



Student Code of Conduct

Preamble

The College is committed to providing an atmosphere in which students have freedom to learn and engage in the search for truth, knowledge, and reason in accordance with the standards set forth by the academic community. Conduct that adversely affects a student's responsible membership in the academic community shall result in appropriate disciplinary action.

Statement of Policy

As an educational institution of higher education, Nassau Community College seeks to provide the best educational environment for its students, faculty, and staff. It is mindful that academic freedom is an essential element of college life. To carry out its goal the College requires each student to obey the rules and regulations established by the College set forth herein, as well as the rules and guidelines set out in the "Nassau Community College Return to Campus Guide for Students" relating to the COVID-19 pandemic, and all local, state, and federal laws. The College will not tolerate deliberate disruptive words, actions, violence or physical interference with the rights of any member of our College community or with any of the facilities of the College, or with any authorized functions being carried out on the College campus or at any college sponsored event. The College will also not tolerate any violations of established health-related rules and regulations which are put in place in order to safeguard the health of the College community and prevent the spread of infectious diseases including, but not limited to COVID-19. Therefore, in furthering the educational aims of the College and in compliance with the provisions of Article 129-A and 129-B of the Education Law of the State of New York, the following rules and regulations concerning conduct on the College campus or at any college sponsored event, the use of College property, the means of enforcement, and penalties for any violations thereof are hereby established.

Nothing contained herein shall be construed to limit or restrict freedom of speech or of peaceful assembly.

Student Rights and Responsibilities

Students at Nassau Community College assume an obligation to conduct themselves in a manner compatible with the function of the College as an educational institution. Each student should be familiar with the College Catalog, which contains all rules and regulations of the College and is a binding contract with the student, as well as with the Return to Campus Guide for Students (the "Guide"). By enrolling at the College, students agree to abide by the Rules and Regulations of the Student Code of Conduct developed in part by the students of the institution and endorsed by the Academic Senate, the College administration, and the Board of Trustees.

Fundamental Fairness Rights of Students Accused of Violating the Code of Conduct

1. To be afforded a fair and timely hearing, including the opportunity to challenge the impartiality of the hearing officer or committee members prior to the beginning of the hearing.
2. To have notice of the accusations.
3. To have the opportunity to present evidence, introduce witnesses, and to question witnesses and evidence presented.
4. To have adequate time to prepare and present a defense.
5. To receive in writing the disposition of the case and sanctions.
6. To appeal the findings and sanctions based upon procedures in this Code.
7. To be afforded confidentiality to the extent permitted by law.
8. To remain silent with no inference of guilt.
9. To submit a written impact statement to the Dean of Students or designee and/or Hearing Committee at the point when sanctions are being deliberated.
10. To waive any of these rights.

Fundamental Fairness Rights of Alleged Victims

1. To be afforded the opportunity to challenge the impartiality of the hearing officer or committee members prior to the beginning of the hearing.
2. To have adequate time to prepare for hearings and interviews.
3. To have the opportunity present evidence, introduce witnesses, and to question witnesses and evidence presented.
4. To receive in writing specific information on the disposition of the case and sanctions.
5. To appeal the findings based upon procedures in this Code.
6. To be afforded confidentiality to the extent permitted by law.
7. To submit a written impact statement to the Dean of Students or designee, and/or to Hearing Committee at the point when sanctions are being deliberated.
8. To waive any of these rights.

Section I: The Student Code of Conduct

The Student Code of Conduct as set forth below applies specifically to student behavior. Student rights are basic to the freedom to learn and must be based on mutual respect and responsibility. In addition, when a student enrolls at Nassau Community College, he/she agrees to abide by all College regulations. Therefore, violations of any section of the Code of Conduct shall result in appropriate disciplinary action.

A. Physical Violence. Acts of physical violence will not be tolerated. A student who initiates physical violence against any member of the College community will face the harshest of penalties, including the likelihood of expulsion from the College and the possibility of a permanent notation of the violation on the student's College transcript.

B. Criminal Violations. A student who is convicted of violating a criminal law may be subject to summary suspension or expulsion from the College. Sexual violence, domestic violence and stalking with intent to sexually harass will be adjudicated under the College's Sexual Harassment and Sexual Violence Policy, which is enforced by the Office of Equity, Inclusion and Affirmative Action.

C. Maintenance of Public Order. The President of the College or his/her representative shall have the authority and responsibility to take whatever steps are necessary to carry out the mandate of the following rules and regulations in the interest and for the welfare of the College community and of the citizens of the County of Nassau. Violations of the following regulations, whether such violations are carried out individually or in concert, are extremely serious in nature. Such violations will constitute cause for immediate suspension and/or ejection from the campus and may also subject the violator to whatever penalties may be imposed by appropriate college and/or civil authorities. These violations may include:

1. Unauthorized occupation of College facilities or interference with their lawful use;
2. Any act or threat that endangers any individual or that results in terrorizing or committing bodily harm or injury to anyone on campus or at any college function;
3. Any act resulting in damage to College property or facilities or to the property of students or staff;
4. Any act which results in disruption of College activities. This could include inciting others to riot, interfering with the right of any member of the College community to perform his or her duties, and preventing a student from attending any class in which he/she is enrolled;
5. The possession or use of firearms of any nature, dangerous weapons, fireworks, or explosives on the campus;
6. The illegal possession, use, or exchange of any illicit drug;
7. The refusal to obey directives or orders of College personnel to cease and desist from any of the above acts.

D. Infractions of the Code of Conduct. Infractions of the Code of Conduct shall include, but are not limited to the following:

1. Stalking;
“Stalking” is a pattern of repeated and unwanted attention, harassment, contact, or any other actions directed at a specific person that would cause a reasonable person to (1) fear for his or her safety or the safety of others, or (2) suffer substantial emotional distress.

(All allegations of Stalking, which cannot be resolved informally will be resolved at the Dean of Students Hearing, as described in section B(2)(b), below.)

2. Physical assault or abuse;
3. Verbal assault or abuse;
4. Written assault or abuse, including cyber-bullying via use of social media and/or other technologies;
5. The possession or use of weapons of any nature, including instruments intended to be used to inflict harm, such as fireworks or explosives, on the campus, in class, or at any College function;
6. Unauthorized or illegal use of College computers;
7. Disruptive conduct in the classroom that interferes with instruction;
8. Disorderly, lewd, indecent, or obscene conduct or expression;
9. Any act of whatsoever nature that interferes with normal operation of the College or which adversely affects the student’s suitability as a member of the College community, including acts which violate the rules and regulations laid out in the COVID-19-related Guide;
10. Failure to comply with directions of College personnel acting in the performance of their duties, for example, refusal to show proper I.D. to College personnel when so requested;
11. Theft of, or damage to College property or personal property belonging to any member of the College community;
12. Unauthorized possession, use, and/or sale, or intent to possess, use, or sell of alcoholic beverages, narcotics, drugs, or drug paraphernalia, while on campus, or at any College function; or being present on campus or at a College function while under the influence of alcoholic beverages, narcotics or drugs;
13. Gambling in any form;
14. Plagiarism, cheating, or any form of academic dishonesty;
15. Submitting a false application or other information to the College, and the forgery, alteration, or intentional misuse of College documents, records or identification;
16. Violation of College policies concerning regulation of student clubs or organizations;
17. Unauthorized use of a vehicle on the College campus;
18. Failure to adhere to campus traffic regulations;
19. Violation of County Ordinance 238-1984 Section 4, Subsection e, as amended by Ordinance 152-1993. (Advertising and Handbills; No person will distribute, display or post or cause to be distributed, displayed or posted, any sign, banner, poster or advertisement of commercial nature except as authorized by the appropriate designated County official or unless distributed, displayed or posted at such locations designated by the facility for such purpose.)

E. Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases.

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

F. False & Frivolous Complaints

1. The College recognizes that the question of whether a particular conduct constitutes a violation of the Student Code of Conduct requires factual determination. The College also recognizes that false accusations have serious effects on innocent persons. If it is determined that a person who has accused another of a violation has maliciously or recklessly made a false accusation, the accuser will be considered 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 determined not to constitute a violation does not mean that the complaint was maliciously or recklessly made.
2. Student complaints are taken seriously; therefore, the complaint must be of a compelling, substantive, and verifiable nature. Repeated filings of the same complaint, filings of a frivolous nature, or capricious complaints will be considered abuse of the complaint process and the Student Code of Conduct and may be subject to disciplinary action. Complaints may be dismissed without further action if the Dean of Students office, in their discretion, determine the complaint is frivolous.

Section II: Procedures for Dealing with Infractions of the Student Code of Conduct

The College will respond to violators of its Code of Conduct using the procedures listed below. At all stages of these proceedings, the College will proceed expeditiously. However, the time limits specified in the following sections may be extended due to extraordinary extenuating circumstances. For procedural issues not specified in this document, refer to Roberts Rules of Order. All records pertaining to charges and hearings are confidential to the extent allowed by law and shall be maintained as such. Throughout the proceedings the students' right to privacy shall be maintained to the extent allowed by law. Unless otherwise required by law, all information obtained during the course of the college judicial process will be protected from

public release until the individual or group hearing the Appeal (as described in Section E of this Code) makes a final determination.

A. Filing of Charges

1. Charges may be brought against a student by another student or by any college employee. Any charge, accusation or infraction of the Code, which may subject a student to disciplinary action, must ordinarily be submitted to the Assistant or Associate Dean of Students in writing within five (5) days of the alleged violation. However, prior to filing charges formally, any student, staff or faculty may informally consult with the Dean of Students regarding an alleged infraction of the Code of Conduct and procedures to be followed.
2. When informal (unwritten) charges are brought to the attention of the Dean of Students, the Dean will determine if formal charges are warranted. If formal (written) charges are not warranted, the Dean will attempt to negotiate a solution between the involved individuals without the imposition of sanctions.
3. When formal (written) charges are filed with or by the Dean of Students or designee, the Dean will notify the accused student(s), in writing, of the date and time of an initial interview with the Dean of Students or designee. This interview will take place no more than ten (10) business days (Mondays through Fridays when the College is open) following the filing of charges. The written notification will be mailed to the student's address of record by first class mail and/or by overnight, certified, return receipt requested mail. This written notification to the accused student(s) will include a copy of the Student Code of Conduct.
4. In cases of serious violations of the Code of Conduct, in which the Dean of Students determines that continued enrollment at the College is inconsistent with the safety of the College community, the Dean or his/her designee may impose immediate suspension pending final adjudication of the charges.
5. Prior to the interview date, the Dean of Students will gather relevant information concerning the charges from all appropriate sources.

B. Presentation of Charges

1. At the initial interview the Assistant or Associate Dean of Students will inform the charged student of his/her rights and possible consequences of the alleged infractions against them, as authorized under the Student Code of Conduct. There shall be a thorough review of the charges with the charged student, including a review of statements from witnesses.
2. Based on the interview and all other information gathered, the Assistant or Associate Dean of Students will make one of the following determinations*:
 - a. A resolution can be reached without the imposition of sanctions. In this case, the Assistant or Associate Dean of Students will attempt to reach a resolution satisfactory to all parties. If a resolution is not reached, the matter will be

forwarded to the Dean of Students for adjudication as outlined in section (b), below.

- b. Due to the nature of the alleged violation(s), the student charged could receive a sanction other than suspension or expulsion. In this case, the Assistant or Associate Dean of Students will inform the charged student, in writing, of the date and time of a hearing before the Dean of Students. This hearing will take place no more than fifteen (15) business days following the interview with the Assistant or Associate Dean of Students. The written notification will be mailed to the student's address of record by first class mail and/or by overnight, certified, return receipt requested mail, as specified in more detail in Section D (1), below.
- c. Due to the nature of the alleged violation(s), the student charged could receive a sanction of suspension or expulsion and possibly a permanent notation of the violation on the student or students' College transcript. In this case, the Dean of Students will inform the charged student, in writing, of the date and time of a hearing before the Code of Conduct Hearing Committee. This hearing will take place no more than fifteen (15) business days following the interview with the Dean of Students.
- d. Due to the nature of the alleged violation(s), the student charged could receive a sanction of suspension or expulsion and the Dean of Students determines that the student(s) should be suspended pending final adjudication of the charges. Such a decision would be based on the Dean's determination that the accused student's continued attendance at the College is inconsistent with the safety of the College Community. In this case, the Dean of Students will suspend the student and will inform the charged student, in writing, of the date and time of a hearing before the Code of Conduct Hearing Committee. This hearing will take place no more than five (5) days following the interview with the Assistant or Associate Dean of Students.

*** All allegations of Stalking, as defined in this Code of Conduct**, regardless of the severity of the offense, in which a resolution without imposition of sanctions cannot be reached, will be resolved at the Dean of Students Hearing, as described in section II(d)(1), below.

C. Code of Conduct Hearing Committee

1. Jurisdiction and Procedures of the Committee

- a. The committee will consider those cases that could result in suspension or expulsion and possibly a permanent notation of the violation on the student's College transcript.
- b. The Committee shall not be bound by the strict rules of evidence and shall hear evidence that it deems appropriate and relevant.
- c. Decisions will be made based on the preponderance of the evidence presented.

2. Membership of the Committee

- a. The Committee will consist of nine (9) members.
 - i. Three (3) students, drawn from the six (6) student members of the Academic Senate's Student Code of Conduct Committee. These student members are appointed by the President of the Student Government Association prior to the end of May of each academic year. Their term shall be one year, ending May 31st.
 - ii. Three (3) administrators, drawn from the six (6) administrative members of the Academic Senate's Student Code of Conduct Committee. These administrative members are appointed by the College President or his/her designee prior to the end of September of each academic year. Their term shall be one year. Administrators can be reappointed.
 - iii. Three (3) faculty members, drawn from the six (6) faculty members of the Academic Senate's Student Code of Conduct Committee. These faculty members are appointed by the Chair of the Academic Senate prior to the end of September of each academic year. Their term shall be two years.
- b. The Chair of the Code of Conduct Hearing Committee shall be the Chair of the Academic Senate's Student Code of Conduct Committee. In his/her absence, an Acting Chair will be elected by a simple majority of voting members present at the hearing. The Chair or Acting Chair will conduct the hearing and rule on questions of procedure.
- c. The Dean of Students, or his or her designee, will present the case.

3. Procedural Requirements

- a. A quorum is required in order for the Code of Conduct Committee Hearing to be conducted. A quorum is achieved when five (5) members of the committee are present, with at least one member from each of the three constituent groups: students, administrators, and faculty members.
- b. Decisions will be made by a simple majority of voting members present at the hearing. If a simple majority vote cannot be secured, the case shall be forwarded to the Dean of Students for adjudication.

4. Conflicts of Interest and Neutrality

- a. Any member who feels unable to approach a case in a spirit of neutrality may ask to be excused from hearing the case. The Chair or Acting Chair of the Committee will appoint alternates as required to meet a quorum.
- b. Any member whom the Committee feels cannot approach a case in a spirit of neutrality will be questioned on the matter by the Committee, and if neutrality is not established, that member will be asked by the Committee, on the basis of a simple majority of voting members present at the hearing, not to hear the case. The Chair or Acting Chair of the Committee will appoint alternates as required to meet a quorum.

D. Adjudication of Charges

1. **Dean of Students Hearing;** Charges that could result in sanctions OTHER than suspension or expulsion, as well as charges of Stalking, as defined under this Code of Conduct:
 - a. As indicated above, the Dean of Students will hear cases that could result in sanctions other than suspension or expulsion. At the hearing, the Dean of Students will consider evidence presented by the accused student(s), the victim(s)/accuser(s), the Assistant or Associate Dean of Students, and any other witnesses whose testimony the Dean of Students determines to be relevant. The accused student will have the right, with prior notification to the Dean of Students, to bring his/her own witnesses to the hearing.
 - b. Students have the option to appear via an approved video conferencing tool (i.e., Zoom) if unable to appear in person. Further, the College may hold the entire Dean of Students proceeding via an approved video conferencing tool, if required by circumstances.
 - c. The following due process procedures will govern the Dean of Students' Hearing. Students shall receive:
 - I. a letter, mailed to the student's address of record by first class mail and/or overnight, certified, return receipt-requested mail, which shall include a written statement of the charges against them, as well as the date and time of the hearing. This letter will be mailed to the student within five (5) business days after the Dean receives the charges from the Assistant or Associate Dean. The hearing will be scheduled within fifteen (15) business days following the interview with the Assistant or Associate Dean of Students, as stated in Section B(2)(b), above;
 - II. opportunity to review records maintained by the Office of the Dean of Students which are relevant to the charges adjudicated at the Hearing;
 - III. the opportunity to have an advisor present at the hearing in person or via an approved video conferencing tool, who may advise but not speak for the students, or otherwise participate in the proceedings;
 - IV. the opportunity to present his/her version of the facts, including documents and/or witnesses that may support his/her position;
 - V. the opportunity to respond to allegations, including by introducing documents and/or witnesses;
 - VI. the victim(s)/accuser(s) has the right, at his/her discretion, to remain in the hearing room during the proceedings, or attend the hearing via an

approved video conferencing tool, if desired;

- VII. the opportunity to make an impact statement during the point of the proceedings where the Dean of Students is deliberating on appropriate sanctions.
- VIII. a determination based on evidence presented at the hearing;
- IX. all parties shall receive simultaneous written or electronic notification of the outcome of the college judicial process, including the sanctions. This notification will be sent within five (5) business days of the conclusion of the hearing.
- X. students may choose whether to disclose or discuss the outcome of the College's judicial process.

d. Following the Dean of Students Hearing, the Dean of Students may:

- I. negotiate a solution between the accused and the victim(s)/accuser(s);
- II. determine that no sanction should be imposed. The victim(s)/accuser(s) will have the right to appeal the Dean of Students' decision to the President of the College based on specific justifications for appeal listed in Section II(E) of this Code, ("Appeal of Disciplinary Decisions"). A request for an appeal must be presented to the President of the College within five (5) business days of receipt of the Dean of Students' decision;
- III. determine that some sanction(s) should be imposed. The student(s) receiving the sanction(s) will have the right to appeal the Dean of Students' decision to the President of the College based on specific justifications for appeal listed in Section II(E) of this Code, ("Appeal of Disciplinary Decisions"). A request for an appeal must be presented to the President of the College within five (5) business days of receipt of the Dean of Students' decision.

2. **Code of Conduct Committee Hearing:** Charges that could result in suspension or expulsion and possibly a permanent notation of the violation on the student's College transcript:

- a. As indicated above, the Code of Conduct Hearing Committee will hear cases that the Dean of Students believes could result in suspension or expulsion and possibly in a permanent notation of the violation on the student's College transcript. At the hearing, the Committee will consider evidence presented by the accused student(s), the victim(s)/accuser(s), the Dean of Students or designee, and any

other witnesses whose testimony the Committee deems to be relevant. The accused student will have the right, with prior notification to the Dean of Students, to bring his/her own witnesses to the hearing. In its decision on sanctions, the Committee shall not be required to impose the sanctions of suspension and expulsion but may impose a lesser sanction if it is deemed appropriate.

- b. Students have the option to appear via an approved video conferencing tool (i.e. Zoom) if unable to appear in person. Further, the College may hold the entire Code of Conduct Committee Hearing via an approved video conferencing tool, if required by circumstances.
- c. The following due process procedures will govern the Code of Conduct Committee's hearing. Students shall receive:
 - i. a letter, mailed to the student's address of record by first class mail and/or overnight, certified, return receipt-requested mail, which shall include a written statement of the charges against them, as well as the date and time of the hearing. This letter will be mailed to the student within five (5) business days after the Code of Conduct Hearing Committee receives the charges from the Dean of Students or designee. The hearing will be scheduled within fifteen (15) business days following the interview with the Dean of Students office, as stated in Section B(2)(c), above;
 - ii. opportunity to review the records maintained by the Office of the Dean of Students which are relevant to the charges adjudicated at the Hearing;
 - iii. the opportunity to have an advisor present at the hearing (in person or via approved video conferencing tool), who may advise but not speak for the students, or otherwise participate in the hearing;
 - iv. the opportunity to present his/her version of the facts, including documents and/or witnesses that may support his/her position;
 - v. the opportunity to respond to allegations, including by introducing documents and/or witnesses;
 - vi. the victim(s)/accuser(s) has the right to remain in the hearing room during the proceedings, or attend the hearing via approved video conferencing tool, if desired;
 - vii. the opportunity to make an impact statement during the point of the proceedings where the Committee is deliberating on appropriate sanctions;
 - viii. a determination based on evidence presented at the hearing;

- ix. all parties shall receive from the Dean of Students Office simultaneous written or electronic notification of the outcome of the college judicial process, including the sanctions. This notification will be sent within five (5) business days of the conclusion of the hearing.
 - x. students may choose whether to disclose or discuss the outcome of the college judicial process.
- d. Following the Code of Conduct Committee Hearing, the Committee may:
- i. determine that no sanction should be imposed. In this case, the Committee will notify the Dean of Students Office of its decision within 24 hours. The victim(s)/accuser(s) will have the right to appeal the Committee's decision to the Dean of Students based on specific justifications for appeal listed in Section II(E), ("Appeal of Disciplinary Decisions"). A request for an appeal must be presented to the Dean of Students within five (5) business days of receipt of the Committee's decision.
 - ii. determine that a sanction should be imposed. In this case, the Committee will notify the Dean of Students Office of its decision within 24 hours. If the Committee believes that a permanent notation of the violation should appear on the student's (or students') transcript, the Committee will discuss this with the Dean before making a final determination. The student(s) receiving the sanction(s) will have the right to appeal the Committee's decision to the Dean of Students based on specific justifications for appeal listed in Section II(E), ("Appeal of Disciplinary Decisions"). A request for an appeal must be presented to the Dean of Students within five (5) business days of receipt of the Code of Conduct Committee's decision.
3. **Failure to Appear for the Hearing.** If a student fails to appear as scheduled at the Dean of Students Hearing or the Code of Conduct Committee Hearing, the student's right to be heard is waived unless, within 48 hours, the student presents in writing an acceptable reason for failure to appear. In the case of an excused absence, the case will be adjudicated at the earliest possible date. If the absence is not excused, the Dean of Students or the Code of Conduct Hearing Committee, whichever is scheduled to hear the case, will decide the case on the basis of evidence presented.
4. **Record of Hearings.**
- a. The Dean of Students Office will maintain a record of all the Hearings held before the Dean of Students or the Code of Conduct Hearing Committee. Such records

can be reviewed by the individual charged and by the victim(s)/accuser(s) in the Dean of Students' office.

- b. Records of hearings shall be preserved and maintained for at least six (6) years from the end of the academic year during which such a hearing was held, and may include a transcript, recording or other appropriate record.

E. Appeal of Disciplinary Decisions

1. An appeal of a disciplinary action must be based on one or more of the following factors:
 - a. Inappropriate sanction, for example, extremely punitive, or not consistent with precedent;
 - b. Presence of new evidence that was not available during the initial hearing;
 - c. Failure by College officials to follow due process or failure to abide by the College's judicial procedures.
2. The student must request the appeal in writing within five (5) business days of receipt of the decision. The request must include a justification for the appeal. The President of the College, the Dean of Students, or the Code of Conduct Committee, (depending on the type/severity of offense that is being appealed as described below), will decide if an appeal will be granted.
3. **Appeal of the Dean of Students Decision to the President:**
 - a. The accused or the accuser(s) may appeal a decision of the Dean of Students, with the exception of decisions concerning Stalking offenses, to the President of the College within five (5) business days after receiving written notification of the decision. Should the President determine that an appeal will not be heard, that decision will be final. The student(s), accused and victim(s)/accuser(s), will be notified in writing of such a decision within five (5) days of receipt of the appeal.
 - b. The Dean of Students will present to the President of the College a written record of the charges, pertinent correspondences, a summary transcript of the proceedings, and the Dean's decision, and the respective justification(s) for the appeal. The President shall have the authority to sustain, modify, or reverse the disciplinary action imposed by the Dean.
 - c. The President shall convey his/her decision in writing to the student, and to the Dean of Students, within fifteen (15) days after receipt of the appeal. The decision of the President of the College shall be final.
4. **Appeal of the Code of Conduct Hearing Committee's Decision:** The accused or the accuser(s) may appeal a decision of the Code of Conduct Committee's Hearing to the Dean of Students within five (5) business days of receiving written notice of the decision. If an appeal is granted, it will be scheduled within five (5) business days of receipt of the appeal request. The Dean shall have the authority to sustain, modify, or reverse the disciplinary

action imposed by the Committee. The Dean will notify the student(s) and the Committee of his/her decision, in writing, within five (5) business days of hearing the appeal. The Dean of Students' decision in Appeals following Code of Conduct Committee's Hearings shall be final.

5. Appeal of the Dean of Students Decision in Stalking Offenses:

- a. The accused or the accuser(s) may appeal a decision following a Dean of Students Hearing, to the Code of Conduct Hearing Committee within five (5) business days after having received written notice of the decision. Request for an appeal must be made in writing to the Dean of Students Office. The Code of Conduct Hearing Committee will have ten (10) business days to grant or deny a petition for appeal. The Code of Conduct Hearing Committee's decision to grant the petition for appeal shall be based on reasonable justification, which may include, but is not limited to:
 - Inappropriate sanction, for example, extremely punitive, or not consistent with precedent;
 - Presence of new evidence that was not available during the initial hearing;
 - Failure by College officials to follow due process or failure to abide by the College's judicial procedures.
- b. If the Committee denies the petition for appeal, both parties will be notified of this determination.
- c. Should the Committee determine that an appeal will not be heard, that decision will be final. The student(s), accused and victim(s)/accuser(s), will be notified in writing of such a decision within five (5) business days of receipt of the appeal.
- d. If the Committee grants a petition for appeal proceedings, the Committee, through the Dean of Students' Office, will notify both parties of the time and date when the appeal will be heard. The Complainant and the Respondent may choose to have an advisor of their choice present during his or her appearance before the Committee.
- e. The Committee shall:
 - i. Interview the Dean of Students, review the petition, review the Dean of Students' investigation reports, and may interview witnesses. Both parties have the right to submit a written statement to the Committee. All actions undertaken by the Committee shall be fair and impartial.
 - ii. The Committee may overturn the Dean of Students decision or do one of the following:
 1. Reduce the severity of the sanction
 2. Increase the severity of the sanction
 3. Uphold the Dean of Students decision
 - iii. The Committee has fifteen (15) business days after receipt of appeal to review the case and to render a written decision. If the deadline is not met, the Dean of Students' decision shall be final.
- f. The Committee's decision concerning the Appeal shall be final and shall not be subject to any further applications for appeal.

F. Possible Disciplinary Sanctions. The Dean of Students is responsible for implementing disciplinary action toward students judged by the Code of Conduct Hearing Committee or the Dean of Students to have violated the Code of Conduct. The extent of the disciplinary sanction will depend on the seriousness of the violation, the past record of the student, circumstances surrounding the violation, and past practices in similar situations. The Dean of Students' office will maintain records of all imposed sanctions. Disciplinary actions imposed shall be one or more of the following:

1. **Written Reprimand:** A written reprimand is a letter from the Dean of Students or his/her designee to a student found guilty of violating the Code of Conduct. The specific violation is to be defined in the letter with a stated rationale for its unacceptability. A copy will be maintained by the Dean of Students' Office.
2. **Social Probation:** Non-academic probation may be imposed on a student who has been found guilty of violating the Code of Conduct. If a student becomes involved in any other problems of conduct while on social probation, he/she is eligible for suspension or expulsion from the College, based on a hearing before the Dean of Students or the Code of Conduct Hearing Committee. Notice of Social Probation notice is to be given to the student in writing by the Dean of Students with the terms of the probation and the rationale carefully detailed.
3. **Restitution:** Any student found guilty of violating the Code of Conduct that has damaged College property or the property of his/her fellow student(s) may be required to rectify this action by making financial restitution to the parties involved or through appropriate service or material replacement. Failure to do so within a specified time period may result in further disciplinary action as determined by the Dean of Students.
4. **Suspension:** Specific period of time in which a student is prohibited from enrolling at the institution. Ordinarily a student who is suspended will receive a "W" for all his/her courses. In compelling circumstances, the Committee reserves the right to allow a student's instructor to grant a grade. Suspension can be accompanied by additional requirements which the student must fulfill prior to re-enrollment.
5. **Temporary Suspension:** A narrowly defined period of time, i.e., three days, two weeks, etc., in which the student will be prohibited from attending classes, including in-person, online, remote or hybrid classes, while further investigation of the alleged violation occurs.
 - i. Both the Complainant and the accused student may request that the College modify the terms of the Temporary Suspension or discontinue the Suspension. The Parties must submit the request in writing, to the Dean of Students, and must include evidence to support their request. The Dean of Students office will respond to such requests for modification within five (5) business days of receipt.

6. **Expulsion:** 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 his/her courses. In compelling circumstances, the Committee reserves the right to allow a student’s instructor to grant a grade.

7. **Permanent Transcript Notation:**

a. A permanent record of the student’s violation will appear on the student’s College transcript. This measure will normally be applied for students who have been found to have violated the Code of Conduct by intentional behavior that could lead to death or serious injury of another person. The College retains the right to determine additional serious violations that will result in permanent transcript notation.

b. For crimes of violence, including, but not limited to sexual violence, as defined under the Clery Act, the College shall make a notation on the transcript of students found responsible after a conduct process that they were “suspended after a finding of responsibility for a code of conduct violation” or “expelled after a finding of responsibility for a code of conduct violation.” For the Respondent/accused student who withdraws from the institution while such conduct charges are pending, and declines to complete the disciplinary process, the College shall make a notation on the transcript of such students that they “withdrew with conduct charges pending”.

c. **Policy for Requesting Removal of a Transcript Notation**

Students/former students who receive a transcript notation indicating a suspension, as described above, may file an Appeal and request that such a notation be removed from their transcript. Such Appeals may only be filed after one (1) year has passed after the notation initially appeared on the Transcript. The Appeal must be filed in writing, and directed either to the Dean of Students, or to the Title IX Coordinator’s Office, depending on which office adjudicated the initial conduct process. Requestor must list factors why they feel that the transcript notation should be removed, including any rehabilitative actions taken since the crime/incident was committed, and provide letters of character to support their Appeal. Dean of Students or Title IX Coordinator may choose to schedule a meeting with the requestor or may make a determination based on written submissions.

Transcript notations concerning expulsions shall not be removed.

8. **Persona Non-Grata:** This designation prohibits a student’s presence on campus without prior approval from Public Safety and the Office of the Dean of Students. Failure to adhere to the Persona Non-Grata will subject the student to Nassau County Police arrest. The

“Persona Non-Grata” designation would apply to all students, including in-person, remote, hybrid or online-only students.

9. **Record Hold:** All academic, financial, and social transactions will be prohibited without the prior consent of the Office of the Dean of Students.
10. **Confiscation of Student Identification:** Students may be required to surrender their College identification.
11. **Other:** community service, counseling, mentoring, enrolling in a course focused on drug and alcohol consumption, and any other sanction deemed appropriate under the circumstances by the Dean of Students and/or the Student Code of Conduct Committee.

Section III: Specific Policies and Procedures for Cases of Stalking of a Non-Sexual Nature.

1. In the event students are charged with Stalking, as defined in Section I(D)(1) of this Code of Conduct, determinations shall be made by the preponderance of the evidence standard (“more likely than not”).
2. All allegations of Stalking, regardless of the severity of the offense, in which a resolution without imposition of sanctions cannot be reached, will be resolved before the Dean of Students Hearing, as specified in Section II(B)(2)(b) of this Code.
3. **Interim Measures may be put in place for alleged Stalking offenses during the pending disciplinary process:**
 - **No Contact Order:** In allegations of Stalking, as defined in this Code of Conduct, the student filing Charges may request that a “No Contact Order” be issued to the accused student. While the No Contact Order is in effect, the accused student is prohibited from any intentional contact with the Complainant. And such contact will be a violation of the Code of Conduct and may subject the accused student to additional disciplinary measures.
 - Both the Complainant and the accused student may request that the College modify the terms of the No Contact Order or discontinue the Order. The Parties must submit the request in writing, to the Dean of Students, and must include evidence to support their request. The Dean of Students office will respond to such requests for modification within five (5) business days of receipt.
 - **Other Appropriate Interim Measures:** the student filing Charges may request and will be entitled to reasonable measures or accommodations in order to limit his/her contact with the accused student during the pending disciplinary process. Interim measures may include a change in academic, extracurricular, College employment or other arrangements to help ensure the safety of the Complainant.
 - Both the Complainant and the accused student may request that the College modify the terms of the Interim Measures or discontinue the

measures. The Parties must submit the request in writing, to the Dean of Students, and must include evidence to support their request. The Dean of Students office will respond to such requests for modification within five (5) business days of receipt.

4. Appeals of the determination made at the Dean of Students Hearing shall be made to the Code of Conduct Hearing Committee, as specified in Section II(E)(5) of this Code, entitled "Appeal of Dean of Students Decision in Stalking Offenses".

Section IV: Rules and Regulations Regarding Initiation or Affiliation with Student Organizations

1. Nassau Community College recognizes that membership in a fraternity/sorority or other campus organization (hereinafter collectively referred to as an "Organization") can be a meaningful experience in conjunction with other aspects of the educational process. Unfortunately, however, membership or prospective membership in an organization is sometimes accompanied by an activity commonly known as "hazing." Hazing has been deemed as generally including, among other things:
 - Any action or situation which recklessly or intentionally endangers mental or physical health or involves the consumption of liquor, drugs, or other substances for the purpose of initiation into or affiliation with any organization;
 - Any other act or series of acts which cause bodily or physical harm or danger;
 - Mistreatment by playing stunts or practicing abusive or humiliating tricks that subject an individual to personal indignity, humiliation or ridicule;
 - Harassment by exacting unnecessary, disagreeable, difficult, or degrading work or harassment by ridicule, criticism, or public embarrassment.
2. Hazing is a violation of the Penal Law and other laws of the State of New York. Accordingly, the College affirms its policy that it will not condone hazing of any kind. To this end, any student or organization that engages in hazing may be ejected from the campus and, where appropriate, shall be subject to suspension, expulsion, or other disciplinary action.
 - In the case of an organization: the College may take any or all of the following actions against any organization which authorizes hazing or whose members (whether individual or in concert) engage in hazing: rescind permission for the organization to operate on campus property; rescind recognition of the organization; freeze and/or rescind its budget; and prohibit the organization from using the College's name.

- In the case of a student: the student shall be requested to cease and desist from such prohibited conduct, and if he/she fails to do so, necessary and appropriate action will be taken to eject such student from College property, consistent with Section I of the Student Code of Conduct. In addition, disciplinary proceedings shall be commenced, pursuant to the Student Code of Conduct, against any student who engages in hazing. In accordance with those procedures, the penalties of suspension, expulsion, or other disciplinary action may be imposed.
 - Wherever, in the opinion of the President or his designee, the conduct of any individual or organization poses an imminent threat to the physical or emotional safety of himself/herself, to others or to the property, the President or his designee may immediately suspend such individual or organization from the campus pending an appropriate hearing and the final determination therein, consistent with Section II of the Student Code of Conduct.
 - In addition to the foregoing, the College reaffirms its right to utilize and seek the aid of public authorities and such judicial, civil, and criminal processes and proceedings as may, in the discretion of the College, be necessary and appropriate. Any penalty imposed by the College may be in addition to any penalty pursuant to the Penal Law or any other law to which a violator or organization may be subject.
3. The foregoing Rules and Regulations shall be deemed to be part of the bylaws of all College organizations.