

Onondaga Community College Student Conduct Procedures

PREFACE

Onondaga Community College's Core Values are:

- **Students First** – Keep students at the center of all we do.
- **Learning** – Embrace the lifelong pursuit of knowledge and free expression of ideas in a safe environment to advance the individual and the community.
- **Excellence** – Strive for continual improvement and innovation to seek our highest potential.
- **Diversity** – Enrich learning through an inclusive campus environment that respects human dignity and difference.
- **Community** – Foster active and productive participation in building a mutually supportive environment for members of the campus and broader communities.
- **Responsibility** – Build a culture of integrity and accountability to develop both self and others.

Aligned with the College's Principles of Community, the Student Conduct Procedures are designed to convey expectations of students' behavior as members of the college community. The code was created to respect the dignity and diversity of others in the educational process. All members of the College community enjoy the rights that are guaranteed to them by federal and state laws, and must assume the responsibilities implied by these rights.

Students are expected to comply with all policies, procedures, rules, regulations, and directives of Onondaga Community College and/or its affiliated organizations, including but not limited to those policies set forth in the College's Centralized Policy Manual, and the Keys to Residence Hall Living, and the College Catalog.

Through the disciplinary process, students learn the importance of accepting personal responsibility for behaviors that violate community standards. Procedures used to enforce standards contribute to teaching appropriate individual and group behaviors as well as protecting the rights of individuals and the campus community from disruption and/or harm.

Onondaga Community College students are responsible for knowing the information, policies and procedures outlined in this document. Onondaga Community College reserves the right to make changes to this code as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online at [Office of Student Conduct](http://students.sunyocc.edu/index.aspx?menu=978&id=36802) (<http://students.sunyocc.edu/index.aspx?menu=978&id=36802>) for the updated versions of all policies and procedures.

SECTION 1: PHILOSOPHY OF STUDENT CONDUCT

Onondaga Community College community is committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life and thoughtful study and discourse. The student conduct program within the Office of Student Conduct is committed to an educational and developmental process that balances the interests of individual students with the interests of the Onondaga Community College community.

A community exists on the basis of shared values and principles. At Onondaga Community College, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the *Student Code of Conduct*. These standards are embodied within a set of core values that include student-centeredness, learning, excellence, diversity, community, and responsibility.

Each member of the Onondaga Community College community bears responsibility for their conduct and assumes reasonable responsibility for the behavior of others. When members of the community fail to exemplify these values by engaging in violation of the rules below, campus conduct proceedings are used to assert and uphold the *Student Code of Conduct*.

The student conduct process at Onondaga Community College is not intended to punish students; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community expectations. When a student is unable to conform behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Due process, as defined within these procedures, assures written notice and a hearing with an opportunity to challenge the evidence presented with the assistance and presence of an advocate of choice before an objective decision-maker. Every accused student respondent is presumed not responsible until found to be in violation of Onondaga Community College policy by information showing that it is more likely than not that a policy violation occurred and the accused student is responsible for that violation. Any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

SECTION 2: JURISDICTION

Students at Onondaga Community College are provided a copy of the *Student Code of Conduct* annually in the form of a link on the Onondaga Community College website and via electronic mailing as part of the College's sexual violence prevention and intervention resources. Hard copies are available upon request from the Office of Student Conduct.

Students are responsible for having read and abiding by the provisions of the *Student Code of Conduct*.

The *Student Code of Conduct* and the student conduct process apply to the conduct of individual students and all Onondaga Community College-affiliated student organizations as well as to any individual who violates the provisions of the *Student Code of Conduct* (Policy N5) in a manner affecting other individuals. For the purposes of student conduct, Onondaga Community College considers an individual to be a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in Onondaga Community College.

Onondaga Community College retains conduct jurisdiction over students who take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. If sanctioned, a hold may be placed on the student's ability to re-enroll and/or obtain official transcripts, and all sanctions must be satisfied prior to re-enrollment eligibility. In the event of serious misconduct committed while still enrolled but reported after the accused student has graduated, Onondaga Community College may invoke these procedures, and should the former student be found responsible, the Onondaga Community College may revoke that student's degree.

The protections provided within these Procedures apply to all affected individuals 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.

The *Student Code of Conduct* applies to behaviors that have a reasonable connection to Onondaga Community College. This includes behaviors that take place on campus, off campus, while studying abroad, and at Onondaga Community College-sponsored events. It applies off-campus when the Senior Vice President of Student Engagement and Learning Support or designee determines that the off-campus conduct affects a substantial Onondaga Community College interest, including, but not limited to:

- Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of him/herself or others;
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder;
- Any situation that is detrimental to the educational mission and/or interests of the Onondaga Community College; and,
- Any situation involving sexual violence, domestic or dating violence, or stalking.

The *Student Code of Conduct* may be applied to behavior conducted online, via email or other electronic medium. Students should also be aware that online postings such as

blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. Onondaga Community College does not regularly search for this information but may take action if and when such information is brought to the attention of Onondaga Community College officials.

Nonetheless, most online speech by students not involving College/University networks or technology will be protected as free expression and not subject to this Code, with two notable exceptions:

- A true threat, defined as “a threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon specific individuals”;
- Speech posted online about Onondaga Community College or its community members that causes a significant on-campus disruption.

The *Student Code of Conduct* applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. Visitors to and guests of Onondaga Community College may seek resolution of violations of the *Student Code of Conduct* committed against them by members of Onondaga Community College community.

There is no time limit on reporting violations of the *Student Code of Conduct*; however, the longer someone waits to report an offense, the harder it becomes for Onondaga Community College officials to obtain information and witness statements and to make determinations regarding alleged violations.

Though anonymous complaints are permitted, anonymous complaints may limit Onondaga Community College’s ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Student Conduct and/or to Campus Safety.

A responding student facing an alleged violation of the *Student Code of Conduct* will not be permitted to officially withdraw from Onondaga Community College until all allegations are resolved.

Onondaga Community College email is the Onondaga Community College’s primary means of communication with students. Students are responsible for all communication delivered to their Onondaga Community College email address. However, in addition to email delivery, all notices of violations of the Code of Conduct and notices of hearings related to such violations will be in writing and delivered to the respondent’s address listed in the College’s records.

SECTION 3: VIOLATIONS OF THE LAW

Alleged violations of federal, state and local laws may be investigated and addressed under the *Student Code of Conduct*. When an offense occurs over which Onondaga Community College has jurisdiction, the Onondaga Community College conduct process will usually go forward notwithstanding any criminal complaint that may arise from the same incident.

Onondaga Community College reserves the right to exercise its authority to take interim actions, up to and including interim suspension, upon notification that a student is facing criminal investigation and/or complaint (additional grounds for interim suspension are outlined below in Section 8 on pages 12-13.) Interim suspensions are imposed until a hearing can be held, typically within ten (10) days. Within that time, the suspended student may request an immediate hearing from the Senior Vice President of Student Engagement and Learning Support or designee to show cause why the interim suspension should be lifted. This hearing may resolve the allegation, or may be held to determine if the interim suspension should be continued. The interim suspension may be continued if an ongoing danger to the community is posed.

Onondaga Community College may be delayed or prevented from conducting its own investigation and resolving the allegation by the pendency of the criminal process. In such cases, Onondaga Community College will delay its hearing only until such time as it can conduct an internal investigation or obtain sufficient information independently or from law enforcement upon which to proceed. For cases involving sexual violence, domestic or dating violence, and/or stalking, this delay will be no longer than ten (10) days. In all other cases, the delay generally will extend for up to ten (10) days, but may extend longer as circumstances indicate.

Students accused of crimes may request to take a leave from Onondaga Community College until the criminal charges are resolved. In such situations, the Onondaga Community College procedure for voluntary leaves of absence is subject to the following conditions:

- The responding student must comply with all campus investigative efforts that will not prejudice their defense in the criminal trial; and
- The responding student must comply with all interim actions and/or restrictions imposed during the leave of absence; and
- The responding student must agree that, in order to be reinstated to active student status, they must first be subject to, and fully cooperate with, the campus conduct process and must comply with all sanctions that are imposed.

SECTION 4: OVERVIEW OF THE CONDUCT PROCESS

1. Any member of the College community, visitor, or guest may allege violation(s) of the *Student Code of Conduct* by any student by filing a report with the Department of Campus Safety and Security.
2. A student accused of violating the *Student Code of Conduct* will receive written notice of the following:
 - a. Factual allegations supporting the charge(s), including the date, time, and location of the incident(s), if known;
 - b. Specific provisions of the *Student Code of Conduct* alleged to have been violated;
 - c. Range of potential sanctions that may apply if the student is found responsible for the violation(s);
 - d. An electronic link to the Student Code of Conduct and these Onondaga Community College Student Conduct Procedures;
 - e. The opportunity to offer evidence to be considered in resolving the allegation(s); and,
 - f. Date, time, and location of any meeting or hearing that will be conducted to investigate or resolve the matter.
3. The reporting individual will be provided with written notice of the factual allegations; specific charges; the opportunity to offer evidence to be considered in resolving the allegations; and, the date, time, and location of any meetings or hearings the reporting individual is asked to attend.
4. If an incident is investigated through an educational meeting, the possible outcomes include:
 - A decision not to pursue the allegation due to insufficient evidence, which may be appealed by any party to the Senior Vice President, Student Engagement and Learning Support.
 - A decision concerning the appropriate sanction when an allegation is uncontested. Students who disagree with the findings or sanction determined through this process may appeal as described in the Appeal Review Process below;
 - A decision to proceed with additional investigation and/or refer the matter for a hearing.
5. Once a determination is made to refer a complaint for a hearing, written notice will be given to the responding student by delivery to the respondent's address of record with the College or by personal delivery. The letter of notice will state: Factual allegations supporting the charge(s), including the date, time, and location of the incident(s), if known;
 - a. Specific provisions of the *Student Code of Conduct* alleged to have been violated;

- b. Range of potential sanctions that may apply if the student is found responsible for the violation(s);
- c. An electronic link to the Student Code of Conduct and these Onondaga Community College Student Conduct Procedures;
- d. The opportunity to offer evidence to be considered in resolving the allegation(s); and,
- e. Date, time, and location of the hearing.

6. Except in a complaint involving failure to comply with the summons of the Director of Residence Life and Student Conduct (or designee), no student may be found to have violated the *Student Code of Conduct* solely as a result of the student's failure to appear for a hearing. In all such instances, conduct hearings will proceed as scheduled and the information in support of the complaint will be presented to, and considered by, the Director of Residence Life and Student Conduct panel presiding over the hearing.

7. The reporting individual may serve as the party representing the complaint or may elect to have the Onondaga Community College administration serve as the party bringing the complaint forward. Where the College has initiated the action, the Onondaga Community College administration will serve as the party bringing the complaint forward.

8. At least three (3) days before any formal hearing, the following evidence must be delivered to the Director of Residence Life and Student Conduct if it is to be considered at the hearing:

- a. A written statement concerning the complaint;
- b. A written list of all fact witnesses to be called at the hearing;
- c. A written list of any character witnesses to be called at the hearing;
- d. A list of all physical evidence the party intends to present at the hearing, including any physical evidence in possession of the College that the party would like to have available.

Parties are further encouraged, but not required, to provide the name of the advisor, advocate, or attorney who will accompany the party at the hearing.

The Director of Residence Life and Student Conduct (or designee) will ensure that the hearing information and any other available written documentation is shared with the parties at least two (2) days before any scheduled hearing. In addition, the parties will be given a list of the names of all the panelists in advance. Should any party object to a panelist, that party must raise all objections, in writing, to the Director of Residence Life and Student Conduct immediately. Hearing officers will only be unseated if the Director of Residence Life and Student Conduct concludes that actual conflict of interest or other factors preclude an impartial hearing of the complaint by that panelist. Additionally, any panelist who feels he or she cannot make an objective determination must recuse himself or herself from the proceedings.

Section 5. Hearing Procedures

The Director of Residence Life and Student Conduct will be responsible for assembling the Hearing Panel according to the following guidelines:

- 1) The membership of the panel is selected from a pool of at least 6 staff/administrative members and/or faculty, who are appointed annually and have completed the training offered through the SUNY Student Conduct Institute.
- 2) For each complaint, a panel will be chosen from the available pool. The Director of Residence Life and Student Conduct appoints the chair of the Hearing Panel, who assures that Onondaga Community College procedures are followed throughout the hearing.

Hearing panel members are trained annually in investigations, the effects of trauma, appropriate hearing procedures, and the rights of all parties—both the reporting individual and the student respondent. The parties have the right to be present at the hearing; however, they do not have the right to be present during deliberations. If a student cannot attend the hearing, it is that student's responsibility to notify the Director of Residence Life and Student Conduct no less than three (3) days prior to the scheduled hearing to arrange for another date, time and location. Except in cases of grave or unforeseen circumstances, if the responding student fails to give the requisite minimum three (3) day notice, or if the responding student fails to appear, the hearing will proceed as scheduled with consideration of all available evidence.

The Director of Residence Life and Student Conduct (or designee), the Chair and the Panel will conduct panel hearings according to the following guidelines:

- 1) Hearings will be closed to the public.
- 2) Admission to the hearing of persons other than the parties involved and an advisor, advocate, or attorney will be at the discretion of the panel chair and the Director of Residence Life and Student Conduct.
- 3) In hearings involving more than one responding student, the evidence will be heard jointly, but separate determinations of responsibility will be made for each responding student.
- 4) The parties have the right to the assistance of an advisor, advocate or attorney of their own choosing at the hearing as well as at any other meeting/conferences required of the party. Typically advisors are members of the campus community, but the parties may select whomever they wish to serve as their advisor. The advisor may not make a presentation or represent the party bringing the complaint or the responding student during the hearing. They may confer quietly with their advisee, exchange notes, clarify procedural questions with the chair and suggest questions to their advisee.

- 5) The party bringing the complaint, the responding student, the panel, and the Director of Residence Life and Student Conduct (or designee) will have the opportunity to question all present witnesses and all present parties (directly or through the Chair, at the discretion of the Chair). Unduly repetitive witness testimony will be limited at the discretion of the panel Chair.
- 6) Pertinent records, exhibits, and written statements may be accepted as information for consideration by the panel. Formal rules of evidence are not observed. The panel chair may limit the number of character witnesses presented or may accept written affidavits of character instead.
- 7) All procedural questions are subject to the final decision of the Director of Residence Life and Student Conduct who may consult, as needed, with College legal counsel.
- 8) After a panel hearing, the panel will deliberate and determine, by majority vote, whether it is more likely than not that the responding student has violated the *Student Code of Conduct*. The Director of Residence Life and Student Conduct (or designee) will be present and available as a resource during all deliberations. Once a finding is determined, if the finding is that of a policy violation, the panel will determine an appropriate sanction(s). The Director of Residence Life and Student Conduct (or designee) is responsible for informing the panel of applicable precedent and any previous conduct violations or other relevant pattern information about the responding student. The panel Chairperson will prepare a written report of the conclusions reached and the rationale for those conclusions for each alleged violation of the *Student Code of Conduct*. The report will further state the recommended sanctions, if any, and the rationale supporting the recommended sanctions. This report should not exceed two typewritten pages in length and must be submitted to the Director of Residence Life and Student Conduct within two (2) days following the end of deliberations.
- 9) The Director of Residence Life and Student Conduct will approve, modify, or disapprove the recommendations of the panel and will inform both parties of the final determination within 3 business days after the hearing. If a decision is disapproved, the matter either will be sent back to the original hearing panel for further consideration or will be scheduled for re-hearing before a new hearing panel. Notification will be made in writing and may be delivered in person by the Director of Residence Life and Student Conduct or designee or mailed to the local or permanent address of the student as indicated in official Onondaga Community College records. In cases of sexual violence, domestic or dating violence, stalking and other crimes of violence, notice of the outcome will be delivered to all parties simultaneously, meaning without substantial delay between the notifications to each.
- 10) There will be a single verbatim written record or an audio recording for all panel hearings. Deliberations will not be recorded. The record will be the property

of Onondaga Community College and maintained for a minimum of five years. Upon request, all parties will be afforded access to such recording.

11) Special Hearing Provisions for Sexual Violence, Domestic or Dating Violence, Stalking, Discrimination and Other Complaints of a Sensitive Nature

All hearings under this sub-section will be conducted by an administrative panel drawn from the panel pool. For sexual misconduct, discrimination and other complaints of a sensitive nature, whether the alleged victim is serving as the party bringing the complaint or as a witness, alternative testimony options may be provided, such as placing a privacy screen in the hearing room or allowing the alleged victim to testify from another room via audio or audio/video technology. While these options are intended to help make the alleged victim more comfortable, they are not intended to work to the disadvantage of the responding student. The respondent will have the right to question such witness either directly or through the hearing panel.

Neither the past sexual history of a party (other than with an opposing party) nor a party's mental health diagnosis and/or treatment is admissible by the another party to the hearing. Evidence of past findings of sexual violence, domestic or dating violence, or stalking by the accused party will be admitted in the stage of the hearing where a sanction is determined.

Each party has the right to make an impact statement before deliberations begin.

12) Notification of Outcomes

The outcome of a campus hearing is part of the education record of the responding student and is protected from release to third parties under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions.

- a. Consistent with FERPA, when a student is accused of a policy violation that would constitute a "crime of violence" or forcible or non-forcible sex offense, Onondaga Community College will inform the alleged victim/party bringing the complaint in writing of the final results of a hearing, regardless of whether the Onondaga Community College concludes that a violation was committed. Such release of information will include only the responding student's name, the violation committed, and the sanctions assigned (if applicable). Federal law defines "Crimes of violence" to include:
 - 1) Arson
 - 2) Assault offenses (includes stalking, see subsection b. below)
 - 3) Burglary
 - 4) Criminal Homicide—manslaughter by negligence
 - 5) Criminal Homicide—murder and non-negligent manslaughter
 - 6) Destruction/damage/vandalism of property
 - 7) Kidnapping/abduction

- 8) Robbery
- 9) Forcible sex offences (see subsection b. below)
- 10) Non-forcible sex offences

- b. Under New York State education law, Article 129-B, in any case involving allegations of sexual assault, domestic violence, dating violence, or stalking both parties also will receive:
 - i. Simultaneous written or electronic notification of the outcome of the conduct process, including any sanction(s) imposed;
 - ii. Written rationale for any sanction(s)

It is further the choice of each party whether or not to disclose or discuss the outcome of such conduct process. Onondaga Community College will protect all information obtained during the course of the conduct or judicial process from public release until the appeals panel makes a final determination, unless disclosure is otherwise required by law.

Section 6. Parental Notification

Onondaga Community College reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. Onondaga Community College may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. Parental notification may occur in other circumstances permitted under FERPA, including in response to emergency situations and in situations where the student has consented to the disclosure..

Section 7. Appeal Review Procedures

- a. Any party may request an appeal of the decision of the informal or formal process outcome by filing a written request to the Director of Residence Life and Student Conduct subject to the procedures outlined below. All sanctions imposed by the original hearing body remain in effect, and all parties will be timely informed of the status of a request for appeal, the status of the appeal consideration, and the results of the appeal decision. Appeals must be submitted within 3 business days following delivery of the written decision. Or, if the appeal is based on the discovery of “after acquired” information, it must be delivered within 3 business days after the discovery of the information, and in no event later than 14 days after the date of the written decision. All appeals must be submitted in a written format. Reasonable accommodations for students with disabilities will be provided upon timely (within three business days) request.

b. Grounds for Appeal

A party may appeal a disciplinary decision for the following reasons only:

- i. A procedural error that unfairly and materially affected the outcome of the disciplinary hearing;
- ii. “After acquired” information that is relevant to the alleged violation, discovered only after the conclusion of the disciplinary meeting, could not reasonably have been discovered prior to or during the hearing, and which, if previously known, would have had a significant bearing on the outcome of the disciplinary hearing;
- iii. Clear abuse of discretion on the part of the Administrative Officer or the hearing panel;
- iv. A sanction that is unreasonable in light of the offense(s) committed.

c. The Appeals Panel

Three-member Appeals Panels are drawn from the hearing panel pool, with the following requirements to serve:

- i. They did not serve on the Panel for the initial hearing;
- ii. They were not involved in the investigation in any way;
- iii. They have been properly trained in investigations, the effects of trauma, appropriate procedures, including appeals procedures, and the rights of both reporting individuals and responding individuals;
- iv. The appeal panel chair will render a written response to the student appeal within five (5) business days from the date the appeal is received. The appeal decision is final and binding.

The Senior Vice President of Student Engagement and Learning Support (or designee) serves as the non-voting advisor to the panel, with responsibility for training the panel, conducting preliminary investigations, and ensuring a fair process for the complainant and responding student. In no circumstances may any member of the initial hearing panel participate in the appeals process.

Section 8. Interim Actions and Interim Measures

a. Interim Actions. Under the *Student Code of Conduct*, the Senior Vice President, Student Engagement and Learning Support or designee may impose restrictions, issue “no contact orders,” and/or separate a student from the community pending the conclusion of a campus hearing on alleged violation(s) of the *Student Code of Conduct* when a student represents a threat of serious harm to others and/or faces allegations of serious criminal activity; to stabilize a situation while charges are pending; to preserve the integrity of an investigation; to

preserve Onondaga Community College property; and/or, to prevent disruption of, or interference with, the ordinary operations of the Onondaga Community College. Interim actions can include separation from the institution or restrictions on participation in the community for no more than ten (10) business days pending the scheduling of a campus hearing on alleged violation(s) of the *Student Code of Conduct*.

During an interim suspension or other interim action, a student may be denied access to Onondaga Community College housing and/or the Onondaga Community College campus/facilities/events. This restriction may include classes and/or all other Onondaga Community College activities and/or other privileges for which the student might otherwise be eligible. Alternative coursework options may be pursued on behalf of an affected student to minimize negative academic impacts while a case proceeds. (See Interim Measures, below).

Where an interim action involves a “no contact” order, meaning that continuing to contact the protected individual is a violation of College policy subject to additional conduct charges, it is the responsibility of the individual under the “no contact” restriction to leave an area immediately and without directly contacting the protected person when the involved individuals encounter one another in a public place.

Both a reporting individual and an accused student may request prompt review of the need for and terms of a no contact order or other interim action. Requests for review may be submitted with supporting information to the Director of Residence Life and Student Conduct.

b. Interim Measures. To provide support or accommodations associated with a conduct matter, individuals may request interim measures, such as: changes in academic courses, housing, campus employment, or transportation. Requests may be made through the Director of Residence Life and Student Conduct or through the Title IX Coordinator where the underlying matter involves sexual violence, domestic or dating violence, or stalking.

Section 9. Sanctions

The Office of Student Conduct & Community Standards sanctions are official actions of the College. Failure to comply with sanctions that are imposed by the Student Conduct System, or with specific conditions related to the safety and security of any persons or property while a case is pending, may result in immediate, indefinite suspension or expulsion from the College. The focus and goal of the Student Code of Conduct and Office is to educate. Administrative Officers and hearing boards may design sanctions that are specific to an individual. Disciplinary sanctions that may be imposed include, but are not limited to, the following:

- A. Where Onondaga Community College determines that a student has committed misconduct that constitutes a “crime of violence” as defined by federal law, including sexual violence, the College will make a notation on the transcript of each student found responsible through this Conduct Procedure that the student was “suspended after a finding of responsibility for a code of conduct violation”. Should a student withdraw from the institution while such conduct charges are pending, and decline to complete the disciplinary process, the College will make a notation on the transcript of such student that they “withdrew with conduct charges pending”. Any student with such transcript notation may appeal to seek the removal of the notation after one year following the completion of the student’s suspension. Notations regarding expulsion shall not be removed. Either type of notation shall be removed in cases where the decision of responsibility is later vacated for any reason. Any appeal of the transcript notation will be presented in writing to the Senior Vice President for Student Engagement and Learning Support.
- B. **College Status** – the student’s good standing status with the College may be affected;
- C. **Disciplinary Warning** - In instances of less serious violations of the Student Code of Conduct, the student (s) may be formally warned of the possible consequences of continuing such behavior. No other specific action is taken unless further misconduct occurs.
- D. **Disciplinary Probation** - This sanction constitutes a change in status between good standing and possible suspension or expulsion from the College. Disciplinary Probation is also a status that may include loss of specified privileges associated with student status for the duration of the probation.
- E. **Interim Suspension** - This sanction is a temporary suspension of certain rights or privileges while a conduct case is pending. An interim suspension may be broad and inclusive or may be restricted to a specific location and/or function.
- F. **Suspension** - College Suspension results in the separation of the Student from the College for a specified period of time. Suspension prohibits attendance at any classes, participation in any study abroad programs or internships arranged by the College during the suspension period. Suspension may involve restrictions and/or conditions on access to College property, buildings, or grounds as well as attendance at College sponsored events and functions, as deemed appropriate by the Administrative Officer or Student Disciplinary Committee. The Student may not register for and/or enroll in classes until s/he completes the stated period of suspension and meets any and all requirements for the period of suspension

G. **Expulsion** - College Expulsion results in permanent separation of the Student from the College, college-sponsored events and college owned properties and programs and services of the College's affiliated organizations.

H. Residential Status

1. **Residential Warning-** This status is a formal warning on behalf of the residential living program and is intended to warn the student about the consequences of continuing such behavior.
2. **Residential Reprimand-** This status is a formal admonition on behalf of the residential living program and is intended to clearly document in a student's disciplinary file that student's behavior has been deemed unacceptable.
3. **Residential Probation-** This status indicates that a student is no longer in good standing within the College's residential living program. Further violations may result in the immediate loss of eligibility to live in or visit the College's residence hall facilities or in more serious sanctions, as circumstances warrant.
4. **Residential Relocation/Suspension/Expulsion-** These statuses indicate that a student is not eligible to live in or visit some or all of the College's residence hall facilities. A residential relocation involves the reassignment of a student's living unit within housing and usually prohibits the student from returning to the residential area associated with the former living assignment. A residential suspension or expulsion involves the student's removal from housing altogether. These statuses may extend for a specific period of time, until the completion of specific conditions, or permanently. These statuses may be limited to a specific facility or applied to all facilities.

I. Educational Sanctions

Educational sanctions may include, but are not limited to, the following:

1. **Community Involvement Assignment-** The Community Involvement Assignment is one of the many educational sanctions that the Office of Student Conduct & Community Standards provides for students. This sanction includes a series of College community activities, events, and lectures designed to promote student engagement and life changing experiences. It is meant to be an opportunity for students to attend events on campus that they may not normally attend so as to expose them to involvement opportunities and/or learning experiences that may positively impact their time as a student at OCC. Students often mention that there is not anything to do on campus, and this sanction is proof that there are many "things" to do on campus. For information on events happening on campus visit

2. **Formal Apology-** The apology letters can be written to anyone on campus such as faculty, staff, students, etc. discussing how student's behavior challenged those involved. The student should also reflect on how your behavior may have an impact on your role as a positive member of Onondaga Community College.
3. **Behavioral Contracts-** This contract serves as an agreement between the College and the student specifying the behavioral requirements to be followed while the student is enrolled at the College.
4. **Referrals-** Referrals will be utilized to counseling on or off campus in conjunction with the student conduct process if there is a concern about a student's behavior along with their violation.
5. **Community Service-** Community Service provides student's with the opportunity to give back to their community, not just the OCC community but also the Greater Syracuse community. Assignments are assigned by an Administrative Officer during their informal resolution meeting, and the student will need to complete a determined number of community service hours and write a reflective paper about their experience and may not be combined or in conjunction with any other volunteer or court ordered requirement. A student may not select his/her own site to complete a community service sanction and must provide the Office of Student Conduct & Community Standards with proof that they completed the assigned number of unpaid community service hours.
6. **Restitution-** Restitution is applied for damages done or other payment for expenses incurred as a result of the Student's actions. Restitution may be required to the College, a specific department of the College, an affiliate organization of the College, or a specific individual. The Office of Student Conduct will determine the amount that needs to be paid and the student is required to get a money order and bring it back to the Office of Student Conduct for payment.
7. **Decision Making Workshop -** Students are assigned to the Decision Making Workshop (DMW) by the Office of Student Conduct after exhibiting behaviors that indicate a lack of positive decisions or an inability to recognize decision-making opportunities. DMW is a 2 hour workshop where students will participate in dialogue and complete activities that will help build their decision-making skills. Students who are sanctioned to attend DMW will also be responsible for completing a reflection paper before this sanction is considered complete. Information about this assignment will be given to participants during the workshop.
8. **Paper-** Reflection papers may be assigned to help students learn from the choices they made and provide them an opportunity to detail how to make

better decisions in the future. Research papers may also be assigned to encourage students to learn more about a specific topic. Page length and use of scholarly sources are determined by the Administrative or Hearing Officer. The paper must be completed and turned into the Office of Student Conduct & Community Standards before the sanction is considered complete.

9. **Time Management Assignment-** For students who appear to be struggling in their ability to balance their academic responsibilities with other commitments, a time management assignment may be issued as a sanction. This project is designed to help students reflect on how they spend their time in an effort to help them identify successful strategies in the future. A worksheet and a reflection paper must be completed before this sanction is considered complete.
10. **Stipulation** - A stipulation can be attached to any code sanction. It is an agreement that any further violation within a specified probationary period regardless to the severity of the violation will result in more severe disciplinary action, up to and including suspension or expulsion from the College. A stipulation may also provide specific instructions a Student must follow.

J. Standard Sanctions

Standard sanctions are intended to alert students and other members of the College community to the seriousness of alcohol and drug related behaviors, violence, and safety violations; provide meaningful consequences for violations of the College's expectations; and, ensure that students are provided opportunities to access education, counseling, and support.

As Onondaga Community College does not permit consumption of alcoholic beverages on campus, standard sanctions have been adopted by the College to respond to the use of Alcohol and Drug related violations. The College has a commitment to monitor underage student consumption of alcohol, unlawful use of drugs, and/or consumption of alcohol or other drugs to a degree that renders them in need of emergency medical intervention or other extraordinary services. In addition, the College seeks to deter students from engaging in conduct that poses risks to the safety and well-being of the individual student and/or the College community as a whole.

Standard sanctions may apply to a student who violates under these circumstances:

1. A student is found to have engaged in multiple violations of the Student Code of Conduct in a single incident, rather than solely in the violation addressed by the standard sanction;

2. A student is already on a conduct sanction status equal to or greater than the standard sanction for a subsequent offense; and/or
3. A specific incident presents exacerbating circumstances, an ongoing risk to persons or property, or other serious concerns.

The appropriate sanctions will be determined on a case by case basis in light of all the circumstances. Generally, these situations will result in sanctions in excess of the standard sanction.

The presence of substantial mitigating or other appropriate circumstances may result in the reduction of a standard sanction in the discretion of the Director of Residence Life and Student Conduct.

Standard Sanctions for Violations Pertaining to Alcohol and Other Drugs:

First Violation	Second Violation	Third Violation	Procedures for Non-Compliance
1. Disciplinary Probation for six (6) months 2. Alcohol and Other Drugs Workshop 3. Additional sanctions if deemed appropriate	1. Disciplinary Probation for duration of enrollment at the College 2. Decision Making Workshop 3. Additional sanctions if deemed appropriate	1. College Suspension and/or Residential Suspension for a period of time deemed appropriate 2. Prior to returning to Campus, the student must provide the College with documentation that he/she has undergone an assessment for substance abuse by a licensed agency and has completed any requirements deemed necessary as a result of the assessment 3. Notification of parent(s) or emergency contact(s) if permitted by law (including without limitation to FERPA) 4. Good Citizenship Petition (prior to	1. If a student does not attend the first Alcohol and Other Drugs educational workshop and has not provided the appropriate notification to the Administrative Officer, he/she is immediately rescheduled to attend the next educational workshop 2. If a student does not attend the second AOD educational workshop (which means that they are a repeat violator) and has not provided the appropriate notification to the Administrative Officer, he/she may be removed from housing if he/she is a residential student. If he/she is not a residential student, he/she may be placed on interim suspension AND

		consideration for re-enrollment)	3.A hold will be placed on the student's account until the sanction(s) has been completed
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Standard Sanctions for Violations Pertaining to Weapons:

	First Violation	Second Violation
Possession of a prohibited weapon or other dangerous object(s)	<p>1.Disciplinary probation, Suspension, Indefinite Suspension, or Expulsion as determined by Administrative Officer or hearing board</p> <p>2.Minimum of 80 hours of community service and/or other educational sanctions as deemed appropriate by the Administrative Officer or hearing board</p>	<p>1.Possible expulsion from student housing, if the student is not suspended</p> <p>2.Indefinite Suspension or Expulsion if the student lives in the residence halls</p>
Any improper use, attempted use, or threat of use of a weapon or other dangerous, illegal, or hazardous object	<p>1.Expulsion or Indefinite Suspension for a minimum of one academic year</p>	

Standard Sanctions for Violations Pertaining to Physical Violence Other Than Sexual Violence, Domestic or Dating Violence, and Stalking:

	First Violation
Physical harm or threat of physical harm without a weapon resulting in little or no physical injury to involved persons	<p>1.Disciplinary Probation, Suspension, or Indefinite Suspension as determined by the Administrative Officer or hearing board</p> <p>2.Participation in the Conflict Resolution Workshop; Alcohol and Drug referral, if alcohol or other drugs were a factor in the incident</p> <p>3.Minimun of 80 hours of community service and/or other educational sanctions as deemed appropriate by the Administrative Officer or hearing board</p>

Physical harm without a weapon resulting in significant physical injury to another person	1.Expulsion or Indefinite Suspension for a minimum of one academic year
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Standard Sanctions for Violations Pertaining to **Fire Safety:**

	First Violation	Second Violation
Interference with, improper activation of, or damage to any elevator or safety or emergency equipment, including, but not limited to: fire alarms, fire extinguishers, sprinkler systems, and blue lights; lighting any unauthorized fire on College property	1.Disciplinary Probation, Indefinite Suspension, or Suspension from residence halls	1.Expulsion of Indefinite Suspension for a minimum of one academic year
Covering Smoke Detectors	1.Residence hall probation for one year from the date of the incident 2.Fire safety research paper	1.Residence hall suspension 2.Disciplinary Probation for 6 months from the date of the incident

K. Failure to Complete Conduct Sanctions

All students, as members of the Onondaga Community College community, are expected to comply with conduct sanctions within the timeframe specified by the Director of Residence Life and Student Conduct or Administrative Hearing Officer. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and/or suspension from the Onondaga Community College. In such situations, resident students will be required to vacate Onondaga Community College housing within 24 hours of notification by the Director of Residence Life and Student Conduct, though this deadline may be extended upon application to, and at the discretion of, the Director of Housing and Residence Life and/or the Director of Residence Life and Student Conduct. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the Director of Residence Life and Student Conduct.

SECTION 10: STUDENT CONDUCT AUTHORITY

A. Authority

The Senior Vice President of Student Engagement and Learning Support is vested with the authority over student conduct by the College President. The Senior Vice President, Student Engagement and Learning Support appoints a Director of Residence Life and Student Conduct to oversee and manage the student conduct process. The Senior Vice President, Student Engagement may appoint hearing and appeals panel members as deemed necessary to implement the student conduct process in accordance with College procedures and applicable laws.

The Director of Residence Life and Student Conduct (or designee) will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit but will not be involved in any aspect of appeals.

B. Gatekeeping

No complaint will be forwarded for a hearing unless there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or a victim's statement. A complaint wholly unsupported by any credible information will not be forwarded for a hearing.

C. Conflict Resolution Options

The Director of Residence Life and Student Conduct has discretion to refer a complaint for mediation or other forms of appropriate conflict resolution. All parties must agree to conflict resolution and to be bound by the decision. Any unsuccessful conflict resolution can be forwarded for formal processing and hearing; however, at no time will complaints of sexual violence, domestic or dating violence, or stalking be mediated as an alternative to the conduct process described herein. The Director of Residence Life and Student Conduct may also suggest that complaints that do not involve a violation of the *Student Code of Conduct* be referred for mediation or other appropriate conflict resolution.

D. Interpretation and Revision

Onondaga Community College reserves the right to modify or amend these procedures, consistent with applicable law, from time to time and in specific cases where fairness and efficiency of the process so require.

E. Disciplinary Records

All conduct records are maintained by the Onondaga Community College for seven (7) years from the time of their creation except those that result in separation (suspension or expulsion, including from housing) and those that

involve sexual violence, domestic or dating violence, or stalking, which are maintained indefinitely.