Policy Title	**Student Code of Conduct**
Policy Number	4003
Category	Student
Applicability	College-wide
Responsible Office	Vice President for Student Affairs
Effective Date	February 19, 2026

I. Policy Statement

Suffolk County Community College is committed to fostering a campus environment that supports academic inquiry, personal growth, and community engagement. The Student Code of Conduct establishes standards of integrity, respect, responsibility, social justice, and community that all students are expected to uphold. These standards ensure a safe, inclusive, and productive learning environment where every member of the College community can thrive.

II. Rationale

The Student Code of Conduct exists to uphold the College's mission of fostering honesty, civility, inclusion, and responsible civic engagement. By establishing clear behavioral standards rooted in integrity, respect, responsibility, social justice, and community, the Policy promotes a safe and supportive learning environment. It ensures that students understand their obligations as members of the College community and provides a framework for addressing conduct that violates established behavioral expectations, ensuring accountability and fairness in the student conduct process.

III. Scope and Applicability

This Policy applies to all enrolled students.

IV. Responsible Office/Executive

The College's Vice President for Student Affairs and the Campus Associate Deans of Student Affairs have responsibility for the implementation and review of this Policy. Individuals with questions about this Policy should contact the Associate Dean of Student Affairs on their campus for more information.

V. Related Student Conduct Regulations

The Vice President for Student Affairs, in consultation with the Campus Associate Deans of Student Affairs, Title IX Coordinator and College Counsel will approve and publish detailed student conduct regulations consistent with this Policy, entitled "Suffolk County Community College Student Code of Conduct", which regulations will be published on the College website and made available to all students. These conduct regulations, as they may be updated from time to time, are appended here.

VI. Cross-References

- Policy 4001: Student Records Policy
- Title IX Grievance Policy for Addressing Formal Complaints of Sexual Harassment
- Sexual Violence Response Policy
- Policy 8040: Acceptable Use of Artificial Intelligence Technologies Policy

VII. References

- SUNY Procedure 3650: Campus Conduct & Other College Property Used for Educational Purposes
- Article 129-A and Article 129-B of the New York State Education Law
- SUNY Sexual Harassment Response and Prevention Policy Statement

VIII. History / Revision Dates

Adoption Date: August 19, 2021 (Board of Trustees)
Revised: February 19, 2026 (Board of Trustees)

Suffolk County Community College Student Code of Conduct (Regulations)

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.

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Introduction

Suffolk County Community College's mission includes honesty, civility, diversity, inclusion, and responsible civic engagement. 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 for all updated 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 for 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 *Code of Conduct*. These community 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 values by violating the rules below, campus conduct proceedings are used to enforce the *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 educate those whose behavior is not in accordance with our policies, community standards, and core values. Sanctions are intended to develop 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. "College" means Suffolk County Community College, which includes its three campuses (Ammerman, Eastern, and Michael J. Grant); 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. "College-program or activity" means any activity on or off campus which is initiated, aided, authorized or supervised by the College or Association.
3. "Student" means a person either enrolled in or auditing credit or non- credit courses at the College, including workforce, developmental, and continuing education, 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. "College Title IX Coordinator" shall refer to College employee who serves in the capacity of the Associate Vice President for Opportunity and Belonging.
5. "College Deputy Title IX Coordinator" shall refer to the College employees who serve in the capacity of Affirmative Action Officer and the Campus Associate Deans for Student Affairs, and any other employee so designated by the College Title IX Coordinator.
6. "FERPA" shall refer to the Family Educational Rights and Privacy Act of 1974, a federal law which assures the protection and confidentiality of student records.

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 for Student Affairs. Students are responsible for reading and abiding by the provisions of the *Code of Conduct*.

The College President has designated the Vice President for Student Affairs and the Campus Associate Deans for Student Affairs as the persons responsible for the implementation of the *Code of Conduct* and the student conduct process at the College. The Campus Associate Dean for Student Affairs, or 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 *Code of Conduct*.

The 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 upon registration for any course offered at the college and for 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. Furthermore, should this Code be violated by a former student at such time when they are no longer enrolled at the College, the College retains the right to place a hold on such former student's ability to re-enroll, and may impose conditions on such individual's re-enrollment. All sanctions and conditions 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 programs or activities, and may also apply off-campus when the Campus Associate Dean for Student Affairs, or designee, determines that the off-campus conduct implicates a substantial College interest. A substantial College interest may be implicated in:

- Any situation where the student's conduct may present a danger or threat to the health or safety of themselves or others; and/or
- Any situation that significantly impinges upon the rights, property or achievements of 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, social media or by another 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 information concerning a student's online behavior which may include, but is not limited to the following criteria is brought to the attention of College officials:

- 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 disruption to College operations.

The Code of Conduct applies to guests of students, 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. The College expects that students shall receive and read their electronic communications on a frequent and timely basis. Failure to do so shall not absolve the student from knowing of and complying with the contents of all electronic communications, some of which will be time-critical. Students are responsible for all communications delivered to their College e-mail addresses.

The Campus Associate Dean for Student Affairs, or designee, will assume responsibility for the investigation of an allegation of misconduct to determine if charges should be pursued. Where appropriate, Campus Associate Dean for Student Affairs may, in consultation with the Title IX Coordinator, direct the complaint to a special hearing for sexual misconduct under Section 8 of this

Code, or to the College's Title IX Grievance Procedure for Addressing Formal Complaints of Sexual Harassment.

SECTION 4: VIOLATIONS OF THE LAW

It is the obligation of every student to notify the Vice President for Student Affairs or their designee for his/her campus of any felony or misdemeanor arrests occurring at any time after the student is admitted to the College through graduation or separation from the College, regardless of geographic location of the arrest or specific crime alleged. Failure to do so may result in conduct charges by the College. The College may review the facts underlying the arrest to determine if there is a concomitant policy violation.

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

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 fifteen (15) 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 its core values of student conduct. 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: Formal 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; making false statements or false reports to College officials; or withholding information which a student knew, or reasonably should have known, must be disclosed to the College; or withholding information that has been requested by a member of the College community who is authorized to request such information.

2) **Academic Dishonesty**. Acts of academic dishonesty, which include, but are not limited to, cheating on an assignment or exam; plagiarizing (i.e., taking and passing off as one's own work the ideas, writings, or work of another, without citing sources, including the use of AI (Artificial Intelligence) in

violation of current College Policy; 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. Students are responsible for knowing and abiding by College and course policies, requirements, and expectations regarding academic integrity. Violations of such policies, requirements, and expectations, including acts of academic dishonesty, may be addressed through the academic process or, where deemed appropriate by the Campus Associate Dean for Student Affairs, through the *Code of Conduct*.;

3) **Collusion**. Action or inaction with another or others to violate the *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 Infringement**. 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; unauthorized recordings of lectures or other educational content without permission, including with the use of wearable technologies; destruction, unauthorized transfer or alteration of electronic files; and unauthorized use of student data, including but not limited to: 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 program or activity 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 (i.e. blades, knives), 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 and Vaping**. Failure to comply with the College's tobacco-free 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.

20) **Unmanned Aircraft Systems and Drones.** The use of unmanned aircraft systems or drones for hobby or recreational purposes on or over College property is currently not permitted. In the event the use of a drone on or over College property is necessary to fulfill an academic or research purpose, prior written permission must be requested from the Director of Fire and Public Safety. No unmanned aircraft systems or drones are allowed over any and all property owned, rented, leased, or controlled by the College unless prior written permission has been obtained from the Director of Fire and Public Safety.

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:

21) **Harassment (non-discriminatory)**. Any unwelcome conduct which is likely to cause a reasonable person to fear for their safety or the safety of others or cause that person to suffer substantial

emotional distress. Such conduct can be written, physical, verbal or non-verbal, and/or communicated through electronic means (i.e., text, email, social media or other technologies).

22) Discrimination and/or Discriminatory Harassment. Discrimination or harassment on the basis of actual or perceived protected class, in violation of the College's Equal Opportunity and Anti-Discrimination Policy, including race, color, religion, creed, sex (including sexual harassment as defined below), age, marital status, gender identity or expression, sexual orientation, familial status, pregnancy (and pregnancy-related conditions), predisposing genetic characteristics, equal pay compensation-sex, national origin (including shared ancestry or ethnic characteristics), military or veteran status, domestic violence victim status, criminal conviction or disability.

"**Sexual Harassment**" is defined as: unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when

a) submission to such conduct implicitly or explicitly is made a condition of an individual's receipt of educational or employment benefits ("**quid pro quo sexual harassment**"); or

b) such conduct has the purpose or effect of unreasonably interfering with an individual's school or work performance or creating an intimidating, hostile or offensive working or educational environment ("**hostile environment sexual harassment**").

23) Retaliation. Any intentional, adverse action taken by a student-respondent who has been accused of violating this Code of Conduct, or by a third party allied with such student-respondent, against a complainant, witness or participant in any part of the student conduct process.

24) Bullying. 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. "Cyberbullying", which is defined as bullying an individual using any electronic medium, including but not limited to the Internet, interactive and digital technologies, or mobile phones, is also strictly prohibited. (See the College's Anti-Bullying Policy, for further information.)

25) Intimate Partner/Relationship Violence. Pattern of behavior used by one partner in an intimate relationship toward another, including, but not limited to sexual assault, physical abuse, threats, or intimidation (also called domestic and/or dating violence); (*See special hearing provisions for sexual misconduct in Section 8 of this Code.)*

a) **Dating violence**: any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the victim's statement and with consideration of the nature and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary socializing between two individuals in a business or social context shall constitute a romantic or intimate relationship.

b) **Domestic violence**: any felony or misdemeanor crime of violence committed by a current and/or former spouse and/or intimate partner of the victim. An intimate partner includes persons legally married to one another; persons formerly married to one another; persons who have a child in common, regardless of whether such persons are married or have lived together at any time, couples who are in an intimate relationship, including but not limited to, couples who live together or have lived together.

26) Stalking. Engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear for their safety or the safety of others or cause that person to suffer substantial emotional distress. Stalking does not require direct contact between parties and can be accomplished in many ways, including through the use of electronic media such as the internet, cell phones, or other similar devices. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose. (*See special hearing provisions for sexual misconduct in Section 8 of this Code.)*

27) Sexual Assault. Includes any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. This includes the forcible sex offenses of rape and criminal sexual contact and the non-forcible sex offenses of incest and statutory rape, defined below. (*See special hearing provisions for sexual misconduct in Section 8 of this Code.)*

a) **Rape**: the penetration, no matter how slight, of the vagina or anus with any body part of object, or oral penetration by a sex organ of another person without the consent of the victim
b) **Criminal Sexual Contact**: the intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation, or the forced touching by the victim of the actor's clothed or unclothed body parts, without the consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation
c) **Incest and Statutory Rape**: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or sexual intercourse with a person who is under the age of consent in New York State.

28) 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:

29) Harm to Persons. Intentionally or recklessly engaging in or threatening to engage in behavior that endangers the health or safety of any person or causes harm to another person by intimidation, nuisance, or alarm.

30) Recording, dissemination, or publication of an intimate image without consent.

31) Threatening Behaviors:
a) **Threat**. 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;

32) Hazing. An act that endangers the mental or physical health or safety of a student, that involves the forced consumption of liquor or drugs, violence or sexual behaviors, 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 subjected to hazing does not absolve the responsible parties of the violation. Failing to intervene to prevent and/or discourage hazing, and failing to report those acts may also violate this policy.

33) 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:

34) Alcohol. Use, possession, or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law and the College's Guidelines for the Consumption of Alcoholic Beverages.

35) Drugs, Cannabis, Tobacco, and Vaping. Use, possession, cultivation, sale or distribution of any drugs and other controlled substances or drug paraphernalia. The use, possession, cultivation, sale or distribution of recreational marijuana or cannabis, in any form, shall be strictly prohibited in accordance with the federal Drug-Free Schools and Communities Act and the Drug-Free Workplace Act.

36) 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;

37) **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;

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

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

40) **Health and Safety**. Creation of health and/or safety hazards including but not limited to: climbing from/on/in or out of windows, roofs, etc., or engaging in other dangerous pranks.

41) **Violations of Law**. Evidence of violation of local, state or federal laws, when substantiated through the College's conduct process. It is the obligation of every student to notify his/her Campus Associate Dean for Student Affairs of any felony or misdemeanor arrests occurring at any time after the student is admitted to the College through graduation or separation from the College, regardless of geographic location of the arrest or specific crime alleged. Failure to do so may result in conduct charges by the College.

SECTION 6: STUDENT CONDUCT AUTHORITY

A. Reports and Referrals

Any member of the College community (student, staff or faculty) may make a complaint and/or referral or offer information concerning such complaint and/or referral to the appropriate office or person (i.e. Associate Dean for Student Affairs, Title IX Coordinator, Public Safety.) A complaint or referral made against a student or students, alleging violation(s) of the Code, shall be reviewed by the Associate Dean for Student Affairs. The Associate Dean for Student Affairs will investigate the complaint and determine if the alleged conduct, if proven to have been committed, would violate the Student Code of Conduct. In order to facilitate a timely investigation and processing of complaints, it is recommended that referrals are made within thirty (30) calendar days following the date of the incident giving rise to the complaint.

B. Authority to Investigate and Determine Appropriate Course of Action Under the Student Code of Conduct

1. Investigation: The College's conduct process preserves a community climate that is conducive to the College's dedication to academic endeavors, while protecting its property and that of its community members. Both student Complainants and Respondents are invited to participate in all stages of the conduct process. The Campus Associate Dean for Student Affairs, or another designated College official shall investigate and determine the appropriate course of action under this Code of Conduct. An investigation may include interviews and requests for written statements from parties (i.e. Complainants, Respondents, witnesses). If the Respondent fails to respond, the College official will proceed with a review of evidence and information. In circumstances involving investigation of complaints when the Complainant chooses not to participate in the conduct process, the College official reserves the right to continue the investigation. The College will make every effort to keep all investigations confidential to the extent possible/practical.

2. Informal Resolution: Campus Associate Dean for Student Affairs or designee may determine that an informal resolution is the appropriate course of action following the receipt of a complaint. An informal resolution is not a sanction.

    a. Informal resolution may be utilized in order to (1) protect the health or safety of others; (2) protect College property; and/or (3) maintain the orderly operations of the College.

    b. An informal resolution may be applied to resolve a complaint entirely, or, alternatively may be put in place on a temporary basis until there is a final resolution of a College investigation or conduct meeting.

    c. Informal resolution(s) may include, but are not limited to:

        i. **No Contact Order(s):** An official notification to the Accused/Respondent that they must no longer contact another person, referred to as the Complainant. Continuing to contact the Complainant is a violation of College policy, which is subject to conduct charges. If the Accused/Respondent and the Complainant observe each other in a public place, it is the responsibility of both parties not to interact with each other and/or leave the area.

        ii. **Access Schedule(s)**: The College may establish an appropriate schedule for the Accused/Respondent to access certain College buildings and property at a time when such buildings and property are not being accessed by Complainant.

C. Interpretation and Revision of the Student Code of Conduct

The Code of Conduct sets out procedural rules for the administration of disciplinary hearings. Material deviation from these rules will, generally, only be made as necessary and will include reasonable advance written notice to the parties involved. The Campus Associate Dean for Student Affairs 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 for Student Affairs or designee may make minor modifications to student conduct procedure that do not materially impact the rights or protections afforded to any party. Any question of interpretation of the *Student Code of Conduct* will be referred to the Campus Associate Dean for Student Affairs, whose interpretation shall be final.

SECTION 7: FORMAL CONDUCT PROCEDURES

A. College Roles within Hearings

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. Adjudication of 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) when:

- Conduct which violates this Code takes place at organization-sponsored or co-sponsored events on or off-campus, whether sponsorship is formal or implied;
- The prohibited conduct received the consent or encouragement of the organization or of the organization's leaders or officers; or
- The fact that the prohibited conduct was taking place was 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 as for individual students. 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 *Student Code of Conduct* violation(s) by any student or student group or organization. Such allegations should be brought to the attention of the Campus Associate Dean for Student Affairs (or designee) and/or to the Title IX Coordinator or Deputy Title IX Coordinator, when appropriate.

Additionally, College officials may act upon receiving a notice of a potential Code of Conduct violation, whether a formal allegation is made or not. All allegations can be submitted by a Complainant 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 for Student Affairs or designee to refer a complaint for a hearing, notice will be given to the responding student. Notice will be in writing, delivered via e-mail to the student's College-issued e-mail account, and will:

1. Include the alleged violation and a link to the *Student Code of Conduct*;
2. Direct the responding student to contact the Campus Associate Dean for Student Affairs or designee within a specified period of time to respond to the complaint. This time period will generally be no less than five (5) business days from the date the email was sent.
3. Explain that a student's failure to respond to the notice of Code of Conduct violations will result in the continuation of the conduct process, but without the benefit of the responding student's participation.

A meeting with the Campus Associate Dean for Student Affairs 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 their right to a hearing on the charges; (b) accepts a finding of responsibility and the sanction imposed by the College; and (c) waives their right to appeal the finding and/or the sanction.

F. Interim Actions

1. Interim Suspension: 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 for Student Affairs 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 an Interim Suspension from the College or restrictions on participation in the campus community, which may last for no more than ten (10) calendar days pending the scheduling of a campus hearing. A student who receives an interim suspension may request a meeting with the Campus Associate Dean for Student Affairs. Regardless of the outcome of this meeting, the College may still proceed with the scheduling of a campus hearing.

2. Classroom Restrictions: 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 for Student Affairs on the day of the action. Such removal is for a period of one class session. If the matter cannot be resolved informally, the faculty member/College official may file a request for formal conduct charges against the student to be brought by the Campus Associate Dean for Student Affairs. The Campus Associate Dean shall respond to the faculty member's referral as soon as practicable. The Campus Associate Dean will determine if the imposition of an interim suspension beyond the one class session is warranted, whether conduct charges will be pursued, or whether other appropriate action shall be taken.

3. Alternative Coursework Options: During a period of the interim suspension, as determined appropriate by the Campus Associate Dean for Student Affairs, a student may be denied access to the College campus and facilities, and may be restricted from attending classes and/or participating in College activities or receiving privileges for which the student might otherwise be eligible. At the discretion of the Campus Associate Dean for Student Affairs 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.

4. No Contact Orders: The College may also impose interim measures and restrictions that may include a No-Contact order between the parties. A violation of such directive by continuing to contact the protected individual is subject to conduct charges.

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 for Student Affairs (or his/her designee) or the Student Conduct Board. The student conduct process will proceed even if the responding student elects not to participate in the process, and will include any scheduled hearing for which a responding student was sent appropriate notice, determination of violation, and imposition of appropriate sanction(s).

The Student Conduct Board is the College body designated by the Vice President for Student Affairs or Campus Associate Dean of Student Affairs to hear student conduct cases, when appropriate. The Conduct Board shall consist of four (4) individuals, including: Campus Associate Dean of Student Affairs or designee as the non-voting Chair of the Conduct Board, plus three (3) other individuals selected by the Campus Associate Dean. These three (3) individuals will be comprised of employees and/or students. The Campus Associate Dean shall make reasonable efforts to ensure that the members of the Conduct Board are unbiased. Any Conduct Board members who feel they cannot make an objective determination shall be required to recuse themselves from the proceedings.

1. Administrative Hearing: Where the responding student selects an administrative hearing, complaints will be heard and determinations on appropriate sanctions will be made by the Campus Associate Dean for Student Affairs or designee. Administrative Hearings will be utilized only in a case when, in the determination of the Campus Associate Dean, the appropriate sanction for the conduct violation would be no more severe than probation with loss of privilege.
2. Student Conduct Board Hearing: Should the student select to proceed to the Student Conduct Board Hearing, or the Campus Associate Dean for Student Affairs or designee determine that the violation could result in a sanction greater than probation with loss of privileges, the case will be referred to the Student Conduct Board for a hearing. The following guidelines shall be observed prior to formal hearings:

    (a) Written notice of the time, date and location of the hearing will be delivered to the student either in person by a College official, or will be e-mailed to the student's College-issued email account.

    (b) If a responding student fails to respond to the hearing notice, the Campus Associate Dean for Student Affairs or designee may initiate charges against the student for failure to comply with the directives of a College official, and will give notice of this additional Code of Conduct violation to the Respondent. Unless the student responds to this notice within five (5) business days by answering the original notice, a hearing may be scheduled and held notwithstanding the student's failure to cooperate.

H. Student Conduct Hearing Procedures

1. Chair: The Campus Associate Dean for Student Affairs or their designee (referred to as "Associate Dean" herein) 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 the Conduct Board's deliberations. Students have the right to receive advance notice of at least five (5) business days of the date, time and location of any hearing they are required to or are eligible to attend. This notification will also include a written statement of the Student Code of Conduct violations that the Respondent is being charged with.

2. Postponement: A student requesting a postponement of his/her conduct hearing must have a valid reason for doing so. Any such request must be in writing to the Associate Dean, and be accompanied by documentation on appropriate letterhead validating the circumstances that necessitate the postponement. The decision whether or not to postpone the hearing shall be at the sole discretion of the Associate Dean, and is not subject to appeal. A student may be granted only one postponement of his/her conduct hearing.

3. Guidelines: The Associate Dean will conduct Student Conduct Board hearings according to the following guidelines:

   (a) Hearings will be closed to the public.

   (b) Admission to the hearing of persons other than the parties involved will be at the discretion of the Associate Dean.

   (c) In hearings involving more than one responding student, the standard procedure will be to hear the complaints jointly; however, the Associate Dean 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.

   (d) **Advisors**: 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 Associate Dean must be advised of such a minimum of two (2) business days prior to the hearing. Advisors, whether legal counsel or otherwise, are not permitted to speak, advocate, make a presentation, appear or act on behalf of the student during the hearing process. These actions are the student's responsibility. Advisors may confer with their advisees, exchange notes, clarify procedural questions with the Chair and suggest questions to their advisee.

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

   (f) **Evidence:** Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by the Conduct Board and the Campus Associate Dean for Student Affairs or designee. Formal rules of evidence shall not be observed. Students are responsible for bringing to the hearing copies of any records, exhibits, or written statements they want to introduce for consideration.

   (g) **Questions:** All procedural questions shall be determined by the Associate , whose decision shall be final.

   (h) **Deliberations**: After the Conduct Board hearing is 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 Associate Dean will be present and available as a resource during all deliberations.

(i) **Findings and sanctions**: If there is a finding that the responding student violated the *Student Code of Conduct*, the Conduct Board will determine an appropriate sanction(s). Prior to making such a determination, the Associate Dean is responsible for informing the Conduct Board of any previous violations of the *Student Code of Conduct* by the responding student.

(j) **Notification:** The Associate Dean will inform the responding student of the final determination within three (3) business days of the hearing. Notification will be made in writing and will be e-mailed to the student's College-issued email account.

(k) **Hearing record:** There will be a single verbatim record, such as an audio recording, for all Code of Conduct 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 to the Associate Dean 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 *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*: Students may be required to complete certain actions, including, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, or refraining from contact with specific individuals, etc.
5. *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.
6. *Educational Program or training*: Requirement to participate in a program or training related to the violation.
7. *College Suspension*: Separation from the College for a specified 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 for Student Affairs. This sanction will be noted on the student's official academic transcript and shall read "*Student was suspended after a finding of responsibility for a code of conduct violation."* This notation shall remain on the transcript for at least one (1) year after conclusion of the suspension. After such a time, the student may appeal to the Campus Associate Dean to have the notation removed. It is the student's responsibility to provide compelling evidence that supports the request as well as to provide any documentation of their activities (work, education, community/College service, etc.) since the suspension they wish to be considered by the Campus Associate Dean. For the student who withdraws from the institution while conduct charges are pending, and declines to complete the disciplinary process, the College shall make a notation on the transcript that they *"withdrew with conduct charges pending".*

8. *College Expulsion*: Permanent separation from the College. The student is banned from College property and the student's presence at any College program or activity or event is prohibited, and the student must surrender their SCCC ID card to the Associate Dean for Student Affairs. This sanction will be noted on the student's official academic transcript. and shall read *"Student was expelled after a finding of responsibility for a code of conduct violation."* This notation shall remain on the academic transcript permanently. For the student who withdraws from the institution while conduct charges are pending, and declines to complete the disciplinary process, the institution shall make a notation on the transcript that they "*withdrew with conduct charges pending".*
9. *Other Sanctions*: Additional or alternate sanctions may be utilized and imposed as deemed appropriate to the offense, with the approval of the Associate Dean or designee.

The following sanctions may be imposed upon student groups or organizations found to have violated the *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. Notification of Outcomes

The outcome of a campus conduct hearing is part of the responding student's education record, and is protected from release to third parties pursuant to 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 non-forcible sex offense (i.e., statutory rape, incest), the College will inform the Complainant, in writing, of the final results of the disciplinary proceedings. The College may also release such information publicly and/or to any third party. Information which may be disclosed shall be limited to: the name of the student, the violation committed and the sanction imposed against such student by the College. Names of any other students involved (i.e., victim or witness) may only be disclosed upon the written consent of such other students. "Crimes of violence" 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

K. Transcript Notations for Crimes of Violence

For crimes of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act, established in 20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII), the College shall make a notation on the transcript of students found responsible after a conduct process that they were *"suspended after a finding of responsibility for a code of conduct violation,"* and said notation shall remain on the transcript for at least one (1) year after conclusion of the suspension and may only be removed upon the student's petition to have the notation removed as provided in section I(7) of the Code; or *"expelled after a finding of responsibility for a code of conduct violation,"* and said notation shall remain on the academic transcript permanently. For the respondent who withdraws from the College while such conduct charges are pending, and declines to complete the disciplinary process, the College shall make a notation on the transcript of such students that they *"withdrew with conduct charges pending,"* and said notation shall remain on the academic transcript until adjudicated. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

Violations equivalent to crimes of violence, as defined in the Clery Act (as updated by the Violence Against Women Act's Final Regulations) Part I crimes that require a transcript notation are: murder; manslaughter, rape (including sodomy and sexual assault with an object), criminal sexual contact, incest and statutory rape (non-forcible); robbery; aggravated assault; burglary; motor vehicle theft; and arson.

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 for Student Affairs. 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 Associate Dean.

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, 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**.**

The written notice of the outcome of the hearing will include a date by which an appeal must be submitted, which shall be ten (10) business days from the date of the written notice of the outcome of the hearing. Appeals must be filed in writing with the Campus Executive Dean by the date specified in the written notice of the outcome of the hearing. Any exceptions are made at the discretion of the Campus Executive Dean and, when appropriate, the Title IX Coordinator (*See special hearing provisions for sexual misconduct in Section 8 of this Code.)* For cases that fall under the jurisdiction of Section 8 of this Code only, the Campus Associate Dean for Student Affairs will provide a copy of the written request to appeal to the non-appealing party or parties.

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

If the appeal is not submitted in a timely manner or does not meet the eligible appeal grounds listed above, the original finding and sanction will be affirmed and the decision rendered shall be final. If the appeal is permissible, the Campus Executive Dean may choose to meet 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 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, or if additional time, information and/or documents are required before a decision can be rendered, within ten (10) business days of receipt of the written appeal.

Should the Campus Executive Dean determine that a finding of responsibility should be vacated for any reason, any transcript notation indicating suspension or expulsion shall be removed.

N. Disciplinary Records

All conduct records are retained by the College for six (6) years from the end of the academic year during which they were created, except for conduct records which result in a student's suspension or expulsion from the College, and those that fall under Section 8 of this Code, which are retained permanently.

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 for Student Affairs. 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 Course Grade Grievance Procedure.

The Office of the Campus Associate Dean for Student Affairs 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 for Student Affairs. The Campus Associate Dean for Student Affairs 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 OF SEXUAL VIOLENCE, DATING AND DOMESTIC VIOLENCE, AND STALKING.

These procedures apply to the College's handling of complaints of sexual assault, dating violence, domestic violence and stalking, in compliance with New York State Education Law Article 129-B (referred to as "Sexual Misconduct" proceedings herein). In addition to these procedures, the College has in place a Title IX Grievance Policy and Procedure that will be followed to address complaints of covered sexual harassment as it is defined under Title IX of the Educational Amendments of 1972, a federal law ("Title IX"). Categories of behavior prohibited by this *Code of Conduct* that may be adjudicated under these student conduct procedures include, but are not limited to:

- Intimate Partner/Relationship Violence, including domestic violence and dating violence
- Stalking
- Sexual Assault

The College Title IX Coordinator is responsible for coordinating the responses to all complaints involving possible sex discrimination, sexual misconduct and sexual harassment. The College Deputy Title IX Coordinators/Associate Deans of Student Affairs have been designated by the Title IX Coordinator to ensure that student rights under Title IX and New York State Education Law 129-B are upheld. Additional information and resources are available on the College's Title IX webpage.

These procedures will provide a fair, prompt and impartial process from investigation to final result. The investigation and any hearing will be conducted by individuals who receive annual training on State Education Law 129-B and sexual violence. Further explanation of the rights of Complainants and Respondents are outlined in the College's Sexual Violence Response Policy and are also incorporated into this Code of Conduct.

A. Definition of Affirmative Consent

Affirmative Consent is defined by New York State Education Law 129-B 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."

Affirmative consent includes the following principles:

- Consent to any sexual act or prior consensual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may initially be given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

For more information, see the College's Definition of Affirmative Consent.

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

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

The College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to College officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, 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. For more information, see the College's Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases.

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, and in the College's Student's Bill of Rights.

D. Reporting

1. **College as convener**: 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. In accordance with state law, the Student's Bill of Rights, the Options for Confidentially Disclosing Sexual Violence Policy, and the Sexual Violence Response Policy, reporting individuals shall have the right to pursue different reporting options, and the College will seek consent from reporting individuals prior to conducting an investigation. This includes the right to request that conduct charges not be pursued. Honoring such a request may limit the institution's ability to meaningfully investigate and pursue conduct action against an individual. 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.

2. **Complainant declining to pursue and how college elects to continue**: Should the reporting individual decline consent to pursue charges under the Code, the College must weigh the reporting individual's request against the College's obligation to provide a safe, non-discriminatory environment for all members of its community.

   Declining consent to an investigation or a request that conduct charges not be pursued will be honored unless the College determines in good faith that failure to investigate / pursue charges does not adequately mitigate a potential risk of harm to the reporting individual or other members of the community. For example, the College may elect to move forward if the complaint involves a pattern of behavior or systemic issue. The factors used by the College to determine whether or not to honor such a request from the reporting individual include, but are not limited to:

   - Whether the accused has a history of violent behavior or is a repeat offender;
   - Whether the incident represents escalation in unlawful conduct on behalf of the accused from previously noted behavior;
   - The increased risk that the accused will commit additional acts of violence;
   - Whether the accused used a weapon or force;
   - Whether the reporting individual is a minor; and
   - Whether the institution possesses other means to obtain evidence such as security footage, and whether available information reveals a pattern of perpetration at a given location or by a particular group.

   A team of individuals which may include the Title IX Coordinator, Deputy Title IX Coordinator, Director of Public Safety, General Counsel or Deputy General Counsel, Vice President for Student Affairs and Executive Dean, will weigh the risks to the reporting individuals and other members of the institution's community. The team will make a good faith determination

whether or not the process should continue despite the wishes of the reporting individual not to proceed with charges. The team will notify the reporting individual of the outcome of this review and take immediate action as necessary to protect and assist the reporting individual.

E. External Criminal Investigations

The conduct process must run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than ten (10) calendar 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*. For additional information explaining the distinctions between these processes, see SUNY's College and Criminal Process Resource.

F. Interim Measures During the Sexual Misconduct Conduct Process

1. **Interim measures.** The reporting party may obtain reasonable and available interim measures and accommodations, including a change of campus academic, employment, transportation, no contact orders, interim suspension or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment.

   Appeals: Both parties (the accused and the reporting individual) may appeal any such interim actions and accommodation that directly affects them. The parties can submit evidence to support their request. These appeals should be submitted in writing within three (3) business days of the date of notification of the interim measures to the Campus Executive Dean, who shall consult with the Vice President for Student Affairs. A decision will be provided in five (5) business days.

2. **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 College'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.

G. Additional Hearing Procedures for Sexual Misconduct Conduct Process

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

   - Both the Complainant and the Responding Student may deliver to the Campus Associate Dean for Student Affairs, or designee, a written statement of support or response to the complaint;
   - Both the Complainant and the Responding Student will deliver to the Associate Dean 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;

- Both the Complainant and the Responding Student will notify the Associate Dean or designee, of the names of any advisors/advocates who may be accompanying the parties at the hearing.

The Campus Associate Dean for Student Affairs/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 (3) three business days prior to any scheduled hearing.

2. **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. If requested, the maximum delay in proceedings due to scheduling conflicts of parties' advisors shall be limited to no more than five (5) business days. Advisors, whether legal counsel or otherwise, are not permitted to speak, advocate, make a presentation, appear or act on behalf of the student during the hearing process. These actions are the student's responsibility. Advisors may confer with their advisees, exchange notes, clarify procedural questions with the Chair and suggest questions to their advisee.

3. **Alternative Testimony*:*** Whether the complainant 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 complainant more comfortable, they are not intended to work to the disadvantage of the responding party.

4. **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.

5. **Impact Statement**: The College's 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. This statement may be provided verbally or in writing.

H. Conduct Sanctions for Sexual Violence Conduct Process

1. **Available Sanctions*:*** When there is a finding of responsibility of sexual violence, 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 for Student Affairs. Additional requirements may include sanctions outlined in the *Code*.

   - *College Expulsion*: Permanent separation from the College. The student is banned from College property and the student's presence at any College program or activity or event is prohibited.

2. **Notification of outcomes*:*** The Complainant bringing any complaint alleging sexual assault, or other behavior falling within the coverage of State Education Law 129-B, will be notified of the outcome of a hearing and any sanctions imposed, as well as of the rationale for the outcome, simultaneously with the Respondent. Notification will be provided in writing and communicated through students' official College email, in accordance with this *Code* and as permitted by FERPA.

3. **Release of information**: 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.

I. Appeal Review Procedures

1. **Process and timeframe**: The Complainant and/or the Respondent may file an appeal with the Campus Executive Dean. The appeal must be submitted within ten (10) business days from the date of the written notice of the outcome of the hearing, and this information will be included in the written notice of the outcome.

   Any such appeal must be in writing and filed with the Campus Executive Dean by the date specified in the written notice of the outcome of the hearing. Any exceptions are made at the discretion of the Campus Executive Dean and, when appropriate, the Title IX Coordinator. The Campus Associate Dean for Student Affairs/Deputy Title IX Coordinator will provide a copy of the written request to appeal to the non-appealing party or parties.

2. **Panel**: The Campus Executive Dean, 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.

3. **Determination**: The determination on the Appeal will be made, and the findings will be communicated in accordance with Section 7(M) of this *Student Code of Conduct*,

("Formal Conduct Procedures - Appeal Review Procedures"). Written notice of the final determination will be provided simultaneously to both parties.

J. Disciplinary Records

All conduct records that fall under charges of sexual misconduct are preserved and maintained permanently.

Date of Publication: February 20, 2026

STUDENT 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, or employment.

All victims/survivors of these crimes and violations, regardless of actual or perceived race, color, religion, creed, sex, age, marital status, gender identity or expression, sexual orientation, familial status, pregnancy (and pregnancy-related conditions), predisposing genetic characteristics, equal pay compensation-sex, national origin (including shared ancestry or ethnic characteristics), military or veteran status, domestic violence victim status, criminal conviction or disability, 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 Office; ECLI-VIBES/631-360-3606; Response Crisis Center/631-751-7500; L.I. Against Domestic Violence/631-666-8833; The Crime Victim's Center/631-332-9234; SEPA Mujer/833-762-9832)
- Confidentially (Mental Health and Wellness 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).
  - State Police 24–hour hotline to report sexual assault on a New York college campus: 1-844-845-7269.
  - Suffolk County Family Court or Civil Court.