

- ◆ Student Code of Conduct Policy
- ◆ Procedures for Dealing with Students who are Disruptive in Class
 - ◆ Crisis Response Procedures for Students
 - ◆ Student Athletic Code of Conduct
 - ◆ Grievance Procedures



Table of Contents

◆ Student Code of Conduct Policy

Introduction	3
Student Rights	3
Freedom to Learn	3
Freedom to Participate in the College Community	3
Personal Freedom	4
Religious Freedom (with regard to class attendance)	4
Statement of Jurisdiction	4
Standards of Conduct	5
Student Conduct Regulations	5
Offenses	5
Sanctions	9
Hearing Procedures	11
Appeals	14
Miscellaneous	15

◆ Procedures for Dealing with Students who are Disruptive in Class

Introduction	17
Single Event Disruptions	17
Dealing with Single Event Disruptions	18
Multiple Event Disruptions	18
Dealing with Multiple Event Disruptions	18
Dealing with Students who Attended Class Under the Influence of Alcohol or Psychoactive Drugs	19
Suspension, Termination, and Referral to the Judicial Process	19

◆ Crisis Response Procedures for Students

On-Campus Crisis	21
Off-Campus Crisis	22

◆ Student Athletic Code of Conduct

Sportsmanship	23
Violation of Student Code of Conduct Policy	24
Individual Sport Guidelines	24
Academic Guidelines	24
Academic Credit	25
Grades/Transcripts	25
Injuries/Insurance/Physical Examinations	26
Student Acknowledgment	26

◆ Grievance Procedures

Academic Complaints	27
Discrimination Complaints	29
Sexual Harassment	29
All Other Complaints and Disputes	31

The *Student Code of Conduct Policy*, *Crisis Response Procedures for Students*, and *Grievance Procedures* are administered through the Dean of Student Services Office within the Division of Student Services. It shall be the responsibility of all students to familiarize themselves with the information in this pamphlet. Dean of Student Services Office, D-201; 585/394-3500, ext. 7211

STUDENT CODE OF CONDUCT

INTRODUCTION

As explained in its Mission Statement, Finger Lakes Community College (FLCC) - a public, open access institution - provides quality education within a student-centered, college environment devoted to promoting long-term student success.

The Student Code of Conduct at FLCC is intended to foster and protect the free and open exchange of ideas. This Code applies to students and student organizations of Finger Lakes Community College. Students are subject to this Code of Conduct during academic terms for which they are enrolled, during breaks between terms, during College holidays and vacations, and during periods of suspension. The Code of Conduct outlines the rights and responsibilities of students, behaviors prohibited on or off campus, possible sanctions, and the procedural rights of students and student organizations.

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 culture, gender, religion, race, or ability.

Students who have questions about Code of Conduct should contact the Dean of Student Services Office at (585) 394-3500, ext. 7211.

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 grievance procedure providing for prompt and equitable resolution of complaints alleging discrimination on the basis of age, color, disability, national origin, race, religion, creed, sex, sexual orientation, marital status, or veteran status 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 - "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 Grievance" in this document.

II. Freedom to Participate in the College Community

Student representatives shall be voting members of the College Governance System and its standing committees, voting members of the Finger Lakes Community College Student Corporation, and voting members of the Finger Lakes Community College Association, Inc. 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. Such programs must be sponsored by recognized student groups and be deemed appropriate to a college

setting. The College reserves the right to make the final decision regarding appropriateness of such assemblies and any dispute regarding such appropriateness must be referred to the Dean of Student Services. 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.

At any event affiliated with the Office of Student Life held on the FLCC campus, and which has been promoted to the general public, we will require all individuals to provide identification. Individuals not affiliated with FLCC will be asked to sign a guest book after identity has been verified. 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 others, to fulfill the educational responsibilities of Finger Lakes Community College, or to comply with local, state, or federal laws.

Regulations governing student conduct shall be established by the Board of Trustees and reviewed by the Finger Lakes Community College Student Corporation. Any new regulations, subsequently added to these policies and procedures, shall not become effective until they are circulated on campus. These regulations shall be kept on file in the Charles J. Meder Library.

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. In the case of suspected cheating or a similar violation, for example, the College reserves the right to search for and confiscate materials related to the suspected violation.

Privacy of student records shall be maintained according to the Family Educational Rights and Privacy Act (FERPA).

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 admissions as a student to Finger Lakes Community College because he/she 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 he/she may have missed because of such absence. For further information, refer to the "Religious Beliefs" section in the College Catalog.

STATEMENT OF JURISDICTION

This Code applies to all students and student organizations of Finger Lakes Community College. The Code of Conduct primarily prohibits misconduct on College premises (buildings or grounds owned, leased, operated, controlled, or supervised by the College), and may address off-campus conduct 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 should be aware that Finger Lakes Community College reserves the right to review and take disciplinary action based on conduct occurring off campus or between academic periods.

If a student breaks a law that also violates College Standards of Conduct, that student may be held accountable by both civil authorities and the College. The College may, at its sole discretion, elect to pursue disciplinary 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.

STANDARDS OF CONDUCT

Students are expected to abide by the rules of the College and to conduct themselves in accordance with accepted standards of good citizenship, 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 potentially serious violations of College policy may lead to suspension or dismissal from the College.

A student who has been charged with a violation of the Standards of Conduct **and** who withdraws from the College or stops attending before the judicial process is completed will be required to complete the judicial process upon re-entry to the College.

In order to promote a safe and civil campus environment, Finger Lakes Community College expects each enrolled student to follow the Standards of Conduct.

STUDENT CONDUCT REGULATIONS

I. OFFENSES

A student who is found to have committed an offense may be suspended or dismissed for a single violation. The severity of the offense, prior disciplinary history, and other relevant circumstances will be considered in determining the appropriate disciplinary action.

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

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

College functions, on or off campus, are defined to include teaching*, research, administration, disciplinary proceedings, College activities, public safety, and public service functions. This section also includes authorized non-college functions when the act occurs on College premises. Actions that interfere with, obstruct, or disrupt College functions are prohibited. Examples of prohibited behavior include when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk by engaging in fighting or in violent, tumultuous or threatening behavior; making unreasonable noise; using abusive or obscene language or making an obscene gesture; 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; or creating a hazardous or physically offensive condition by any act which serves no legitimate purpose.

*See *Procedures for Dealing with Students who are Disruptive in Class*, p. 17.

B. Academic Dishonesty

Engaging in forms of 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.

Note: 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 of this policy. See Section II - Sanctions, B. Penalties for Academic Dishonesty.

C. Dishonesty

Intentionally furnishing false information or omitting relevant or necessary information to gain a benefit, to injure, or to defraud is prohibited. Using or possessing false or altered identification (including drivers' licenses and SUNY ID Cards) is prohibited. Examples of prohibited behavior include forgery, alteration, or falsification of any College documents or records, or misrepresentation of College credentials. These include grade transcripts, student identification, computer records, and other official documents. 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 his/her duty. The term "College official" means any person hired by the College to work in a faculty, administrative, or security role and any other staff member designated to serve as a College official.

D. Physical or Mental Abuse or Harm to Others and/or Self

Intentional or reckless acts that do cause or could cause physical or mental harm to any person or self* are prohibited. Actions that threaten or cause a person to believe that the offender may cause physical or mental harm are also prohibited. Examples of prohibited behavior include murder, assault, battery, stalking, telephone harassment, sexual assault, sexual harassment, rape, threats, intimidation, physical abuse, verbal abuse, racial slurs, and any other conduct which threatens the health or safety of any person.

*See *Crisis Response Procedures for Students*, p. 21.

E. Damage, Loss, Theft, or Unauthorized Use of Property of the College or of any Person or Business

Intentional or reckless conduct which results in damage (including tampering or defacing), loss, theft, or unauthorized use of property of the College or of any person or business is prohibited. The unauthorized use of College property for personal gain is also prohibited. Students may not use College property for any activity prohibited by federal, state, or local law or these Regulations. Examples of prohibited behavior include gambling on College property, theft, and possession of property known to be stolen.

F. Unlawful Possession of Alcohol and Other Drugs

The use, offer for sale, distribution, possession, or manufacture of alcohol and/or other controlled substances is prohibited except as specified in the College's Employee Handbook, "Alcoholic Beverages on Campus" section. Behavior that may be disruptive, detrimental to the learning environment, and/or damaging to the reputation of the institution which is attributable to the use of alcohol and/or other controlled substances is prohibited. Any student who becomes intoxicated after using alcohol or who after consuming alcohol and/or other controlled substances becomes physically violent, aggressive, or refuses to cooperate with any College staff member who is performing his or her duties, is in violation of this policy. Other examples of prohibited disruptive behavior due to the use of alcohol and/or other controlled substances include attending class under the influence, loss of motor control, destruction of property, and providing alcohol to minors.

Notes: 1) Because of the College's commitment to the responsible consumption of alcohol, mandatory minimum penalties will be imposed upon any student found to have committed a violation of this alcohol policy. See Section II - Sanctions, C. Penalties for Alcohol Violations and Other Drug Violations. 2) This section shall not apply to students lawfully conducting themselves at activities sponsored by the Rochester Broadway Theatre League at the Finger Lakes Performing Arts Center.

The use, offer for sale, distribution, possession, or manufacture of any controlled substance or drug except as expressly permitted by law is prohibited. The use, offer for sale, distribution, possession, or manufacture of chemicals, products or materials for the purpose of use as an intoxicant except as expressly permitted by law is also prohibited. Examples of prohibited behavior include huffing or sniffing glue or paint, and the use of nitrous oxide (whip-its). 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. Behavior, either on or off campus, resulting from irresponsible and/or illegal use of alcoholic beverages and/or other drugs is prohibited.

G. Possession or Use of a Dangerous Weapon

A dangerous weapon is defined as any instrument, device, or object capable of inflicting physical harm or death and designed or specifically adapted for use as a weapon, or possessed, carried, or used as a weapon. Possession or use of a dangerous weapon is prohibited. Examples of dangerous weapons include firearms, explosive devices, dangerous chemicals, knives, firecrackers, compressed air guns, pellet guns, stun or zip guns, and BB guns.

H. Discrimination

Discrimination in College programs on the basis of age, color, disability, national origin, race, religion, creed, sex, sexual orientation, marital status, or veteran status is particularly repugnant to the mission of Finger Lakes Community College. Finger Lakes Community College prohibits the unequal treatment in College programs of a person on the basis of age, color, disability, national origin, race, religion, creed, sex, sexual orientation, marital status, or veteran status.

I. Hazing

Coercing another, including the victim, to do any act of initiation into, or as a condition of participation in a student organization, or activity that causes or creates a substantial risk of causing physical or mental harm to any person is prohibited. Examples of prohibited behavior include forced drinking of alcohol, paddling, physical shocks, degrading or humiliating games, physical harassment, branding, public stunts, and forced tattoos.

J. 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 interferes with the College's exercise of its mission, processes, or functions, appropriate disciplinary action will be taken.

K. Failure to Comply

Failure to comply with any lawful order or directive of any College official acting pursuant to his or her duties is prohibited. The term "College official" means any person hired by the College to work in a faculty, administrative, or security role and any other staff member designated to serve as a College official. Failure to comply with an order of dispersal is prohibited. Other examples of prohibited behavior include failure to produce identification upon request by a Campus Safety Officer; failure to attend a scheduled Code of Conduct procedural review upon request by the Dean of Student Services Office; failure to fulfill a sanction(s) imposed by the Dean of Student Services or Disciplinary Board; failure to exit the College premises during an emergency situation upon request by a College employee; participation in a campus demonstration that disrupts the normal operations of the College and infringes on the rights of other members of the College community; leading or inciting others to disrupt scheduled and/or normal activities on the College premises; intentional obstruction that reasonably interferes with freedom of movement, either pedestrian or vehicular on the College premises; and incitement to panic or riot or rioting is prohibited.

L. False Reports

False alarms or reports of emergency are prohibited. Initiation of any false report, warning, threat of fire, threat of explosion, or other emergencies on College premises or at any College-sponsored activity is also prohibited. Other examples of prohibited behavior include tampering with, impairing, disabling or misusing fire protection systems such as fire detectors, sprinklers, alarms, and extinguishers.

M. Theft or Abuse of Computer Resources

Computing resources include hardware, software, and data owned, licensed, or developed by Finger Lakes Community College, students, or employees. Theft or other abuse of computer resources is prohibited. Examples of prohibited

behavior include:

1. unauthorized entry into a file to use, read, or change the contents, or for any other purpose;
2. unauthorized transfer of a file;
3. unauthorized access to, use of, or control of computing resources including circumvention of computing system safeguards;
4. unauthorized use of another individual's identification or password;
5. use of computing resources to interfere with the work of another student, faculty member, or College official;
6. unauthorized copying of computer software that is owned or licensed to the College;
7. use of computing resources to interfere with normal operation of the College computing system or educational process;
8. violation of software copyrights, license agreements, or trade secrets;
9. use of computing facilities to send and/or receive obscene, pornographic or abusive messages/material;
10. willful introduction of a virus or other destructive program into the College computing environment;
11. activities for personal financial gain except as provided for by other College policy.

N. Disorderly Conduct

Conduct which is disorderly, lewd, or indecent or which breaches the peace (e.g., causes alarm, annoyance, or nuisance) is prohibited.

O. Loitering

Students are responsible for the behavior of their surrogates (friends, family members) while on College premises. The College may interpret a surrogate's disruptive behavior as the student's violation of the Standards of Conduct. Relative to loitering, it should be noted that other regulations require students to present identification cards upon request of a College official and require prior written permission from the Dean of Student Services for solicitations or selling on campus.

P. Complicity

Conspiracy to commit, solicitation of another to commit, aiding and/or abetting the commission of, or attempting to commit any conduct which is proscribed under the Student Conduct Regulations is prohibited.

Q. Violation of Sanctions

A violation of any terms of disciplinary restrictions, contract for voluntary College service, probation, or suspension is prohibited.

R. Violation of College Policies

Students are expected to follow all College policies, procedures, and regulations. Failure to follow College policies, procedures, or regulations is prohibited. Such policies, procedures, and regulations include, but are not limited to:

1. Alcohol Policy;
2. Children on Campus Policy;
3. Computing Services' Policies;
4. Crisis Response Procedures;
5. Facility Use Policy;
6. Parking and Traffic Regulations;
7. Signs, Posters and Banners, and Political Canvassing Procedures;
8. Smoking Policy;
9. Solicitation Regulations;
10. Student Trip Policy;
11. Recreational Sports Rules and Regulations;
12. Vendor Policy;
13. Vehicle Use Policy.

The above policies are all explained in detail in the current publication, *Student Rights and Responsibilities - A Handbook of*

Policies and Procedures. Copies are available at the Dean of Student Services Office, the Charles J. Meder Library, FLCC Geneva Center, FLCC Newark Center, and can be accessed online at: <http://www.flcc.edu/studentsservices/>.

S. Unauthorized Use of Access Devices

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

II. SANCTIONS

A student who is found to have committed an offense may be suspended or dismissed for a single violation. The severity of the offense, prior disciplinary history, and other relevant circumstances will be considered in determining the appropriate disciplinary action. Sanctions may be imposed singly or in combination on individuals or student organizations. Disciplinary action by the College does not preclude the possibility that a separate criminal prosecution or civil action may also be taken; in addition, unlawful conduct off campus may be grounds for College disciplinary action. Student organizations in violation of College regulations are subject to equivalent sanctions. A student found to have violated any regulation will be subject to sanctions ranging from written warning to dismissal. The various sanctions are defined as follows:

A. Written Warning

Written warning is an official notification that the behavior of the student or student organization has been unacceptable. Authorized staff members of the Dean of Student Services Office may issue a written warning without a hearing. Written warnings will be placed in the student's or student organization's official disciplinary file.

B. Penalties for Academic Dishonesty

Evidence of cheating or plagiarism may result in the assignment of a failing grade by the faculty member in whose course the offense has taken place. This may include a failing grade on the test or assignment wherein the cheating or plagiarism has taken place or a failing grade for the entire course. The assignment of an "F" is at the discretion of the faculty member in whose course the offense has taken place. A student may not withdraw from a course when an "F" has been assigned due to academic dishonesty. In addition, at the faculty member's prerogative, a complaint may be filed with the Dean of Student Services Office charging the student with Academic Dishonesty, which may result in stronger sanctions under the Student Code of Conduct Policy.

C. Penalties for Alcohol and Other Drug Violations

The use, offer for sale, distribution, possession, or manufacture of alcohol and/or other controlled substances is prohibited except as specified in the College's Employee Handbook, "Alcohol Beverages on Campus" section. Behavior that maybe disruptive and/or attributable to the use of alcohol and/or other controlled substances is prohibited. Any student who becomes intoxicated after using alcohol or who after consuming alcohol and/or other controlled substances becomes physically violent, aggressive, or refuses to cooperate with any College staff member who is performing his or her duties, is in violation of this policy. Other examples of prohibited disruptive behavior due to the use of alcohol and/or other controlled substances include attending class under the influence, loss of motor control, destruction of property, and providing alcohol to minors.

1. **First Offense*** - The minimum penalty for a first offense may range from required participation in the Brief Alcohol/Drug Screening, Intervention and Counseling (BASIC) program and/or a comprehensive drug and alcohol evaluation and participation in six sessions of substance abuse programming designed to acquaint students with their civil and legal responsibilities as well as the personal and career implications of alcohol and other substance abuse. The BASIC program is offered through the Student Health Services Office at the College. The comprehensive drug and alcohol evaluation and six sessions are offered through Turnings in Canandaigua. If an evaluation is completed, the student must also comply with the recommendations set forth in the evaluation. The student will be held responsible for any fees associated with the evaluation and/or services.

2. **Second Offense*** - The minimum penalty for a second offense is mandatory participation in a comprehensive drug and alcohol evaluation and compliance with the assessment's recommendations (including treatment, if necessary). The comprehensive drug and alcohol evaluation will be conducted through Turnings in Canandaigua. The student will

be held responsible for any fees associated with the evaluation and/or programs.

3. Third Offense - Suspension or dismissal from the College.
4. If a student is suspended as a result of alcohol and other drug violations and subsequently returns to Finger Lakes Community College, another violation of the alcohol and other drug regulation may result in dismissal from the College.
5. Registration for subsequent semesters will be withheld until the student complies with the penalties assessed for the first or second offenses.
6. For very serious or multiple violations of the Student Conduct Regulations, additional penalties may be warranted and imposed in accordance with normal College disciplinary procedures.

***If a student fails to comply with the First Offense and/or Second Offense sanction and the student is under the age of 21, the student's parents will be notified by the Dean of Student Services Office.**

D. Disciplinary Restrictions

Disciplinary restrictions may be imposed with or without suspension or probation. Disciplinary restrictions include but are not limited to:

1. restrictions from participating in intercollegiate athletics and extra-curricular activities;
2. restrictions in the right of access to campus facilities;
3. monetary payments for purpose of restitution or to cover the expense of educational sanctions;
4. no contact/restraining orders;
5. denial of financial assistance from programs funded by the College;
6. required attendance at educational/assessment programs such as anger management workshops and comprehensive substance abuse assessments;
7. administrative hold on access to specified College documents;
8. behavioral contract.

E. Voluntary College Service

Students may be provided the option of voluntary service in lieu of another sanction. Voluntary service sanctions include, but are not limited to, writing a letter of apology, participating in a designated service project, or giving an identified community (on or off campus) a number of service hours to be completed within a specified time period.

F. Disciplinary Probation

Disciplinary probation indicates to a student that his or her behavior has resulted in a sanction close to suspension. It is imposed for a definite period of time and may include disciplinary restrictions. A student on probation may be required to meet periodically with a person designated by the Dean of Student Services Office.

G. Suspension

Suspension prohibits the student from attending Finger Lakes Community College for the duration of the suspension, which shall not exceed a period of more than five calendar years following its effective date. The Dean of Student Services or designee will determine the effective date of the suspension. If required by the suspension, a student who has been suspended must petition for re-enrollment through the Dean of Student Services Office.

H. Dismissal

Dismissal prohibits the student from ever attending Finger Lakes Community College. A student may not be readmitted to the College after dismissal.

I. Permanent Transcript Notation

Hazing and other serious violations of the Student Conduct Regulations, especially conduct which leads to death or serious physical injury to another person, may result in a permanent transcript notation. A permanent transcript notation will appear on a student's official academic transcript as a grade of AW (administrative withdrawal for disciplinary reasons) for the semester in which the sanction is imposed.

J. Interim Suspension

The President 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 disciplinary hearing. An interim suspension will be imposed whenever the President 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 the student, other students, other members of the College community, to the stability or continuance of normal College functions, or to property.

The President, Dean of Student Services or designee may suspend a student for an interim period pending disciplinary proceedings or medical/mental health evaluation. 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 the student's own physical 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 given a copy of these standards and procedures. The student will be given an opportunity to appear personally before the Dean of Student Services or President within two business days from the effective date of the interim suspension, in order to review the following issues only:

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 President 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 President or designee may request that the student submit to medical or mental health examination(s) to determine whether any such condition exists and whether reasonable accommodation is possible. If the student fails to submit to examination and the available evidence establishes that the student's presence poses a significant risk of substantial harm to the health and/or safety of the student, other students, other members of the College community, to the stability or continuance of normal College functions or property, the President or designee may proceed with the interim suspension.

III. HEARING PROCEDURES

A. Complaint and Notice

1. **Complaint** - Any person, agency, organization, or entity may make a complaint to the Dean of Student Services Office alleging a violation of a regulation by a student or student organization. A Campus Safety Report constitutes a complaint. The person, agency, organization, or entity making the complaint shall be known as the "complainant."
2. **Notice** - The Dean of Student Services Office or designee, after reviewing a complaint or on its own initiative, may initiate the disciplinary process by giving the accused student or student organization written notice of the alleged violation(s). The notice may be sent to the mailing address listed with the College information system or the address on the Campus Safety Report. Notice also may be delivered in person by Campus Safety personnel or by College faculty/staff. The written notice shall describe the alleged violation(s) and inform the student or student organization about the reported circumstances underlying the alleged violation(s). The notice shall state the date, time, and place of the Procedural Review.

B. Procedural Review

The purpose of the Procedural Review is to review the charges, provide an explanation of the disciplinary process, discuss the student's or student organization's options, and advise the student or student organization of the potential sanction(s) for the alleged violation(s). The accused student or an authorized student representative of the student organization shall attend the Procedural Review, which will be held by a staff member from the Dean of Student Services Office. The Procedural Review will be conducted in private with the Dean of Student Services or designee and involved student(s) only.

The Dean of Student Services 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 Procedural Review. The Dean's staff member shall determine whether the alleged violation(s) can be resolved by mutual consent of the involved parties (that is, complainant and accused). If an accused student or student organization (through an authorized student representative) fails to schedule or appear at the Procedural Review, a hearing may be scheduled. Procedural Reviews may be rescheduled at the discretion of the Dean's Office staff member.

C. Selection of Hearing Option

Upon completion of the Procedural Review, the student or student organization shall notify in writing the Procedural Review Hearing Officer whether the student or student organization:

1. admits to the charge(s) and agrees to accept the imposition of sanction by the Dean of Student Services Office or designee; or
2. requests an administrative hearing* before the Dean of Student Services or designee; or
3. requests a hearing before the Disciplinary Board* if suspension or dismissal is a potential sanction. Refer to Student Conduct Regulations, Section I - Offenses, and Disciplinary Board Hearings.

*Note: When a permanent transcript notation is a potential sanction, the student or student organization does not have the option of requesting an administrative hearing before the Dean of Student Services or designee; the student or student organization will appear before the Disciplinary Board if a hearing is requested.

If the accused student or student organization fails to timely notify the Dean's Office staff member of the option selected a hearing with the Dean of Student Services or designee will be scheduled.

D. Hearing

1. Administrative Hearings

The Dean of Student Services or designee will schedule and conduct the hearing and will determine from the weight and credibility of the statements and evidence presented whether the student or student organization has more likely than not violated the Student Conduct Regulations.

- a. The hearing shall commence not sooner than three College working days after the request for a hearing.
- b. The accused, the complainant, or authorized representative of the accused student organization is offered the opportunity to have a supporter from the College community (i.e., currently enrolled student or current employee) to provide assistance and support during the formal hearing. The supporter shall not include professional lawyers or persons trained in the law. The student is responsible for contacting the supporter to obtain his/her approval to serve in this role. The student shall submit the supporter's contact information to the Dean of Student Services. The supporter may 1) attend the formal hearing with the student; 2) advise the student during the formal hearing; and 3) provide a brief character statement on behalf of the student at the beginning of the hearing. The supporter cannot 1) investigate the Code of Conduct charges outside of the stated judicial procedures; 2) present the student's case on behalf of the student; and 3) question and respond to the Dean of Student Services or designee on behalf of the student during the formal hearing. The complainant, the accused student, or student organization is responsible for presenting his/her/its own case.
- c. The hearing shall be closed to the public.
- d. The Dean of Student Services shall have the right to determine the acceptability of testimony and other evidence during the hearing and may place time limitations on testimony and on closing arguments. Character witnesses may be called prior to the recommendation of sanction(s) in the event the student is found to have committed a violation of the Student Conduct Regulations.

- e. The accused and the complainant shall have the right to submit evidence and question all adverse witnesses who testify in the matter. If the Dean of Student Services elects to accept a witness's written statement in lieu of live testimony, the identity of the witness and his or her statements shall be fully disclosed to the other side and they shall be given the opportunity to respond to such statements. Witnesses other than the complainant and the accused shall be present only when they are giving testimony. It is the student's responsibility to arrange for witnesses to attend the hearing. The student shall submit the witnesses contact information to the Dean of Student Services.
- f. The hearing shall be recorded on equipment supplied by the College. Either the complainant or accused may make provisions for a stenographic report of the hearing by submitting a written request to the Dean of Student Services Office. The report shall be made available to the complainant or accused not sooner than three College working days following the hearing.
- g. The College may elect to present the case on behalf of the complainant. In rare instances, the College may elect to present the case using legal counsel. In that event, the accused will be given notice and an opportunity to be represented by legal counsel at the student's or student organization's own expense.
- h. The only persons entitled to be present at the hearing are the complainant, the accused (and his/her supporter) and personnel from the Dean of Student Services Office.

If the Dean of Student Services or designee determines that it is more likely than not that a violation of the Student Conduct Regulations has occurred, s/he will impose the appropriate sanction(s). If an accused student or student organization fails to appear at a scheduled administrative hearing and the absence is not excused, the hearing may proceed without the presence of the accused. Hearings may be rescheduled at the discretion of the Dean of Student Services.

2. Disciplinary Board Hearings

- a. The College Disciplinary Board will be composed of three faculty members (appointed by the Vice President of Academic Affairs and Dean of the College) and two matriculated students (appointed by the Student Corporation President) who have each completed a minimum of 24 credits at Finger Lakes Community College. The chair of the Disciplinary Board will be a member of the faculty and will be appointed by the Dean of Student Services and Enrollment Management.
- b. In the cases in which the accused student or student organization is entitled to and has timely requested a hearing before the Disciplinary Board, the Dean of Student Services Office shall schedule the hearing.
 - i. The hearing shall commence not sooner than three College working days after the request for a hearing.
 - ii. The accused shall have the right to file with the Disciplinary Board a written response to the charge(s). Any answer must be filed and a copy delivered to the Dean of Student Services Office at least 24 hours prior to the hearing.
 - iii. The accused, the complainant, or authorized representative of the accused student organization is offered the opportunity to have a supporter from the College community (i.e., currently enrolled student or current employee) to provide assistance and support during the formal hearing with the Disciplinary Board. The supporter shall not include professional lawyers or persons trained in the law. The student is responsible for contacting the supporter to obtain his/her approval to serve in this role. The student shall submit the supporter's contact information to the Dean of Student Services. The supporter may 1) attend the formal hearing with the student; 2) advise the student during the formal hearing; and 3) provide a brief character statement on behalf of the student at the beginning of the hearing. The supporter cannot 1) investigate the Code of Conduct charges outside of the stated judicial procedures; 2) present the student's case on behalf of the student; and 3) question and respond to the Disciplinary Board or respondent(s) on behalf of the student during the formal hearing. The complainant, the accused student, or student organization is responsible for presenting his/her/its own case.
 - iv. The hearing shall be closed to the public.
 - v. The Chair, or a member of the Disciplinary Board designated by the Chair to preside, shall have the right to determine the acceptability of testimony and other evidence during the hearing and may place time limitations on testimony and on closing arguments. Character witnesses may be called prior to the recommendation of sanction(s) in the event the student is found to have committed a violation of the Student Conduct Regulations.

- vi. The accused and the complainant shall have the right to submit evidence and question all adverse witnesses who testify in the matter. If the Disciplinary Board elects to accept a witness's written statement in lieu of live testimony, the identity of the witness and his or her statements shall be fully disclosed to the other side and they shall be given the opportunity to respond to such statements. Witnesses other than the complainant and the accused shall be present only when they are giving testimony. It is the student's responsibility to arrange for witnesses to attend the hearing. The student shall submit the witnesses contact information to the Dean of Student Services.
- vii. 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 accused 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.
- viii. The hearing shall be recorded on equipment supplied by the College. Either the complainant or accused may make provisions for a stenographic report of the hearing by submitting a written request to the Dean of Student Services Office. The report shall be made available to the complainant or accused not sooner than three College working days following the hearing.
- ix. Both sides shall be given reasonable opportunity to present a closing statement.
- x. At the close of the hearing, the Disciplinary Board shall deliberate privately as to whether it is more likely than not that the accused violated the Student Conduct Regulations. The Board will seek to reach consensus in adjudicating cases. In the event there is not consensus, a majority vote (the chair voting) will determine the outcome. Within five College working days after the close of the hearing, the Disciplinary Board shall report its findings. If the Board determines that the accused violated the regulations, it will provide a written recommendation of the sanction to be imposed.

3. Notification

Within five College working days, the Dean of Student Services Office will notify the student/student organization of the decision in writing of the outcome of the hearing and will also notify the student, if responsible, of the sanction(s) imposed.

IV. Appeals

A. Presidential Review

1. The accused student or student organization has the right to file a written appeal with the President within five College working days of the written notification of the disposition of the matter. The request should state the basis for the request and include all supporting documents. A copy of the appeal must be submitted to the Dean of Student Services Office. During the period of appeal, all sanctions will be postponed.
2. Appeals may be filed for the following reasons:
 - a. inappropriate sanction;
 - b. procedural defect in the adjudication of the case;
 - c. new evidence.
3. The President shall find the appeal to have merit or not have merit (e.g., to review or not review the decision).
 - a. If the appeal alleges that the sanction was inappropriate and the President finds the sanction to be inappropriate, the President may increase or decrease the sanction.
 - b. If the appeal alleges that there was a defect in procedure or new evidence is presented and the President finds that there was a defect in the procedure or new evidence presented which was sufficiently substantial to have affected the outcome, the President will order a new hearing.
4. The President will notify in writing the accused, the complainant, and the Dean of Student Services Office of his or her decision within five College working days of his or her receipt of the appeal. If the President requires additional time, the Dean of Student Services 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 both the complainant and the accused. The decision of the President to change a sanction or sustain the finding of the Dean of Student Services or Disciplinary Board is final.
5. The result of any new hearing ordered by the 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.

B. *Permanent Transcript Notation*

1. The accused student has the right to file a written appeal with the President within five College working days of the written notification of the disposition of the matter. The request should state the basis for the request and include all supporting documents. A copy of the appeal must be submitted to the Dean of Student Services Office. During the period of appeal, all sanctions will be postponed. For additional appeal guidelines, see *Presidential Review*, p. 14.

V. Miscellaneous

A. *Discipline Files and Records*

Disciplinary records and files are kept in the Dean of Student Services Office. Disciplinary actions resulting in a finding of responsible are kept on file in the Dean of Student Services Office for seven years from the last date of the incident. Disciplinary actions resulting in a finding of not responsible are kept on file in the Dean of Student Services Office for one year from the date of the incident. Notice of suspension or dismissal is kept permanently in the student's official College record maintained in the Registrar's Office.

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 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).

B. *Confidentiality*

Disciplinary matters are kept confidential to the extent required by law.

C. *Record Expunction*

1. A student or an alumna/alumnus may submit a written request to the Dean of Student Services and Enrollment Management to have a permanent transcript notation removed from his/her official transcript following three years from the date of the written notification of the disposition of the matter. The Dean of Student Services and Enrollment Management will convene the Disciplinary Board to review the appeal. The request should respond to the following and include all supporting documents: a) the educational and/or employment goals the individual has accomplished since the permanent transcript notation was imposed; b) the lifestyle and/or behavioral changes the individual has made since the permanent transcript notation was imposed; c) any future educational and/or employment goals the individual is pursuing; and d) any other rationale for removing the permanent transcript notation. The Disciplinary Board will seek to reach consensus in granting or denying the request. In the event there is not consensus, a majority vote (the chair voting) will determine the outcome. Within five College working days after the close of the meeting, the Disciplinary Board shall report its decision in writing to the Dean of Student Services and Enrollment Management.
2. The Dean of Student Services and Enrollment Management will notify the student or an alumna/alumnus in writing within five College working days upon notification of the Board's decision.
3. The student or an alumna/alumnus has the right to file a written appeal with the President within ten College working days of the written notification from the Dean of Student Services and Enrollment Management.
4. The President will notify the student or an alumna/alumnus in writing of his/her decision. The decision of the President to remove or sustain the permanent transcript notation is final.

D. *Refund Policy*

In the event of a suspension or dismissal, the College will follow the regular refund schedule outlined in the College Catalog or the current semester's Course Listing Publication.

PROCEDURES FOR DEALING WITH STUDENTS WHO ARE DISRUPTIVE IN CLASS

INTRODUCTION

Expectations for classroom student behavior: Students are expected to treat each other and the instructor* with common courtesy, decency, and respect. They will refrain from behaviors that interfere with the teaching/learning process. All behaviors that, in the judgment of the instructor, interfere with the teaching/learning process will be considered disruptive. Students will recognize that the instructor of the course is the leader of the class and is in charge of instruction. Students must respect the instructor's authority to lead and to direct the classroom activities. Attempts to dispute the instructor's authority to lead will be considered disruptive.

*The term "instructor" is used in this document to refer to the person in charge of the class, laboratory, or other instructional settings. However, these procedures apply equally to disruptions in the computer labs, science laboratories, the library, student services areas, and other academic support areas.

General principles for instructors' handling of disruptive students: When faced with disruptive behavior in the classroom or other instructional settings, the instructor is advised to keep her/his own emotional reactions under control and to refrain from using abusive language. The ability of the instructor to keep calm may help to prevent escalation of the behavior. Some students may respond better to an initial private discussion of their disruptive behavior than they will to being put in an embarrassing situation before other students. It is very important that the instructor not engage in a physical confrontation with a disruptive student except for self-defense or for preventing injury to other students. If it becomes necessary to remove the student from the area, Campus Safety (ext. 7456 emergencies; ext. 7213 non-emergencies) should be called to do this. At the FLCC Geneva and Newark Centers, the respective local law enforcement agency should be contacted.

The need for documentation of disruptive events: Disruptive behaviors in the classroom and other instructional settings occur on a continuum from minor irritants to rare episodes of major violence. Disruption by a student may be a single major event or it may occur repeatedly as a series of less serious events. It is very important for the instructor to document disruptive behaviors by noting date, time, and the specific behaviors of the student that were disruptive. By the time that the instructor has decided that it is necessary to expel the student from class, several disruptive episodes may have occurred. However, unless the instructor has documented each episode, it may be necessary to begin the documentation process at a time when an action to expel might already be justified. Documentation is required to show a history of repeated disruption.

General principles for documenting disruptive behaviors: When keeping notes or writing letters about disruptive behaviors, faculty members and department chairpersons should confine their comments about the student to describing specific behaviors that were disruptive in the classroom. The comments should not take the form of real or implied statements of psychological diagnosis, speculations on the student's motives or mental status, or value judgments about the student. It is important to document what the student was doing, not why s/he was doing it.

TYPES OF DISRUPTIVE EVENTS

A. Single Event Disruptions

Definition: A student becomes disruptive in the classroom, but there is not previous history or pattern of repeated disruptive behaviors. Examples: A student comes to class intoxicated and/or engages in inappropriate behavior, or, a student becomes angry and the situation escalates to a disruptive level of confrontation with another student or the instructor.

Dealing with Single Event Disruptions

1. The instructor or person in charge may ask the offending students to leave if his/her continued disruptive behaviors are compromising the instructional process. The instructor should state clearly to the student what behaviors are disruptive and give the student the option of leaving class and returning after s/he regains control. The instructor should also inform the student of what the consequences will be if the disruptive behavior continues.
2. If the student refuses to leave when asked, the instructor may leave the classroom and call Campus Safety (ext. 7456 emergencies; ext. 7213 non-emergencies) to come and remove the student. The instructor will not try to physically remove the student. If the instructor believes that the other students are in any danger due to the situation, s/he may cancel the class and send the students away.
3. The instructor should file a written report on all such events with the department chair within 24 hours. The report will describe the student's disruptive behaviors, the instructor's actions in response to the student, the resolution of the conflict, if any, and supply names of any witnesses to the events described. A copy of this report will be kept in the department and a copy will be sent to the Dean of Student Services. The department chair should meet with the student and the faculty member to discuss the incident before any other action is taken.
4. The department chairperson will take appropriate disciplinary steps in consultation with the Dean of Student Services and, if necessary, the Vice President of Academic Affairs and Dean of the College. As a minimum action, the department chairperson will warn the student in writing of the consequences of further disruptions.

B. Multiple Event Disruptions

Definition: A student shows a pattern of minor disruptive behavior through several class sessions which, in the judgment of the instructor, impairs the instructional process. Because of these behaviors, the instructor is less able to teach and the students are less able to learn. Examples: A student arrives late repeatedly and disrupts classroom activities as s/he enters the instructional setting. A student distracts by talking out of turn or repeatedly refuses to observe normal expectations for classroom etiquette. A student repeatedly monopolizes the classroom discussion, refusing to allow other students to talk, or repeatedly challenges the instructor's authority to lead the class.

Dealing with Multiple Event Disruptions

1. The instructor should document all disruptive behaviors as they occur by taking personal notes that include date, time, specific behaviors, names of people present. The instructor should state clearly to the student what behaviors are disruptive. The instructor should also inform the student of what the consequences will be if the disruptive behavior continues.
2. As a history of repeated disruptive behaviors by a student develops, the instructor will document the events using written notes and will keep the department chairperson informed. The Office of the Dean of Student Services may be a helpful resource for a faculty member attempting to deal with a series of disruptive behaviors.
3. If the instructor and the departmental chairperson decide that removing the student from class may be necessary, the student must first be informed in writing by the department chairperson of the specific behavior which are objectionable and asked to refrain from these behaviors. The student will be informed about the possible consequences of further disruptions. Any discussions between the instructor and the student about the disruptions should be carried out in the presence of the department chairperson.
4. If, after receiving written notification (see item 3 above), the student refuses to stop creating disruption in class, the department chair will report the situation to the Dean of Student Services and ask that the student be suspended from attending class meetings of that course.

5. In the absence of the department chairperson, the duties in 1 through 4 above will be carried out by the acting chairperson or the chairperson's designee.

Dealing with Students who Attended Class Under the Influence of Alcohol or Psychoactive Drugs

Attending class under the influence of alcohol or psychoactive drugs may present dangers for the intoxicated student as well as for classmates and others. Because of these dangers, especially in laboratory, field, or clinical situations, an instructor is justified in asking a student who appears to be under the influence of alcohol or psychoactive drugs, even if s/he is not overtly disruptive, to leave the class. Such actions should be documented and pursued by the instructor in the same way as described for single or multiple event disruptions. Instructors should be aware that unexpected reactions to prescription medications occasionally occur and this should be ruled out before disciplinary actions are recommended.

Suspension, Termination, and Referral to the Judicial Process

In the case of either single event or multiple event disruptions, actions at the Dean's and/or Vice President's level may be necessary:

1. For serious disruptions, the Dean of Student Services may authorize suspending the student from class or terminating the student participation in the course. If the Dean elects to terminate the student's participation in the course, an appropriate grade will be recorded at the instructor's discretion. The student will be informed of the disciplinary action to be taken by letter from the Dean of Student Services. Instructors are not required to offer makeup for work missed during behavioral suspensions.
2. Student appeals of suspension or termination of registration for these reasons will be directed to the Vice President for Academic Affairs. The Vice President will arrange for the Disciplinary Board to consider the appeal.
3. If Campus Safety becomes involved in a disruptive event, the Dean of Student Services will be consulted and will determine whether to refer the student to the College judicial process or to take legal action as may be appropriate.
4. If there is a suspicion that the student is a threat to him/herself or others, or to College property, or if s/he is disruptive to the normal operations of the College, an "interim suspension" pending disciplinary proceedings or medical evaluation may be justified. Such suspensions can be immediate and without prior notice (at the discretion of the Dean of Student Services). The student's suspension may continue until a professional evaluation clarifies his/her mental status at which time the Dean of Student Services will take appropriate action. Such action may include being "administratively withdrawn." The special policies that may apply to this situation are found in the Student Code of Conduct Policy.

CRISIS RESPONSE PROCEDURES FOR STUDENTS

The FLCC Crisis Response Procedures have been established to respond to the needs of the student population during individual student crisis situations or during a critical incident. Medical emergencies are not covered by these procedures. In the event of a medical emergency, contact Campus Safety at 585/394-3500, ext. 7456. If you are unsure as to the seriousness of a situation, Campus Safety should be contacted.

On-Campus Crisis (during regular business hours 8:30 a.m. to 5 p.m.)

The individual crisis response procedures are designed to identify and assist an at-risk student in crisis situations and to enable his/her successful re-entry to the College. An at-risk student is one who is in jeopardy of harming him/herself or others or who exhibits severe mental anguish.

When a student is identified as being “at-risk,” the procedures below will be followed:

1. Conduct an Evaluation of Risk.

A crisis response team (CRT) member will be contacted and will consult with a second team member to determine an appropriate response.

2. If the CRT members decide a psychological evaluation is in order, the members will determine the appropriate response:

- Call Lifeline and request that a representative from the Comprehensive Psychiatric Emergency Program (C-PEP) come to campus, OR
- Transport to appropriate hospital. Method of transportation will be by the use of a local law enforcement agency or utilization of an ambulance.

3. The Dean of Student Services will be notified that an incident has occurred.

4. If the at-risk student is 22 years of age or younger, his/her parent or legal guardian will be notified.

5. A student involved with the crisis response procedures will complete a re-entry plan. The re-entry plan will be coordinated and implemented by the Dean of Student Services (or designee). The re-entry plan will be developed in consultation with the involved CRT members and psychiatric staff at the involved facility, if appropriate. The student will be advised in writing of the need to call and schedule a re-entry meeting with the Dean of Student Services (or designee) to complete the re-entry process and that the student is required to meet with the Dean of Student Services (or designee) before returning to classes. The student’s instructors will be notified that the student is unable to attend classes until further notice and will also receive notification when the student is eligible to return to classes. The Dean of Student Services will notify appropriate counseling and Student Health Services staff of the re-entry plan. If the student is found to be at risk to self or others, the Student Code of Conduct Policy will supersede the re-entry plan.

On-Campus Crisis (during non-business hours)

The following guidelines will be followed when the Campus Safety Office is notified of a potential on-campus crisis response incident, after business hours, involving a student:

1. A Campus Safety Report will be taken by the officer on duty.

2. The officer on duty will contact the Dean of Student Services, who will conduct an evaluation of risk. The Dean may consult with the Campus Safety Director, if appropriate. If the Dean of Student Services is unavailable, the Campus Safety Director will be contacted. If the Campus Safety Director is unavailable, the officer on duty will contact the appropriate local law enforcement agency.

If a psychiatric evaluation is deemed appropriate, the Campus Safety Office will contact the local law enforcement agency to transport for a psychological evaluation.

3. The Campus Safety Report will be forwarded to the Dean of Student Services for follow-up purposes. The Dean (or designee) will meet with the student to complete a re-entry plan; see *On-Campus Crisis (during regular business hours)*, p. 21, #5).
4. In cases involving a current student 22 years of age or younger, his/her parent or legal guardian will be notified.
5. If it is determined that the individual in crisis is not a current student, the appropriate local law enforcement agency will be contacted to assess the welfare of the individual.

Off-Campus Crisis

The following guidelines will be followed when the Campus Safety Office is notified of a potential off-campus crisis response incident involving a student:

1. A Campus Safety Report will be taken by the officer on duty.
2. The officer on duty will inform the caller that the appropriate local law enforcement agency will be notified immediately to assess the welfare of the student in crisis.
3. The officer on duty will contact the appropriate local law enforcement agency and request that they check the welfare of the individual in crisis. The officer on duty will request that the local law enforcement agency update the Campus Safety Office following contact with the individual in crisis.
4. In cases involving a current student, the Campus Safety Office will notify the Dean of Student Services and the Campus Safety Director of the incident.
5. The Campus Safety Report will be forwarded to the Dean of Student Services for follow-up purposes. The Dean (or designee) will meet with the student to complete a re-entry plan; see *On-Campus Crisis (during regular business hours)*, p. 21, #5).
6. In cases involving a current student 22 years of age or younger, his/her parent or legal guardian will be notified.
7. If it is determined that the individual in crisis is not a current student, the appropriate local law enforcement agency will be contacted to assess the welfare of the individual.

STUDENT ATHLETIC CODE OF CONDUCT

Representing Finger Lakes Community College as a member of one of its athletic teams is an honor and a challenge involving a great deal of individual responsibility. Academic progress and success must be your first priority. Good study habits and proper utilization of all your time are necessary to strike the proper balance necessary to do justice to your studies and athletic team requirements.

Having been selected as a College team member is a tribute to your high skill level and dedication to your sport. Superior athletic performance is only part of your responsibility. You must practice the highest ideals of sportsmanship. You must honor and respect coaches, teammates, officials, opponents, and spectators. You must never do anything to embarrass yourself, your family or your College. You must observe the Finger Lakes Community College Student Code of Conduct Policy, the Student Athletic Code of Conduct and regulations that apply for your particular athletic team, the guidelines of the Mid-State Athletic Association and National Junior College Athletic Association Code of Conduct. Please note that these regulations not only apply to on-campus incidents but also apply to any off-campus environment as well. Violations of these rules of conduct will result in your suspension or dismissal from the athletic team, will affect your grade, and/or jeopardize your status as a student of this College.

Any violations of the Student Code of Conduct Policy will be administered by the Dean of Student Services and Enrollment Management. All suspensions or dismissals for violations of the Student Athletic Code of Conduct or an individual team's guidelines will be administered by the Athletic Director.

SPORTSMANSHIP

Certain standards of behavior are expected of all student-athletes and team personnel participating in any athletic event. Student-athletes are guests at any event, their participation is a privilege not a right. Sportsmanship and citizenship are modes of conduct that promote and develop respect for fellow participants, coaches, and teammates. That respect should also be reflected in each student-athletes behavior toward officials and spectators. Every individual participating in any athletic event must abide by the following:

Violent Behavior - Acts of violence or flagrant acts during or related to an athletic contest are not permitted. A violent act is one in which physical contact or an attempt to make physical contact occurs, the purpose of which is to damage, harm, intimidate, or otherwise injure a person or property.

Penalty for Violent Behavior - Any player or team personnel who is guilty of leaving his/her sideline, bench or position to participate in violent behavior will be considered a responsible party in such behavior and will be subject to the following:

1. Immediate ejection.
2. A minimum suspension of one game to be served during the next scheduled contest during the regular season and/or post-season play. Suspension of student-athletes occurring at the end of the season shall carry over to the next academic year and will be served during the first scheduled contest of that year. The length of the suspension will depend on the severity of the infraction and may result in dismissal from the team and failure in the class.
3. Should an individual be ejected for violence a second time during a given season, that individual shall be dismissed from the team and fail the class. The student will also be prohibited from participating in any intercollegiate athletics for the remainder of that academic year.

Non-Violent Unsportsmanlike Behavior - Non-violent unsportsmanlike behavior during or related to any athletic event is prohibited. This behavior includes profanity, vulgar gestures, trash talk and loud or abusive language directed at players, coaches, contest officials and/or spectators.

Penalty for Non-Violent Unsportsmanlike Behavior - Any player, or team personnel guilty of non-violent unsportsmanlike behavior is subject to the following:

1. Immediate ejection.
2. A minimum suspension of one game to be served during the next scheduled contest during the regular season and/or post season play. The length of the suspension will include a maximum of five games depending on the severity of the infraction and the total number of games in the season.
3. Should an individual be ejected a second time during a given season, that individual may be dismissed from the team and/or fail the class.

VIOLATION OF STUDENT CODE OF CONDUCT POLICY

Any student-athlete charged with violating the Student Code of Conduct Policy will be suspended from all athletic participation until a decision has been reached by the Dean of Student Services. Failure to comply with the sanction implemented by the Dean of Student Services or Disciplinary Board may result in suspension from athletic participation. Any student-athlete placed on probation by the Dean of Student Services will not be allowed to participate in any athletic contests for the duration of that probation. The student may practice during the probation period.

Any student-athlete found using, possessing, or selling alcoholic beverages at a home contest or during an away athletic trip will be immediately suspended from the team.

Any student-athlete found using, possessing, or selling illegal substances on campus or on an athletic trip will be immediately suspended from the team and will lose the right of any athletic participation at FLCC.

Some incidents may not be a violation of the Student Code of Conduct Policy, but may cause embarrassment to the team, college or yourself and will be administered as follows by the Athletic Director. Consequently,

1. The first offense would result in a 1-5 game suspension or depending on the severity of the infraction may result in dismissal from the team and failure in the class.
2. The second offense will result in dismissal from the team and failure in the class.

INDIVIDUAL SPORT GUIDELINES

In addition to this Athletic Code of Conduct, a coach may also require certain standards of participation for his/her athletic team. The specific guidelines will be part of the course syllabus given to all participants that qualify to be members of that athletic team.

ACADEMIC GUIDELINES

Finger Lakes Community College is a member of the National Junior College Athletic Association (NJCAA) and abides by NJCAA rules, which includes the following:

- Transfer students must have an official college transcript sent to the Registrar's Office.
- The GPA that transfer students attained at other institutions must be used in determining a student's eligibility.
- Students must be enrolled at FLCC when the sport commences. A student could not join the basketball team if s/he enrolled in January. The only exceptions are religious missions or military duty.

- Part-time students are eligible if they attend the same institution at least one academic year as part-time students prior to his/her participation, passing at least 12 credit hours with an overall GPA of 1.75 or better. If at any time the students enroll full-time, they forfeit the privileges under the part-time rule.
- During the advisement process, any transfer student, part-time student, non high school graduate, or students with delayed enrollment should be referred to the Athletic Director.

Any student-athlete that provides false information, transcripts and or documents to Finger Lakes Community College effecting eligibility will lose the right of any athletic participation at FLCC.

A partial list of the eligibility guidelines would include the most common areas of concern for the student-athlete:

1. Every student-athlete must be enrolled in at least 12 credit hours each semester to be eligible to compete. Any student dropping below 12 credit hours, at any time during the semester, will immediately become ineligible.
2. Academic standing needed to participate at Finger Lakes Community College:

First Season of Competition

1st Semester: Must maintain enrollment in a minimum of 12 credit hours.

2nd Semester: For Spring sports, or sports that span two semesters, the student-athlete must pass a minimum of 12 credit hours with a 1.75 grade point average before the start of the second semester sport.

Any course taken during Jan Plan is counted on the fall semester transcript.

Second Season of Competition

1st Semester: Student must pass a minimum of 24 credit hours with a 2.00 GPA, **AND** pass a minimum of 12 credit hours with a 1.75 GPA or higher the previous semester.

OR

Pass a cumulation of credit hours equal to 12 multiplied by the number of terms in which the student was previously enrolled full-time.

2nd Semester: Same as the 1st semester of the second season of competition.

When a student has not met the College Standards of Progress following a probationary semester, the student is placed on dematriculation status. The student is no longer matriculated in a degree program and is not eligible to participate on any athletic teams, regardless of GPA and hours attained from previous semesters.

ACADEMIC CREDIT

A student-athlete at Finger Lakes Community College is eligible to receive one credit of physical education upon successful completion of his/her sport. Please be aware of the grading policies for your sport that are part of the course syllabus. Questions or concerns regarding your grade should first be directed to your coach immediately upon receipt of your grades. If your questions are addressed, please contact the Athletic Director.

Participation on a College athletic team does not allow student-athletes the freedom to miss other scheduled academic responsibilities. A game/meet is not an excused absence from a class and it is the student-athlete's responsibility to adhere to the grading/attendance policies of each instructor.

GRADES/TRANSCRIPTS

As a student-athlete at Finger Lakes Community College, I understand that the College must verify all academic records as a condition of participation on an intercollegiate team. I give my consent to use my grades and/or college transcripts for purposes of NJCAA eligibility and/or transfer eligibility to another institution. I also give my consent that my academic records may be released to my parents/guardian/spouse for purposes of eligibility and/or participation

on an intercollegiate athletic team. I understand that my failure to return uniforms and/or equipment that is the property of Finger Lakes Community College will result in no official transcript, a registration hold, and a diploma hold through the Office of the Registrar.

INJURIES/INSURANCE/PHYSICAL EXAMINATIONS

I will report my injury to the Athletic Trainer at the time it occurs. If I cannot report the injury immediately, I will report it as soon as possible to the Athletic Trainer and fill out an Accident Report Form. The student-athlete is responsible for attaining an insurance claim packet from the Athletic Trainer and is responsible for all insurance concerns from that point. Each full-time student has insurance coverage up to \$3,000. Every full-time student-athlete has additional coverage as an athletic participant. It is the responsibility of all part-time students to notify their coach of their academic part-time status.

In order to participate on an intercollegiate team a student must have passed a physical exam in the current academic year. The physical exam may be taken in June, July or August prior to the fall semester or any time during the academic year of participation as long as the physical is prior to the first scheduled practice or tryout. I give my consent to use my medical examination records for purposes of NJCAA eligibility.

STUDENT ATHLETIC CODE OF CONDUCT STUDENT ACKNOWLEDGMENT

I acknowledge I have received a copy of the Student Athletic Code of Conduct and may obtain the Student Code of Conduct Policy via the *Student Handbook and Academic Planner*, the Office of the Dean of Student Services and Enrollment Management, or online at <http://www.flcc.edu/student-services/>.

My signature on this document indicates I have read and understand my responsibilities and will abide by it.

Intercollegiate Sport _____

Print Name _____

Signature _____

Student ID# _____

Date _____

Student Athletic Code of Conduct - Revised February 2005

GRIEVANCE PROCEDURES

I. Academic Complaints

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 (that is, assessment, evaluation, examination, judgment) or treatment.

Academic grievances must be submitted in writing to the Dean of Student Services Office, contain the name and address of the complainant (i.e., student), course number and title, name of instructor, and a description of the allegations of unfair appraisal or treatment. Complaints must be received by the Dean of Student Services Office no later than four weeks after the beginning of the subsequent semester following the occurrence (that is, complaints relating to courses taken during the spring semester or summer terms must be filed no later than four weeks after the beginning of the fall semester; complaints relating to courses taken during the fall semester or JanPlan must be filed no later than four weeks after the beginning of the spring semester). Deadlines for the submission of an academic grievance appear in the *Student Handbook and Academic Planner*, and are available from the Student Life Office, Help Desk, and the extension centers. A waiver of the deadline must be requested in writing to the Dean of Student Services and cite the rationale for deferring the deadline. The Dean of Student Services will provide his or her decision in writing to the student within ten College working days of receipt of the request.

- A. Students charging a faculty member with prejudiced, capricious, or unfair academic appraisal (that is, assessment, evaluation, examination, 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 to the appropriate department chair.
- C. At the department chair's discretion, a meeting may occur with the student, instructor, and department chair.
- 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 Dean of Student Services. The Dean of Student Services or designee shall schedule a meeting with the student to discuss the merit(s) of the grievance.
- E. The student is offered the opportunity to have a supporter from the College community (i.e., 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. The student is responsible for contacting the supporter to obtain his/her approval to serve in this role. The student shall submit the supporter's contact information to the Dean of Student Services. The supporter may 1) advise the student on the merits of his/her grievance; 2) coach the student in fulfilling the informal grievance procedures; 3) review the student's formal written grievance prior to submission to the Dean of Student Services Office; 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 respondent(s) on behalf of the student during the formal hearing.
- F. The College Academic Grievance Board will be composed of three faculty members (appointed by the Vice President of Academic Affairs and Dean of the College) and two matriculated students (appointed by the Student Corporation President) who have each completed a minimum of 24 credits at Finger Lakes Community College. The Chair of the Academic Grievance Board will be a member of the faculty and will be appointed by the Dean of Student Services and Enrollment Management.

- G. In the 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 Dean of Student Services shall notify the Vice President of Academic Affairs to schedule the hearing. The Dean of Student Services will disseminate the formal written complaint to all parties associated with the grievance (i.e., Academic Grievance Board, instructor, and Vice President of Academic Affairs).
1. The Dean of Student Services 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 for the purpose of reviewing the Academic Grievance Procedures only.
 3. The hearing shall commence not sooner than three College working 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 fall or spring semester. The student must be available at the scheduled hearing time to present his/her complaint. If the student is not punctual to the scheduled hearing, the hearing will not be rescheduled, and the Board Chair will rule in the instructor's favor.
 4. 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, and hearing stenographer. The instructor may request the department chair attend the hearing.
 5. 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 arguments. It is the student's responsibility to arrange for witnesses to attend the hearing.
 6. The student shall have the right to submit evidence and question the respondent who testifies in the matter. If the Academic Grievance Board elects to accept a witness's written statement in lieu of live testimony, the identity of the witness and his or her statements shall be fully disclosed to the respondent and s/he shall be given the opportunity to respond to such statements. Witnesses other than the complainant and the respondent shall be present only when they are giving testimony.
 7. The hearing shall be voice recorded on equipment supplied by the College, and a stenographer will attend the hearing. A transcript of the hearing will be provided to the student and/or instructor upon receipt of a written request to the Dean of Student Services Office. The report shall be made available to the student and/or instructor not sooner than three College working days following the hearing.
 8. Both sides shall be given reasonable opportunity to present a closing statement.
- H. At the close of the hearing, the Academic Grievance Board shall deliberate privately as to whether the complainant's charge has merit. The Board will seek to reach consensus in resolving cases. Within five College working days after the close of the hearing, the Academic Grievance Board shall report its findings to the Dean of Student Services. The Dean of Student Services will notify the student in writing of the Board's decision within five College working days upon notification of the Board's decision. If the Board finds the complainant's charge to have merit, the Board will provide a written recommendation of the action(s) to be taken.
- I. If the student is not satisfied with the Academic Grievance Board outcome, s/he has the right to file a written appeal with the Vice President of Academic Affairs within five College working days of the written notification of the disposition of the matter. The appeal should state the basis for the request and include all supporting documents. A copy of the appeal must be submitted to the Dean of Student Services.
- J. The Vice President of Academic Affairs will provide his or her decision in writing to the student within five College working days of receipt of the appeal.
- K. The decision of the Vice President to sustain the finding of the Academic Grievance Board or change an action(s) is final.

II. Discrimination Complaints

Finger Lakes Community College has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging discrimination on the basis of age, color, disability, national origin, race, religion, creed, sex, sexual orientation, marital status, or veteran status. Complaints must be submitted in writing to the Dean of Student Services Office, contain the name and address of the complainant, and a description of the allegations of discrimination. Complaints must be received by the Dean of Student Services Office 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; complaints relating to allegations of discrimination occurring during the fall semester or JanPlan 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 Dean of Student Services and cite the rationale for deferring the deadline. The Dean of Student Services will provide his or her decision in writing to the student within ten College working days of receipt of the request.

- A. An investigation, as appropriate, shall be conducted by the Dean of Student Services and/or a designee following receipt of a discrimination complaint. This procedure contemplates informal but thorough investigations, affording all interested persons, including the complainant and the person(s) against whom the allegation(s) of discrimination have been made, and their respective representatives, if any, an opportunity to submit information and documentation regarding the complaint allegations.
- B. The investigation will be completed within a reasonable period of time. A written determination with respect to the results of the Dean of Student Services' investigation shall be issued and a copy forwarded to the complainant within 30 College working days of receipt of the complaint.
- C. The complainant shall be informed of the right to file a complaint with the appropriate state or federal agency. The right of a person to a prompt and equitable resolution of a submitted 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 Dean of Student Services, he or she has the right to file a written appeal with the President (or designee) within three College working days of the written notification of the determination. The appeal should state the basis for the request and include all supporting documents. A copy of the appeal must be submitted to the Dean of Student Services Office.
- E. The President will provide his or her decision in writing to the student within ten College working days of receipt of the appeal.
- F. The decision of the President to sustain the finding of the Dean of Student Services or change an action(s) is final.
- G. Retaliation against any person who files a complaint of discrimination, participates in an investigation, or opposes a discriminatory employment or educational practice or policy is prohibited under College policy and by state and federal law.

III. Sexual Harassment Complaints

- A. The Federal Equal Employment Opportunity Commission has defined sexual harassment as: Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature, when:
 1. submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment; (The College interprets this statement to include a student's participation in academic courses, programs, or activities.)

2. submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; (The College interprets this statement to include educational decisions affecting a student.)
 3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. (The College interprets this statement to include a student's educational experience or learning environment.)
- B. Examples of verbal or physical conduct prohibited by the College's policy include, but are not limited to:
1. physical assault;
 2. direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;
 3. a pattern of conduct that would or is intended to cause discomfort or humiliation or both that includes: comments of a sexual nature; sexually explicit statements, questions, jokes, or anecdotes; propositions of a sexual nature; subtle pressure for sexual activity; touching, patting, hugging, brushing against a person's body; remarks about sexual activity, experience, or orientation; display of inappropriate sexually oriented material where others can see it; repeated or unwanted staring.
- C. Finger Lakes Community College has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging sexual harassment. Complaints must be submitted in writing to the Dean of Student Services Office, contain the name and address of the complainant, and a description of the allegations of sexual harassment.
1. A procedural review will be conducted by the Dean of Student Services and/or a designee with the complainant to review the charges, provide an explanation of the investigative process, discuss the student's options, and advise the student of potential sanctions to the alleged harasser.
 2. An investigation, as appropriate, shall be conducted by the Dean of Student Services and/or a designee following receipt of a sexual harassment complaint. This procedure contemplates informal but thorough investigations, affording all interested persons, including the complainant and the person(s) against whom the allegation(s) of harassment have been made, and their respective representatives, if any, an opportunity to submit information and documentation regarding the complaint allegations.
 - a. If the alleged harasser is a College employee, the individual's supervisor will be notified of the behavior and a request will be made to the alleged harasser for the behavior to be stopped immediately. The Human Resources Officer will be notified of the complaint. If the College employee continues to display offensive behavior, the Dean of Student Services will again notify the individual's supervisor, along with the Human Resources Officer.
 - i. The Dean of Student Services will evaluate a request for confidentiality in the context of his or her responsibility to provide a safe and nondiscriminatory environment for all students. Thus, the Dean of Student Services may not be able to honor a student's request that his or her name be withheld when disclosing the complaint to the Human Resources Officer, employee's supervisor, and alleged harasser.
 - ii. The factors to be considered relating to confidentiality of the complainant include the seriousness of the alleged harassment, the age of the student harassed, whether there have been other complaints or reports of harassment against the alleged harasser, and the rights of the accused individual to receive information about the complainant and the allegations.
 - iii. Because of the sensitive nature of incidents of harassment, it is important to limit or prevent public disclosure of the names of both the student who alleges the harassment and the name of the alleged harasser. The College will make every effort to prevent public disclosure of the names of all parties involved in a complaint, except to the extent necessary to carry out a thorough investigation.
 - b. If the alleged harasser is a current student or external community member, the Dean of Student Services will review the complaint under the Student Code of Conduct Policy and may notify the Campus Safety Office to request that an incident report be completed.
 - i. The Dean of Student Services will evaluate a request for confidentiality in the context of his or her responsibility to provide a safe and nondiscriminatory environment for all students. Thus, the Dean of

- Student Services may not be able to honor a student's request that his or her name be withheld when disclosing the complaint to the Human Resources Officer, employee's supervisor, and alleged harasser.
- ii. The factors to be considered relating to confidentiality of the complainant include the seriousness of the alleged harassment, the age of the student harassed, whether there have been other complaints or reports of harassment against the alleged harasser, and the rights of the accused individual to receive information about the complainant and the allegations.
 - iii. Because of the sensitive nature of incidents of harassment, it is important to limit or prevent public disclosure of the names of both the student who alleges the harassment and the name of the alleged harasser. The College will make every effort to prevent public disclosure of the names of all parties involved in a complaint, except to the extent necessary to carry out a thorough investigation.
3. The investigation will be completed within a reasonable period of time. A written determination with respect to the results of the Dean of Student Services' investigation shall be issued and a copy forwarded to the complainant within 30 College working days of receipt of the complaint.
 4. The complainant shall be informed of the right to file a complaint with the appropriate state or federal agency (that is, the Office of Civil Rights and/or the Equal Employment Opportunity Commission). The right of a person to a prompt and equitable resolution of a submitted 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.
 5. If the student is not satisfied with the determination of the Dean of Student Services, he or she has the right to file a written appeal with the President (or designee) within five College working days of the written notification of the determination. The appeal should state the basis for the request and include all supporting documents. A copy of the appeal must be submitted to the Dean of Student Services Office.
 6. The President will provide his or her decision in writing to the student within ten College working days of receipt of the appeal.
 7. The decision of the President to sustain the finding of the Dean of Student Services or change an action(s) is final.
 8. Retaliation against any person who files a complaint of sexual harassment or participates in an investigation is prohibited under College policy and by state and federal law.

IV. All Other Complaints and Disputes

All other complaints, charges, or disputes shall be presented to the Dean of Student Services no later than ten College working days after the occurrence. Except in unusual circumstances, all complaints, other than those specified above, must be submitted in writing to the Dean of Student Services Office, contain the name and address of the complainant, and a description of the allegations.

The Dean of Student Services 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 Dean of Student Services may later serve in the same matter as the hearing officer.

FLCC does not discriminate on the basis of race, color, creed, religion, national origin, sex, age, marital status, sexual orientation, disability, or veteran status in its educational programs, admissions, activities, or employment policies.