

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 Dean of Student Development, Technology Center, Room 8220, 845-574-4307. Any questions about the Student Code of Conduct may be directed to the Dean of Student Development 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's or accuser status at the College.

Authority for Administration of the Student Code of Conduct

The College President has designated the Vice President of Student Development, Dean of Student Development, 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 Dean of Student Development 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 except Saturday and Sunday that is not listed as a College holiday on the College's calendar. Days when class is in session, but which are not College holidays, are "business days."
8. The term "College" or RCC means Rockland Community College, including its Haverstraw and Spring Valley 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 the agreement to engage in specific sexual contact that may be given by verbal agreement or active and willing participation in the sexual activity. Silence, previous sexual relationships, current relationships, or the use of alcohol and/or drugs cannot be taken as an indication of consent. The use of force, threat of force, threat of immediate or future harm, or use of physical intimidation to secure compliance with sexual activity implies lack of consent. Although consent may be initially given, it may be revoked at any point, either verbally, through physical resistance, or by losing consciousness. Failure to respond promptly to a withdrawal of consent constitutes sexual assault.

Consent **CANNOT** be given if an individual is under the age of 17, physically helpless, mentally incapacitated, impaired and/or incapacitated because of drug or alcohol intoxication.

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

16. The term “designee” refers to one designated.

17. The term “distribution” means the sale, exchange, or transfer with or without personal profit.

18. The term “faculty member” means any full-time or part-time faculty member employed by the College.

19. The term “Foundation” means the Rockland Community College Foundation.

20. The term “Hearing Committee” means any person or persons authorized by the Vice President of Student Development 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.

21. 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.
22. The term “intentional” means conduct one undertakes deliberately.
23. The term “knowing” means conduct one undertakes with reasonable awareness.
24. The term “organization” means any number of persons who have complied with the College requirements for registration/recognition as an organization.
25. 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.
26. 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.
27. The term “sexual assault” includes, but is not limited to, nonconsensual sexual contact, attempted nonconsensual penetration, attempted nonconsensual anal intercourse, oral sex, or the insertion of a foreign object into the vagina, urethra, penis, or rectum of another.
28. 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.
29. 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 Vice President of Student Development, Dean of Student Development, 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 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 information (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. Conduct which disrupts the academic environment. This includes, but is not limited to, disruption in classes, faculty offices, academic buildings, the library, or computer facilities.
- e. 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.
- 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.
- 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.
- g. 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.
- h. 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.
- i. 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.
- j. Possessing, using, or threatening others with firearms, explosives, hazardous materials, or 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.
- k. 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.
- l. 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.
- m. Smoking on the College premises . This includes, but is not limited to, the parking lots, all areas in and around campus buildings, and adjacent areas such as the cemeteries.
- n. 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.

- o. 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 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 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 their 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. Unauthorized use or misuse of the College's information technology or telecommunications systems, including, but not limited to, the unauthorized or illegal use or misuse of College phone, computer, and/or network systems; the violation of the College's Computer Usage Code of Conduct; the unauthorized entry or dissemination of electronic information; prank, threatening or harassing calls or e-mail messages; destruction, unauthorized transfer, theft, or alteration of electronic files; and unauthorized

use of another individual's electronic identification information, such as password, user name, ID number, Social Security number, PIN, etc.

q. Violating any local, state, or federal law on 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

The Coordinator of Judicial Affairs deals with all violations of the Code. In the absence of the Coordinator of Judicial Affairs, the Dean of Student Development will handle all judicial matters.

1. All alleged violations will be submitted in writing, in sufficient detail, to the Coordinator of Judicial Affairs within five (5) business days of the alleged violation.

2. The accused will be informed of the charges and 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 proceedings, each student will be advised of the alleged violation(s), his/her rights, and possible sanctions.

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.

3. If the student does not agree to the proposed resolution **and** the disciplinary action involves expulsion, or suspension of more than three (3) days, he/she may request in writing a hearing before a 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 Dean of Student Development, may elect to conduct a hearing before a Hearing Committee in spite of the student's failure to request such a hearing.

C. Hearing Procedures

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

1. The Hearing shall be closed to the public.

2. The Hearing Committee will consist of two students, two faculty members, and one member of the Administration. In cases of suspension or expulsion, the 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 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 Hearing Committee.

4. Each student will be allowed to appear with one advocate of his/ her choice. Generally, this advocate cannot be a member of the legal profession and 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. However, 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 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 Dean of Student Development's office to contact the witnesses, the latter of which shall occur not less than three (3) 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 Dean of Student Development's office. If a witness is unavailable or cannot be contacted, all appropriate parties will be notified.

7. The Hearing Committee may accept signed and notarized written statements as evidence.

8. The primary function of the Hearing Committee is to determine whether the accused has violated the Code of Conduct and if so, recommend an appropriate sanction to the Dean of Student Development. The decision and determination of the 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 Dean of Student Development.

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 Hearing Committee's recommendation, the Dean of Student Development will decide what, if any, action is to be taken. The student may appeal the Dean of Student Development's decision, including the sanction(s) imposed in certain circumstances. (See Section II, F & G)

D. Disciplinary Sanctions

The Dean of Student Development 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 Dean of Student Development'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.

E. Disciplinary Sanctions Imposed

Disciplinary sanctions imposed shall be 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 Dean of Student Development'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.). 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. Community Service

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

6. Dean's Hold

All academic and financial transactions with the College will be prohibited without the prior consent of the Office of the Dean of Student Development. This action automatically occurs within all listed sanctions with the exception of Sanction 1 (Written Warning).

7. Confiscation of Student Identification

Students may be required to surrender their College identification. This action automatically occurs with Sanctions 10, 11, 12 and 13.

8. 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.

9. Withdrawal from a Course

The Dean of Student Development may withdraw a student from a class or transfer them to another class.

10. Temporary Suspension

The Dean of Student Development 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 Dean of Student Development 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 to himself/herself, to others, or to property.

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 Dean of Student Development 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.

11. 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 his/her courses. In compelling circumstances, the Dean of Student Development 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, they are considered “Persona Non-Grata,” which means their presence on campus is prohibited without prior approval from Public Safety.

12. 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 Dean of Student Development reserves the right to allow a student’s instructor to issue a grade. When a student is expelled, they are designated “Persona Non-Grata,” which means their presence on campus is prohibited without prior approval from Public Safety.

13. Involuntary Withdrawal from College

Where the College has credible evidence that a student’s behavior represents a substantial threat of harm to themselves or any member(s) of the campus community, the Dean of Student Development will temporarily suspend the student 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 to self and/or others; the probability that a potentially threatening injury will actually occur; and whether reasonable modifications of policies, practices, or procedures will sufficiently mitigate the risk.

After reviewing the student’s case and all supporting documentation, the BAC will make a recommendation to the Vice President of Student Development 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 Vice President 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 they are able to establish that their behavior no longer constitutes a direct or substantial threat of harm to themselves or others; 4) the student must withdraw from the College without the opportunity for readmission.

If a student is withdrawn involuntarily, they are designated “Persona Non-Grata,” which means their presence on campus is prohibited without prior approval from Public Safety.

F. Appeal Process

Appeal Process for Disciplinary Sanctions (Except Involuntary Withdrawals, Suspensions, and Expulsions)

Student disciplinary actions may be appealed by the student to the Vice President of Student Development. As a general rule, the sanctions resulting from a disciplinary decision will be considered to be in place and enforced until such time as determined otherwise by the Coordinator of Judicial Affairs. The appeal must be made by the student

in writing and delivered to the Office of the Vice President of Student Development within five (5) business days of the delivery of the written statement of the disposition of the case.

The Vice President of Student Development may deny an appeal if he/she feels the student does not meet one or more of the following criteria. This rule does not apply to cases of suspension or expulsion (See “Appeal Process for Suspensions and Expulsions”).

- 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 Dean of Student Development 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 Vice President of Student Development, within seven (7) 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.

Appeal Process for Involuntary Withdrawals

If the decision is made by the Vice President of Student Development to involuntarily withdraw a student whose behavior represents a substantial threat to the campus community or to the student himself/herself, the student can appeal this decision by submitting a written statement that describes why they believe they 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 to themselves or others. Appeal documents must be submitted to the Office of the President within ten (10) business days of the Vice President’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) calendar days of receiving the appeal documentation. The student will be notified in writing of the final decision.

Appeal Process for Suspensions and Expulsions

In the event the Dean of Student Development has determined that a student be suspended for more than three days or expelled from the College, the following procedures will be followed in no less than one calendar week:

1. Students may appeal a recommendation of suspension for more than three days or expulsion to the Vice President of Student Development. The appeal must be in writing setting forth the reason why the recommendation for suspension for more than three days or expulsion should not be carried out and setting forth specific grounds for such appeal.

2. The Vice President of Student Development, 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.

G. Status of Students 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 "F" or "W", and cannot apply for tuition refund.