



STUDENT CODE OF CONDUCT

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ROCKLAND COMMUNITY COLLEGE STUDENT CODE OF CONDUCT

Preface

“Student Development theory commonly holds that the campus conduct process ought to be educational, in order to assist students in ethical development. From Policies to Procedures to Sanctions, the conduct process is not intended to be punitive, but to function as a learning experience that provokes students to reflect on their behaviors, their values, and how their behavior impacts other members of the campus community. We make great efforts to differentiate the campus conduct process from the criminal and civil legal realm which have different methods and goals.” Brett A. Sokolow, JD

Rationale for Policies and Procedures of Conduct

Rockland Community College is a supportive learning-centered environment that strives to empower our students. As an institution of higher education, RCC seeks to provide the best educational environment for its students, faculty and staff. To achieve this goal, the College requires each member of the campus community, whether a member of the student body, faculty, staff or administration, to follow the policies and procedures established by the College along with all local, state and federal laws. The College is committed to supporting a moral and just climate, meeting its contractual obligations, and protecting its property and that of its community members. Equally valued is the importance of treating all students with equal care, concern, fairness and dignity.

All students should be familiar with the College Catalog,* which contains rules and regulations of the College. By enrolling at the College, students agree to abide by the Student Code of Conduct. All students at RCC have access to the Student Code of Conduct in the College’s Policies and Procedures online at <http://www.sunyrockland.edu/about/governance/board-of-trustees/> and from the office of the Associate Vice President of Enrollment Management, Technology Center, Room 8129, 845-574-4206. Any questions about the Student Code of Conduct may be directed to the Associate Vice President of Enrollment Management or the Coordinator of Judicial Affairs.

**College Catalog does not contain all of the College’s rules and regulations*

Statement of Jurisdiction

Furthering the educational aims of the College, the following policies and procedures regarding conduct at any College location or function, the use of College premises, the enforcement of the Code of Conduct and penalties for any violations, thereof, are hereby established. The College reserves the right to take any necessary and/or appropriate steps to protect the safety and well-being of the College community. While the jurisdiction of the College shall generally be limited to conduct which occurs on College premises or at College-sponsored activities, a student who is charged with a crime as a result of off campus behavior, and who represents a risk to the health or safety of the College community may also be subjected to the student conduct process. In addition, the

jurisdiction may be extended when a student or a student organization commits a prohibited act off campus against a student or employee of the College, or against the College itself, when such act is related to the student or accuser's status at the College.

Authority for Administration of the Student Code of Conduct

The College President has designated the Provost and Vice President of Academic Affairs & Student Services, Associate Vice President of Enrollment Management, and Coordinator of Judicial Affairs as the persons responsible for the implementation of the Student Code of Conduct and the student conduct process at the College. They will coordinate the Student Conduct Process to include the composition of the Hearing Committee and the imposition of sanctions upon any student(s) found to have violated the Student Code of Conduct. Decisions made by the Coordinator of Judicial Affairs and the Associate Vice President of Enrollment Management shall be final, pending the outlined appeal process.

DEFINITIONS

1. The term "accused" means students, student groups, or student organizations accused of alleged violation(s) of the Student Code of Conduct.
2. The term "accuser" means a member of the College community who alleges that he or she has suffered personal harm or injury as a result of an alleged violation(s) of the Student Code of Conduct or a College official who reports an alleged violation(s) of the Student Code of Conduct.
3. The term "advocate" means an individual, who is not an attorney, who has been selected by an accused or by an accuser to assist him or her in a Hearing or conferences conducted under this Code.
4. The term "Association" means the Rockland Community College Association.
5. The term "attorney" means a person who holds a J.D., LL.B., or LL.M. degree from an accredited college or university who has passed a bar exam and is not a member of the College community.
6. The "Behavioral Assessment Committee" is an advisory group responsible for assessing student behavioral issues and making recommendations that help insure student success and safety.
7. The term "business day" means any day Monday through Friday that is not listed as a College holiday on the College's calendar.
8. The term "College" or RCC means Rockland Community College, including its Haverstraw and any other locations, departments and programs.
9. The term "College official" means any person employed by the College or Association performing assigned administrative or professional responsibilities. This includes

supervisory, academic, and support staff, as well as Public Safety, maintenance, employees of a contracted company, and members of the Board of Trustees.

10. The term “College premises” means all buildings, facilities, or grounds owned, used, leased, operated, controlled, or supervised by the College. This includes, but is not limited to, adjacent streets and sidewalks.

11. The term “College-related agency” means the Association.

12. The term “College-sponsored activity” means any academic, co-curricular, or other activity on or off College premises which is initiated, aided, authorized, or supervised by the College or a College-related agency.

13. The term “complicity” means assisting another student, individual, or group - through act or omission - in committing or attempting to commit a violation of the College’s Code of Conduct.

14. As used in Section II, Standard 2 e (relating to sexual assault) and Standard 2 f (relating to rape) the term “consent” means a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity, or gender expression.

a) Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.

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

c) Consent may be initially given but withdrawn at any time.

d) Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

e) Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

f) When consent is withdrawn or can no longer be given, sexual activity must stop.

15. The “Coordinator of Judicial Affairs” refers to the Coordinator of Judicial and Veterans Affairs.

16. The term “dating violence” refers to any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim/survivor. The existence of such a relationship shall be determined based on the victim’s/survivor’s statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.
17. The term “domestic violence” refers to any violent felony or misdemeanor crime committed by a current or former spouse or intimate partner of the victim/survivor, a person sharing a child with the victim/survivor, or a person cohabitating with the victim/survivor as a spouse or intimate partner.
18. The term “designee” refers to one designated.
19. The term “disruptive behavior” in the educational environment means, but is not limited to: Making loud and distracting noises, repeatedly answering cell phones or allowing communication devices to make noise, persisting in speaking without being recognized, repeatedly leaving and entering the classroom.
20. The term “distribution” means the sale, exchange, or transfer with or without personal profit.
21. The term “faculty member” means any full-time or part-time faculty member employed by the College.
22. The term “Foundation” means the Rockland Community College Foundation.
23. The term “Hearing Committee” means any person or persons authorized by the Provost and Vice President of Academic Affairs & Student Services or their designee to determine whether a student has violated the Code of Conduct and to recommend sanctions that may be imposed when a rule(s) violation has occurred.
24. The term “Hearing Officer” is any member of the College who has been trained to deal with violations of the Student Code of Conduct and to impose sanctions upon any student(s) who violates the Student Code of Conduct.
25. The term “intentional” means conduct one undertakes deliberately.
26. The term “interpersonal violence” refers to domestic violence, dating violence, and stalking.
27. The term “knowing” means conduct one undertakes with reasonable awareness.

28. The term “organization” means any number of persons who have complied with the College requirements for registration/recognition as an organization.
29. The term “Persona Non-Grata” is Latin for “an unwelcome person.” Any individual who has had privileges to visit an area revoked will receive this status. Individuals who receive this status are subject to either revocation of visitation in the certain buildings or on all of the College’s premises.
30. The term “reckless” means conduct one should reasonably be expected to know would create a substantial risk of harm to person or property, or which would otherwise be likely to result in interference with normal College or College-sponsored activities.
31. The term “reporting individual” means an individual who brings forth a report of a sexual assault or interpersonal violence.
32. The term “respondent” means a person accused of a sexual or interpersonal violence violation who has entered the College’s conduct process.
33. The term “retaliation” means to do something in response to an action done to oneself or an associate especially to harm or injure someone as a response to a hurtful or offensive action.
34. The term “sexual act” means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks or any person with an intent to abuse, harass, degrade, or arouse or gratify the sexual desire of any person.
35. The term “sexual activity” includes sexual acts and sexual contacts.
36. The term “sexual assault” means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
37. The term “sexual contact” means (A) contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight; (B) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; (C) the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or (D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.
38. The term “sexual violence” refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving affirmative consent. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery,

sexual abuse, and sexual coercion. Sexual violence can be carried out by other students, College employees, or third parties.

39. The term “stalking” means intentionally engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear for his or her safety or the safety of others or cause that person to suffer substantial emotional damage. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose, and repeatedly communicating by any means, including electronic means, with such person(s) in a manner likely to intimidate, annoy, or alarm him or her.

40. The term “student” means a person either enrolled in or auditing credit or non-credit courses at the College, on either a full-time or part-time basis. Persons who have been notified of their acceptance for admission and have confirmed their future attendance at the College shall also be responsible for abiding by the Code of Conduct.

41. The term “Student Code of Conduct” is alternately referred to as the “Code of Conduct,” and the “Code.”

Section I - STUDENT RIGHTS AND RESPONSIBILITIES

A. Student Code of Conduct

Students’ rights are basic to the freedom to learn and must be based on mutual respect and responsibility. In addition, when a student enrolls at Rockland Community College, he/she agrees to abide by all College regulations. Therefore, violations of any rule of the following Code of Conduct will result in appropriate disciplinary action.

The Student Code of Conduct as set forth below applies to all students and student organizations of Rockland Community College. The Code of Conduct primarily prohibits misconduct on College premises and off College premises in relation to College-sponsored activities, including, but not limited to, field trips, internships, sporting events, and all privileges granted to RCC students. The Provost and Vice President of Academic Affairs & Student Services, Associate Vice President of Enrollment Management, or Coordinator of Judicial Affairs may address and take appropriate disciplinary action based on conduct occurring off campus when the behavior or the presence of the student, in the College’s sole judgment, adversely impacts or represents a threat to the campus community, damages the reputation of the institution, or impairs, obstructs, or interferes with the interests and/or mission, processes, or functions of Rockland Community College.

Students are subject to this Code of Conduct during academic terms for which they are enrolled, and, under certain circumstances, during breaks between terms, during College holidays and vacations, and during periods of suspension. If a student violates a law which also violates the Code, that student may be held accountable by both civil authorities and the College. The College may, at its sole discretion, elect to pursue disciplinary action against the student at the same time as criminal proceedings, even if criminal charges involving the same incident are pending, have been dismissed, or were reduced.

B. Standard of Evidence

A general principle in all matters of student discipline will be that the College may base its determinations on a preponderance of the evidence standard (i.e., it is more likely than not). In cases of misconduct where a major penalty may be assessed, or in which a student so requests, the student will be informed in writing of the allegations and charges, will be provided an opportunity to refute them, and will be afforded an avenue to appeal an adverse decision.

C. Complicity

A student shall not, knowingly or intentionally, through act or omission, assist another student, individual, or group in committing or attempting to commit a violation of the College's Code of Conduct. A student who has knowledge of another committing or attempting to commit a violation of the Code of Conduct is expected to remove him or herself from the situation.

D. False Accusations

The College recognizes that the question of whether a particular conduct constitutes a violation of the Student Code of Conduct requires a case by case factual determination. The College recognizes that false accusations have serious effects on innocent persons. If it becomes clear that a person who has accused another of a violation has maliciously or recklessly made a false accusation, the accuser will be considered in violation of the Student Code of Conduct. It is important to note, however, that the fact that a complaint is not substantiated or is determined not to constitute a violation does not mean that the complaint was maliciously or recklessly made.

Section II – STANDARDS OF STUDENT CONDUCT

In order to maintain an optimal learning environment and to foster a campus community that values civility, integrity, respect and safety, the College sets forth the following behavioral expectations of all students:

STANDARD 1. RCC students are expected to adhere to the highest standards of academic honesty and integrity and support a campus environment that is conducive to learning and scholarship.

Violations of this standard include, but are not limited to:

- a. Cheating on an examination; stealing or possessing stolen examinations or course materials; unauthorized assistance in work to be submitted; posing as another person or allowing another person to pose as oneself.
- b. Plagiarizing (passing off the work of another as one's own work without appropriately citing the source); citing false or fictitious references or providing false data for a research project; using complete or partial papers from Internet paper mills or other sources of non-original work without attribution.

- c. Submitting work from another course without prior approval from the instructor.
- d. Complicity with others in violations of this standard.

STANDARD 2. RCC students are expected to respect and preserve the health, safety, welfare, privacy and rights of all members of the campus community.

Violations of this standard include, but are not limited to:

- a. Engaging in any behavior that is discriminatory, abusive or harassing of any individual or group of individuals on the basis of gender, race, color, creed, ethnicity, religion, age, marital status, military status, national origin, sexual orientation, or disability. Prohibited conduct includes, but is not limited to, incidents of bias-related acts of assault or abuse, or actions that create a hostile, offensive, or intimidating learning or working environment. Violations of this standard can occur in-person, over the phone, or via electronic media (e.g. e-mail, text messages, social networks).
- b. Intentionally, knowingly, or recklessly engaging in conduct that endangers life or property. This includes behavior that threatens to harm, attempts to harm, or causes actual physical harm to oneself or any other person, or causes a reasonable fear of such harm or threat. Threatening conduct may include, but is not limited to, gestures, actions, written statements (including e-mails, text messages, and social networking), or verbal statements.
- c. Intimidation, coercion, stalking (including cyber-stalking), harassment, abusive language, or any other conduct which threatens or endangers the health, safety or well-being of any member of the campus community. Violations of this standard can occur in-person, over the phone, or via electronic media (e.g. e-mail, text messages, social networks).
- d. Engaging in conduct which is disorderly, lewd or indecent, including, but not limited to, streaking, flashing, nudity, or exposing body parts which are known as private.
- e. Engaging in sexual contact with another person without consent. This type of conduct is referred to as sexual assault. Nonconsensual physical assault during consensual sexual contact is also prohibited (See Section II, D, for Procedures Governing Sexual Assault, Dating Violence, Domestic Violence and Stalking Complaints).
- f. Engaging in sexual intercourse with another without that individual's consent. This type of conduct, which is referred to as rape, includes sexual intercourse following a spoken "no," or any other expression of refusal, even without further resistance of any kind by the individual (See Section II, D, for Procedures Governing Sexual Assault, Dating Violence, Domestic Violence and Stalking Complaints).
- g. Stalking (including cyberstalking), dating or domestic violence committed by one student against another student that occurs on or off campus and adversely impacts the

campus environment for the victim/survivor (See Section II, D, for Procedures Governing Sexual Assault, Dating Violence, Domestic Violence and Stalking Complaints).

- h. Retaliation of any kind, whether against a victim/survivor, witness, or any participant in the conduct process is strictly prohibited.
- i. Incapacitation due to the use or abuse of alcohol or a controlled substance, or appearing in an intoxicated or altered state on College premises, at College-sponsored events, or while officially representing the College - particularly when there is a danger to self, others, or property.
- j. Engaging in any act of hazing, or any other method of initiation into a student, school, athletic, fraternal or College organization, or any pastime or amusement with respect to such organization that either endangers or inflicts physical or psychological harm, or creates substantial risk of physical or psychological harm to oneself or another person, whether entered into on a voluntary or involuntary basis, to include, but not be limited to, the forced consumption of alcohol.
- k. Unauthorized use or possession of fireworks on College premises or at College-sponsored activities, except as authorized by the President or his/her designee after receipt of any necessary permits.
- l. Rockland Community College is a **WEAPONS FREE CAMPUS**. Possessing, using, or threatening others with knives, firearms, explosives, hazardous materials, pepper spray, or other weapons on College premises or at College-sponsored activities, except by authorized law enforcement officers either on duty or otherwise acting in accordance with the requirements of their position. Note that the term "weapon" shall include any object or substance that is designed to, or used to, or reasonably can be used to, inflict physical harm, cause injury, or incapacitate.
- m. Intentionally, carelessly, or recklessly causing a fire to be ignited on College premises, except as authorized by the President or his/her designee after receipt of any necessary permits.
- n. Tampering with, or the unauthorized use of, fire safety equipment such as extinguishers, smoke detectors, alarm pull stations or emergency exits, including activating a false fire alarm, failing to evacuate a facility during the sounding of a fire alarm or upon the direction of a College official, or attempting to re-enter the building without permission of the proper authorities.
- o. Smoking, defined as the inhaling, exhaling, burning or carrying of any lighted or heated cigar, pipe, or cigarette including but not limited to traditional or electronic cigarettes or similar devices on the College premises. College premises are defined as: all buildings, facilities, and grounds owned, used, leased, operated, controlled or supervised by the College. This includes but is not limited to the parking lots, all areas in and around campus buildings, and adjacent areas such as the cemeteries.

p. Unauthorized use of electronic or other devices to make an audio, video, or photographic record of any person or thing while in the classroom, or in any campus location where there is a reasonable expectation of privacy including, but not limited to, locker rooms, changing rooms or restrooms.

q. Complicity with others in violations of this standard.

STANDARD 3. RCC students are expected to respect the property of others, and the property, facilities, resources and reputation of the College.

Violations of this standard include, but are not limited to:

a. Engaging in any intentional, knowing or reckless act which results in damage or destruction of College premises, equipment, facilities, systems, intellectual property, vehicles, vessels or the vehicles or property of another, or causes the obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College-sponsored activities.

b. Stealing College property or services, or stealing property of any person, or distributing stolen property on College premises.

c. Possessing, duplicating, distributing, or using keys to any College premises without authorization.

d. Being present in or using College premises, facilities, or property without authorization.

e. Using the name of the College or a College-related agency without the prior approval of the appropriate College official.

f. Committing any act, while officially representing the College at off-campus or College-sponsored events, that could adversely impact the reputation of the College.

g. Complicity with others in violations of this standard.

STANDARD 4. RCC students are expected to observe the rules, regulations, policies and procedures of the College as well as local, state, and federal laws.

Violations of this standard include, but are not limited to:

a. Intentionally, knowingly, or recklessly engaging in disruptive behavior that interferes with the educational or administrative operation of the College. Such conduct includes, but is not limited to: conduct which disrupts the peaceable classroom, office or administrative environment, conduct that disrupts any College-sponsored activity (the blocking of an entrance, exit, or access to any College facility, area, road, stairway, and/or walkway); behavior that infringes upon the rights of other members of the College community; and leading or inciting others to disrupt scheduled and/or normal activities on College premises.

- b. Consuming, possessing, or distributing alcoholic beverages on College premises, at College-sponsored activities, or while officially representing the College, except as authorized in accordance with official College policies.
- c. Underage (under the age of 21) possession or consumption of alcohol, or the distribution of alcohol to underage students.
- d. Possessing, distributing, or using any drug, narcotic, hallucinogen or similar chemical agent that is controlled and prohibited by law.
- e. Gambling on College premises or at College-sponsored activities, except as authorized by the President or his/her designee.
- f. Tampering with any College-sponsored student election.
- g. Violating traffic safety and parking regulations on College premises. This includes obstruction of the free flow of pedestrian or vehicular traffic.
- h. Using skates or skateboards on College premises; using bicycles on College premises in an unsafe manner.
- i. Forging, altering or misusing any College document, record, or instrument of identification (including student identification cards, passwords, PIN numbers) to seek or obtain privileges not ordinarily provided, or permitting someone else to make such use. This includes forged or altered documents submitted to the College, such as doctor's notes, immunization records, transcripts, diplomas, bus passes, etc.
- j. Intentionally furnishing false information to any College official.
- k. Failure to comply with directions of College officials acting in the performance of their duties, including, but not limited to, properly identifying oneself to College officials.
- l. Failing to obtain a student identification card, to carry the card whenever on College premises, or to present it when requested by any College official acting in the performance of his/her duties.
- m. Abusing the College student conduct process, including, but not limited to, failing to obey the notice from a College official to appear for a meeting or hearing as part of the student conduct process; falsifying, distorting or misrepresenting information before a Hearing Officer or Committee; maliciously or recklessly making a false allegation; attempting to influence or discourage an individual's proper participation in, or use of, the student conduct system; or failing to comply with the terms of any disciplinary sanction imposed.
- n. Displaying or distributing advertisements at a time, place, or manner in violation of College policy, local, state or federal law.

o. Permitting privately owned animals on College premises or to enter into any College facility, except as may be authorized for individuals with documented disabilities who may need such assistance, or as necessary to participate in a College-sponsored activity.

p. c

q. Violating any local, state, or federal law on or off College premises or at College-sponsored activities.

r. Failing to comply with other College policies as outlined in the Student Handbook, College Catalog, College Web site, or other official College publications.

s. Complicity with others in violations of this standard.

A. Procedures for Dealing with Violations (Except Smoking Violations and Violations of Academic Honesty and Integrity)

The Coordinator of Judicial Affairs deals with all violations of the Code. In the absence of the Coordinator of Judicial Affairs, the Associate Vice President of Enrollment Management will handle all judicial matters.

1. Any student, faculty member, College official or College employee may file a charge(s) of misconduct against a student. All alleged violations will be submitted in writing, in sufficient detail, to the Coordinator of Judicial Affairs within ten (10) business days of the point at which the alleged violation occurred or within ten (10) business days of the point at which the alleged violation could have been reasonably known to occur.

2. The accused will be informed of the charges against him/her in writing and will be notified of the time and date to report to the Coordinator of Judicial Affairs for a Conduct Meeting.

B. Conduct Meeting with the Coordinator of Judicial Affairs

1. In the notice, described in Paragraph A, 2, each student will be advised of the alleged violation(s), the evidence against him/her, his/her rights, and possible sanctions. The matters to be discussed during the Conduct Meeting will be set forth in the notice. The student will have the opportunity at this time to present his/her side of the story.

2. An effort will be made to resolve the charges through mutual agreement and to determine the nature of the disciplinary actions to be taken, if any. Attempts to resolve the charges may include a mediated discussion with staff and/or faculty who report a violation, followed up by a written summary of this discussion.

3. If the student does not agree to the proposed resolution and the disciplinary action **does not** involve expulsion, or suspension of more than three (3) days, the student will receive a

written notice of the outcome of the investigation including the findings and the disciplinary sanction to be imposed. Where disciplinary sanctions are imposed the student may appeal to the Provost and Vice President of Academic Affairs & Student Services or designee (see Section II, K 1 - Appeal Process for Disciplinary Sanctions). If the disciplinary action involves expulsion, or suspension of more than three (3) days, he/she may request in writing a hearing before a Disciplinary Hearing Committee. This written request must be received by the Coordinator of Judicial Affairs within fourteen (14) days of the disciplinary decision. In certain circumstances, the Coordinator of Judicial Affairs, in consultation with the Associate Vice President of Enrollment Management, may elect to conduct a hearing before a Disciplinary Hearing Committee in spite of the student's failure to request such a hearing.

C. Disciplinary Hearing Procedures

At the hearing before the Disciplinary Hearing Committee the following procedures will apply:

1. The Hearing shall be closed to the public.
2. The Disciplinary Hearing Committee will consist of two students, two faculty members, and one member of the Administration. In cases of suspension or expulsion, the Disciplinary Hearing Committee must be convened by the Coordinator of Judicial Affairs within seven (7) days of the date of the suspension or expulsion. In all other cases the Disciplinary Hearing Committee will be convened as expediently as possible, but no later than twenty-one (21) days after the sanction has been imposed.
3. The Coordinator of Judicial Affairs will serve as the Hearing Officer, and will be a non-voting member of the Disciplinary Hearing Committee.
4. Each student will be allowed to appear with one advocate of his/ her choice. This advocate can be a member of the legal profession but will not be allowed to make any comments verbally or in writing during the hearing. Students will be permitted to consult with their advocate in a manner that will not disrupt the proceeding. In those cases where there is a companion criminal proceeding, the student may be accompanied by an attorney who may consult with the student on matters related to self-incrimination.
5. At the hearing, the accuser and the accused will have sufficient opportunity to explain the circumstances surrounding the incident and are encouraged to present pertinent evidence and the testimony of witnesses. In addition, both parties will be permitted to submit written questions for the Disciplinary Hearing Committee members to ask of any witnesses who appear, to comment on any written statements or other evidence presented, and to respond to questions.
6. Students providing witnesses can either request their appearance on his/her own or ask the Associate Vice President of Enrollment Management's office to contact the witnesses, the latter of which shall occur not less than three (3) business days prior to the scheduled

hearing date. In this case, at the time of the request, the student must provide all contact information for all witnesses to the Associate Vice President of Enrollment Management's office. If a witness is unavailable or cannot be contacted, all appropriate parties will be notified.

7. The Disciplinary Hearing Committee may accept signed and notarized written statements as evidence.
8. The primary function of the Disciplinary Hearing Committee is to determine whether the accused has violated the Code of Conduct and if so, recommend an appropriate sanction to the Associate Vice President of Enrollment Management. The decision and determination of the Disciplinary Hearing Committee will be reached by a majority vote.
9. If the Coordinator of Judicial Affairs is party to the charges, his/her responsibilities will be fulfilled by the Associate Vice President of Enrollment Management.
10. An audio recording of the proceedings will be maintained to enable review thereof. The audio recordings are property of Rockland Community College.
11. Upon receipt of the Disciplinary Hearing Committee's recommendation, the Associate Vice President of Enrollment Management will decide what, if any, action is to be taken. The student may appeal the Associate Vice President of Enrollment Management's decision, including the sanction(s) imposed in certain circumstances (See Section II, K 2).

D. Procedures Governing Sexual Assault, Dating Violence, Domestic Violence and Stalking Complaints

1. Conduct proceedings are governed by the procedures set forth in the Rockland Community College Student Code of Conduct, as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.
2. Throughout conduct proceedings, the respondent and the reporting individual will have:
 - a. The same opportunity to be accompanied by an advisor of their choice who may assist and advise the parties throughout the conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Conduct;
 - b. The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is "not responsible" until a finding of responsibility is made, and other issues related to sexual assault, domestic violence, dating violence, and stalking.

Absent extenuating circumstances, review and resolution of a complaint is expected to take place within sixty (60) calendar days from receipt of the complaint. All deadlines and time

requirements in the Code may be extended for good cause as determined by the Associate Vice President of Enrollment Management. Both the reporting individual and the respondent will be notified in writing of the delay, the reason for the delay, and provided the date of the new deadline or event, which shall not exceed 10 business days;

c. The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest;

d. The right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference to the specific Code of Conduct provisions alleged to have been violated, and possible sanctions;

e. The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than ten (10) days except when law enforcement specifically requests and justifies a longer delay;

f. The right to offer evidence during an investigation and to review available relevant evidence in the case file (or otherwise held by the College);

g. The right to present evidence and testimony at a hearing, where appropriate;

h. The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing, or testifying with a room partition;

i. The right to exclude prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis or treatment from admittance in College disciplinary stage that determines responsibility. Past findings of domestic violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction;

j. The right to ask questions of the decision-maker and via the decision-maker indirectly request responses from other parties and any other witnesses present;

k. The right to make an impact statement during the point of the proceeding where the decision-maker is deliberating on appropriate sanctions;

l. The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanction and the rationale for the decision and any sanctions; appeal procedures; and any change to the result that may occur prior to the time that the result becomes final. If the alleged victim is deceased as a

result of the crime or offense, RCC will provide the results of the disciplinary hearing to the victim's next of kin, if so requested;

m. The right to written or electronic notice about the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal;

n. Access to at least one level of appeal of a determination before a panel, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest;

o. The right to have access to a full and fair record of a student conduct hearing, which shall be preserved and maintained for at least five years. Contact the Associate Vice President of Enrollment Management, Technology Center, Room 8129 (845-574-4206);

p. The right to choose whether to disclose or discuss the outcome of a conduct hearing;

q. The right to have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

E. Protection and Accommodations for Reporting Individuals of Sexual Assault

When the accused *is* a student, the reporting individual has the right to:

- Have the College issue a "No Contact Order," consistent with College policy and procedure, meaning that continuing to contact the protected individual is a violation of College policy, subject to additional conduct charges; if the accused and a protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person. Both the accused/respondent and reporting individual may request a prompt review of the need for and terms of a No Contact Order, consistent with College policy. Parties may submit evidence in support of their request;
- Have assistance from Public Safety or other College officials in initiating legal proceedings in family court or civil court, including but not limited to obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order;
- Have the accused, if he/she presents a continuing threat to the health and safety of the community, subject to interim suspension pending the outcome of a conduct process. Parties may request a prompt review of the need for and terms of an interim suspension;
- Receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with a College official who can explain the order and answer

questions about it, including information from the Order about the accused's responsibility to stay away from the protected person(s); that burden does not rest on the protected person(s);

- An explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension;
- Have assistance from Public Safety in effecting an arrest when an individual violates an Order of Protection or, if outside of New York State, an equivalent protective or restraining order within the jurisdiction of Public Safety or, if outside of the jurisdiction or Public Safety does not have arresting powers, to call on and assist local law enforcement in effecting an arrest for violating such an order;
- Obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation, or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment. Parties may request a prompt review of the need for and terms of any interim measures and accommodations that directly affect them. While reporting individuals may request accommodations through any of the offices referred in this policy, the Associate Vice President of Enrollment Management, located in the Technology Center, Room 8129 (845-574-4206) can serve as a point to assist with these measures;
- Protection against retaliation. No member of the College community shall retaliate, intimidate, threaten, coerce or otherwise discriminate against a person who files a sex discrimination complaint under Title IX or participates in a complaint investigation in any way. Participants who experience retaliation should report the event to the Associate Vice President of Enrollment Management.

When the accused *is not* a student, but is a member of the College community and presents a continuing threat to the health and safety of the community, the reporting individual has the right to:

- Request the accused be subjected to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and College policies and rules.

When the accused *is not* a member of the College community, the reporting individual has the right to:

- Have assistance from Public Safety or other College officials in obtaining a persona non-grata letter, subject to legal requirements and College policy.

F. Procedures for Dealing with Smoking Violations

1. If a student is charged with smoking on College premises, he/she will receive a written citation from a Public Safety Officer. Upon receiving a copy of the smoking citation, the Coordinator of Judicial Affairs will send a written notice to the student outlining the sanction(s) he/she must complete. Sanctions for smoking may include educational opportunities, monetary fines, and/or suspension.

2. In instances where a student is charged with smoking on College premises and would like to appeal the charge, a student may provide a written statement, within five (5) business days of the citation, along with any supporting documentation and witness lists or other evidence, to the Coordinator of Judicial Affairs for consideration. After reviewing the documentation, the Coordinator of Judicial Affairs may elect to follow up with the student and any witnesses identified. A decision will be made by the Coordinator of Judicial Affairs after thorough review of all available information. All appeal decisions by the Coordinator of Judicial Affairs are final.

G. Procedures for Dealing with Violations of Academic Honesty and Integrity (Standard 1)

1. The student will be informed of his/her alleged violation(s) by his/her professor either verbally or in writing, and a meeting will be arranged between the professor and student to discuss the evidence and to afford the student an opportunity to respond to the Student Code of Conduct charges.

2. If a student is found to be in violation of academic honesty/integrity, a decision will be made by the faculty member, in conjunction with the Department and/or Division Chair as to an appropriate academic penalty. The penalty will be communicated to the student in writing within seven (7) business days of the original meeting and a copy of the decision will be sent to the Division Chair, the Provost and Vice President of Academic Affairs & Student Services, and the Associate Vice President of Enrollment Management.

3. If the accused student does not agree that he/she is in violation of the standard of academic honesty/integrity, and the academic penalty **does not** involve suspension or expulsion from academic programs of the College, he/she may appeal through the Appeal Process for Academic Sanctions outlined in Section II, K 3. In cases where the academic penalty involves suspension or expulsion from academic programs of the College, a student may appeal through the Appeal Process for Suspensions or Expulsions from Academic Programs outlined in Section II, K 4.

H. Disciplinary Sanctions

With the exception of violations of academic honesty and integrity (Standard 1), the Associate Vice President of Enrollment Management is responsible for implementing disciplinary sanctions imposed on students found by the Hearing Committee or the Coordinator of Judicial Affairs to have violated the Code of Conduct. The extent of the

disciplinary sanction will depend on all of the circumstances which shall include without limitation the seriousness of the violation, and past practices in similar situations. The Associate Vice President of Enrollment Management's office will maintain records of all imposed disciplinary sanctions.

Disciplinary sanctions may not only affect the student during his/her tenure at Rockland Community College but also may impact the issuance of transcripts and grades, transfer recommendations, and recommendations for employment.

In cases alleging sexual assault (as defined by Article 130 of the New York State Penal Code), both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceedings.

I. Disciplinary Sanctions Imposed

Disciplinary sanctions imposed shall include, but not be limited to, one or more of the following:

1. Written Warning

A written warning is a letter from the Coordinator of Judicial Affairs to a student found to have violated the Code of Conduct. The specific violation is to be stated in the letter along with a rationale for why it violates the Standards of Student Conduct. A copy will be maintained by the Associate Vice President of Enrollment Management's office.

2. Educational Assignment

A student may be assigned a paper, a project, and/or readings which must be completed within a prescribed timeframe and are designed to help students who violate the Code of Conduct reflect and learn from their violations.

3. Disciplinary Probation

Disciplinary probation may be imposed, for a specified period of time, on a student who has been found in violation of the Code of Conduct. Terms of disciplinary probation may include restricted access to designated areas of campus (e.g. Cafeteria, Library, etc.) and/or restricted participation in College activities. If a student violates the restrictions imposed, or becomes involved in any other violations of conduct while on disciplinary probation, additional sanctions may be imposed after a meeting with the Coordinator of Judicial Affairs, up to and including suspension or dismissal from the College. Probationary notice is to be given to the student in writing with the terms of the probation and the rationale carefully detailed.

4. Restitution

Any student found in violation of the Code of Conduct that has caused an expense to the College or other members of the campus community may be required to make financial restitution to the parties involved or through an appropriate service or material replacement. Failure to do so within a specified time period may result in further disciplinary action as determined by the Coordinator of Judicial Affairs.

5. Monetary Fines

Monetary fines may be imposed by the Provost and Vice President of Academic Affairs & Student Services, or designee, when deemed appropriate to a particular circumstance or situation.

6. Community Service

An unpaid service for the benefit of the College or the community as a consequence for a violation of the Code.

7. Dean's Hold

All academic and financial transactions with the College will be prohibited without the prior consent of the office of the Associate Vice President of Enrollment Management. This action automatically occurs within all listed sanctions with the exception of Sanction 1 (Written Warning).

8. Confiscation of Student Identification

Students may be required to surrender their College identification. This action automatically occurs with Sanctions 11, 13, 14, and 15.

9. Revocation of Driving and Parking Privileges on Campus

Evidence of reckless or repeated violations of traffic safety or parking regulations on College premises may lead to a revocation of driving and parking privileges on campus.

10. Withdrawal from a Course

The Associate Vice President of Enrollment Management, or a designee assigned by the Associate Vice President of Enrollment Management, may withdraw a student from a course or transfer him/her to another section of the course

11. Temporary Suspension

The Associate Vice President of Enrollment Management or a designee may suspend a student from the College for an interim period pending disciplinary proceedings. The specifically defined period of time, i.e., three days, two weeks, etc., in which the student will be prohibited from attending classes pending disciplinary proceedings shall be used to conduct further investigation of the alleged violation. The temporary suspension shall become immediately effective without prior notice whenever the Associate Vice President of Enrollment Management or a designee determines there is a reasonable basis to conclude that the continued presence of the student at the College poses a substantial and immediate threat of harm.

A student suspended on a temporary basis shall be given an expedited opportunity (within three days of the notice of temporary suspension) to appear before the Associate Vice President of Enrollment Management or a designee for a Conduct Meeting (see Section II, B). During the Conduct Meeting the charges will be discussed and a determination will be made as to whether or not further disciplinary action will be taken. If at the time of the Conduct Meeting insufficient information has been gathered to make a final determination,

the period of temporary suspension will continue and a second Conduct Meeting will be scheduled once the investigation is complete.

12. Classroom Removal

A faculty member may temporarily remove a student from class who disrupts the educational environment. If the faculty member removes the student for more than one class session, he/she will submit a written report within 48 hours of the incident for review by the Coordinator of Judicial Affairs. A Conduct Meeting will be scheduled on a priority basis and a decision as to whether or not a student can return to class will be made in consultation with the faculty.

13. Suspension

Suspension shall be a specific period of time in which a student is prohibited from enrolling at the institution. Ordinarily a student who is suspended will receive a "W" for all of his/her courses. In compelling circumstances, the Associate Vice President of Enrollment Management reserves the right to allow a student's instructor to issue a grade. Suspension can be accompanied by additional criteria which the student must fulfill prior to re-enrollment. For the timeframe a student is suspended, he/she is considered "Persona Non-Grata," which means his/her presence on campus is prohibited without prior approval from Public Safety.

14. Expulsion

Expulsion is the immediate removal of a student from the College prohibiting future enrollment at the institution. Ordinarily a student who is expelled will receive a "W" for all his/her courses. In compelling circumstances, the Associate Vice President of Enrollment Management reserves the right to allow a student's instructor to issue a grade. When a student is expelled, he/she is designated "Persona Non-Grata," which means his/her presence on campus is prohibited without prior approval from Public Safety.

15. Involuntary Withdrawal from College

Where the College has credible evidence that a student's behavior represents a direct threat of harm, the Associate Vice President of Enrollment Management, or a designee assigned by the Associate Vice President of Enrollment Management, will temporarily suspend the student, advise him/her of the charges against him/her, and will convene the Behavioral Assessment Committee (BAC) to assess the severity of risk that the student's behavior represents. The BAC will review the student's case, and may require that the student submit an objective, individualized psychiatric assessment from a licensed mental health professional (chosen or approved by the College) that allows the College to determine the nature, duration, and severity of the risk of harm; the probability that a potentially threatening injury will actually occur; and whether reasonable modifications of policies, practices, or procedures will sufficiently mitigate the risk. As part of this determination, the student may be interviewed by the BAC. During the interview the student will have the opportunity to answer the charges against him/her and present evidence that his/her behavior does not represent a direct threat of harm.

After reviewing the student's case and all supporting documentation, the BAC will make a recommendation to the Provost and Vice President of Academic Affairs & Student Services as to what actions can be taken to minimize or eliminate the risk associated with the student's behavior. Based upon the recommendation of the BAC, the Provost and Vice President of Academic Affairs & Student Services may require any of the following: 1) the student may return immediately with or without restrictions; 2) the student must separate from the College for a prescribed period of time with specified conditions for return; 3) the student must withdraw from the College, but may have the opportunity for readmission if he/she is able to establish that his/her behavior no longer constitutes a direct or substantial threat of harm; 4) the student must withdraw from the College without the opportunity for readmission.

If a student is withdrawn involuntarily, he/she is designated "Persona Non-Grata," which means his/her presence on campus is prohibited without prior approval from Public Safety.

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

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

K. Appeal Process

1. Appeal Process for Disciplinary Sanctions

a. Students may appeal disciplinary sanctions to the Provost and Vice President of Academic Affairs & Student Services or designee within seven (7) business days of receiving his/her sanction letter. The appeal must be in writing and set forth the reason(s) why the disciplinary sanctions should not be carried out.

b. The Provost and Vice President of Academic Affairs & Student Services or designee, within seven (7) business days after receipt of such appeal, will make a final adjudication and determination in the matter, and will notify the student in writing of the final decision.

2. Appeal Process for Disciplinary Suspensions or Expulsions

Suspensions of more than three (3) days and expulsions **that are upheld by the Disciplinary Hearing Committee and the Associate Vice President of Enrollment Management** may be appealed to the Provost and Vice President of Academic Affairs & Student Services or designee. The appeal must be in writing and set forth the reason(s) why the recommendation for suspension of more than three (3) days or expulsion should not be carried out, and must describe the specific grounds for the decision to be reconsidered. The appeal must be delivered to the office of the Provost and Vice President of Academic Affairs & Student Services or designee within five (5) business days of the delivery of the written statement of the disposition of the case.

The Provost and Vice President of Academic Affairs & Student Services or designee may deny an appeal if he/she feels the student does not meet one or more of the following criteria:

- a. New evidence has become available that was not available prior to the original meeting with the Coordinator of Judicial Affairs (See Section II, B) or the Hearing (See Section II, C);
- b. The conduct process, as outlined in the Student Code of Conduct, was not adhered to during the student's original hearing, resulting in a significant impact on the final outcome of the hearing; or
- c. The sanctions imposed by the Coordinator of Judicial Affairs or the Associate Vice President of Enrollment Management following the original meeting with the student (See Section II, B) or the Hearing (See Section II, C) do not relate appropriately to the violation.

The Provost and Vice President of Academic Affairs & Student Services or designee, within seven (7) business days after receipt of a valid appeal, will make a final adjudication and determination in the matter, and will notify the student in writing of the final decision.

3. Appeal Process for Academic Sanctions

If a student believes he/she is not in violation of the standard of academic honesty/integrity, he/she may submit a written appeal, along with supporting documentation, to the Provost and Vice President of Academic Affairs & Student Services or their designee. A valid appeal should set forth new evidence; lack of due process provided to the student; or abuse of discretion. The appeal must be filed within seven (7) business days of being informed of the academic penalty. All decisions of the Provost and Vice President of Academic Affairs & Student Services or their designee are final and will be made within seven (7) business days of receiving the appeal.

4. Appeal Process for Suspensions or Expulsions from Academic Programs

If the academic penalty for violations of academic dishonesty/integrity involves suspension or expulsion from academic programs of the College, the student has the right to request a Hearing before an Academic Hearing Committee. The Academic Hearing Committee will

follow the same procedures and have the same composition as the Disciplinary Hearing Committee (see Section II, C) except that it will be convened by the appropriate Division Chair and recommendations will be made to the Associate Vice President of Instruction and Academic Services. Appeals of Academic Hearing Committee decisions will follow the same process as the Appeal Process for Disciplinary Suspensions and Expulsions (see Section II, K 2).

5. Appeal Process for Involuntary Withdrawals

If the decision is made by the Provost and Vice President of Academic Affairs & Student Services or designee to involuntarily withdraw a student whose behavior represents a direct threat of harm, the student can appeal this decision by submitting a written statement that describes why he/she believes he/she should be allowed to return to campus, along with a detailed assessment from a licensed mental health professional that confirms that the student does not represent a direct threat of harm. Appeal documents must be submitted to the Office of the President within ten (10) business days of the Provost and Vice President of Academic Affairs & Student Service's or designee's decision and will be reviewed by the President or a designee. A final determination as to whether a student can return to campus will be made within seven (7) business days of receiving the appeal documentation. The student will be notified in writing of the final decision.

L. Status of Student Pending Final Action

1. Pending action of any charges, College or criminal, the status of the student will be subject to the discretion of the College. (This may include, but not be limited to, suspension or restrictions on activities and privileges.) In making this determination, the College will consider fully the physical and emotional safety and well-being of the student, and foremost, will consider its effect on the entire College community, including students, faculty and administration, and College premises.
2. Any student found guilty of violating any law may be subject to summary expulsion and separation from the College.
3. Students cannot file for "W", and cannot apply for tuition refund.