



Success. It's In Our Nature.

Student Code of Conduct

Effective Fall 2017-18



Office of Community Standards and Counseling
585.785.1211

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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 (hereinto referred to as “the Code”). The Code outlines the educational processes of the College that address behavior(s) not consistent with its tenets. The Code 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 policies 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 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 & Counseling (Student Center 1155).

Students who have questions about the Student Code of Conduct are encouraged to contact the Director of Community Standards and Counseling 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 the Student Academic Grievance policy.

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 participate in an internship and a practicum 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 Code 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 and Counseling.

Conduct officers in this process typically include, but are not limited to, the Director of Community Standards and Counseling, 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 President of the College may also serve as a Conduct Officer for certain types of appeals. 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. If at any time there is a vacancy in one of the hearing officers, the position's supervisor will assume the role for the consistency of the process.

STATEMENT OF JURISDICTION

This Code applies to all students and student organizations of Finger Lakes Community College. The Code 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 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

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).

ANTI DISCRIMINATION STATEMENT

Finger Lakes Community College does not discriminate against any employee, applicant for employment, student or applicant for admission based on an individual's race, color, national origin, religion, creed, age, disability, sex, gender identification, gender expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, veteran status, domestic violence victim status, criminal conviction or any other category protected by law. The College adheres to all federal and state civil rights laws prohibiting discrimination in public institutions of higher education.

Inquiries regarding the application of Civil Rights may be directed to the Civil Rights Compliance Officer, Grace Loomis, Director of Human Resources, Room 1350, 585-785-1451, grace.loomis@flcc.edu or Title IX Co- Coordinators: Jason Lanker, Director of Community Standards, Room 1155, 585-785-1554, Jason.Lanker@flcc.edu or Catherine Burns, Human Resources Compliance Coordinator, Room 1341, 585-785-1466, Catherine.Burns@flcc.edu; at Finger Lakes Community College; 3325 Marvin Sands Drive, Canandaigua, NY 14424. 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, or contact the NYS Division of Human Rights Offices <http://www.dhr.ny.gov/>, One Monroe Avenue, Suite 308, Rochester, NY 14607; Tel. 585-238-8250; or email InfoRochester@dhr.ny.gov.

Retaliation is prohibited against any person who files a charge of discrimination, participates in an OFCCP proceeding or otherwise opposes discrimination under state or federal law.

Reason for Policy This policy is in compliance with Federal and State anti-discrimination laws.

Applicability of the Policy The policy applies to all College employees and students. College employee matters will be resolved under the procedure described in the document; Procedures: Harassment and Discrimination Prevention Guidelines for Employees. Student conduct issues will be resolved under the procedure described in

the Student Code of Conduct or Sexual Misconduct & Discrimination policies.

STANDARD OF EVIDENCE

The standard of evidence used to determine responsibility is preponderance of evidence which means more likely than not. This burden of proof is different than beyond a reasonable doubt and the technical rules of evidence applicable to civil and criminal procedures.

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

Rights under the Code of Conduct

Hearing

The accused student has the right to a hearing. This will typically be the director of community standards and counseling, but may also be his/her designee that conducts the investigation and hearing.

Witnesses and Evidence

The accused student and the accuser have the right to call witnesses. The conduct officer shall determine how many and who can testify in a hearing. The accused and accuser may also enter into record, evidence that is relevant to the case. This may include testimony, statements, photographs, and other evidence which is deemed relevant by the conduct officer.

Right to Not Respond

The accused, accuser or witnesses have the right during a hearing, or investigation, to not respond to questioning during the process.

Right to an advocate

The accused student has the right to an advocate to be with them during the investigation process and/or hearing. The advocate can be someone of the accused's choosing who affiliated with the Institution and is usually a faculty, staff, or student. Non-FLCC affiliated advocates may be allowed at the sole discretion of the conduct officer. The role of the advocate is to be supportive and give consultations to the accused. The advocate may not speak during the hearing. Only in Sexual Misconduct cases may an advocate be an attorney.

Right to Appeal

All students found responsible and sanctioned to more than a warning, are eligible to appeal the decision and/or the sanctions.

STANDARDS OF CONDUCT – RULES & REGULATIONS

Filing a Complaint

Any person (a complainant) may file a complaint alleging a violation of the Code by a student. The complaint must be delivered to the Director of Community Standards and Counseling within 30 days of when evidence comes to light regarding the alleged violation. Following receipt of a complaint, the Director of Community Standards or Counseling (or designee) will evaluate whether the complaint has merit. It is unlikely a complainant 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 Code.

While the College does not condone violations of the Code or state and federal laws, the College may take into consideration actions of students who act as "Good Samaritans" by reducing, or not charging a Code violation for 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, or intervenes in life-threatening situations, 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. This may also apply to a life threatening situation that may have been caused by the person themselves above and beyond the use of alcohol and drugs.

A student who has been charged with a violation of the 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. Sexual Misconduct cases may still be adjudicated without the student present.

PROHIBITED CONDUCT

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

II. Dishonest Conduct

Dishonest conduct, including but not limited to, knowingly reporting a false emergency, knowingly making false accusation of misconduct; misuse or falsification of College or related documents by actions such as forgery, alteration or improper transfer of documents; or submission of information known by the submitter to be false to a university official.

III. 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 selling of 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.

All 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.

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.

- 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. 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

VI. Gambling or solicitation on campus

Students may not use college property for any activity prohibited by federal, state, local law or the 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.

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

- 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

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

- 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

IX. 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.

X. 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).

XI. 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.

XII. 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.

XIII. Failure to Comply

Failure to comply with any lawful order or directive of any college official acting pursuant to their duties is prohibited.

XIV. 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.

XV. 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).

XVI. 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 result in 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

XVII. 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.

XVIII. 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)

XIX. 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. Sanction 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. Students will be notified of this decision within 24 hours by e-mail. Immediate decisions like interim suspensions, suspensions, or dismissals may be delivered via hand delivery or by a method deemed reasonable by the Director of Community Standards and Counseling, the AVP of Student Affairs or the Provost, Vice President of Academic & Student Affairs and/or President. The most common sanctions are defined below and any additional sanctions, if appropriate, will be defined in the 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. 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

E. 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.

F. 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.

G. 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.

H. 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, and 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.

I. 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.

J. Interim Suspension

The Director of Community Standards and Counseling, 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 and Counseling 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 and Counseling 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 and Counseling, 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 and Counseling, 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 and Counseling, or designee, may continue the interim suspension.

K. 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 receive sanctions.

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.

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.

- 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.

L. 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 Code 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 Code of 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 re-enroll at the College.

Hearing Proceedings:

The first step to any hearing is a meeting with the accused is to review the alleged incident(s), provide an explanation of the conduct process, and discuss the student's, or student organizations, alleged involvement in the incident, and review the sanction section of the Code. The meeting will be conducted in private with the Conduct Officer and involved student(s), or authorized representative of the organization only. At the conclusion of the meeting, the student will be asked to sign off that s/he has received the overview of the process and been afforded the opportunity to ask questions about the process.

If the potential for suspension, dismissal, and/or permanent transcript notation is a potential outcome, the Director of Community Standards and Counseling, or designee, in consultation with the Associate Vice President of Student Affairs, or designee, shall advise the student or student organization during the meeting of this potential sanction.

If a student or student organization (through an authorized student representative) fails to schedule or appear at the initial meeting following proper written notification, the Director of Community Standards and Counseling 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 initial meeting, the student or student organization shall have the option to begin the

hearing of the case at that time, or schedule a hearing within three business days of the initial meeting. The conduct officer may also delay the start of a hearing at his/her discretion. The hearing shall be electronically recorded and saved on the College server according to the records policy. Upon conclusion of the hearing the student or student organization receive written notification of the decision via a sanction letter stating whether they are being found responsible for violating the Code, 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 and a time frame of not less than five college business 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, will be upheld.

Appeal/Review Procedures

For 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 and Counseling in the case of interim suspensions). Requests for review should include any/all available supporting documentation/evidence/information and be delivered to the Community Standards and Counseling Office, room 1155 Student Center, or electronically at their e-mail address, or by another individual if student is 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 and should speak to one, or more of the outlined reasons below. An appeal is **not a rehearing of the original case**. Requests for appeal must be received by the Director of Community Standards and Counseling by the deadline date(s) mentioned in the student's letters. Students should base their appeal on one or more 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

The appeal must be in writing and must be delivered to the Director of Community Standards and Counseling , e 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 and Counseling or designee. Exemptions to this procedure may be requested from the Associate Vice President for Student Affairs.
- 2) The appeal process will consist of a review of the records of the conduct hearing and the supporting documents, as well as the student, or authorized representative of a student organization, and/or any witnesses meeting with the Appeals Board. 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.
- 3) The student will be notified in writing of the Appeals Board's decision within five College business days following their meeting.
- 4) If the appeal is denied, the original sanctions imposed may be upheld or reduced.
- 5) If a student or student organization (through an authorized student representative) fails to appear at an appeal meeting following proper written notification, Appeal 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.
- 6) Appeal meetings may be rescheduled at the discretion of the Director of Community Standards & Counseling.
- 7) Students are limited to one appeal for each conduct hearing.
- 8) The Appeal Boards decision is final. Except in cases where students have been suspended or dismissed from the Institution.
- 9) In cases where the student has been suspended or dismissed form the Institution the student may appeal to the President of the College within five business days of the Appeal Board's decision being received. The appeal to the President should outline, using the same grounds for appeal as above, the student's case and should be received by the Director of Community Standards & Counseling either in person or electronically.
- 10) The appeal process will consist of a review of the records of the conduct hearing and the supporting documents, as well as the student, or authorized representative of a student organization, and/or any witnesses meeting with the President at his/her discretion. 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 President shall have five college business days from the time of the request to supply the recording.

- 11) The student will be notified in writing of the President's decision within five College business days following their meeting. The President's decision is final.

CONDUCT FILES AND RECORDS

1) Written/Printed/pdf Materials

All written/printed/pdf conduct records, files, and hearing information for cases which result in sanctions below suspension, dismissal, or permanent transcription notations are maintained by the Office of Community Standards and Counseling for a minimum of seven years. For those cases resulting in suspension, dismissal, or permanent transcript notations, the Registrar's Office will keep on file *permanently*. A student or an alumna/alumnus may request that the permanent transcript notation be removed from the official academic transcript following one year from the date of the written notification of the disposition of the matter (see *Record Expunction*, below).

2) Electronic Records, Including Recordings

Brief electronic records of incidents, regardless of the results of the hearing (e.g., responsible or not responsible decision) are maintained in a database by the Office of Community Standards and Counseling for a minimum of seven years. 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.

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.

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.

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>1st violation</p> <ul style="list-style-type: none"> Written warning Completion of online drug/alcohol screening AND completion of any related recommendations Educational assignment 	<p>1st violation</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 AND completion of any related recommendations 	<p>1st violation</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 AND completion of any related recommendations 	<p>1st violation</p> <ul style="list-style-type: none"> Suspension (1-2 semesters) Possible parental notification (if student is under 21 years of age) <p>Note: The sale/distribution of controlled substances may result in interim suspension</p>
<p>2nd violation</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 AND completion of any related recommendations 	<p>2nd violation</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>2nd violation</p> <ul style="list-style-type: none"> Suspension (1-2 semesters) Possible parental notification (if student is under 21 years of age) 	<p>2nd violation</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>Note: The sale/distribution of controlled substances may result in interim suspension</p>
<p>3rd violation</p> <ul style="list-style-type: none"> Suspension (1-2 semesters) Possible parental notification (if student is under 21 years of age) 	<p>3rd violation</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>3rd violation</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>4th violation</p> <ul style="list-style-type: none"> Conduct dismissal Possible Parental Notification (if student is under 21 years of age) Possible permanent transcript notation 			

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 			