002, Specialist: 315.789.6701, ext. 6014
- Victor Campus Center – Administrator: 585.785.1108, Specialist: 585-785-1114

These individuals will report the nature, date, time, and general location of an incident to FLCC's Title IX Co-Coordinators, but will consult with you to ensure no personally identifying details are shared without your consent. These individuals are not considered confidential resources as discussed above.

Privacy versus Confidentiality:

Even FLCC offices and employees who cannot guarantee *confidentiality* will maintain your *privacy* to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Co-Coordinators or designee, who is responsible under the law for tracking patterns and spotting systemic issues. FLCC will limit the disclosure as much as possible, even if the Title IX Co-Coordinators determines that the request for confidentiality cannot be honored.

Requesting Confidentiality: How FLCC Will Weigh the Request and Respond:

If you disclose an incident to an FLCC employee who is responsible for responding to or reporting sexual

violence or sexual harassment, but wish to maintain confidentiality or do not consent to the institution's request to initiate an investigation, the Title IX Co-Coordinator must weigh your request against our obligation to provide a safe, non-discriminatory environment for all members of our community, including you.

The College may not require a reporting individual/victim to participate in any investigation or conduct proceeding. Because the College is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the College to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices. If the College determines that it can respect a reporting individual's/victim's request for confidentiality, the College will also take immediate action as necessary to protect and assist the reporting individual/victim.

We will assist you with academic, housing, ~~transportation~~, employment, and other reasonable and available accommodations regardless of your reporting choices. While victims/survivors/reporting individuals may request accommodations through several college offices, the following office can serve as a primary point of contact to assist with these measures - Community Standards Office, 585-785-1211, Room 1125. We also may take proactive steps, such as training or awareness efforts, to combat sexual violence in a general way that does not identify you or the situation you disclosed.

We may seek consent from you prior to conducting an investigation. You may decline to consent to an investigation, and that determination will be honored unless FLCC's failure to act does not adequately mitigate the risk of harm to you or other members of the College community. Honoring your request may limit our ability to meaningfully investigate and pursue conduct action against an accused individual. If we determine that an investigation is required, we will notify you and take immediate action as necessary to protect and assist you.

When you disclose an incident to someone who is responsible for responding to or reporting sexual violence or sexual harassment, but wish to maintain confidentiality, FLCC will consider many factors to determine whether to proceed despite that request. These factors include, but are not limited to:

- Whether the accused has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation, such as a situation that previously involved sustained stalking,
- the increased risk that the accused will commit additional acts of violence;
- Whether the accused used a weapon or force;
- Whether the reporting individual is a minor; and
- Whether we possess other means to obtain evidence such as security footage, and whether the report reveals a pattern of perpetration at a given location or by a particular group.

If the College determines that it must move forward with an investigation, the reporting individual or victim/survivor will be notified and the College will take immediate action as necessary to protect and assist them.

Public Awareness/Advocacy Events:

If you disclose a situation through a public awareness event such as "Take Back the Night," candle light vigils, protests, or other public event, the College is not obligated to begin an investigation. FLCC may use the information you provide to inform the need for additional education and prevention efforts.

Anonymous Disclosure:

- Anonymously via an internet anonymous reporting system:
<http://www.flcc.edu/offices/safety/silent.cfm> ;
- The Hotline is for crisis intervention, resources and referrals and is not a reporting mechanism.
New York State Hotline for Sexual Assault and Domestic Violence: 1-800-942-6906

Institutional Crime Reporting:

Reports of certain crimes occurring in certain geographic locations will be included in the FLCC Clery Act Annual Security Report in an anonymized manner that neither identifies the specifics of the crime or the identity of the reporting individual or victim/survivor. Contacts: Campus Safety Office, 585-785-1900, Title IX Co- Coordinators – Jason Lanker, Director of Community Standards, Community Standards Office, 585-785-1211, Room 1125; Catherine Burns, Human Resources Compliance Coordinator, Human Resources Office, 585-785-1466, Room B140A.

FLCC is obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees (subject to exceptions when potentially compromising law enforcement efforts and when the warning itself could potentially identify the reporting individual or victim/survivor). A victim/survivor/reporting individual will never be identified in a timely warning.

The Family Educational Rights and Privacy Act allows institutions to share information with parents when (1) there is a health or safety emergency, or (2) when the student is a dependent on either parents' prior year federal income tax return. Generally, FLCC will not share information about a report of sexual violence with parents without the permission of the victim/survivor/reporting individual.

Sexual Violence Response Policy

In accordance with the Students' Bill of Rights, reporting individuals shall have the right to pursue more than one of the options below at the same time, or to choose not to participate in any of the options below:

I. Reporting:

- To disclose *confidentially* the incident to one of the following college officials, who by law may maintain confidentiality, and can assist in obtaining services (more information on confidential report is available in the Options for Confidentially Disclosing Sexual Violence Policy on page 32.
 - Anonymously via an internet reporting system:
<http://www.flcc.edu/offices/safety/silent.cfm> ;
 - Student Health Services, Room D312, 585-785-1297 (confidential unless child abuse is disclosed)
- To disclose *confidentially* the incident and obtain services from the New York State, New York City or county hotlines: <http://www.opdv.ny.gov/help/dvhotlines.html>. Additional disclosure and assistance options are catalogued by the Office for the Prevention of Domestic Violence and presented in several languages: <http://www.opdv.ny.gov/help/index.html> (or by calling 1-800-942-6906), and assistance can also be obtained through:
 - SurvJustice: <http://survjustice.org/services>;
 - Legal Momentum: <https://www.legalmomentum.org/>;
 - NYSCASA: <http://nyscasa.org>
 - NYSCADV: <http://www.nyscadv.org/>;
 - Pandora's Project: <http://www.pandys.org/lgbtsurvivors.html>;
 - GLBTQ Domestic Violence Project: <http://www.glbtqdv.org/>; and
 - RAINN: <https://www.rainn.org/get-help>.

- Safe Horizons: <http://www.safehorizon.org/>.
(note that these hotlines are for crisis intervention, resources, and referrals, and are not reporting mechanisms, meaning that disclosure on a call to a hotline does not provide any information to the campus. Reporting individuals are encouraged to additionally contact a campus confidential or private resource so that the campus can take appropriate action in these cases).
- To disclose the incident to one of the following college officials who can offer *privacy* and can provide information about remedies, accommodations, evidence preservation, and how to obtain resources. Those officials will also provide the information contained in the Students' Bill of Rights, including the right to choose when and where to report, to be protected by the institution from retaliation, and to receive assistance and resources from the institution. (These college officials will disclose that they are private and not confidential resources, and they may still be required by law and college policy to inform one or more college officials about the incident, including but not limited to the Title IX Co-Coordinators. They will notify reporting individuals that the criminal justice process uses different standards of proof and evidence than internal procedures, and questions about the penal law or criminal process should be directed to law enforcement or district attorney:
 - Title IX Co-Coordinators –
 - Jason Lanker, 585-785-1554, Room 1125, Jason.Lanker@flcc.edu
 - Catherine Burns, 585-785-1466, Room B140A, Catherine.Burns@flcc.edu
 - Campus Safety – 585-785-1900 24hrs/day (911 for emergencies), Room 2202; and
 - Office of Community Standards – 585-785-1211, Room 1125.
- To file a criminal complaint with Campus Safety and/or with local law enforcement and/or the state police:
 - Campus Safety – 585-785-1900 (911 for emergencies), Room 2202
 - Ontario County Sherriff's Office – 1-800-394-4560 (911 for emergencies), 74 Ontario St. Canandaigua, NY 14424
 - New York State Police Troop E Headquarters Crime Victim Specialist 1569 Rochester Road, Canandaigua, NY 14425, 585-398-3200 (911 for emergencies)
 - State police 24-hour hotline to report sexual assault on a NY college campus: 1-844-845-7269.
- To receive assistance by FLCC Campus Safety in initiating legal proceedings in family court or civil court.
- To file a report of sexual assault, domestic violence, dating violence, and/or stalking, and/or talk to the Title IX Co-Coordinators for information and assistance. Reports will be investigated in accordance with FLCC policy and the reporting individual's identity shall remain private at all times if said reporting individual wishes to maintain privacy. If a reporting individual wishes to keep his/her identity anonymous, he or she may call the Educational Planning and Career Services Office (585-785-1268) anonymously to discuss the situation and available options with a Student Services Counselor (see page 33 for more information).
- When the accused is an employee, a reporting individual may also report the incident to the Office of Human Resources or may request that one of the above referenced confidential or private employees assist in reporting to Human Resources. Disciplinary proceedings will be conducted in accordance with applicable collective bargaining agreements. When the accused is an employee of an affiliated entity or vendor of the college, college officials will, at the request of the reporting individual, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and college policy. Human Resources Office – 585-785-1428, Room B140
 - You may withdraw your complaint or involvement from the FLCC process at anytime.
 - Every college shall ensure, at a minimum, at the first instance of disclosure by a reporting individual to a college representative, the following information shall be presented to the reporting individual: "You have the right to make a report to Campus Safety, local law enforcement, and/or State Police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution."

II. Resources:

- To obtain effective intervention services.
 - Educational Planning and Career Services Office (585-785-1268), eduplanning@flcc.edu (Services free to students) If victim/survivor/reporting individual wishes to keep his/her identity private, he or she may anonymously discuss the situation and available options with a Student Services Counselor (see page 33 for more information):
 - The Campus Center Administrators at each campus center.
 - Wayne Co. Campus Center – 315.331.9098, x305
 - Geneva Campus Center – 315.789.6701 ext. 6002
 - Victor Campus Center – 585.785.1108
 - Student Health Services, Room D312, 585-785-1297. (Services free to students). Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Testing for STIs and emergency contraception is not available. (contact your health care provider or the following resources)
 - Geneva Community Health, 601 W. Washington St., Geneva, NY (sliding scale fee is available & Ontario County subsidy if qualify). Call (315) 781-8448. Visit: <http://flchealth.org/locations/geneva-community-health>
 - Planned Parenthood of the Rochester/Syracuse region (financial assistance is available). Call 1-866-600-6886. Visit: <http://www.plannedparenthood.org/health-center>
 - Rushville Health Center, 2 Rubin Drive, Rushville, NY (sliding scale fee is available & Ontario County subsidy if qualify). Call (585) 554-6824. Visit: <http://rpcn.org>
 - Other applicable available on- and off-campus centers and services, and their addresses, phone numbers, and web sites can be found at: <http://flchealth.org/locations/>; and <http://rpcn.org/>
 - Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (commonly referred to as a rape kit) at a hospital. While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus and, in some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. More information may be found here: http://www.ovs.ny.gov/files/ovs_rights_of_cv_booklet.pdf, or by calling 1-800-247- 8035. Options are explained here: <http://www.ovs.ny.gov/helpforcrimevictims.html>.
 - To best preserve evidence, victims/survivors should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed.

III. Protection and Accommodations:

The College is firmly committed to a policy that encourages timely disclosure of sexual misconduct. Any person, who, in good faith, reports sexual misconduct will be protected from retaliation (defined as an adverse action against another person for reporting a violation or for participating in any way in the investigation or conduct process.) Retaliation includes harassment and intimidation, including but not limited to violence, threats of violence, property destruction, adverse educational or employment consequences, and bullying.

- When the accused is a student, to have the college issue a “No Contact Order,” consistent with college policy and procedure, meaning that continuing to contact the protected individual is a violation of college policy subject to additional conduct charges; if the accused and a protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person. Both the accused/respondent and reporting individual may request a prompt review of the need for and terms of a No Contact Order, consistent with FLCC procedures (page 18.) Parties may submit evidence in support of their request.
- To have assistance from Campus Safety or other college officials in initiating legal proceedings in family court or civil court, including but not limited to obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order.
- To receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with a college official who can explain the order and answer questions about it, including information from the Order about the accused’s responsibility to stay away from the protected person(s); that burden does not rest on the protected person(s).
- To an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension.
- To have assistance from Campus Safety in effecting an arrest when an individual violates an Order of Protection or, if outside of New York State, an equivalent protective or restraining order within the jurisdiction of Campus Safety or, if outside of the jurisdiction of Campus Safety, to call on and assist local law enforcement in effecting an arrest for violating such an order.
- When the accused is a student and presents a continuing threat to the health and safety of the community, to have the accused subject to interim suspension pending the outcome of a conduct process. Parties may request a prompt review of the need for and terms of an interim suspension (page 18.)
- When the accused is not a student but is a member of the college community and presents a continuing threat to the health and safety of the community, to subject the accused to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and FLCC policies and rules.
- When the accused is not a member of the college community, to have assistance from Campus Safety or other college officials in obtaining a persona non grata letter, subject to legal requirements and college policy.
- To obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation, or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment. Parties may request a prompt review of the need for and terms of any interim measures and accommodations that directly affect them. While reporting individuals may request accommodations through any of the offices referenced in this policy, the following office can serve as a point to assist with these measures:
 - Community Standards Office, 585-785-1211, Room 1125

IV. Student Conduct Process:

- To request that student conduct charges be filed against the accused. Conduct proceedings are governed by the procedures set forth in the Student Code of Conduct (<http://www.flcc.edu/pdf/judicialaffairs/StudentCodeofConduct.pdf>) as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.
- Throughout conduct proceedings, the respondent and the reporting individual will have:
 - The same opportunity to be accompanied by an advisor of their choice who may assist and advise the parties throughout the conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Conduct;
 - The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is “not responsible” until a finding of responsibility is made, and other issues related to sexual assault, domestic violence, dating violence, and stalking.
 - The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.
 - The right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions.
 - The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.
 - The right to offer evidence during an investigation and to review available relevant evidence in the case file (or otherwise held by the College). To schedule a review and/or offer evidence the respondent/reporting individual should contact the Director of Community Standards – room 1125 Student Center or 585-785-1211.
 - The right to present evidence and testimony at a hearing, where applicable.
 - The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.
 - The right to exclude prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis or treatment from admittance in college disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.
 - The right to ask questions of the decision maker and via the decision maker indirectly request responses from other parties and any other witnesses present.
 - The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
 - The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanctions, and the rationale for the decision and any sanctions.
 - The right to written or electronic notice about the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.
 - Institutional Complaints: Under the Student Conduct Process, the penalties for other violations may include, but are not limited to: written warning, no contact orders, conduct probation, suspension, dismissal, and/or permanent transcript notation
 - Criminal Complaints: The complaint may result in criminal penalties, such as fines,

- community service, probation, jail sentence, or registration as a sex offender with the NYS or federal data bases
- Access to at least one level of appeal of a determination before a panel, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest.
- The right to have access to a full and fair record of a student conduct hearing, which shall be preserved and maintained for at least five years.
 - Contact: Community Standards Office, 585-785-1211, Room 1125
- The right to choose whether to disclose or discuss the outcome of a conduct hearing.
- The right to have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

Investigation & Adjudication Procedures

FLCC will conduct a timely review of all complaints of sexual misconduct. Absent extenuating circumstances, review and resolution is expected to take place within sixty (60) calendar days from receipt of the complaint. All deadlines and time frames may be extended for good cause as determined by the designated investigator(s). Both the respondent and the reporting individual will be notified in writing of the delay, the reason for delay, and provided the date of the new deadline or anticipated timeframe. Extensions requested by one party will not be longer than five College business days.

1. Following the College becoming aware of an alleged incident(s) of sexual misconduct, an individual or individuals will be designated by the Title IX Co-Coordinators to investigate the incident(s). Investigation are informal but prompt and thorough, affording all parties equitable rights, including the respondent(s), reporting individual(s) and any relevant witnesses, an opportunity to provide statements, information, and documentation regarding the incident(s). If the respondent is a college employee, the individual's supervisor will be notified of the behavior and the employee will be instructed to cease the behavior immediately. The Human Resources Office will be notified of the complaint. This stage of the process will usually be completed within five days from receipt of the complaint.
2. The investigator(s) will attempt to meet individually with the respondent(s), reporting individual(s), and any relevant witnesses. Students will be delivered letters, for which they must sign, at their classes or using certified letters via the United States Postal Service. These letters will schedule students for a procedural review with the investigator(s). The College's desire to immediately stop any harassing behavior may result, at the investigator(s) discretion, in a hold being placed on a respondent's, reporting individual's, or witness' college account and/or no contact orders being issued to respondent(s), reporting individual(s), or witness(es) via these letters. Students charged with sexual misconduct, as defined in this document, will have a hold placed on their account and/or other steps taken (e.g., interim suspension, no contact orders) until such time as the matter is resolved. If students elect not to participate in these procedures the College may, at its sole discretion, proceed, determine results, and issue sanctions if appropriate without the benefit of both parties' input. Such actions do not presume a finding of responsibility or automatically result in sanctions. This stage of the process will usually be completed within ten days from receipt of the complaint, although the interim measures mentioned may be enacted immediately.
3. Procedural reviews are conducted in private. Reporting individuals and respondents may elect to have an advisor accompany them to the procedural review (please see the Supporter section for guidelines and regulations on supporters/advisors.) In cases where an individual involved in the investigation is also a college employee, or when a non-student college employee is involved, a representative from Human Resources may also be present. The purposes of the procedural review will include, 1) notifying individuals that a sexual misconduct investigation is taking place, 2) informing individuals of the college procedures

relative to sexual misconduct, 3) making individuals aware of their ability to report incidents of sexual harassment to other entities (e.g., state and federal agencies, law enforcement, etc.) at any time during the process, and 4) to schedule a time to conduct an interview to discuss the incident(s) of alleged sexual misconduct. Individuals may request that the investigator(s) contact other persons who may have witnessed the alleged incident(s) of harassment at this time or have other pertinent facts about the matter. While an investigator will contact potential witnesses via their college e-mail addresses, witnesses are not obligated to meet with the investigator(s) and it is each individual's responsibility to follow-up with any witnesses to request their participation in the procedures. This stage of the process will usually be completed within twenty-five days from receipt of the complaint.

Note: Individuals may elect to begin their interview immediately following their procedural review, time permitting. Otherwise, a time mutually acceptable to the individual and interviewer(s) will be scheduled within seven college business days. Individuals may request an alternative interviewer(s) during their procedural review as well.

4. Interviews are conducted in private. Reporting individuals and respondents may elect to have an advisor accompany them to the interview (please see the Supporter section for guidelines and limitations on supporters/advisors.) In cases where an individual involved in the investigation is also a college employee, or when a non-student college employee is involved, a representative from Human Resources may also be present. Interviews will be recorded on college-supplied equipment and recordings will be kept according to the records policy found in the Student Code of Conduct. The purposes of the interview will be:
 - a) to allow individuals to present their version of a reported incident(s) of misconduct,
 - b) to present the individual with any additional reported incident(s) of misconduct of which they were not previously aware and allow them to present their version of those incident(s) as well,
 - c) to question individuals regarding reported incident(s,) particularly when facts are in question, and
 - d) to allow individuals to present witnesses and produce other evidence for consideration.

Reporting individuals and respondents do not directly question one another throughout these procedures. The investigator(s) may conduct secondary interviews with involved parties to obtain additional or corroborating information, or to address conflicting reports or specific questions. Reporting individuals and respondents may request interviewers ask specific questions of the other parties. This stage of the process will usually be completed within forty days from receipt of the complaint.

5. Following the conclusion of all interviews and any other elements of an investigation, the investigator(s) shall submit a summary of findings and recommendation(s) for further action to the Associate Vice President of Student Affairs and the College Title IX Co-Coordinators. The Associate Vice President of Student Affairs will also have access to all materials from the investigation including, but not limited to, reports, recordings, written/typed notes, information supplied by witnesses, and other relevant materials and information. This summary will typically be delivered within fifty calendar days of receipt of a report of sexual misconduct. If the complexity of an investigation requires more than fifty calendar days, the investigator(s) will inform all parties involved, the Associate Vice President of Student Affairs, and the College Title IX Co-Coordinators on or before the fifty calendar day and include an estimated time to complete the summary. This stage of the process will usually be completed within fifty days from receipt of the complaint.
6. Within sixty calendar days, the Associate Vice President of Student Affairs shall simultaneously issue a written statement to the reporting individual(s) and respondent(s), indicating what action(s), if any they are taking and any sanctions assigned to students. The action proposed by the Associate Vice President, may consist of:
 - a) A determination that the complaint was not substantiated and the respondent is being found not responsible for violating the Code of Conduct.

- b) A determination that the complaint was substantiated and the respondent is being found responsible for violating the Code of Conduct. If a student is found responsible for sexual misconduct violations, sanctions consistent with the severity of the offense will be imposed and may include, but are not limited to: written warning, no contact orders, conduct probation, suspension, dismissal, and/or permanent transcript notation. By law, for students found responsible for sexual assault,² the available sanctions are suspension with additional requirements and dismissal. These letters shall include a listing of the factual findings for each section of the Code of Conduct that a student was charged with violating and the evidence relied upon to reach each finding.

Appeals

Following receipt of the letters from the Associate Vice President of Student Affairs the reporting individual(s) and respondent(s) will have the opportunity to appeal the finding (responsible or not responsible) and/or the action(s) taken by the Associate Vice President of Student Affairs. Such appeals must be submitted in writing to the Director of Community Standards (or designee) within seven college business days of students signing for their respective letters. Appeals of sexual misconduct complaint outcomes are heard by the Conduct Board and follow the same procedures detailed previously under "Grounds for Appeals" and "Appeal Process for Violations resulting in Suspension, Dismissal, and/or Permanent Transcript Notation." If one party in a sexual misconduct matter appeals, the other party will be informed at the close of the seven day period and given three additional business days to submit an opinion/position paper regarding their perspective on the outcome, e.g., if a respondent appeals, the reporting individual will have the opportunity to comment on the original outcome as well. These opinion/position papers are written without seeing the appeal of the other party.

Supporters

Complainants and reporting individuals are offered the option to have a supporter/advisor accompany them to procedural reviews, interviews, and any other meetings with college officials. In all sexual misconduct matters this supporter may be a member of the college community (defined as currently enrolled student or current employee). In cases involving domestic violence, dating violence, and stalking, and sexual assault complainants and respondents may choose to have someone outside the above definition as a supporter. Upon request, the College will supply the name of a potential supporter from the college community. The student is responsible for contacting the supporter to obtain their approval to serve in this role. The student shall submit the supporter's contact information to the investigator(s) at least three full college business days prior to any meeting. At a student's request a meeting may be postponed for a maximum of three college business days while the student contacts a supporter of their choosing.

A supporter's role is limited. The supporter may:

- a) attend meetings with the student;
- b) speak privately or communicate in writing with the student during meetings; and
- c) request a brief break to speak to the student outside the meeting room. Such requests will be granted at the discretion of the investigator(s).

The supporter cannot:

- a) investigate the Code of Conduct charges outside of the stated conduct procedures;
- b) present the student's case on behalf of the student;

² Sexual assault is defined to be a Code of Conduct violation consistent with the Federal definition of rape adopted by the Department of Education in Final Regulations (<http://www.gpo.gov/fdsys/pkg/FR-2014-10-20/pdf/2014-24284.pdf>, page 62789), from the Uniform Crime Reporting system of the Federal Bureau of Investigations. "The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without

the consent of the victim.” Consent for these purposes is the consent definition in these policies and the legislation.

- c) question and respond to the investigator(s) on behalf of the student during the interview; or
- d) speak to other parties on behalf of the student.

Supporters who do not follow these guidelines will not be allowed to continue in the process with the student. Reporting individuals and respondents are responsible for presenting themselves and their perspectives during sexual misconduct procedures.

Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases

The health and safety of every student at the State University of New York and its State-operated and community colleges is of utmost importance. FLCC recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. FLCC strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to FLCC officials or law enforcement will not be subject to FLCC code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

Prevention Education & Awareness Programs/Trainings

The College has education programs to promote the awareness of rape, acquaintance rape, dating violence, domestic violence, sexual assault, and stalking. These education programs include primary prevention and awareness programs for all incoming students and new employees. Campus Safety and appropriate college administrators attend local, state and national trainings on preventing and addressing sexual violence and improving compliance with existing federal laws. These education programs will include a statement that these crimes are prohibited at the College; definitions of consent, domestic violence, dating violence, sexual assault, and stalking in the College’s jurisdiction; safe and positive bystander intervention when there is a risk of one of those incidents; information on risk reduction to recognize warning signs of abusive behavior and avoiding potential attacks; and information about the institutional conduct procedures. The various programs and trainings offered by the College are described below:

1. ***Prevention Programs:*** These are programs to prevent dating violence, domestic violence, sexual assault, and stalking. The programs are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome. They also consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Examples of prevention programs include:

- Session on health and wellness
- Bystander awareness information
- Continuum of sexual violence information

2. ***Awareness Programs:*** These are community-wide or audience-specific programs, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

Examples of awareness programs include:

- Regional, and/or national speakers on dating

- *Clothesline Project* which educates on topics around violence

3. *Bystander Intervention*: These programs and trainings offer safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. They include recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Examples of prevention programs include:

- Meet your Campus Safety Officers
- Interactive Campus Safety awareness programs around themes of reporting violence, dating, domestic, sexual assault, and stalking
- Program series with an emphasis on mental and physical health
- Alcohol awareness events with Campus Safety

4. *Ongoing Prevention & Awareness Campaigns*: These include programs, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the college and including information provided in campus education programs.

Example of ongoing campaigns addressing rape, dating violence, domestic violence, and sexual assault include:

- “These Hands Don’t Hurt”

5. *Primary Prevention Programs*: These include programs, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

- The Director of Student Health Services provides annual training to Resident Assistants which includes small group discussion, decision-making, and critical thinking regarding the continuum of relationship violence, rape myths, beliefs, intervention opportunities and making referrals
- Approximately 50-70% of all sexual assaults involve alcohol (American College Health Association, 2008). FLCC and the Campus-Community Coalition continue to implement the federal Substance Abuse and Mental Health Administration’s Challenging College Alcohol Abuse (CCAA) model program. This program targets traditional-age students to challenge attitudes, behaviors and misperceptions about alcohol as well as creating an atmosphere of deterrence for underage alcohol use. Visit: www.flcc.edu/studenthealth/coalition.cfm. The Director of Student Health Services continues to implement the Brief Alcohol/Drug Screening and Intervention (BASIC) program for students with alcohol/drug sanctions, to incrementally reduce risk factors for substance abuse, including prevention of sexual assault

6. *Risk Reduction Programs*: These programs present options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

- The Athletics Department facilitates a “Winning with Character” program each year, which contains elements of bystander intervention and the prevention of sexual assault

Resource Agencies:

NYS Division of Human Rights

State Headquarters

NYS Division of Human Rights

One Fordham Plaza, 4th Floor

Bronx, NY 10458

Tel: 718.741.8400

Fax: 718.741.3214

Albany

NYS Division of Human Rights

Empire State Plaza, Corning Tower, 28th Floor

PO Box 2049

Albany, NY 12220

Tel: 518.474.2705

Fax: 518.473.3422

Office of Sexual Harassment

NYS Division of Human Rights

Office of Sexual Harassment

55 Hanson Place, Suite 347

Brooklyn, NY 11217

Tel: 718.722.2060 or 800.427.2773

Fax: 718.722.4525

Office of AIDS Discrimination

NYS Division of Human Rights

Office of AIDS Discrimination

20 Exchange Place, 2nd Floor

New York, NY 10005

Tel: 212.480.2522 or 800.522.4369

Fax: 212.480.0143

United States Department of Labor

Office of Federal Contract Compliance Programs (OFCCP)

201 Varick St., Room 750

New York, NY 10014

Tel: 212.337.2006

Fax: 212.620.7705

OFCCP New York District Office

26 Federal Plaza, Room 36-116

New York, NY 10278-0002

Tel: 212.264.7742

Fax: 212.264.8166

NYS Department of Labor

State Campus, Building 12, Room 500

Albany, NY 12240-0003

Tel: 518.457.2741

Fax: 518.457.6908

U.S. Equal Employment Opportunity Commission

EEOC National Headquarters

131 Main St. NE, 4th Floor, Suite 4NW02F

Washington, DC 20507

Tel: 202.663.4900

Fax: 202.663.4912

EEOC Field Office

6 Fountain Plaza, Suite 350

Buffalo, NY 14202

Tel: 716.551.4441

Fax: 716.551.4387

Office for Civil Rights - OCR National Headquarters

U. S. Department of Education

Office of Civil Rights, Customer Service Team

Mary E. Switzer Building

330 C. Street, S. W.

Washington, DC 20202

Tel: 800.421.3481

Fax: 202.205.9862

Office for Civil Rights, New York Office

75 Park Place, 14th Floor

New York, NY 10007-2146

Tel: 212.637.6466

Fax: 212.264.3803

All Other Complaints and Disputes

All other complaints, charges, or disputes shall be presented to the Associate Vice President of Student Affairs or designee no later than ten college business days after the occurrence. Except in unusual circumstances, all complaints, other than those specified above, must be submitted in writing to the Associate Vice President of Student Affairs or designee, and contain the name of the complainant and a description of the allegations.

The Associate Vice President of Student Affairs or designee may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties involved. If the charges cannot be disposed of by mutual consent, the Associate Vice President of Student Affairs or designee may later serve in the same matter as the hearing officer.

Appendix A: Alcohol and Drug Sanction Listing

Alcohol (Possession/Use/Complicity only)	Alcohol (Sales/Distribution/ Hosting)	Drug (Possession/Use/Complicity Only)	Drug (Sales/Distribution/ Hosting)
<p><u>1st violation</u></p> <ul style="list-style-type: none"> • Written warning • Completion of online drug/alcohol screening <u>AND</u> completion of any related recommendations • Educational assignment 	<p><u>1st violation</u></p> <ul style="list-style-type: none"> • Conduct probation (1-2 semester) • Possible parental notification (if student is under 21 years of age) • Possible off-campus drug/alcohol evaluation <u>AND</u> completion of any related recommendations 	<p><u>1st violation</u></p> <ul style="list-style-type: none"> • Conduct probation (1-2 semesters) • Possible parental notification (if student is under 21 years of age) • Possible off-campus drug/alcohol evaluation <u>AND</u> completion of any related recommendations 	<p><u>1st violation</u></p> <ul style="list-style-type: none"> • Suspension (1-2 semesters) • Possible parental notification (if student is under 21 years of age) <p><u>Note:</u> The sale/distribution of controlled substances may result in interim suspension</p>
<p><u>2nd violation</u></p> <ul style="list-style-type: none"> • Conduct probation (1-2 semester) • Possible parental notification (if student is under 21 years of age) • Possible off-campus drug/alcohol evaluation <u>AND</u> completion of any related recommendations 	<p><u>2nd violation</u></p> <ul style="list-style-type: none"> • Suspension (1-2 semesters) or extended conduct probation • Possible parental notification (if student is under 21 years of age) 	<p><u>2nd violation</u></p> <ul style="list-style-type: none"> • Suspension (1-2 semesters) • Possible parental notification (if student is under 21 years of age) 	<p><u>2nd violation</u></p> <ul style="list-style-type: none"> • Conduct dismissal • Possible parental notification (if student is under 21 years of age) • Possible permanent transcript notation <p><u>Note:</u> The sale/distribution of controlled substances may result in interim suspension</p>
<p><u>3rd violation</u></p> <ul style="list-style-type: none"> • Suspension (1-2 semesters) • Possible parental notification (if student is under 21 years of age) 	<p><u>3rd violation</u></p> <ul style="list-style-type: none"> • Conduct dismissal • Possible parental notification (if student is under 21 years of age) • Possible permanent transcript notation 	<p><u>3rd violation</u></p> <ul style="list-style-type: none"> • Conduct dismissal • Possible parental notification (if student is under 21 years of age) • Possible permanent transcript notation 	

4th violation <ul style="list-style-type: none">• Conduct dismissal• Possible Parental Notification (if student is under 21 years of age)• Possible permanent transcript notation			
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Alcohol (Possession/Use/ Complicity only)	Alcohol (Sales/Distribution/ Hosting)	Drug (Possession/Use Complicity Only)	Drug (Sales/Distribution/ Hosting)
DUI/DWI Offenses – NO property/personal damages (on or off- campus)	DUI/DWI Offenses – WITH property/personal damages (on or off- campus)		
<u>1st violation</u> <ul style="list-style-type: none"> • Conduct probation (1-2 semesters) • Possible parental notification (if student is under 21 years of age) • Possible off-campus drug/alcohol evaluation AND completion of any related recommendations 	<u>1st violation</u> <ul style="list-style-type: none"> • Suspension (1-2 semesters) or Conduct dismissal depending on circumstances • Possible parental notification (if student is under 21 years of age) • Restitution for any campus property damage 		
<u>2nd violation</u> <ul style="list-style-type: none"> • Suspension (1-2 semesters) • Possible parental notification (if student is under 21 years of age) 	<u>2nd violation</u> <ul style="list-style-type: none"> • Conduct dismissal • Possible parental notification (if student is under 21 years of age) • Possible permanent transcript notation • Restitution for any campus property damage 		
<u>3rd violation</u> <ul style="list-style-type: none"> • Conduct dismissal • Possible parental notification (if student is under 21 years of age) • Possible permanent transcript notation 			