

# STUDENT CODE OF CONDUCT

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# ROCKLAND COMMUNITY COLLEGE STUDENT CODE OF CONDUCT

## Preface

*Rockland Community College (RCC or college) community is committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life, and thoughtful study and discourse. The Office of Student Conduct/Judicial Affairs within the Division of Enrollment Management and Student Affairs is charged with administering an educational and developmental student conduct process that is based upon the mission, vision, and values of RCC.<sup>1</sup>*

*Student members of the community are expected to uphold and abide by certain community standards. Each member of the RCC community bears responsibility for their own behavior. The student conduct process is not intended to punish students. Sanctions and restorative measures are intended to help students bring their behavior into accord with our community's expectations.*

**All allegations of Sexual Assault, Sexual Violence, and Sexual Harassment are adjudicated under the Title IX grievance process and may involve the Student Conduct Process when deemed appropriate. Likewise, other distinct policies that address specific issues are adjudicated as it is stated in the applicable policy. Such policies include but are not limited to the Academic Honesty and Integrity Policy, and policies and regulations included in the College catalog. The College may adopt other policies from time to time and are effective at the time of adoption.**

**Please consult the RCC website for the Title IX Policy and Procedures at <https://sunyrockland.edu/about/title-ix/>.**

**Please consult the RCC website for the Academic Honesty and Integrity Policy at <https://sunyrockland.edu/about/college-policies/academic-policies-and-procedures/academic-honesty-and-integrity-policy/>.**

**Students should know that the student conduct process differs from criminal and civil court proceedings. Procedures and rights in the student conduct process do not include the same protections of due process afforded by the courts.**

## Statement of Jurisdiction

The College retains jurisdiction over students pursuant to the Student Code of Conduct. Students who choose to take a leave of absence, withdraw, or have graduated for any misconduct that occurred while they were students prior to the leave, withdrawal, or graduation. If sanctions are imposed, an administrative hold may be placed on the student's transcript and may affect the student's ability to reenroll or to obtain official transcripts and/or graduate. All sanctions must be satisfied to qualify for reenrollment or reinstatement at the College. In the event of a charge of serious misconduct allegedly committed while a student is still enrolled but reported after the accused student has graduated, or otherwise separated from permits the College to invoke this policy and, should the former student be found responsible, the College may revoke that student's degree and prohibit the release of the student transcripts. While the jurisdiction of the College shall generally be limited to conduct

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<sup>1</sup> <https://sunyrockland.edu/about/mission-vision-values/>.

which occurs on College premises or at College-sponsored activities, a student may also be subjected to the student conduct process if the student:

- (i) is charged with a crime as a result of off-campus behavior, or is found, by a judicial, quasi-judicial, administrative, medical or mental health official, tribunal or body, to be a danger to themselves or others (including but not limited to through the issuance of Extreme Risk Protection Orders (also known as “Red Flag” Orders), Temporary Extreme Risk Protection Orders, Restraining Orders, Orders of Protection of Mental Hygiene Law § 9.46 Orders, and
- (ii) represents a risk to the health or safety of the College community or a substantial College interest.

A substantial College interest is defined to include:

- Any situation where it appears that the student’s behavior may present a danger or threat to the health or safety of the College Community; and/or
- Any situation that significantly impinges upon the rights, property, or education of the College Community or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational mission and/or interests of the College

Students may be adjudicated for engaging in conduct that violates federal, state, or local law whether such conduct takes place on campus or off campus, or whether civil or criminal penalties may also be imposed for such conduct. A violation of this policy is not predicated upon a final determination by a court of law. Therefore, it is not necessary for a student to have been found guilty of violating federal, state, or local law by a court of law to be disciplined under the Student Code of Conduct. This policy only requires a student to be found responsible for violations adjudicated consistent with the process and procedures set forth in the Student Code of Conduct.

The College fully recognizes the right of all students to seek knowledge, debate, and freely express their ideas. Discourse and disagreement are fundamental components of any academic endeavor and students will not be subject to disciplinary action for their lawful expression of ideas. A student retains the rights, protection, guarantees, and responsibilities which are held by all citizens. The Student Code of Conduct system does not eclipse, in intention or application, the constitutional rights and guarantees of students. For further guidance see the following RCC policies available on the website: Time Place and Manner; Identification Card; Posting; Camping and Use of Tents on Campus; and Crowd Management.

The Student Code of Conduct also applies to conduct that occurs online, via email, or any other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats, social networking sites, as well as media yet to be developed, are in the public sphere and are not private. These postings may subject a student to discipline up to and including expulsion if there is sufficient evidence of a policy violation. While the College does not actively seek out this information they may act and investigate if and when such information is brought to the attention of College officials.

The Student Code of Conduct also applies to guests of community members whose hosts may be held accountable for the misconduct of their guests.

There is no time limit to reporting violations of the Student Code of Conduct; however, the longer it takes for a violation to be reported, the more difficult it may be for the College officials to obtain information and witness statements and to make determinations regarding alleged violations.

RCC email is the College's official means of communication with students which may include but is not limited to emails sent from College Officials via Maxient (the College's Student Conduct/Judicial Affairs Management software). Students are responsible for all communication delivered to their RCC email address and for responding as required or requested.

### **False Accusations**

The College recognizes that the question of whether particular conduct constitutes a violation of the Student Code of Conduct requires a case-by-case factual determination. The College recognizes that false accusations may have serious effects on innocent persons. If it becomes clear that a person who has accused another person of a violation has maliciously or recklessly made a false accusation, the accuser may be considered to be in violation of the Student Code of Conduct. It is important to note, however, that the fact that a complaint is not substantiated or is unsubstantiated does not in and of itself mean that the complaint was maliciously or recklessly made.

### **Authority for Administration of the Student Code of Conduct**

The College President has designated the Vice President of Student Affairs and Enrollment Management and the Assistant Director of Judicial and Veterans Affairs, or other designee, as the persons responsible for the implementation of the Student Code of Conduct at the College. They will coordinate the Student Conduct Process/Procedures to include the composition of the Hearing Committee and imposition of sanctions upon any student(s) found to have violated the Student Code of Conduct.

Decisions made by the Vice President of Enrollment Management and Student Affairs, and Assistant Director of Judicial and Veterans Affairs, or designee, shall be final, pending the appeals process set forth in Appeal Review Procedures.

Students, faculty, staff, and other community members wishing to file a complaint/incident report regarding an alleged violation of the Student Code of Conduct by students, may do so by completing the online incident report form which can be accessed at <https://cm.maxient.com/reportingform.php?SUNYRockland>.

In the report, the complainant should make sure to include the sequences of events and any other relevant facts or background. The complaint should be as specific as possible (i.e., include relevant dates, times, individuals involved (including the student ID number if possible), and statements that were made (please use quotations if exact quotes). All complaints should be submitted in writing but oral complaints may be permitted. If you have any questions, please contact the Office of Student Conduct/Judicial Affairs at (845) 574-4105.

### **Student Accommodations**

Any student with a qualified disability who is accused of violating this policy has the right to request a reasonable accommodation to ensure their full and equal participation. The Office of Student Conduct/Judicial Affairs will coordinate appropriate services with the RCC Office of Accessibility Services. Accommodations are determined on an individual basis by the Office of Accessibility Services staff based upon appropriate documentation and consultation with the student.

## Definitions

1. **Adjudication** - the process by which the College conducts disciplinary meetings, hearings, or other actions, bringing matters to resolution.
2. **Advisor** - any College employee who advises a student or student organization regarding College policies or procedures. An advisor is not permitted to represent the student at any time and cannot be a member of the legal profession.
3. **Appeal** - the method by which due process and/or a decision can be challenged. All appeals must be submitted in writing to the Office of Student Conduct/Judicial Affairs.
4. **Appeal Panel** - a panel of individuals made up of students, faculty, and staff empowered to uphold or dismiss adjudication which results in suspension or expulsion and impose new sanctions when necessary.
5. **Appeal Review Officer**- designee of/or the Vice President of Enrollment Management and Student Affairs to review an appeal.
6. **Behavioral Intervention Team** - is an advisory group responsible for assessing student behavioral issues and making recommendations that help ensure student success and safety.
7. **Business Day** - any day Monday through Friday that is not listed as a College holiday on the College's academic calendar.
8. **College** - Rockland Community College and any sites where it operates including but not limited to the current Orangeburg, and Nyack satellite locations
9. **College Premises** - all buildings or grounds, owned, leased, operated, controlled, or supervised by Rockland Community College or its affiliates.
10. **Complainant** - a person, persons, or student organization who submits a report alleging that a student or student organization violated College rules, regulations, or policies.
11. **Student Conduct Process** - inclusive of all processes for students or student organizations from the time information is received by the Office of Student Conduct/Judicial Affairs to adjudication through the conclusion of the appeal process in accordance with College policy.
12. **Dean's Hold** - a temporary hold placed on a student's account that prohibits academic and financial transactions with the College until the student conduct process is appropriately resolved. Dean's Holds may also be placed for reasons outside of this outlines process.
13. **Disciplinary Record** - the record of a student conduct process and its findings. All disciplinary records are considered educational records as defined by the Family Educational Rights and Privacy Act (FERPA).
14. **Conduct Officer** - any College faculty, staff, or student who has been appointed to a student conduct process decision-making role by the Vice President for Enrollment Management and Student Affairs and has been trained through the Office of Student Conduct/Judicial Affairs.

15. **Incident Report** - a complaint that is filed with and reviewed by the Office of Student Conduct/Judicial Affairs and may be adjudicated through the student conduct process.
16. **No Contact Order** - a formal mutual administrative directive issued by the College requiring parties to have no direct or indirect interaction, including but not limited to written or electronic communication (i.e. letters, social media, text messages, etc.), telephone, recordings, or third party contact (i.e. friends, family members, acquaintances, etc.). A No Contact Order remains in effect until it is officially removed in writing by the College.
17. **Organization** - organizations that include, but are not limited to, any of the following: an association, corporation, order, society, corps, team, club or service, social/academic or similar group, whose members are students of the College.
18. **Preponderance of Evidence** - the standard used to determine if a student or student organization is in violation. The College must show that it is “more likely than not” that the alleged behavior occurred and was in violation of the Student Code of Conduct, policy, rule, or regulation.
19. **Respondent** - a student or student organization that has been accused, informally or through an incident report, of violating the College’s Student Code of Conduct, rules, regulations, or policies.
20. **Sanction** - requirements set forth upon a finding or individual/organizational acceptance of responsibility for a violation of the College’s Student Code of Conduct, rules, regulations, or policies through the student conduct process.
21. **Student** - any person who has applied to or enrolled at the College in any of its courses, programs, campuses, or offerings, including, but not limited to, cooperative programs or offerings with other institutions for whom a record is made at the College by the registrar or which is submitted to the College for admission or transfer credit, or during periods between semesters (Winter or Summer) when the person is expecting to attend the subsequent regular semester (Fall or Spring).
22. **Witness** - any person who has information relevant to the alleged incident.

## **Section I - Student Code of Conduct Standards**

The College considers the conduct described in the following subsections as inappropriate for the College community and in opposition to the core values set forth by the College. The College encourages community members to report to College officials all incidents that involve the conduct described below.

### 1. Alcohol

- a. **Possession/Consumption On-Campus** - Possession of any alcoholic beverages on College premises or facilities except when such is specifically allowed at College-authorized events and/or College affiliated/operated housing. Consumption of alcohol on College premises or facilities except when such is specifically allowed at College-authorized events and/or College affiliated/operated housing.
- b. **Possession/Consumption Off-Campus** - Illegal possession of alcoholic beverages off campus including, but not limited to, underage possession of alcohol and public possession of an open container. Illegal consumption of alcohol off-campus, e.g. underage (under the age of 21).
- c. **Sharing/Furnishing, and/or Distributing Alcohol** - Sharing, furnishing, and/or distributing alcohol by persons of any age to persons under the age of twenty-one.

### 2. Drugs/Controlled Substances

- a. **Paraphernalia** - The possession of any equipment, product, or material of any kind containing evidence of or primarily intended for use with any drug and/or controlled substance prohibited by federal or state laws.
- b. **Possession of Drugs and/or Controlled Substances** - The possession of any drug or controlled substance prohibited by federal or state law.
- c. **Use of Drugs and/or Controlled Substances** - The use of any drug or controlled substance prohibited by federal or state law.
- d. **Sharing, Furnishing, and/or Distributing Drugs and/or Controlled Substances** - Manufacturing, producing, selling, furnishing, exchanging, or otherwise distributing drugs or controlled substances prohibited by federal or state law.
- e. **Misuse of Medications or Other Substances** - Misuse of over-the-counter medications, prescriptions, and/or other legal materials or substances, creating a potential danger to self or others.

*A note about Cannabis:* On March 31, 2021, New York State enacted the Marijuana Regulation and Taxation Act (MRTA), which legalized and regulated the use and possession of cannabis for adults ages 21 and up across the state. However, the MRTA's impact is limited for SUNY campuses based on continuing requirements of federal law. Although the MRTA changed the way New York State regulates cannabis, the use and possession of cannabis in any form remains a crime under federal law. Therefore, New York colleges and universities remain bound by their federal requirements under the federal Drug Free Schools and Communities Act and the Drug Free Workplace Act.

Pursuant to these federal requirements and SUNY policy, the use, possession (in any form), cultivation, and sale of cannabis remain prohibited on SUNY campuses and subject to the Student Code of Conduct or disciplinary actions.

This prohibition covers all SUNY property in public or in offices or residence halls, including university-owned and leased buildings, parking lots, and vehicles and at all SUNY events or while conducting college business, except for approved academic research. In addition to traditional cannabis buds that are smoked using rolling papers, bowls, bongs, or other paraphernalia, cannabis may also take the form of edibles, including candies, cookies, and brownies. None of these forms are permitted within SUNY-owned or operated accommodations.

### 3. Harmful Conduct and Harassment

- a. **Physical Violence** - Using force with the intent or effect to cause harm. This includes the use of any weapon or other means that might cause bodily harm.
- b. **Threatening Conduct** - Intimidating actions or behavior with the intent or effect to cause alarm or fear of harm to another individual, group, or entity.
- c. **Coercion** - Conduct, actions, or implied threats that would compel with unreasonable pressure a reasonable person to engage in unwanted activity.
- d. **Harassment** - Engaging in conduct that is repeated, severe, or pervasive and objectively offensive. This includes conduct involving electronic communication.
- e. **Hazing** - Engaging in any act of hazing, or any other method of initiation into a student, school, athletic, fraternal, or College organization, or any pastime or amusement concerning such organization that either endangers or inflicts physical or psychological harm to oneself or another person, whether entered into on a voluntary or involuntary basis, to include, but not limited to, the forced consumption of alcohol and/or drugs.
- f. **Stalking** - A pattern of conduct directed at another person including but not limited to following, monitoring, observing, surveilling, communicating to or about a person, or interfering with a person's property with the intent and/or effect to cause a reasonable person to be afraid for his or her safety or suffer substantial emotional distress. Stalking may be direct, indirect, or through third parties and may be accomplished by any action, method, device, or means. This includes cyberstalking: a form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.
- g. **Lewdness** - Engaging in conduct that is disorderly, lewd, or indecent, including but not limited to, streaking, flashing, nudity, or exposing body parts that are known as private.
- h. **Sexual Assault** - 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 the consent of the victim. Sexual Assault can include:
  - a. Sexual Assault I: *Rape*

Sexual intercourse or any sexual penetration, no matter how slight, of another person's oral, anal, or genital opening with any object (an object includes but is not limited to parts of a person's body) without the active consent of the victim.

b. Sexual Assault II: *Fondling*

Touching a person's intimate parts (defined as genitalia, groin, breast, or buttocks) for the purpose of sexual gratification, whether directly or through clothing, without the active consent of the victim. Sexual Assault II also includes forcing an unwilling person to touch another's intimate parts.

c. Sexual Assault III: *Statutory Rape*

Sexual intercourse with a person who is under the age of consent.

d. Sexual Assault IV: *Incest*

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

i. **Sexual Exploitation** - Nonconsensual, abusive sexual behavior that does not otherwise constitute (h) Sexual Assault or (j) Sexual Harassment. Examples of sexual exploitation include, but are not limited to:

- a. Intentional, nonconsensual tampering with or removal of condoms or other methods of birth control and STI prevention prior to or during sexual contact in a manner that significantly increases the likelihood of STI contraction and/or pregnancy by the non-consenting party.
- b. Nonconsensual video or audio taping of sexual activity.
- c. Allowing others to watch consensual or nonconsensual sexual activity without the consent of a sexual partner; observing others engage in dressing/undressing or in sexual acts without their knowledge or consent; trafficking people to be sold for sex; and/or incapacitation with the intent to sexually assault another person.

j. **Sexual Harassment** - Unwelcome sexual advances, requests for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, nonverbal, graphic, physical, or otherwise outlined in (a) or (b), below, are present.

- a. Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any College program or activities or is used as the basis for College decisions affecting the individual (often referred to as "quid pro quo" harassment);
- b. Such conduct creates a hostile environment. A hostile environment exists when the conduct is sufficiently severe, persistent, and pervasive that it unreasonably interferes with, limits, or deprives an individual's ability to participate in or benefit from, the College's education or employment program or activities.

- k. **Retaliation** - Actions, threats, or other adverse action taken against any person in response to that person's participation in or involvement with the student conduct process.
- l. **Intrusion of Privacy** - Unreasonably invading the private domain or seclusion of another individual, group, or entity by any means when such individual, group, or entity has a reasonable expectation of privacy. Unauthorized use of electronic or other devices to make an audio, video, or photographic record of any person or thing while in the classroom, or in any campus location where there is a reasonable expectation of privacy including, but not limited to, locker rooms, changing rooms, or restrooms.
- m. **Disorderly Behavior** - Conduct that is disorderly, disruptive, or interferes with the orderly operations of the College and/or behavior disruptions that infringe upon other students' rights to the fair use of their contracted housing or other College-sanctioned activities or amenities.

*A note about Free Speech:* Although students have the right to speech and expressions as provided by law, this expression is subject to such time, place and manner controls as the College deems reasonable and appropriate to serve the College's mission and to protect the rights of others. Speech or other forms of expression that materially disrupt classwork or involve substantial disorder or invasion of the rights of others is not protected. This includes but is not limited to, speech or expression that constitutes a true threat, harassment, incitement of violence, vandalism, or "fighting words" (personally abusive epithets which, when addressed to the ordinary citizen, are, as a matter of common knowledge, inherently likely to provoke a violent reaction).

- n. **Dishonesty/Fraud** - Dishonest or fraudulent behavior, such as forgery, alteration, or misuse of documents, records, or identification (including but not limited to RCC ID Cards, credit cards, debit cards, PINs, and/or computer usernames/passwords), or knowingly furnishing false information to College officials.
- o. **Unlawful Discrimination** – Engaging in behavior that is discriminatory, abusive, or harassing of any individual or group of individuals on the basis of gender, race, color, creed, ethnicity, religion, age, marital status, military status, economic status, national origin, sexual orientation, physical or mental disability or such other classes protected by federal, state or local law. This includes but is not limited to anti-Semitic and Islamophobic behavior. Prohibited conduct includes, but is not limited to, incidents of bias-related acts or assault or abuse, or actions that create a hostile, offensive, or intimidating learning or working environment. Violations of this standard can occur in person, over the phone, or via electronic media (e.g., e-mail, text messages, social networks, etc.). Harassment may include physical contact, written or verbal comments or suggestions, obscene or offensive pictures or jokes, hostile or threatening gestures, or other forms of degradation. Violation of this standard can occur in-person or via electronic media (e.g., e-mail, text messages, social media, etc.), it can also be carried out by one or more students on behalf of and/or at the request of another student or students.

*A note about Anti-Semitism and Islamophobia:* Anti-Semitic and Islamophobic conduct implicates the Student Code of Conduct and can manifest in the College environment in a number of ways. The International Holocaust Remembrance Alliance defines anti-Semitism as "a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and

physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

Islamophobia is defined as “a form of discrimination or harassment that is based on one’s religion (Islam) and/or national origin (e.g., an individual from a Muslim majority country).”

Examples of anti-Semitic or Islamophobic conduct that implicates the Student Code of Conduct include:

- Repeated instances of anti-Semitic or Islamophobic slurs directed toward an individual, regardless of whether that individual is Jewish or Muslim. These may include, but are not restricted to, repeatedly referring to a Muslim individual or someone perceived to be a Muslim as a “terrorist”.
- Refusing to allow an individual to participate in any program sponsored or hosted by RCC because they are perceived to be from Israel or a Muslim-majority country, are associated with a Jewish or Muslim organization, wear religious attire, like a kippah or hijab, or displays a symbol or object associated with Judaism or Islam, like a Star of David (Magen David) or keffiyeh.
- Defacing a Jewish or Muslim employee’s or student’s property with a hateful symbol such as a swastika.
- Using force or intimidation to obstruct the path of an employee or student because they are Jewish or Muslim, perceived to be Jewish or Muslim, or supportive of Jewish or Muslim institutions or organizations.
- Refusing to grant a student some expected benefit, such as a letter of recommendation, based on the perception that the student is Jewish or Muslim, is associated with a Jewish or Muslim organization, or because that student is perceived to be from Israel or Muslim-majority country.

#### 4. Community Safety

- a. **General Safety** - Tampering with safety devices including, but not limited to alarm systems, fire extinguishers, exit signs, smoke/heat/particle detectors, fire hoses, sprinklers, or fire-fighting equipment. Failure to conform to safety regulations including, but not limited to, falsely reporting an incident, failure to evacuate facilities, failure to evacuate facilities in a timely manner in emergencies or in response to alarms, or inappropriate use of the fire alarm or emergency call device or system.
- b. **Arson** - Illegally setting, attempting to set, creating, or causing a fire.
- c. **Weapons/Explosives** - Possession and/or use of any weapon, which is an object used to inflict a wound or cause injury or harm. Examples of weapons include but are not limited to, firearms, ammunition, knives, swords, nun chucks, stun guns, BB guns, paintball guns, look-alike weapons, explosives, fireworks, unsecured compressed air cylinders, or dangerous chemicals,

except as authorized for use in class, in connection with College-sponsored research, or in another approved activity.

## 5. Smoking

- a. **Smoking** - is defined as the inhaling, exhaling, vaping, burning, or carrying of any lighted or heated cigar, pipe, or cigarette including but not limited to traditional or electronic cigarettes or similar devices such as hookah on the College premises and/or College housing.

***A note about smoking:*** RCC is committed to providing a smoke and tobacco-free environment including prohibiting the use of all forms of tobacco, cannabis, and vaping products on campus. This policy is a research based public health strategy recommended by the U.S. Surgeon General and is in compliance with applicable state regulations. For additional information about RCC's Smoke-Free/Tobacco-Free Campus, See. <https://sunyrockland.edu/about/college-policies/general-administration-policies/smoke-free-tobacco-free-campus/>.

## 6. Property

- a. **Theft** - Theft or other unauthorized possession of College property, or the property of any individual, group, or entity.
- b. **Keys** - Possessing, duplicating, lending, loaning, distributing, or using keys to any College property or premises housing without authorization.
- c. **Destruction/Damage** - Destruction and/or damage to College property or premises, or to the property of any individual, group, or entity.
- d. **Attempted/Completed Entry** - Attempted or completed entry into or use of College facilities or property, or the property of any individual, group, or entity without authorization such as entering through a window or forcing entry by destructive and/or unconventional means.

## 7. Compliance

- a. **College Official** - Failure to comply with a directive from or to meet with an authorized College official acting in the performance of their duties or with the direction from any person responsible for a facility or registered function including providing identification when requested to do so. The College officials referenced above must identify themselves.
- b. **Student Conduct Sanction** - Failure to fulfill any sanction levied as a result of community standards, academic integrity, or student organization proceedings.
- c. **College Space** - Failure to abide by all policies and regulations governing the use of College space or the registration of all College events.

## 8. Complicity

- a. **Complicity** - Active association with or active encouragement of another person or persons whose conduct is in violation of any of the Student Code of Conduct, College policy, or applicable laws.

9. Other

- a. **Other** - Any alleged violation of federal, state, or local laws, regulations, or ordinances and other College policies and regulations, the College catalog, and other official College publications either printed or published on the College website.

## **Section II - Overview of the Student Conduct Process**

This overview gives a general idea of how the RCC student conduct proceedings work, but it should be noted that not all situations are of the same severity or complexity. The procedures are meant to be flexible and are not intended to be exactly the same in every situation, though consistency with similar situations is a priority. The student conduct process and all applicable timelines commence with written notice from the Office of Student Conduct/Judicial Affairs or other offices relevant to the investigation.

1. **Notice:** Once an allegation is received from any source, the Office of Student Conduct/Judicial Affairs may proceed with a preliminary investigation and/or may schedule an initial meeting with the parties involved and explain the student conduct process and gather information.
2. **Evidence:** Different types of information may be presented during an investigation or during a hearing. This information may include direct evidence, which is based on personal observation or experience. Evidence may be circumstantial, which is information that does not include an eyewitness to the actual event but does include enough information to lead a reasonable person to the conclusion that the individual did what are alleged. Evidence may include documents, which includes but is not limited to supportive writings or statements, and reports, that support or deny a fact at issue. Evidence may also be secondhand. While it is acceptable for the adjudicator to consider and hear relevant second-hand information, secondhand evidence may not be the only evidence used to establish responsibility in a case. The College is not bound by formal rules of evidence; however, evidence shall be inherently reliable. Evidence or information that may not be admissible in a court of law may be admissible in a hearing or as part of an investigation. It is up to the adjudicator to decide what information is admissible as part of a hearing. It is up to the adjudicator to decide the credibility and relevance of information and the weight that they will assign to that information.
3. **Standard of Proof:** The standard of proof describes the level of proof that must be met to find a Respondent responsible for a violation. The College uses the preponderance of the evidence (also known as “more likely than not”) as a standard for proof of whether a violation occurred. This standard is lower than the standard required in a criminal proceeding. College resolution proceedings are conducted to consider the totality of all evidence available and from all relevant sources. There may be strong, definitive evidence presented to persuade the adjudicator that the Respondent did or did not violate a section of this or other College policy. There may also be ambiguities and contradictions which require the adjudicator to decide whom they determine more credible. An individual is not considered to be “responsible” for any allegations until the completion of the process determines that it is more likely than not that the alleged violation of this policy occurred.
4. **Burden of Proof:** The burden of proof refers to who has the responsibility of showing a violation has occurred. It is the responsibility of the College to satisfy the burden of proof. The Respondent does not

have the burden to prove that a violation did not occur. A Respondent may decide not to share their side of the story or may decide not to participate in the hearing or an investigation. None of these decisions shifts the burden of proof away from the College and does not indicate responsibility nor will it result in increased sanctions if the Respondent is found responsible for the accusations.

### **Section III – Student Conduct Procedures**

Rockland Community College is the convener of every action under this code and the formal process is described herein.

#### **Notice of Alleged Violation**

Any member of the College community, visitor, or guest may allege a policy violation by any student for misconduct under the Student Code Of Conduct by submitting a report at <https://cm.maxient.com/reportingform.php?SUNYRockland>.

Additionally, administrators may act on notice of a potential violation regardless of whether a formal allegation is made or not. All allegations of misconduct should be submitted to <https://cm.maxient.com/reportingform.php?SUNYRockland> as soon as possible after the alleged offending event occurs. The College has the right to pursue an allegation or notice of misconduct on its behalf and to serve as convener of the subsequent process.

#### **Notice of Conduct Meeting**

Once a determination is made that reasonable cause exists to refer a complaint for a Conduct Meeting, formal notice will be given to the Respondent. Notice will be in writing and delivered via the College-issued email address. Other means of delivery may include delivery in person by a College official, or delivery by mail to the local or permanent address of the student as indicated in the official College records. Once mailed, emailed, and/or received in person, such notice will be presumptively delivered unless returned to the sender. The letter of notice will include the alleged violation and notification of where to locate the Student Code of Conduct procedures for the resolution of the complaint and direct the responding student to contact the Office of Student Conduct/Judicial Affairs with any questions. The letter of notice will also include a short summary of the allegations that supports the issuance of charges under the Student Code of Conduct in addition to a Dean's Hold.

A meeting with a staff member of the Office of Student Conduct/Judicial Affairs or designee will be arranged based on the Respondent's and Conduct Officer's schedules.

#### **Conduct Meeting Procedures**

##### **Conduct Meeting**

A Conduct Meeting will be scheduled for any allegation with reasonable cause unable to be resolved through any informal process. The sanctions will reflect the severity of the current charges against the student as well as any previous disciplinary record.

## General Guidelines for Conduct Meetings

Guidelines used by Conduct Officers include:

1. If a Conduct Meeting is scheduled, the Respondent shall be provided with specific advance written notice of the alleged violations, the dates, times, and locations of the alleged violations, and a summary of the actions that led to the charges. Notification of charges against the Respondent shall also include, but not be limited to, the following information:
  - a. The date, time, and location of the conduct meeting
  - b. The assigned Hearing Officer
  - c. That a Dean's Hold has been placed on their account
  - d. Information regarding the Student Conduct Process
2. The Respondent shall have their case heard by an impartial Conduct Officer.
3. In situations where the original complainant is no longer available or cannot attend the hearing for unavoidable reasons, the College maintains the burden of proof and may serve as the complainant by proxy.
4. In the event a Respondent is not able to be physically present at the hearing, they may participate via acceptable technological means including, but not limited to, telephone or video call.
5. The Conduct Officer will present the charges and relevant information and may ask questions of the Respondent.
6. The Respondent shall have a fair and reasonable opportunity to answer, explain, and defend themselves against charges presented at the Conduct Meeting, and to present information related to specific charges. If the Respondent intends to have witnesses present at the hearing, they must notify the Office of Student Conduct/Judicial Affairs at least one (1) business day before the Conduct Meeting. Witnesses will be asked to provide relevant information related to specific charges and to respond to questions from the Conduct Officer. Witnesses are not permitted to ask questions.
7. If the Respondent chooses not to appear before the assigned Conduct Officer, their case may be adjudicated in their absence based upon the information related to specific charges presented at the scheduled Conduct Meeting.
8. All Conduct Meetings are closed to the general College community and public except to designated and approved participants such as an Advisor.
9. The Respondent may select an Advisor to provide support during the Conduct Meeting. The Advisor may consult and interact privately with the Respondent before the Conduct Meeting. However, the Advisor is not permitted to have a verbal role in the proceedings nor to represent or speak on behalf of the student.
10. At the Conduct Meeting, if a Respondent chooses not to testify, no inference may be drawn from the lack of testimony.

11. A Conduct Officer shall have the authority during proceedings to hold an individual in contempt. Contempt is defined as disorderly or disrespectful conduct by Conduct Meeting participants and/or the intentional misrepresentation of facts. Individuals found to be in contempt may be removed from the hearing and students may be charged with additional violations of the Student Code of Conduct.
12. The Respondent shall receive a written account of the decision of the adjudicator setting forth with reasonable specificity the facts and reasons for the decision.
13. The Respondent shall receive written notice of appeal procedures when applicable.

### **General Procedures for Cases Adjudicated by Conduct Officers**

1. A Respondent may challenge the assignment of a specific Conduct Officer to their case. This challenge must be presented in writing to the Office of Student Conduct/Judicial Affairs at least two (2) business days before the scheduled date and time of the hearing. The writing must include the basis or reasons for such challenge. Upon reviewing the details of the challenge, the Vice President of Enrollment Management and Student Affairs or designee will either uphold the challenge, appoint an alternate Conduct Officer, and arrange a new hearing time or deny the challenge.
2. A Conduct Officer must withdraw from adjudicating any case when they have a conflict or otherwise are unable to be impartial and reach a fair and objective decision.
3. The Conduct Officer will review all material, hear all information relevant to specific charges pertinent to the case from the Complainant, the Respondent, and all Witnesses, clarify issues raised, and render a decision based on the information presented at the hearing.
4. If the Respondent is found to be in violation of any College policy or regulation, all materials within the student's past and present student record will be used to determine appropriate sanctioning.

### **Interim Action**

In a situation where it is determined that a continuation of the present circumstances presents a potential danger to the health, safety, or welfare to oneself, other students, or the College community, the Vice President of Enrollment Management and Student Affairs or designee may implement appropriate interim action. The interim action will remain in effect pending the final disposition of the case unless otherwise noted. Interim actions may include but are not limited to, temporary removal from the College community, or temporary suspension of the right to access specific areas of campus, and other temporary suspensions of student's rights and accesses.

After the interim action is implemented, the following process will commence:

1. As soon as possible but no later than ten (10) business days of implementation of the interim action, unless circumstances warrant an extension (to be approved by the Vice President of Enrollment Management and Student Affairs or designee), a Conduct Meeting will be conducted to adjudicate the allegations.
2. If the interim action is not upheld upon the outcome of the Conduct Meeting, the interim action will no longer be in effect. The Respondent will be allowed a reasonable opportunity to make up academic

work missed during the time of the interim action. It is the responsibility of the Respondent to make arrangements with faculty members to complete any missed work.

3. When an interim action has been implemented, and upheld by a Conduct Meeting, the interim action will remain in effect until an appeal outcome has been reached.

Rockland Community College reserves the right to exercise its authority of interim action upon notification that a student is facing criminal investigation and/or complaint.

No Contact Orders may be implemented without the above process and their use is determined by the Office of Student Conduct or designee.

## Sanctions

Sanctions are assigned to meet specific learning and developmental outcomes to assist students in understanding the impact of their actions and to hold them accountable for their conduct. Sanctions are also assigned with the intent of improving upon a student's success at the College by acquiring new skills and promoting growth in various dimensions of moral and ethical development. Sanctions are determined based on aggravating and mitigating factors including, but not limited to, the following: the harm and/or potential harm which resulted from the alleged behavior; the cumulative behavioral history of the student; and/or the involvement of discrimination.

Any assigned sanction may be stayed from implementation for a specified period as determined by the Conduct Officer. Any subsequent proven violation of the Student Code of Conduct, College policy, rule, regulation, or law may cause the stay to be lifted and the assigned sanction implemented with immediate effect.

The sanction will not be lifted until the date indicated by the Conduct Officer and/or the date upon which the student successfully completes all assigned sanctions. A Conduct Officer may impose one or more sanctions from the sanctions listed below.

1. **Disciplinary Warning** - A written warning may be given to the student indicating they have been found to be in violation of the Student Code of Conduct, a College policy, or regulation and that failure to comply with the Student Code of Conduct, College policy, or regulation in the future may result in referral to the Office of Student Conduct/Judicial Affairs to be handled as a second offense.
2. **Disciplinary Probation** - Disciplinary Probation is an indication that a student's status at the College is seriously jeopardized. During the probationary period, if the student is found to be in violation of the Student Code of Conduct, College policy, or regulation, a more serious sanction may be levied, including possible suspension or expulsion from the College. Disciplinary Probation is in effect for a specific period and a Dean's Hold will be placed until the probation is satisfied.
3. **Community Reparations** - Community Reparations are tasks that benefit the individual, campus, or community.
4. **Educational Task** - Examples of educational tasks include, but are not limited to, essays, educational workshops provided by the College or outside entities, participating with staff in community development initiatives, apology notes, etc. The student will be required to submit proof of completion of the educational task from a source deemed appropriate by the College.

5. **Disciplinary Removal from College Affiliated/Operated Housing** - This condition removes a student from College affiliated/operated housing facilities on either a temporary or a permanent basis. The student is responsible for any appropriate housing costs.
6. **Loss of Eligibility for College Affiliated/Operated Housing** - The student, whether currently living in College affiliated/operated housing facilities or not, is denied future eligibility for College affiliated/operated housing on a temporary or permanent basis. The student is responsible for any appropriate housing costs.
7. **Revocation of Driving and Parking Privileges on Campus** - Evidence of reckless or repeated violations of traffic safety or parking regulations on College premises may lead to revocation of driving and parking privileges on campus.
8. **Revocation of Guest Privileges in College Affiliated/Operated Housing** - This condition prohibits a student from hosting guests within College affiliated/operated housing or other designated facilities for any purpose for a specific time period.
9. **No Visitation in College Affiliated/Operated Housing** - This condition prohibits a student from being present within College affiliated/operated housing or other designated facilities for any purpose for a specific time period.
10. **Restitution** - A student may be required to pay for damages to property (including affiliated housing), including but not limited to, personal and College property. Payment will be made under guidelines determined by the Office of Student Conduct/Judicial Affairs.
11. **Other** - Recommendations may also be made for participation in mediations, no contact orders, mentoring in lieu of suspension, and other appropriate remedial and educational interactions.
12. **Administrative Withdrawal from a Course** - The student is administratively withdrawn from a course or with permission, may transfer to another section of the course.
13. **Transcript Notation** - The College shall make a notation on the transcript of students found responsible after a student conduct process that they were “suspended after a finding of responsibility for a code of conduct violation” or “expelled after a finding of responsibility for a code of conduct violation.”
14. **Suspension** - A student may be suspended from the College for a specific period. A suspension requires that the student remove themselves from the College. They are not permitted to attend classes, social activities, or to be present on College property during the period of suspension. Ordinarily, a student who is suspended will receive a “W” for all of their courses. In compelling circumstances, the Vice President of Enrollment Management and Student Affairs reserves the right to allow a student’s instructor to issue a grade. Suspension can be accompanied by additional criteria which the student must fulfill to re-enroll. For the timeframe a student is suspended, they are considered “*Persona Non-Grata*”, which means their presence on campus is prohibited without prior approval of Public Safety. Violators of the “*Persona Non-Grata*”, may be considered trespassing and subject to arrest.
15. **Expulsion** - Expulsion is the immediate removal of a student from the College prohibiting future enrollment at the institution. Ordinarily, a student who is expelled will receive a “W” for all of their courses. In compelling circumstances, the Vice President of Enrollment Management and Student Affairs reserves the right to allow a student’s instructor to issue a grade. Expulsion from the College is a permanent dismissal with no opportunity to return. When a student is expelled, they are considered

“*Persona Non-Grata*”, which means their presence on campus is prohibited without prior approval of Public Safety. Violators of the “*Persona Non-Grata*”, may be considered trespassing and subject to arrest.

## **Notification of Outcomes**

The outcome of a Conduct Meeting is part of the educational record of the Respondent and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions.

Pursuant to the Family Educational Rights and Privacy Act and the Drug Free Schools and Communities Act, the Office of Student Conduct/Judicial Affairs may send a written notice to the parents and/or legal guardians of a student under twenty-one years of age who is found to be responsible for violating any state or local laws pertaining to possession, consumption, or inappropriate sale of any alcoholic beverages or controlled substances.

Parents and/or legal guardians may be notified in cases where the College determines through the student conduct process that a student violated a policy that would constitute a “crime of violence” or non-forcible sex offense. FERPA defines “crimes of violence” to include arson, assault offenses (including stalking), burglary, criminal homicide, manslaughter by negligence, murder, non-negligent manslaughter, destruction/damage/vandalism of property, kidnapping/abduction, robbery, forcible sex offenses, and non-forcible sex offenses.

## **Failure to Complete Sanctions**

All students, as members of the College community, are expected to comply with sanctions within the time frame specified by the Conduct Officer. Failure to follow through on sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in additional charges.

## **Appeal Review Procedures**

### **Grounds for an Appeal**

Upon receiving notification of the outcome of a Conduct Meeting that results in a ***Suspension*** or ***Expulsion***, a Respondent may appeal via email to the Office of Student Conduct/Judicial Affairs to convene an Appeal Panel for any of the following reasons:

- a) Procedural error that likely impacted the hearing outcome. This may include a demonstrated bias or conflict of interest against the respondent or the complainant which impacted the outcome. The appellant is responsible for demonstrating the bias or conflict of interest.
- b) Newly discovered information for which there is a legitimate reason this information could not have been presented at the original hearing.
- c) An allegation that the sanctions issued were arbitrary and capricious. The appellant must demonstrate in the appeal that there had been a clear error of judgment. The appellant must show the decision was not based upon consideration of relevant factors, reason, or judgment and was an abuse of discretion or otherwise not in accordance with the Student Code of Conduct.

The individual submitting the appeal must present a written request that specifically articulates reasons for the appeal within five (5) business days of notification of the Conduct Meeting decision. The five (5) day requirement may be waived where extenuating circumstances prevail. The individual submitting the appeal must include in the written appeal the reason for the appeal and all the supporting facts. Appeals cannot be submitted by a third party on behalf of the respondent or the complainant. An appeal is not a rehearing of the matter and will not have merit simply because the person submitting the appeal disagrees with the outcome.

Once the appeal has been received and has determined merit, the Office of Student Conduct/Judicial Affairs will convene an Appeal Panel to take place within seven (7) business days from the determination of merit with the Respondent present at the Appeal Panel.

### **The Appeal Panel**

The Appeal Panel members are drawn from a pool maintained by the Office of Student Conduct/Judicial Affairs and include at least two (2) faculty, two (2) students, and (1) administrator, with the following requirements to serve:

- a) they were not involved in the investigation in any way
- b) they have been properly trained in appeal procedures

In the event that one or more Appeal Panel members are disqualified after the commencement of the Appeal Panel, or are unable to complete the Appeal Panel process for any other reason, the Appeal Panel may, at the discretion of the Conduct Officer proceed without those members, subject to the requirement that the decision and determination of the Appeal Panel will still require the agreement of at least three (3) of the remaining members.

The presumptive stance of the College is that all decisions made and sanctions imposed by the original decision-maker are to be stayed during the appellate process except in cases where interim action was implemented.

Appeals are not an opportunity for Board members to substitute their judgment for that of the original decision-maker merely because they disagree with the finding and/or sanctions. Appeal decisions are to be deferential to the original decision-maker, making changes to the sanction only if there is a compelling justification to do so.

### **Procedures for Cases Adjudicated by the Appeal Panel**

1. A Panel member will withdraw from participating in any case in which the member is unable to be impartial and reach a fair and objective decision.
2. A Panel member will be selected as Appeal Panel Chair by the other Panel members by a majority vote.
3. The Panel will review all materials and hear all information relevant to the specific charges pertinent to the case from the complainant, respondent, and all witnesses. Members of the Panel shall be free to ask relevant questions to clarify the information presented.
4. Appeal Panels will be digitally recorded by the College and the recording will be retained at the College in accordance with the records and record keeping policy. Under no circumstances are other individuals permitted to record hearings.

5. The Office of Student Conduct/Judicial Affairs may contact relevant witnesses to appear before the Panel.
6. After hearing all the information relevant to specific charges, the Panel will privately deliberate and make its decision and, if necessary, determine appropriate sanctions. If the Respondent is found to be in violation of the Student Code of Conduct, College policy, or regulation, all materials within the student's past and present student record may be used to determine appropriate sanctions.
7. Upon the conclusion of the Appeal Panel, the Office of Student Conduct/Judicial Affairs or designee will send an outcome letter to the Respondent to communicate the Panel's decision. The Appeal Panel Chair will send a short summary of the outcome to the Vice President of Enrollment Management and Student Affairs or designee.

### **Administrative Appeal**

Upon receiving notification of the outcome of the Appeal Panel that upholds a Respondent's Suspension or Expulsion, a Respondent may appeal in writing to the Vice President of Enrollment Management and Student Affairs within five (5) business days to review their case as the Appeal Review Officer.

The Vice President of Enrollment Management and Student Affairs will review relevant case information and decide whether or not to grant the appeal. The Vice President of Enrollment Management and Student Affairs will respond with an outcome of the appeal to the Respondent within seven (7) business days.

The appeal decision made by the Vice President of Enrollment Management and Student Affairs shall be final and without opportunity for further appeal.

## **Section IV: Records**

### **Disciplinary Records**

The Office of Student Conduct/Judicial Affairs will maintain student records which contain all necessary and appropriate documents related to student conduct matters. Material deemed unnecessary may be discarded at any time.

Student records will be maintained for seven (7) years. Other circumstances outside the student conduct process may require retention of the record for a longer period including a directive to retain records issued by College Legal Counsel.

Cases resulting in expulsion may be retained for a longer period. The College will not release a student's records without the written consent of the student. The only exceptions to this guideline are those outlined in the Family Educational Rights and Privacy Act of 1974. The Office of Student Conduct/Judicial Affairs cannot guarantee confidentiality but will maintain a student's privacy to the greatest extent possible.

## **Interpretation and Revision**

Procedural rules for the administration of conduct meetings will be consistent with the Student Code of Conduct. A material deviation from these rules will, generally, only be made as necessary and may include reasonable notice to the parties involved either by posting online and/or in the form of written communication.

Procedures may vary with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Student Code of Conduct. Minor modifications to a procedure that do not materially jeopardize the fairness owed to any party may be made at the discretion of the Office of Student Conduct/Judicial Affairs or designee. Any question of interpretation of the Student Code of Conduct will be referred to the Vice President for Enrollment Management and Student Affairs, whose interpretation is final. The Student Code of Conduct and related College policies and procedures shall be reviewed at least every three (3) years. The Student Code of Conduct, related College policy and procedures shall be updated as necessary to comply with applicable law, policy, or regulation. The review process shall be coordinated by the Office of Student Conduct/Judicial Affairs.