

FINGER LAKES COMMUNITY COLLEGE

STUDENT CODE OF CONDUCT

Academic Year 2024-2025



Center for Student Well-Being

Room 3260

585.785.1211

Approved by Board of Trustees: August 7, 2024

INTRODUCTION

Finger Lakes Community College serves as a dynamic learning resource, empowering our students to succeed and fueling the cultural and economic vitality of the region. Finger Lakes Community College's values—Vitality, Inquiry, Perseverance, and Interconnectedness—are the Institutional Learning Outcomes you will acquire in your educational experience at FLCC. They form the pinnacle of FLCC's Learning Framework and serve as measurement tools for determining student growth and development. As you pursue your education at FLCC, the College challenges you to inquire, persevere, make connections, and practice being a vital member of the community.

To help promote a safe and civil campus environment, Finger Lakes Community College expects ALL students, student organizations and student groups (hereinto referred to as “student or students”) to follow the Student Code of Conduct (hereinto referred to as “the Code”). The Code outlines the educational processes of the College that address behaviors not consistent with its tenets. The Code embraces several important values: the rights of free speech and peaceable assembly; the freedom of inquiry and the right to make constructive criticism; the central importance of honesty to this community; and the desire that all students participate on campus in an environment that respects differences of race, color, ethnicity, national origin, religion, creed, age, disability, sex, gender identity, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction.

Students are expected to abide by the policies of the College and to conduct themselves in accordance with accepted standards of good citizenship, respect, honesty, and decency, and with proper regard for the rights of others. Students must also obey federal, state, and local laws, as would any good citizen. The maintenance of harmonious community standards requires that behavior that interferes with or threatens the welfare of others or the College community be prevented. Ignorance of these standards will not be considered a valid excuse or defense. Student participation in any unlawful or other serious violations of College policy may lead to suspension or dismissal from the College.

The Code enumerates the rights and responsibilities of students, behaviors prohibited on or off campus, possible sanctions, and the procedures adopted by the College for addressing student conduct. A student attending FLCC agrees to be governed by this the Code, as well as other College policies. All students at FLCC have access to the Code. Copies of the Code are available online at www.flcc.edu/offices/judicial/ and from the Center for Student Well-Being (Room 3260). Students who have questions about the Code are encouraged to contact the Senior Director, Center for Student Well-Being at 585.785.1211.

Freedom to Learn

In accordance with Federal regulations, the New York State Human Rights Law, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, and Title VI and Title IX of the Higher Education Act, Finger Lakes Community College has adopted an internal due process procedure providing for prompt and equitable resolution of complaints alleging discrimination on the basis of race, color, ethnicity, national origin, religion, creed, age, disability, sex, gender identity, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction in its educational programs, activities, admissions, and employment policies. The name of the current Affirmative Action Officer is available from the Human Resources Office. The ultimate criterion for admission shall be the student's ability to benefit from the educational experience.

Neither student nor instructor shall be deprived of the tenets of academic freedom, including open discussion and investigation, and the College shall be ever conscious of and shall promote the motto of the State University New York System - “To Learn - To Search - To Serve.” Instructors shall evaluate student performance according to current academic guidelines and students shall have the right to challenge a grade or academic treatment in the classroom according to the procedures outlined in the Student Academic Grievance policy.

Freedom to Participate in the College Community

Student representatives shall be voting members of the College Governance System, its standing committees, and of the Finger Lakes Community College Student Corporation. Students may also form student clubs and organizations, subject to the provisions and approval of the Finger Lakes Community College Student Corporation. Advisors shall serve as

consultants for student groups and organizations.

Students shall have the right to assembly and the right to invite speakers and guests and to discuss issues of their choice. Appropriateness of such assemblies and any dispute regarding such appropriateness must be referred to the Senior Director, Center for Student Well-Being. No student gathering or assembly shall physically obstruct the movement of others, deprive others of the opportunity to speak or be heard, represent students' views as the views of the College, or disrupt the educational or institutional process in ways that interfere with the freedom of others.

Any event held on the FLCC main campus or FLCC campus centers and that has been promoted to the general public will require all individuals to provide identification. FLCC students are responsible for the behavior of their guest(s) while on FLCC premises.

Personal Freedom

The College shall not act as the arbiter of personal behavior or morals unless the conduct in question violates the rights of others, the mission of the College, and/or these policies and procedures. Regulation of personal conduct may be necessary to protect the health or safety of members of the college community or the public, to fulfill the educational responsibilities of Finger Lakes Community College, or to comply with local, state, or federal laws. A student's personal property shall not be seized or searched without their consent unless such seizing or searching has complied with legal or college requirements.

Privacy of student records shall be maintained according to current records policies and the Family Educational Rights and Privacy Act (FERPA) as outlined in the College Catalog.

Religious Freedom (with regard to class attendance)

Finger Lakes Community College complies with New York State and Federal laws with regard to religious absences. No person shall be expelled from or be refused admission as a student to Finger Lakes Community College because they are unable, because of their religious beliefs, to attend classes or to participate in any examination, study, or participate in an internship and a practicum on a particular day or days. Persons absent for reasons of religious observance based on a recognized, established religion shall be excused from any examination, study, or work requirements and shall be provided with an equivalent opportunity to make up any examination, study, or work requirements which they may have missed because of such absence. For further information, refer to the "Religious Beliefs" section in the College Catalog.

NOTE: For purposes of this document, we have aligned policies and processes to ensure compliance with New York State's "Enough Is Enough" (Article 129B), the Clery requirements and the Violence Against Women Reauthorization Act (VAWA), The College's Non-Discrimination Policy: Procedures for Complaints of Discrimination and Sex Discrimination, other than Sex-Based Harassment (herein referred to in this policy as the Non-Discrimination Policy), and Title IX Grievance Policy: Procedures for Sex-Based Harassment Complaints for Students and Employees (herein referred to in this policy as the Title IX Grievance Policy) are compliant with the Federal regulations authorized for 8/1/24 implementation.

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DEFINITIONS

The following selected terms are defined in an effort to facilitate a more thorough understanding of the Code. Certain definitions have been adapted from Section 6439 NYS Education Law Article 129-b.

College: The term means Finger Lakes Community College.

Student: The term includes all persons who are registered or enrolled in courses at the College, including but not limited to both full-time and part-time, continuing education, Gemini program, and HSE (High School Equivalency) programs.

Student Organization: The term means any number of persons who have complied with the formal requirements for College recognition by the Student Corporation and/or the Division of Student Affairs.

Student Group: The term means any number of persons who are not officially recognized as a student organization by the Student Corporation and/or the Division of Student Affairs.

Hearing Officer: This term identifies a College staff member who is authorized to determine the appropriate resolution of an alleged violation of the Code, and/or to impose sanctions or affect other remedies as appropriate. Subject to the provision in this code, a Hearing Officer is vested with the authority to, among other duties, investigate a complaint of an alleged violation of the Code; decline to pursue a complaint; refer identified students to other appropriate resources; establish the Code alleged violations regarding a Responding Party; conduct a hearing; impose sanctions; chair and/or advise a hearing.

Designee: This term identifies an administrator, staff or faculty member who has the responsibility for implementing the student conduct process or administering the student conduct system, in part or in whole.

Business day: This term identifies any day, Monday through Friday that the College is open.

Confidentiality: This term means the condition of not wishing to have information passed on to anyone else. This disposition may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with state and federal law. Licensed mental health counselors, medical providers and pastoral counselors are examples of individuals who may offer confidentiality. *At FLCC only the licensed Student Health Services and Counseling employees are able to offer confidentiality.*

Privacy: This term means the disposition to prefer having their information secluded from as many people as possible. This condition may be offered by an individual when such individual is unable to offer confidentiality under the law and will not disclose more information than necessary to comply with this and other applicable laws, including informing appropriate college officials.

Complainant: The term means any person or persons who have filed disciplinary charges against a student.

Accused Student: The term means any student who has been identified as a person who has allegedly violated the Code and has not yet entered the College's Student Conduct Process.

Reporting Party: The term encompasses victim, survivor, complainant, and any other term used by the College to reference an individual who brings forth a report of a violation.

Responding Party: The term means an individual accused of a violation who has entered the College's student conduct process and charges have been filed.

Responsible Employee: The term means an employee who has the authority to take action to redress harassment and has the duty to report discrimination or harassment to appropriate College officials, or an individual who a student could reasonably believe has this authority or responsibility. All College employees are Responsible Employees, with the exception of those who hold confidentiality (see above).

Advisor: This term means any person who accompanies a Reporting Party or Responding Party to any procedural meetings, interviews, hearings or other meetings with college officials that are related to the student conduct process. The advisor can be someone of the student's choosing who is affiliated with the Institution, which may be a faculty, staff, or student. Non-FLCC affiliated advisors may be allowed at the sole discretion of the Hearing Officer*. The role of the advisor is to be supportive and give consultations to the student. The advisor may not ask or answer questions or make comments during

the investigation and hearing process.

**In some circumstances, as outlined in State or Federal regulations, or at the discretion of the hearing officer, the advisor may be an attorney. See Appendix A for an overview of the role of an advisor.*

Standard of Evidence: The term standard of evidence used to determine responsibility is a preponderance of evidence which means more likely than not. This burden of proof is different than beyond a reasonable doubt, which is a more stringent standard that is applicable to criminal procedures. The technical rules of evidence used in civil and criminal proceedings do not apply to the Code and Non-Discrimination and Sexual Harassment Response and Prevention Policy.

Sanction: The term means a requirement or status that is imposed as a result of either accepting responsibility or being found responsible for violating the Code.

Amnesty/Good Samaritan: The term applies to reports of alleged College policy violations and violations of law by students. Sometimes, students are hesitant to report to College officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, including but not limited to alcohol, drugs, and other prohibited conduct, at the time of the incident. It is in the best interests for the health and safety of the FLCC community that students choose to come forward to report to College officials. To encourage reporting, the Code offers students amnesty from minor policy violations related to the incident. The term "Good Samaritan" is used to refer to a student who summons medical attention or intervenes in life-threatening situations for a person (including themselves) in need of medical assessment and/or treatment for a problem that this person may have contributed to or caused by participating in the use of alcohol or other drugs. This may also apply to a life-threatening situation that may have been caused by the person themselves above and beyond the use of alcohol and drugs.

Affirmative Consent: The term Affirmative Consent is defined as a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression. Consent may be initially given but withdrawn at any time. When consent is withdrawn or can no longer be given, sexual activity must stop. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

Non-consent:

- Consent cannot be given when it is the result of coercion, intimidation, force or threat of harm;
- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act;
- Consent cannot be given when a person is incapacitated which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if any individual otherwise cannot consent.

Retaliation: The term means adverse action against another person for reporting a violation or for participating in any way in the investigation or conduct process. Retaliation includes harassment and intimidation, including but not limited to violence, threats of violence, property destruction, adverse educational or employment consequences, and bullying.

Hostile Environment Sexual Harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in, or benefit from, FLCC's education program or activity (i.e. creates a Hostile Environment).

Quid Pro Quo Sexual Harassment: The term means unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational development or performance.

Sexual Harassment: The term means unwelcome sexual, sex-based and/or gender-based advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature by an employee, by another student, or by a

third party and that a reasonable person would determine is “so severe, pervasive, and objectively offensive” that it effectively denies a person equal access to education.

Sex Discrimination: The term means all forms of sexual harassment, sexual assault, and other sexual violence by employees, students, or third parties against employees, students, or third parties. Students, employees, and third parties are prohibited from harassing others whether or not the harassment occurs on the FLCC College campus or whether it occurs during work hours. Sex discrimination can be carried out by other students, college employees, or third parties. All acts of sex discrimination, including sexual harassment and sexual violence, are prohibited.

Sexual Assault: The term means a physical sexual act or acts committed against another person without consent. Rape is an extreme form of sexual harassment and will fall under the Title IX Grievance Policy when it meets the jurisdictional requirements. Sexual assault includes what is commonly known as “rape” (including what is commonly called “date rape” and “acquaintance rape”), statutory rape and incest. For statutory rape, the age of consent in New York State is 17 years old.

Sexual Violence: The term means physical sexual acts perpetrated against a person’s will or perpetrated where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual Violence will fall under the Title IX Grievance Policy when it meets the jurisdictional requirements.

Dating Violence: The term means any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the victim’s statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. Dating violence will fall under the Title IX Grievance Policy when it meets the jurisdictional requirements. This definition does not include acts covered under domestic violence.

Domestic Violence: The term means any violent crime committed by a current or former spouse or intimate partner of the victim, a person sharing a child with the victim, or a person cohabitating with the victim as a spouse or intimate partner. Domestic Violence will fall under the Title IX Grievance Policy when it meets the jurisdictional requirements.

Stalking: The term means intentionally engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear for his or her safety or the safety of others or cause that person to suffer substantial emotional damage. Examples include, but are not limited to, two or more acts by which the stalker directly, indirectly, or through third parties follows, monitors, observes, surveils, threatens, or communicates about a person or interferes with his or her property. Stalking will fall under the Title IX Grievance Policy when it meets the jurisdictional requirements.

Sexual Misconduct: The term means sexual harassment or sexual violence and encompasses a wide range of behaviors. Sexual Misconduct includes but is not limited to sexual assault, intimate partner violence, stalking of a sexual nature, any conduct of a sexual nature that is nonconsensual, has the effect of threatening or intimidating another and some categories of sex/gender discrimination. Sexual Misconduct may also fall under the Title IX Grievance Policy or the Non-Discrimination and Sexual Harassment Response and Prevention Policy when it meets the jurisdictional requirements.

Gender Identity: The term refers to an individual’s internal sense of gender. A person’s gender identity may be different from or the same as the person’s gender assigned at birth.

Sex Assigned at Birth: The term refers to the gender designation recorded on an infant’s birth certificate should such a record be provided at birth.

Transgender: The term describes those individuals whose gender identity is different from the gender they were assigned at birth. A transgender male is someone who identifies as male but was assigned the gender of female at birth; a transgender female is someone who identifies as female but was assigned the gender of male at birth.

Gender Transition: The term refers to the process in which individuals begin to live and identify as the gender consistent with their gender identity and may dress differently, adopt a new name, and use pronouns consistent with their gender identity.

Transgender individuals may undergo gender transition at any stage of their lives, and gender transition can happen swiftly or over a long duration of time.

AUTHORITY

Authority for the administration, oversight, implementation, and regular review of the Code is delegated from the College President through the Provost/Vice President of Academic and Student Affairs, to the Associate Vice President of Student Affairs and the Senior Director, Center for Student Well-Being. During the policy review process the Code of Conduct edits will be shared with the College's Governing bodies for review and feedback. Due to local, state, and federal laws or legislation and SUNY policy directives, there may be instances that prohibit the shared review process due to implementation deadlines beyond the College's control.

Hearing Officers in this process include, but are not limited to, the Senior Director, Center for Student Well-Being, the Director of Housing and Residential Life, the Assistant Director of Housing and Residential Life, the Resident Director, and trained Student Affairs staff members. Appellate officers and bodies typically include, but are not limited to, the Associate Vice President of Student Affairs, the Provost/Vice President of Academic and Student Affairs, Conduct Board members (faculty, staff, and students). Other officers and/or boards may be established and approved by the College President as necessitated by the particular facets of each event and the staffing necessary to adequately complete the processes. If at any time there is a vacancy with one of the hearing officers, the position's supervisor will assume the role for the consistency of the process.

Statement of Jurisdiction

This Code applies to all students of Finger Lakes Community College. The Code outlines prohibited misconduct on college premises (buildings or grounds owned, leased, operated, controlled, or supervised by the college) and all online learning, coaching and tutoring platforms and Office 356. The College may address and take action based on conduct occurring off campus when the behavior or the presence of the individual, in the College's sole judgment, adversely affects the campus community, damages the reputation of the institution or impairs, obstructs, or interferes with the interests and/or mission, processes, or functions of Finger Lakes Community College.

Students are subject to the Code beginning at the time they register for their first class. The Code applies to students during academic terms for which they are enrolled, during breaks between terms for which they are registered (including summer), during college holidays and vacations.

If a student breaks a law that also violates the Code, that student may be held accountable by both civil authorities and the College. The College may, at its sole discretion, elect to pursue action against the student at the same time as criminal proceedings, even if criminal charges involving the same incident are not complete, have been dismissed, or were reduced.

Students are responsible for the behavior of their guests. A guest is any person who is not currently enrolled at the College whose purpose on college property is entirely, or in part, to make contact with a student. Students must accompany their guests at all times while on college property. Conduct of a guest which violates any part of college policy may result in the guest's immediate removal from college property and being banned from returning to college property in the future. In addition, conduct of a guest which violates any college policy may be considered a violation by the student and result in college conduct processes and sanctions for the student.

Academic Grievances will follow those procedures as outlined in the Academic Grievance Policy (see [FLCC Academic Grievance Policy for details](#)) except in those cases where the complaint comes forward indicating that the grade determination was based on a protected class concern. Those cases would follow the FLCC Student Code of Conduct, the Non-Discrimination Policy (2024), or the FLCC Title IX Grievance Policy (2024).

Standard of Evidence

The standard of evidence used to determine responsibility is a preponderance of evidence, which means more likely than not. This burden of proof is different than beyond a reasonable doubt, which is a more stringent standard that is applicable to criminal procedures. The technical rules of evidence used in civil and criminal proceedings do not apply to the Code Standards of Evidence Policy. The Code shall be reviewed annually under the direction of the Senior Director, Center for

Student Well-Being and the AVP of Student Affairs. Regulations governing student conduct shall be approved by the FLCC Board of Trustees.

RIGHTS UNDER THE CODE OF CONDUCT

Right to a Hearing

The Responding and Reporting Party has the right to a prompt response to any complaint and to have the complaint investigated and adjudicated, including appeals, in an impartial, timely, and thorough manner by unbiased individuals who receive annual training in conducting investigations that include but is not limited to, sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is “not responsible” until a finding of responsibility is made, and other issues related to sexual assault, domestic violence, dating violence, and stalking. The adjudication of complaints is typically done by a single hearing officer that conducts the investigation and hearing.

Violations occurring in The Suites at Laker Landing may be adjudicated by professional staff of FLCC Association Housing, Inc. The Director of Association Housing and Residential Life may hear cases of non-residents at the sole discretion of the Senior Director, Associate Vice President or Provost. No unauthorized audio or video recording of any kind is permitted during investigation meetings, conduct process proceedings, and hearings. The college records these processes as part of the record keeping requirements for student records.

Right to Witnesses and Evidence

The Responding party and the Reporting party have the right to present evidence and witness testimony at a hearing, where appropriate. The Hearing Officer shall determine how many and who can testify as a witness in a hearing. The Responding and Reporting party have the right to offer evidence during an investigation and to review available relevant evidence in the case file (or otherwise held by the College). This may include testimony, statements, photographs, and other evidence which is deemed relevant by the Hearing Officer.

Right to Not Respond

The Responding party, Reporting party, and witness(es) have the right during a hearing and/or investigation and, to not respond to questioning during the process. If a party elects not to participate in all or some of the process, the investigation will proceed without the benefit of information that party could share and the choice will be noted by the Hearing Officer in the case file.

Right to an Advisor

In accordance with Due Process Rights, the Responding party and Reporting party have the right to an advisor to be with them during the investigation process and/or hearing. The advisor can be someone of the student’s choosing who is affiliated with the Institution, which may be a faculty, staff, or student. Non-FLCC affiliated advisors may be allowed at the sole discretion of the Hearing Officer. The role of the advisor is to be supportive and give consultations to the student. The advisor may not ask/answer questions or make comments during the investigation and hearing process. Breaks will be permitted for the student and advisor to confer in private on an as needed basis. Only in Sexual Misconduct cases may an advisor be an attorney. *[Specific overview of the advisor role is outlined in Appendix A of this document.]*

Right to Appeal

All students found responsible and sanctioned with more than a warning are eligible to file a request to appeal the decision and/or the sanctions.

Right to Extension

All students have the right to an extension of deadlines for grievances and appeals when just cause has been determined and is warranted by the Senior Director, Center for Student Well-Being, Associate Vice President of Student Affairs, Vice President of Academic and Student Affairs, and the Civil Rights Compliance Officer.

Accommodation of Disabilities

Finger Lakes Community College is committed to full compliance with the Americans With Disabilities Act of 1990, the ADA Amendments Act of 2008 (ADAAA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against

qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under the ADA and ADA AAA, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity. The ADA AAA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the institution whether qualified or not. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking or caring for oneself. This includes major bodily functions, including, but not limited to, functions of the immune system; normal cell growth; and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. The Chief Human Resources Officer has been designated as the ADA/504 Coordinator responsible for coordinating efforts to comply with these disability laws, including investigation of any allegation of noncompliance, or designation of an investigator.

Students with Disabilities

Finger Lakes Community College is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs and activities of the College.

All accommodations are made on a case-by-case basis. A student requesting any accommodation should first contact the Disability Services Coordinator that coordinates services for students with disabilities. The Disability Services Coordinator reviews documentation provided by the student and, in consultation with the student, via an interactive process, determines which academic adjustments/accommodations are appropriate to the student's particular needs and academic programs.

STANDARDS OF CONDUCT – PROHIBITED CONDUCT

- 1. Academic Dishonesty:** Academic dishonesty, such as cheating, and plagiarism is prohibited. The term "cheating" includes, but is not limited to: a) use of any unauthorized assistance in taking quizzes, tests, or examinations beyond those authorized by the instructor in any assignment/examination, b) preparing reports, solving problems, or carrying out other assignments for another student, c) the acquisition, without permission, of tests or other academic material belonging to a member of the College faculty or staff, d) aiding and/or abetting another student for the purpose of cheating, or e) unsanctioned use of AI.

The term "plagiarism" includes, but is not limited to, the use by paraphrase or direct quotation of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in selling of papers or other academic materials. These definitions, examples, and prohibition of academic dishonesty apply equally to all FLCC classes, whether online, at a campus center, or through any other method(s) of delivery.

Academic dishonesty will not be tolerated by Finger Lakes Community College. Faculty/instructors may impose a mandatory minimum penalty upon a student found to have committed a violation. Action for violations of academic dishonesty will be determined by the instructor. The consequences for such violations may range from a warning to receiving an "F" in the course. Students who have been assigned a grade of "F" for academic dishonesty will not be permitted to change that grade by withdrawing from the course. Instances of academic dishonesty may also be referred to the Center for Student Well-Being at the faculty member's discretion. Students charged with violating this section of the Code will have their academic file reviewed via the Registrar's Office to verify any past academic dishonesty occurrences.

- 2. Alcohol Policy:** The College is concerned with the use and abuse of alcohol, as it is with other drugs. The following guidelines apply for the FLCC alcohol policy:
 1. The use of alcoholic beverages is prohibited, regardless of age;
 2. The possession of alcoholic beverages, regardless of age;
 3. Hosting an party where alcoholic beverages were served;
 4. Manufacturing of alcoholic beverages;
 5. Distribution of alcoholic beverages.
- 3. Complicity/Failure to Separate:** Conspiracy to commit, solicitation of another to commit, aiding and/or abetting the commission of, attempting to commit, or failure to separate oneself from others engaged in any conduct which is

prohibited under the Code.

4. **Discrimination:** Discrimination and/or unequal treatment of an individual on the basis of race, color, ethnicity, national origin, religion, creed, age, disability, sex, gender identity, gender expression, sexual orientation, status of being transgender, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction is prohibited. [Refer to the Non-Discrimination section for additional information.]
5. **Dishonest Conduct:** Dishonest conduct, including but not limited to, knowingly reporting a false emergency, knowingly making false accusations of misconduct, misuse or falsification of College or related documents by actions such as forgery, alteration or improper transfer of documents, or submission of information known by the submitter to be false to a College official.
6. **Disorderly Conduct:** Disorderly Conduct, including but not limited to, disorderly, lewd, or indecent behavior; breach of peace; intentionally interfering with College operations; aiding, abetting, or procuring another person to breach the peace on college premises or at functions sponsored by or participate in by the College or members of the academic community.
7. **Drug Policy:** Students may not use, possess, distribute, or be knowingly in the presence of cannabis, tetrahydrocannabinol derivatives, narcotics, or other controlled or illegal/unlawful drugs. The following guidelines apply to the FLCC drug policy:
 - a. Use of illegal drugs or unlawful controlled substances;
 - b. Possession of illegal drugs or unlawful controlled substances;
 - c. Hosting of a party where illegal drugs or unlawful controlled substances were found;
 - d. Manufacturing of illegal drugs or unlawful controlled substances;
 - e. Distribution of illegal drugs and/or unlawful controlled substances.

Use or possession of marijuana, or its derivatives, including medical marijuana used or possessed under New York State Compassionate Care Act, is strictly prohibited on college property. Federal laws (including the Controlled Substances Act and the Drug Free Schools and Communities Act) prohibit marijuana use, possession and/or personal cultivation at educational institutions.
8. **Failure to Comply:** Failure to comply with any lawful order or directive of any college official acting pursuant to their duties is prohibited.
9. **False Alarms/Tampering:** False alarms or reports are prohibited. Intentional initiation of any false report, warning, threat of fire, threat of explosion, or other emergencies is prohibited. Other examples of prohibited behavior include, but are not limited to, tampering with, impairing, disabling or misusing fire protection systems such as detectors, sprinklers, alarms, and extinguishers and emergency aid supports such as AED machines and NARCAN.
10. **Gambling or solicitation on campus:** Students may not use college property for any activity prohibited by federal, state, or local law or the Code. Solicitation or the use of college facilities or resources for any personal gain or profit is prohibited. Examples of prohibited behavior include, but are not limited to, engaging in any nature of business for personal benefit on College property or using college resources, and/or gambling on college property. Student athletes should be aware that the Department of Athletics and the NJCAA provide additional restrictions, guidelines, and sanctions related to gambling. Students may contact the Director of Athletics for more information about these policies.
11. **Hazing:** Hazing is defined as intentionally or recklessly subjecting any person to the risk of bodily harm or severe emotional distress, subjecting a person to treatment intended to put that person in a humiliating or disconcerting position, or causing or encouraging any person to commit an act that would be a violation of law or college policies for the purpose of initiating, promoting, fostering, or confirming any form of affiliation with any group, including, but not limited to, student organizations, student groups or athletic teams on College-owned or operated property or at College-sponsored activities is prohibited.
12. **Disrupting of College Function(s):** Intentionally interfering, obstructing, or disrupting College operations, college functions, aiding, abetting, or procuring another person to breach the peace on college premises or at functions sponsored by, or participated in by the College or members of the academic community.

- 13. Non-Consensual Pornography:** Unauthorized sharing of sexually intimate images to cause harm to the emotional, financial or physical welfare of another person with the intentional dissemination or publishing of still or video images (AKA Revenge Porn or Sextortion.) This can also include the viewing of pornographic images, chats, etc. with minors or other violations of the NYS or Federal regulations around viewing or distributing pornographic material.
- 14. Possession or Use of Weapons:** Possession of firearms, explosives, other weapons, weapon replicas, or dangerous chemicals on college premises, or use of any item, even if legally possessed, in a manner that harms, threatens or causes fear to others is prohibited. A weapon is defined as any instrument, device, or object capable of inflicting physical harm or death and designed, specifically adapted for use as a weapon, or possessed, carried, or used as a weapon.
- 15. Sexual Misconduct:** Sexual misconduct can be defined as unwanted behavior of a sexual nature including but not limited to, sexual assault, sexual harassment, sexual violence, dating violence, domestic violence, stalking of a sexual nature, or any conduct of a sexual nature that is nonconsensual or has the effect of threatening or intimidating another.
- 16. Student Computer Use Policy:** Access to computing resources is granted to members of the college community for use in their academic work, with the understanding that such access is a privilege and carries with it certain responsibilities. Users of college computing resources including the college network agree to adhere to the requirements of the Student Computer Use Policy and Responsible Network Use Policy; to review policies, please visit <http://www.flcc.edu/offices/it/guides.cfm>.

Copyright and Peer-to-Peer File Sharing: The policies above specifically prohibit peer-to-peer file sharing and the use of college resources to violate copyright or other laws. In addition, the College conforms to federal laws requiring it to monitor these abuses.

In accordance with the DMCA (Digital Millennium Copyright Act), College policy also forbids the unauthorized copying, distribution, downloading, and uploading of copyrighted materials on any device utilizing the College network or computing resources. These materials include but are not limited to, text (including e-mails and web information), graphics, art, photographs, music, film, and software.

Additional examples of prohibited behavior include, but are not limited to:

- a) Violation of software copyrights, license agreements, or trade secrets;
- b) Unauthorized copying of computer software that is owned or licensed to the College
- c) Unauthorized transfer of a file;
- d) Use of computing resources to interfere with the work of another student, faculty member, or college official;
- e) Unauthorized entry into a file to use, read, or change the contents, or for any purpose;
- f) Unauthorized access to, use of, or control of computing resources including circumvention of computing system safeguards;
- g) Unauthorized use of another individual's identification or password;
- h) Use of computing resources to interfere with normal operation of the college computing system or education process;
- i) Use of computing facilities to send and/or receive obscene, pornographic or abusive messages/materials;
- j) Willful introduction of a virus or other destructive program into the college computing environment;
- k) Activities for personal financial gain except as provided for by other college policy.

Violations of these regulations may result in the loss of network access privileges in addition to conduct sanctions as prescribed by the Code (including, but not limited to, restitution, conduct probation, suspension, and conduct dismissal from the College).

- 17. Theft and/or Damage:** Attempted or actual theft of and/or damage to property of the College or property of a member of the College community or other personal or public property, on or off campus is prohibited. Examples include, but are not limited to, theft of any property of the College, FLCC College Association, member of the college community, college partner, or college-affiliated business or internship/practicum site, possession of property known to be stolen, and any form of identity theft or misrepresentation.
- a) Attempted or actual theft of property
 - b) Attempted or actual damage to property

- 18. Physical or Threatening Conduct:** Conduct that is found to endanger the health or safety of any person including, but not limited to, physical abuse, verbal abuse, threats, intimidation, harassment, coercion, bullying, and other conduct which is found to threaten or endanger the health and safety of other person(s).
- 19. Unauthorized Use of Access Devices:** The unauthorized use, distribution, duplication, or possession of any access device including key(s) or card(s) issued for any college building, laboratory, facility, or room is prohibited.
- 20. Violation of College Policies:** Non-compliance with any College Policy, Procedure, or Regulation. A full list of College approved policies can be found at: <https://www.flcc.edu/policy/>
- 21. Violating College Requirements or Public Health Orders:** Conduct that violates College or Public Health orders in place to reduce the risk of spreading infectious disease including but not limited to:
- Failing to follow any and all applicable federal, state, and/or local public health orders. If multiple orders apply or in the event of a conflict between or among them, students are required to follow the most restrictive public health order.
 - Failing to follow College policies, procedures, and any other requirements in place to help reduce the risk of contracting or spreading infectious diseases.
 - To the extent consistent with College policy, failing to comply with any additional or more specific actions required by a campus department, unit, or building supervisor, to limit the spread of infectious disease, while participating in a program or activity, utilizing a service or benefit, or using College facilities.
 - Failing to abide by face covering requirements. If College policy, procedures, or other requirements and/or public health orders require wearing face coverings, students are required to wear face coverings that cover the nose and mouth.
 - Failing to abide by gathering requirements. All on-campus gatherings, public or private, must comply with applicable College policy, procedure, or other requirements and the most restrictive public health order in place. All off-campus gatherings, public or private, must comply with the most restrictive public health order in place. For example, if specific capacity or density limitations or guidelines are in place, students must abide by those parameters.
- 22. Violation of Law:** Conduct which violates any federal, state, or local law, is prohibited. The College will review any conduct reported by members of the college community, law enforcement personnel, or citizens as being in violation of the law. If in review, the College determines, in its sole judgment, that the alleged conduct violates college policy or the Code, appropriate conduct action may be taken.

FILING A COMPLAINT

Any person (a Reporting party) may file a complaint at <https://cm.maxient.com/reporting.php?FingerLakesCC>, alleging a violation of the Code by a student. The complaint will be evaluated to determine merit. Outcome of a complaint will not be shared with the Reporting Party for confidentiality purposes and FERPA restrictions.

Any student found to be or to have been engaged in prohibited conduct is subject to the student conduct process and possible conduct sanctions including, but not limited to, those outlined within Sanctions section of this document. The severity of the offense, prior conduct history, and other relevant circumstances will be considered in determining the appropriate conduct action(s). Even a single act, if sufficiently severe, may warrant a student's suspension or dismissal from FLCC regardless of whether prior sanctions have been assigned.

More than one sanction may be imposed for a single violation. A single act may constitute a violation of more than one standard. Being under the influence of drugs or alcohol will not diminish or excuse a violation of the Code.

A student who has been charged with a violation of the Code and who withdraws from the College or stops attending before the conduct process is completed will be required to complete the conduct process upon re-entry to the College and prior to subsequent registration. Students pre-enrolled for upcoming semesters may have their schedules deleted. For severe cases, a Permanent Transcript Notation (PTN) may be placed indicating the student withdrew with charges pending. See PTN section for further information.

STATEMENT ON SEXUAL MISCONDUCT

Finger Lakes Community College is committed to creating and maintaining an educational environment free from all forms of sex discrimination, including sexual misconduct. Any act involving sexual harassment, violence, coercion, and intimidation is prohibited and will not be tolerated. Specifically, FLCC strictly prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking. These acts have a real impact on the lives of victims. They not only violate a person's feelings of trust and safety, but they can also substantially interfere with a student's education. It is the policy of FLCC that, upon learning of an alleged act of sexual misconduct, immediate action will be taken to address the situation and sanction the perpetrator(s) where appropriate. This may include working with campus, State and local law enforcement to bring possible criminal charges, seeking student conduct action, and adding permanent transcript notifications so other institutions are on notice of the offense(s) committed, where appropriate.

FLCC encourages prompt and accurate reporting of sexual misconduct. This allows the college community to quickly offer immediate support to the involved parties and respond to allegations. FLCC is committed to protecting the privacy of victims/reporting individuals whenever possible and will work closely with students who wish to obtain private or semi-confidential assistance regarding an incident of sexual misconduct. All allegations will be investigated promptly and thoroughly, and both the victim(s)/reporting individual(s) and the accused/respondent(s) will be afforded equitable due process rights during the college investigative process.

It is the collective responsibility of all members of the FLCC community to foster a safe and secure campus environment. In an effort to promote this environment and prevent acts of sexual misconduct from occurring, the college engages in ongoing prevention and awareness education programs. All incoming students, student leaders and students participating on intercollegiate athletic teams and employees associated with the process are required to participate in these programs on an annual basis, and all members of the college community are encouraged to participate throughout the year in ongoing campaigns and trainings focused on the prevention of sexual misconduct on campus.

Reports of sexual misconduct may also violate the College's Non-Discrimination or Title IX Grievance Policies.

STUDENTS' BILL OF RIGHTS

The State University of New York and Finger Lakes Community College are committed to providing options, support and assistance to victims/survivors of sexual assault, domestic violence, dating violence, and/or stalking to ensure that they can continue to participate in College and campus programs, activities, and employment. All victims/survivors of these crimes and violations, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, have the following rights, regardless of whether the crime or violation occurs on campus, off campus or while studying abroad.

All students have the right to:

- Make a report to local law enforcement and/or state police;
- Have disclosures of domestic violence, dating violence, stalking and sexual assault treated seriously;
- Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure from the institution;
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
- Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
- Describe the incident to as few institutional representatives as practicable and not to be required to unnecessarily repeat the description of the incident;
- Be free from retaliation by the institution, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
- Access to at least one level of appeal of a determination;
- Be accompanied by an advisor of choice who may assist and advise a reporting individual, or respondent

- throughout the judicial or conduct process including during all meetings and hearings related to such process; and
- Exercise civil rights and practice of religion without interference by the investigation, criminal justice, or judicial or conduct process to the institution.

NOTICE OF NON-DISCRIMINATION OR SEX DISCRIMINATION

Finger Lakes Community College does not discriminate based on an individual's race, color, national origin, religion, creed, age, disability, gender expression, predisposing genetic characteristics, military status, veteran status, domestic violence victim status, criminal conviction or any other category protected by law in any education program or activity, including employment, applicant for employment, intern (whether paid or unpaid), contractor, student, or applicant for admission.

As required by the 2024 Title IX regulations, Finger Lakes Community College does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, including in admission and employment.

Inquiries about Discrimination and Title IX may be referred to Finger Lakes Community College Title IX Coordinator or Deputy Title IX Coordinators, the U.S. Department of Education's Office for Civil Rights, or both. Finger Lakes Community College's Title IX Coordinator is the Chief Human Resources Officer, Room 1340, TitleIX@flcc.edu, 585-785-1428. The Deputy Title IX Coordinators are Sarah Whiffen, Associate Vice President of Student Affairs, Student Center room 2153, TitleIX@flcc.edu, 585-785-1284 and Jennifer Parsons, Assistant Director, Talent Management, Human Resources Room 1350, jennifer.parsons@flcc.edu, 585-785-1466.

Finger Lakes Community College's Non-Discrimination Policy and grievance procedures can be located on the [FLCC Policies and Legal Notices](#) webpage.

The College prohibits conduct by any employee or a student that disrupts or interferes with another's work performance or educational experience, or that creates an intimidating, offensive, or hostile work or educational environment due to discrimination based on protected status. In keeping with this goal, the College is committed to educate employees in the recognition and prevention of workplace and educational discrimination, sex discrimination and sex-based harassment. To report information about conduct that may constitute discrimination or sex discrimination or to make a complaint of discrimination or sex discrimination under Title IX or Finger Lakes Community College's Non-Discrimination Policy, please refer to Finger Lakes Community College's [Policies and Legal Notices](#) webpage.

REPORTING DISCRIMINATION OR SEX DISCRIMINATION

Reports of discrimination, sex discrimination, harassment (including sexual harassment) and/or retaliation may be made here: <https://cm.maxient.com/reporting.php?FingerLakesCC>. Complaints may be made verbally or by submitting in writing. All reports and complaints shall be acted upon promptly while making every effort to preserve the privacy of the reports, and the due process rights of all parties.

Additionally, all employees of the College are designated as Responsible Employees and are required to report known or suspected discrimination with the appropriate parties on campus. Reports of alleged misconduct or discrimination by a Title IX official should be reported to the Civil Rights Compliance Officer (CRCO) and/or College President. Reports of alleged misconduct or discrimination by the President should be reported to the CRCO who will inform the FLCC Board of Trustees.

Inquiries regarding the application of Civil Rights may be directed to:

- FLCC Civil Rights Compliance Officer (CRCO) and Title IX Coordinator TBD, Chief Human Resources Officer, Room 1350, 585-785-1451
- FLCC Deputy Title IX Coordinator Sarah Whiffen, Associate Vice President of Student Affairs, Room 2153, 585-785-1284, Sarah.Whiffen@flcc.edu
- FLCC Deputy Title IX Coordinator Jennifer Parsons, Assistant Director, Talent Management, Room 1350, 585-785-1466, Jennifer.parsons@flcc.edu

Inquiries may also be directed to:

- The United States Department of Education's Office of Civil Rights, 32 Old Slip 26th Floor, New York, NY 10005-2500; Tel. 646- 428-3800, email ocr.newyork@ed.gov

- The NYS Division of Human Rights Offices <http://www.dhr.ny.gov/>, One Monroe Avenue, Suite 308, Rochester, NY 14607; Tel. 585-238-8250, email InfoRochester@dhr.ny.gov.
- Office for Civil Rights (OCR), U.S. Department of Education, 400 Maryland Avenue, SW Washington, DC 20202-1100, Customer Service Hotline #: 800.421.3481, Fax: 202.453.6012, TDD#: 877.521.2172, Email OCR@ed.gov, Web: <http://www.ed.gov/ocr>
- Equal Employment Opportunity Commission (EEOC) Contact: <http://www.eeoc.gov/contact/>, EEOC Field Office, 6 Fountain Plaza, Suite 350, Buffalo, NY 14202, 716.551.4441.

Jurisdiction

This policy applies to registered students' behaviors that take place on the campus, at College-sponsored events and may also apply off-campus and to actions online when College officials determines that the off-campus conduct affects a substantial College interest. Off-campus jurisdiction applies when the behavior occurs in programs/events the College sponsors or when the downstream effects of purely off-campus conduct cause a discriminatory impact on campus, or it is foreseeable it could cause a discriminatory impact; but will not preclude an individual's rights under N.Y. Labor Law § 201-d. A substantial College interest is defined to include:

- a) Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state or federal law;
- b) Any situation where it appears that the responding party may present a danger or threat to the health or safety of self or others;
- c) Any situation that significantly impinges upon the rights, property or achievements of others or significantly breaches the peace and/or causes social disorder; and/or
- d) Any situation that is detrimental to the educational interests of the College.

Need to know

A Responsible Employee who makes a report still affords privacy to the Reporting Party, as only a small group of officials who need to know will be informed. Information will be shared as necessary with investigators, witnesses and the Responding Party. The circle of people with this knowledge will be kept as tight as possible to preserve each party's rights and privacy.

Failure of a Responsible Employee, as described in this section, to report an incident or incidents of sexual harassment, sex-based discrimination, or discrimination based upon any protected category of which they become aware is a violation of College policy and such Responsible Person may be subject to disciplinary action for failure to comply.

CONFIDENTIAL REPORTING FOR STUDENTS

Students who wish to report an incident to an on campus confidential source (to keep their identity confidential), may speak the following officials at Finger Lakes Community College may provide confidentiality:

- Janette Aruck R.N., Director of Student Health Services; Room 3260; 585-785-1298; Janette.Aruck@flcc.edu
- Cherie Dewater R.N., Student Health Service; Room 3260; 585-785-1612; Cherie.Dewater@flcc.edu
- Kylie Harms N.P., Student Health Services; Room 3260, 585-785-1612
- Kayla Henderson LMSW, Licensed Counselor; Room 3260; 585-785-11839
- TBD; Director of Counseling; Room 3260; 585-785-1211

A student wishing to report an incident confidentially and obtain services from the New York State, New York City or county hotlines should visit www.opdv.ny.gov/help/dvhotlines. Additional disclosure and assistance options are catalogued by the Office for the Prevention of Domestic Violence and presented in several languages at www.opdv.ny.gov/help/index or by calling 1-800- 942-6906.

Additional assistance can be obtained at the following organizations:

- SurvJustice: <http://survjustice.org>
- Legal Momentum: <https://www.legalmomentum.org/>
- NYS CASA: <https://www.nyscasa.org/>

- NYSCADV: <https://www.nyscadv.org/>
- Pandora's Project: <https://pandys.org/>
- GLBTQ Domestic Violence Project: <https://www.bwjp.org/resource-center/resource-results/glbqtg-domestic-violence-project.html>
- RAINN: <https://www.rainn.org/get-help>
- Safe Horizons: <https://www.safehorizon.org/>
- Safe Harbors of the Finger Lakes Hotlines: <https://shflny.org/>, Seneca and Ontario Counties: 800.247.7273; Yates County: 315.536.2897
- Victim's Resource Center of the Finger Lakes Hotline: 866.343.8808.
- FF Thompson Hospital emergency room-Sexual Assault Nurse Examiner (SANE) available 24 hours/day. 350 Parrish St., Canandaigua, NY 14424. 585.396.6000
- Newark-Wayne Community Hospital has a SANE nurse on call (not always in the hospital). Students should go to the emergency room, and the staff will contact the SANE nurse, as well as offer the student an advocate from the Wayne county Victim Resource Center. 1200 Driving Park Ave., Newark, NY 14513. 315.332.2022
- More resources can also be found at www.nyscasa.org or <https://www.suny.edu/violence-response/>
- Geneva Community Health, 601 W. Washington St., Geneva, NY (sliding scale fee is available and Ontario County subsidy if qualified), Phone: (315) 781-8448, Website: <http://flchealth.org/locations/geneva-community-health>
- Planned Parenthood of the Rochester/Syracuse region (financial assistance is available), Phone: 1-866-600-6886, Website: <http://www.plannedparenthood.org/health-center>
- Rushville Health Center, 2 Rubin Drive, Rushville, NY (sliding scale fee is available and Ontario County subsidy if qualify), Phone: (585) 554-6824, Website: <http://rpcn.org>
- Other applicable available on /off-campus centers and services, and their addresses, phone numbers, and web sites can be found at: <https://localcommunityhealth.com/locations/> and <http://rpcn.org/>.

All of the above-listed individuals/resources will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor.

(Note that these hotlines are for crisis intervention, resources, and referrals, and are not reporting mechanisms, meaning that disclosure on a call to a hotline does not provide any information to the campus. Reporting individuals are encouraged to additionally contact a campus confidential or private resource so that the campus can take appropriate action in these cases.)

Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (commonly referred to as a rape kit) at a hospital. While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus and, in some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds.

More information may be found here: <https://ovs.ny.gov/victim-compensation>, or by calling 1-800-247- 8035. Options are explained here: <https://ovs.ny.gov/ovs-services>. To best preserve evidence, victims/survivors should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed.

STATEMENT ON GENDER IDENTITY

Finger Lakes Community College will not exclude, separate, deny benefits to, or otherwise treat differently on the basis of sex any person in its educational programs or activities. The College treats a student's gender identity as the student's sex. This means that a school must not treat a transgender student differently from the way it treats other students. The College's interpretation is consistent with courts of law and other agencies' interpretations of State and Federal laws prohibiting sex discrimination or sex-based harassment or Title IX Grievance policies

The College interprets that when a student or the student's parent or guardian, as appropriate, notifies the school administration that the student will assert a gender identity that differs from previous representations or records, the

school will begin treating the student consistent with the student's gender identity. There is no medical diagnosis or treatment requirement that students must meet as a prerequisite to being treated consistent with their gender identity. Because transgender students often are unable to obtain identification documents that reflect their gender identity (*e.g.*, due to restrictions imposed by state or local law in their place of birth or residence), requiring students to produce such identification documents in order to treat them consistent with their gender identity may have the practical effect of limiting or denying students equal access to an educational program or activity.

The College works to ensure non-discrimination on the basis of sex and to have the College provide transgender students equal access to educational programs and activities even in circumstances in which other students, parents, or community members raise objections or concerns. As is consistently recognized in civil rights cases, the desire to accommodate others' discomfort cannot justify a policy that singles out and disadvantages a particular class of students.

Retaliation Statement

Retaliation against any individual covered by this policy who, in good faith, brings a written or verbal complaint of discrimination or sexual harassment or who assists, participates, or testifies in any investigation or proceeding related to such complaint, regardless of whether or not the alleged harassment rises to the level of a violation of this policy or the law, is strictly prohibited. Such retaliation is unlawful under federal, state, and (where applicable) local law, and FLCC will not tolerate or permit adverse treatment of individuals because they report discrimination or sexual harassment or provide information related to such complaints. Adverse treatment includes being discharged, disciplined, discriminated against, or any action that could discourage an individual from coming forward to make or support a claim of discrimination or sexual harassment. Participants who experience retaliation should contact the Sr. Director, Title IX Officer or the Deputy Title IX Coordinators and may file a complaint with local, regional or state offices.

Federal Timely Warning Obligations

Parties reporting sexual misconduct should be aware that under the Clery Act, College administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The College will ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

False Allegations

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

Parental Notification (allegations involving students)

The College reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. The College may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, the College will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The College also reserves the right to designate which College officials have a need to know about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act.

Federal Statistical Reporting Obligations

Certain campus officials – those deemed Campus Security Authorities - have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus police regarding the type of incident and its general location (on or off-campus, or in the surrounding area, but no addresses are given) for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include: student affairs, campus safety, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The

information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

Records

In implementing this policy, records of all allegations, investigations, resolutions, and hearings will be kept by a Title IX Coordinator / Investigator electronically in accordance with record retention requirements while limiting access to the CRCO and Title IX Coordinator / Investigator. This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such codes generally.

Legal Protections and External Remedies

Discrimination and sexual harassment are not only prohibited by FLCC but are also prohibited by state, federal, and, where applicable, local law. Aside from FLCC's internal process, employees may also choose to pursue legal remedies with the governmental entity listed below.

Supportive Measures

The College may implement initial remedial, responsive and/or protective actions upon notice of alleged harassment, retaliation and/or discrimination. Such actions could include but are not limited to no contact orders, providing education, counseling and/or medical services, student academic support, student living arrangement adjustments, student financial aid counseling, providing a campus escort, academic or work schedule and assignment accommodations, safety planning, referral to campus and community support resources.

Finger Lakes Community College will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest or visitor upon a finding that they have engaged in harassing or discriminatory behavior or retaliation.

The College will maintain privacy for any accommodations or protective measures, provided this privacy does not impair the College's ability to provide the accommodations or protective measures.

CONDUCT PROCEDURES

**Note: procedures specific to Title IX Grievance or Non-Discrimination cases will follow those outlined procedures.*

[Reference to these policies can be found www.flcc.edu/policies]

Holds

A student who is charged with violating a section of the Code may have a hold placed on their account until their conduct conference occurs, and any resulting sanctions, and appeals are completed or exhausted. A student who has been charged with a violation of the Code and who withdraws from the College or stops attending before the conduct process is completed will continue to have this hold on their account indefinitely and will be required to complete the conduct process in order to re-enroll at the College.

In some cases, a Permanent Transcript Notation (PTN) may be applied for those who withdraw with pending charges.

Procedures for Interim Measures

Upon receiving a report, the Sr. Director or designee will determine the need for interim measures that include, but are not limited to, of no contact orders, interim suspensions, Association Housing removal, etc. A student has the right to file a request for a review and shall be afforded a prompt review, including potential modification, and shall be allowed to submit evidence in support of their request. In the case of no contact orders, the institution may establish an appropriate schedule for students to access applicable institution buildings and property when such buildings and property are not being accessed by the other individual(s).

Students may request reviews at any time the above measures are in effect (or at any time following a personal appearance before the Senior Director, Center for Student Well-Being in the case of interim suspensions). Requests for review should

include any/all available supporting documentation/evidence/information and be delivered to the Center for Student Well-Being Office, room 3260, or electronically to wellbeing@flcc.edu, or by another individual if student is not permitted to access campus facilities at the time the review is sought.

The Senior Director, Center for Student Well-Being, or designee may summarily suspend a student; prohibit the same from any or all appropriate portions of college premises, college-related activities, or registered student organization activities; and/or permit the student to remain only under specified conditions for the interim period prior to a conduct conference. An interim suspension will be imposed whenever the Senior Director, Center for Student Well-Being or designee determines that the continued presence of the student on the College campus poses a significant risk of substantial harm to the health and/or safety of another student, other members of the college community, to the stability or continuance of normal college functions, or to property.

The Senior Director, Center for Student Well-Being or designee may suspend a student for an interim period pending conduct proceedings or medical/mental health information. The interim suspension will become effective immediately without prior notice. Interim suspension may be imposed only:

1. To ensure the safety and well-being of members of the college community or preservation of college property;
2. To ensure other students' physical and/or emotional safety and well-being;
3. If the student poses a significant threat of disruption of or interference with the normal operations of the College.

A student subject to an interim suspension will be given written notice of the suspension electronically (using the student's FLCC email account) and will be referred to these standards and procedures. The student will be given an opportunity to appear personally before the Senior Director, Center for Student Well-Being or designee within four business days from the effective date of the interim suspension, in order to review the following issues:

1. The reliability of the information concerning the student's conduct;
2. Whether or not the conduct and surrounding circumstances reasonably indicate a significant risk as described above;
3. Whether the risk posed by the student is the result of a medical or mental health condition or disability.

If the risk posed by the student is the result of a medical or mental health condition or disability, the Senior Director, Center for Student Well-Being or designee, shall also determine whether the risk can be eliminated or sufficiently reduced through reasonable accommodation and, if so, shall take appropriate steps to ensure that accommodation is provided. The Senior Director, Center for Student Well-Being or designee, may require that the student submit medical or mental health information to determine whether any such condition exists and whether reasonable accommodation is possible. If the student fails to submit required information and/or the available evidence establishes that the student's presence poses a significant risk of substantial harm to the health and/or safety of other students, other members of the college community, or to the stability or continuance of normal college functions or property, the Senior Director, Center for Student Well-Being or designee, may continue the interim suspension. Reviews are heard by the Associate Vice President of Student Affairs, or designee and may, at the reviewer's, discretion, include a personal meeting with the student(s). Determinations of reviews, including any modifications to the above measures, will be communicated to students electronically via College e-mail address, within a timely manner of the review.

Hearing Proceedings

Conduct Conference: The first step to any hearing is a meeting with the responding party to review the student's rights in the conduct process, review the alleged incident(s), provide an explanation of the conduct process, and discuss the student's alleged involvement in the incident, and review the sanction section of the Code. The meeting will be conducted in private with the Hearing Officer and involved student(s). At the conclusion of the meeting, the student will be asked to verify that they have received the overview of the process and been afforded the opportunity to ask questions about the process.

Advisor: In accordance with Due Process Rights, the responding party and reporting party have the right to have an advisor with them during all meetings, investigation interviews, and hearings/conduct meetings. The advisor can be someone of the student's choosing and is affiliated with the Institution and may be a faculty, staff, or student. Non-FLCC affiliated advisors may be allowed at the sole discretion of the Hearing Officer. The role of the advisor is to be supportive and give

consultations to the student. The advisor may not speak during the hearing. *[Only in Sexual Misconduct cases may an advisor be an attorney.]*

Sanctions: If the alleged violation may result in a sanction of suspension, dismissal, and/or permanent transcript notation, the Senior Director, Center for Student Well-Being, or designee, in consultation with the Associate Vice President of Student Affairs, or designee, shall advise the student during the meeting of these potential sanction.

Right to Not Respond or Participate: If a student fails to schedule or appear at the initial meeting following proper written notification, the Senior Director, Center for Student Well-Being or designee may render a decision using the information available and without the benefit of having the student's input or information. Such decisions do not presume a finding of responsibility. Conduct conferences may be rescheduled at the discretion of the Hearing Officer.

Hearing and Outcome: Upon completion of the initial meeting, the student shall have the option to begin the hearing of the case at that time or schedule a hearing within seven business days of the initial meeting. The Hearing Officer may also delay the start of a hearing at their discretion. The hearing shall be electronically recorded and saved on the College server according to the records policy. Upon conclusion of the hearing the student will receive electronic and/or written notification of the hearing decision via an outcome letter stating whether they are being found responsible or not responsible for the Code violation outlined in their charge letter. The outcome letter will include a brief rationale for the decision and outline any sanction(s) assigned by the College.

Please refer to the Rights Under The Code of Conduct section of this document for additional information related to the rights of reporting and responding parties during the process of adjudication and resolution.

Appeal: The letter will include information on how a student may appeal the decision, if applicable, and a time frame of no less than five business days by which they must do so. If the student fails to notify the Hearing Officer of their desire to appeal the decision(s) by the stated deadline, the decision and all sanction(s) assigned will be upheld.

SANCTIONS

The College approaches the sanctioning of students from an educational standpoint. All sanctions received by students will be linked to one or more of the following six outcomes. Sanctions assigned to students will reflect these outcomes.

- A. **Self-Reflection:** Sanction designed to promote self-awareness of behavior, awareness of appropriateness/inappropriateness of behavior, awareness of institutional expectations
- B. **Impact on Others:** Sanction designed to promote student understanding of how behavior impacted or could have impacted others
- C. **Impact on College Community and/or Society:** Sanction designed to promote student understanding of community and/or societal standards
- D. **Impact on Personal Being:** Sanction designed to promote self-awareness of potential physical or psychological impacts of behavior
- E. **Impact on Personal Future:** Sanction designed to promote self-awareness of potential impacts of behavior on the student's future (choice of career, course of study, etc.)
- F. **Strong Deterrence and Awareness Raising:** Sanction designed to serve as a serious and/or uncomfortable intervention

The determination of whether the responding student is found responsible for the offense shall be made on the basis of whether or not there is evidence which supports the finding of a violation, using the standard of evidence, a preponderance of evidence (more likely than not). Students will be notified of this decision within a timely manner by electronic delivery. If there is a significant delay, the student will be notified of such delay. Immediate decisions like interim suspensions, suspensions, or dismissals may be delivered by a method deemed reasonable by the Senior Director, Center for Student Well-Being, the AVP of Student Affairs and/or the Provost, VP of Academic and Student Affairs. The most common sanctions are defined below and any additional sanctions, if appropriate, will be defined in the student's Sanction letter.

Potential sanctions are listed below, and full descriptions are located in Appendix B: Sanction Definitions.

- A. **No Action**
- B. **Informal Warning**

- C. Written Warning
- D. Ongoing Conduct Requirements/Restrictions
- E. Community Service
- F. Conduct Probation
- G. Conduct Suspension
- H. Conduct Dismissal
- I. Permanent Transcript Notation
- J. Sanctions for Alcohol and Other Drug Violations
- K. Persona Non-Grata Status

APPEALS

Grounds for Appeals

A student has a right to appeal a decision and/or sanction of the conduct process. The appeal should identify one or more of the outlined reasons below, and how it would significantly affect the outcome of the hearing. An appeal **is not a rehearing of the original case**. Requests for appeal must be received by the Senior Director, Center for Student Well-Being by the deadline date(s) mentioned in the student's outcome letters. Students may submit their appeal in writing through email directly to the Senior Director, Center for Student Well-Being. Students should base their appeal on one or more of the following situations:

- 1) The student demonstrates a substantive procedural error occurred that significantly affected the outcome of the hearing. (e.g., a deadline that was missed or a failure to notify a student properly);
- 2) The student believes and articulates that the sanction(s) assigned is significantly inconsistent with institutional guidelines and/or past practice. (e.g., differing treatment of students in identical situations without appropriate explanation) or the sanction(s) is too harsh for the violation;
- 3) The student brings forth new evidence that was not available at the time of the hearing, which, if introduced, would significantly affect the outcome of the hearing. (e.g., witness or other testimony not known/available at the conduct conference. NOTE: this should not include the outcome of criminal proceedings.)

Further examples of grounds for appeal can be provided by the Center for Student Well-Being Office upon request.

APPEAL PROCESS

Appeal Process for Violations **NOT** resulting in Conduct Dismissal and/or Permanent Transcript Notation

Sanctions which fall into this category are appealed to the Associate Vice President of Student Affairs or designee. The appeal must be in writing per the outcome directive, the Hearing Officer who managed the case, or designee within the timeframe stated in the sanction letter.

1. During the period of appeal, all sanctions will be considered in effect, pending the resolution of the appeal. Students restricted from classes may be given the opportunity to participate and/or submit work remotely at the discretion of the Senior Director, Center for Student Well-Being or designee. Exemptions to this procedure may be requested by the Associate Vice President of Student Affairs.
2. The Associate Vice President of Student Affairs or designee will review the appeal.
3. The appeal process will consist of a review of the records of the conduct conference, conduct hearing, and the supporting documents as well as the student meeting with the Associate Vice President of Student Affairs or designee. The meeting will be electronically recorded, and the student may request a copy of the recording. The College shall in a timely manner provide access to the recording.
4. The student will be notified in writing of the Associate Vice President of Student Affairs or designee's decision within ten business days following the conclusion of the AVP's review.
5. If the appeal is denied, the original sanctions imposed may be upheld, increased, or reduced.
6. If a student fails to schedule or appear at an appeal meeting following proper written notification, the Associate Vice President of Student Affairs or designee may render a decision using the information available and without the benefit of having the student's input or information. Such decisions do not presume a finding of responsibility, or automatically result in upholding of sanctions.
7. Appeal meetings may be rescheduled at the discretion of the Associate Vice President of Student Affairs or _____

designee.

8. Students are limited to one appeal for each conduct conference.
9. The Associate Vice President of Student Affairs' or designee's decision is final.

Appeal Process for Violations resulting in Conduct Dismissal and/or Permanent Transcript Notation

Sanctions which fall into this category are appealed to the Conduct Appeals Board. The Conduct Appeals Board members are comprised of faculty, staff and students. Student Board members must have completed at least one semester at FLCC and be in good academic and conduct standing. The chair of the Board will be a member of the faculty. Members of the Board may be recommended in a number of ways, most often the recommendations come from Faculty Department Chairs, AVP of Instruction, AVP of Student Affairs, and the Director of Student Life. *[The Conduct Appeals Board is trained by the Senior Director, Center for Student Well-Being and SUNY Student Conduct Institute on an annual basis, or prior to any hearing, to ensure that members understand the process and procedures associated with the appeal.]*

1. During the period of appeal, all sanctions will be considered paused, pending the resolution of the appeal. Supportive measures and remote learning opportunities remain available while an appeal is being deliberated and before a final decision has been made.
2. The appeal must be in writing per the outcome directive, within the time frame stipulated in the sanction letter.
3. For cases in which the student is entitled to and has requested a hearing before the Conduct Appeal Board within the designated timeframe, the Senior Director, Center for Student Well-Being shall schedule the hearing.
4. Within a timely manner not to exceed fifteen business days of receiving the appeal request, the Senior Director, Center for Student Well-Being will convene the Conduct Appeals Board.
5. Within seven business days of the scheduled hearing, the student will be notified in writing and/or electronically of the date, time and location of the hearing. They will also be given the list of Board members. The student will have 24 hours of receipt of the names to identify if there is a concern about potential conflict of interest. A request for a change of board member will be entertained by the Senior Director, Center for Student Well-Being. If a conflict exists, the board make up will be adjusted and all parties will be notified.
6. The student may request a hearing time at a future date/time. Such requests must be made in writing and demonstrate extenuating circumstances and are at the discretion of the Senior Director, Center for Student Well-Being.
7. The student shall have the right to file with the Conduct Appeal Board a written response to any charge(s) and/or sanction(s) for their appeal. Any response must be delivered to the Senior Director, Center for Student Well-Being at least three business days prior to the hearing.
8. The student is offered the opportunity to have an advisor from the College community (defined in Appendix A) to provide assistance and support before and during the formal hearing with the Conduct Appeal Board. The advisor may not include legal counsel except in cases of sexual misconduct hearings.
9. The student may invite witnesses, both factual and character, and bring other materials to the hearing. The student must provide the names, contact information, any other materials, and purpose of the desired attendance and/or use to the Senior Director, Center for Student Well-Being five business days before the hearing date. This information will be shared with the Board members no less than three business days from the date of the hearing. Any individual who will be called as a witness may not serve in a role as advisor. Absent extenuating circumstances the maximum number of witnesses shall not exceed five. It is the responsibility of the student to arrange for the attendance of any witnesses. Hearings will not be postponed for late or absent witnesses.
10. If a desired witness is unable to attend the designated hearing time, the student may obtain a written statement from the witness to present at the hearing.
11. The hearing shall be closed to the public.
12. Personal belongings, other than files or other items pertinent to the hearing, will not be allowed to be brought into the room by the student, advisor, or Board members. Provisions will be made to store personal belongings outside the hearing room by the Senior Director, Center for Student Well-Being or designee.
13. The chair, or a member of the Conduct Appeals Board designed by the chair to preside, shall have the right to

- determine the acceptability of testimony, including witnesses and any statements and any other evidence during the hearing and may place time limitations on testimony and closing arguments.
14. The student shall have the right to submit evidence and question all adverse witnesses who testify in the matter. If the Conduct Appeals Board elects to accept a witness's written statement in lieu of live testimony, the identity of the witness and their statements shall be fully disclosed to the student at the hearing, and they shall be given the opportunity to respond to such statements. Witnesses other than the student shall be present only when they are giving testimony. It is the student's responsibility to arrange for witnesses to attend the hearing.
 15. In rare instances, the College may elect to present formally a case using legal counsel. If the College elects to present a case using legal counsel, the student will be given notice of the decision and will also have the opportunity to be represented by legal counsel at the student's own expense.
 16. The hearing shall be recorded on equipment supplied by the College for the purpose of formal record keeping and will be maintained in accordance with FLCC Record Keeping policy. All participants in the hearing are prohibited from making their own recording during the hearing (including but not limited to audio, video, photographic and/or written recording). The student may request a copy of the recording by submitting a written request to the Senior Director, Center for Student Well-Being or designee following the hearing. The recording shall be made available to the student no sooner than three business days following the hearing.
 17. The student shall be given reasonable opportunity to present a closing statement.
 18. If a student fails to schedule or appear before the Conduct Appeals Board, following proper written notification, the Conduct Appeals Board may render a decision using the information available and without the benefit of having the student input or information. Such decisions do not presume a finding of responsibility, or automatically result in upholding of sanctions.
 19. Conduct Appeals Boards are not normally rescheduled absent extenuating circumstances. They may be rescheduled at the discretion of the Associate Vice President of Student Affairs or designee for cause.
 20. At the close of the hearing, the Conduct Appeals Board shall deliberate privately. The Board will seek to reach consensus in adjudicating cases. In the event there is no consensus, a majority vote (the chair voting) will determine the outcome. Within five business days after the close of the hearing, the Conduct Appeals Board shall report its findings and recommendation(s) in writing to the Senior Director, Center for Student Well-Being.
 21. Within five business days from receipt of the Board's decision, the Senior Director, Center for Student Well-Being will notify the student in writing of the outcome of the hearing and will also notify the student, if responsible, if the sanction(s) changed or was upheld.

Confidentiality

The College complies with the Family Educational Rights and Privacy Act (FERPA) and will not typically share information that is part of a student's educational record with anyone other than the student, absent written permission from the student to do so. In situations involving serious conduct infractions, discussed herein, the College may send a copy of a student's sanction letter to a student's parent/guardian at their permanent address according to college records. The College may also share otherwise confidential information if there is reason to believe that a student is a threat to the safety of themselves or others. Conduct matters are kept confidential to the extent required by law. Student conduct matters may be shared with other college officials and offices.

Conduct Files and Records

1) Written/Printed/pdf Materials

All written/printed/pdf conduct records, files, and hearing information for cases which result in sanctions below suspension, dismissal, or permanent transcription notations are maintained by the Center for Student Well-Being for a minimum of seven years. For those cases resulting in suspension, dismissal, or permanent transcript notations, the Registrar's Office will keep on file *permanently*. A student or an alumna/alumnus may request that the permanent transcript notation be removed from the official academic transcript following one year from the date of the written notification of the disposition of the matter (see *Record Expunction*, below).

2) Electronic Records Including Recordings

Brief electronic records of incidents, regardless of the results of the hearing (e.g., responsible or not responsible decision) are maintained in a database by the Center for Student Well-Being for a minimum of seven years. Digital copies of written/printed conduct records, files, and hearing information are maintained permanently on college servers for decisions resulting in suspension, dismissal or permanent transcript notation.

The Center for Student Well-Being may share conduct record information with other entities at the request of the entity(ies), provided the student has given written consent to the entity(ies) to obtain such information from FLCC, or in such cases where consent is not required.

Refund Policy

In the event of a suspension or dismissal, the College will follow the regular refund schedule outlined by the VP of Finance and Administration.

APPENDIX A: ADVISORS

Advisors

Reporting Parties and Responding Parties are offered the option to have an advisor accompany them to procedural reviews, interviews, and any other meetings with college officials. In all sexual misconduct matters this advisor may be a member of the college community (defined as currently enrolled student or current employee) or may choose to have someone outside the above definition as an advisor, including legal representation. Upon request, the College will supply the name of a potential advisor from the college community. The student is responsible for contacting the advisor to obtain their approval to serve in this role. The student shall submit the contact information to the investigator(s) at least three business days prior to any meeting. At a student's request, a meeting may be postponed for a maximum of three business days while the student contacts an advisor of their choosing.

1. An advisor's role is limited. The advisor may:

- a. attend meetings with the student;
- b. speak privately or communicate in writing with the student during meetings;
- c. request a brief break to speak to the student outside the meeting room, such requests will be granted at the discretion of the investigator(s).

2. The advisor cannot:

- a. investigate the charges outside of the stated conduct procedures;
- b. present the student's case on behalf of the student;
- c. question and respond to the investigator(s) on behalf of the student during the interview;
- d. speak to other parties on behalf of the student.

Advisors who do not follow these guidelines will not be allowed to continue in the process with the student. Only in Sexual Misconduct cases may the Advisor be an attorney.

APPENDIX B: SANCTION DEFINITIONS

A. No Action

No action indicates a student is found not responsible for violating the Code. *[Not eligible to appeal.]*

B. Informal Warning

An informal warning indicates that a student's behavior may have violated the Code, but no sanctions are being assigned by the College at this time. *[Not eligible to appeal.]*

C. Written Warning

A Written Warning is an official notification that the behavior of the student is unacceptable and violated the Code. If the student violates the Code or Association Rules & Regulations again or if the student is found responsible for any future policy violations, the student may receive more severe disciplinary actions. Written Warnings are placed in the student's official conduct file. *[Not eligible to appeal.]*

D. Ongoing Conduct Requirements/Restrictions

Conduct requirements may be imposed with or without suspension or probation. Conduct requirements include, but are not limited to:

- a) restrictions from participating in intercollegiate athletics and extra-curricular activities;
- b) restrictions of access to some or all campus facilities/areas;
- c) removal from class(es);
- d) monetary payments for purpose of restitution, conduct fines, or to cover the expense of educational sanctions;
- e) no contact orders;
- f) denial of financial assistance from programs funded by the College;
- g) required attendance at educational/assessment programs such as behavioral management workshops, counseling services, and comprehensive substance abuse assessments;
- h) administrative hold on access to specified College documents;
- i) loss of on campus employment opportunities, including but not limited to, student aide and Resident Assistant positions;
- j) prohibition/revocation of campus employment;
- k) requirement to complete specific coursework; and
- l) restrictions on completion of coursework (e.g., online only, etc.).

E. Community Service

Students may be assigned community service in a manner consistent with their violation (e.g. – a conduct violation in the Cafeteria may result in community service in the Cafeteria). Community service sanctions include, but are not limited to, participating in a designated service project or giving an identified community or agency (on or off campus) a number of service hours to be completed within a specified time period.

F. Conduct Probation

Conduct probation indicates to a student that their behavior has resulted in a sanction close to suspension. It is imposed for a definite period of time and includes the likelihood of more severe conduct sanctions, including suspension or dismissal, if the student is found to be violating or to have violated any section of the Code during the probationary period, and may include ongoing conduct requirements. A student on probation may be required to meet periodically with a person designated by the Senior Director, Center for Student Well-Being.

G. Conduct Suspension

Suspension prohibits the student from attending FLCC for a designated period of time, which shall not exceed a period of more than five calendar years following the effective date. While on suspension the student is, in most cases, restricted from being on college property. The Senior Director, Center for Student Well-Being or designee will determine the effective dates of the suspension. If required by the suspension, a student who has been suspended must petition for re-enrollment through the Office of the Associate Vice President of Student Affairs and/or Admissions Review Board. Notice of suspension is kept permanently in the student's official college record maintained by the Registrar's Office and by the Center for Student Well-Being Office.

H. Conduct Dismissal

Conduct Dismissal *permanently* separates the student from the institution, prohibits the student from ever attending Finger Lakes Community College and, in most cases restricts a person from being on college property. A student may not be readmitted to the College after dismissal. Dismissals are usually accompanied by Permanent Transcript Notations (see PTN section). Notice of Conduct Dismissal is kept *permanently* in the student's official college record maintained by the Registrar's Office and the Center for Student Well-Being Office.

I. Permanent Transcript Notation

Permanent Transcript Notations (PTN) indicating disciplinary action taken will be placed on student records where students have been found responsible for violating the Code of Conduct in instances including but not limited to, behavior that leads to death or serious physical injury of another person, sexual assault, hazing, or conduct dismissal. Finger Lakes Community College reserves the right to determine additional serious violations that will result in a PTN. A PTN will appear on a student's official academic transcript as grades of AW (Administrative Withdrawal) for the classes during the semester in which the sanction is imposed and a brief comment on the transcript noting the sanction and date(s).

For crimes of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act¹ established in 20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII), institutions 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 "dismissed/expelled after a finding of responsibility for a code of conduct violation". If a respondent withdraws from the institution while such conduct charges are pending and an outcome has not yet been determined and declines to complete the disciplinary process, institutions shall make a notation on the transcript of such students that indicates the student "withdrew with conduct charges pending".

A student may appeal to remove a PTN from their transcript no sooner than one calendar year from the original sanction date. Requests for removal should be sent to the Associate Vice President of Student Affairs and should include a rationale for the request. Appeals will be reviewed by the AVP of Student Affairs and/or the Provost and a decision will be rendered within 30 calendar days from the receipt of the appeal.

J. Sanctions for Alcohol and Other Drug Violations

The College treats each student and each situation individually. Therefore, the certainty of sanctions cannot be assured prior to a Conduct Conference occurring. The sanction descriptions below provide *general* guidelines for a Hearing Officer and student reference. These sanctions may, at the discretion of the Hearing Officer, or in consultation with College Officers, be changed and/or added to, based upon the analysis of each student and situation. It is important to remember that while even a single violation can lead to Conduct Suspension or Conduct Dismissal from FLCC, that not all students charged with Code of Conduct violations receives actions.

Alcohol

First Violation - Students found responsible for violating the respective section of the Code of Conduct will receive sanctions commensurate with their involvement in the situation. Students present in an area where policy violations occurred *may* receive a written warning, an educational assignment, and/or an online evaluation; while students responsible for hosting an event, or supplying alcohol for an event, *may* receive conduct probation, an educational assignment, parental notification (if under 21), a substance abuse evaluation, and/or an online education and/or evaluation.

Second Violation – Students found responsible for violating the respective section of the Code of Conduct a second time will receive sanctions commensurate with their involvement in the situation. Students present in an area where policy violations occurred *may* receive conduct probation, parental notification (if under 21), an educational assignment, and/or a substance abuse evaluation; while students responsible for hosting an event, or supplying alcohol for an event, *may* receive conduct suspension, parental notification (if under 21), a substance abuse education and/or evaluation, an online evaluation, and/or conditions necessary for readmission.

Third Violation - Students found responsible for violating the respective section of the Code of Conduct a third time will receive sanctions commensurate with their involvement in the situation. Students present in an area where policy violations occurred *may* receive conduct suspension, a permanent transcript notation, parental notification (if under 21),

a substance abuse evaluation, and/or conditions necessary for readmission, while students responsible for hosting an event, or supplying alcohol for an event, *may* receive conduct dismissal, a permanent transcript notation, parental notification (if under 21), a substance abuse evaluation, an online evaluation, and/or conditions necessary for readmission.

Fourth Violation - Students found responsible for violating the respective section of the Code of Conduct a fourth time will receive sanctions commensurate with their involvement in the situation. Students present in an area where policy violations occurred *may* receive conduct dismissal, a permanent transcript notation, parental notification (if under 21), a substance abuse evaluation, an online evaluation, and/or conditions necessary for readmission.

Other Drugs*

First Violation - Students found responsible for violating the respective section of the Code of Conduct will receive sanctions commensurate with their involvement in the situation. Students present in an area where policy violations occurred *may* receive conduct probation, an educational assignment, parental notification (if under 21), a substance abuse evaluation, and/or an online evaluation, while students involved in hosting an event, or supplying drugs for an event *may* receive conduct suspension, parental notification (if under 21), substance abuse education and/or evaluation, and/or conditions necessary for readmission.

Second Violation - Students found responsible for violating the respective section of the Code of Conduct a second time will receive sanctions commensurate with their involvement in the situation. Students present in an area where policy violations occurred *may* receive conduct suspension, parental notification (if under 21), a substance abuse education and/or evaluation, while students involved in hosting an event, or supplying drugs for an event *may* receive conduct dismissal, a permanent transcript notation, parental notification (if under 21), a substance abuse education and/or evaluation, and/or conditions necessary for readmission.

Third Violation - Students found responsible for violating the respective section of the Code of Conduct a third time will receive sanctions commensurate with their involvement in the situation. Students present in an area where policy violations occurred *may* receive conduct dismissal, parental notification (if under 21), a substance abuse evaluation, an online evaluation, and/or conditions necessary for readmission.

**Note: the sale or distribution of drugs or unlawful controlled substances may result in interim (immediate) suspension prior to a conduct conference occurring.*

DWI/DUI

First Violation – Students found responsible for violating the respective sections of the Code of Conduct, while operating a motor vehicle, will receive sanctions commensurate with their involvement in the situation. Students who are not responsible for property or personal damages *may* receive conduct probation, an educational assignment, parental notification (if under 21), a substance abuse education and/or evaluation, while students who are responsible for property or personal damages *may* receive conduct suspension, parental notification (if under 21), a substance abuse evaluation, and/or conditions necessary for readmission.

If a student is suspended as a result of alcohol and/or other drug violations and subsequently returns to FLCC, another violation of alcohol or other drug parts of the Code of Conduct will likely result in conduct dismissal from the College. For very serious or multiple violations of the Student Code, additional sanctions may be warranted and imposed in accordance with normal college conduct procedures.

K. Persona Non-Grata Status

Persona non grata status refers to an individual who is prohibited from entering or remaining on any property owned or controlled by Finger Lakes Community College at any time, for any reason, without specific written reauthorization from the Center for Student Well-Being, AVP of Student Affairs and/or Office of Campus Police. Should an individual fail to comply with the terms of this directive, they will be considered a trespasser and will be subject to arrest and criminal prosecution.