

# STUDENT CODE OF CONDUCT

## GUIDING PRINCIPLES

The Student Code of Conduct is a document designed to foster a community conducive to achieving the mission of North Country Community College (NCCC). The community standards set herein are designed to guide students regarding their academic, social, and personal conduct and apply to all students enrolled both in-person and online at NCCC, including all intercollegiate athletic teams and all recognized clubs & student organizations.

Responsibility for administration and enforcement of these College rules and regulations is charged to the Student Life Office (for student behavior) and the Office of Academic Affairs (for academic dishonesty).

North Country Community College is above all an institution of learning and teaching. As an institution of higher education we are committed to the following principles:

- We affirm the right of freedom of expression within our community and 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 ideas, 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 embrace and encourage the celebration of differences and affirm the rights of individuals guaranteed by state and federal laws and the U.S. Constitution. We reject all manifestations of discrimination or harassment on the basis of race, color, national origin, religion, creed, age, disability, self-identified sex, gender identity or expression, status of being transgender, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, carrier status, military or U.S. veteran status, domestic violence victim status, prior criminal conviction, socioeconomic status, or any other differences among people which have been excuses for misunderstandings, divisiveness, or hatred. When such rights are infringed upon by violence, threats, or unlawful harassment, the College will follow due process and use every necessary resource to decisively identify perpetrators for administrative action, civil action, and/or criminal prosecution.*

The opportunity to participate in this academic community requires adherence to a set of individual responsibilities, and ignorance of College regulations will not be accepted as a justification for conduct violations. By voluntarily choosing to affiliate with the College, students indicate knowledge and acceptance of the responsibilities outlined in the Student Code of Conduct.

## STANDARDS FOR THE CONDUCT OF STUDENTS

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

1. Federal, State and Local Laws - Civil or Criminal
2. Student Code of Conduct
3. Academic Integrity Policy
4. Classroom Misconduct Policy
5. Residence Life & Housing Policies
6. Published College Policies

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

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## STUDENT RIGHTS & RESPONSIBILITIES

**All student members of North Country Community College have certain *rights*.**

These include:

- The right to learn, which includes the right to express opinions, state agreement or disagreement with the opinions of others, and the right to an appropriate forum for the expression of opinion.
- The rights of an individual guaranteed by New York State laws and the U.S. Constitution including protections from discrimination or harassment on the basis of race, color, national origin, religion, creed, age, disability, sex-identified or perceived sex, gender identity or expression, status of being transgender, sexual orientation, familial status, pregnancy, predisposing generic characteristics or carrier status, military or U.S. veterans status, domestic violence victim status, or prior criminal conviction.
- The right of peaceful coexistence, including freedom from violence, force, threats, and abuse.
- The right to due process within the College disciplinary procedures
- The right to privacy.

**All student members of North Country Community College have certain *responsibilities* to the Institution and to its members.**

These include:

- The responsibility to respect the rights of others, including to refrain from conduct that violates or adversely affects the rights of other members of the NCCC community, including the conduct of guests who come to the College through a student's invitation comply with the rules and regulations of the College.
- The responsibility to cooperate with College officials in the performance of their duties, including to provide proper identification whenever requested to do so by a College official.
- The responsibility to respect the values and traditions of NCCC as an institution of higher education.
- The responsibility 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 to avoid causing disruption or expression of opinion that does not escalate into disruption.
- The responsibility for the compliance with state, federal, and municipal laws and regulations.
- The responsibility 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.



# SUNY STUDENT BILL OF RIGHTS



All students have the right to:

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

## Rights of Students Accused of Violating College Regulations (Respondent):

1. The right to receive a written statement of initial charges, and if requested, be allowed to examine any redacted written statements of evidence which the College plans to submit to the hearing body.
2. The right to an expeditious hearing of the student's case.
3. The right to reasonable time to prepare for the hearing.
4. The right to present their perspective and any relevant evidence at the hearing.
5. The right to ask individuals to present witness evidence/testimonials.
6. The right to an advisor employed by the College. Please note: An advisor is permitted to give advice to the student on the organization of their thoughts and planned presentation of materials before a hearing and can accompany/advise the student during the hearing, however, an advisor may not address the hearing board directly nor respond to any questions for the respondent.
  - a. In instances where the College has been informed that criminal charges have been filed against the respondent for sexual misconduct, the respondent may choose to have their attorney present for the sole purpose of advising their client whether or not to answer questions. The same courtesy will be extended to the reporting individual as well.
  - b. Attorneys for either the respondent or reporting individual may not serve in any other capacity during the hearing including speaking on the behalf of their clients, or questioning/addressing those present.
7. The right to ask questions of the hearing board/administrative hearing officer and of any witnesses.
8. The right to present a summary statement at the close of the hearing.
9. The right to be present during the presentation of any matters on which a disciplinary decision may be based.
10. The right to a decision by the Student Conduct Committee's hearing board or the administrative hearing officer based solely upon the evidence and testimony presented at the hearing.
  - a. If the charges are found to be true, a decision on a sanction can be based upon the hearing and other matters of record.
  - b. A decision letter ideally within 5 business days of the hearing.
11. The right to appeal the decision of the hearing board or administrative hearing officer.

# ADMINISTRATION OF THE CODE

An important learning objective of the College's conduct process is education of all participants. Sanctions and special conditions are educational tools used to assist students with personal growth. Status levels are based upon the severity of the student behavior exhibited and prior history of conduct at the College. Repeated offenses can lead to more severe sanctions including suspension or expulsion from the College. Each case is reviewed carefully and compassionately to determine the most equitable and appropriate outcome and as such outcomes may vary.

## JURISDICTION

All students are expected to comply with municipal/local, state, and federal laws, at locations where the College operates. This includes those unique to the St. Regis Mohawk Tribe at our Akwesasne site. 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 while the student is enrolled at NCCC will be processed as a violation of the Student Code of Conduct. 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. However, the Student Code of Conduct prescribes standards for the conduct of students both on and off the campuses. The College may also exercise its right to impose disciplinary charges on 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 (1) the College community or (2) the interests or mission of the College.

Off-Campus Complaints: North Country Community College takes disciplinary jurisdiction to the extent practical and possible, over all sexual misconduct and/or bias-related harassment cases as long as the person charged is a student, regardless of the enrollment status of the alleged victim. The College will also take disciplinary jurisdiction to the extent practical and possible, over all sexual misconduct and/or bias-related harassment cases that occur off campus, if the person being charged and the alleged victim is a student and the impact of the assault and/or harassment 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 disciplinary jurisdiction over students charged with off-campus sexual misconduct and/or bias-related harassment cases where the reporting individual is 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 guidance 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 but can offer supportive measures for the reporting individual.

College authorities shall expedite disciplinary proceedings, recognizing the advantage of a prompt hearing in the event of alleged infractions, while guaranteeing due process. College and civil jurisdictions are considered independent, thus both criminal and College disciplinary proceedings could result from the same violation. Civil or criminal action before or after College action shall in no way alter the College disciplinary proceedings or findings, nor provide any right to immunity from the College disciplinary jurisdiction.

## STANDARD OF EVIDENCE: PREPONDERANCE 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 conduct proceeding is a **preponderance of the evidence**.

A preponderance of the evidence means that the administrative hearing officer/hearing panel 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 administrative hearing officer/hearing panel has achieved a preponderance of evidence. 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 in disciplinary hearings.

## DISCIPLINARY ACTIONS AT NORTH COUNTRY COMMUNITY COLLEGE

All academic and disciplinary status levels listed are subject to special conditions (specific restrictions and/or extra requirements) as deemed appropriate by the College Official adjudicating the case. **Please Note:** A student's conduct records may impact their eligibility to be a Resident Assistant, student government officer, orientation leader, conduct board member, etc. College disciplinary records 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.

### NCCC DISCIPLINARY STATUSES

**Disciplinary Warning:** A Disciplinary Warning is an official notification to the student that his or her behavior has been unacceptable. Warnings are set for a specific period of time not to exceed one calendar year. Any additional misconduct may result in further disciplinary action.

**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 not to exceed a maximum period of 18 months per each offense. Any further misconduct on the student's part while on Probation may result in Suspension from the College.

**Disciplinary Suspension:** Suspension terminates a student's status as an enrolled student and prohibits the student from both attending North Country Community College and from being present without permission from the Dean of Student Life (or designee) on College property or North Country Community College Association property including the residence halls for the duration of the sanction, which shall not exceed the current semester and up to one full academic year following its effective date. Persons who reside on campus shall remove their belongings from their place of residence within 24 hours of notice of Suspension status. 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). 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 (Housing Contract, Meal Plan, and College fees) and will not be eligible for any reimbursement. See **INELIGIBILITY FOR REFUNDS** section of the Code for more information. If required by the sanction, students who have been suspended must petition for re-enrollment through the Vice President of Enrollment & Marketing (or designee) and Dean of Student Life. Additional conditions for readmission may be specified. Reinstatement or conditions for reinstatement, if any, shall depend upon an evaluation by both the Vice President of Enrollment & Marketing (or designee) and Dean of Student Life following application for reinstatement by the student. A Transcript Notation will appear on the student's record during the suspension timeframe. See **INTERIM SUSPENSION** if applicable.

**Disciplinary Expulsion:** Expulsion PERMANENTLY terminates a student's status as an enrolled student and prohibits the student from both attending North Country Community College and from being present without permission from the Dean of Student Life (or designee) on College property or North Country Community College Association property including the residence halls. Persons who reside on campus shall remove their belongings from their place of residence within 24 hours of notice of expulsion status. 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). 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 (Housing Contract, Meal Plan, and College fees) and will not be eligible for any reimbursement. See **INELIGIBILITY FOR REFUNDS** section of the Code for more information. There is no opportunity for reinstatement and a **Transcript Notation** will appear on the student's permanent record.

## TYPES OF SANCTIONS

Sanctions are used to individualize a student's disciplinary outcome. These expectations are imposed when it is believed they can help in the growth and development of a student's learning, protect the student or the community, or help restore community standards. The below list is not exhaustive of all possible sanctions and it is the student's responsibility to comply with the expectations of their sanctions.

1. **Academic Dishonesty Conditions:** A faculty member has a range of sanctions from a reduction in grade/failure of the assignment to a reduction in grade/failure of the course (This outcome can only be applied in cases of Academic Dishonesty.)
2. **Administrative Relocation:** The requirement to relocate to another room within the residence halls.
3. **Classroom Dismissal:** A faculty member may invoke immediate dismissal from the classroom. Following an administrative hearing, a faculty member or department chair may administratively withdraw a student from a course for the remainder of the semester, which includes forfeiture of tuition, fees, and other costs associated with enrollment in the course.
4. **Community Service:** Service projects are intended to provide students the opportunity to reflect upon wise choices and repair the impact of their actions on their community. Service projects must be pre-approved by the Administrative Hearing Officer and verification of specified service hours is required.
5. **Counseling Assessment:** A comprehensive substance abuse assessment and/or a psychological/psychiatric assessment with a licensed counselor. Student is required to provide documentation to verify the assessment was completed in accordance with the expected time frame and if a treatment plan was recommended. Details of the session may remain confidential. A signed release of information waiver will be needed from the College and the counseling provider in order to verify compliance.
6. **Deferred 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.
7. **Educational Project:** Completion of a project specifically designed to help the student understand why the violation was inappropriate (e.g. mandatory participation in a workshop or student activity). Educational projects must be pre-approved by the Administrative Hearing Officer and verification of completion is required.
8. **Housing 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 Loss of their Housing Contract.
9. **Loss of Housing Contract:** Separation of the student from the residence halls for a defined length of time (Housing Suspension), including the option for permanent ineligibility (Housing Expulsion). A student whose campus residency has been terminated is prohibited from accessing NCCC Association residence halls and its property, including as a guest of a resident, during the time defined. Any person violating this provision can be subject to arrest, possible fine, and/or incarceration for trespassing. Additional conditions for readmission for housing may be specified if applicable. Loss of a student's housing contract may be deferred for the next semester or academic year as deemed appropriate by the administrative hearing officer in consultation with the Executive Director of the NCCC, Association, Inc.
10. **Loss of Privileges:** Denial of specified privileges for a defined period of time (examples include but are not limited to loss of residence hall guest privileges, dining services/meal plan access, campus computer access, operating a motor vehicle on campus, serving as an officer of any recognized student organization (including collegiate sports, intramurals, student clubs), work study, participating in graduation ceremonies, etc.)
11. **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.
12. **Restitution:** Reimbursement by the student to cover the cost or damage, injury, or loss of property/services. This may take the form of monetary (financial restitution) and/or material replacement.

## 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 sanction 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 administrative hearing officer/hearing panel. Students with repeated academic or behavioral policy violations are at higher risk of suspension or expulsion.

## NCCC AMNESTY POLICY

The health and safety of every student at North Country Community College is of utmost importance. NCCC recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs, may be hesitant to report such incidents due to fear of potential consequences for their own conduct. NCCC strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to NCCC officials or law enforcement will not be subject to NCCC's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

## OTHER ADMINISTRATIVE ACTIONS AT NCCC

### 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 may be a threat to the health and safety, either to him/herself or others, the Dean of Student Life (or designee) will immediately conduct a threat assessment and launch a College investigation.
- The Dean of Student Life (or designee) may suspend the student immediately upon receiving the outcome of the threat assessment/investigation, pending a conduct review/hearing if there is reasonable cause to believe the alleged violator's presence on campus presents a continuing threat to the health and safety of the College community.
- The Dean of Student Life (or designee) will inform the student in writing via College email, as well as by personal delivery of a written letter, or if this is not possible, by U.S. postal 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 notification letter will always be sent electronically to the student's College email account.

The notice of interim suspension will include charges specifying the violation(s) and the name of the Administrative Hearing Officer in charge of hearing the case. A student placed on an interim suspension status is not permitted to attend classes in person or online, 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 as a resident or guest.

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 Student Life's (or designee) decision of an interim suspension pending a hearing, however a respondent has the right to be heard on the order and provide evidence to the Dean of Student Life that supports reasonable modification. A conduct 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.

## Involuntary Medical Leave of Absence

Students whose physical well-being or mental health needs are beyond the resources of the Student Life Department will be referred to off-campus facilities and service providers when possible. However, students who cannot complete or refuse to complete an assessment and/or accept recommended emotional and/or medical treatment and whose resulting behavior renders them unable to effectively function in the residential or College community (that is, without harming themselves or others or disrupting the College community) may be required to leave the College following the described procedure below:

1. As soon as possible, members of the College community shall report any behavioral concern regarding a student to the Dean of Student Life or Administrator on Call. An incident report will be used to formally document student behavior.
2. The Dean of Student Life (or designee) may require a mandatory psychological or emergency medical assessment of a student's condition when it is evident the student is unable to function in the College community without harming themselves or others and/or disrupting the educational mission of the institution.
3. When the written opinion of a licensed mental health professional or medical responder is that a treatment plan cannot support continued enrollment, and the student does not opt to voluntarily withdraw; the College can exercise its option to administratively withdraw the student and until such time the licensed mental health professional provides written verification that the student is ready to return to the College.
4. When the written opinion of a licensed mental health professional or medical responder is that a treatment plan can support continued enrollment, and the student does not complete the treatment plan as prescribed, and the student does not opt to voluntarily withdraw; the College can exercise its option to administratively withdraw the student and until such time the licensed mental health professional provides written verification that the student is ready to return to the College.
5. If the student completes the treatment plan as prescribed, they may remain enrolled or reapply; whichever is applicable based upon the treatment plan requirements.
6. When the Dean of Student Life or Administrator on Call receives notification under either (1), (2), or (3), described above, the Dean of Student Life (or designee) will review appropriate documentation and make a decision regarding the student's status. Failure for the student to attend a mandated assessment will result in an involuntary medical leave of absence without further process. If the Dean of Student Life determines that the student should leave the College, the Dean of Student Life (or designee) reserves the right to inform the student's parent, spouse, or other close relative.
7. Although a student's request for return will be assessed whenever requested by a student, involuntary medical leaves of absence are generally for a period of no less than the remainder of one semester. A student may apply for re-enrollment by contacting the Dean of Student Life for information on the re-



enrollment process. A temporary hold will be placed on a student's record at the time of withdrawal requiring administrative authorization before re-enrollment.

8. Financial liability for the remainder of the semester in which a student is administratively withdrawn will be reviewed by the Bursar on a case by case basis.

## No Contact Orders

The College can take the administrative action to impose a mutual no contact order in instances where it is determined that a student poses a potential threat to another. This condition, specific to person, time and place, would prohibit all individuals named from having any further direct or indirect contact, including text, e-mail, mail, telephone, social media, etc. In addition, such a condition prohibits contact by third-parties on their behalf. A no contact order may be imposed summarily (i.e. on an interim basis prior to a hearing or as a result of a hearing). Failure to comply with this administrative action could result in additional conduct violations. Both parties have the right to be heard on this order and provide evidence to request reasonable modification.

## Parental Notification Guidelines

At times the College may find that parental notification is necessary to ensure the safety of our students. The Dean of Student Life (or designee) will follow these guidelines, in accordance with the Family Educational Rights and Protection Act (FERPA), 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 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 violations – 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 conduct 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. More information about FERPA and parental notification can be found online at <https://www2.ed.gov/policy/gen/guid/fpco/brochures/parents.html>.

## 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.

## NCCC DISCIPLINARY RECORDS

A record of all actions by Administrative Hearing Officers and the Student Conduct Committee are collected and maintained by the Student Life Office. Records of disciplinary proceedings shall remain in the custody of the College and disciplinary records will be retained accordingly;

- a) Records of sanctions ranging from Disciplinary Warning to Disciplinary Probation will be kept for seven years.
- b) Records pertaining to suspension, interim suspensions, expulsions 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's account 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 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 described above 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, conduct committee hearing board members, the 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 Dean of Student Life. "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.

Students who are expelled, suspended, or separated from the College through involuntary withdrawal procedures will be prohibited from readmission or reinstatement until the specific required action has been carried out according to the student's notice of disciplinary or administrative action.

### Transcript Notations

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 Student Life (or designee) 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.

## NCCC STUDENT CODE OF CONDUCT PROCEDURES

It is the responsibility of the Dean of Student Life to coordinate and evaluate the conduct process of the College. The Dean of Student Life is responsible for the daily administration of student violations of the Student Code of Conduct. The Dean of Student Life has responsibility for all cases of non-academic misconduct. Procedure for cases of academic dishonesty are also outlined later in this Code; The Vice President of Academic Affairs (or designee) is responsible for the conduct process for all cases of academic dishonesty.

### 1. Filing Written Reports

Any member of the College community can report an alleged violation of College regulations. Reporting individuals can do so by submitting an **Incident Report Form** online on the College website at [www.nccc.edu/campus-safety](http://www.nccc.edu/campus-safety). Anonymous reporting is available.

### 2. Investigation

Upon receipt of a written report, the Dean of Student Life (or designee) will begin an investigation to collect testimony and evidence related to the incident or behavior documented. Investigation may continue after the initial conference and up until a decision is rendered.

### 3. Notification of Disciplinary Charges

Students charged with an alleged violation of College regulations shall be notified via the student's College email account of the charge(s) imposed and the date and time scheduled for their initial conference. Please note: 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 reenrolling.

### 4. Initial Conference

An initial conference provides the student with an opportunity to meet with an Administrative Hearing Officer to understand their rights, ask questions about the allegations, and review (and if requested receive a redacted copy of) all written documentation presented to an administrative hearing or hearing panel. The accused student will also have the opportunity to affirm or negate each charge imposed by the College and be provided an overview of the Code of Conduct procedures. Initial conferences generally occur within 5 business days from the date of the incident. Please note: If the student fails to appear at the initial conference, all charges can be considered true and accurate and appropriate administrative action may be taken by the Administrative Hearing Officer.

## HOW CASES ARE ROUTED IN THE COLLEGE DISCIPLINARY PROCESS

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

1. Accept responsibility for violating a College regulation in person. The case is then adjudicated administratively by the College Official conducting the initial conference who will take appropriate action including the possible imposition of sanctions.
2. Deny the alleged violation(s), in which case the College Official conducting the initial conference shall assign the case to one of the following courses of action based upon the type of charges imposed:
  - Hear the case immediately as Administrative Hearing Officer.
  - Postpone the administrative hearing in order to allow the accused/respondent to prepare a defense, to continue the investigation, or to reassign the case to an alternative Administrative Hearing Officer.
  - The College Official may assign, or the student may request, the case be heard by another Administrative Hearing Officer.
  - If a student believes their request for an alternative hearing officer is not being fairly considered, they may request the President's Office assign the case to a College Official.
  - Refer the case to a hearing panel, the Student Conduct Committee, for charges of sexual misconduct or bias-related harassment.
3. Elect not to appear at the initial conference, at which time the College Official may make a decision based upon the currently available evidence and impose appropriate administrative actions in absentia.

NOTE: Violations of sexual misconduct and bias-related harassment are heard by specialized hearing panels of the Student Conduct Committee. All other regulations are heard by Administrative Hearing Officers (i.e the Dean of Student Life or designee such as a Residence Life professional employee), or an empaneled Student Conduct Committee when warranted by the Dean of Student Life.

### NCCC STUDENT CODE OF CONDUCT PROCEDURES FOR SEXUAL MISCONDUCT & BIAS-RELATED HARASSMENT CASES

- Reporting Individual Files Written Complaint with College
- College Begins Investigation (investigation may continue after initial conferences are conducted)
- Initial Conference Occurs With Respondent (Reporting Individual Notified)
- Hearing Panel Chair Reviews All Written Statements and Rules on Relevancy
- Hearing Occurs
- Hearing Panel Drafts Decision – sent to Respondent and Reporting Individual Reporting Individual provided with opportunity to respond to draft decision
- Hearing Panel Renders Final Decision – Informs Both Respondent and Reporting Individual Respondent May Choose to Appeal to the Appeal Board.

**PLEASE NOTE: Students who wish to file an official TITLE IX grievance may do so by following the College's separate TITLE IX policy and procedures published at [www.nccc.edu/title-ix](http://www.nccc.edu/title-ix).**

# DISCIPLINARY HEARING BODIES

## Administrative Hearings/Administrative Hearing Officers:

- Administrative hearings are conducted by College Officials designated by the College President. Examples include but are not limited to the Dean of Student Life, Vice President of Academic Affairs, and Residence Life professionals.
- 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 shall be closed to the public.
- No disciplinary action shall be taken unless a preponderance of evidence is determined.
- Decisions resulting from administrative hearings shall be rendered in writing within 5 business days.
- Administrative hearing officers may impose sanctions ranging from disciplinary warning to expulsion.

## Hearing Panel/Student Conduct Committee:

- The hearing panel shall consist of three employees. A separate non-voting panel chair will be appointed by the Dean of Student Life per each case being heard by the hearing panel. In the event this composition cannot be met in a timely manner, the case shall be heard administratively by the Dean of Student Life (or designee).
- The role of the hearing panel is to hear cases and make decisions for disciplinary action (including up to suspension or expulsion).
- Selection to the Hearing Panel/Student Conduct Committee shall be made by the Dean of Student Life annually. All members of the Student Conduct Committee must complete required training before they serve on a hearing panel.
- All hearing panels shall be closed to the public and limited to the reporting individual, respondent, ADA accommodative personnel, incident witnesses, hearing advisors, Dean of Student Life, and members of the hearing panel.
  - 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.
- Audio recording of hearing panels is standard practice. If the respondent wishes to appeal the disciplinary decision of a hearing panel, the audio recording can be made available for the respondent to listen to with the Dean of Student Life (or designee). Absolutely no personal recordings of hearings are permitted.
- No disciplinary action shall be taken unless a preponderance of evidence is determined.
- The chairperson of the hearing panel shall file a report to the Dean of Student Life of each case heard. These reports are to include a statement of charges, the plea, the decision of the hearing panel, the evidence considered, and the reasons for the final action taken, if any. The Dean of Student Life will then communicate the outcome of the hearing to the respondent.
- Decisions of the hearing panel are final, unless appealed by the accused. See section on **APPEALS** for procedures.

## Order of Business for Student Conduct Disciplinary Hearings:

1. Begin official audiovisual/audio recording of hearing proceedings (no other electronic devices nor personal recordings of this private hearing are authorized.)
2. Members of the Hearing Panel introduce themselves and ask all present to do the same.
3. If anyone else is present in the room as an ADA accommodation to one or more parties, the chair will state the purpose of this presence for the record.
4. The panel chair briefly reviews the hearing procedures as outlined here.
5. The charges are read out loud by the chair.
6. The reporting individual may first present his/her testimony.
  - a. Members of the Hearing Panel may question the reporting individual at any point.
  - b. The respondent will have opportunity to question the reporting individual after their testimony is finished.
  - c. If the reporting individual does not present their testimony, or if the College is the complainant, administrative officer or Hearing Panel chair may read a summary of the alleged event(s).
7. When the reporting individual has finished, the reporting individual's incident witnesses will each present testimony, with the Hearing Panel and the respondent permitted to ask questions as in step 6 above.
8. When the reporting individual has produced all the evidence they wish to present, the respondent will be given the opportunity to present their testimony and incident witnesses' testimony as in steps 6 & 7 above. Again, both the Hearing Panel and the reporting individual will be permitted to question the respondent and incident witnesses.
9. Character witnesses are not permitted at any disciplinary hearing. Respondents may elect to submit written character references for the Hearing Panel/Administrative Hearing Officer to review as a part of their deliberations.
10. 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.
11. 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.
12. The chair may also call witnesses, including expert witnesses from the College staff, to aid the Hearing Panel in its consideration of the case.
13. When the Hearing Panel's questions have concluded, the chair should inform both the respondent and reporting individual that a written decision will be sent to both parties. The hearing will then be adjourned.
14. The members of the Hearing Panel will meet in executive session to deliberate and to render a decision.

## Pre-Disciplinary Hearing Information for Sexual Misconduct and Bias-Related Harassment Cases

- **Interim Suspension** - See page 8 for details.
- **No Contact Orders** – See page 10 for details.
- **Removing Respondent from Residential or Academic Environment**

The College can take administrative action to remove a respondent from her/his campus housing and/or modify academic schedules or access to academic services if requested by the reporting individual 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 reporting individual and minimize any future harassment or interaction that may occur if left unaddressed. This decision is implemented by the Dean of Student Life (or designee). Failure to comply with this administrative action could result in additional conduct violations. Both parties have the right to be heard on this order and provide evidence to request reasonable modification.

## Sexual Misconduct & Bias-Related Harassment Investigation Procedures

A College official who has been trained in sexual misconduct and bias-related harassment laws and regulations will conduct the investigation to determine the facts of the case as completely as possible.

- If the reporting individual who reports a sexual misconduct does not wish to participate in the investigation and adjudication process, the situation will be reviewed by the Dean of Student Life to determine if there is sufficient information to proceed with an investigation without reporting individual participation.
- If the respondent does not wish to participate in the investigation and adjudication process, the process will proceed without their contribution to the determination of the facts of the case. The respondent should note that the appeal process, based on appearance of new information not available to the hearing panel, does not apply in cases of deliberate omission of information by the respondent, including refusal by the respondent to participate in the investigation.

The investigator will take primary statements from the reporting individual and respondent, ask follow up questions, reach out to and collect statements from others who have evidence/information relevant to the question of violation of the code of conduct, and ask follow-up questions as needed. The reporting individual and respondent may each suggest questions to the investigator to be asked of others, and may also suggest others with which the investigator should speak. Final decisions about with whom to speak and what to ask will be made by the investigator. All of those contacted by the investigator will be required to maintain the privacy of the investigation. The investigator will also pull together any additional evidence available. The investigator may consult with the Title IX Coordinator if a grievance has also been filed in accordance with the Title IX policy. **PLEASE NOTE: Students who wish to file an official TITLE IX grievance may do so by following the College's separate TITLE IX policy and procedures published at [nccc.edu/title-ix](http://nccc.edu/title-ix).**

The investigator will produce a report of his/her findings, which will include a list of those interviewed and copies of any additional material referenced. The Dean of Student Life will ask for feedback and comment from both the reporting individual and respondent. The reporting individual and respondent each have 5 business days following the receipt of the report to write a response to it, if they so wish. Responses will be included with the final report. Upon completing or receiving the final report, the Dean of Student Life will review it to determine whether or not there is adequate information available to proceed to a conduct hearing. The Dean of Student Life may request that additional information be gathered in order to make an appropriate determination. Should a determination be made that the information gathered warrants a conduct hearing, the complete report, with participant responses, will be sent forward to the hearing panel for adjudication.

## Rendering Disciplinary Decisions Regarding Sexual Misconduct & Bias-Related Harassment

Hearing 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 hearing panel. This statement must be submitted to the chair of the hearing panel within 5 business days of receipt of the draft decision. Thereafter, the hearing 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.

## Rights of Reporting Individuals and Respondents

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 reasonable and equitable resources, services, and information, to the extent possible, to all parties to the complaint, including, but not limited to, the following rights:

### REPORTS & RESPONSE

- The right to be treated with respect by College officials; Not to be discouraged by College officials from reporting a sexual misconduct or bias-related offense;
- The right to have complaints responded to quickly and with sensitivity by College personnel;
- The right to be notified of available medical, counseling, and mental health services and support available
- The right to have a mutual "No Contact" condition
- The right to be informed of options to notify proper law enforcement authorities. This also includes their right not to report.
- 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 for either reporting individual or respondent);

### COMMUNICATION

- 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;
- The respondent has the right to 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 the Dean of Student Life; In accordance with Victims Right to Know law, in cases of physical violence/harassment, and sexual assault the reporting individual has the right to be provided with copies of the respondent's initial conference and disposition letters.
- The right to receive written or electronic notice of any meeting or hearing they are required to or are eligible to attend and be present at the hearing during the presentation of any matters on which a decision may be based;
- The right to receive a draft decision, in writing, of the hearing panel's preliminary decision and provide comment, also in writing, within 5 business days to the hearing panel before a final decision is rendered;
- The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the sanction(s).

### HEARING

- The right to reasonable time to prepare for the hearing;
- 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 "advisor." Advisor 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. Advisor may not address the hearing board or any other individuals providing testimony and may not respond to any questions for the respondent. Members of the press and attorneys are prohibited from serving as advisors; 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 reporting individual as well. Attorneys for either the respondent or reporting individual 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 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 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.
- 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;
- 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;
- Ask questions of the hearing board and via the hearing board indirectly request responses from the reporting individual and any other witnesses present);
- The right to present a summary-impact statement at the close of the hearing;
- The right to choose whether to disclose or discuss the outcome of a conduct hearing.
- The Respondent has 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 reporting individual does not have a right to appeal the final decision rendered by the disciplinary hearing panel.



# NCCC STUDENT CONDUCT APPEALS PROCEDURES

Any student found responsible for a violation of the Student Code of Conduct or Academic Integrity Policy has the right to request an appeal of the decision made by either the Administrative Hearing Officer or Student Conduct Hearing Panel. In cases of sexual misconduct or bias-related harassment, both parties have the right to request an appeal of the decision made by the Student Conduct Hearing Panel.

Students have 5 business days following the receipt of the written decision to indicate their intention to appeal. Requests for appeal, citing applicable reasons described below, shall be sent in writing to the Dean of Student Life (or designee) who will collate appeal materials and convene an appellate hearing panel comprised of three College employees unfamiliar with the original case and who are trained in due process and student adjudications.

The Appellate Hearing Panel will review all appeals where a sanction of suspension or expulsion was imposed as well as appeals submitted for cases originally heard by the Dean of Student Life, Vice President of Academic Affairs, or the Student Conduct Hearing Panel. All other appeals of cases heard by other administrative hearing officers are heard jointly by the Dean of Student Life with either the Executive Director of the NCCC Association or the Vice President of Academic Affairs.

The written intention to appeal must cite one or more of the following reasons for appeal:

- **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.
- **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.
- **Severity of Sanction:** Students may appeal the "severity of sanction" that has been imposed by presenting a statement explaining why they believe the penalty is too severe.

Once identified, an appellate hearing panel chair will initiate direct communication with the respondent within 5 business days and follow the below steps:

1. Request any new evidence or proof of a procedural lapse be subsequently submitted to the chair of the appellate hearing panel for review. Examples of new evidence may include documentation, photos, video surveillance, primary interviews, or written testimony.
2. Request a written impact statement from the respondent/accused and the reporting individual if applicable.
3. Schedule a meeting with the appellate hearing panel comprised of individuals unfamiliar with the original hearing.
4. The appellate board will review applicable statements, the recording of the original hearing, and any supplemental information gathered during the original hearing.

Appellate hearing panels have the option to (1) uphold the original decision and sanction, (2) institute a modified decision and/or sanction, or (3) request the case be reheard in its entirety. Option 3 will only be utilized in cases that demonstrate significant procedural lapses that impacted the decision-making of the original Student Conduct Hearing Board. The determination of responsibility made by the appellate hearing board is final and may only be overturned by the Office of the President. The appellate hearing panel chair will communicate the results of any appeal simultaneously and in writing to the respondent, the Administrative Hearing Officer, Dean of Student Life and/or the Vice President of Academic Affairs, and the President's Office. Copies of all judicial records will remain on file at the College for seven years.

## **COLLEGE REGULATIONS**

- **Section 1: Alcohol**
- **Section 2: Drugs**
- **Section 3: Computer Misuse & Fraud**
- **Section 4: Disorderly Conduct**
- **Section 5: Demonstrations & Public Gatherings**
- **Section 6: Gambling**
- **Section 7: Assault & Harassment**
- **Section 8: Sexual Misconduct & Bias-Related Harassment**
- **Section 9: Residence Life**
- **Section 10: Motor Vehicles & Motorcycles**
- **Section 11: Fire Safety**
- **Section 12: Dangerous Weapons & Theft**
- **Section 13: Student Clubs, Teams, & Organizations**
- **Appendix: Academic Integrity Policy**
- **Appendix: Classroom Misconduct Policy**

## SECTION ONE: ALCOHOL

### **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 disciplinary 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.

<p><b>A1) Alcohol Possession/Consumption:</b></p> <p>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.</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Suspension</p> <p>Information: The following itemizes types of alcohol possession violations of College policy, local, state, or federal laws:</p> <ul style="list-style-type: none"> <li>• 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. Possession or consumption of alcohol is not permitted on Student Government Association or College sponsored student trips.</li> <li>• 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.</li> <li>• Operating a motor vehicle under the influence of alcohol is prohibited.</li> <li>• The College denounces excessive consumption. Those who legally 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.</li> <li>• Promotions which encourage consumption of alcohol are prohibited.</li> </ul>	<p><b>A2) Providing Alcohol to Minors/Hosting:</b></p> <p>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, at a campus location or off-campus location, in their vehicle or at a College sponsored event will also be in violation of this regulation.</p> <p><u>Range of Sanctions:</u> Disciplinary Probation to Suspension</p> <p>Information:</p> <ul style="list-style-type: none"> <li>• Past violations have led to individual student arrests and campus disciplinary outcomes that have included denial of campus residency and suspension.</li> <li>• Violators of this regulation will receive a higher sanction than those found responsible for consumption/possession of alcohol as minors.</li> <li>• 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.</li> <li>• If an individual is harmed as the result of this behavior, the minimum sanction that a host may receive is disciplinary suspension.</li> </ul>
<p><b>A3) Alcohol Intoxication:</b></p> <p>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.</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Suspension</p> <p>Information:</p> <ul style="list-style-type: none"> <li>• Any student, regardless of age, may be charged with a violation of this regulation. Students can also be charged with for their conduct off campus.</li> <li>• Examples 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).</li> <li>• Past violations have resulted in disciplinary outcomes that include a mandatory substance abuse assessment, denial of campus residency, participation in-patient treatment programs while the student is suspended, and the possibility of arrest and prosecution under local, state, or federal laws.</li> </ul>	<p><b>A4) Alcohol Paraphernalia and Drinking Games:</b></p> <p>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.</p> <p><u>Range of Sanction:</u> Disciplinary Warning to Probation.</p> <p>Information:</p> <ul style="list-style-type: none"> <li>• 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</li> </ul>



## 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:	B2) Drug Sale:
<p>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.</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Suspension</p> <p>Information: The following list itemizes types of drug possession violations of College policy, local, state, or federal laws:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Use/possession of or being in the presence of un-prescribed drugs on or off campus is prohibited.</li> <li>• Drug paraphernalia (e.g., bong, pipes, hookahs, other smoking devices) is not permitted on campus.</li> <li>• Operating a motorized vehicle under the influence of a drug is prohibited.</li> </ul>	<p>The manufacture, distribution, sale, offer for sale of any illegal drug or un-prescribed drug, or unauthorized use of prescription drugs is prohibited.</p> <p><u>Range of Sanctions:</u> Disciplinary Suspension to Expulsion</p> <p>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.</p>

## SECTION THREE: COMPUTER MISUSE AND FRAUD

### C1) Computer misuse and fraud:

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 [College Catalog](#) or contact the Help Desk ([helpdesk@nccc.edu](mailto:helpdesk@nccc.edu)).

## SECTION FOUR: 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.

<b>D1) Psychological and Physical Self-Harm:</b>	<b>D2) Maintenance of Public Order:</b>
<p>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.</p> <p><u>Range of Sanctions:</u> Disciplinary Probation to Expulsion</p> <p>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).</p>	<p>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.</p> <p><u>Range of Sanctions:</u> Disciplinary Probation to Expulsion</p> <p>Information: (1) 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. (2) 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.</p>
<b>D3) Disruptive or Destructive Disorderly Conduct:</b>	<p>Information: (1) 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. (2) 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.</p>
<p>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.</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Suspension</p>	
<b>D4) Destruction of Property: Vandalism</b>	<b>D5) Tampering/Damaging College Equipment:</b>
<p>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.</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Expulsion</p>	<p>Tampering with or damaging telephones, computer equipment, software, cable, vending machines, laundry facilities, (or removal of) posters, advertisements, or signs on campus is prohibited.</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Suspension</p>

<p><b>D6) Littering:</b></p> <p>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.</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Probation</p>	<p><b>D7) Trespassing/Unauthorized Access:</b></p> <p>Forcible or unauthorized entry into any room, building, structure, or facility or unauthorized use of College grounds is prohibited.</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Expulsion</p>
<p><b>D8) Furnishing False Information/Fraud and Misrepresentation</b></p> <p>Furnishing false information to the College including, but not limited to, forgery, alteration, or misuse of, among other things, College documents or records. 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.</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Suspension</p>	<p><b>D9) Failure to Comply with Disciplinary Decisions or Administrative Actions:</b></p> <p>Failure to comply with any disciplinary special condition/sanction imposed by any Administrative Hearing Officer or Conduct Committee Hearing Board 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.</p> <p><u>Range of Sanctions:</u> Progressively Increasing Sanctions</p>
<p><b>D10) Failure to Comply with Official Requests:</b></p> <p>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.</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Suspension</p> <p>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 Resident Assistants, the supervisor of the residence halls (or designated professional on-call), facility managers, club advisors, faculty/staff, and administrative office personnel.</p>	<p><b>D11) Judicial System Disruption:</b></p> <p>Any act(s) by a person(s) that inhibits or disrupts the College conduct 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 conduct proceeding; (c) knowingly initiating a conduct proceeding without cause; or (d) attempting to discourage an individual's proper participation in, or use of, the conduct process.</p> <p><u>Range of Sanctions:</u> Disciplinary Probation to Expulsion</p> <p><b>D12) Identification:</b></p> <p>Not providing College or other proper identification upon request by an authorized College official is prohibited.</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Probation</p>
<p align="center"><b>D13) Smoking / E-Cigarettes</b></p>	
<p>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. Smoking is also prohibited within 25 feet of any entrance or ventilation access of any building on any College site or affiliated residential facility. The NCCC Association Residence Halls and surrounding property are 100% Tobacco-Free.</p>	<p><u>Range of Sanctions:</u> Disciplinary Warning to Probation</p> <p>Information: 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.</p>

## SECTION FIVE: 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.

<b>E1) Prohibiting Access and/or Egress:</b>	<b>E2) Demonstrations Must Allow Privacy:</b>
Prohibiting access and/or egress from buildings and campus paths, streets, and roads will not be permitted.  <u>Range of Sanctions:</u> Disciplinary Warning to Suspension	Demonstrations must allow privacy for student job seekers who wish to discuss their personal career plans with an interviewer.  <u>Range of Sanctions:</u> Disciplinary Warning to Probation
<b>E3) Disruption/Obstruction:</b>	<b>E4) Disturbing the Peace:</b>
Obstructing or interfering with College functions or any College-related activity is not permitted.  <u>Range of Sanctions:</u> Disciplinary Warning to Suspension	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.  <u>Range of Sanctions:</u> Disciplinary Warning to Expulsion

## SECTION SIX: GAMBLING

<b>F1) Gambling:</b>
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.  <u>Range of Sanctions:</u> Disciplinary Warning to Probation





## SECTION SEVEN: 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.

G1) Assault:	G2) Physical/Verbal Harassment:
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.	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.
<u>Range of Sanctions:</u> Disciplinary Probation or Disciplinary Suspension or Disciplinary Expulsion	<u>Range of Sanctions:</u> Disciplinary Probation or Disciplinary Suspension or Disciplinary Expulsion

## SECTION EIGHT: 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 reporting individual/complainant 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 hearing panel will render a decision based upon whether it is more likely than not that the prohibited conduct has occurred.

H1) Bias-Related Harassment:	
Any violation of the Code of Conduct motivated by a consideration (real or perceived) of race, color, national origin, religion, creed, age, disability, self-identified sex, gender identity or expression, status of being transgender, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, carrier status, military or U.S. veteran status, domestic violence victim status, prior criminal conviction, socioeconomic status, or any other differences among people which have been excuses for misunderstandings, divisiveness, or hatred is prohibited.	<p>Information:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• Bias-related harassment may be a single incident or occur over a period of time.</li> </ul>
<u>Range of Sanctions:</u> Disciplinary Probation to 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:

- 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.

**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 Title IX Officer located in the Office of Human Resources (518-891-2915, ext.1209) and/or the College Diversity Officer in the Student Life Office (518-891-2915 ext. 1205).
- 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.

**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 reporting individual (or anyone else) may not in themselves be taken to imply consent.

<p><b>H2) Nonconsensual Sexual Intercourse:</b></p> <p>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.</p> <p><u>Range of Sanctions:</u> Disciplinary Suspension or Disciplinary Expulsion</p> <p>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.</p> <p>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.</p>	<p><b>H3) Nonconsensual Sexual Contact:</b></p> <p>Engaging in a sexual contact (touching or disrobing or exposure) with any object, however slight, and by an individual without effective consent is prohibited.</p> <p><u>Range of Sanctions:</u> Disciplinary Probation or Disciplinary Suspension or Disciplinary Expulsion</p> <p>Information: Violators may also be subject to criminal charges and prosecution under local and state laws and civil action under federal law. In general, most reporting individuals involving nonconsensual sexual intercourse also include a charge of nonconsensual sexual contact and in many instances, a charge of sexual harassment.</p> <p><b>H4) Sexual Exploitation:</b></p> <p>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.</p> <p><u>Range of Sanctions:</u> Disciplinary Probation or Disciplinary Suspension or Disciplinary Expulsion</p> <p>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 tommery," 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.</p>
<p><b>H5) Sexual Harassment:</b></p> <p>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.</p> <p><u>Range of Sanctions:</u> Disciplinary Probation or Disciplinary Suspension or Disciplinary Expulsion</p> <p>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.</p> <p>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.</p>	



## SECTION NINE: RESIDENCE LIFE

The NCCC Association owns and operates campus housing on the Saranac Lake Campus. Adherence to the following regulations supports the safety and security of students residing in campus housing. Further explanation of these regulations and procedures associated with living on campus are published in the Resident Handbook.

<p><b>J1) Residence Hall Fire Code Capacities:</b></p> <p>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.</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Probation</p>	<p><b>J2) Electrical Appliances and Candles in the Residence Halls</b></p> <p>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 but are not limited to air fryers hot plates, toaster ovens or anything with an open or exposed heating element, amplifiers, or an excessive number of speakers, and air conditioners. Burning of candles and incense is also not permitted in the residence halls or elsewhere on campus.</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Probation</p> <p>Information:</p> <ul style="list-style-type: none"> <li>• Cooking is allowed in the kitchen in Saints Community Center at the Saranac Lake campus.</li> <li>• A burnt wick may be viewed as evidence that a candle was burned in violation of this regulation.</li> </ul>
<p><b>J3) Residence Hall Permanent Fixtures:</b></p> <p>Modification to any permanent fixtures in the residence halls is prohibited. Black light bulbs are not permitted in any permanent light fixtures.</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Probation</p>	
<p><b>J4) Residence Hall Windows:</b></p> <p>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.</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Probation</p>	
<p><b>J5) Prohibited Recreational Equipment in the Residence Halls:</b></p> <p>Activities such as, but not limited to, the use of hover boards, skateboards, roller blades, hockey equipment, and bicycles inside 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, basketball, and dart boards (other than magnetic).</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Probation</p>	<p><b>J6) No Pets in the Residence Halls:</b></p> <p>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).</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Probation</p>
<p><b>J7) Residence Hall Noise Disturbance:</b></p>	
<p>Disturbing the peace or creating a noise disturbance that includes but is not limited to quarreling, shouting in or outside of residential facilities in 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.</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Suspension</p>	<p>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.</p>

<p><b>J8) Responsibilities of Hosts:</b></p> <p>It is the responsibility of student hosts to abide by all rules and regulations set forth 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.</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Probation</p> <p>Information: The following list itemizes the specific responsibilities and liabilities of student hosts:</p> <ul style="list-style-type: none"> <li>• Details on the Visitation Policy and Procedures is located in the Resident Handbook.</li> <li>• Infringement of a roommate's personal rights and property is not permitted.</li> <li>• 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.</li> <li>• 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.</li> </ul>	<p><b>J9) Responsibilities of Visitor/Guests:</b></p> <p>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.</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Probation</p> <p>Information:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul>
<p><b>J10) Residence Hall Room Responsibility:</b></p> <p>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.</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Probation</p>	<p><b>J11) Residence Hall Access:</b></p> <p>Entering a residence hall during a period of limited access without showing proper identification is prohibited. 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.</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Probation</p>

## SECTION TEN: MOTOR VEHICLES AND MOTORCYCLES

**Philosophy and Rationale:**

Motor vehicles and motorcycles operated and/or parked on the campus or at the residence halls are subject to campus regulations as well as local, state, and federal laws. Rules affecting the operation and parking of vehicles are described at [www.nccc.edu/parking](http://www.nccc.edu/parking).

<p><b>K1) Operation of Prohibited Vehicle(s):</b></p> <p>Snowmobiles and all-terrain vehicles may not be operated on College-owned areas unless otherwise authorized by an appropriate College official.</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Probation</p>	<p><b>K2) Operation of Vehicle in Unauthorized Location:</b></p> <p>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.</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Probation</p>
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## SECTION ELEVEN: 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.

<p><b>L1) Fire Hazards:</b></p> <p>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.</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Expulsion</p>	<p><b>L2) Tampering with Fire Equipment:</b></p> <p>Tampering with fire alarms, extinguishers, pull stations, smoke/heat sensors, and any other safety devices on campus or in the residence halls is prohibited.</p> <p><u>Range of Sanctions:</u> Disciplinary Probation to Expulsion</p>
<p><b>L3) Interference with Emergency Operations:</b></p> <p>Interfering with emergency operations, such as police, fire, or ambulance personnel in the course of their official duties is prohibited.</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Suspension</p> <p>Information: Violation of this regulation is also a violation of the NYS Penal Law and may be criminally charged.</p>	<p><b>L4) Failure to Evacuate:</b></p> <p>Failure to comply with College requirements regarding evacuation of buildings during an alarm or fire drill is prohibited.</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Probation</p> <p>Denial of campus residency may be an appropriate special condition depending on the circumstances involved.</p>
<p><b>L5) Propping Fire Doors:</b></p> <p>The propping of any fire or exterior door without authorization (with any object including a fire extinguisher) is prohibited.</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Probation</p>	<p><b>L6) Possession of Explosives or Explosive Devices:</b></p> <p>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.</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Expulsion</p> <p>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.</p>
<p><b>L7) Arson:</b></p> <p>The deliberate setting of a fire on College property, Residence Halls 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.</p> <p><u>Range of Sanctions:</u> Disciplinary Suspension to Expulsion</p>	

## SECTION TWELVE: DANGEROUS WEAPONS & THEFT

<b>M1) Possession of Firearms, Ammunition, Knives, and Dangerous Weapons:</b>	<b>M2) Possession of Banned Paraphernalia:</b>
<p>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.</p> <p><u>Range of Sanctions:</u> Disciplinary Probation to Expulsion</p>	<p>The College 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.</p> <p>Offenders will be subject to campus disciplinary action and/or criminal prosecution and liable to civil prosecution.</p> <p>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.</p> <p><u>Range of Sanctions:</u> Disciplinary Probation to Suspension</p>
<b>M3) Theft:</b>	<b>M4) Possession of Stolen Property:</b>
<p>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.</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Expulsion</p>	<p>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.</p> <p><u>Range of Sanctions:</u> Disciplinary Warning to Disciplinary Expulsion</p> <p>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.</p>

## SECTION THIRTEEN: STUDENT CLUBS, TEAMS AND ORGANIZATIONS

### Philosophy and Rationale:

Student clubs, athletics teams and student 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.

N1) Prohibited Conduct Under New York Code of Rules and Regulations 535.3:	N2) Hazing:
<p>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.</p> <p>Restitution may be assessed in appropriate situations in addition to disciplinary action.</p> <p><u>Range of Sanctions (organization):</u> Disciplinary Warning to Suspension</p>	<p>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, 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.</p> <p><u>Range of Sanctions (individuals):</u> Disciplinary Probation to Expulsion</p> <p><u>Range of Sanctions (organization):</u> Disciplinary Suspension to Expulsion</p> <p>Information:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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).</li> <li>• 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.</li> </ul>

College Senate Endorsed 8.28.2020  
 President's Council Approved 9.4.2020  
 BOT approval 9.25.2020





## ACADEMIC INTEGRITY POLICY

Academic integrity is the commitment, even in the face of adversity, to the five values fundamental to the academic process: honesty, trust, fairness, respect, and responsibility (University of San Diego, 2000).

- **Honesty** involves ethical behavior and abstaining from deceit in all academic work.
- **Trust** involves having confidence in the integrity, ability, character, and truth of a student's work (assignment, paper, project, test, etc).
- **Fairness** involves all students having an equal chance at learning and participating in educational endeavors, and includes abiding by standards that are applied to everyone in an equitable manner.
- **Respect** involves courteous regard, and proper concern for the welfare of other students, instructors, and oneself.
- **Responsibility** involves taking charge of and being accountable for one's own honesty, reliability, trustworthiness, and integrity. Students are expected to maintain the highest standards of honesty and integrity in all academic matters.

Expected behaviors which illustrate honesty, trust, fairness, respect, and responsibility include, but are not limited to:

- Acknowledging indebtedness and providing proper credit when using another's ideas, discoveries, words, pictures, graphics, etc. (If unsure, seek guidance from instructors, librarians, or the LAC on how to acknowledge the contributions of others within one's writing.)
- Doing one's own work to receive an honest grade.
- Coming to an exam prepared and only using material and aids authorized by the instructor.
- Participating fully in group projects in which everyone receives a single grade for the work of the whole.
- Completing graded assignments and take-home tests without unauthorized collaboration.
- Reporting knowledge of intended cheating or actual witnessed cheating.

**Cheating, allowing others to cheat, plagiarizing, and lying are serious academic offenses that are subject to disciplinary action.**

*Lack of awareness or understanding of what constitutes academic dishonesty will not be excused. Students who are unsure of the expectations are advised to contact their instructor or advisor immediately for clarification.*

Example behaviors of academic dishonesty include, but are not limited to:

- Plagiarizing by claiming parts or entire works of another as one's own without providing proper credit. This includes downloading, buying, or having another write one's papers, reports, speeches, homework, etc.
- Plagiarizing by submitting a paper or assignment when someone else made extensive corrections or rewrote it without informing the instructor of the extent of that help.
- Self-Plagiarizing by submitting a paper written in an earlier course or using the same paper for two courses.
- Cheating by obtaining specific test content beforehand or by bringing information not preapproved by the instructor into the testing area.
- Cheating by getting answers from another or from a cell phone, the Internet, or other device not allowed by the instructor.
- Lying about attendance, missed exams, late papers, etc., to receive time extensions to study, hand in papers, receive credit for late work, etc., thereby asking for unfair advantage over fellow students.
- Lying and blaming others for one's own lack of effort, preparedness, and choices.
- Cheating by allowing another to copy answers or to use one's work as their own.
- Cheating by providing the answers or by doing the work for another on a graded assignment.
- Cheating by telling what is on a test to someone who should not have that information.
- Collaborating on a take-home test or assignment with others without permission from the instructor.
- Cheating by falsifying experimental data in a laboratory in order to get a better result or to feign an experiment that was not actually conducted.

Based on the University of San Diego. Center for Academic Integrity. (2000). Principles of Academic Integrity. Retrieved from: <http://ethics.sandiego.edu/eac/Summer2000/Reading/Principles.html>

## DISCIPLINARY PROCESS FOR ACADEMIC INTEGRITY VIOLATIONS

The administration of academic integrity violations differs from the Student Code of Conduct procedures in that the first Administrative Hearing is held with the Vice President of Academic Affairs (or designee).

Students found to be in violation of the academic integrity standards of the College are subject to a range of sanctions that may be imposed either by the faculty member or the appropriate College administrator. Those sanctions include:

- Formal Disciplinary Warning/repair.
- Failure of the test/assignment
- Failure of the course (which includes forfeiture of tuition, fees and other costs associated with the course).
- Formal Disciplinary Probation.

Additionally, the Vice President for Academic Affairs may impose another level of sanctions which can include Suspension/Expulsion from the College (which includes forfeiture of tuition, fees and other costs associated with the course). This is generally reserved for those students who have repeated violations of the academic integrity standards of the College.

### The Process

**Step 1:** The instructor will raise the concern quickly and directly with the student to determine if the action was knowing and intentional.

**Step 2:** The instructor will determine and implement the appropriate sanction for the offense and communicate those directly to the student. The instructor may consult with their Departmental Chair/Director to discuss appropriate sanctions.

**Step 3:** Regardless of sanctions determined, the instructor will file an academic incident report and copy the Departmental Chair/Director, the Vice President of Academic Affairs (VPAA) and the Dean of Student Life. The student will also receive a copy of that incident report.

**Step 4:**

### Failure of Exam/Assignment

If the instructor determines that the student *fails the exam or assignment*, the instructor will meet with the student *prior to* the next class period to discuss the incident, the sanction (i.e. failure of exam/assignment) and the behavioral expectations and guidelines the student must follow to remain in the course. At that time, the instructor is to offer the student the opportunity to accept or deny responsibility and explain the student's right to appeal. If disputing the charges, then the student would meet with the Vice President of Academic Affairs (or designee) for an Administrative Hearing. If the student fails to appear at this meeting, all charges will be considered true and accurate, and the student will be unable to return to the course until the meeting occurs.

### Failure of Course

If the instructor determines that actions of the student were egregious enough to warrant *failure of the course* and/or there are repeat offenses of the academic integrity expectations by the student in that class, the instructor may issue a failing grade (F) for the course and the student will be fully liable for any costs and unable to withdraw from the course. If not already completed, the instructor will file an incident report outlining the academic integrity violation(s) and the sanction, which is to be shared with the student and copy the Department Chair/Director, The Vice President for Academic Affairs, the Dean of Student Life and the Registrar's Office.

Before being issued a failing grade (F) for the course, the student is to meet with the instructor to discuss the charges against them, the reason for the failure, offer the student the opportunity to accept or deny responsibility and explain the student's right to appeal. If disputing the charges, then the student would meet with the Vice President of Academic Affairs (or designee) for an Administrative Hearing. If the student fails to appear at this meeting, all charges will be considered true and accurate and appropriate administrative action shall be taken by the Vice President of Academic Affairs (or designee).

**Step 5:** If the student receives two academic integrity reports, the Vice President for Academic Affairs (or designee) will arrange an appointment with the student to discuss possible sanctions as outlined above. If the student fails to appear at this meeting, all charges will be considered true and accurate and appropriate administrative action shall be taken by the Vice President of Academic Affairs (or designee).

### **Student Rights and the Appeals Process**

In addition to the rights afforded students under the Student Code of Conduct, the student accused of an academic integrity violation will receive a copy of the incident report filed by the instructor and has the right to request a hearing on the decision with the Vice President of Academic Affairs (or designee), ideally within 5 business days after request. Students are entitled to appeal that decision to the Vice President for Academic Affairs (or designee) and have up to 5 business days to appeal after receipt of the decision by the hearing officer. Their decision will be final and is not subject to further appeal.

Students who are *removed* from the course by the instructor due to an academic integrity violation have the right to a hearing with the Vice President of Academic Affairs (or designee), ideally within 5 business days after request. The student will not be allowed to attend the class during that time. Permanent removal will be determined after the hearing process and appeal process has been completed. Students are entitled to an appeal of that decision to the Vice President for Academic Affairs (or designee) and have up to 5 business days to appeal. Their decision will be final and is not subject to further appeal.

### **Suspension/Expulsion from the College:**

Students who are suspended or expelled from the College by the Vice President for Academic Affairs due to repeat academic integrity violations have the right to a hearing with the Dean of Student Life (or designee) ideally within 5 business days after request. The student will not be allowed to attend any classes during that time. *Permanent removal* from the College will be determined after the hearing process and the appeals process has been completed. Students are also entitled to appeal that decision in accordance with the Appeal Process outlined in the Student Code of Conduct and have up to four (4) business days to appeal. Their decision will be final and is not subject to further appeal. Should students be permanently removed from the College during a semester due to violation of the policy, they will be fully liable for all costs and unable to academically withdraw from courses.

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Approved by College Senate: May 14, 2018  
Approved by VPAA: August 10, 2018  
Approved by President:  
Approved by Board of Trustees

## **Academic/Classroom Misconduct Policy**

### **OVERVIEW**

In support of the College's mission to provide "*an exceptional learning and community building experience for all who seek it*" and in line with the College's values of *intellectual curiosity, mutual respect for diversity and individuality and accountability and integrity*, the College community embraces and holds ourselves and others to a set of behavioral expectations, both in and outside the classroom. This document addresses those as they apply to academic/classroom conduct.

In accordance with the *Preamble* of the *NCCC Student Code of Conduct*, the College is committed to the well-being of all members of the College community – students, faculty and staff alike. *The Student Code of Conduct* identifies and supports those actions which are "*appropriate, reasonable, and considerate conduct as a member of the College community.*" Furthermore, the 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 believe that all students have a right to learn and faculty have the right to teach. Freedom of speech and expression, cornerstones of our democracy, are protected unless they interfere with an instructor's ability to teach a course. To that end, we expect that all parties conduct themselves in a manner that does not interfere with this process. Behaviors perceived to be disruptive, disrespectful, offensive and/or threatening and which interfere with their fellow students' learning and/or a faculty member's teaching run counter to our values and will not be tolerated.

## **EXPECTATIONS AND PROCEDURES**

We trust that our students are committed to partnering with their faculty member(s) and fellow students to establish a positive and productive learning environment for the entire College community and expect that they will do so. There are times when students violate these standards, and in those cases there are a range of sanctions that may be imposed by the instructor or a College official. This misconduct is referenced in the Student Code of Conduct under 3.1b Maintenance of Public Order which defines academic misconduct as *"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."*

Listed below are examples of behaviors and/or situations that the College deems disruptive, disrespectful or inappropriate for the learning environment, including but not limited to classrooms, video classrooms, computer labs, online learning forums, and field trips. The list is not inclusive of all disruptive or inappropriate behavior:

- Continual tardiness
- Continual exiting from class
- Persistent side conversations
- Inappropriate monopolizing of class time or discussion
- Eating meals in class
- Bringing children to class (refer to "Children on Campus" policy)

Included in the expectations of appropriate academic conduct is the proper use of technology in a course/class. The following are deemed inappropriate use of technology in those settings:

- Texting or other electronic messaging during class
- Using electronic devices in a non-class related manner
- Allowing audible noises from electronic devices to disrupt the class

When a student's behavior violates these expectations and the incident rises to the level beyond an informal warning, an Incident Report is to be filed identifying the misconduct and the steps taken to correct it. These are formally addressed by College Officers and a redacted copy is shared with the student during their Initial Conference regarding their alleged behavior. The process and procedures for handling classroom misconduct are found below.

## **DISCIPLINARY PROCESS FOR ACADEMIC/CLASSROOM CONDUCT VIOLATIONS**

The following section outlines the disciplinary process for violations of the classroom conduct expectations and a student's rights to due process. These procedures and the administration of the code violation supplement those outlined in the NCCC Student Code of Conduct in both *Section 3 – Disorderly Conduct (pp 13-16)* and in the section on *Administration of the Code: "Range of Sanctions and Special Conditions for Students Accused of Violating College Regulations" (pp 34-38)*. The administration of classroom conduct violations differs from the Student Code of Conduct procedures in that the first Administrative Hearing is held with the Dean of Student Life (or designee).

Students found to be in violation of the classroom conduct standards of the College are subject to a range of sanctions that may be imposed either by the faculty member or the appropriate College administrator. Those sanctions include:

- Formal Disciplinary Warning/repair
- Dismissal from the class for the remainder of the period
- Removal from the class for the remainder of the semester (which includes forfeiture of tuition, fees and other costs associated with the course)
- Formal Disciplinary Probation

Additionally, the Vice President for Academic Affairs may impose another level of sanctions which can include Suspension/Expulsion from the College (which includes forfeiture of tuition, fees and other costs associated with the course).

This is generally reserved for those students who have repeated violations of the classroom conduct standards of the College.

## The Process

**Step 1:** The instructor will address the concern quickly and directly with the student to determine if the action was knowing and intentional. The instructor will also establish the behavioral expectations and guidelines the student must follow to remain in the class and communicate those to the student. At this point, the instructor is strongly encouraged to file an academic incident report documenting the student behavior and action taken by the instructor and copy the Department Chair/Director, the Vice President for Academic Affairs and the Dean of Student Life. The student will also receive a redacted copy of that incident report. Informal reprimands, which occur as part of classroom management, typically do not rise to the level of an "incident."

**Step 2:** In the event that the behavior is so egregious that it warrants dismissal from the class or where students who have received prior warnings and requests to cease the behavior yet continue to disrupt the classroom, the instructor may *remove the student for that class session* and follow-up with an incident report documenting the student behavior and action taken by the instructor and copy the Department Chair/Director, the Vice President for Academic Affairs and the Dean of Student Life. The student will receive a redacted copy of that incident report.

In the event that the student is unwilling to leave the class, the instructor should contact either the Administrator-on-Call or an available College official (Campus Coordinator, Student Life representative, Vice President for Academic Affairs) to assist with the removal of the student. In rare occasions where no administrator is present and there is a need to either protect students and/or the integrity of the lesson, the instructor may need to end the class early.

The instructor will require the student to meet with them prior to the next class period where the instructor discusses the incident and the behavioral expectations and guidelines the student must follow to remain in and return to the course. In the Code of Conduct, this is referred to as an "Initial Conference." At this time, the instructor is to offer the student the opportunity to accept or to deny responsibility for their behavior and to explain the student's right to dispute the charges. If disputing the charges, the student would next meet with the Dean of Student Life (or designee) for an Administrative Hearing, procedures for which are outlined in the Student Code of Conduct, page 39. If the student fails to appear at this meeting, all charges will be considered true and accurate, and the student will be unable to return to the course until the meeting occurs. It is within the instructor's rights to not allow for make-ups of missed classes and associated course work (i.e. assignments, exams) resulting from the student's decision not to meet with the instructor.

**Step 3:** In cases where the behavior is so egregious that it warrants *removal from the course* and/or a documented pattern of student misconduct has continued despite earlier interventions, the instructor may request that the student be *removed from the course*. The instructor may issue a failing grade (F) for the course and the student will be fully liable for any costs and unable to withdraw from the course.

Prior to removal from the course, the instructor will file an incident report detailing the behavior and/or outlining the pattern of misconduct, and earlier attempts at intervening with the student. A copy of this will be distribute to the Department Chair/Director, the Vice President for Academic Affairs and the Dean of Student Life. A copy will also be provided to the student.

Before being removed from the course, the student is to meet with the instructor to discuss the charges against them, the reason for removal, the student's rights and the process, and be given the opportunity to accept responsibility for their actions. A faculty member may request a colleague to sit in the session with them to bear witness, but not participate in the session. If disputing the charges, the student would meet with the Dean of Student Life (or designee) for an Administrative Hearing. If the student fails to appear at this meeting, all charges will be considered true and accurate and appropriate administrative action shall be taken by the Dean of Student Life (or designee).

**Step 4:** If the student receives two (2) academic misconduct reports, the Vice President for Academic Affairs (VPAA) will arrange an appointment with the student to discuss next possible sanctions as outlined above. If the behavior was egregious enough to warrant removal after a singular incident, the VPAA will meet with the student after a singular misconduct report. If the student fails to appear at this meeting, all charges will be considered true and accurate and appropriate administrative action shall be taken by the Vice President of Academic Affairs (or designee).

## Student Rights and the Appeals Process

In addition to the rights afforded students under the Student Code of Conduct, the student accused of violating the academic/classroom conduct standards of the College will receive a copy of the incident report filed by the instructor and has the right to request a hearing on the decision with the Dean of Student Life (or designee), ideally within 5 business days after request. Students are also entitled to appeal that decision in accordance with the Appeal Process outlined in the Student Code of Conduct. Their decision will be final and is not subject to further appeal.

Students who are removed from the course by the instructor due to a violation of the academic/ classroom conduct standards have the right to request a hearing on the decision with the Dean of Student Life (or designee), ideally within 5 business days after request. The student will not be allowed to attend the class during that time. Permanent removal will be determined after the hearing process and appeal process has been completed. Students are also entitled to appeal that decision in accordance with the Appeal Process outlined in the Student Code of Conduct and have up to 5 business days to appeal after receipt of the decision by the hearing officer. Their decision will be final and is not subject to further appeal.

### **Suspension/Expulsion from the College:**

Students who are suspended or expelled from the College by the Vice President for Academic Affairs due to academic/classroom conduct violations have the right to a hearing with the Dean of Student Life (or designee) ideally within 5 business days after request. The student will not be allowed to attend any classes during that time. *Permanent removal* from the College will be determined after the hearing process and the appeals process has been completed. Students are also entitled to appeal that decision in accordance with the Appeal Process outlined in the Student Code of Conduct and have up to 5 business days to appeal. Their decision will be final and is not subject to further appeal. Should students be permanently removed from the College during a semester due to violation of the policy, they will be fully liable for all costs and unable to academically withdraw from courses.

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Approved by President:

Approved by Board of Trustees

## **STUDENT CODE OF CONDUCT GLOSSARY OF TERMS**

**Administrative Withdrawal (AW):** Indicates withdrawal due to extenuating circumstances where the student has made contact with the college. There is not a cumulative average penalty associated with this grade.

**Alleged(ly):** Shall mean the documented behavior of concern that is under investigation. A student accused of allegedly violating the Student Code of Conduct has not completed the conduct process until a conduct hearing has been held and an administrative outcome determined.

**Advisor:** Any individual who provides the Reporting Individual or Respondent with support, guidance, and/or advice. Legal counsel may only be obtained from an advisor who is not employed by the College.

**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.

**Appellate Hearing Board:** Shall mean the College panel charged with reviewing requests for appeal and deciding appeal outcomes.

**Bystander:** Shall mean a person who observes a crime, impending crime, conflict, or unacceptable behavior.

**College:** Shall mean the institution of North Country Community College.

**College Official:** Shall mean any person employed by the College who is performing an assigned administrative or professional responsibility.

**Dating Violence:** Dating violence is a pattern of controlling, abusive, and aggressive behaviors in a romantic relationship wherein one person attempts to gain or maintain power and control in the relationship. The abuser intentionally behaves in ways that cause fear, degradation and humiliation to control the other person. Dating violence can happen in straight or gay relationships and can be physical, sexual, emotional and psychological, including but not limited to experiences of isolation, intimidation, and coercion.

**Domestic Violence:** Domestic violence, also known as intimate partner violence, is any violent felony or misdemeanor crime committed by a current or former spouse or intimate partner of the Reporting Individual, a person sharing a child with the Reporting Individual, or a person cohabitating with the Reporting Individual as a spouse or intimate partner.

**Hearing Panel:** used synonymously with Student Conduct Committee, hearing board, or judicial body.

**In Absentia:** not present at the event being referred to.

**Incapacitation:** A person is mentally or physically incapacitated when their perception and/or judgment is so impaired that the person lacks the cognitive capacity to make or act on conscious decisions, including but not limited to when the person is incapacitated due to the use or influence of alcohol or drugs, or due to a mental disability. Incapacitation due to alcohol or drug use is a state beyond "mere" intoxication or even being drunk. Indicators of incapacitation may include inability to communicate, lack of control over physical movements, and/or lack of awareness of circumstances.

**Judicial:** used synonymously with "conduct" or "disciplinary."

**Persona Non Grata:** an unacceptable or unwelcome person.

**Preponderance of Evidence:** Shall mean the standard of proof used in all cases adjudicated by the College, which asks whether it was "more likely than not" that the alleged violence occurred.

**Reporting Individual:** Shall encompass the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used by the College to reference an individual who reports that they have personally experienced a violation of the Student Code of Conduct. This terminology will be used on all official documents pertaining to the conduct process.

**Respondent:** Shall mean a student accused of a violation of the Student Code of Conduct who has entered the conduct process. This terminology will be used on all official documents pertaining to the conduct process.

**Sexual Exploitation:** Engaging in any behavior where a student takes nonconsensual, unjust, or abusive sexual advantage of another for their own benefit or the benefit of any other than the person being exploited; said 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.

**Sexual Violence:** Shall mean the physical sexual acts perpetrated against a person's will or perpetrated where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual assault with an object, sodomy, fondling, incest, and statutory rape. For the purposes of this document, rape will be defined as penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without affirmative consent being established.

**Stalking:** Shall mean intentionally engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear for their safety or the safety of others, or cause that person to suffer substantial emotional damage. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose, and repeatedly communicating by any means, including electronic means, with such person(s) in a manner likely to intimidate, annoy, or alarm them.

**Student:** The term "student" includes all persons admitted, enrolled, and registered for any classes at the College, both full-time, part-time, and online and includes both residential and commuter status.

**Witness:** A witness is someone who (1) directly observed an incident or (2) has direct or indirect knowledge related to the incident in question. Witnesses should be able to speak knowledgeably about the incident and provide relevant information to conduct proceedings. Reliable witnesses are critical to the integrity and effectiveness of the student conduct Process. Any and all witness participation is voluntary.

**For more information concerning the contents of this Student Code of Conduct, please contact the [Dean of Student Life](#).**

