



Campus Code of Conduct

Community Rights & Responsibilities
2015-2016

Our Community. Our College.
Our Future.

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VISION

Dutchess Community College aspires to be an innovative, transformative community of learners that promotes exemplary student success.

MISSION

Dutchess Community College offers educational opportunities that prepare individuals to realize their full potential and contribute to a diverse and global society.

Section I: Code of Conduct

A. General Principles

Dutchess Community College is an academic community composed of faculty, students, and administrative staff, established and continued for the express purpose of providing “an educational program featuring quality, opportunity, diversity, and social responsibility.” It affirms as its major objective “high quality in all aspects of its instructional program and in student achievement both in and out of the classroom.”

These objectives can be achieved only in an environment that is characterized by rational dialogue, intellectual integrity, a mutual respect for varying opinions, the orderly advocacy of differing points of view, and the careful preservation of an atmosphere free of repression and at the same time free of disruption.

In order to assure the continuation of a truly free learning environment for all members of its campus community, Dutchess Community College hereby sets forth the following general principles, definitions, and specific policies.

The College affirms that:

1. All members of the campus community are assured of the right to express their ideas in writing, in speech, or in other media, within the guarantees of the law and the bounds of propriety and appropriate style.
2. The freedom to teach in accordance with the dictates of intellect and conscience, based on scholarly research and the greatest possible measure of objectivity, and free from any attempt to indoctrinate or create bias; and the freedom to learn by studying, examining, and questioning, are rights that are consonant with the purpose of the College.
3. Bigotry and discrimination of any kind or degree, regardless of the basis, are inimical to the purposes of the College.
4. Examination of ideas, policies, and procedures is necessary for growth and leads to change and that orderly change is healthy for the College community.
5. There is a basic expectation of high standards of courtesy, integrity, and responsibility in all members of the College community.
6. All members of the College community are to be considered on their individual merits, and all opinions and judgments are to be formulated and carried out on the basis of individual performance and not on the basis of association.

7. All members of the College community are also members of society at large, and they are therefore subject to the laws of the nation, the state, and local community, as well as to the regulations of the College; and that the campus cannot be considered a sanctuary where conduct not legally or morally acceptable under the law may be practiced without fear of College sanctions.
8. The College will seek to implement these principles through defined channels and with the assistance and involvement of appropriately specified members of the College community.
9. Whenever possible and appropriate, informal resolution and mediation shall be used to resolve issues of individual behavior before resorting to formal disciplinary procedures.

B. Prohibited Conduct

College jurisdiction and discipline shall apply to conduct which occurs on College property, satellite campuses and/or College related events which adversely affect the College community and/or the pursuit of its objectives.

The Code of Conduct applies to all students and persons who utilize, service, or visit the College campus, defined as but not limited to students, employees, supervisors, faculty; staff, customers, vendors, contractors and/or visitors. The Office of Student Conduct in conjunction with the Dean of Students will determine when the College will take action for allegations for off-campus misconduct that also violates College policies and/or federal, state or local laws, statutes or ordinances.

No Code of Conduct can be so precisely written as to address all possible situations. When this Code does not address a specific behavior, individuals and groups of individuals are expected to conduct themselves and their activities in the spirit of this Code which is with respect for the dignity and well-being of others.

1. Conduct Which Impacts Community

1-1. Disruption. Including but not limited to:

- a. Disruption or obstruction of teaching, administration or other College activities, including public service functions on or off campus.
- b. Leading or inciting others to disrupt scheduled or normal activities associated with the operations of the College; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.
- c. Disrupting the rights or freedom of others in any manner whether by physical or verbal abuse.
- d. Conduct in the classroom which precludes instructors from performing their function.
- e. Interfering with academic freedom, including in the classroom and any speaker or performing artist invited to the campus by appropriately authorized personnel.
- f. Institutional Interference. Acts of any nature that interfere with the operation of the College or which adversely affect the student's suitability as a member of the College community and/or the rights of other students/staff/faculty.
- g. Cheating, plagiarism or any form of academic dishonesty.

1-2. Disorderly Conduct. Conduct that is disruptive, lewd or indecent, regardless of intent, which breaches the peace of the community. When a person uses intent to cause public inconvenience, annoyance or alarm, or recklessly creates a risk thereof. This includes but is not limited to fighting, unreasonable noise, using abusive or obscene gestures or language, or disturbing any lawful assembly, or creating a hazardous or physically offensive condition which serves no legitimate purpose.

1-3. Dangerous Objects. Illegal or unauthorized possession of any firearms. Knowingly having possession, upon any premises to which these rules apply, of any rifle, shotgun, pistol, or other firearms, weapons, knives, explosives or dangerous materials, or any item that reasonably appears to be a firearm. Other weapons or dangerous chemicals, whether or not in proper working condition are prohibited.

1-4. Arson. Committing acts of arson, creating a fire hazard, or unauthorized possession or use of flammable materials or hazardous substances.

1-5. Safety Regulations. Including but not limited to:

- a. Falsely reporting a bomb, fire or any other emergency by means of activating a fire alarm or by any other means.
- b. Unauthorized possession, use or alteration of any College-owned emergency or safety equipment. This includes, but is not limited to, malicious discharge of fire extinguishers, dismantling alarms, opening security doors, emergency exits or tampering with safety equipment.
- c. Failure to evacuate a building or other structure during an emergency, or during emergency drills.
- d. Actions that create a substantial risk such that safety of an individual(s) is comprised.
- e. Smoking, or evidence of smoking, is not permitted in any residence area or any other building on campus. Smoking is not permitted in unauthorized areas.

1-6. Keys. Unauthorized possession, duplication or use of keys to any College premises. Students are not permitted to give assigned residence keys to other students or guests.

1-7. Unauthorized Entry. Unauthorized entry to or use of a College private room, building, structure, vehicle or facility.

1-8. Trespassing. A person's unlawful presence upon College property. Knowingly entering or remaining unlawfully in or on College premises or any portion thereof. Any person who has been given notice by a College official excluding them from all or a portion of College premises is not licensed, invited, or otherwise privileged to enter or remain on the identified portion of College premises, unless given prior explicit written permissions of a College official.

1-9. Vehicles. Failure to adhere to rules and regulations governing the use of vehicles on campus.

1-10. Skateboarding/Rollerblading/Hoverboards. College policy prohibits skateboarding or rollerblading on campus property. Hoverboards are also prohibited, due to fires and injuries reported to the Consumer Product Safety Commission. Hoverboards include self-balancing scooters, battery-operated scooters, and hands-free Segways.

1-11. Wearing Masks. The wearing of masks is prohibited on campus or otherwise concealing one's identity. Also prohibited on campus is the use of props that resemble weapons.

1-12. Gambling. Gambling is not permitted on College property, not to include student fundraising raffles.

1-13. Animals. No person shall bring into any building owned or controlled by the College, any animal, with the exception of approved guide, hearing or comfort dogs.

1-14. Outside Camping and Temporary Structures.

- a. No person shall be permitted to sleep or spend the night on any property owned or controlled by the College without specific, written authorization from appropriate College officials.
- b. No person shall erect a tent, lean-to, or other temporary structure with the intent to utilize such for overnight occupancy. Temporary structures may be erected as information centers, public displays, for social, cultural, and recreational activities, etc., which are sponsored by an officially recognized campus organization in compliance with all other applicable policies and regulations. However, they may not be occupied after 6:00 pm or before 6:00 a.m., without specific written authorization from appropriate College officials.

2. Conduct Associated with Personal Responsibility and Integrity

2-1. Acts of Dishonesty. Including but not limited to:

- a. Providing false information to any College official, faculty member or office. No person shall cause information regarding College business to be conveyed to any College community members or office knowing the information reported or circulated to be false or baseless.
- b. Forgery, alteration or misuse of any College document, of identification, academic, academic records or permits.
- c. Tampering with the election of any College recognized student organization officer.
- d. Inappropriate or unauthorized use of the College name or a College related agency.
- e. Violation of College policies or regulations, building procedures and/or hours

2-2. Student Identification

- a. Failure to show proper identification to requesting College officials acting in performance of their duties.
- b. Loaning or using a College-issued identification card for the purpose of accessing services. This includes but is not limited to dining services, ticket sales, any College sponsored events or building entry.

2-3. Failure to comply with directions of College officials acting in performance of their duties, and/or failure to comply with College regulations or policies.

2-4. Damage to Property-Vandalism. Any action that causes damage or which would tend to cause damage or substantial inconvenience to the property of the College or property of a member of the College community or other personal or public property.

- a. Graffiti. No person shall put graffiti of any type on any building or property of the College, or personal property that is on/at College property.

2-5. Theft.

- a. Attempted or actual theft of College property or services or property belonging to any member of the College community.
- b. The unauthorized possession of College property or property belonging to any member of the College community.
- c. Unauthorized use or abuse of computer time and/or computer systems, information, passwords or computerized data.

2-6. Alcohol. Dutchess Community College is a dry campus and has a zero tolerance policy regarding the use and abuse of alcohol. Students may not be in the presence of, possess, use alcohol or have intention to sell alcohol or otherwise distribute it.

- a. Having any alcohol or consuming alcohol is strictly prohibited.
- b. Intoxication is prohibited. Intoxicated students may be transported to one of the local hospitals for evaluation. Any student who refuses medical treatment for alcohol intoxication will be denied access to campus facilities. The College is not responsible for any cost incurred based upon the need to transport an intoxicated student.

2-7. Drugs. Dutchess Community College has a zero tolerance policy regarding the use and abuse of drugs, narcotics and other controlled substances. Students may not be in the presence of, possess, use drugs, narcotics or other controlled substances or have intention to sell or otherwise distribute them.

- a. Students may not be in the presence of, possess, use or sell or have intent to sell narcotics or other controlled substances except as expressly permitted by law.
- b. Drug paraphernalia or any items that can be utilized for or are designed for the use of illegal drugs will also be considered a violation of the drug policy.
- c. Students may not be in possession of drugs or drug paraphernalia with intent for sale or distribution.

Good Samaritan and Medical Amnesty Policies for Alcohol and/or Drug Use

Purpose

The purpose of these policies is to increase the likelihood that medical attention is provided to students who need it due to alcohol intoxication or use of drugs by removing impediments to seeking such assistance. This policy is intended for use in isolated situations; therefore, it does not excuse or protect those who flagrantly or repeatedly violate College policy.

Good Samaritan Policy

The spirit of the Good Samaritan Policy is that we all have an ethical responsibility to help people in need. Dutchess Community College expects that students will take an active role in protecting the safety and well-being of their peers and the College community. In order to promote this, when a student assists an individual who is intoxicated or under the influence of drugs in procuring medical assistance, that student may be granted amnesty from formal disciplinary action by the College for violating the alcohol or drug policies. The assisting person may be required to meet with the Director of Student Conduct and Community Standards to discuss the incident.

Medical Amnesty Policy

When a student is intoxicated or under the influence of drugs and seeks medical assistance, they may be granted amnesty from disciplinary action by the College for violating the alcohol or drug policies. Upon receiving a report that a student needs medical assistance, College staff will respond through College Safety and Security to obtain EMS services, and responding officials will use standard procedures for documenting information and collecting identification of all persons involved. Student conduct charges will be deferred, and will be dismissed upon successful completion of any recommended alcohol and/or drug intervention(s). Failure to successfully complete the recommended alcohol and/or drug program or assessment may result in student conduct action.

Amnesty will not extend to other conduct violations associated with the incident included but not limited to distribution of drugs, hazing, vandalism, or sexual assault. Amnesty can only extend to College student conduct process and does not protect students from criminal or civil penalties.

Upon receipt of an incident or Safety and Security report, in regards to an alcohol or drug transport, the following will occur:

1. The student may be required to obtain an alcohol or drug assessment from the Counseling Center. If an assessment is required, a copy of the assessment report will be sent to the Dean of Students and the Director of Student Conduct and Community Standards.
2. Parental Notification Policy. If the student is under the age of 21, the College notifies the parents/guardians when consumption of alcohol or drugs results in the student being transported. When possible, the Student will meet with the Dean of Students or the Director of Student Conduct and Community Standards before notification is sent.
3. A second transport may not invoke the above Good Samaritan or Medical Amnesty Policy.

2-8. Abuse of the Conduct System

- a. Failure to obey the summons of a Student Conduct Body or College official.
- b. Falsification, distortion or misrepresentations of information before a Student Conduct Body. This will result in additional conduct charges being filed.
- c. Disruption or interference with the orderly conduct of a disciplinary proceeding.
- d. Attempting to discourage an individual's proper participation in, or use of, the Conduct System through intimidation or any other means.
- e. Attempting to influence the impartiality of a member of a Conduct Body prior to, and/or during the course of, the student conduct proceeding.
- f. Harassment (verbal or physical) and/or intimidation of a member of a Conduct Body prior to, during, and/or after a student conduct proceeding.
- g. Failure to comply with College sanctions imposed by any Conduct Body or administrator.
- h. Influencing or coercing another person to commit an abuse of the Student Conduct system.

- i. Retaliation against or interference with individuals who report or file complaints of violations of College policy, including the Code of Conduct, those who cooperate in College investigations of such reports or complaints, or those who serve on the Fair Procedures Committee to hear and decide complaints brought before the Committee is a violation of College policy, will not be tolerated and, if perpetrated by a student, will itself be treated as an offense under the Code of Conduct. Any individual from the College who engages in such retaliation or interference should be referred to the Director of Student Conduct and Community Standards or the Title IX Coordinator, as appropriate, for further investigation and disciplinary action as warranted.

2-9. Computer/Internet/Electronic Device Misuse

- a. Illegally copying, distributing, downloading and/or uploading copyrighted materials on any personal or College computer system. These materials include but are not limited to: texts, emails, web information, graphic art, photographs, music, film, file sharing and software.
- b. Use of computers and/or campus networks to harass or threaten other users, or to publicly display offensive or obscene messages or content.
- c. Unauthorized or improper use or abuse of your computer account or the College network.
- d. Repeatedly sending messages with no appropriate intent.
- e. Accessing a student or staff account without authorization.
- f. Using a College office account to send messages without authorization.
- g. Failure to comply with College policies on computers, networks, voice mail and telephone services.
- h. Solicitation.
- i. Using a personal router.
- j. Cyberbullying. Participation in any online communities, social media networks which include, but are not limited to, Facebook, Twitter, Instagram, Tumblr, Myspace and YouTube, Yik Yak, Snapchat, or other social media smart phone applications where students are violating or encouraging or inciting others to violate policies of proper conduct including but not limited to sending verbal threats which harm or cause reasonable apprehension of harm, sending messages that are malicious or that a reasonable person would find to be malicious; sending photos or videos of staff members or students without their expressed permission, distribution of inappropriate information and/or confidential correspondence, posting offensive/incriminating photos, blogs, websites or videos.
- k. Knowingly gain access to or use DCC computing or internal or external communications facilities to which legitimate authorization has not been granted.
- l. Electronic devices such as cell phones and other devices used in a manner that causes disruption within any College-owned or College-operated facilities. This includes photographic capability. Utilizing any device for the purpose of photographing or transmitting test questions or other forms of academic misconduct or illegal activity is prohibited.

3. Conduct Which Violates the Dignity and/or Safety of an Individual

3-1. Harassment. In general, harassment is unwelcome verbal or physical conduct, based upon race, national origin, color, religion, cultural identity, sex, sexual orientation, gender, gender identity, gender expression, age, disability, status as a military veteran or protected activity (e.g., opposition to prohibited discrimination or participation in the statutory complaint process), that unreasonably interferes with the person's work or educational performance or creates an intimidating or hostile work or educational environment. Violations of this policy are very serious and will subject the offender(s) to more serious levels of sanctioning.

- a. Attempting or threatening to subject another person to unwanted physical contact.
- b. Pursuing, stalking or following another person in or about a public place or places.
- c. Cause another person or persons to fear for their safety by another person known to be on the premises of DCC or in the course of activities sponsored by the College, or cause another person to be impeded in participating in College programs.
- d. Non-consensual communication, including but not limited to: initiating or attempting contact by any means with no purpose of legitimate conversation; written letters; e-mail; text messaging; instant messaging; voicemail; unwanted gifts; surveillance or other types of photographing or observation; trespassing; vandalism; and non-consensual touching.
- e. Directing obscene language or gestures at another person or group of people.
- f. Directing verbal abuse at another person because the individual is carrying out duties and responsibilities associated with their role as faculty, staff or student staff at the College.
- g. Distributing information about another individual without their consent using paper, electronic or telecommunication devices. Examples include but are not limited to: on-line journals, blogs, instant messages, text messages, and digital recording devices.
- h. Making any unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy including but not limited to showers/locker rooms, residence hall rooms and restrooms is prohibited. Also prohibited is the storing, sharing and/or other distribution of such unauthorized images by any means.

3-2. Hazing. Hazing is any action taken toward, or circumstance directed at, one or more students, which action or circumstance exposes such student(s) to unpleasant, harassing, embarrassing, degrading or hazardous conditions, the endurance of which is intended to be a condition upon which the student(s) may become a member of, or participate with, any group, regardless of whether the group is recognized by the College or has been formally organized. It is intended that the term "group" be interpreted in the broadest sense and could mean, for example, a particular section of a residence hall, students in a particular program or informal clubs or gatherings of students. **The definition of hazing applies whether or not the participants consent to such activity or perceive the behavior as voluntary.**

- a. Requiring the consumption of any food, liquor, drug, or other substance;
- b. Requiring participation in physical activities, such as excessive exercise, or other games or activities requiring physical exertion;
- c. Exposing another to weather elements or other physically or emotionally uncomfortable situations;

- d. Creating excessive fatigue from sleep deprivation, physical activities, or exercise;
- e. Requiring anything that would be illegal under any applicable law, including Federal, New York State and local jurisdictions;
- f. Requiring anything that can be reasonably expected to be morally offensive to another;
- g. Committing or requiring any act that demeans another based on race, national origin, color, religion, cultural identity, sex, sexual orientation, gender, gender identity, gender expression, age, disability, status as a military veteran, or any other protected class;
- h. Committing any act of physical brutality against another, including, but not limited to, paddling, striking with fists, open hands or objects, or branding;
- i. Kidnapping or transporting another with the intent of stranding them;
- j. Forcing or requiring conduct that can be reasonably expected to embarrass or adversely affect the dignity of another, including the performance of public stunts and activities such as useless scavenger hunts and/or head shaving;
- k. Intentionally creating work or labor for another;
- l. Denying sufficient time for study or other academic activities; or
- m. Committing or requiring another to commit any sexual act or engage in lewd behavior.

3-3. Physical Assault. Any student found in violation of physical assault may be suspended or dismissed from the College. Including but not limited to:

- a. Inflicting bodily harm upon any person.
- b. Taking any action for the purpose of inflicting harm upon any person.
- c. Threatened use of force upon any person.
- d. Subjecting another person to unwanted physical contact.
- e. No person shall attempt to cause injury to any Campus Safety and Security personnel, police officer, fire fighter, paramedic, or emergency medical technician with the intent to prevent them from performing their lawful duties.

3-4. Reckless Endangerment. Taking any action that creates a substantial risk such that bodily harm could result to any person. These include but are not limited to:

- a. Use of weapons of any kind for any purpose.
- b. Jeopardizing the physical or emotional safety of oneself or another. (e.g., excessive consumption of alcohol or drugs).
- c. Objects or people on or in inappropriate places where they endanger themselves or others.

- d. Throwing objects.
- e. Compelling or inducing a person(s) to engage in conduct against their will, or in mischievous conduct.
- f. Restraining another person.
- g. Menacing. Placing another person in fear of death, imminent serious physical injury or physical injury.

3-5. Sexual Misconduct Offenses and Sexual and Interpersonal Violence Offenses include, but are not limited to, sex assault, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse and sexual exploitation.

Definition of Affirmative Consent

Affirmative Consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in 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.

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

- Consent is required regardless of whether a person initiating is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.
- 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 give 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.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop.
 - a. **Sexual Misconduct** is such behavior that includes unwelcomed sexual advances, requests for favors, and other direct verbal or physical conduct of a sexual nature. Sexual misconduct includes pervasive or severe behaviors such as “sexting”, sexually laced humor, displays of sexually offensive materials, and other inappropriate sexually based actions.
 - b. **Sexual Harassment** includes unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature when it meets any of the following:
 - i. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status.

- ii. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual.
 - iii. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive environment for working, learning, or living on campus. Sexual harassment can occur between any individuals associated with the College, i.e. an employee and a supervisor; coworkers; faculty members; a faculty, staff member, or student and a customer, vendor, or contractor; students; or a student and a faculty member.
- c. **Sexual Exploitation** is sexual misconduct that occurs when a person takes unjust or abusive sexual advantage of another for their own advantage or benefit or for the benefit or advantage of anyone other than the exploited party; and that behavior does not otherwise constitute sexual assault. Examples of sexual exploitation include, but are not limited to, videotaping or photographing of any type (webcam, camera, Internet exposure, etc.) without knowledge and consent of all persons; prostituting another person; knowingly transmitting HIV or a sexually transmitted disease to an unknowing person or to a person who has not consented to the risk; or inducing incapacitation with the intent to commit sexual assault, without regard to whether sexual activity actually takes place.
- d. **Sexual Assault** is a severe form of sexual misconduct. No person or group of individuals shall engage in sexual behavior toward any person against their will and without their **affirmative consent** (as defined herein). Such behavior includes, but is not limited to, forcible penetration with a part of one's body or object, touching, pinching, patting, or pressing up against someone, exposing the genitalia, sexual based stalking or bullying, peeping, or the invasion of one's sexual privacy. Sexual assault is also defined as non-forcible sexual activity with a person who is physically or mentally incapacitated. **Incapacity** is defined as one in a state where they are unable to grant affirmative consent (as defined herein) to sexual activity. Incapacity may occur in a person who is: under the influence of alcohol, drugs, or other intoxicants, or suffering from a physical or mental illness, and or experiencing emotional trauma.
- e. **Sexual Violence**, as that term is used in this Code of Conduct, DCC and SUNY Policy and in prior U.S. Office for Civil Rights Guidance, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving an affirmative consent (as defined herein). 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. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX.

Every member of the College community is entitled to a work and learning environment free from the devastating effects of sexual harassment. No person or group of individuals shall engage in sexual behavior toward any individual against one's will and without one's verbal consent. Dutchess Community College expressly prohibits the sexually aggressive conduct noted above and employees and students found engaging in it will be subject to severe disciplinary action on campus, including termination, suspension, or dismissal, or expulsion. In addition, any violators may also be subject to criminal charges and prosecution under local and state laws.

This section left intentionally blank.

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

The health and safety of every student at the State University of New York and its State-operated and community colleges is of utmost importance. Dutchess Community 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. DCC strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to 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.

C. Housing Policy and Procedure Violations

Please refer to the most recent (2015-2016) Conklin Hall Housing Handbook and Conduct Policies.

D. Campus Policies on Information Resources, Internet Use, Web Pages, Information Security and Information Protection

Purpose

The purpose of this General Use Policy on Information Resources is to establish a DCC policy regarding the use and management of information resources. Every individual utilizing information resources of the College, accessing the DCC wireless network, accessing College websites of campus, or using College-owned communication devices on or off campus is expected to understand and follow this policy.

The College's information resources may only be used for the purposes that are consistent with the educational mission of the College.

Nothing in this General Use Policy shall be construed or interpreted in such a way as to conflict with the College's policy on Academic Freedom.

All user of DCC Information resources are subject to Federal and State law. No College computer or any other communications device may be used in violation of the laws of New York State or the federal laws of the United States of America, including but not limited to the Family Education Rights and Privacy Act (FERPA) and the American Health Insurance Portability and Accountability Act (HIPPA).

Prohibited Activities

The College's Information Resources may not be used for:

- Engaging in any activity that violates the laws of New York State, the United States of America or College policies;
- Creating or disseminating software or data files that could be reasonably considered viruses or malware;
- For profit-making or commercial purposes, unless special arrangements have been made with the College;
- Accessing or attempting to access any DCC network or remote computer system without authorization;
- Creating, displaying, or transmitting material that is threatening, abusive, libelous, or harassing to an individual or group;
- Displaying, printing or storing sexually explicit, adult-oriented material;
- Installing programs on network or hard drives except under faculty supervision;
- Making any attempt to incapacitate, compromise or destroy equipment or electronic resources;
- Playing games from any Internet site, including Web sites, MOOs, MUDs, etc;
- Using College computers or the Internet for commercial purposes, including chain letters and pyramid schemes or political lobbying;
- Violating copyright laws and fair use provisions through inappropriate reproduction or dissemination of material.

Results of Misuse

Engaging in prohibited activities may result in revocation of computer privileges and possible suspension or dismissal from college as indicated in Section II of this publication.

Illegal acts through the use of College computers and computer systems also will be subject to prosecution by local, state, or federal authorities.

Privacy Issues

Users should be aware that the Internet is not a secure medium. Third parties may be able to obtain information regarding users' activities. In general the College will attempt to treat the information displayed on its computers and/or printers as private information. Nonetheless, to the extent permitted by law, the College reserves the right to monitor access and disclose information stored or transmitted via College computers and network.

Section II: Process and Procedures for Resolution of Alleged Violations of the Code of Conduct by Students

No person shall knowingly or maliciously bring false charges against any member of the DCC community under this Code.

1. Disruptive Campus Behavior

- a. Students who have allegedly violated the DCC Code of Conduct should be immediately referred to the Director of Student Conduct and (except in the case of academic dishonesty where the student should be referred to the appropriate Academic Department Head).
- b. If the student's behavior is sufficiently disruptive of the campus order or student/staff safety, the Campus Safety and Security Office also should be contacted immediately. This includes where an obvious mental or physical illness is causing the disruption.

2. Disruptive Classroom Conduct

When a student behaves in a manner that interferes with the instructional process, the following procedures will apply:

- a. The instructor or staff member will consult with the student and establish guidelines for remaining in the course. If the disruptive behavior is such that the student should be removed from the classroom immediately, the instructor or staff member should ask the student to leave. If assistance is needed, Campus Safety and Security should be called.
- b. If the guidelines are not followed satisfactorily by the student, the instructor or staff member will submit charges in writing to the Dean of Students, Associate or Assistant Dean.
- c. If the matter **cannot** be resolved informally by the Dean, Associate Dean, or Assistant Dean, the procedures dealing with infractions of the Code of Conduct apply.

3. Academic Dishonesty Policy

- a. Academic dishonesty includes, but is not limited to, the following:
 - i. Cheating on examinations.
 - ii. Plagiarism, the representation of another's ideas or writing as one's own, including but not limited to:
 - presenting all or part of another person's published work as something one has written;
 - paraphrasing or summarizing another's writing without proper acknowledgement;
 - representing another's artistic or technical work or creation as one's own.
 - iii. Willingly collaborating with others in any of the above actions, which result(s) in work being submitted which is not the student's own.

- iv. Stealing examinations, falsifying academic records, and other such offenses.
 - v. Submitting work previously presented in another course without permission of instructor.
 - vi. Unauthorized duplication of computer software.
 - vii. Unauthorized use of copyrighted or published material.
- b. If, based on substantial evidence, an instructor deems that a student is guilty of academic dishonesty, the instructor may initiate disciplinary action.
- i. The instructor may require that the student repeat the assignment or the examination, or
 - ii. The instructor may give the student a failing grade for the assignment or examination, or
 - iii. The instructor may give the student a failing grade for the course.
 - iv. Additionally, the instructor may require that the student receive counseling on academic honesty through the Office of the Dean of Student Services.

c. Academic Dishonesty Appeal Process

i. Informal Appeal Process

If a student wishes to discuss a disciplinary action that she/he has received for an alleged instance of academic dishonesty, the initial step is for the student to meet with the instructor to attempt to resolve the issue in an informal manner.

ii. Formal Appeal Process

Step 1

To initiate a formal appeal, the student must obtain an Academic Dishonesty Appeal Form from the Academic Department Secretary, the Office of Student Services, or the Office of Academic Affairs. The student must complete the first portion of the Academic Dishonesty Appeal Form and submit it to the instructor and request a meeting. This meeting should normally take place within 14 days of the instructor's receipt of the Academic Dishonesty Appeal Form. If the student goes first to the Dean, Academic Department Head or Departmental Supervisor, that person should refer the student to the instructor as the first step in this process. If the student is reluctant to meet independently with the instructor, the Department Head may choose to waive the first step and proceed to set up a meeting with the student and the instructor as outlined in Step Two. The formal appeal of an alleged instance of academic dishonesty must begin within 30 calendar days of any disciplinary action initiated by the instructor.

Step 2

If the meeting with the instructor does not result in a satisfactory resolution of the issue, the student has 14 calendar days to appeal to the Department Head. The Department Head will review the Academic Dishonesty Appeal Form and attached materials, and meet with the student and the instructor to discuss the matter. The Department Head will report her/his decision to both the student and the instructor within 14 calendar days of meeting with the student and the instructor.

Step 3

If the decision of the Department Head does not result in a satisfactory resolution, the student may submit, within 14 days of receiving the decision of the Department Head, the Academic Dishonesty Appeal Form to the Dean of Academic Affairs, as an appeal to convene an Academic Review Committee. The Committee, consisting of five members, will be chaired by an Associate Dean of Academic Affairs, appointed by the Dean of Academic Affairs. The Associate Dean will choose two faculty members for the committee from the faculty on the Academic Standards Committee. The faculty selected for the committee will be from outside the academic department with which the appeal is concerned. The president of the Student Senate will select two student representatives to serve on the committee.

Any member who feels unable to approach a case in a spirit of neutrality may ask to be excused from hearing the case. An alternate appointed by the officer of the appropriate appointing group will fill said member's place.

Any member whom the committee feels cannot approach a case in a spirit of neutrality will be examined on the matter by the committee, and on the basis of a majority vote, that member will be asked not to hear the case. The presiding officer of the appropriate appointing group will appoint an alternate.

The Academic Review Committee will meet and consider all the documentation provided by the Department Head, the student and the instructor. Both the student and the instructor will be given an opportunity to appear before the Academic Review Committee. The student may, if they chose, be accompanied by a member of the college community to serve as an advocate. The Committee will report in writing to the student, the Department Head and the instructor normally within 14 calendar days of the Committee meeting. A copy of the Academic Review Committee decision also will be sent to the Dean of Academic Affairs.

Step 4

If the student does not accept the decision of the Committee, that decision may be appealed to the Dean of Academic Affairs within 14 days for final review. The Dean of Academic Affairs, with full access to all documentation from previous levels of appeal, and any additional conferences with involved parties, will be the final College arbiter of the appeal. The Dean's decision normally will be made within 14 calendar days of the date on which the appeal was received from the student.

Note: The timetable noted above assumes no interruption in the regular College calendar, such as closings due to weather or other campus emergencies, semester or spring breaks, which would alter the timetable. For an appeal of an occurrence of academic dishonesty during the spring semester, the "following semester" is defined as the following fall semester.

4. Health-Related Student Problems

- a. If a physical problem creates an emergency situation, the College Nurse and/or Campus Safety and Security should be contacted.
- b. If a physical problem is apparent, but does not create an emergency the student should be referred or taken to the College Nurse.
- c. If a student's behavior indicates a mental health problem that creates an emergency, the Dean, Associate or Assistant Dean of Student Services, or Campus Safety and Security should be contacted for appropriate intervention and/or referrals.
- d. If a student's behavior indicates a mental health problem that does not require emergency procedures, the student should be referred to the Dean, Associate, or Assistant Dean of Student Services.
 - i. The Dean will determine behavioral guidelines for the student and may recommend further contact with a counselor and/or referral to appropriate off-campus professionals and/or agencies.
 - ii. In those cases where the allegations of behavior are serious, and if proven could contribute significant threats to the personal safety of other students or CC staff members, the Dean, Associate or Assistant Dean are authorized to impose interim conditions that balance the need of complaints for safety with the requirements of fairness to the student.
 - iii. If the student does not follow the guidelines and recommendations of the Dean, and the previous behavior continues so as to significantly compromise the safety of the student or other persons, or if an off-campus mental health professional recommends withdrawal, the student will be advised by the Dean of Student Services that they are being withdrawn from the College until there is evidence of the ability to function constructively at the College.
 - iv. The student may appeal this decision in writing to the President of the College.

Section III: Non-Academic Student Conduct Jurisdiction, Definitions, Conduct Officers and Hearing Bodies

No person shall knowingly or maliciously bring false charges against any member of the DCC community under this Code.

The College's Student Conduct System manages all charges brought against any student or student organization for alleged violation of the Code of Conduct and maintains the exclusive authority to impose disciplinary sanctions. It is the responsibility of the hearing body to determine whether the alleged behavior constitutes a violation of the Student Code of Conduct.

The following procedures have been established to provide a process for determining if students have violated college policies and to provide appropriate response in the form of sanction(s). All students of Dutchess Community College are charged with the responsibility of reading and abiding by the provisions of the Student Code of Conduct and the authority of the student conduct process.

The hearing bodies are not courts of law; therefore, the formal rules of procedure and process and/or technical rules of evidence that are used in the courts do not apply to the Student Conduct System.

A. Definitions

College: Dutchess Community College (DCC).

Student: Means an individual who has been accepted to or is taking courses through the College on a full-time or part-time basis. Persons who are not officially enrolled for a particular term but who have previously enrolled and have a continuing relationship with the College or withdraw after an alleged violation of the Code of Conduct are also considered students.

Student Organization: Means any number of persons who have complied with the formal requirements for College recognition.

College Premises: Includes all land, buildings, facilities, and other property in the possession of, or owned, used or controlled by, the College including adjacent streets and sidewalks.

College Official: Includes faculty and staff of the College, student employees who are carrying out assigned duties and work requirements and Campus Safety and Security personnel.

Policy: Means the written regulations of the College as found in College published documents such as but not limited to, the Student Handbook, the College Housing license and contract, Information Technology Services' acceptable use policies, student organization recognition and governance policies, parking and vehicle use on campus rules and regulations and policies pertaining to advertising on campus, use of facilities, smoking, alcohol, drugs and Board of Trustee policies.

Student Charged, Accused and Respondent: means any student accused of violating this Code of Conduct.

Complaint: A report indicating that there has been an alleged violation of the Student Code of Conduct or other policies maintained by the College. Also, referred to as an allegation or charge.

Complainant or Reporting Person: Any student, faculty, or staff member with a complaint against a student may discuss the nature of the problem and possible courses of action with the Office of Student Conduct and Community Standards or Campus Safety and Security.

The individual is expected to provide information about the incident. Details of the incident should be stated concisely and accurately. Known witnesses to the incident should be identified.

Although reports will be accepted at any time, an incident or complaint should be reported within forty-eight (48) hours, as the passage of time will impede efforts to investigate and appropriately resolve alleged violations of the Student Code of Conduct.

In the instance of the College being the Complainant, a member of Campus Safety and Security may act as the Complainant on the College's behalf.

Respondent: Any student or student organization who is accused of violating a community standard or policy and is given the opportunity to respond to the complaint.

Notification of Charges: The process of informing a student that a complaint has been brought forward against them and what standards or policies may be in question.

Hearing: The specified date, time, and location that a student has the opportunity to respond to the complaint of alleged misconduct.

Quorum: The hearing body must achieve a quorum before the case may be adjudicated; provided, however that the accused shall have the right to waive the quorum required. If there is not a quorum and the requirement is not waived, then the hearing must be rescheduled. A quorum will consist of three (3) people.

Adjudication: The process of reviewing a complaint; listening to the respondent, complainant, and relevant witnesses; determining if a policy violation occurred; and making a recommendation for a sanction or issuing a sanction.

Standard of Proof: The level of information needed to determine that the student is responsible for a violation. The standard of proof at DCC is "more likely than not".

Witness: A person who is requested to provide information that the hearing body, complainant, or respondent believes may be needed to make a determination of responsibility.

Appeal: A request from the student to review the outcomes of a hearing based on at least one of three reasons. For more information regarding appeals, please see Procedures for Handling Violations of the Student Code of Conduct, Number 10.

Finding of Responsibility: The decision that the hearing body makes of whether the student is responsible or not responsible for violating a policy.

Sanction: The response of the College to a finding of responsibility.

B. Conduct Officers

There is a core group of College staff members who are trained as conduct officers to receive complaints, hear cases, determine responsibility, and assign sanctions. These individuals include:

1. Dean of Students.
2. Associate/Assistant Deans of Student Services.
3. Director of Student Conduct and Community Standards.
4. Conduct Designee appointed by Dean of Student Services or the Director of Student Conduct and Community Standards.
5. Director/Assistant Director of Residence Life and Housing.
6. Fair Procedures Committee.
7. Behavioral Assessment Committee.

The Dean of Student Services and the Director of Student Conduct and Community Standards reserve the right to designate other individuals as needed.

C. Hearing Bodies

The **Dean of Students and the Director of Student Conduct and Community Standards** oversee student conduct policies and processes and may investigate or adjudicate any student conduct matter. The Director of Student Conduct and Community Standards serves as the intake for all complaints, determines which hearing body will hear the case (if any) and sends the Notification of Charges. Allegations of sexual misconduct are referred to the Title IX Coordinator and the sexual misconduct investigation process.

Behavioral Assessment Committee: The Committee serves as a network, point of connection for faculty and staff regarding disruptive and concerning behavior of a student – psychological, emotional, etc. The Committee works together to assess individual behavior and promote individual and campus safety. This committee cannot have students on the committee. This committee can meet when needed to evaluate a crisis situation or time sensitive situation.

Membership:

Dean of Student Services
Dean of Academic Affairs
Associate Dean of Academic Affairs
Director of Student Conduct and Community Standards
Director of Counseling and Career Services
Director of Residence Life and Housing
Counselor(s)
Mental Health Specialist (as needed)
Director/Assistant Director of Campus Safety and Security
Faculty Member (if available or pertinent)
Consultants (as needed)

Residential Hearing Officers: Dutchess Community College is a residential campus. Most allegations of misconduct by residence hall students are reviewed and adjudicated by the Director and Assistant Director of Residence Life and Housing. Depending on the severity of the alleged violations, the behavioral history of the student(s), and the impact on the community, the Director or Assistant Director may request additional College staff to assist with the case or refer the case to the Dean of Student Services, the Director of Student Conduct and Community Standards, or the Behavioral Assessment Committee

Fair Procedures Committee: The Committee considers disciplinary action relative to any violation of the Code of Conduct between students, faculty, and staff.

Section IV: Process and Procedures for Resolution of Alleged Non-Academic Violations of the Code of Conduct by Students

Mediation Services

Persons or groups **not charged** with a violation, who are involved in a conflict, may submit their dispute to mediation. Mediation is a voluntary, objective, confidential and nonjudgmental process whereby all parties to a dispute meet with a trained mediator from Dutchess County Mediation Services who will assist them in reaching a written agreement to resolve their conflict. All parties must agree to attend mediation in order to move forward with the process. Parties are responsible for keeping the agreement. Violated agreements will not be referred back to Mediation Services. The request must be approved by the Dean of Student Services or the Director of Student Conduct and Community Standards.

Further information regarding the mediation process may be obtained from the Student Services Office, the Office of Student Conduct and Community Standards, or the Office of Residence Life and Housing, Conklin Hall.

1. Reporting a Complaint:

Any member of the College community (students, faculty, and staff) may file a complaint of misconduct against a student or group of students. Sufficient information is required to support an allegation of misconduct before the request for charges is accepted.

- a. Allegations of misconduct must be submitted in the following ways:
 - i. In written form to the Office of Student Services;
 - ii. In written form to the Office of Student Conduct and Community Standards.
 - iii. At the Office of Campus Safety and Security by completing a Security Incident Report; or
 - iv. With the Office of Residence Life and Housing by completing a Residence Hall Incident Report.

2. Complainant's/Reporting Person's Rights

As a reporting person (recipient) of misconduct as defined under the Student Code of Conduct and Housing Handbook, the conduct process entitles you to the right to pursue disciplinary action, including:

- a. To file charges through Campus Safety and Security, the Office of Student Services, the Office of Student Conduct and Community Standards or when appropriate, with the Office of Residence Life and Housing.

- b. To pursue criminal or civil charges where a legal case exists (without College assistance).
- c. To receive an explanation of the applicable charges from a staff member in the Office of Student Services, the Office of Student Conduct and Community Standards, or appropriate Residence Life staff member.
- d. To receive an explanation of the procedural alternatives available within the Student Conduct Process.
- e. To have all formal complaints investigated by Campus Safety and Security or the Office of Student Services or the Office of Student Conduct and Community Standards, or other College officials.
- f. To be free from harassment and intimidation from respondents and others as you engage this process.
- g. To participate in the disciplinary process, and to know the results of the process to the extent allowed under federal laws and College policies.
- h. In cases of alleged sexual misconduct, to have a support person at the hearing as an observer, to have the same access to the proceedings as the respondent, including the ability to question witnesses, to be free of irrelevant questions about sexual history, to make an impact statement prior to imposition of sanctions if the respondent is found responsible, and to appeal a decision. Additional information regarding a sexual misconduct hearing process you may refer to the Sexual Misconduct section located in this document.

3. Conduct Process

- a. The conduct officer will review the complaint to determine if:
 - i. There was a violation of the Student Code of Conduct.
 - ii. There is reasonable information to indicate that the accused may have violated the code of conduct.
- b. The respondent will be notified in writing via e-mail to their student account of pending charges and given a time and place to meet with the conduct officer.
- c. If the Respondent has a conflict with the date and/or time of the hearing they have (3) three College days from personal notification or the postmark date of the notification letter to contact the conduct officer to reschedule. It is the Respondent's responsibility to attend their hearing. If the respondent fails to appear at their hearing the conduct officer reserves the right to proceed with the hearing in the respondent's absence.
- d. The Respondent's hearing will be held within ten (10) College days from the date of notification of an alleged conduct violation, unless the Conduct Officer, Behavioral Assessment Committee, or Fair Procedures Committee, determine that legitimate

grounds exist for delay. The respondent will be provided written notice of charges; the date, time and place of hearing.

Please note that all Student Conduct Hearings are private and closed to everyone except the involved persons (i.e., the Complainant/Reporting Person, the Respondent, and those witnesses invited by the hearing body). A student may be accompanied by one support person of their choosing. This support person may accompany the student (but not participate in hearing) for the sole purpose of advising the student during the hearing.

4. Immediate Temporary Suspension

When in the judgment of the Dean of Student Services or the Director of Student Conduct and Community Standards (or the Director of Residence Life and Housing in consultation with the Dean of Student Services or the Director of Student Conduct and Community Services) the continued presence of an accused person at the College would present an immediate danger to the fulfillment of the educational mission of the College or to the life, health, welfare, or property of any member(s) of the College community, an immediate denial of campus residency and/or immediate temporary suspension from the College pending the final outcome of the conduct hearing may be imposed. In doing this, the accused will be provided with a Notice of Conduct Charges and the terms of the immediate sanction. During this time the student(s) is not allowed on College property and may be subject to criminal charges in addition to further conduct charges.

Review of an Interim Suspension Policy

The accused or respondent shall, upon request and consistent with the College's policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of an interim suspension, including potential modification, and shall be allowed to submit evidence in support of their request.

5. Rights of Persons Subject to Disciplinary Hearing for Non-Sexual and Interpersonal Violence Cases.

Students whose conduct is under review based on the Code of Student Conduct have the following rights:

- a. Written notice of the charges as described in the Student Conduct Process.
- b. Reasonable access to the respondent's case file in the Office of Student Services or the Office of Student Conduct and Community Standards which includes all information, to the extent permitted by confidentiality laws.

- c. Explanation of the procedural alternatives available within the College disciplinary process.
- d. To respond to the evidence through the hearing board or Conduct Officer.
- e. To respond to the information presented through a hearing board or Conduct Officer. Respondents in conduct proceedings are encouraged to answer questions concerning their conduct. Conduct proceedings are investigatory in nature and the person or body reviewing the case needs to engage the respondent in discussion and dialogue in order to reach a result. If the respondent chooses not to answer questions or fails to show at their hearing, a decision will be rendered based upon the information presented.
- f. To deny responsibility without being charged for providing false information in relation to that denial if proven responsible. However, a student may be charged, or be subjected to increased sanctions, for providing false information about the facts of the case, as opposed to just denying responsibility.
- g. To appeal an adverse decision as described in the appeals section of the Student Conduct Process.
- h. Students retain the right to waive their rights to a hearing. A hearing is not required if a student is willing to accept responsibility for the charges brought against them. However, the student must sign a waiver refusing the right to a formal hearing. Upon signing this waiver, the student accepts the decision/sanction of the College.

6. Rights of Persons Subject to Disciplinary Hearing for Sexual and Interpersonal Violence Cases.

The reporting individual may request that student conduct charges be filed against the accused. Conduct proceedings are governed by the procedures set forth in the College as well as Federal and New York State law, including the due process provisions of the United States and New York State Constitutions.

Throughout conduct proceedings, the respondent and the reporting individual will have:

- a. The same opportunity to be accompanied by a support person of their choice who may assist and advise the parties throughout the conduct process. Participation of the support person 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 responsible, and other issues related to sexual assault, domestic violence, dating violence, and stalking.

- 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. 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 of 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 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 party in the conduct process or their own mental health diagnosis or treatment history from admittance in College disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.
- j. The right to ask questions of the decision maker and via the decision maker
- k. Indirectly request responses from other parties and other witnesses present.
- l. The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
- m. The right to simultaneous (among the parties) written evidence or electronic notification of the outcome of a conduct proceeding, including the decision, any sanctions and the rationale for the decision and any sanctions.
- n. 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, dismissal and expulsion.
- o. Access to at least one level of appeal of a determination before a panel that is fair and impartial and does not include individuals with a conflict of interest.
- p. 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 in the Office of Student Services, Student Services Building, Room 304, 845-431-8970 or the Office of Student Conduct and Community Standards, Student Services Building, Room 117, 845-431-8962.

- q. The right to choose whether to disclose or discuss the outcome of a conduct hearing.

7. Fair Procedures Committee

- a. Membership: The Fair Procedures Committee will be appointed by the Dean of Student Services and the Director of Student Conduct and Community Services as follows:
 - i. The Fair Procedures Committee will consist of a pool of faculty, staff, and students. Faculty members are nominated through the Instructional Staff Council (ISC). Staff members are nominated through the Administrative Staff Council (ASC).
 - ii. Eligible students must be matriculated undergraduate students with a 2.00 or better cumulative average and have no conduct sanction(s) within the past year.
 - iii. Three (3) members and/or alternates, one of which must be a student and one which must be a faculty/staff member must be present to constitute a quorum
 - iv. The Chairperson of the Committee shall have the authority to:
 - 1. Direct the hearing,
 - 2. Call recesses,
 - 3. Postpone hearings,
 - 4. Take appropriate steps to maintain order,
 - 5. Decide questions on the relevance of evidence or testimony,
 - 6. Recall witnesses or call such further witnesses as would seem able to aid in the resolution of matters germane to the hearing,
 - 7. Monitor the presentation of questions to witnesses by members of the hearing body, and
 - 8. Ensure that established procedures are followed.
- b. Jurisdiction: The Fair Procedures Committee shall have jurisdiction over cases involving alleged violations of the Student Code of Conduct and Housing Handbook as follows:
 - i. Alleged violations that occur outside of the Residence Hall.
 - ii. Alleged violations that occur within the Residence Hall.
- c. Sanctions: After hearing a case, the Fair Procedures Committee shall deliberate and decide whether the student(s) is either responsible, not responsible. If the student(s) is found responsible for a violation of the Student Code of Conduct and/or the Housing

Handbook, the Fair Procedures Committee may assign and/or recommend a sanction to the Dean of Student Services or the Director of Student Conduct and Community Services depending on the severity of the violation.

8. Parental Notification.

As permitted by the Family Educational Rights and Privacy Act (FERPA), the parents of students (under the age of 21) found responsible for alcohol and/or drug violations of the Student Code of Conduct will be notified. In addition, if a student is found responsible for a serious violation of the Code of Student Conduct, the parent or legal guardian, at the discretion of the Dean of Student Services, or her designee, may receive notice documenting the violation and the outcome of a conduct hearing. Federal regulations permit this notification without the student's consent for those students who are dependents, under the age of 21.

9. Appeals.

Any student/student organization found responsible for a violation of the Student Code of Conduct shall have the right to appeal by filing a written petition for appeal.

- a. A decision reached by the Fair Procedure Committee or a sanction imposed by the conduct officer may be appealed by the accused student(s)/student organization to the Dean of Student Services or a designee thereof. The student/student organization must make appeals in writing within five (5) College days after receipt of the written decision.
- b. An appeal may be heard on the following grounds only:
 - i. The Fair Procedures Committee, Sexual Misconduct Board or student conduct officer failed to observe the procedural requirements established by the Student Code of Conduct.
 - ii. There is new evidence that was not known at the time of the original hearing and could not have reasonably been discovered at the time of the original hearing that could have had a substantive impact on the outcome of the original conduct decision.
 - iii. The severity of the sanction is disproportionate to the violation(s).
- c. An appeal officer will be concerned primarily with the points raised in the written appeal. Students or members of student organizations will not be present during an appeal review, unless determined otherwise by the appeal officer.
- d. A student/student organization found responsible for a violation may not be charged with a more severe sanction as a result of appealing their case.
- e. The appeal officer may take any of the following actions:

- i. Affirm the findings and sanctions of the original conduct official, Fair Procedures Committee or hearing board,
- ii. Modification of the charges and/or sanctions, or
- iii. Determine the student/student organization not responsible of the charge(s).

Appeals of sanctions other than suspension or dismissal must be delivered to: the Office of Student Services, Orcutt Student Services Building, Room 304 or the Office of Student Conduct and Community Standards, Orcutt Student Services Building, Room 117.

a. Suspension, Dismissal or Suspension Appeals

- i. Students may appeal a suspension, dismissal or expulsion decision in writing to the President of the College within five (5) College days after receiving formal notice of the decision.
 - ii. The Dean of Student Services or the Director of Student Conduct and Community Standards will present to the President of the College a written record of the charges, pertinent correspondence, a summary transcript of the proceedings, and the decision rendered at the student(s) hearing.
- b. The President shall render a decision within fifteen College (15) days after receipt of the appeal and shall transmit their decision in writing to the student.
- c. The decision of the President of the College shall be final in all cases of appeal.

10. Sanctions

Sanctions are intended to stop further inappropriate behavior and deter any subsequent violations. To restore community, sanctions will be appropriately tied to the offense and tailored to repair actual harm done. Sanctions may include revocation of campus privileges, restitution, community service, educational projects and/or other appropriate assignments.

The extent of the disciplinary sanction will depend on the seriousness of the violation, the past record of the student, circumstances surrounding the violation, and past practices in similar situations. Disciplinary actions imposed shall be one of the following:

- a. Dean's Hold: The Dean of Students or designee will place an administrative hold on a student's College records when the student fails to respond to a Notice of Charges letter; fails to appear at their scheduled hearing; and/or is assigned sanction(s). The hold will remain in effect until the student fulfills their responsibility.
- b. Verbal Warning: Notice that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.
- c. Official Warning: An official written statement of the College's disapproval of a student's actions and warning that any future violation(s) will be dealt with more severely.

- d. Restitution: Any student found responsible for violation the student code of conduct that has caused an expense to the College or their fellow student(s) may be required to rectify this action by making financial restitution to the College and/or the parties involved. Failure to do so within a specified time period may result in further disciplinary action.
- e. Non-Academic Probation: Non-Academic Probation may be imposed on a student who has been found responsible for violating the Code of Conduct. If a student becomes involved in any other problems of conduct while on Non-Academic Probation, they may be liable for suspension or dismissal from the College, based on a hearing before the Dean of Student Services, the Director of Student Conduct and Community Standards or the Fair Procedures Committee. Ordinarily probation is not to extend beyond the end of the semester in which it was imposed unless the imposition came after mid-term. In that case, it may extend into or through, the next semester. Probationary notice is to be given to the student in writing with the terms of the probation and the rationale thereof.
- f. Restrictive Campus Attendance: A student placed on a sanction of Restrictive Campus Attendance may come on to campus premises solely for the purpose of attending classes. Student(s) may not go into any buildings, (i.e. Drumlin Hall or any other buildings) where they do not have a specific class at a specified time. Students placed on this sanction may only be in the building for their class and may not inhabit the buildings before or after classes. They may not partake in any extracurricular activities (i.e. clubs, social events, athletic events, etc.). Students are restricted to classes only. Any violation of this sanction will result in immediate suspension.
- g. Denial of Campus Residency (Held in Abeyance): For students living on campus, Denial of Campus Residency, Held in Abeyance, may be for a specific period of time or for an indefinite period of time as deemed appropriate by the hearing body. A person who has been denied campus residency, held in abeyance, may be permitted to reside on campus provided that there are no further violations of College policy. Further violations of College policy will result in the immediate imposition of this condition without further disciplinary proceedings.
- h. Denial of Campus Residency: For students living on campus, Denial of Campus Residency may be for a specific time period or an indefinite period of time as is deemed appropriate by the hearing body. A person who has been denied campus residency must vacate their room within 24 hours of the time the sanction is executed. Persons denied campus residency are prohibited from entering the Residence Hall. Any person violating this provision will be subject to arrest, possible fine and/or arrest for trespassing.
- i. Suspension: A student on suspension will be separated for a specific time from the College, the campus, the use of college facilities and all classes. The student's matriculation will not be broken, and it is understood that at the end of the suspension the student may return to the College.
- The duration of the suspension will be set by the Dean of Student Services or designee, the Director of Student Conduct and Community

Standards, or Fair Procedures Committee. The minimum suspension will be the number of days required for the student to solve the problem leading to suspension. The minimum suspension shall be the remainder of the semester in which it was imposed. The student shall receive written notice regarding the terms of suspension and the rationale thereof. A record will be placed in the student's permanent file.

- j. Dismissal: A dismissed student is separated from the College, loses all rights and privileges to use the campus facilities, and loses matriculated status. The minimum dismissal includes the remainder of the semester in which the dismissal is imposed and the entire following semester. The maximum dismissal includes the remainder of the semester in which the dismissal is imposed plus the next two full semesters. Dismissed students will have to apply for readmission, will be asked to account for themselves during the time of dismissal, and will be required to submit two letters of recommendation as a part of the readmission application. Readmission is not guaranteed. If circumstances seem appropriate, the student may be asked to come before the Dean of Student Services and/or the Director of Student Conduct and Community Standards and/or the President of the College to discuss the entire matter and motives for requesting readmission. The student shall receive in writing the terms of their dismissal, and the rationale thereof. A record will be placed in the student's permanent file.
- k. Expulsion: Indefinite removal from the College.

11. Discretionary Sanctions

The student conduct system promotes an educational response in an effort to enhance student development, in addition to the disciplinary action, may apply the following conditions:

- a. Developmental Experience: The student may be required to attend and/or participate in a workshop, group, program and/or other related assignment. Students will be responsible for any costs associated with a program.
- b. Mandated Mental Health Assessment: The student must attend a mental health assessment and/or session in the Counseling Center by a specific date. The student is required to follow all recommendations made by the Counseling Center as a result of the assessment.
- c. Restitution: The student may be required to compensate for loss, damage, defacement, theft, injury or unauthorized use of property. This may take the form of monetary or material replacement and/or appropriate service. Failure to do so within a specified time period may result in further disciplinary action.
- d. Community Service: The student may be assigned College community service working in a campus department or assigned to a specified site within the local community. Failure to complete the assignment may result in a more severe sanction.

- e. Restorative Justice Practices: This is an alternative approach that promotes individual responsibility and community restoration through mutually beneficial solutions that foster repair, reconciliation and the rebuilding of relationships. This process involves helping students that have been charged with a violation of the Student Code of Conduct to understand the harm they may have caused others and facilitate the development of empathy for those harmed by their behavior(s).

- f. Loss of Privileges: The student may be denied specific privileges for a designated period of time. These may include, but are not limited to:
 - i. Facility Restriction. The student may be denied use of or otherwise may be restricted from specified campus facilities.

 - ii. Social Restriction. The student may be restricted from participation in College-sponsored activities for a specified period of time.

 - iii. “No-Contact” Order. This may include a directive that the parties refrain from having contact with one another, directly or through proxies, whether in person or via electronic means, and for a designated period of time.

 - iv. Alcohol and/or Drug Health Assessment: This sanction, typically to be completed through the Dutchess Community College Counseling Center, is given for repeat offense or when there is concern for the safety and well-being of the student.

NOTE: More than one previously stated sanction can be imposed for any single conduct violation.

Section V: Records and Retention

Student conduct records are maintained in the Office of Student Services for a period of seven years from the date of the final decision or resolution and are then destroyed in accordance with College policy. These records include but are not limited to notices, reports, communications, decisions, evidence, recordings, and/or transcripts that are related to the conduct process, maintained by the College, or department and as otherwise defined by the Family Educational Rights and Privacy Act (FERPA) and the UIC Student Records Policy (http://www.uic.edu/depts/oar/forms/records_policy.doc). Student disciplinary records will not be disclosed to any third party except as permitted by law. All disciplinary records are confidential and may not be disclosed in whole or in part except as provided by law or by the written authorization of the student, under legal compulsion or where the safety of other persons may be involved. Disciplinary records are maintained separate from the student's academic record but are part of the student's educational record.

Section VI: Interpretation and Revision

Any question of interpretation or application of the Student Code of Conduct shall be referred to the Director of Student Conduct and Community Standards for final determination.

Except for mandatory elements and language required by federal and state law, revisions of the Code of Conduct are brought before the DCC Board of Trustees for review and approval.

Section VII: Survival Clause

If any part, or portion, or provision of the Code of Conduct is determined to be unconstitutional or illegal, the remaining provisions of the Code shall remain in full force and effect.

**Approved by the Dutchess Community College Board of Trustees on July 7, 2015
(Resolution # 2015-59).**