BOARD OF TRUSTEES
September 17, 2015

| | |
|---|---|
| ITEM 1 | RESOLUTION NO. 2015.65 - APPROVING MONTHLY SPONSOR SERVICES FOR SUFFOLK COUNTY COMMUNITY COLLEGE |
| ITEM 2 | RESOLUTION NO. 2015.66 - AMENDING THE COLLEGE BUDGET FOR A PERKINS IV CAREER AND TECHNICAL EDUCATION ACT PROGRAM GRANT |
| ITEM 3 | RESOLUTION NO. 2015.67 - ACCEPTING A GRANT AWARD FROM THE EMPIRE STATE DEVELOPMENT CORPORATION FOR THE ENTREPRENEURIAL ASSISTANCE PROGRAM (EAP) TO DEVLEOP A VETERAN BUSINESS ASSISTANCE CENTER |
| ITEM 4 | RESOLUTION NO. 2015.68 - ADOPTING AN AMENDED SUFFOLK COUNTY COMMUNITY COLLEGE MEDICAL SUSPENSION POLICY |
| ITEM 5 | RESOLUTION NO. 2015.69 - APPROVING BUDGET TRANSFERS |
| ITEM 6 | RESOLUTION NO. 2015.70 - ADOPTING AN AMENDED SUFFOLK COUNTY COMMUNITY COLLEGE STUDENT CODE OF CONDUCT |

**ITEM 1**

**RESOLUTION NO. 2015.65 - APPROVING MONTHLY SPONSOR SERVICES FOR SUFFOLK COUNTY COMMUNITY COLLEGE**

**WHEREAS**, the State University of New York Regulation No. 602.7 requires the Suffolk County Community College Board of Trustees to review and approve all Sponsor provided services and their estimated value in advance of the service being rendered, and

**WHEREAS,** the regulation also requires the approval of the payment of each Sponsor Service satisfactorily performed, and

**WHEREAS,** health insurance is considered a Sponsor Service, be it therefore

**RESOLVED,** that the health insurance payments to the County of Suffolk in the amount of $2,248,616.24 for the month of August 2015 (Attachment I) is hereby approved by the Board of Trustees.

**********

Board of Trustees
September 17, 2015
Attachment I

COUNTY OF SUFFOLK

STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF CIVIL SERVICE/HUMAN RESOURCES
DIVISION OF EMPLOYEE SERVICES

ALAN SCHNEIDER
PERSONNEL DIRECTOR

TO: Deborah Lesser
SCCC – Business & Financial Affairs
NFL Rm. 232, College Road Selden

FROM: Deidre DeSimone
Suffolk County Department of Civil Services
Employees Services Unit

DATE: August 6, 2015

SUBJ: SCCC ~~July~~ August Premium Due for Employee Medical Health Plan of Suffolk County Fund 818

| A | R | T |
|---|---|---|
| 263 | 245 | 508 |
| 757 | 441 | 1198 |
| | | |
| 1 | 1 | 2 |
| 2 | 3 | 5 |
| 1023 | 690 | 1713 |
| 2 | - | 2 |
| 1025 | 690 | 1715 |

**July 2015**

| | Coverage | Premium | # Employees | Total |
|---|---|---|---|---|
| 71 | EMHP Indiv. | 760.4 | 508 ✓ | 386,283.20 |
| 72 | EMHP Family | 1,621.94 | 1198 | 1,943,084.12 |
| | | | | |
| | **HMO's** | | | |
| 31 | HIP Indiv. | 894.53 | 2 ✓ | 1,789.06 |
| 32 | HIP Family | 2,191.60 | 5 ✓ | 10,958.00 |
| | Blue Choice Indiv. | 1,164.39 | | 0.00 |
| | Blue Choice Family | 3,027.43 | | 0.00 |
| | | | | |
| | **JOB SHARE (PLAN RATES)** | | | |
| 71 | Individual | 740.27 | 2 ✓ | 1,480.54 |
| 72 | Family | 1,579.00 | | 0.00 |
| | | | | |
| | **Total Premium 8/15** | | 1715 | $2,343,594.92 |

Plus: 2 Indiv 1520.80
3 Family 4865.82

less: Medicare Surcharge 2013 (101,365.30)

1720 2,248,616.24

Attachment: Enrollee List

A= Active
R= Retired
T = Total

NORTH COUNTY COMPLEX-BLDG #151
725 VETERANS MEMORIAL HIGHWAY
MAILING ADDRESS: P.O. BOX 6100, HAUPPAUGE, NY 11788-0099

(631) 853-4791
FAX (631)853-5228

**ITEM 2**

**RESOLUTION NO. 2015.66 - AMENDING THE COLLEGE BUDGET FOR A PERKINS IV CAREER AND TECHNICAL EDUCATION ACT PROGRAM GRANT**

WHEREAS, the 2014-2015 College operating budget provides $513,390, including indirect costs, from The State Education Department, Perkins IV funds, for the Carl D. Perkins Career and Technical Education Act (CTEA) Program for the period of July 1, 2015 through June 30, 2016, and

WHEREAS, the award has been increased by an additional amount of $62,965 bringing the total amount of the grant award to $576,355 including indirect costs, and

WHEREAS, matching funds are not required, be it therefore

RESOLVED, that the 2015-2016 College operating budget be amended to reflect an increase in the amount of $62,965, from The State Education Department, Perkins IV funds for the Carl D. Perkins Career and Technical Education Act (CTEA) Program, and the College President or his designee is authorized to execute a contract with the administrating agency.

Project Director: Dr. W. Troy Tucker, College Assistant Dean

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**ITEM 3**

**RESOLUTION NO. 2015.67 - ACCEPTING A GRANT AWARD FROM THE EMPIRE STATE DEVELOPMENT CORPORATION FOR THE ENTREPRENEURIAL ASSISTANCE PROGRAM (EAP) TO DEVLEOP A VETERAN BUSINESS ASSISTANCE CENTER**

**WHEREAS**, Suffolk County Community College has received a grant award in the amount of $42,000, from the Empire State Development Corporation for the Entrepreneurial Assistance Program (EAP) to develop a Veteran Business Assistance Centers for the period of June 1, 2015 through May 31, 2016, and

**WHEREAS,** this program will provide management and assistance to veterans who are seeking to start or starting new business ventures, or to train veterans in the principles and practices of entrepreneurship in order to prepare them to pursue self-employment opportunities, and

**WHEREAS,** matching funds are not required,

**RESOLVED,** that a grant award, in the amount of $42,000, including indirect costs, from the Empire State Development Corporation for the Entrepreneurial Assistance Program (EAP) to develop Veteran Business Assistance Centers during the 2015-2016 fiscal year, for the period of June 1, 2015 through May 31, 2016, is hereby accepted, and the College President, or his designee, is authorized to execute a contract, with the administering agency.

Project Director: Daphne M. Gordon

Note: No full-time personnel

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**ITEM 4**

**RESOLUTION NO. 2015.68 - ADOPTING AN AMENDED SUFFOLK COUNTY COMMUNITY COLLEGE MEDICAL SUSPENSION POLICY**

**WHEREAS,** an extensive review of the College's Medical Suspension Policy, adopted by this Board on March 22, 2007, has been undertaken by the Vice President of Student Affairs, the Campus Associate Deans of Student Services, and the Office of Legal Affairs, and

**WHEREAS,** in order to ensure compliance with current legal requirements and best practices, the College wishes to amend its Medical Suspension Policy, be it therefore

**RESOLVED,** that the College hereby adopts the "Medical Suspension Policy," as amended, effective September 17, 2015 (Attachment II ), and be it further

**RESOLVED,** that the College hereby revokes the Medical Suspension Policy adopted by this Board on March 22, 2007.

**********

Suffolk
COUNTY COMMUNITY COLLEGE

# Medical Suspension Policy

Suffolk County Community College strives to promote the health and safety of all members of the College community by providing services in the areas of student health, counseling, and public safety and by enforcing student conduct regulations. To ensure that the institution and its members may carry out their proper activities without substantial interference or danger of physical harm, the College has adopted a policy and procedures for the involuntary medical suspension of students.

A student will be subject to medical suspension if the Medical Suspension Panel or Campus Associate Dean of Student Services concludes that the student is suffering from a physical, emotional, or psychological condition, and, as a result of this condition, engages, threatens to engage, or may engage in behavior that:

(1) reasonably poses a danger or threat of causing physical harm to others; and/or

(2) substantially impedes the lawful activities of other members of the campus community, or the educational processes, activities or functions of the College or its personnel.

## 1. Introduction

Members of the College community may become aware of a student who may pose a danger to others, or is substantially impeding the lawful activities of the College because of a physical, emotional, or psychological condition. In these situations, College personnel may consider the appropriateness of (a) utilizing the regular student conduct process administered by the Campus Associate Dean of Student Services, or (b) requesting that the matter be handled as a potential medical suspension according to the standards and procedures described in this policy.

## 2. Standard

A student will be subject to a medical suspension if the Medical Suspension Panel or Campus Associate Dean of Student Services concludes that the student is suffering from a physical, emotional, or psychological condition, and, as a result of this condition, engages, threatens to engage, or may engage in behavior that:

(a) reasonably poses a danger or threat of causing physical harm to others; and/or

(b) substantially impedes the lawful activities of other members of the campus community, or the educational processes, activities or functions of the College or its personnel.

Note that having a mental illness or engaging in behavior that is eccentric, highly individualistic, inappropriate, or simply causes concern is not enough to subject the student to a medical suspension; rather, the student must meet the standard for a medical suspension described above. In addition, it should be noted that a student suffering from a physical, emotional, or psychological condition who is accused of a disciplinary violation should not routinely be diverted from the conduct process unless the Campus Associate Dean of Student Services determines that doing so would be in the best interests of both the student and the institution. The decision to implement either the conduct process or medical suspension procedure is the responsibility of the Campus Associate Dean of Student Services or his/her designee.

### 3. Commencement of the Medical Suspension Process

Any member of the College community who has reason to believe that a student may meet the standard for medical suspension, as described in Section (2), above, may contact the Campus Associate Dean of Student Services in writing. The Campus Associate Dean of Student Services will then oversee the medical suspension process for the identified student.

If, in the Campus Associate Dean of Student Services' judgment, the student does not meet the standard for medical suspension, this process will terminate and the Campus Associate Dean of Student Services may take other action as appropriate, such as initiating the student disciplinary process, referring the student for psychological evaluation, or suggesting that the student alter his/her academic course load.

If, in the Campus Associate Dean of Student Services judgment, the student may meet the standard for medical suspension, the Campus Associate Dean of Student Services will arrange for a meeting with the student as soon as possible to:

(a) describe the report(s) he/she has received;

(b) provide the student with a copy of the Medical Suspension Policy; and (c) discuss the policy, the procedures to be followed, and the student's rights under the policy.

Alternatively, the Campus Associate Dean of Student Services may provide the information noted in a, b, c above, in writing, by certified or registered mail to the address that the student has provided the College as his/her official address, and e-mail to the student's College e-mail address.

## 4. Interim Medical Suspension

If the Campus Associate Dean of Student Services determines that the student may be suffering from a physical, emotional or psychological condition and, as a result of this condition, there is reason to believe that the student may engage in behavior that reasonably poses a danger of causing physical harm to others, or is currently substantially impeding the lawful activities of other members of the campus community or the educational processes, activities or functions of the College or its personnel, the Campus Associate Dean of Student Services may immediately place the student on an interim medical suspension. A student suspended on an interim basis shall be given the opportunity to meet with the Campus Associate Dean of Student Services within three (3) business days of the implementation of the interim medical suspension. Following this meeting, the Campus Associate Dean of Student Services may either continue or cancel the interim suspension. If the interim medical suspension is cancelled, the procedures described in this policy may still be continued. If the interim suspension remains in effect, the next stages in this procedure must be followed, and every effort should be made to expedite the process to the greatest extent possible.

## 5. Referral for Evaluation

Should the Campus Associate Dean of Student Services determine that an objective evaluation is needed or would otherwise be beneficial, the Campus Associate Dean of Student Services will make such arrangements as may be necessary, at the College's expense. Whenever appropriate, the Campus Associate Dean of Student Services may retain the College's Consulting Psychologist/Psychiatrist if a psychological evaluation is needed, and the College's Consulting Physician if a medical evaluation is needed. Students referred for such evaluation shall be so informed in writing either by certified or registered mail, and e-mail to the student's College e-mail address. The evaluation shall be scheduled, if at all possible, within five (5) business days from the date of the referral letter, and shall be held at the College. Students may be accompanied by a licensed psychologist, psychiatrist, or physician of their choice (i.e., at the student's expense) who may observe, but not participate in, the evaluation process. Any pending action may be withheld at the discretion of the Campus Associate Dean of Student Services until the evaluation is completed.

When the mental health or medical professional meets with a student, the student shall be asked to provide written consent acknowledging that the evaluation is not confidential or privileged and that the results will be made available to the student and the, Campus Associate Dean of Student Services and presented to the Medical Suspension Panel at the hearing. The evaluation shall not be conducted without such consent.

If the mental health or medical professional determines that the student does not meet the standard for medical suspension, he/she will report this fact in writing to the Campus Associate Dean of Student Services within three (3) business days of the evaluation. The Campus Associate Dean of Student Services may, at this point, decide to terminate the medical suspension process.

If the mental health or medical professional determines that the student may meet the standard for medical suspension, he/she will put his/her findings in writing and inform the student and the Campus Associate Dean of Student Services within three (3) business days of the evaluation. The mental health or medical professional may, at his/her discretion, include recommendations for the Panel to consider such as suspension, mandatory treatment, or a lighter academic course load. The written report will be made available to the student, the, Campus Associate Dean of Student Services and the Panel at the hearing, and the mental health or medical professional may be present at the hearing to answer pertinent questions if so requested by either the student or the Campus Associate Dean of Student Services.

Additionally, the student may, at his or her discretion and expense, request any professional who has knowledge of the student's physical, emotional, or psychological condition to provide information and/or recommendations, as may be appropriate, to the Campus Associate Dean of Student Services for consideration during the hearing process.

## 6. Student's Failure to Respond or Comply

The student is expected to respond to all reasonable requests to meet with the Campus Associate Dean of Student Services and to cooperate in the evaluation process described in Section (6).

If the student fails or otherwise refuses to comply with reasonable requests to meet with the Campus Associate Dean of Student Services and/or the mental health or medical professional as directed, the Campus Associate Dean of Student Services may either:

(a) cancel the student's registration at the College, with the understanding that the student will not be permitted to re-enroll at the College unless she/he either complies with such requests or is reinstated following an appeal to the Campus Executive Dean/CEO pursuant to Section (12); or

(b) proceed with the hearing before the Medical Suspension Panel.

## 7. Composition of Medical Suspension Panel

The Medical Suspension Panel (Panel) is the College body designated by the Vice President for Student Affairs to determine whether or not a student should be suspended under the terms of this policy. The Panel will consist of three (3) voting members, including the Campus Associate Dean of Student Services or designee who shall serve as Chair, and two additional members, selected by the Campus Associate Dean of Student Services, in consultation with the Vice President for Student Affairs, who shall have professional backgrounds in such areas as counseling, psychology, social work, nursing, etc. Members shall be objective and free of personal bias. Students shall not be permitted to serve on the Medical Suspension Panel.

## 8. Hearing Process

a. If a hearing is warranted, the Campus Associate Dean of Student Services will notify the student, in writing, of the date, time and place of the hearing. A student will be given a minimum of three (3) business days to prepare for a hearing. The student may waive, in writing, the requirement of either the written notice or the three (3) business days to prepare for the hearing. In addition, if both the student and the Campus Associate Dean of Student Services are in agreement, the Campus Associate Dean of Student Services by him or herself, rather than the Medical Suspension Panel, may determine whether or not the student should be suspended under the terms of this policy.

b. The entire case file, including the evaluation report prepared pursuant to Section (6) of this policy, and the names of prospective witnesses, will be available for inspection by the student in the Campus Associate Dean of Student Services' office during normal working hours at least two (2) business days before the hearing. The file should not include the personal and/or confidential notes of any College official or participant in the evaluation process, unless such notes are being submitted as evidence during the hearing.

c. The hearing shall be conversational and non-adversarial in nature. Formal rules of evidence will not apply. The Chair of the Medical Suspension Panel shall exercise active control over the proceedings to facilitate the orderly completion of the hearing. Any person who disrupts the hearing may be excluded.

d. The student may choose to be accompanied by an advisor, such as a family member or legal guardian, a mental health or medical professional, an attorney, a member of the faculty or staff of the College, or an advocate or friend. Advisors are generally not permitted to participate in any portion of the hearing or to speak on behalf of any party. However, an advisor may request to actively participate during the hearing if the student's condition prevents the student from adequately representing him or herself. The extent of such participation shall be at the discretion of the Campus Associate Dean of Student Services. Note

that if an attorney will be serving as the student's advisor, the Campus Associate Dean of Student Services must be given at least two (2) business days' notice.

e. The student, and his/her advisor if appropriate, will be given reasonable time to ask relevant questions of any individual appearing at the hearing, as well as to present relevant evidence.

f. The hearing may be conducted in the absence of a student who fails to appear after proper notice.

g. The mental health or medical professional who prepared the evaluation report pursuant to Section (5) of this policy may be asked by either the student or the Campus Associate Dean of Student Services to appear at the hearing and respond to relevant questions.

h. The hearing shall be recorded by the Campus Associate Dean of Student Services. The recording(s) shall be kept with the pertinent case file for as long as the case file is maintained by the College. The recording(s) will be available to the student, upon written request made to the Campus Associate Dean of Student Services.

i. The hearing shall be closed to the public. Hearing participants are limited to the student, his/her advisor, members of the Panel, and any witnesses who have been asked to appear by any of the parties involved. The presence of witnesses shall be limited to the presentation of their information and their questioning by the remaining hearing participants.

j. All deliberations of the Panel will be made in closed session, outside the presence of the student, his/her advisor, or any complainants or witnesses. Determinations shall be made by majority vote, based on a preponderance of the evidence presented at the hearing. Should the Panel determine that the student meets the standard for a medical suspension, the Panel shall specify the minimum period of suspension and the specific conditions that must be met for reinstatement. The Panel may also, at its discretion, permit a student who meets the standard for medical suspension to remain enrolled on a probationary basis under specified conditions which may include, but are not limited to:

(i) active participation in an ongoing treatment program with evidence of continuing compliance and improvement; and/or

(ii) barring the student from a specific class, location, or area; and/or

(iii) a reduced academic course load.

In such cases, the Campus Associate Dean of Student Services will monitor the student and may, at any point, terminate the probationary period and impose a medical suspension.

k. In cases where the Campus Associate Dean of Student Services did not serve as Chair of the Panel, the findings shall be submitted to the Campus Associate Dean of Student Services along with a record of the hearing. The Campus Associate Dean of Student Services shall furnish a copy of the findings to the student by certified or registered mail to the student's official home address, and e-mail to the student's College e-mail address within three (3) business days of the decision.

l. Students shall have a right to appeal.

m. All participants in a medical suspension hearing are required to consider all information and decisions related to the proceedings to be confidential. The outcome of the hearing will only be disclosed to College officials and faculty members who have a legitimate educational interest in the outcome.

## 9. Appeal

Within five (5) business days from the delivery or receipt of the Panel's decision, the student may request, in writing, that the Campus Executive Dean/CEO, or his/her designee, review the matter and the Panel's decision. The student shall state in writing the specific points she/he wishes the Campus Executive Dean/CEO to consider. As a general rule, the decision of the Panel shall stand unless determined otherwise by the Campus Executive Dean/CEO through the appeal process.

On appeal, the Campus Executive Dean/CEO or his/her designee shall review the matter by examining the case file, including the recording(s) of the hearing. The Campus Executive Dean/CEO may (a) affirm the Panel's decision, (b) send the matter back to the Panel for further deliberations, (c) affirm the Panel's finding that the standard for a medical suspension has been met, but alter the dispositions and/or conditions that have been imposed, or (d) reverse the Panel and reinstate the student. The Campus Executive Dean/CEO shall inform the student of his/her decision, in writing, within ten (10) business days by certified or registered mail, and e-mail to the student's College e-mail address. .

## 10. Readmission

A student who is suspended by the Panel may not apply for readmission to the College prior to the start of the next semester, unless the Campus Executive Dean/CEO, in consultation with the Vice President for Student Affairs, determines otherwise. Application for readmission shall be made to the Campus Associate Dean of Student Services, who may require such

reasonable documentation as deemed necessary. The Campus Associate Dean of Student Services will approve re-enrollment or readmission only if s/he determines, that the student no longer meets the standard for a medical suspension as outlined in Section (2), and has met all other readmission or re-enrollment standards established by either the College or the Panel. The Campus Associate Dean of Student Services may, at his/her discretion, convene the Medical Suspension Panel to make this determination. Should the Campus Associate Dean of Student Services or the Panel deny the request for readmission or re-enrollment, the student shall have five (5) business days from the time of such notification to request, in writing, that the Campus Executive Dean/CEO review the denial, as outlined in Section (9).

## 11. Records and Fees

The normal policies and procedures for transcript notation and tuition refunds for students who withdraw during an academic semester, as described in the College Catalog, will apply to students who are placed on medical suspension, under this policy.

**ITEM 5**

**RESOLUTION NO. 2015.69 - APPROVING BUDGET TRANSFERS**

**WHEREAS**, the Board of Trustees has established a policy on the authorization of budget transfers, and

**WHEREAS**, according to said policy, budget transfers must be authorized by a resolution adopted by the Board of Trustees, and

**WHEREAS**, the Vice President for Business and Financial Affairs recommends the budget transfers on Attachment II as necessary for the operation of the College, be it therefore

**RESOLVED**, that the budget transfers shown on Attachment III are hereby authorized and approved.

**********

**Suffolk County Community College**
**Budget Transfer List**
**As of September 4, 2015**

| DOCUMENT # | FUND | ORG | ACCOUNT | DESCRIPTION | TRANSFER FROM | TRANSFER TO | REASON |
|---|---|---|---|---|---|---|---|
| J0022104 | 181800 | W11501 | 611130 | Temporary Salaries | 69,812 | | to correct budget allocation of part-time salaries |
| | 181800 | W51001 | 611130 | Temporary Salaries | | 69,812 | at the Grant Campus |
| J0022222 | 181800 | A42001 | 713070 | Memberships & Subscriptions | 19,000 | | for library book orders - Ammerman |
| | 181800 | A43001 | 713100 | Instructional Supplies | | 19,000 | |
| J0022235 | 181800 | C81201 | 712020 | Office Machines | 25,400 | | For rent/lease of Ricoh Copiers in the Central |
| | 181800 | C81201 | 713510 | Rent: Business Machines | | 25,400 | Print Shop |

**ITEM 6**

**RESOLUTION NO. 2015.70 - ADOPTING AN AMENDED SUFFOLK COUNTY COMMUNITY COLLEGE STUDENT CODE OF CONDUCT**

**WHEREAS,** the student conduct program within the Division of Student Affairs is committed to an educational and developmental process that balances the interests of individual students with the interests of the College community, and

**WHEREAS,** with this aim in mind, an extensive review of the College's student code of conduct, adopted by this Board in 2008, was undertaken by the Associate Vice President of Student Affairs, the Associate Deans of Student Services, the College Associate Dean for Educational Resources, and the Office of Legal Affairs, and

**WHEREAS,** a revised and updated Student Code of Conduct was adopted by resolution of this Board on June 19, 2014, and,

**WHEREAS,** in order to ensure compliance with current legal requirements, SUNY policy and best practices, Suffolk County Community College wishes to further amend the Student Code of Conduct, be it therefore

**RESOLVED,** that the College hereby adopts the "Suffolk County Community College Student Code of Conduct," as amended, effective September 17, 2015 (Attachment IV), and be it further

**RESOLVED,** that the College hereby revokes the Suffolk County Community College Student Code of Conduct adopted by this Board on June 19, 2014.

**********

*The Suffolk County Community College Student Code of Conduct is adapted, in part, from The NCHERM Group Model Developmental Code of Student Conduct, and is used here with permission.*

# Suffolk County Community College Student Code of Conduct

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Suffolk County Community College's mission includes the growth and development of its students through social and ethical awareness. In addition, the College is committed to preserving a climate conducive to our dedication to academic endeavors, and protecting its property and that of its community members. It is important to treat all community members with equal care, concern, honor, fairness and dignity. The College has established core values of student conduct which meet our mission.

Core Values of Student Conduct

- ***Integrity***: College students exemplify honesty, honor and a respect for the truth in all of their dealings.
- ***Community***: College students build and enhance their community.
- ***Social Justice***: College students are just and equitable in their treatment of all members of the community, and act to discourage and/or intervene to prevent unjust and inequitable behaviors.
- ***Respect***: College students show positive regard for each other, for property and for the community.
- ***Responsibility***: College students are given and accept a high level of responsibility to self, to others and to the community.

Suffolk County Community College students are responsible for knowing the information, policies and procedures outlined in this document. The College reserves the right to make changes to this code as necessary, and once those changes are posted online, they are in effect. Students are encouraged to check the College website (www.sunysuffolk.edu) for the updated versions of all policies and procedures.

## SECTION 1: PHILOSOPHY

The College community is committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life and thoughtful study and discourse. The student conduct program within the Division of Student Affairs is committed to an educational and developmental process that balances the interests of individual students with the interests of the College community.

A community exists on the basis of shared values and principles. At the College, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the *Student Code of Conduct*. These standards are embodied within a set of core values that include integrity, social justice, respect, community, and responsibility.

All members of the College community bear responsibility for their conduct and to assume reasonable responsibility for the behavior of others. When members of the community fail to exemplify these five values by violating the rules below, campus conduct proceedings are used to enforce the *Student Code of Conduct*.

The student conduct process at the College is not intended to punish students; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. Sanctions are intended to challenge students' moral and ethical decision-making, and to help them bring their behavior into accord with our community expectations. When a student is unable to conform their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings.

## SECTION 2: DEFINITIONS

1. The term "College" means Suffolk County Community College, which includes its three campuses (Ammerman, Eastern, and Michael J. Grant); the Sayville Downtown Center; the Culinary Arts Center; the Suffolk Community College Association, Inc. (Association); and any other premises, including overseas program sites utilized by the College or the Association.

2. The term "College-sponsored activity" means any activity on or off campus which is initiated, aided, authorized or supervised by the College or Association.

3. 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 either applied for, or been notified of, their acceptance for admission shall also fall under the definition of "student."

4. The "College Title IX Coordinator" shall refer to College employee who serves in the capacity of the College Affirmative Action Officer.

5. The "College Deputy Title IX Coordinator" shall refer to the College employees who serve in the capacity of Associate Dean of Educational Resources and the Campus Associate Deans of Student Services, and any other employee so designated by the College Title IX Coordinator.

6. The term "will" and "shall" are used in the imperative sense.

## SECTION 3: JURISDICTION

Students at the College are provided a copy of the *Student Code of Conduct* annually in the form of a link on the College website. Hard copies are available upon request from the Offices of the Campus Associate Dean of Student Services. Students are responsible for reading and abiding by the provisions of the *Student Code of Conduct*.

The College President has designated the chief student affairs officer and the Campus Associate Deans of Student Services as the persons responsible for the implementation of the *Student Code of Conduct* and the student conduct process at the College. The Campus Associate Dean of Student Services (or his/her designee) will coordinate the student conduct process to include the composition of the Student Conduct Boards and the imposition of sanctions upon any student(s) found to have violated the *Student Code of Conduct*.

The *Student Code of Conduct* and the student conduct process apply to the conduct of individual students, and all College-affiliated student organizations. For the purposes of student conduct, the College considers an individual to be a student when an offer of admission has been extended as long as the student has a continuing educational affiliation with the College.

The College retains conduct jurisdiction over students for any misconduct that occurred prior to a student's leave of absence, withdrawal or graduation. If sanctioned, a hold may be placed on the student's ability to re-enroll and/or the ability to obtain official transcripts. All sanctions must be satisfied prior to re-enrollment eligibility. In the event of serious misconduct committed while still enrolled, but reported after the accused student has graduated, the College may invoke these procedures, and should the former student be found responsible, the College reserves the right to revoke that student's degree.

The *Student Code of Conduct* applies to behaviors that take place on the campus, at College-sponsored events and at overseas program sites, and may also apply off-campus when the Campus Associate Dean of Student Services or his/her designee determines that the off-campus conduct implicates a substantial College interest. A substantial College interest is defined to include:

- Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of himself/herself or others; and/or

- Any situation that significantly impinges upon the rights, property or achievements of self or others, or significantly breaches the peace and/or causes social disorder; and/or

- Any situation that is detrimental to the educational mission of the College.

The *Student Code of Conduct* may be applied to behavior conducted online, via e-mail or by other electronic medium. Students should also be aware that online postings, such as blogs, web postings, chats and social networking sites, are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of such violations is posted online. The College may take action when such information is brought to the attention of College officials which meets the following criteria:

- A true threat, defined as "a threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon specific individuals";

- Speech posted online about the College or its community members that causes a significant on-campus disruption.

The *Student Code of Conduct* applies to guests of community members, and hosts may be held accountable for the misconduct of their guests. Visitors to, and guests of, the College may seek resolution of violations of the *Student Code of Conduct* committed against them by students.

College e-mail is the College's official means of communication with students. Students are responsible for all communications delivered to their College e-mail addresses.

Additional procedures and special hearing provisions that are utilized for alleged Title IX violations (sexual misconduct, sexual violence, discrimination and other complaints of a sensitive nature) are listed in Section 8 this *Code*.

## SECTION 4: VIOLATIONS OF THE LAW

Alleged violations of federal, state and local laws may be investigated and addressed under the *Student Code of Conduct*. When an offense occurs over which the College has jurisdiction, the College conduct process will proceed forward.

The College reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation. Interim suspensions are imposed until a hearing can be held. The interim suspension may be continued if a danger to the community is posed. The College may be delayed from conducting its own investigation and resolving the allegation by the pendency of the criminal process. In such cases, the College may delay its hearing only until such time as it can conduct an internal investigation or obtain sufficient information independently from law enforcement upon which to proceed. Any such delay should be no longer than ten business days.

## SECTION 5: COLLEGE REGULATIONS

### Core Values and Behavioral Expectations

The College considers the behavior described in the following sub-sections as inappropriate for the College community and in opposition to the core values set forth in this document. These expectations and rules apply to all students. The College encourages community members to report to College officials all incidents that involve the following actions. Any student found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in Section 7: Conduct Procedures.

***Integrity: College students exemplify honesty, honor and a respect for the truth in all of their dealings. Behavior that violates this value includes, but is not limited to:***

1) **Falsification**. Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification (including College identification cards) or financial instruments;

2) **Academic Dishonesty**. Acts of academic dishonesty which include, but is not limited to, cheating on an exam; plagiarizing (i.e., taking and passing off as one's own work the ideas, writings, or work of another, without citing the source); submitting work from another course, unless receiving advance approval to do so by the instructor; stealing or possessing stolen exams or course materials; posing as another person, or allowing another person to pose as oneself; falsifying academic records; receiving help from others in work to be submitted, if contrary to stated course rules;

3) **Collusion**. Action or inaction with another or others to violate the *Student Code of Conduct*;

4) **Election Tampering**. Tampering with an election conducted by the College or by a College-recognized student organization;

5) **Taking of Property**. Intentional and unauthorized taking of College property or the personal property of another, including goods, services and other valuables;

6) **Stolen Property**. Knowingly taking or maintaining possession of stolen property.

***Community: College students build and enhance their community. Behavior that violates this value includes, but is not limited to:***

7) **Disruptive Behavior**. Substantial disruption of College operations, including obstruction of teaching, administration, other College activities, and/or other authorized non-College activities which occur on campus;

8) **Rioting**. Causing, inciting or participating in any disturbance that presents a danger to self or others, or causes physical harm to others, or damage and/or destruction of property;

9) **Unauthorized Entry**. Unauthorized access to any College building or the unauthorized possession, duplication or use of means to access any College facility, including trespassing; or the propping or unauthorized use of alarmed doors for entry into or exit from a College facility;

10) **Trademark**. Unauthorized use (including misuse) of College or organizational names, logos and images;

11) **Damage and Destruction**. Intentional, reckless and/or unauthorized damage to or destruction of College property or the personal property of another;

12) **IT and Acceptable Use.** Misuse, or use without authority or in violation of law, 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 Information technology policies and guidelines; the unauthorized entry or dissemination of electronic information; cyberbullying; prank calls or e-mail messages; the hacking, duplication or unauthorized use of copyrighted software; destruction, unauthorized transfer or alteration of electronic files; and unauthorized use of another individual's electronic identification number, such as password, user name, student ID number, social security number, PIN, etc.;

13) **Gambling**. Gambling is prohibited on College property and at any College-sponsored or supervised function;

14) **Weapons**. Possession, use, or distribution of explosives (including fireworks and ammunition), guns (including air, BB, paintball, facsimile weapons and pellet guns), or other weapons, except by certified 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;

15) **Tobacco**. Failure to comply with the College's tobacco policy;

16) **Fire Safety.** Violation of local, state, federal or campus fire policies including, but not limited to:

   a) Intentionally or recklessly causing a fire which damages College or personal property, or which causes injury;
   b) Failure to evacuate a College-controlled building during a fire alarm;
   c) Improper use of College fire safety equipment; or
   d) Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on College property;

17) **Security Cameras.** Tampering with and/or causing damage to College security cameras;

18) **Animals.** Animals, with the exception of service animals are not permitted on campus;

19) **Wheeled Devices**. Skateboards, roller blades, roller skates, bicycles and similar wheeled devices are not permitted to be used inside College buildings or on athletic courts. Additionally, skateboards and other wheeled items may not be ridden on railings, curbs, benches, stairs, or any such fixtures that may be damaged by these activities. Individuals may be liable for damage to College property. The use of motorized wheeled devices on College property is strictly prohibited.

***Social Justice: Students recognize that respecting the dignity of every person is essential for creating and sustaining a flourishing college community. They understand and appreciate how their decisions and actions impact others and are just and equitable in their treatment of all members of the community. They act to discourage and challenge those whose actions may be harmful to and/or diminish the worth of others. Conduct that violates this value includes, but is not limited to:***

20) **Discrimination**. Any act or failure to act that is based upon an individual or group's actual or perceived status (race, color, national origin, religion, creed, age, disability, sex, gender identity, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction. ) that is sufficiently severe that it limits or denies such individual the ability to participate in or benefit from the College's educational program or activities;

21) **Harassment.** Any unwelcome conduct based on actual or perceived status including: race, color, national origin, religion, creed, age, disability, sex, gender identity, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction. . Any unwelcome conduct should be reported to campus officials, who will act to remedy and resolve reported incidents on behalf of the victim and community;

- Hostile Environment. Creation of a hostile environment only when unwelcome harassment is sufficiently severe, pervasive (or persistent) and objectively offensive that it unreasonably interferes with, limits or denies the ability to participate in or benefit from the College's educational or employment program or activities;

22) **Unlawful Retaliation**. Any intentional, adverse action taken by a responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a complainant or participant in any part of the student conduct process;

23) **Bullying**. Bullying is defined as the aggressive and hostile acts of an individual or group of individuals which are intended to humiliate, mentally or physically injure or intimidate, and/or control another individual or group of individuals. . The term "cyberbullying" shall be defined as bullying an individual using the

Internet, interactive and digital technologies, or mobile phones. (See the College's Anti-Bullying Policy, for further information;)

24) **Intimate Partner/Relationship Violence.** Violence or abuse by a person in an intimate relationship with another (also called domestic and/or dating violence);

25) **Stalking.** Stalking is a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear or intimidation;

26) **Sexual Misconduct.** Includes, but is not limited to, sexual harassment and sexual violence (including sexual assault, non-consensual sexual contact, non-consensual intercourse, rape, sexual exploitation, and sexual coercion.) (See, *special hearing provisions for sexual misconduct in Section 8 of this Code.)*

27) **Abuse of Conduct Process.** Abuse or interference with, or failure to cooperate in College processes, including student conduct hearings, by behavior including, but not limited to:

a) Falsification, distortion, or misrepresentation of information;
b) Failure to provide, destroying or concealing information during an investigation of an alleged policy violation;
c) Attempting to discourage an individual's proper participation in, or use of, the campus student conduct system;
d) Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding;
e) Failure to comply with the sanction(s) imposed by the campus conduct system;
f) Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.

***Respect: College students show positive regard for each other and for the community. Behavior that violates this value includes, but is not limited to:***

28) **Harm to Persons.** Intentionally or recklessly causing physical harm or endangering the health or safety of any person;

29) **Threatening Behaviors:**

a) **Threat.** Written or verbal conduct that causes a reasonable expectation of injury; or fear of injury to any person or damage to property.
b) **Intimidation.** Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another;

30) **Hazing.** Defined as an act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent (and/or) failing to discourage (and/or) failing to report those acts may also violate this policy;

31) **Public Exposure.** Includes deliberately and publicly exposing one's intimate body parts, public urination, defecation, and public sex acts.

***Responsibility: College students are given and accept a high level of responsibility to self, to others and to the community. Behavior that violates this value includes, but is not limited to:***

32) **Alcohol**. Use, possession, or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law and the College's Alcohol Policy;

33) **Drugs**. Use, possession or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted by law and the College's Drug Policy;

34) **Failure to Comply**. Failure to comply with the reasonable directives of College officials, faculty, administrators, Public Safety officers or law enforcement officers during the performance of their duties, and/or failure to identify oneself when requested to do so;

35) **Student Identification Card.** Failure to obtain a student identification card, to carry the card whenever on College premises or at an approved College event, or to present it when requested by any College official;

36) **Traffic Safety and Parking Regulations.** Failure to comply with College traffic safety and parking regulations;

37) **Other Policies.** Violating other published College policies or rules;

38) **Health and Safety**. Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, roofs, etc.);

39) **Violations of Law.** Evidence of violation of local, state or federal laws, when substantiated through the College's conduct process.

## SECTION 6: STUDENT CONDUCT AUTHORITY

### A. Authority

The Student Conduct Board is the College body designated by the Vice President for Student Affairs or Campus Associate Dean of Student Services to hear, when appropriate, student conduct cases. The Conduct Board shall consist of four individuals, including the Campus Associate Dean of Student Services or designee, and three other individuals selected by the Campus Associate Dean of Student Services. These three individuals must be comprised of a minimum of one student and one faculty member. The Campus Associate Dean of Student Services shall make reasonable efforts to ensure that the members of the Conduct Board are unbiased. Any Board members who feel they cannot make an objective determination must recuse themselves from the proceedings. The Campus Associate Dean of Student Services, or his/her designee, shall be the non-voting Chair of the Board.

The Campus Associate Dean of Student Services, or designee, will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit.

In the case of a possible Title IX violation, one of the College Deputy Title IX Coordinators (i.e., a Campus Associate Dean of Student Services or designee), under the guidance of the College Title IX Coordinator, will assume responsibility for the investigation of any allegation of sexual misconduct or sexual harassment (See, *special hearing provisions for sexual misconduct in Section 8 of this Code.)*

### B. Interpretation and Revision

The Vice President for Student Affairs will develop procedural rules for the administration of hearings. Material deviation from these rules will, generally, only be made as necessary and will include reasonable advance notice to the parties involved, either by posting online and/or in the form of written communications. The Campus Associate Dean of Student Services may vary procedures with prior notice, upon determining that changes to law or regulation require policy or procedural alterations not reflected in this *Code*. The Campus Associate Dean of Student Services shall make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. Any question of interpretation of the *Student Code of Conduct* will be referred to the Campus Associate Dean of Student Services, whose interpretation is final.

## SECTION 7: FORMAL CONDUCT PROCEDURES

### A. College as Convener

The College is the convener of every action under this *Code*. Within that action, there are several roles. The responding student is the person who is alleged to have violated the *Code*. The party bringing the complaint, who may be a student, employee, visitor, or guest, may choose to be present and participate in the process as fully as the responding student. There are witnesses, who may offer information regarding the allegation.

### B. Group Violations

A student group or organization, and its officers and membership, may be held collectively and individually responsible for violations of this *Code* by the organization or its member(s) under the following circumstances:

- Take place at organization-sponsored or co-sponsored events, whether sponsorship is formal or tacit;
- Have received the consent or encouragement of the organization or of the organization's leaders or officers; or
- Were known or should have been known to the membership or its officers.

Hearings for student groups or organizations follow the same general student conduct procedures. In any such action, individual determinations as to responsibility will be made, and sanctions may be assigned collectively and individually.

### C. Notice of Alleged Violation

Any member of the College community, visitor or guest may allege a policy violation(s) by any student for misconduct under the *Student Code of Conduct*.

Notice may also be given to the Campus Associate Dean of Student Services (or designee) and/or to the Title IX Coordinator or Deputy Title IX Coordinator, when appropriate. Additionally, administrators must act on notice of a potential violation whether a formal allegation is made or not. All allegations can be submitted by a victim or a third party, and should be submitted as soon as possible after the offending event occurs. The College has the right to pursue an allegation or notice of misconduct on its own behalf and to serve as convener of the subsequent campus conduct process.

**D. Notice of Hearing**

Once a determination is made that reasonable cause exists for the Campus Associate Dean of Student Services, or designee, to refer a complaint for a hearing, notice will be given to the responding student. Notice will be in writing and delivered by certified mail to the local or permanent address of the student as indicated in official College records and e-mailed to the student's College-issued e-mail account. The letter of notice will:

1) Include the alleged violation and a copy of the *Student Code of Conduct*; and

2) Direct the responding student to contact the Campus Associate Dean of Student Services, or designee, within a specified period of time to respond to the complaint. This time period will generally be no less than three business days from the date of delivery of the letter.

A meeting with the Campus Associate Dean of Student Services, or designee, may be arranged to explain the nature of the complaint and the student conduct process.

**E. Waiver**

Following receipt of a notice of charges, a student may elect not to contest the charges and to accept responsibility for them. If this election is made, the student must sign a waiver which acknowledges that the student knowingly (a) waives his/her right to a hearing on the charges; (b) accepts a finding of responsibility and the sanction imposed by the College; and (c) waives his/her right to appeal the finding and/or the sanction.

**F. Interim Action**

When a student represents a threat of serious harm to others, is facing allegations of serious criminal activity, or when it is believed that the continued presence of the student would substantially impede the lawful functions of the College, the Campus Associate Dean of Student Services, or designee, may impose restrictions and/or separate a student from the community, pending the scheduling of a campus hearing on alleged violation(s) of the *Student Code of Conduct.* Interim actions can include separation from the College or restrictions on participation in the campus community for no more than ten (10) business days pending the scheduling of a campus hearing. A student who receives an interim suspension may request a meeting with the Campus Associate Dean of Student Services. Regardless of the outcome of this meeting, the College may still proceed with the scheduling of a campus hearing.

Faculty members/College officials may direct that a student whom they believe to be engaging in disruptive behavior in their class to leave for the remainder of the class. Such an incident must be reported to the Campus Associate Dean of Student Services

within one business day of the action. Such an interim suspension is for a period of one class. If the matter cannot be resolved informally, the faculty member/College official may file formal conduct charges against the student under the *Student Code of Conduct*. The Campus Associate Dean of Student Services shall respond to the filing of charges before the next class session or work day. The Campus Associate Dean of Student Services will determine if the imposition of the interim suspension should be continued beyond one class period or meeting.

During an interim suspension, a student will be denied access to College campus/facilities/events. As determined appropriate by the Campus Associate Dean of Student Services, this restriction may include classes and/or all other College activities or privileges for which the student might otherwise be eligible. At the discretion of the Campus Associate Dean of Student Services and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding student. Should a student placed on interim suspension be found not to be in violation of the *Student Code of Conduct*, or found in violation, but allowed to return to the classroom, the student must be given the opportunity to make up any academic work missed, and cannot suffer any form of academic penalty for work missed during the period of the interim suspension.

**G. Hearing Options & Preparation**

The following sub-sections describe the College's conduct hearing processes. Conduct hearings will proceed as scheduled and the information in support of the complaint will be presented to, and considered by, the Campus Associate Dean of Students or the Student Conduct Board. The student conduct process, to include any hearing scheduled for which a responding student was sent appropriate notice, will proceed forward should a responding student elect not to participate in the process, to include a hearing, a subsequent determination of violation and the imposition of appropriate sanction(s).

Where the responding student admits to violating the *Student Code of Conduct*, the Campus Associate Dean of Student Services, or designee, may invoke administrative hearing procedures and appropriate sanctions. This process is also known as an *administrative conference*. In an administrative conference, complaints will be heard and determinations will be made by the Campus Associate Dean of Student Services or designee.

Where the responding student denies violating the *Student Code of Conduct*, a formal hearing will be conducted. This hearing can be held with the Campus Associate Dean of Student Services or the Student Conduct Board. The Campus Associate Dean of Student Services may hear any case when, in his/her determination, the level of sanction for the violation of alleged regulations, if so determined, would result in a sanction no more severe than probation without loss of privileges. Should the Campus Associate Dean of

Student Services or his/her designee determine that the violation could result in a sanction greater than probation without loss of privileges, the case would be referred to the Student Conduct Board, unless both the student and the Campus Associate Dean of Student Services or his/her designee agree to have the case decided solely by the Campus Associate Dean of Student Services. Preparation for a formal hearing is summarized in the following guidelines:

1) Notice of the time, date and location of the hearing will be in writing and may be delivered either in person by a College official; or mailed (via certified mail) to the local or permanent address of the student as indicated in official College records and e-mailed to the student's College-issued email account.

2) If there is an alleged victim of the conduct in question, the alleged victim may serve as the party bringing the complaint or may elect to have the College administration serve as the party bringing the complaint forward. Where there is no alleged victim, the College administration will serve as the party bringing the complaint forward.

3) If a responding student fails to respond to notice from the Campus Associate Dean of Student Services, or designee, the Campus Associate Dean of Student Services, or designee, may initiate a complaint against the student for failure to comply with the directives of a College official and give notice of this offense. Unless the student responds to this notice within three business days by answering the original notice, a hearing may be scheduled and held notwithstanding the student's failure to cooperate.

**H. Panel Hearing Procedures**

The Campus Associate Dean of Student Services, or designee, will serve as Chair for the hearing. The parties have the right to be present at the hearing; however, they do not have the right to be present during deliberations. If a student cannot attend the hearing, it is that student's responsibility to notify the Campus Associate Dean of Student Services no less than three (3) business days prior to the scheduled hearing to arrange for another date, time and location. If the responding student fails to give the requisite minimum three (3) day notice, or if the responding student fails to appear, the hearing will proceed as scheduled to include determination of a violation and appropriate sanction(s). If the party bringing the complaint fails to appear, the College may pursue the allegation on its own behalf, as determined by the Campus Associate Dean of Student Services.

The Campus Associate Dean of Student Services, or designee, will conduct Student Conduct Board hearings according to the following guidelines:

1) Hearings will be closed to the public.

2) Admission to the hearing of persons other than the parties involved will be at the discretion of the Campus Associate Dean of Student Services.

3) In hearings involving more than one responding student, the standard procedure will be to hear the complaints jointly; however, the Campus Associate Dean of Student Services may permit the hearing pertinent to each responding student to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding student.

4) The parties have the right to an advisor/advocate of their own choosing. Legal counsel may be permitted to serve as an advisor. Should a student elect to have legal counsel serve as their advisor, the Campus Associate Dean of Student Services must be advised as such a minimum of two business days prior to the hearing. Advisors may not make a presentation or speak on behalf of the party whom they have accompanied to the hearing. Advisors may confer with their advisees, exchange notes, clarify procedural questions with the Chair and suggest questions to their advisee.

5) The party bringing the complaint, the responding student, the panel, and the Campus Associate Dean of Student Services,(or designee, may question all witnesses and parties. Witnesses, whose testimony is deemed redundant, can be limited, at the discretion of the Campus Associate Dean of Student Services. Witnesses are limited to those who can testify to issues of fact which pertain to the alleged conduct violation. Character witnesses are not permitted.

6) Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by the panel and the Campus Associate Dean of Student Services. Formal rules of evidence are not observed.

7) All procedural questions shall be determined by the Campus Associate Dean of Student Services, whose decision is final.

8) After a Board hearing has concluded, and out of the presence of all parties, witnesses and advisors, the Board will deliberate and determine, by majority vote, whether, by a preponderance of the evidence, it is more likely than not that the responding student has violated the *Student Code of Conduct*. The Campus Associate Dean of Student Services, or designee, will be present and available as a resource during all deliberations.

If there is a finding that the responding student violated the *Student Code of Conduct*, the Board will determine an appropriate sanction(s). In making such a determination, the Campus Associate Dean of Student Services, or designee, is responsible for informing the panel of any previous violations of the *Student Code of Conduct*.

9) The Campus Associate Dean of Student Services will inform the responding student and the party bringing the complaint of the final determination within three business days of the hearing. Notification will be made in writing and may be delivered either in person by a College official, or mailed (via certified mail) to the local or permanent address of the student as indicated in official College records and e-mailed to the student's College-issued email account.

10) There will be a single verbatim record, such as an audio recording, for all panel hearings. Deliberations will not be recorded. The record will be the property of the College and maintained according to the College's record retention policy. Parties may submit a written request for a copy of this record.

**I. Conduct Sanctions**

One or more of following sanctions may be imposed upon any student for any single violation of the *Student Code of Conduct*:

1) *Warning*: An official written notice that the student has violated College policies and/or rules, and that more severe action will result should the student be involved in additional violations while the student is enrolled at the College.

2) *Restitution*: Compensation for damage caused to the College or any person's property, or the replacement value of such property. Such compensation constitutes a repayment for labor costs and/or the value of property.

3) *Community/College Service Requirements*: For a student or organization to complete a specific supervised community service.

4) *Behavioral Requirement*: This includes a recommendation for activities including, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, etc.

5) *Probation without Loss of Privileges*: The student is reprimanded in writing and warned that a more severe disciplinary sanction may result in the event of future violations of any College regulation within a designated period of time.

6) *Probation with Loss of Privileges*: The student is reprimanded in writing and warned that a more severe disciplinary sanction may result in the event of further violations of any College regulation within a specific period of time. In addition, the student shall not serve on any College committees, nor represent the College in athletics or any co-curricular activity, or function or hold office in any student group or organization. Additional restrictions or conditions may also

be imposed. Notification may be sent to appropriate College officials with an educational right to know.

7) *Educational Program*: Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience at the program may be restricted.

8) *College Suspension*: Separation from the College for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. During the suspension period, the student is banned from college property, functions, events and activities without prior written approval from the Associate Dean of Students. This sanction will be noted on the student's official academic transcript.

9) *College Expulsion*: Permanent separation from the College. The student is banned from college property and the student's presence at any College-sponsored activity or event is prohibited. This sanction will be noted on the student's official academic transcript.

10) *Other Sanctions*: Additional or alternate sanctions may be created and designed as deemed appropriate to the offense, with the approval of the Associate Dean of Student Services or designee.

The following sanctions may be imposed upon groups or organizations found to have violated the *Student Code of Conduct*:

1) One or more of the sanctions listed above, and/or

2) Deactivation, de-recognition, loss of all privileges (including status as a College registered group/organization), for a specified period of time.

**J. Parental Notification**

The College may notify the parents/guardians of students involved in the Student Code of Conduct process, upon consent of such students, or as otherwise permitted pursuant to the College's Student Records Policy, promulgated in accordance with the Family Educational Rights and Privacy Act (FERPA).

## K. Notification of Outcomes

The outcome of a campus hearing is part of the education record of the responding student, and is protected from release under FERPA, except under certain conditions. As permitted by FERPA, when a student is accused of a policy violation that would constitute a "crime of violence" or forcible or non-forcible sex offense, the College will inform the alleged victim/party bringing the complaint, in writing, of the final results of a hearing regardless of whether the College concludes that a violation was committed. Such release of information may only include the alleged student's/responding student's name, the violation committed, and the sanctions imposed (if applicable).

In cases where the College determines through the student conduct process that a student violated a policy that would constitute a "crime of violence" or non-forcible sex offense, the College may also release the above information publicly and/or to any third party. FERPA defines "crimes of violence" to include:

1) Arson
2) Assault offenses (includes stalking)
3) Burglary
4) Criminal Homicide—manslaughter by negligence
5) Criminal Homicide—murder and non-negligent manslaughter
6) Destruction/damage/vandalism of property
7) Kidnapping/abduction
8) Robbery
9) Forcible sex offenses

## L. Failure to Complete Conduct Sanctions

All students, as members of the College community, are expected to comply with conduct sanctions within the timeframe specified by the Campus Associate Dean of Student Services. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and/or suspension from the College. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the Campus Associate Dean of Student Services.

## M. Appeal Review Procedures

A student found in violation of the *Student Code of Conduct* may request an appeal of the decision by filing a written request to the Campus Executive Dean/CEO, subject to the procedures outlined below. All sanctions imposed by the original hearing body remain in effect, and all parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.

**GROUNDS FOR APPEAL REQUESTS**

Appeal requests are limited to the following grounds:

1) A procedural error occurred that significantly impacted the outcome of the hearing.
2) New evidence, unavailable during the original hearing or investigation that could substantially impact the original finding or sanction, is available for the first time. A summary of this new evidence and its potential impact must be included;
3) The sanctions imposed are substantially disproportionate to the severity of the violation.

Appeals must be filed in writing with the Campus Executive Dean/CEO within five business days of the written notice of the outcome of the hearing. Any exceptions are made at the discretion of the Campus Executive Dean/CEO and, when appropriate, the Title IX Coordinator (see Section 8 of these procedures.)

In Title IX cases only, the Campus Associate Dean of Student Services will provide a copy of the written request to appeal to the non-appealing party or parties.

The Campus Executive Dean/CEO will conduct an initial review to determine if the appeal request meets the limited grounds, and is timely.

- If the appeal is not timely or substantively eligible, the original finding and sanction will be affirmed and the decision is final. If the appeal is permissible, the Campus Executive Dean will retain the option of meeting with the student to obtain any additional information that s/he determines may be necessary to make a decision. The appeal may result in one of the following actions: affirmation of the original decision and sanction(s); reversal of the original decision and sanction(s); alteration of the sanction(s) which either increase or decrease the level of the sanction(s); or a directive that the case be remanded to the hearing body should it be determined that the process, as outlined in the published procedures, was not adhered to, or should the Campus Executive Dean/CEO determine that there is new substantial evidence that was not available to the conduct body during the original hearing. Students will be notified of the appeal decision within ten business days of receipt of the written appeal.

**N. Disciplinary Records**

All conduct records are maintained by the College for six (6) years from the time of their creation, except those that result in separation (suspension or expulsion) and those that fall under Title IX, which are maintained indefinitely.

### O. Special Procedures for Academic Dishonesty

If a faculty member concludes that a student has committed an act of academic dishonesty, the faculty member may initiate student conduct action through the Campus Associate Dean of Student Services. The faculty member may impose any of the following penalties: require that the student repeat the assignment or the exam; give the student a failing grade for the assignment or exam; or give the student a failing grade for the course. Should the student believe that s/he has been wrongly or unfairly accused of academic dishonesty, the student shall have the right to pursue the matter though the Grade Grievance Process.

The Office of the Campus Associate Dean of Student Services shall maintain all records of documented acts of academic dishonesty. Faculty members are encouraged to report all incidents of academic dishonesty to the Campus Associate Dean of Student Services. The Campus Associate Dean of Student Services will determine whether the student has a previous record of academic dishonesty. If so, the student can be referred to the Student Code of Conduct process.

In the event that the determination of the case results in a change in the student's final grade for the course, and the student has graduated, an academic review of the student's academic progress record will be conducted to determine if a student's degree should be subject to revocation.

## SECTION 8: ADDITIONAL PROCEDURES FOR ALLEGATIONS/VIOLATIONS OF TITLE IX

These procedures apply to allegations under the jurisdiction of Title IX of the Education Amendments of 1972, a federal law which prohibits sex discrimination and sexual violence (including acts based protected categories such as gender, gender identity, sexual orientation, familial status, pregnancy, and domestic violence victim status). Categories of behavior prohibited in this *Code* that may follow these procedures include, but are not limited to:

- Discrimination
- Harassment
- Bullying
- Intimate Partner/Relationship Violence - including domestic violence and dating violence
- Stalking
- Sexual misconduct, sexual harassment and sexual violence (including sexual assault, non-consensual sexual contact, non-

consensual intercourse, rape, sexual exploitation, and sexual coercion)
- Threat to persons
- Threatening behaviors, threats or intimidation
- Public exposure

The College Title IX Coordinator is responsible for coordinating the responses to all complaints involving possible sex discrimination. The College Deputy Title IX Coordinators are also designees to ensure that student rights under Title IX and New York State law are upheld within the Student Code of Conduct. These procedures will provide a fair, prompt and impartial process from investigation to final result. The investigation and any hearing will be conducted by those who receive annual training on Title IX. Further explanation of the rights of complaining individuals and the accused are outlined in the SUNY's Sexual Violence Response Policy, available at: http://system.suny.edu/sexual-violence-prevention-workgroup/policies/response/.

**A. Definition of Affirmative Consent**

Affirmative Consent is defined by New York State law and SUNY Policy as: "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." http://system.suny.edu/sexual-violence-prevention-workgroup/policies/affirmative-consent/

**B. Policy for Alcohol and/or Drug use Amnesty in Sexual and Interpersonal Violence Cases**

The College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including, but not limited to, domestic violence, dating violence, stalking or sexual assault, occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct.

A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, stalking or sexual assault to College officials or law enforcement will not be subject to College 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. http://www.system.suny.edu/sexual-violence-prevention-workgroup/policies/drugs-amnesty/

## C. Student's Bill of Rights

Suffolk County Community College is committed to providing options, support and assistance to victims/survivors of sexual assault, domestic violence, dating violence, and/or stalking to ensure that they can continue to participate in College-wide and campus programs, activities, and employment. All victims/survivors of these crimes and violations, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, have the rights, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad. These rights are listed in Appendix A, attached hereto.

## D. Reporting

The College is the convener of every action under this *Code*. Additionally, responsible employees must act on notice of a potential violation whether a formal allegation is made or not. The College has the right to pursue an allegation or notice of misconduct on its own behalf and to serve as convener of the subsequent campus conduct process. As necessary, the College reserves the right to initiate a report and to initiate resolution proceedings without a formal report or participation by the victim of misconduct.

## E. Retaliation

No member of the College community shall retaliate, intimidate, threaten, coerce or otherwise discriminate against a person who files a Title IX complaint, serves as a witness, or assists or participate in a Title IX proceeding in any manner. Participants who experience retaliation should report the incident to the Associate Dean of Student Services/Deputy Title IX Coordinator.

## F. External Criminal Investigations

The conduct process may 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.

A criminal justice investigation has different standards of proof and evidence than the evaluation of violations under the *Code*. The standard used under this *Code* is preponderance of the evidence, meaning that it is more likely than not that the responding student has violated the *Student Code of Conduct*.

## G. Appeal rights during the conduct process

***Interim measures***

Upon receipt of a report, the Deputy Title IX Coordinator will confer with the Title IX Coordinator on interim actions that may be necessary. The reporting party may obtain reasonable and available interim measures and accommodations that effect a change of campus academic, employment, transportation, or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment. Both parties (the accused and the reporting individual) may appeal any such interim actions and accommodation that directly affects him or her. The parties can submit evidence to support their request. These appeals should be submitted within three business days to the Campus Executive Dean/CEO, who, in consultation with the Vice President for Student Affairs, will convene a panel to conduct this review. The panel will be comprised of two members of the faculty and staff, with the Campus Executive Dean/CEO serving as chair.

***No contact orders***

In accordance with the *Student Code of Conduct*, the College may impose restrictions that may include no contact orders between the parties. According to state law and the SUNY's Sexual Violence Response policy, when a "no contact order" has been issued by the College, if the accused and a protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person. A violation of the order by continuing to contact the protected individual is subject to additional conduct charges. Both parties (the accused and the reporting individual) may appeal the need for and terms of no contact orders, including requests to modify or discontinue the order. The parties can submit evidence to support their request. These appeals should be submitted within three business days to the Campus Executive Dean/CEO, who, in consultation with the Vice President for Student Affairs, will convene a panel to conduct this review. The panel will be comprised of two members of the faculty and staff with the Campus Executive Dean/CEO serving as chair.

***Interim suspension***

In accordance with the *Student Code of Conduct*, the College may impose restrictions and/or separate a student from the community, pending the scheduling of a campus hearing on alleged violation(s) of the *Student Code of Conduct.* Both parties (the accused and the reporting individual) may request a prompt review of an interim suspension, including requests to modify the terms or discontinue it. The parties can submit evidence to support their request. These appeals should be submitted within three business days to the Campus Executive Dean/CEO, who, in consultation with the Vice President for Student Affairs, will convene a panel to conduct this review. The panel will be comprised of two members of the faculty and staff with the Campus Executive Dean/CEO serving as chair.

## H. Additional Hearing Procedures

***Notification*** - At least three (3) business days before any scheduled formal hearing, the following will occur:

1. Both the Complainant and the responding student may deliver to the Campus Associate Dean of Student Services, or designee, a written statement of support or response to the complaint;

2. Both the Complainant and the responding student will deliver to the Campus Associate Dean of Student Services, or designee, a written list of all witnesses they wish the College to call at the hearing. If the College has any additional witnesses it intends to call, such list of witnesses shall be simultaneously provided to both parties in advance of the hearing, with sufficient time permitted for either party to raise any objections to such witnesses;

3. Both the Complainant and the responding student will notify the Campus Associate Dean of Student Services, or designee, of the names of any advisors/advocates who may be accompanying the parties at the hearing.

The Campus Associate Dean of Student Services/Deputy Title IX Coordinator, or designee, will ensure that the hearing information and any other available written documentation is shared with the parties at least three business days prior to any scheduled hearing.

***Advisors*** - The parties are entitled to be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake, interviews, hearings and appeals.

***Alternative Testimony*** - Whether the alleged victim is serving as the party bringing the complaint or as a witness, alternative testimony options may be provided, such as placing a privacy screen in the hearing room or allowing the alleged victim to testify outside of the physical presence of the responding party, such as from another room via audio or audio/video technology. While these options are intended to help make the reporting party more comfortable, they are not intended to work to the disadvantage of the responding party.

***Sexual History*** - Generally, the prior sexual history of the complainant or responding student, or questioning about the complainant's sexual history with anyone other than the responding student, will not be permitted. In a case where the responding student raises consent as a defense, any current or prior consensual relationship between the parties may be deemed relevant, but not necessarily determinative. Any information relating to sexual history sought to be admitted by a party will be presumed irrelevant

until a showing of relevance is made, in advance of the hearing, to the Chair. The parties will be notified in advance if any such information is deemed relevant, and upon such a determination, will be introduced at the hearing.

## I. Conduct Sanctions

***Available Sanctions*** - When there is a finding of responsibility of sexual assault SUNY policy dictates that the two available sanctions are:

- *College Suspension with additional requirements*: Separation from the College for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. During the suspension period, the student is banned from College property, functions, events and activities without prior written approval from the Campus Associate Dean of Student Services. Additional requirements may include sanctions outlined in the *Code*. This sanction will be noted on the student's official academic transcript.

- *College Expulsion*: Permanent separation from the College. The student is banned from College property and the student's presence at any College-sponsored activity or event is prohibited. This sanction will be noted on the student's official academic transcript.

The SUNY Sexual Violence Response Policy provides students the right to make an impact statement during the point of the proceeding where the hearing panel is deliberating on appropriate sanctions.

***Notification of outcomes*** - The party bringing any complaint alleging sexual misconduct, other behavior falling within the coverage of Title IX, and/or a crime of violence will be notified in writing of the outcome of a hearing and any sanctions imposed, simultaneously and in writing, in accordance with the *Code* and as permitted by FERPA. The rationale for the outcome will also be shared with all parties to the complaint, in addition to the finding and sanction(s).

In accordance with the *Student Code of Conduct* and FERPA, in cases where the College determines through the student conduct process that a student violated a policy that would constitute a "crime of violence" or non-forcible sex offense, the College may also release the above information publicly and/or to any third party.

## J. Appeal Review Procedures

Both the complainant and the responding student may file an appeal with the Campus Executive Dean/CEO. Any such appeal must be in writing and filed with the Campus

Executive Dean/CEO within five business days of the written notice of the outcome of the hearing. The Campus Associate Dean of Student Services/Deputy Title IX Coordinator will provide a copy of the written request to appeal to the non-appealing party or parties.

Upon appeal, the Campus Executive Dean/CEO may consult with the Campus Associate Dean of Student Services and/or Title IX Coordinator with respect to any procedural or substantive questions that arise. The Campus Executive Dean/CEO, in consultation with the Vice President for Student Affairs, will convene a panel comprised of members of the faculty and staff to conduct this review. The findings will be communicated in accordance with the *Student Code of Conduct* appeals process. When a final determination is made, notifications will be communicated simultaneously to both parties, in writing.

**K. Disciplinary Records**

All conduct records that fall under Title IX are preserved and maintained indefinitely.

## APPENDIX A

# STUDENT'S BILL OF RIGHTS

The State University of New York and Suffolk County Community College are committed to providing options, support and assistance to victims/survivors of sexual assault, domestic violence, dating violence, and/or stalking to ensure that they can continue to participate in College-wide and campus programs, activities, and employment.

All victims/survivors of these crimes and violations, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, have the following rights, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad.

**All students have the right to:**

- Make a report to local law enforcement and/or state police;
- Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
- Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure from the institution;
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services where available;
- Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
- Describe the incident to as few institutional representatives as practicable and not to be required to unnecessarily repeat a description of the incident;
- Be free from retaliation by the institution, the accused, and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
- Access to at least one level of appeal of a determination;
- Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process;
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the College.

# Options

Victims/survivors have many options that can be pursued simultaneously, including one or more of the following:

- **Receive resources, such as counseling and medical attention or emergency care (Counseling and Advising; Health Services; Victims Information Bureau of Suffolk (VIBS)/631-360-3606; Response of Suffolk County /631-751-7500; L.I. Against Domestic Violence /631-666-8833)**
- **Confidentially (Mental Health Services, Health Services Office) or anonymously (Silent Witness – Public Safety) disclose a crime or violation.**
- **Make a report to:**
  - **An employee with the authority to address complaints, including the Title IX Coordinator (631-451-4950), the Associate Dean for Student Services/Deputy Title IX Coordinator for your campus**
  - **Public Safety (call 631-451-4242 24 hours a day/7 days a week)**
  - **Suffolk County Police Department, (for emergencies call 911) and/or**
  - **Suffolk County Family Court or Civil Court**