



NORTH COUNTRY COMMUNITY COLLEGE

STUDENT CODE OF CONDUCT

North Country Community College is committed to providing an exceptional learning and community building experience for all who seek it, challenging and supporting all individuals in their educational and personal growth.

North Country Community College strives to provide a quality education that enhances opportunity, growth and success for our students and community.

North Country Community College embraces the following values as guides to how we act, individually and collectively:

- *Honest, open and timely communication*
- *Shared governance*
- *Mutual respect for diversity and individuality*
- *Accountability and integrity*
- *Openness to change*
- *Transparency*
- *Intellectual curiosity*

North Country Community College affirms the right of freedom of expression within our community and also affirms our commitment to the highest standards of civility and decency toward all. We recognize the right of every individual to think and speak as dictated by personal belief, to express any idea, and to disagree with or counter another's point of view, limited only by College regulations governing time, place, and manner. We promote open expression of our individuality and our diversity within the bounds of courtesy, sensitivity, and respect.

We confront and reject all manifestations of discrimination, including those based on race, ethnicity, gender, age, disability, sexual orientation, religious or political beliefs, status within or outside the College, or any of the other differences among people which have been excuses for misunderstanding, dissension, or hatred. We recognize and cherish the richness contributed to our lives by our diversity. We take pride in our various achievements, and we celebrate our differences.

We recognize that each of us has an obligation to the community of which we have chosen to be a part. We will strive to build a true community of spirit and purpose based on mutual respect and caring.



TABLE OF CONTENTS

PREAMBLE	3
GLOSSARY OF TERMS.....	4-6
STANDARDS FOR THE CONDUCT OF STUDENTS.....	7
RIGHTS & RESPONSIBILITIES.....	8
REGULATIONS	9
1. Alcoholic Beverages	9-11
2. Drugs	12
3. Disorderly Conduct	13-16
4. Demonstrations and Public Gatherings	17
5. Sexual Misconduct and Bias-Related Harassment	18-23
6. Residence Life	24-26
7. Fire Safety	27
8. Firearms, Ammunition, Knives, and Dangerous Weapons	28
9. Explosives & Fireworks	29
10. Gambling	29
11. Assault and Harassment (Physical and verbal)	30
12. Theft and Possession of Stolen Property	31
13. Motor Vehicles and Motorcycles	31
14. The Conduct of Clubs, Teams, and Organizations	32
15. Hazing Regulations	32
16. Computer Misuse and Fraud	33
THE ADMINISTRATION OF THE CODE OF CONDUCT	34
Sanctions and Special Conditions	34
A. Range of Sanctions	34
B. Types of Sanctions	35
C. Special Conditions	36
D. Permanent Notation of the Transcript	37
E. Ineligibility for Refunds	37
F. Interim Suspensions.....	37-38
Procedures	39
A. Filing a Written Complaint	39
B. Notification of Disciplinary Charges	39
C. Initial Conference	39
D. Rights of Students Accused of Violating College Regulations	40
E. Disciplinary Hearing Bodies	41-42
a. Administrative Hearings	41
b. Student Conduct Committee	41
F. Order of Business for Disciplinary Hearings	43
G. Basis for Findings: Standard of Evidence	43
H. Appeals	44
Procedures for Cases of Sexual Misconduct and Bias-Related Harassment.....	45
A. Pre-Disciplinary Hearing Information and Procedures	45
B. Removing Respondent From Residential or Academic Environment	45
C. Interim Suspensions	45
D. Rights of Reporting Individual and Respondent	45
a. Rights of Reporting Individual (Victim)	46
b. Rights of Respondent (Accused Student)	47
E. Flow Charts for Sexual Misconduct Hearings	48
F. Size and Composition of Sexual Misconduct Panels	48
G. Rendering Disciplinary Decisions Regarding Sexual Misconduct	48
Other Administrative Actions	49
A. Interim Suspensions and Involuntary Withdrawals	49
B. Parental Notification Guidelines	49
C. Disciplinary Records	50



PREAMBLE

The North Country Community College (NCCC) Student Code of Conduct provides realistic guidelines for students to follow regarding their academic, social, and personal conduct. The Code reflects that which is appropriate, reasonable, and considerate action as a student and member of the College community. The Code is monitored by the Office of Student Life and applies to all students.

To enter NCCC is to accept an invitation to participate in the growth and development of a “community marked by honesty, respect, accountability and integrity.” Choosing to become a member of this community implies a commitment to an open dialogue about the basic human questions fundamental to higher education and a responsibility to maintain an environment in which this dialogue can occur. Respect for the dignity, integrity, wellbeing, and property of others is essential to the maintenance of the NCCC community.

North Country Community College, a community comprised of students, faculty, staff, administrators, and visitors from the community recognizes the need to establish a student code of conduct which contains rules and regulations to guide student actions and to define the penalties which are to be imposed when these rules and regulations are violated. Responsibility for administration of these rules/regulations is divided among two groups which are charged with adherence and enforcement: the Office of Student Life and the Office of Academic Affairs (for incidents of academic dishonesty). The College, through its Student Code of Conduct, seeks to establish in its students a sense of responsibility to themselves and to others who are citizens of the total College community. It is the College’s expectation that, while here, all students would take into consideration other individuals and their rights to an environment that is conducive to academic achievement and employment.

NCCC seeks to ensure that the rights of an individual guaranteed by state laws and the U.S. Constitution are protected for all citizens regardless of their gender, race, color, ethnicity, sexual orientation, gender identity or religion. When such rights are infringed upon by violence, threats, or other harassment, the College will use every necessary resource to rapidly and decisively identify perpetrators for criminal and/or administrative prosecution.

The College expects its students to act with integrity. Dishonesty, fraud, and failure to respect the rights of others and physical property cannot be tolerated in a community which is dedicated to the development of responsible individuals.

The Student Code of Conduct is a document designed to foster a community conducive to achieving the mission of NCCC. The opportunity to participate in this academic community requires individual responsibilities. By voluntarily choosing to affiliate with the College, students indicate knowledge and acceptance of the responsibilities outlined in the Student Code of Conduct.



GLOSSARY OF TERMS

Affirmative Consent: Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

Additional information:

- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot 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.

Bias-Related Harassment: Conduct motivated by a consideration (real or perceived) of race, sex, color, religion, ancestry, national origin, age, disability, veteran status, or gender identity.

Interim Suspension: Interim Suspension – Removal from the College until a formal hearing has been completed and a decision has been rendered.

Nonconsensual Sexual Intercourse: Engaging in sexual intercourse (anal, oral, or vaginal) with any individual with any object, however slight, by an individual upon an individual without affirmative consent

Nonconsensual Sexual Contact: Engaging in a sexual contact (touching or disrobing or exposure) with any object, however slight, and by an individual without affirmative consent

Preponderance of Evidence: A preponderance of the evidence means that the hearing panel/officer found that a level of evidence presented led to more than a 50% finding that a student is in violation of a regulation of these Community Standards and thus responsible for a code violation.

Sexual Exploitation: Engaging in any behavior where a student takes nonconsensual, unjust, or abusive sexual advantage of another for his/her own benefit or the benefit of any other than the person being exploited; and that behavior does not otherwise constitute nonconsensual sexual intercourse, or nonconsensual sexual contact.

Sexual Harassment: Behavior that sexual in nature and creates an intimidating, hostile, or offensive environment. Such behavior includes, but is not limited to, obscene phone calls, obscene computer messages, public display of offensive material, and/or courtship violence/intimidation.

Students: The term “student” includes all persons taking courses at the College, both full-time, part-time, and online and includes both residential and commuter status.



SANCTIONS DEFINED

1. **Disciplinary Warning:** A Disciplinary Warning is an official notification to the student that his or her behavior has been unacceptable. Any additional misconduct may result in further disciplinary action. Disciplinary Warning is for a specific period of time not to exceed one calendar year during which further violations of College regulations will result in more serious sanctions.
2. **Disciplinary Probation:** Probation indicates to a student that his or her behavior has resulted in a sanction close to disciplinary suspension. It is imposed for a definitive period of time. Disciplinary Probation may be imposed up to a maximum period of 18 months per each offense.
3. **Disciplinary Suspension:** Suspension prohibits the student from attending North Country Community College and from being present without permission from the Dean of Admissions (or designee) on College property, North Country Community College Association property including the residence halls and third-party affiliated housing for the duration of the sanction, which shall not exceed the current semester and up to one full academic year following its effective date.
4. **Disciplinary Expulsion:** prohibits the student from attending North Country Community College and from being present without permission from the Dean of Admissions (or designee) on the property. The student will also be restricted from accessing North Country Community College Association properties including the residence halls and any third-party affiliated housing.

SPECIAL CONDITIONS DEFINED

Special conditions are the method in which an Administrative Hearing Officer or the Student Conduct Committee hearing panel is able to individualize a student's disciplinary outcome.

1. **Administrative Relocation:** Requirement to relocate to another room within the residence hall system on a space-available basis.
2. **Community Restitution:** The philosophy of community restitution is based on the premise that if you are found in violation of community standards, you have taken something away from the community of North Country Community College. Therefore, it is the College's expectation that students assume responsibility for their behavior and restore something back to the on- or off-campus community. Community restitution may take the form of a service project or financial responsibility which provides the student with the opportunity to reflect upon his/her decision making, the consequences involved with those decisions, as well as the ability to contribute to the community in a positive way. Many of these activities are coordinated through the Student Life Office.
3. **Counseling Assessment:** A student may be required to complete a comprehensive substance abuse assessment and/or treatment program and/or a psychological/psychiatric assessment.
4. **Educational Project:** Completion of a project specifically designed to help the student understand why the violation was inappropriate. This may take the form of mandatory participation in an alcohol or drug education program.
5. **Housing Prohibition:** Permanent separation of the student from the residence halls. A person denied campus residency is prohibited from accessing North Country Community College Association residence halls and property. Any person violating this provision can be subject to arrest, possible fine, and/or incarceration for trespassing.



6. **Loss of Privileges:** Denial of specified privileges for a defined period of time (e.g., guests, computer, housing selection, residence hall visitation, operating a motor vehicle on campus, possessing/using sound amplifying equipment in residence, serving as an officer of any recognized student organization (which include sports, intramurals, clubs), dining services, representing the College, co-curricular activities, work study, participating in graduation ceremonies, etc.).
7. **No Contact:** A no contact is a condition imposed in instances where it is determined that a student poses a potential threat to another. This condition, specific to a person and/or location, would prohibit the subject of the condition from having any further direct or indirect contact, including text, e-mail, mail, telephone, social media, etc., with the offended individual. In addition, such a condition prohibits contact by third-parties on their behalf. A no contact condition may be imposed summarily (i.e., prior to a hearing or as a result of a hearing). Violation of a no contact condition could result in more serious disciplinary action.
8. **Parental/Guardian/Administrative Notification:** The proper college authorities shall be notified of any sanction. In addition, when students are found responsible for the use, possession, and/or distribution of alcohol and/or illegal substances, the College reserves the right to notify students' parents/guardians.
9. **Restitution:** Compensation for loss, damage, or injury. This may take the form of monetary (financial restitution) and/or material replacement.
10. **Residency Probation:** Official reprimand/notice to the student that his/her housing status is in jeopardy for a defined period of time. Future violations of may subject the student to Revocation of Housing Contract or Housing Prohibition.
11. **Revocation of Housing Contract:** Revocation of housing contract is for a defined period of time, after which the student is eligible to return. A person denied campus residency is prohibited from entering any residence hall. Any person violating this provision will be subject to arrest, possible fine, and/or incarceration for trespassing. Additional conditions for readmission may be specified.
12. **Delayed Suspension:** A special condition for a student on disciplinary probation that informs the student that another violation of the student code of conduct regardless of the severity of the violation will result in a minimum sanction of Suspension.
Other special conditions may be imposed in addition to those listed above if the hearing officer believes they may aid in the growth or development of the student, protect the student or the community, or help to make the community or individual members whole.



STANDARDS FOR THE CONDUCT OF STUDENTS

A student will be subject to College disciplinary action for violation of the following codes of conduct:

1. Code of Civil or Criminal Law
2. Student Code of Conduct
3. Academic Integrity Policy (currently published in the College Catalog)

Failure to comply with these policies can result in disciplinary action.

OFFENSES AGAINST THE NEW YORK STATE PENAL LAW

All students are expected to comply with all laws of the Villages and Towns in which respective College campuses/sites are located, as well as State and Federal laws. Any violation of the law, whether occurring on or off campus, may be processed as a violation of the Student Code of Conduct. All felony convictions for actions occurring when the student is enrolled at North Country Community College will be processed as a violation of the Code.

NCCC students must be aware that they continue to be subject to the obligations of all citizens while they attend college. The College is committed to the observance of the laws. **There is no immunity on its campus from the prohibitions of local, state, and federal law regulating the use of drugs, alcohol, or motor vehicles.** Violations of the law in the surrounding community injure the College, just as it does other citizens who reside there. The College offers no tolerance for any such conduct.

JURISDICTION OF THE STUDENT CODE OF CONDUCT

Many of the regulations found within this Code are similar to federal and state statutes; therefore, a violation of the Student Code of Conduct may concurrently represent a violation of a civil statute. The College and civil jurisdictions are considered independent, each based on its separate, distinct needs. Thus, both criminal and College proceedings could result from the same violation. Civil or criminal action before or after College action shall in no way alter the College proceedings or findings, nor provide any right to immunity from the College jurisdiction.

The Student Code of Conduct prescribes standards for the conduct of students on and off the campuses (including minors in possession of alcohol, providing alcohol to minors, disorderly/disruptive conduct, drug sale, and any activity off campus that is considered an act of violence to oneself or another).

Generally, the College's jurisdiction for addressing student misconduct is applied to incidents that occur on campus property and at College-sponsored events and activities. The College may also exercise its right to impose disciplinary charges with students and student organizations for inappropriate behavior that occurs off campus if such behavior violated the penal law and/or is deemed as possibly adversely affecting or endangering (a) the College community or (b) the interests or mission of the College. College authorities shall expedite disciplinary proceedings, recognizing the advantage of a prompt hearing in the event of alleged infractions, while guaranteeing due process.

Behavior causing serious personal endangerment, such as abuse of alcohol or other drugs, may subject a student to immediate suspension prior to a hearing as outlined in the section of the code titled "Interim Suspensions."



RIGHTS & RESPONSIBILITIES

All student members of North Country Community College have certain rights. These include:

- The right to learn, which includes the right of access to ideas, the right of access to facts and opinions, the right to express ideas, and the right to discuss those ideas with others.
- The right to be treated as an individual member of the community, which includes the right to be free of discrimination based upon age, sex, religion, ethnic or national origin, handicap, or status as a veteran and the right to be free from harassment of any type.
- The right of peaceful coexistence, which includes the right to be free from violence, force, threats, abuse, and the right to move about freely.
- The right to be free of any action that unduly interferes with a student's rights and/or learning environment.
- The right to express opinion, which includes the right to state agreement or disagreement with the opinions of others and the right to an appropriate forum for the expression of opinion.
- The right to privacy.
- The right to have access to a process through which to resolve deprivations of rights and, in the case of disciplinary procedures, the right to be informed of any charges of misconduct, the right to adequate time to prepare a response to the charges, the right to hear evidence in support of the charges, the right to present evidence against the charges, the right to an adviser, the right to a fair procedure which is appropriate to the circumstances, and the right to be informed of the outcome of any proceeding.

All student members of North Country Community College (including residential, commuter, full-time, part-time, and online students) **have certain responsibilities to the Institution and to its members.** These include:

- Respect for the rights of others, which includes the obligation to refrain from conduct that violates or adversely affects the rights of other members of the NCCC community.
- The obligation to refrain from conduct in the general community which adversely affects NCCC.
- The obligation to refrain from interfering with the freedom of expression of others.
- The responsibility for the avoidance of force, violence, threat, or harassment.
- The responsibility for the avoidance of disruption. Certain kinds of conduct can convert the expression of opinion into disruption.
- The responsibility for the compliance with state, federal, and municipal laws and regulations.

All students have certain obligations to the institution. These include:

- The obligation to ensure that the conduct of others who come to the College through a student's invitation or permission complies with the rules and regulations of the College.
- The obligation to respect the environment of NCCC, which includes respect for the physical features of the campus and its facilities, and the special needs of an institution of learning, such as quiet and privacy.
- The obligation to provide proper identification whenever requested to do so by a representative of the College.
- The responsibility to cooperate with College officials in the performance of their duties.
- The responsibility to respect the values and traditions of NCCC as an institution of higher education.



REGULATIONS

SECTION ONE: ALCOHOLIC BEVERAGES

Introduction:

North Country Community College students are expected to comply with local, state, and federal laws relating to the use of drugs and alcohol. The College will not tolerate conduct which disrupts the campus and the academic or residential environment. The College values its relationship with the Villages of Saranac Lake, Malone and Ticonderoga, and recognizes the right of its neighbors to be secure from abusive conduct caused by illegal use and/or irresponsible use of drugs and alcohol on and off campus. With this in mind, NCCC has established a clear, concise policy relating to the illegal use of alcohol and drugs. The use, possession, sale, or distribution of any controlled substance; the use, sale, possession, or distribution of alcohol by anyone under the age of 21, and the unauthorized possession of any central alcohol source (e.g., kegs, beer balls, trash can punches, etc.) by students on the NCCC campuses, residential facilities, or in the course of College activities are prohibited. The majority of offenses against people and property committed at NCCC are a direct result of alcohol use/abuse. Such high-risk behavior is unacceptable to the student population and community at large.

Philosophy and Rationale:

Our communities in the North Country are acutely aware of the problems that commonly result from alcohol consumption. Alcohol addiction, disruptive and destructive behavior, and the wasting of individual health and talents are perils that require recognition and preventive measures. Regardless of age, any individuals who consume alcohol to a level where they place themselves or others in harm's way are engaged in high-risk behavior. High-risk behaviors are dangerous and antithetical to a community committed to safety, learning, and respect. When the College is notified of student misconduct in regard to alcohol misuse or abuse off campus, it may also choose to hold the student accountable through the campus disciplinary process. College policies and regulations reflect these concerns and shall serve to remind potential offenders of the likely consequences.

The purpose of the College is two-fold: It must provide the best possible opportunity for learning, and it must create an environment conducive to personal growth. These goals are hindered by alcohol abuse. Student drinking patterns that interfere with accomplishment of College goals are unacceptable and shall be cause for disciplinary action ranging from disciplinary warning to disciplinary suspension. Students who are mandated by the hearing process to attend an alcohol assessment or an alcohol and drug education program and fail to successfully complete these programs as required will be subject to further disciplinary action which may include dismissal from the College.

Overview:

The information that follows serves as a sanctioning guideline used when addressing on- and off-campus violations of the College's Community Standards involving alcohol. It is the College's policy that no alcohol is permitted on campus property (unless an event is approved by the President or Board of Trustees). Sanctions may be lesser or more severe depending on the circumstances of the incident and consideration of any prior disciplinary record. To list all those acts which might constitute unacceptable conduct is impossible; however, student participation in any of the actions below or other potentially serious violations of College policy may warrant judicial action.

Personal Accountability and Responsibility:

Students who are of legal drinking age and choose to consume alcohol off campus property are expected to limit their use so as not to interfere with their ability to act responsibly. Impairment from the use of alcohol does not diminish personal responsibility for one's actions and behavior. If a student is in violation of another policy (e.g., non-compliance with College officials, law enforcement and emergency personnel, destruction of property, assault, tampering with fire safety equipment, etc.) while under the influence of alcohol, the individual is subject to disciplinary action for all violations that may have occurred.



A1) Alcohol Possession/Consumption:

Persons shall not consume or have in their possession alcoholic beverages on campus or on property designated as College housing or in Foundation controlled property. Students under the age of 21 may not consume or be in possession of alcohol beverages off campus property.

Range of Sanctions: Disciplinary Warning to Suspension

Information:

The following list itemizes types of alcohol possession violations of College policy, local, state, or federal laws.

- Drinking/possession of alcoholic beverages by any student or student organization while riding in state, College-owned or facilitated vehicles, or personal vehicles is prohibited.
- Large containers/amounts of alcohol (e.g., kegs, half-kegs, quarter-kegs, beer balls, or punches) are not permitted on campus and are subject to confiscation.
- Operating a motor vehicle under the influence of alcohol is prohibited.
- The College denounces excessive consumption. Those who consume alcoholic beverages off campus must remain in control of their behavior, respect the rights of others, and shall be held responsible for their actions. Promotions which encourage consumption of alcohol are prohibited.

A2) Alcohol Intoxication:

Being intoxicated due to the level of consumption of alcohol (where students have placed themselves or others in harm's way or are experiencing significant difficulty functioning physically) is not permitted.

Range of Sanctions: Disciplinary Warning to Suspension

Information:

Any student, regardless of age, may be charged with a violation of this regulation. Examples of alcohol intoxication include students transported to the hospital for alcohol consumption, students found passed out in College facilities, on College property, or at College-sponsored events, students exhibiting a significant level of incoherent behavior (e.g., driving while intoxicated, vomiting as a result of alcohol consumption, disorderly behavior). Students can also be charged with a violation of this regulation for their conduct off campus. Past violations have resulted in disciplinary outcomes that include a mandatory substance abuse assessment, denial of campus residency, participation in intensive in-patient treatment programs while the student is suspended, and the possibility of arrest and prosecution under local, state, or federal laws.



A3) Providing Alcohol to Minors/Hosting:

As a violation of campus policy and state law, providing alcohol to minors, regardless of the age of the person providing, is prohibited. Students of any age found responsible for permitting the consumption/possession of alcohol by minors in their room, suite, or lounge or off-campus site will also be in violation of this regulation.

Range of Sanctions: Disciplinary Probation to Suspension*

Information:

Individual student conduct – Students may also be charged disciplinarily for conduct off campus if they provide alcohol to minors. Past violations have led to individual student arrests and campus disciplinary outcomes that have included denial of campus residency and suspension. Students of any age found responsible for permitting the consumption/possession of alcohol by minors (whether in their room, suite, lounge, at a campus location, at an off-campus location, in their vehicle, at a College-sponsored event) are in violation of this section. Violators of this regulation will receive a higher sanction than those found responsible for consumption/possession of alcohol as minors.

* In addition, individuals or groups that host, sponsor, or allow drinking games or contests where alcohol is being consumed in their room, suite, lounge, or off-campus residence is prohibited. If an individual is harmed as the result of this behavior, the minimum sanction that a host may receive is disciplinary suspension. A drinking game may be considered to be any activity in which an individual's consumption of alcohol, either in whole or in part, is determined by chance, skill, or some other external variable that accelerates alcohol consumption. Prohibited conduct includes, but is not limited to, dizzy bats, beer pong, keg stands, and funneling.

Administration of Severe Incidents:

When an individual provides alcohol to another where a level of significant alcohol intoxication occurs, the matter will be heard by the Student Conduct Committee.

A4) Alcohol Paraphernalia and Drinking Games:

Alcohol paraphernalia and drinking games (e.g., kegs, beer balls, taps) are not permitted on campus, including residence halls or third party affiliated housing. In addition, students under the age of 21, the possession of other alcohol paraphernalia (e.g., cans bottles, empty cases) is also prohibited. Drinking games and those activities emulating the consumption of alcohol is prohibited.

Range of Sanction: Disciplinary Warning to Disciplinary Probation.



SECTION TWO: DRUGS

Philosophy and Rationale:

The use and possession of marijuana (including synthetic) and/or other drugs may have disrupting consequences that interfere with the educational mission and general welfare of the College community. Because of the potential danger of these substances, the College prohibits use, possession, distribution, or sale of illegal drugs (including marijuana), un-prescribed drugs, or of any medication or substance used for purposes other than the manufacturer's intended use. When the College is notified of student misconduct in regard to drug use or sale off campus, it may hold the student accountable through the campus disciplinary process.

Definitions:

- The term "drugs" when used in the above section includes any of the controlled substances defined in Section 220.00 of the NYS Penal Law.
- The term "marijuana" when used in the above section is as defined in Article 221, Section 221.00-221.30 of the NYS Penal law.

B1) Drug Use & Possession:

The illegal use or possession of drugs or un-prescribed drugs constitutes an illegal act and will be subject to disciplinary action independent of other action taken by civil authorities. All persons present in an area where they know un-prescribed drugs are being used or illegally possessed will also be subject to disciplinary action.

Range of Sanctions: Disciplinary Warning to Disciplinary Suspension

Information:

The following list itemizes types of drug possession violations of College policy, local, state, or federal laws:

- Hosts (residents of the room/suite or owner/operator of a vehicle) present where un-prescribed drugs are being used or illegally possessed are also responsible for this illegal behavior occurring in their residence.
- Use/possession of or being in the presence of un-prescribed drugs on or off campus is prohibited.
- Drug paraphernalia (e.g., bongs, pipes, hookahs, other smoking devices) is not permitted on campus.
- Operating a motorized vehicle under the influence of a drug is prohibited.

B2) Drug Sale:

The manufacture, distribution, sale, offer for sale of any illegal drug or un-prescribed drug, or unauthorized use of prescription drugs is prohibited.

Range of Sanctions: Disciplinary Suspension to Disciplinary Expulsion

Information:

Students who give drugs to others are considered to be involved in the distribution of drugs and as such, have been charged with drug sale and have also been charged criminally. Possession of scales in conjunction with drugs may be viewed as evidence of drug sale.



SECTION THREE: DISORDERLY CONDUCT

Philosophy and Rationale:

Acknowledging that both the College and the student body have a responsibility to provide an environment which enhances the quality of life in the community and is conducive to academic achievement, any behavior which jeopardizes the safety of others and the rights of persons and property or any conduct which is not consistent with this environment is prohibited. In all circumstances, common courtesy should be exercised.

Restitution may be assessed in appropriate situations in addition to disciplinary action. The following behaviors directed toward others are strictly prohibited and may subject individuals to disciplinary action and possible civil or criminal prosecution.

C1) Psychological and Physical Self-Harm:

Students are prohibited from physically harming themselves or engaging in self-threatening behaviors. Participating in drinking games or engaging in behavior which results in a student's being transported to the hospital for a suspected alcohol or drug overdose are violations of this regulation.

Range of Sanctions: Disciplinary Probation to Expulsion

Information:

Students may be subject to disciplinary charges if they engage in behavior that is harmful to themselves or self-threatening. When these allegations occur, an administrative hearing will occur with the Dean of Student Life (or designee).

C2) Maintenance of Public Order:

Alleged violation of any criminal law (federal, state, or local) or local ordinance where the student's conduct interferes with the College's exercise of its educational objectives or responsibilities to its members whether on College premises or off campus or when such a violation of the law has or may have an adverse impact upon the College community is prohibited.

Range of Sanctions: Disciplinary Probation to Expulsion

Information:

Classroom misconduct – Students have also been charged with a violation of this regulation when their behavior in a classroom or academic activity disrupts or interferes with the ability for the instructor to maintain an academic environment that supports ongoing instruction and/or fosters learning.

Off-Campus misconduct – Students may also be charged with a violation of this regulation for conduct off campus if their behavior (a) is considered disorderly; or (b) poses a direct threat to themselves (e.g., self-threatening behaviors, suicidal behaviors) or another person; or (c) is a felonious act; or (d) is disruptive to another student's educational pursuit (reference to Title IX). Students have a responsibility to conduct themselves as good citizens in our local communities.

Inappropriate behaviors such as public urination, public intoxication, and disruptive conduct to neighbors such as yelling or playing loud music are considered disorderly.

These types of misconduct can have a detrimental impact on the College community and can carry sanctions that include, in some instances, dismissal from the College.



C3) Disruptive or Destructive Disorderly Conduct:

Conduct which is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace is prohibited. Such conduct includes but is not limited to disruption or obstruction of teaching, research, administration, or other College activities. Horseplay is prohibited. All official campus postings and notices must be observed.

Range of Sanctions: Disciplinary Warning to Disciplinary Suspension

Disorderly Conduct - Vandalism

C4) Destruction of Property:

Inciting to action, participation, and intentionally or recklessly, but not accidentally, damaging, destroying, defacing, or tampering with College property of any person or business is prohibited.

Range of Sanctions: Disciplinary Warning to Disciplinary Expulsion

C5) Tampering/Damaging College Equipment:

Tampering with or damaging telephones, computer equipment, software, cable, vending machines, laundry facilities, (or removal of) posters, advertisements, or signs on campus is prohibited.

Range of Sanctions: Disciplinary Warning to Disciplinary Suspension

C6) Littering:

Littering constitutes the throwing, dumping, or depositing of trash or refuse of any kind. This destroys the campus environment as well as detracts from its appearance. Violators will be subject to campus disciplinary action and/or civil action.

Range of Sanctions: Disciplinary Warning to Disciplinary Probation

Disorderly Conduct - Misrepresentation & Fraud

C7) Misrepresentation

No student shall speak in the name of the College or for any of its organizations unless such student has been authorized by the College or by the organization for which he/she is speaking.

Range of Sanctions: Disciplinary Warning to Disciplinary Suspension

C8) Furnishing False Information:

Furnishing false information to the College including, but not limited to, forgery, alteration, or misuse of, among other things, College documents or records.

Range of Sanctions: Disciplinary Warning to Disciplinary Suspension

Disorderly Conduct – Failure to Comply

C9) Failure to Comply with Disciplinary Decisions or Administrative Actions:

Failure to comply with any disciplinary special condition/sanction imposed by any judicial body or administrative hearing officer is not permitted. Students can also be charged with a violation of this regulation if they do not comply with a "no contact" order imposed by an administrative officer of the College.

Range of Sanctions: Progressively Increasing Sanctions

C10) Failure to Comply with Official Requests:

Failure to comply with a legitimate, reasonable, and lawful request or direction by members of the faculty and administrative staff, other employees of the College, or officially recognized volunteers acting in accordance with their official College duties is not allowed.

Range of Sanctions: Disciplinary Warning to Disciplinary Suspension

Information:

For example, past penalties have included suspension for failure to comply with a sanction of disciplinary probation. This includes special conditions such as revocation of visitation privileges, community restitution, attendance at alcohol education programs, and educational assignments. Failure to appropriately respond to requests or comply with directives issued by authorized College representatives in performance of their duties and responsibilities will be subject to disciplinary actions. Authorized College representatives can include Campus Security Guards, Resident Assistants, the Associate Director of Residence Life & Housing (or designated professional on-call), facility managers, club advisors, faculty/staff, and administrative office personnel.

C11) Judicial System Disruption:

Any act(s) by a person(s) that inhibits or disrupts the College judicial process including, but not limited to, (a) falsification or misrepresentation of information before a hearing panel or any judicial officer/administrator; (b) disruption or interference with the orderly conduct of a judicial proceeding; (c) knowingly initiating a judicial proceeding without cause; or (d) attempting to discourage an individual's proper participation in, or use of, the judicial system.

Range of Sanctions: Disciplinary Probation to Expulsion

C12) Identification:

Not providing College or other proper identification upon request by an authorized College official is prohibited.

Range of Sanctions: Disciplinary Warning to Disciplinary Probation



Disorderly Conduct – Facilities

C13) Smoking/E-Cigarettes:

Smoking and the use of e-cigarettes and/or vapors in public buildings, which includes College facilities and college affiliated residential buildings is strictly prohibited. An “e-cigarette” is defined as: an electronic device that provides a vapor of nicotine or other substance and which simulates smoking through its use or through inhalation of the device. It is an oral device that is composed of a heating element, battery, or electronic circuit and marketed, manufactured, distributed, or sold as an e-cigarette; e-cigar; e-pipe; or any other produce name or descriptor. Smoking is also prohibited within 25 feet of any entrance or ventilation access of any building on any College site or affiliated residential facility.

Range of Sanctions: Disciplinary Warning to Disciplinary Probation

C14) Trespassing/Unauthorized Access:

Forcible or unauthorized entry into any room, building, structure, or facility or unauthorized use of College grounds is prohibited.

Range of Sanctions: Disciplinary Warning to Expulsion



SECTION FOUR: DEMONSTRATIONS AND PUBLIC GATHERINGS

Philosophy and Rationale:

If the College is to succeed in its pursuit of truth and dissemination of knowledge in an atmosphere where freedom of inquiry flourishes, the College must provide an institutional framework that encourages debate and freedom of intellectual endeavor without fear of consequences. The administration, faculty, and students of the College have the right of dissent and demonstration provided that they do not violate the freedom of speech, choice, assembly, or movement of other individuals or groups.

A demonstration is a public assemblage of a person or persons exhibiting sympathy with or opposition to some political, economic, or social condition or movement. The intent of the demonstrator(s) is to persuade opinion by focusing public attention on a problem by publicizing the beliefs of those participating in the demonstration. Demonstrations are to be confined to public areas of campus facilities and may be limited by time, place, and manner as to not disrupt classes, the residential environment, or the overall educational mission of the College. Students who wish to conduct demonstrations need to notify the Student Life Office.

D1) Prohibiting Access and/or Egress:

Prohibiting access and/or egress from buildings and campus paths, streets, and roads will not be permitted.

Range of Sanctions: Disciplinary Warning to Disciplinary Suspension

D2) Demonstrations Must Allow Privacy:

Demonstrations must allow privacy for student job seekers who wish to discuss their personal career plans with an interviewer.

Range of Sanctions: Disciplinary Warning to Disciplinary Probation

D3) Disruption/Obstruction:

Obstructing or interfering with College functions or any College-related activity is not permitted.

Range of Sanctions: Disciplinary Warning to Disciplinary Suspension

D4) Disturbing the Peace:

Any conduct (to include, but not limited to, inciting riotous behavior) which involves disturbing the peace or interfering with the educational mission of the College and/or the adjacent properties of the Village of Saranac Lake, Malone and/or the Town of Ticonderoga during or in conjunction with a disturbance is not permitted.

Range of Sanctions: Disciplinary Warning to Disciplinary Expulsion



SECTION FIVE: SEXUAL MISCONDUCT & BIAS-RELATED HARASSMENT

Philosophy and Rationale:

North Country Community College expressly prohibits the sexually aggressive behavior noted below or acts of discrimination. Students found to be engaging in these behaviors will be subject to criminal charges and prosecution under local and state laws, specifically Section 130 of the New York State Penal Law.

Sexual misconduct or bias-related violations that result in serious physical or psychological injury shall be considered offenses of sufficient gravity to warrant immediate interim suspension of a student prior to a hearing as outlined in the section titled "**Interim Suspension**" of the Administration of the Student Code of Conduct. When the College is notified of student misconduct in regard to disorderly/disruptive conduct or acts of violence (assault, sexual misconduct, bias-related crime) off campus, it may also choose to hold the student accountable through the campus disciplinary process. Please see the Rights of Respondents (students charged with a code violation) and Complainants (victims) as they pertain to cases of sexual misconduct and bias-related harassment.

As with all alleged violations of the Student Code of Conduct, the evidentiary standard used to determine whether sexual misconduct or bias-related-harassment has occurred is known as preponderance of the evidence. In other words, the administrative hearing officer or sexual misconduct panel will render a decision based upon whether it is more likely than not that the prohibited conduct has occurred.

What if the reporting individual complaint is against a member of the faculty, staff, or administration and not a student?

The reporting individual (victim or non-victim reporting an incident) can report a complaint to the Office of Human Resources (518-891-2915, ext.1209) and/or the Dean of Student Life's Office (518-891-2915 ext. 1205) or studentlife@nccc.edu.

Sexual misconduct and bias-related harassment are filed with the Office of Human Resources with the College's Title IX Coordinator.

These types of complaints against College employees are not heard in the student disciplinary system. In addition, regardless of whether a complaint is against a student or employee, the College's Title IX Coordinator can be contacted regarding any acts of sexual violence or discriminatory activity.

The Title IX Coordinator can be reached via the Office of Human Resources.

The College Diversity Officer can be reached via the Student Life Office.



Investigation and Processing of Sexual Misconduct and Bias-Related Complaints:

When a student registers a complaint of sexual misconduct or bias-related harassment with the College against another student, such a complaint will be investigated by the Dean of Student Life. If the reporting individual does not wish for the police to be involved, or if the reporting individual has indicated to the local or State police that he/she does not wish to press criminal charges against the respondent, the investigation will still be conducted by the Dean of Student Life.

Following a disciplinary hearing, both reporting individual and respondent will receive a preliminary decision by the hearing panel. The complainant will then be provided with four (4) days to provide comment (appeal) to the panel regarding the preliminary decision. Afterwards, the panel will reconvene if necessary and issue a final decision within ten (10) business days which then may only be appealed by the respondent, within four (4) days, to the Dean of Student Life. Under normal circumstances, the entire process will take no more than sixty (60) days to complete.

Reporting Individuals may request that their complaint be kept confidential and choose not to participate in a disciplinary hearing. While the College will typically allow the reporting individual to direct whether or not disciplinary charges are filed, such requests must also be weighed against other factors including the seriousness of the alleged incident and whether the accused individual is the subject of other complaints. The College shall inform reporting individuals if confidentiality cannot be ensured.

Minors, mentally disabled persons, or physically incapacitated persons may never give legal consent.

- Minors are those individuals under 17 years of age who legally cannot give someone over the legal age consent to engage in sexual activity (absent of a legally valid marriage or court order). Individuals who engage in sexual activity with minors can be criminally charged with statutory rape. Students under the age of 17 cannot legally give consent to engage in sexual activity.
- Mentally disabled persons are individuals who are mentally incapacitated or developmentally delayed. They cannot give consent if they cannot appreciate the fact, nature, or extent of the sexual situation in which they find themselves. The mental disability of the party must be known or reasonably knowable to the non-disabled sexual partner in order to hold them responsible for the violation.
- Physically incapacitated persons are individuals who are physically incapacitated as a result of the consumption (voluntary or involuntary) of alcohol or other drug, or who are unconscious, unaware, or otherwise physically helpless, are incapable in giving consent. One may not engage in sexual activity with another who one knows or should reasonably have known is physically incapacitated. Physically incapacitated persons may not give consent when they lack the capacity to appreciate the fact that the situation is sexual, and/or cannot rationally and reasonably appreciate the nature and extent of the situation. It is important to note that when one is "physically incapacitated" that is different from what some individuals might describe as "having a few drinks" and then engaging in "regrettable sex." Regrettable sex is unfortunate but in itself does not constitute being physically incapacitated.
- Silence, previous relationships, and/or current relationship with the complainant (or anyone else) may not in themselves be taken to imply consent.



The following regulations describe violation of sexual misconduct:

E1) Nonconsensual Sexual Intercourse:

Engaging in sexual intercourse (anal, oral, or vaginal) with any individual with any object, however slight, by an individual upon an individual without effective consent is prohibited.

Range of Sanctions: Disciplinary Suspension or Disciplinary Expulsion

Intercourse is not synonymous with penetration. If it were, nonconsensual, French kissing could meet the definition of oral rape. Intercourse is more limited and includes vaginal penetration by a penis, object, tongue, or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact). Effective consent is informed, freely and actively given with mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity.

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

Additional information:

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

Information:

Forced sexual intercourse is not limited to strangers and can include people you know. Regardless of familiarity, failure to receive effective consent and to engage in sexual intercourse, can lead to a charge of nonconsensual sexual intercourse.

The College prohibits nonconsensual sexual intercourse and nonconsensual sexual contact. Students found engaging in nonconsensual sexual acts will be subject to severe disciplinary action if found to have participated in these behaviors. Whether you know another person well or not at all, failing to get effective consent to engage in sexual acts can result in charges against you.

Violators may also be subject to criminal charges and prosecution under local, state, and federal laws. Violators may also be subject to civil action. In general, most complaints involving non-consensual sexual intercourse also include a charge of nonconsensual contact.



E2) Nonconsensual Sexual Contact:

Engaging in a sexual contact (touching or disrobing or exposure) with any object, however slight, and by an individual without effective consent is prohibited.

List of Sanctions:

- Disciplinary Probation or
- Disciplinary Suspension or
- Disciplinary Expulsion

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

Additional information:

- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot 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.

Violators may also be subject to criminal charges and prosecution under local and state laws and civil action under federal law. In general, most complaints involving nonconsensual sexual intercourse also include a charge of nonconsensual sexual contact and in many instances, a charge of sexual harassment.



E3) Sexual Exploitation:

Engaging in any behavior where a student takes nonconsensual, unjust, or abusive sexual advantage of another for his/her own benefit or the benefit of any other than the person being exploited; and that behavior does not otherwise constitute nonconsensual sexual intercourse, or nonconsensual sexual contact is prohibited.

List of Sanctions:

- Disciplinary Probation or
- Disciplinary Suspension or
- Disciplinary Expulsion

Information:

Sexual exploitation includes prostituting another student, nonconsensual video, photographic, or audio taping of sexual activity, or nonconsensual distribution after initial consent was given, going beyond the boundaries on consent (such as letting friends surreptitiously watch you have consensual sex), engaging in "peeping tommy," knowingly transmitting an STD or HIV to another student, and including incapacitation with the intent to rape or sexually assault another student.

Any attempt to commit an act of sexual misconduct is also prohibited under this policy, and is aiding the commission of sexual misconduct as an accomplice. Students involved in these inappropriate behaviors can also be charged with a violation of sexual misconduct and be subject to disciplinary charges.

E4) Sexual Harassment:

No person or group of individuals shall engage in any form of sexual harassment, which is behavior that is sexual in nature and creates an intimidating, hostile, or offensive environment. Such behavior includes, but is not limited to, obscene phone calls, obscene computer messages, public display of offensive material, and/or courtship violence/intimidation.

List of Sanctions:

- Disciplinary Probation or
- Disciplinary Suspension or
- Disciplinary Expulsion

Information:

Unless accompanied by allegations of nonconsensual sexual intercourse, nonconsensual sexual contact or sexual exploitation, a charge of sexual harassment is heard as an Administrative Hearing instead of by the College's Sexual Misconduct Committee.



E5) Bias-Related Harassment:

Any violation of the Code of Conduct motivated by a consideration (real or perceived) of race, sex, gender identity, color, religion, ancestry, national origin, age, disability, veteran status, or sexual orientation is prohibited.

List of Sanctions:

- Disciplinary Probation or
- Disciplinary Suspension or
- Disciplinary Expulsion

Information:

A disciplinary charge of bias-related behavior that results in a finding of responsibility may subject the student to the imposition of a sanction more severe than would be imposed in the absence of such motivation.

Engaging in a course of conduct as described above may be a single incident or occur over a period of time. Allegations of bias-related harassment are heard by the College's Student Conduct Committee.

Most often, as in the case of bias-related or sexual harassment, violations of this regulation represent behavior that objectifies a personal attribute, singling it out for ridicule, attack, or disparagement. Attributes include, but are not limited to,

1. Race or ethnic origin, gender identity, physical or mental disability, age, religion, economic class, and sexual orientation;
2. Harassment may include physical contact such as touching or patting, written or oral comments or suggestions, or offensive pictures or "jokes," hostile or threatening gestures, or other forms of degradation.

Violations of this regulation are serious offenses. Students who engage in harassing or threatening others can be suspended from the College.

Every person is entitled to a working, living and learning environment free from the devastating effects of sexual harassment. Therefore, North Country Community College opposes sexual harassment of both employees and students. Such harassment of employees or of students, which implies a requirement of sexual cooperation as a condition of employment or academic advancement, will not be tolerated.



SECTION SIX: RESIDENCE LIFE

Residence Life - Safety

F1) Fire Code Capacities:

The number of people at any particular time in any residential hall area may not be in excess of the published or posted fire code capacities.

Range of Sanctions: Disciplinary Warning to Disciplinary Probation

F2) Electrical Appliances in the Residence Halls

Electrical appliances are prohibited in residence halls (with exception of microwave ovens, coffee makers, refrigerators and hot air popcorn poppers). Examples of prohibited appliances include hot plates, toaster ovens or anything with an open or exposed heating element, amplifiers, or an excessive number of speakers, and air conditioners.

Range of Sanctions: Disciplinary Warning to Disciplinary Probation

Information:

Cooking is permitted in third party affiliated housing with the exception of the use of any appliance with any open or exposed heating element. Cooking is allowed in the kitchen in Saints Hall at the Saranac Lake campus.

F3) Residence Hall Windows:

The removal or opening of any residence hall screen is prohibited. The throwing of objects from any window or being on any campus building roof is prohibited. Leaning, sitting, or standing out on a window ledge is prohibited.

Range of Sanctions: Disciplinary Warning to Disciplinary Probation

F4) Prohibited Recreational Equipment:

Activities such as, but not limited to, the use of hoverboards, skateboards, roller blades, hockey equipment, and bicycles in the residence halls are prohibited. In addition, playing sports inside the residence halls is not allowed. Such activities include, but are not limited to, football, bowling, golf, and basketball. Dart boards (other than magnetic) are not allowed in the residence halls.

Range of Sanctions: Disciplinary Warning to Disciplinary Probation

F5) Permanent Fixtures:

Modification to any permanent fixtures in the residence halls is prohibited. Black light bulbs are not permitted in any permanent light fixtures.

Range of Sanctions: Disciplinary Warning to Disciplinary Probation



F6) No Pets in the Residence Halls:

No pets are allowed in the residence halls. No resident shall have or harbor unauthorized pets, including fish, or other wild or domestic animals in the residence halls. Pets are not permitted in any other College facility (unless otherwise designated by College officials).

Range of Sanctions: Disciplinary Warning to Disciplinary Probation

Residence Life - Residence Halls' Quiet Hours

F7) Noise Disturbance:

Disturbing the peace or creating a noise disturbance that includes but is not limited to quarreling, shouting in or outside of residential facilities is prohibited. Failure to comply with residence hall quiet hours will be subject to disciplinary action. Disturbances occurring outside of the residence halls that negatively impact the living/learning environment will result in disciplinary action.

Range of Sanctions: Disciplinary Warning to Suspension

Information:

Each of the residence halls set community standards for maintaining a healthy balance between the pursuit of academic success and the importance of socialization of learning in a residence hall environment. Penalties for violation of these regulations include sanctions of disciplinary probation and, in aggravated cases, students have been denied campus residency and visitation have been relocated.

Residence Life – Access & Room Visitation

Philosophy and Rationale:

The following section outlines the room visitation policy for North Country Community College. A copy of this policy and any subsequent visitation rules and regulations must be given to each resident upon his/her registration in that residence hall. Its purpose is to formulate and communicate the minimum requirements for safeguarding the rights of the individuals and for providing security for the residence hall and its residents.

It will be the responsibility of each student to make every reasonable effort to resolve visitation conflicts. If an individual problem cannot be settled with the assistance of the student staff, the student staff member will approach the Associate Director of Residence Life and Housing and request his/her advisement. The supervisor of the residence halls will suggest possible courses of action to settle the dispute.

The use of residence hall facilities is limited to residents and their visitors and/or overnight guests complying with regulations established by the Student Code of Conduct and by each residence hall. Any unaccompanied non-resident may be deemed a trespasser and may be subject to immediate removal from the residence hall. The supervisor of the residence halls, with the approval of the Dean of Student Life, shall have the authority to revoke visitation privileges for a residence hall, a floor, or an individual.

The following will constitute grounds for loss of privileges: continued inability or unwillingness to accept the responsibilities of visitation in a mature, considerate manner; any unaccountable physical damage within the residence hall; and any unregistered overnight guest/visitor whose presence is known by one or more residents. If necessary, guests whose privileges have been revoked may be escorted from a residence hall by Campus Security, supervisor of the residence halls, the Dean of Student Life or a designee.

The residence hall environment is a living/learning community which respects all students' rights to personal privacy, access to living accommodations, an atmosphere conducive to study, and the personal safety and protection of personal property.



F8) Responsibilities of Hosts:

It is the responsibility of student hosts to abide by all rules and regulations set for the in the Student Code of Conduct, and College's and Association's Residence Hall Policies, and ensure that their guests also adhere to College and Association policy.

Range of Sanctions: Disciplinary Warning to Disciplinary Probation

Information:

The following list itemizes the specific responsibilities and liabilities of student hosts:

- If a student (host) has a visitor/overnight guest in the building after 10 p.m., it is the responsibility of the host to ensure that the visitor/overnight guest registers with residence hall staff.
- A visitor or guest, registered with a student, is limited to three overnight visits within a 10-day period. Residence Life professional staff may grant extensions.
- Infringement of a roommate's personal rights and property is not permitted.
- The host must make certain that the visitor/overnight guest knows and adheres to College and residence hall rules and regulations. The host will be responsible for the action of the visitor/overnight guest including any financial responsibility for damage done by the visitor/overnight guest.
- Rooms may not be used by any person(s) without a resident of the room present. Each resident is responsible for any and all activity which occurs in his/her own room.
- If a student allows a non-resident access to a residence hall, the student host is responsible for the guest's behavior and/or cost of any damage done.
- Gaining or permitting access to a residence hall through a door other than the one designated as the main entry will result in disciplinary action.

F9) Responsibilities of Visitor/Guests:

It is the responsibility of both students and non-students to adhere to all rules and regulations set forth in the Student Code of Conduct and Residential life policies when visiting North Country Community College students on College premises.

Range of Sanctions: Disciplinary Warning to Disciplinary Probation

Information:

North Country Community College students found to be in violation of guest policy or other violation of the Student Code of Conduct while visiting another residence hall may be banned from the residence hall where the infraction occurred.

Non-NCCC students visiting the residence halls and believed to be involved in a violation of this policy or the Student Code of Conduct may be immediately banned from the campus and residence halls.

F10) Residence Hall Access:

Entering a residence hall during a period of limited access without showing proper identification is prohibited.

Range of Sanctions: Disciplinary Warning to Disciplinary Probation

F11) Residence Hall Room Responsibility:

Rooms may not be used by any person(s) without a resident of the room present. Each resident is responsible for any and all activity which occurs in his/her own room.

Range of Sanctions: Disciplinary Warning to Disciplinary Probation



SECTION SEVEN: FIRE SAFETY

Philosophy and Rationale:

The College considers tampering with fire and safety equipment a dangerous act. A student who actively and maliciously engages in tampering, deactivating, or damaging fire safety equipment, or interferes with emergency operations is endangering his/her life and the lives of others. Violators will be subject to disciplinary action up to and including disciplinary suspension, as well as possible criminal prosecution.

G1) Candles:

Burning of candles and incense is not permitted in the residence halls or elsewhere on campus.

Range of Sanctions: Statement of Concern to Disciplinary Probation

Information: A burnt wick may be viewed as evidence that a candle was burned in violation of this regulation.

G2) Tampering with Fire Equipment:

Tampering with fire alarms, extinguishers, pull stations, smoke/heat sensors, and any other safety devices is prohibited.

Range of Sanctions: Disciplinary Probation to Disciplinary Expulsion

G3) Fire Hazards:

Any item hung from doorways and/or windows that impedes an individual's (e.g., emergency personnel) exit is prohibited. In addition not more than 25% of any door surface or wall space may be covered by posters, decorations, or any other item.

Range of Sanctions: Disciplinary Warning to Disciplinary Expulsion

G4) Interference with Emergency Operations:

Interfering with emergency operations, such as police, fire, or ambulance personnel in the course of their official duties is prohibited.

Range of Sanctions: Disciplinary Warning to Disciplinary Suspension

Information:

Violation of this regulation is also a violation of the NYS Penal Law and may be criminally charged.

G5) Failure to Evacuate:

Failure to comply with College requirements regarding evacuation of buildings during an alarm or fire drill is prohibited.

Range of Sanctions: Disciplinary Warning to Disciplinary Probation (denial of campus residency may be an appropriate special condition depending on the circumstances involved)

G6) Propping Fire Doors:

The propping of any fire or exterior door without authorization (with any object including a fire extinguisher) is prohibited.

Range of Sanctions: Disciplinary Warning to Disciplinary Probation



SECTION EIGHT: FIREARMS, AMMUNITION, KNIVES, & DANGEROUS WEAPONS

Violations that result in serious physical injury, or injury resulting from the use of a deadly weapon or dangerous instrument, shall be considered offenses of sufficient gravity to warrant immediate suspension of a student prior to a hearing as outlined in the section titled "Interim Suspension" of the Administration of the Student Code of Conduct. When the College is notified of student misconduct in regard to disorderly/disruptive conduct or acts of violence (assault, sexual misconduct, bias-related crime) off campus, it may also choose to hold the student accountable through the disciplinary process.

H1) Possession of Firearms, Ammunition, Knives, and Dangerous Weapons:

Firearms, ammunition, knives, and dangerous weapons are not allowed at North Country Community College. This regulation is in compliance with NYS Law, covered under Article 265 of the Penal Law and regulations passed by the NYS Legislature. Firearms include, but are not limited to, any pistol, revolver, shotgun, or rifle. Knives and dangerous weapons include, but are not limited to, dart guns, electronic stun gun, gravity knife, switchblade knife, metal knuckle knife, cane sword, billy, blackjack, metal knuckles, Chaka sticks, slingshots, and "Kung Fu Stars." The College also prohibits the use or possession of archery bows or arrows on campus unless directly affiliated with a supervised academic or continuing education course. No more than two pocket knives, (not exceeding a three-inch blade), are permitted; however, these pocket knives may be confiscated by authorities as deemed necessary.

Range of Sanctions: Disciplinary Probation to Disciplinary Expulsion

H2) Possession of Banned Paraphernalia:

The College also considers air guns, paintball guns, B-B guns, and slingshots to be dangerous, and they are prohibited. This article is inclusive of all instruments banned under Article 265 of the NYS Penal Law. Offenders will be subject to campus disciplinary action and/or criminal prosecution and liable to civil prosecution. In compliance with this law, the College will not accept requests to safe-keep or hold firearms, ammunition, knives, or dangerous weapons belonging to any individuals, offices, or agencies of this institution.

Range of Sanctions: Disciplinary Probation to Disciplinary Suspension

***NOTE: The next set of regulations purposefully skips to "J" so as to not confuse the letter "I" with the number "1."**



SECTION NINE – EXPLOSIVES & FIREWORKS

Philosophy and Rationale:

The College considers the use and/or possession of explosive devices and fireworks to be in violation of the Student Code of Conduct.

J1) Possession of Explosives or Explosive Devices:

Explosives or explosive devices containing an explosive or inflammable compound of any tablets or other devices commonly used and sold as fireworks, or any substance or combination of substances or articles prepared for the purpose of producing a visible or audible effect by combustion, are prohibited on campus (with exception of a College-sanctioned event) in accordance with NYS Penal Law Article 270. In addition, compressed gases and flammable liquids may not be stored in residence halls.

Range of Sanctions: Disciplinary Warning to Disciplinary Expulsion

Information:

The College considers use or possession of fireworks as a dangerous act and violators will be subject to disciplinary action and/or criminal prosecution. This regulation may be conditionally waived for temporary periods by the College president for College-sanctioned public fireworks displays.

Administration of Severe Incidents: Individuals charged with this violation that have allegedly placed others in significant harm's way (e.g., the use of explosives to cause harm to another) will have this matter heard by the Student Conduct Committee.

J2) Arson:

The deliberate setting of a fire on College property, Residence Halls and College Affiliated Housing is a serious offense. Such behavior that is prohibited under this regulation includes, but is not limited to, creating or causing a bonfire, lighting trash, and lighting materials on a bulletin board or a door. These actions will be treated as deliberate attempts to start a fire.

Range of Sanctions: Disciplinary Suspension to Disciplinary Expulsion

SECTION TEN – GAMBLING

K1) Gambling:

In accordance with NYS Penal Law Article 225, gambling, which consists of a person staking or risking something of value upon the outcome of a contest, is prohibited on College property. Offenders will be liable for campus disciplinary action and/or civil action.

Range of Sanctions: Disciplinary Warning to Disciplinary Probation



SECTION ELEVEN – ASSAULT AND HARASSMENT (Physical & Verbal)

Violations resulting in serious physical injury, or physical injury resulting from the use of a deadly weapon or dangerous instrument, shall be considered offenses of sufficient gravity to warrant immediate suspension of a student prior to a hearing as outlined in the section titled “Interim Suspension” of the Administration of the Student Code of Conduct. When the College is notified of student misconduct in regards to disorderly/disruptive conduct or acts of violence off campus, it may also choose to hold the student accountable through the campus disciplinary process.

L1) Assault:

Assault, physical abuse, causing physical injury or bodily harm, or other forms of physical contact which threaten or endanger the health, well-being, or safety of any person or which intentionally inflicts psychological or bodily harm upon any person (“any person” as used in this section may include one’s self) are prohibited.

List of Sanctions:

- Disciplinary Probation or
- Disciplinary Suspension or
- Disciplinary Expulsion

L2) Physical/Verbal Harassment:

Verbal abuse, threats, physical harassment, intimidation, stalking, coercion (whether written or oral) and/or physical conduct which threatens or endangers the health, well-being, or safety of any person that intentionally inflicts psychological or bodily harm upon any person is prohibited.

List of Sanctions:

- Disciplinary Probation or
- Disciplinary Suspension or
- Disciplinary Expulsion



SECTION TWELVE– THEFT & POSSESSION OF STOLEN PROPERTY

M1) Theft:

Taking and/or stealing property other than one's own, or failing to return another's property is theft and is prohibited. Theft of services, use of another's student ID # is also prohibited.

Range of Sanctions: Disciplinary Warning to Disciplinary Expulsion

M2) Possession of Stolen Property:

Possession of property (considered here as stolen) is prohibited. This may include but may not be limited to the possession of municipal road signs, traffic cones, construction lights, construction signs, street signs; theft of College equipment (including residence hall furniture or lounge and common area furniture on campus) or campus services (residential room use, cable, laundry, food, meals, vending machines, computer, software, telephone service); tampering with College equipment; possession or use of another person's room key; and removal of College furniture and equipment without written authorization from the College; and any behavior that constitutes a violation of theft or possession of stolen property under federal or State laws.

Range of Sanctions: Disciplinary Warning to Disciplinary Expulsion

Information:

Students can be charged with a violation of this regulation as a result of being in possession of stolen property and not having a traceable bill of sale of the item purchased. Students need to be careful when purchasing an item from a person not known to them, as they may be selling stolen property. If another person sells an item to you, you need to get their name, address, and phone number when you accept the purchase. Students charged with a violation of this regulation can also be charged criminally and be subject to court fines and possible incarceration.

SECTION THIRTEEN – MOTOR VEHICLES AND MOTORCYCLES

Philosophy and Rationale:

Motor vehicles and motorcycles operated and/or parked on the campus are subject to campus regulations as well as local, state, and federal laws. Rules affecting the operation and parking of vehicles are described in the Parking Procedures handout.

N1) Operation of Prohibited Vehicle(s):

Snowmobiles and all-terrain vehicles may not be operated on College-owned areas unless otherwise authorized by an appropriate College official.

Range of Sanctions: Disciplinary Warning to Disciplinary Probation

N2) Operation of Motor Vehicle in Unauthorized Location:

All motor vehicles, motorcycles, mopeds, or other fuel-powered engines – as assembled or disassembled – may not be operated in the College residence hall/facilities unless otherwise authorized by an appropriate College official.

Range of Sanctions: Disciplinary Warning to Disciplinary Probation



SECTION FOURTEEN – THE CONDUCT OF CLUBS, TEAMS AND ORGANIZATIONS

Philosophy and Rationale:

Student clubs, teams and organizations will be subject to disciplinary action for violating any section of the Student Code of Conduct. Clubs, teams and organizations are responsible at their events for any conduct which is in violation of any local, state, or federal law.

O1) Prohibited Conduct Under New York Code of Rules and Regulations 535.3:

Any club, team or organization engaging in the following conduct prohibited under the New York Code of Rules and Regulations 535.3 will be subject to disciplinary action. Restitution may be assessed in appropriate situations in addition to disciplinary action.

Range of Sanctions (organization): Disciplinary Warning to Disciplinary Suspension

SECTION FIFTEEN – HAZING REGULATIONS

P1) Hazing:

Any club, team or organization, individual, or agency not acting in accordance with North Country Community College's hazing regulations and the NYS Penal Code will be subject to disciplinary action.

Range of Sanctions (individuals): Disciplinary Probation to Disciplinary Expulsion

Range of Sanctions (organization): Disciplinary Suspension to Disciplinary Expulsion

Information:

Clubs, Teams and Organizations which operate upon the campus or the property of North Country Community College used for educational purposes or any recognized clubs, teams or organizations operating off campus, shall be prohibited from taking any action, creating or participating in the creation of any situation which recklessly or intentionally endangers the mental or physical health of any person, or which involves the forced consumption of alcoholic beverages or drugs by a person for the purpose of initiation into or affiliation with any organization. Any club, team or organization which permits the prohibited conduct described shall be subject to the permanent rescission of permission to operate upon the campus or upon the property of the institution used for educational purposes; or, in the alternative, a period of suspension of said permission to operate; or probationary status with supervised conditions of operation. The penalty provided in the subdivision shall be in addition to any penalty which may be imposed pursuant to the Penal Law and any other provision of law, or to any penalty to which an individual may be subject pursuant to 8 NYCRR 535.

North Country Community College also enforces local, state, and federal laws, specifically including, but not limited to, NYS Penal Law, NYS Education Law, and New York Code Rules and Regulations (NYCRR).

Under the Penal Law, a person can be found guilty of hazing in the first degree (a Class A misdemeanor) if the person is found to be "intentionally or recklessly engaging in conduct which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury" (Penal Law, 120.16). An offense designated as hazing in the second degree (a violation) incorporates a nearly identical definition except that no actual injury to any person need be proved (Penal Law, 120.17). A conviction of this offense can carry up to 15 days in jail, a monetary fine, and community service obligations.



Section Sixteen – Computer Misuse and Fraud

Q1) Computer misuse and fraud are prohibited by the College:

Violations include but may not be limited to obtaining access to the College computers, software, or terminals without proper authorization from the College; obtaining from or giving a password to another person; or deleting, damaging, altering, or causing destruction to College computer equipment, software, or data without proper authorization from the College. Making unauthorized copies or downloading/uploading copyrighted materials (e.g., software, music, and movies).

Range of Sanctions: Disciplinary Warning to Disciplinary Expulsion

Information:

College computing accounts are for educational purposes only. Hacking is illegal and prohibited. Downloading or uploading copyright-protected materials without authorization of the copyright owner is a violation of federal law and this policy. For more information, refer to the Responsible Use of Electronic Communications in the Catalog or contact the Help Desk (helpdesk@nccc.edu).



THE ADMINISTRATION OF THE CODE

Range of Sanctions and Special Conditions for Students Accused of Violating College Regulations

An important objective of the college Judicial System is that of education of all participants through the judicial process. Sanctions and special conditions such as suspension, probation, and community restitution are not regarded as punishments or controls but rather as educational devices to assist the student in attaining the maturity required to live in society. Suspension may be one way of telling the student that he/she is not yet ready for the living environment and/or education the College offers. The awareness itself may be a significant step in educating the student in question.

These conditions will vary with each case and may result in restriction from participating in intercollegiate athletics, co-curricular and residential life activities, or involve requirements not academically restrictive in nature and which are intended to be educational in nature. A student may be required to participate in a mentoring and/or counseling relationship as designated by the appropriate hearing body.

The imposition of sanctions and special conditions is based upon the severity of the behavior exhibited by the student and subsequent review of any past disciplinary actions and their outcomes with the student. Repeated offenses are clearly looked upon less favorably by hearing bodies and can lead to more severe sanctions including suspension or expulsion from the College. It is incumbent upon students to learn how to make decisions that will increase their compliance with the College's community standards and reduce the likelihood of a repeat offense.

Repeat Offenses: Students who are found responsible for a code violation and receive a sanction must make every effort to insure they do not have a repeat offense. It is the College policy that a student currently on a sanction cannot receive a lesser sanction for a second offense and that the minimum for a second offense is an extension of the current sanction. This extension can only be extended to the student once while on a sanction. If the student has a third offense while on an extended sanction, the next highest sanction is the minimum sanction that can be imposed by the hearing officer/panel.



Types of Sanctions

All disciplinary status levels listed below are subject to special conditions (specific restrictions and/or extra requirements) as deemed appropriate by the hearing body.

1. **Disciplinary Warning:** A Disciplinary Warning is an official notification to the student that his or her behavior has been unacceptable. Any additional misconduct may result in further disciplinary action. Disciplinary Warning is for a specific period of time not to exceed one calendar year during which further violations of College regulations will result in more serious sanctions.
2. **Disciplinary Probation:** Probation indicates to a student that his or her behavior has resulted in a sanction close to disciplinary suspension. It is imposed for a definitive period of time. Disciplinary Probation may be imposed up to a maximum period of 18 months per each offense. Any further misconduct on the student's part when on probation may result in his or her suspension from the College.
3. **Disciplinary Suspension:** Suspension prohibits the student from attending North Country Community College and from being present without permission from the Dean of Admissions (or designee) on College property, North Country Community College Association property including the residence halls and third-party affiliated housing for the duration of the sanction, which shall not exceed the current semester and up to one full academic year following its effective date. Any person in violation of this provision will be subject to arrest, possible fine, and/or incarceration for criminal trespass (sections 140.10 and 140.15 of the NYS Penal Law). If required by the sanction, students who have been suspended must petition for re-enrollment through the Dean of Student Life or designee. Additional conditions for readmission may be specified.

A decision of suspension terminates the person's status as an enrolled student and prohibits the student from attending classes. Persons who reside on campus shall remove their belongings from their place of residence within 24 hours of notice that the penalty of suspension has been rendered. Reinstatement of conditions for reinstatement, if any, shall depend upon an evaluation by the Dean of Student Life or designee following application for reinstatement by the student. Students who are suspended from the College will not receive any credit for the classes enrolled in at the time of the infraction and residential students are also responsible for full payment of all fees (room, board, college fees) and will not be eligible for any reimbursement.

4. **Disciplinary Expulsion:** Expulsion prohibits the student from attending North Country Community College and from being present without permission from the Dean of Admissions (or designee) on the property. The student will also be restricted from accessing North Country Community College Association properties including the residence halls and any third-party affiliated housing. Any person violating this provision will be subject to arrest, possible fine, and/or incarceration for trespassing. Expulsion will be noted on the student's permanent education record.

A decision of expulsion terminates the person's status as an enrolled student with no opportunity for reinstatement. An expelled student may not enter onto any part of the campus without specific authorization from the Dean of Student Life. Persons who reside on campus shall remove their belongings from their place of residence within 24 hours of notice that the penalty of expulsion has been rendered. Students who are expelled from the College will not receive any credit for the classes enrolled in at the time of the infraction and residential students are also responsible for full payment of all fees (room, board, college fees) and will not be eligible for any reimbursement.

Please note: A record of disciplinary sanctions may impact a student's ability to be a resident assistant, student government officer, orientation leader, judicial board member, etc. Such a record must be reported on school applications, state bar examiner reports, medical school applications, some graduate school forms, some college transfer forms, and in some instances, job applications particularly for federal or state positions.



Special Conditions

Special conditions are the method in which a hearing officer or hearing panel is able to individualize a student's disciplinary outcome. Special conditions are imposed if it is believed they can help in the growth and development of a student, protect the student or the community, or help to make the community whole.

It is the student's responsibility to provide the hearing officer with documentation that he/she has complied with the special condition. Examples include copies of an apology letter, a note signed by the supervisor that a community service project has been completed, and a written release from a licensed counselor that an alcohol assessment or other assessment has been completed.

13. **Administrative Relocation:** Requirement to relocate to another room within the residence hall system on a space-available basis.
14. **Community Restitution:** The philosophy of community restitution is based on the premise that if you are found in violation of community standards, you have taken something away from the community of North Country Community College. Therefore, it is the College's expectation that students assume responsibility for their behavior and restore something back to the on- or off-campus community. Community restitution may take the form of a service project or financial responsibility which provides the student with the opportunity to reflect upon his/her decision making, the consequences involved with those decisions, as well as the ability to contribute to the community in a positive way. Many of these activities are coordinated through the Student Life Office.
15. **Counseling Assessment:** A student may be required to complete a comprehensive substance abuse assessment and/or treatment program and/or a psychological/psychiatric assessment.
16. **Educational Project:** Completion of a project specifically designed to help the student understand why the violation was inappropriate. This may take the form of mandatory participation in an alcohol or drug education program.
17. **Housing Prohibition:** Permanent separation of the student from the residence halls. A person denied campus residency is prohibited from accessing North Country Community College Association residence halls and property. Any person violating this provision can be subject to arrest, possible fine, and/or incarceration for trespassing.
18. **Loss of Privileges:** Denial of specified privileges for a defined period of time (e.g., guests, computer, housing selection, residence hall visitation, operating a motor vehicle on campus, possessing/using sound amplifying equipment in residence, serving as an officer of any recognized student organization (which include sports, intramurals, clubs), dining services, representing the College, co-curricular activities, work study, participating in graduation ceremonies, etc.).
19. **No Contact:** A no contact is a condition imposed in instances where it is determined that a student poses a potential threat to another. This condition, specific to a person and/or location, would prohibit the subject of the condition from having any further direct or indirect contact, including text, e-mail, mail, telephone, social media, etc., with the offended individual. In addition, such a condition prohibits contact by third-parties on their behalf. A no contact condition may be imposed summarily (i.e., prior to a hearing or as a result of a hearing). Violation of a no contact condition could result in more serious disciplinary action.
20. **Parental/Guardian/Administrative Notification:** The proper college authorities shall be notified of any sanction. In addition, when students are found responsible for the use, possession, and/or distribution of alcohol and/or illegal substances, the College reserves the right to notify students' parents/guardians.
21. **Restitution:** Compensation for loss, damage, or injury. This may take the form of monetary (financial restitution) and/or material replacement.
22. **Residency Probation:** Official reprimand/notice to the student that his/her housing status is in jeopardy for a defined period of time. Future violations of may subject the student to Revocation of Housing Contract or Housing Prohibition.
23. **Revocation of Housing Contract:** Revocation of housing contract is for a defined period of time, after which the student is eligible to return. A person denied campus residency is prohibited from entering any residence hall. Any person violating this provision will be subject to arrest, possible fine, and/or incarceration for trespassing. Additional conditions for readmission may be specified.



24. **Delayed Suspension:** A special condition for a student on disciplinary probation that informs the student that another violation of the student code of conduct regardless of the severity of the violation will result in a minimum sanction of Suspension. Other special conditions may be imposed in addition to those listed above if the hearing officer believes they may aid in the growth or development of the student, protect the student or the community, or help to make the community or individual members whole.

Permanent Notation on the Transcript

For lesser violations of the Student Code of Conduct where the student has been suspended, the College will temporarily note the sanction of “conduct suspension” on the academic transcript for the duration of time that the student is suspended from classes. This disciplinary notation will be removed when the student returns to classes. If the student does not wish to return to the College, but would like the notation removed from his/her transcript, he/she may make a request in writing to the Dean of Admissions to have the notation removed. If the request is approved, the notation will not be removed until after the sanction of suspension has expired.

For serious violations of the Student Code of Conduct, especially hazing and conduct which is considered by the College as an act of violence (physical assault, sexual assault, drug sale, bias-related crimes), or leads to death or serious injury of another person, the sanction shall be permanently noted on the student transcript.

The College will permanently note “conduct dismissal” on the transcript for a student expelled from the College. There is no opportunity to remove the notation of expulsion. These notations on a transcript for student misconduct are imposed by the Dean of Student Life and are subsequently placed on the student’s record in the Registrar’s Office.

Ineligibility for Refunds

Whenever students are suspended or expelled from the College, they also are not eligible for any refund of tuition or fees (including but not limited to room, board, student activity fee, lab fees) for the semester he/she was enrolled.

Interim Suspensions

Pending a formal hearing, the Dean of Student Life (or designee) may suspend a student temporarily from the College immediately after an incident or upon a felony indictment of a student by a Grand Jury. The following procedure is observed:

- When the Dean of Student Life (or designee) judges the continued presence of a student would be dangerous, either to him/herself or others, the Dean of Student Life (or designee) will order an immediate investigation with any of the following staff (Campus Security, Campus and Student Life, and Academic Affairs).
- The Dean of Student Life (or designee) may suspend the student immediately upon receiving the outcome of the investigation, pending a judicial review/hearing, if there is reasonable cause to believe a violation has occurred and the student charged was the violator.
- The Dean of Student Life (or designee) will inform the student in writing, by personal delivery, or if this is not possible, by mail to the student’s usual place of residence or to a place where the student is currently being held, observed, or assisted (e.g., police station, jail, emergency room, medical facility, etc.). The letter will also be sent electronically to the student’s college email account.

The notice of interim suspension will include charges specifying the violation(s). The matter will then be referred to the student conduct officer in charge of disciplinary action. The student will be



contacted by the Student Life Office to discuss the disciplinary process. A student placed on an interim suspension status is not permitted to attend classes, submit coursework or take exams, reside in campus housing, be present on College property, or attend any College-sponsored event. Additionally, the student is restricted from accessing North Country Community College Association Residence Halls and College-administered housing in the community.

Failure to observe these restrictions may result in arrest for criminal trespass and/or additional disciplinary charges. When this administrative action is taken, a student is required to relinquish his/her room key(s), and any other College property in his/her possession. The College will not reimburse a student for any expenses incurred (e.g. hotel or food costs) during the interim suspension period.

There is no appeal to the Dean of Admissions' (or designee) decision of an interim suspension pending a hearing. A judicial review and/or disciplinary hearing will convene within a reasonable time considering the circumstances of each case including, but not limited to:

1. Time of academic year;
2. Availability of witnesses (especially any injured party);
3. Whether criminal charges are pending or an investigation is ongoing.



STUDENT CODE OF CONDUCT PROCEDURES

The Dean of Student Life has responsibility for all cases of non-academic misconduct. It is the responsibility of the Dean of Student Life to coordinate and evaluate the judicial process of the College. The Dean of Student Life is responsible for the daily administration of student violations of the student code of conduct.

1. Filing Written Complaints

All members of the campus community and others can report alleged violations of College regulations. They can do so by submitting an incident report form to the Dean of Student Life or for residential issues, the Associate Director of Residence Life and Housing. The Dean of Student Life can assist any College member in writing a complaint and preparing a case against another student. Incident Report Forms are available on the Student Portal, from residence hall staff and the Student Life Office.

2. Notification of Disciplinary Charges

Students charged with a violation of College regulations shall be notified via the students college email account and in writing of the charge(s) imposed (persons or offices lodging a specific complaint, the range of sanctions related to the charge(s) applicable, and the date and time scheduled for the initial conference). Students can be charged with a violation of College regulations while not enrolled in classes. Students academically dismissed or inactive must answer to the charge imposed prior to returning to the College as an enrolled student. An initial conference provides the student with an opportunity to discuss the procedures of a disciplinary hearing with the Dean of Student Life or designee. Decisions on whether a student is considered responsible for violating a College regulation is determined in a disciplinary hearing (see Disciplinary Hearing Bodies in this section).

3. Initial Conference

The Dean of Student Life or designee shall schedule an initial conference with the accused and shall notify the accused in writing, of the time, date, and place of the meeting which shall be conducted within five (5) business days from the time of notification. This Initial Conference Letter will be electronically mailed to the official college email address, mailed to a student at either his/her on-campus address (residential students) or home mailing address (commuter students). At the initial conference, the student will review (and receive a copy, if a request is made to this effect) all written documentation that will be presented during an administrative hearing or a hearing with the Student Conduct Committee, ask question regarding the hearing process, and affirm or negate each charge imposed by the College. Initial conferences generally occur within seven (7) business days from the date of the incident. The student's rights in the disciplinary process, hearing formats, and the range of sanctions that pertain to the charges imposed will also be discussed at the initial conference.

If the student fails to appear at the initial conference, all charges can be considered true and accurate and appropriate administrative action shall be taken by the Dean of Student Life or designee.

At the initial conference, a student may elect one of the following courses of action:

1. To sign a statement accepting responsibility for violating a College regulation. For cases where there is a charge of a violation of a College regulation that falls under Level B (severe cases), the case is referred to the Student Conduct Committee. Otherwise, the case is then adjudicated administratively by the College official conducting the initial conference, who will take appropriate action including the possible imposition of a sanction and special condition(s). If the student wishes to demonstrate mitigating circumstances by producing relevant witnesses or evidence, a postponement of up to 48 hours can be requested.



2. To elect to not appear at the hearing, at which time a decision by the administrative hearing officer shall be made based upon the evidence and information presented at the hearing and appropriate administrative action shall be taken by the administrative hearing officer.
3. To deny the alleged violation(s), in which case the official conducting the initial conference shall assign the case to one of the following courses of action based upon the type of charges imposed:
 - a. To hear the case immediately with the official conducting the initial conference (for violations of regulations that fall under Level A). An administrative hearing would be conducted by the official. The official may, in appropriate cases, postpone a hearing in order to allow the accused to prepare a defense or to arrange for the complaint to appear. The official may assign, or the student may choose to have, the case heard by another administrative hearing officer.
 - b. To refer the case to the Student Conduct Committee (for violations of Level B regulations). If, however, the Student Conduct Committee cannot convene, the Dean of Student Life will arrange a hearing by an administrative officer. The Dean of Student Life may, in appropriate cases, grant additional time to the student charged to prepare for the hearing.

Rights of Students Accused of Violating College Regulations:

Students charged with one or more violations of College Regulations have a right to:

1. Receive a written statement of initial charges. If requested, students will be allowed to examine any written statements of evidence which the College plans to submit to the hearing body (written statements are normally reviewed at the initial conference).
2. Reasonable time to prepare for the hearing.
3. Be present at the hearing during the presentation of any matters on which a decision may be based.
4. Present an explanation of their situation/circumstances at the hearing and ask individuals to present information on their behalf. However, should students fail to appear at the scheduled time and place, the hearing will be held in their absence.
5. The right to be accompanied by another member of the College community (defined as a faculty or staff member of the College community) to serve as "adviser." An adviser is permitted to advise the student in the organization of their thoughts and presentation of materials and can advise the student directly in the hearing (Adviser may not address the hearing board or any other individuals prohibiting testimony and may not respond to any questions for the respondent. Advisers may be present at hearings only. Members of the press and attorneys are prohibited from serving as advisers during a sexual misconduct disciplinary hearing);
 - As noted below in the section titled Rights of the Respondent, in instances where the College has been informed that criminal charges have been filed against the respondent, the respondent may choose to have their attorney present for the sole purpose of advising their client whether or not to answer questions. In such a situation, the same courtesy will be extended to the complainant as well. Attorneys for either the respondent or complainant may not serve in any other capacity during the hearing including speaking on the behalf of their clients, or questioning/addressing those present.
6. Ask questions of the hearing board/officer and of any witnesses.
7. Present a summary statement at the close of the hearing.
8. A decision of the accuracy of charges by the Student Conduct Committee's hearing board or the administrative hearing officer is based solely upon the evidence and testimony presented at the hearing. If the charges are found to be true, a decision on a sanction can be based upon the hearing and other matters of record.
9. An expeditious hearing of the student's case.
10. A written report of the results and findings of the hearing within four (4) business days of the hearing.
11. Appeal the decision of the hearing board or administrative hearing officer.



Disciplinary Hearing Bodies:

Administrative Hearing: Administrative hearings are conducted by College staff designated by the College President. The primary hearing officer of the College for cases of alleged student misconduct is the Dean of Student Life though other hearing officers (such as the Associate Director of Residence Life & Housing) can be assigned to serve in a capacity associated with adjudicating student discipline. All administrative hearing officers are trained in the educational merits of disciplinary proceedings and the basic tenets of due process. Administrative hearing officers will review the charge against the accused student and the evidence presented to support the charge. All administrative hearings are closed to the public. No disciplinary action shall be taken unless it is established by a preponderance of evidence upon the record considered as a whole that the accused student has committed the charged offense. Findings and an explanation of decisions resulting from administrative hearings shall be rendered in writing within four (4) working days. Administrative hearing officers may impose sanctions ranging from disciplinary warning to expulsion.

Student Conduct Committee: This committee is responsible for hearing and considering violations of the Student Code of Conduct that are of a sufficiently serious nature that might lead to disciplinary suspension or expulsion from College and where the type of violation (**Level B Violations**) allows the case to be heard by the Committee. The role of the committee is to hear cases and make recommendations for disciplinary action, suspension, or expulsion to the Dean of Student Life. The Dean of Student Life will determine the action to be taken thereafter.

The Student Conduct Committee shall consist of one student and two employees. Selection to the Student Conduct Committee shall be made by the Dean of students being one year and the normal term of office for faculty/NTP members being three years. Terms may be staggered so that equal numbers of terms expire each year. All members of the Student Conduct Committee must complete a training session before they serve on a panel. In addition, the Dean of Student Life annually appoints one member of the committee to serve as chair of the Committee. The chair is an employee and shall preside over the hearing session. In some cases, it may be necessary to appoint an alternative hearing panel chair when the chair is not available. Alternate chairs must attend a training session. A three person hearing panel, consisting of one student and two employees will hear the case referred. In the event this composition cannot be met, the case will be heard administratively by the Dean of Student Life or designee. The Student Conduct Committee will not ordinarily meet during finals week, the summer, or during official College breaks. During these periods, the functions of the committee shall be carried out by administrative hearing officers. Hearings where a sanction of suspension or expulsion can be imposed shall be recorded by the chair of the hearing panel. The audio recording can be made available to the accused student if requested for the sole purpose of appealing a disciplinary decision. In these instances, the student will be allowed to listen to the recording with the Dean of Student Life or designee.

The Student Conduct Committee can hear cases where a sanction of suspension or expulsion is a possible outcome. Cases shall be referred to the Student Conduct Committee by the Dean of Student Life. Hearings shall be private (limited to the complainant, respondent, incident witnesses, hearing advisers, Dean of Student Life, members of the hearing panel) and are not open to the public. The only exception to this clause is when the College has been notified by law enforcement officials that criminal charges have been filed against the respondent. In these instances only the respondent may have an attorney present solely for the purpose of protecting the respondent against self-incrimination in a future court proceeding. The attorney may not serve in any other capacity during the hearing including speaking on behalf of the respondent or questioning/addressing those present. No disciplinary action shall be taken unless it is established by a preponderance of evidence upon the record considered as a whole that the accused student has committed the charged offense. The chairperson of the Committee shall file a report to the Dean of Admissions of each case heard before the Student Conduct Committee. These reports are to include a statement of charges, the plea, the decision of the committee, the evidence considered, and the reasons for the final action taken, if any. Decisions of the hearing panel are final, unless appealed by the accused. However, the hearing panel can only recommend to the Dean of Student Life that a sanction of suspension or expulsion be imposed. Appeals of decisions regarding suspension or expulsion are heard by the Dean of Admissions. Such appeals from a student must be made in writing within four (4) business days of receipt of the decision or the matter is considered as final.



The following table summarizes how cases are routed in the College’s disciplinary system.

It is important to note that when a student is facing multiple charges in an incident but one of the charges carries a maximum sanction of expulsion, the case is automatically referred to the Student Conduct Committee. Violations of sexual misconduct are heard by specialized panels of the Student Conduct Committee. (See Procedures for Hearing Cases of Sexual Misconduct for additional information.)

Regulation Section Title	Level B: Regulations Heard Only by Student Conduct Committee	Level A: Regulations Heard Only by Administrative Hearing Officers
Section 1: Alcohol	Providing Alcohol to Minors/Hosting	All other alcohol regulations
Section 2: Drugs	Drug Sale regulations	All other drug regulations
Section 3: Disorderly Conduct		All regulations
Section 4: Demonstrations & Public Gatherings		All regulations
Section 5: Sexual Misconduct & Bias-Related Harassment	All other sexual misconduct or bias-related harassment regulations	Sexual Harassment regulations
Section 6: Residence Life		All regulations
Section 7: Fire Safety	Tampering with Fire Equipment regulations	All other fire safety regulations
Section 8: Weapons	All regulations	
Section 9: Explosives & Fireworks	Arson regulations	*Explosives regulations
Section 10: Gambling		All regulations
Section 11: Physical Assault & Verbal Harassment	Assault regulations	Physical/Verbal Harassment regulations
Section 12: Theft		All regulations
Section 13: Motor Vehicles		All regulations
Section 14: Student Organizations		All regulations
Section 15: Hazing	Hazing regulations	
Section 16: Computer Misuse & Fraud		All regulations

*Note above - Administration of severe incidents: Individuals charged with these violations that have allegedly placed others in significant harm’s way (e.g., an individual provides alcohol to another where a level of significant alcohol intoxication occurs) will have this matter heard by the Student Conduct Committee.

Order of Business for Student Conduct Disciplinary Hearings:

Unless otherwise determined by the chair of the Hearing Panel or the administrative hearing officer, the hearing will generally follow the order described below.

- a) Members of the Hearing Panel introduce themselves and ask all present to do the same.
- b) The panel chair briefly reviews the hearing procedures as outlined here.
- c) The charges are read by the chair.
- d) The complainant may first present his/her testimony. Members of the Hearing Panel may question the complainant at any point during this presentation. The respondent will have the opportunity to question the complainant after this testimony is finished. If the complainant does not present his/her testimony, or if the College is the complainant, administrative officer or Hearing Panel chair may read a summary of the alleged event(s).
- e) When the complainant has finished, the complainant's incident witnesses will each present testimony, with the Hearing Panel and the respondent permitted to ask questions as in step (d) above.
- f) When the complainant has produced the evidence he/she wishes to present, the respondent will be given the opportunity to present his/her testimony and incident witnesses' testimony as in (d) and (e) above. Again, both the Hearing Panel and the complainant will be permitted to question the respondent and his/her incident witnesses. Character witnesses are not permitted at any disciplinary hearing. Respondents may elect to submit written character references for the hearing panel/administrative officer to review as a part of their deliberations.
- g) When the respondent has produced the evidence he/she wishes to present, the Hearing Panel may ask further questions of either party or recall witnesses. The Hearing Panel may call brief recesses at any time to discuss the proceedings, and may ask further questions upon return from any such recess.
- h) The chair may also call witnesses, including expert witnesses from the College staff, to aid the Hearing Panel in its consideration of the case.
- i) When the Hearing Panel's questions have concluded, the chair should inform the respondent that a written decision will be sent to him/her. The hearing will then be adjourned. The members of the Panel will meet in executive session to deliberate and to render a decision.

Basis for Findings - Standard of Evidence:

The standard or basis for findings refers to the criterion or measure of proof that is used to assess if a student is responsible or not for violating Community Standards.

The basis for findings used during any judicial proceeding is a **preponderance of the evidence**. A preponderance of the evidence means that the hearing panel/officer found that a level of evidence presented led to more than a 50% finding that a student is in violation of a regulation of these Community Standards and thus responsible for a code violation. An easier way to think about this may be to consider the question, "Is it more likely than not that with the evidence and testimony presented that the student violated Community Standards?" If the answer is "Yes," the hearing officer/panel has achieved a preponderance of evidence.

Educational Session—Reporting Individuals and Witnesses:

Students who are deemed reporting individuals or witnesses for reporting individuals will not be charged or sanctioned for other student code of conduct violations. However, they may be required to complete educational sessions on a student code of conduct violation. For example, a witness will not be charged or sanctioned with alcohol intoxication but may be required to complete a substance abuse assessment and complete alcohol education sessions.

The College uses a preponderance of the evidence as a standard of evidence for student disciplinary hearings because it is the basis for findings that is the most conducive to the academic setting and the educational process found is disciplinary hearings.



Student Conduct Appeals Procedure:

Students may wish to appeal decisions of the Student Conduct Committee/administrative hearing officer. To initiate an appeal, the student must submit a written appeal within four (4) days of notification of the results of the hearing. The College can only accept appeals from the respondent. It cannot accept appeals from third parties (e.g., parents, faculty, staff, and friends). All appeals must be submitted in writing to the Student Life Office who will forward the written appeal to the appellate officer, the Dean of Admissions. The Dean of Admissions (or designee) will review all appeals where a sanction of suspension or expulsion was imposed, and appeals submitted for cases heard by the Dean of Student Life or the Student Conduct Committee. All other appeals by cases heard by other administrative hearing officers are heard by the Dean of Student Life. Students who have been sanctioned with suspension or expulsion may request to listen to the audio recording made during the hearing prior to their submission of an appeal letter.

An appeal must be in writing and its scope shall be limited to the following:

- a) **Question of Fact:** Students may appeal on "questions of fact" by introducing new evidence which would significantly affect the outcome of the case. Evidence that comes forward that was not known by the accused shall be considered new evidence. Evidence that was withheld by a student shall not constitute a question of fact, nor is it to be considered upon appeal.
- b) **Question of Procedure:** Appeals will be considered on the basis of "questions of procedure" by demonstrating that the procedural guidelines established in this document were breached and that such departure from established procedure significantly affected the outcome of the case.
- c) **Severity of Sanction:** Students may appeal the "severity of sanction" that has been imposed by presenting a statement explaining why they feel the penalty is too severe.

Appeals are considered for breach of procedures when the procedure in question directly affects the disciplinary decision rendered. For example, the time of notification of a disciplinary decision could result in a procedural breach but would have had no impact in how the decision was initially rendered by a panel. Thus, no grounds for appeal would be granted. However, if the hearing chair, per se, failed to allow the respondent or complainant to ask questions in the hearing related to the charges imposed, such action may constitute a procedural breach that eventually affected how the panel reached a decision. As a result, a respondent might assert that this type of procedural breach was grounds to submit an appeal.

All facts and evidence related to the case shall be reviewed by the **Dean of Admissions** or designee to determine whether just cause exists to overturn the Student Conduct Committee's recommendation/administrative hearing officer's decision. If just cause is demonstrated to exist, then the appellate officer may choose to rehear the case or modify the sanction and/or special conditions imposed. If no just cause is demonstrated to exist, the appellate officer shall notify the student in writing of why the appeal was denied. **This action shall be final and is not subject to further appeal.**



Procedures for Hearing Cases of Sexual Misconduct & Bias-Related Harassment:

A. Pre-Disciplinary Hearing Information & Procedures.

Off-Campus Complaints: North Country Community College takes judicial jurisdiction to the extent practical and possible, over all sexual misconduct cases as long as the person charged is a student, regardless of the enrollment status of the alleged victim.

The College will also take judicial jurisdiction to the extent practical and possible, over all sexual misconduct cases that occur off campus, if the person being charged and the alleged victim is a student and the impact of the assault is likely to have a substantial effect on the alleged victim's on-campus life and activities, or if the incident poses a threat or danger.

To the extent practical and possible, North Country Community College may also take judicial jurisdiction over students charged with off-campus sexual misconduct cases where the reporting individuals not a student. Complaints can also be brought against students when incidents take place during a period when the College is not in session (such as spring break). This policy does not include adjudicating incidents that occurred before the accused was matriculated or after the student has graduated. The College cannot hear complaints against students who have graduated.

B. Removing Respondent from Residential or Academic Environment

The College will remove a respondent from her/his living unit and/or academic setting, if requested by the complainant and the College finds it is reasonable to do so (space available, etc.). Although such an administrative action by the College may seem unfair to the respondent, it may be necessary action so that the College can protect the rights of the complainant and minimize any further interaction that may occur if left unaddressed. This decision is implemented by the Dean of Student Life or designee.

C. Interim Suspension – Removal from the College until Hearing

The College can also choose to invoke an interim suspension with alleged infractions of sexual misconduct and can be invoked when the College believes there is evidence that the respondent may pose a risk to the safety and well-being of others prior to the conclusion of disciplinary proceedings.

D. Rights of Reporting Individual and Respondent for Cases of Sexual Misconduct or Bias-Related Harassment

It is the goal of North Country Community College to ensure that the reporting individual (the victim or the non-victim reporting), and the student accused (respondent) of sexual misconduct or bias-related harassment have access to needed resources, services, and information. The College strives to offer a reasonable parity of resources, services, and information, to the extent possible, to all parties to the complaint, including, but not limited to, the following rights (next two pages):



Rights of Reporting Individual It is the goal of North Country Community College to ensure that students alleging sexual misconduct or bias-related harassment have access to needed resources, services, and information including:

- The right of the reporting individual to be treated with respect by College officials;
- The right not to be discouraged by the College officials from reporting a sexual misconduct or bias-related offense;
- The right to a College "No Contact" condition (for reporting individuals) against another student who has engaged in or threatens to engage in stalking, threatening, harassing, or other improper behavior that presents a danger to the welfare of the complaining student or others;
- The right to have complaints of sexual assault or bias-related harassment responded to quickly and with sensitivity by college personnel including campus security;
- The right to be informed of their options to notify proper law enforcement authorities, including local police, and the option to be assisted by community based sexual assault support services if the student so chooses. This also includes their right not to report, if this is the reporting individual's desire (in particular, when the reporting individual is the alleged victim);
- The right to be notified of available medical services, counseling, mental health in the community and support available through the Student Life Office;
- The right to notification of options for, and available assistance in, changing academic and living (campus residential) situations after an alleged sexual assault or bias-related harassment incident is reported, if requested by the reporting individual and if such changes are reasonably available (no disciplinary charges or completed investigation, College or criminal, need occur before this option is available);
- The right to be accompanied by another member of the College community (defined as a faculty or staff member of the College community) to serve as "adviser." An adviser is permitted to advise the student in the organization of their thoughts and presentation of materials and can advise the student directly in the hearing (Adviser may not address the hearing board or any other individuals prohibiting testimony and may not respond to any questions for the respondent. Advisers may be present at hearings only. Members of the press and attorneys are prohibited from serving as advisers during a sexual misconduct disciplinary hearing);
- As noted below in the section titled Rights of the Respondent, in instances where the College has been informed that criminal charges have been filed against the respondent, the respondent may choose to have their attorney present for the sole purpose of advising their client whether or not to answer questions. In such a situation, the same courtesy will be extended to the complainant as well. Attorneys for either the respondent or complainant may not serve in any other capacity during the hearing including speaking on the behalf of their clients, or questioning/addressing those present.
- The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process and is not conducted by individuals with a conflict of interest.
- The right to receive written or electronic notice of any meeting or hearing they are required to or are eligible to attend.
- The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.
- The right to exclude prior sexual history or past mental health history from admittance in college disciplinary stage that determines responsibility. Past sexual violence findings may be admissible in the discipline stage that determines sanction;
- The right to review all written statements regarding any discussion that will be presented following an initial conference (and prior to the disciplinary hearing);
- Ask questions of the hearing board and via the hearing board indirectly request responses from the complainant and any other witnesses present);
- The right to provide an impact statement to the disciplinary panel when the reporting individual is the victim of the alleged misconduct at the conclusion of the disciplinary hearing. The right to write an impact statement to the disciplinary panel prior to rendering a final disciplinary decision (which is sent to the Dean of Student life (or designee); In accordance with Victims Right to Know law, in cases of physical violence/harassment, and sexual assault the complainant/victim is provided with copies of the respondent's initial conference and disposition letters. In addition, in these cases the complainant/victim also has the right to attend the respondent's hearing;
- The right to receive a draft decision, in writing, of the hearing officer or panel's preliminary decision and provide comment (appeal), also in writing, within four (4) business days to the hearing panel before a final decision is rendered;
- The reporting individual does not have a right to appeal the final decision rendered by the disciplinary hearing panel.
- The right to choose whether to disclose or discuss the outcome of a conduct hearing.



Rights of the Respondent (Accused Student); Students charged with one or more violations of the sexual misconduct code have a right to:

- Be treated with respect by College officials;
- The right to be notified of available community medical services, counseling, mental health, or other student services related to an incident of sexual assault or bias-related harassment;
- The right to request assistance in changing one's academic and living (campus residential) situations after an alleged sexual misconduct or bias-related harassment incident if such changes are reasonably available (no disciplinary charges or investigation, College or criminal, need occur before this option is available);
- Receive a written statement of the specific charges. If requested, student will be allowed to examine any written statements of evidence that the College plans to submit to the hearing body (written statements are normally reviewed at the initial conference with a campus judicial hearing officer or the associate dean for judicial affairs);
- Reasonable time to prepare for the hearing;
- The right to review all written statements regarding any discussion that will be presented following an initial conference (prior to the disciplinary hearing) and recognize the College may need to redact names of other students and their personally identifiable information when copies of statements are shared with the respondent and others;
- Be present at the hearing during the presentation of any matters on which a decision may be based;
- Present an explanation of his/her situation/circumstances at the hearing and ask individuals to present information on his/her behalf. However, should the student fail to appear at scheduled time and place, the hearing will be held in his/her absence;
- Be accompanied by another member of the College community (defined as a faculty or staff member of the College community) to serve as "adviser." Adviser is permitted to advise the student charged in the organization of their thoughts and presentation of materials and can advise the student directly in the hearing. Adviser may not address the hearing board or any other individuals providing testimony and may not respond to any questions for the respondent. Advisers may be present at hearings only. Members of the press and attorneys are prohibited from serving as advisers;
- ✓ The only exception to this clause is when the College has been notified by law enforcement officials that criminal charges have been filed against the respondent. In these instances only the respondent may have an attorney present solely for the purpose of protecting the respondent against self-incrimination in a future court proceeding. The attorney may not serve in any other capacity during the hearing including speaking on behalf of the respondent or questioning/addressing those present.
- The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process and is not conducted by individuals with a conflict of interest. Conflict of interest is defined here as evident, the investigator and/or the hearing officer had a personal conflict of interest or personal stake in the incident under review.
- The right to receive written or electronic notice of any meeting or hearing they are required to or are eligible to attend.
- The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.
- Ask questions of the hearing board and via the hearing board indirectly request responses from the complainant and any other witnesses present;
- Reserve the right not to answer questions. No negative presumption will be presumed by the disciplinary hearing panel if any individual does not respond to a question;
- Present a summary-impact statement at the close of the hearing (also reserved for the complainant);
- The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the sanction(s).
- An expeditious hearing of the student's case;
- A written report of the preliminary results and findings of the hearing within four(4) business days of the hearing (unless the hearing panel requires additional days in rendering a decision);
- The right to appeal the final decision of the hearing panel or administrative hearing officer to the Dean of Student Life (or designee) and in accordance with the standards for appeal established in the Student Code of Conduct.
- The right to choose whether to disclose or discuss the outcome of a conduct hearing.



Flow Chart for Sexual Misconduct & Bias-Related Harassment Hearings

1. Reporting Individual Files Written Complaint with College
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2. College Conducts Investigation
(If additional information is needed)
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3. Initial Conference Occurs With Respondent (Reporting Individual Notified)
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4. Panel Chair Reviews all Written Statements and Rules on Relevancy
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5. Hearing Occurs
↓
6. Panel Drafts Decision – sent to Respondent and Reporting Individual
Reporting Individual provided with opportunity to respond to draft decision
↓
7. Panel Renders Final Decision – Informs Both Respondent and Reporting Individual
Respondent May Choose to Appeal to Dean of Admissions.

E. Size and Composition of Sexual Misconduct Panels

Sexual misconduct is a complex issue for disciplinary panels to hear. Panelists for sexual misconduct cases complete additional training provided by the Student Life Office before they can serve on a specialized panel for sexual misconduct. Sexual misconduct complaints are heard by employees who are appointed to the Student Conduct Committee and are selected by the Dean of Student Life to serve on sexual misconduct cases.

Sexual misconduct panels are chaired by a member of the committee selected by the Dean of Student Life (if no panelist can chair the hearing, the Dean of Student Life will chair as a non-voting member of the hearing panel). The three-person sexual misconduct panel will consist of the chair and two other members. All disciplinary hearings are closed to the public and are limited to College representatives on the hearing panel, the reporting individual (victim), the respondent, advisers and witnesses. The College does not allow character witnesses to attend any disciplinary hearings.

Respondents may wish to appeal decisions of the administrative hearing panel. To initiate an appeal, the student must submit a written request for an appeal to the Dean of Student Life within **four (4)** business days of notification of the results of the hearing.

F. Rendering Disciplinary Decisions Regarding Sexual Misconduct

Disciplinary panels for sexual misconduct will draft a preliminary decision and send it to the reporting individual and respondent for their review. At that time, the reporting individual may elect to provide a written impact statement on the draft decision before it is finalized by the panel. This statement must be submitted to the chair of the Panel within four (4) days of receipt of the draft decision. Thereafter, the panel will render a final decision. No disciplinary action shall be taken unless it is established by a preponderance of evidence upon the record considered as a whole that the accused student has committed the charged offense.



OTHER ADMINISTRATIVE ACTIONS

A. Interim Suspensions and Involuntary Withdrawals

Students whose needs are beyond the resources of support services available through the college will be referred to off-campus facilities whenever possible. However, students who cannot adequately be helped by the available services and whose behavior renders them unable to function in the college without harming themselves, others, or disrupting the College community, and/or if the students' behavior is considered detrimental to themselves or others in the residence hall or classroom environment may result in being required to leave the College. When these situations arise, the Dean of Student Life (or designee) may immediately impose any of the following actions:

- interim suspend a student from attending all classes,
- impose a "no contact" condition between the complainant and accused
- ban the student from the campus,
- and/or deny campus residency to the student

The College will subsequently provide the student with due process and an opportunity for a hearing when an interim suspension is invoked. Any future action will be based upon the information presented and reviewed in a hearing coordinated by the Student Life Office.

B. Parental Notification Guidelines

- Whereas excessive, abusive, illegal, and/or repetitive use of alcohol and/or illegal substances is inconsistent with maintenance of the educational environment;
- Whereas illegal use and/or possession of alcohol or illegal substances generally represents violations of law and campus regulation;
- Whereas excessive, abusive, illegal, and/or repetitive use of alcohol and/or illegal substances threatens the wellbeing of individuals and property and tends to diminish students' opportunities for personal growth, intellectual development, and academic success; and
- Whereas students' parents or guardians are respected for their roles as partners with the College in supporting the students' personal and academic success;
- The Dean of Student Life (or designee) will follow these guidelines in determining whether or not to notify parents or guardians when students under the age of 21 are found to have committed serious or repeated violations of College policies related to the possession, use, or distribution of alcohol or illegal substances.
- The Dean of Student Life (or designee) will follow these guidelines in determining whether or not to notify parents or guardians:
 - The violation involves harm or threat of harm to persons or property;
 - The violation involves an arrest in which the student was taken into custody;
 - The violation results in or could result in the student's being suspended from the College and/or removed from the residence hall;
 - The student has shown a pattern of violation – even if they are minor. Two or more violations associated with illegal substances and/or alcohol use would be reasonable cause for notice;
 - The student who commits the violation(s) became physically ill or/or required medical intervention as a result of consumption of alcohol or illegal substances.
- Furthermore, nothing in these guidelines shall prevent College officials from notifying parents or guardians of health or safety emergencies regardless of the judicial status of the student.
- Nothing in these guidelines should preclude the College from notifying parents or guardians when students under the age of 21 are involved in a group activity off where the student is found to have violated College policy with respect to the use and/or consumption of alcohol or illegal substances.
- The Dean of Student Life may delegate the notification of parent/guardians to other College officials.
- Whenever possible, students will be informed that parental notification is planned in advance of their parents/guardians receiving the notice.



DISCIPLINARY RECORDS

A record of all actions by Administrative Hearing Officers and the Student Conduct Committee are to be compiled and transferred under confidential cover to the Student Life Office. Disciplinary records will be retained in the Student Life Office accordingly;

- a) Records of sanctions ranging from Disciplinary Warning to Disciplinary Probation will be kept for one year past the graduation date of the student (or if they do not graduate after one year of non-enrollment at the College).
- b) Records pertaining to suspension, I, interim suspensions, and involuntary withdrawals shall be retained permanently by the College.
- c) If a student discontinues enrollment but has disciplinary charges un-adjudicated, a hold will be placed against the student preventing re-enrollment at the college and a record of the charges/allegations will be kept on file until the pending disciplinary matter has been resolved.

Student disciplinary records will be confidential except to "authorized College personnel" engaged in authorized functions regarding the examination of records. Records of disciplinary proceedings shall remain in the custody of the College. Records may be released to an outside agency only through a signed release from the student or a court subpoena. The College will process any request for release of a disciplinary record that is consistent with the records management policy noted above.

For records under section (a) the College would respond that the student does not have a disciplinary record or history once the record is destroyed. If the student does not specify what part of the disciplinary record he/she wants released, the College can choose to provide a summary of the disciplinary record or the complete disciplinary record (charge letter, disciplinary decision, student's appeal (if one)). The College may also choose to redact portions of the record that provide personal identifiable information about other students or victims prior to release. In accordance with the Family Educational Rights and Privacy Act (FERPA) the College reserves the right to release a student's information to parents(s) if that student is claimed as a dependent by said parent(s).

"Authorized College personnel" shall be deemed to include College officials with responsibilities governing student conduct, judicial hearing board members, judicial appeal officers, administrative personnel responsible for maintain student records, members of the College community authorized under the "need to know" clause of the Family Educational Rights and Privacy Act, and any other official authorized in writing by the vice president for student affairs. "Need to know" officials are defined as College officials whose work is directly affected by information contained in the disciplinary record.

Students shall be notified in writing that their disciplinary records have been released to "need to know" parties. With the exception to the sanction of and suspension, sanctions do not appear on College transcripts. Students who are expelled, suspended, or separated from the college through involuntary withdrawal procedures will be prohibited from receiving clearance for readmission or reinstatement until the specific penalty or required remedial action has been carried out according to the student's notice of disciplinary or administrative action.

For more information concerning the contents of this document, contact the Student Life Office at the Saranac Lake campus.

**Approved by the Board of Trustees 3. 11.16
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