

# GENESEE COMMUNITY COLLEGE STUDENT CODE OF CONDUCT

This Code has been established to implement the following policies established by the Genesee Community College Board of Trustees: Policy 1006 – Maintenance of Order, Policy 1024 – Statement of Respect, Policy 4008 – Student Rights and Responsibilities, Policy 4015 – Ethical guidelines and Policy 4016 – Academic Integrity.

## A. OVERVIEW OF CONDUCT EXPECTATIONS

1. The student conduct process at GCC exists to protect the interests of the college 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 his/her behavior to community expectations, the student conduct process may determine that he/she should no longer share in the privilege of participating in the GCC community.
2. Students should be aware that the student conduct process is different from criminal and civil court proceedings. Procedures and rights in student conduct process are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Due process, within the student conduct process, assures timely written notice, a hearing before objective decision-makers and the ability to appeal.
3. Students continue to be subject to city, state, and federal laws while at GCC, and allegations, charges or violations of those laws may also constitute violations of the Student Code of Conduct. In such instances, GCC may proceed with disciplinary action under the Student Code of Conduct independently of any criminal proceeding involving the same conduct and may impose sanctions for violation of the Student Code of Conduct even if such criminal proceeding is not yet resolved or is resolved in the student's favor.
4. No student will be found in violation of GCC policy without information showing more likely than not that a policy violation occurred. In GCC's sole discretion, sanctions will be proportionate to the severity of the violation(s).

## B. JURISDICTION OF GCC'S STUDENT CODE OF CONDUCT

1. The Student Code of Conduct at GCC will apply to conduct that occurs on GCC premises or GCC property including College Village, at any location at GCC sponsored activities, and in off-campus buildings occupied by students by virtue of their association with a group/organization given formal registration by GCC. The Student Code of Conduct may also apply off-campus, when the administration determines that the off-campus conduct
  - a. indicates the individual poses an elevated risk of disruptive or harmful behavior in future interactions with the college community—Examples include
    - i. An allegation, arrest, charge or conviction of a criminal offense as defined by NYS law, including repeat violations of any local, state or federal law.
    - ii. Any situation where the student presents a danger or threat to the health or safety of himself/herself or others.
    - iii. 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.
  - b. reflects on the image or reputation of the College, when the student is seen as its representative.
2. Each student will be responsible for his or her conduct from the time he or she applies for admission until the actual awarding of a degree or withdrawal from GCC, including the academic year, during breaks and between academic terms, before classes begin and after classes end, during periods between terms of actual enrollment, and including conduct whether or not discovered until after a degree is awarded.
3. The Student Code of Conduct applies to guests of community members. Student hosts may be held accountable for the misconduct of their guests. Visitors to and guests of GCC are also protected by the Student Code of Conduct, and may initiate grievances for violations of the Student Code of Conduct committed against them.
4. Student organizations may be charged with violations of the Code for behavior occurring on or off campus. A student organization and its officers may be held collectively or individually responsible when violations of the Code by those associated with the group or organization have received the tacit or overt consent or encouragement of the leaders, officers, or spokespersons. While student organizations not registered by GCC are exempt from this Code, student members of such organizations may be held individually accountable for their behavior under this Code. When considering allegations involving collective responsibility, GCC may make individual findings with respect to the involvement of each student.

5. GCC will treat an attempt to commit a violation listed in the Student Code of Conduct as if the attempted conduct had been completed.
6. GCC reserves the right to investigate an allegation and to initiate conduct proceedings without a formal allegation by the victim or witnesses of misconduct.
7. GCC will not tolerate intentional false reporting of incidents. It is a violation of the Student Code of Conduct to make a false report of any policy violation or violation of any federal, state, or local law.
8. GCC community encourages the reporting of Student Code of Conduct violations. To this end and at the sole discretion of GCC officials, student(s) who may have conduct violations related to the same incident and who report violations may be held less accountable for conduct violations and/or may be provided educational options in such cases.
9. Any student, faculty member, College official, or College employee may file a report of misconduct against a student. The report of misconduct shall be submitted, in writing, to the Dean of Students or Public Safety Office within (10) business days of the point at which the alleged misconduct occurred or within (10) business days of the point at which the alleged misconduct could reasonably have been known to occur. Any report submitted after 10 business days will be reviewed at the discretion of the Dean of Students for action. *For any complaint that is sexual in nature please refer to the special provisions for sexual misconduct and other sensitive issues.*
10. GCC reserves the right to notify parents/guardians of dependent students regarding any conduct situation when alcohol and/or narcotic/substance/inhalant abuse or violations are suspected. GCC may contact parents/guardians of dependents or non-dependent students who are under age 21 and contact parents/guardians to inform them of situations in which there is an imminent health and/or safety risk.
11. The Dean of Students or designee reserves the right to determine whether other GCC officials have a need to know about individual conduct allegations pursuant to the Family Education Rights and Privacy Act (FERPA).
12. In accordance with federal law, victims of sexual misconduct and/or sexual harassment incidents have an absolute right to be informed of the outcome and sanctions of the hearing, in writing, and without condition or limitation. GCC may release publicly the name, nature of the violation, and the sanction for any student who is found in violation of a GCC policy that is also a "crime of violence," including but not limited to: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property and kidnapping/abduction. GCC may release this information to the victim in any of these offenses regardless of the outcome, but victims are cautioned that FERPA does not permit them to re-release this information to others.
13. Behavior conducted online such as harassment delivered by e-mail can subject students to GCC student conduct action. Blogs, web pages, social networking sites and other modes of electronic communication are in the public sphere, are not private, and can subject a student to allegations of misconduct. GCC does not seek out this information, but may take action if and when such information is brought to the attention of GCC officials.
14. Any question of interpretation or application of the Student Code of Conduct shall be referred to the Dean of Students or designee for final determination.
15. The Student Code of Conduct shall be reviewed periodically under the direction of the Dean of Students or designee. Recommendations for changes will be submitted to shared governance (i.e. Student Government Association, Academic Senate, Vice President for Student & Enrollment Services, President) as needed.

### C. DEFINITIONS

1. The term "College," as used herein, means Genesee Community College. The term "GCC" means Genesee Community College. The term "GCC property" includes vehicles, equipment, furniture, identification badges, parking passes and other similar items owned, used or controlled by GCC.
2. The term "student," for the express purposes of the Student Code of Conduct, includes; all persons taking course(s) at or through GCC, persons who withdraw after allegedly violating the Student Code of Conduct, persons who are not officially enrolled for a particular term but who have a continuing relationship with GCC, persons who have been notified of their acceptance for admission, and persons who have applied for admission to the college but have not yet been notified of acceptance. Additionally, an individual is considered a "student" whether or not such courses or programs are offered on a physical campus or site, or via distance learning, the Internet, or any other means of course delivery technology.
3. The term "faculty member" means any person hired by the College to conduct classroom or other instructional activities.
4. The term "College official" means any person hired by the College to work in a faculty, administrative, or security role, and any other staff member designated to serve as a College official.

5. The term “member of the College community” includes any person who is a student, faculty member, administrator, or any other person employed by the College.
6. The term “College premises” and or “Campus” includes all land, buildings, and facilities in the possession of or owned, used, leased or controlled by the College, including College Village, any and all off-campus centers, sites, and adjacent streets and sidewalks.
7. The term “hearing board” means the Student Conduct Committee.
8. The term “shall/will” is used in the imperative sense.
9. The term “may” is used in the permissive sense.
10. The “Vice President for Student and Enrollment Services and/or designee” is the person designated by the College President to be responsible for the administration of the Student Code of Conduct.
11. The term “policy” is defined as the written regulations of the College as found in, but not limited to; (1) the Student Conduct Code; (2) the Policies and Procedures Manual of Genesee Community College; (3) the most recently published Genesee Community College Catalog (4) the Student Rights and Responsibilities Handbook and the (5) Genesee Community College Faculty handbook. If at any point there appears to be a conflict among these documents, the policies as defined in the Policies and Procedures Manual of Genesee Community College shall prevail and any other documents shall be updated to conform.
12. The term “cheating” includes, but is not limited to; (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; or (3) the acquisition, without permission, of tests or other academic material, belonging to a member of the College faculty or staff.
13. 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 acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
14. The terms “Student Code,” “Code of Conduct,” “Code,” and “Student Responsibilities” shall all be considered to be synonymous in this document.
15. The term “student organization” means any number of persons who have complied with the formal requirements for GCC registration through the Student Activities and/or Athletics Office.
16. The term “conduct officer,” “Student Conduct Program Coordinator” or “hearing officer” means a GCC official authorized on an ongoing or case-by-case basis by the Dean of Students to make determinations including but not limited to, the hearing procedures, whether a student’s behavior violates the Student Code of Conduct, the conduct’s impact upon the GCC community, recommendations for responsibility by the student, recommendations for sanctions.
17. The term “more likely than not” means information that would lead a reasonable person to conclude that it is more likely than not that a student’s behavior occurred and/or violated the Student Code of Conduct.
18. The term “interim action or interim suspension” means temporary exclusion from GCC premises and/or GCC events and/or other sponsored activities imposed by the Dean of Students.
19. The term “consent” as applicable to sexual misconduct means words or actions that show a voluntary agreement to engage in mutually agreed-upon sexual activity. Consent is the agreement to engage in specific sexual contact, which may be given by verbal agreement or active and willing participation in the sexual activity. Consent to sexual contact or any specific sexual act cannot be given if an individual is incapacitated or impaired because of a physical or mental condition or the ingestion of drugs or alcohol, or under the age of 17. Silence, previous sexual relationships, current relationships, or the use of alcohol and/or drugs is not an indication of consent. The use of force, threat of force, threat of immediate or future harm, or use of physical intimidation to secure compliance with sexual activity is evidence of lack of consent. Consent may be initially given, but it may be revoked at any point either verbally, through physical resistance, or by losing consciousness. Failure to cease sexual contact promptly in response to a withdrawal of consent constitutes prohibited nonconsensual sexual contact. “No” or any other negative statement or acts/physical gestures supporting the desire to cease contact in response to sexual contact or an invitation to sexual contact will be regarded as a denial of consent to such sexual contact.
20. The term advisor means an individual who has agreed to assist the accused student during a hearing conducted by the Student Conduct Committee. The adviser may be a faculty member, staff member or currently enrolled GCC student. The role of the adviser will be limited to advising the student. The adviser may not appear in lieu of the accused student nor speak on their behalf.
21. Behavioral contract is a written document completed by both the student and the Hearing Officer.
22. The term day means normal college business day, not including Saturday, Sunday, or any officially recognized non-academic day or holiday.

23. Disruptive and disorderly conduct is behavior that changes the atmosphere of the classroom to an uncomfortable setting for students and staff; precludes an educational environment; or prevents learning from taking place. Refusing to comply with any lawful order or direction of a college official (such as providing identification upon request) is considered disruptive and disorderly conduct.
24. Probation for Code of Conduct violation(s) is a trial period during which the student must conduct her/himself in a manner consistent with college rules and regulations, including the Code of Conduct. Probation may be combined with other sanctions. Proof of violation of the terms of probation may be grounds for suspension, pending a hearing.
25. Suspension for Code of Conduct violation(s) is an action that excludes (separates) a student from the college for a specified period of time. Suspended students are not permitted to register for classes or be on college premises or participate in college activities on or off campus for the period of the suspension. Conditions for the student's return may be applied.
26. Written reprimand is a formal written warning explaining the violation(s) and expectations regarding future behavior.

#### D. BEHAVIORIAL MISCONDUCT

1. **Student members of the community are expected to uphold and abide by certain standards of conduct embodied by a set of core values that include *integrity, community, respect and responsibility*.** When members of the community fail to exemplify these values, College conduct proceedings are used to assert and uphold the Student Code of Conduct. The following are examples of misconduct; they are not intended to define misconduct in exhaustive or exclusive terms. Where appropriate, bulleted items provide examples of the type of conduct that is prohibited in this Code. Any student found to have committed or to have attempted to commit the following misconduct is subject to the conduct sanctions outlined below.
2. **INTEGRITY - GCC students exemplify honesty, integrity and a respect for truth in all of their dealings.** Behavior that demonstrates a lapse of integrity includes, but is not limited to:
  - a. Academic Misconduct:
    - i. Cheating:
      - (a) Using open textbooks, notes, electronic devices, or other assistance during an examination, except those that have been authorized by the instructor.
      - (b) Copying from another person's work during an examination.
      - (c) Participating in unauthorized collaboration means working on any academic assignment (including but not limited to: take home exams, exams, classroom assignments, homework assignments, projects, and papers) with other students or anyone other than themselves when the instructor does not permit it.
      - (d) Obtaining, distributing, or using the contents of an unadministered test.
      - (e) Substituting for another student or permitting any person to substitute for oneself in an examination.
      - (f) Intentionally falsifying or misrepresenting information derived from another source in an assignment (including but not limited to: making up sources for the bibliography of a paper or faking the results of a laboratory assignment/computer data).
      - (g) Altering or forging an official Genesee Community College document/assignment or imitating another person's signature or mark on an academic or official document, including but not limited to: forging a faculty member's name to a document/assignment.
      - (h) Abusing/Misusing Electronic Devices - The abuse or misuse of cellular phones, pagers, and other electronic devices in a manner that causes disruption in the classroom, library, administrative offices or within any college owned or college operated facility. Also, abuse of cellular devices with photographic capabilities and the abuse of devices for purposes of photographing test questions or other notes and materials. The use of cellular phones, or other electronic devices, to store or search for information used to cheat on exams or to complete assignments without the instructor's permission.
      - (i) Practicing Multiple Submission - Submitting substantial portions of the same work for credit more than once without the prior explicit consent of the instructor to whom the material is being (or has in the past been) submitted. The submission of work previously submitted in other classes created or established by you or from other individuals that was handed in, whether it was graded or not graded.
      - (j) Failure to Contribute - Taking credit for participation in a collaborative project while failing to do one's fair share. This Includes, but not limited to submitting your name on a group project or assignment when you failed to participate.
      - (k) Sabotaging Other's Work - Preventing others from doing their work, including but not limited to disturbing someone's lab experiment or removing materials from a reserved reading file so that others may not use them.
      - (l) Facilitating Academic Dishonesty

Intentionally helping another student engage in academic dishonesty. This includes, but is not limited to supplying another student with test question answers or materials without the instructor's permission whether you are enrolled in the course or enrolled in any other course.

- ii. Plagiarism:
  - (a) Submitting an assignment purporting to be the student's original work which has been wholly or partly created by another person.
  - (b) Presenting as one's own the ideas, organization, or wording of another person without acknowledgment of sources.
  - (c) Knowingly permitting one's own work to be submitted by another student as if it were the student's own.
  - (d) Submitting any academic assignment/document that was created by someone other than yourself from the internet, a journal, book, magazine, another person, or any other source and seeking credit as if the assignment was your own creation.
- iii. Violating course rules as contained in the course syllabus, department policy or procedures as contained in the course syllabus, other rules and regulations provided to the student, including those of off-campus training sites, or other information provided to the student.
- iv. Inappropriate behavior of students enrolled in apprenticeships, clinical training, practicum, co-op work experiences, internships, field experiences, directed practice, and workforce training programs, including but not limited to:
  - (a) Jeopardizing the safety and/or welfare of self and/or others, including clients, patients, customers, and co-workers.
  - (b) Failing to abide by policies and procedures of the training site, including privacy and confidentiality.
  - (c) Demonstrating sexual or other harassment as defined by the Student Code of Conduct.
  - (d) Behaving unethically.
  - (e) Acting illegally or otherwise violating the law.
- b. Acts of Dishonesty:
  - i. Furnishing false information to any GCC official, department, or office.
  - ii. Forgery, alteration, or misuse of any GCC document, record, or instrument of identification.
  - iii. Tampering with the election of any GCC registered student organization.
  - iv. Causing, condoning, or encouraging the completion of any GCC record, document, or form dishonestly.
  - v. Initiating a false report or warning of fire, explosion, bomb threat, or other emergency.
  - vi. Deception.
- c. Knowingly presenting a worthless check or forging a money order in payment to GCC or to a member of GCC community acting in an official capacity, or failure to make satisfactory arrangement for the settling of a debit or account with GCC.
- d. Violations of positions of trust or authority within the community.
- e. Misuse or unauthorized use of GCC or organizational names, representations and/or images.
- f. Taking of and/or damage to property or services of others on GCC premises, including but not limited to:
  - i. Knowingly possessing stolen property.
  - ii. Damaging items rented, leased, or placed on the campus at the request of GCC.
  - iii. Selling or attempting to sell textbooks unless the seller is the owner of the textbook or has the permission of the owner to do so.
  - iv. Taking, attempting to take, or keeping items belonging to the library or items placed in the library for display.
- g. Abuse, interference, or failure to comply in GCC processes.
- h. Abuse of the college conduct system, including but not limited to:
  - i. Failure to attend meetings scheduled for conduct code administration purposes.
  - ii. Falsification, distortion, or misrepresentation of information.
  - iii. Failure to provide, destroying, or hiding information during an investigation of an alleged policy violation.
  - iv. Attempting to discourage an individual's proper participation in, or use of, the college conduct system.
  - v. Harassment (verbal or physical) and/or intimidation of a member of a college conduct body prior to, during, and/or after a college conduct proceeding.
  - vi. Failure to comply with the sanction(s) imposed by the college conduct system.
  - v. Influencing or attempting to influence another person to commit an abuse of the college conduct system.

**3. COMMUNITY - GCC students honor and value their community. Behavior that violates this value includes, but is not limited to:**

- a. Disruption or obstruction of teaching, research, administration, or other GCC activities or services, including its public service functions on or off campus, or of other authorized non-GCC activities when the conduct occurs on GCC premises:
  - i. Disruptive classroom behavior.
  - ii. Obstruction of the free flow of pedestrian or vehicular traffic on GCC premises or at GCC sponsored or supervised functions.
  - iii. Participation in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of GCC and/or infringes on the rights of other members of GCC community.
  - iv. The act of leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.
- b. Unauthorized Entry or Use of GCC Property:
  - i. Unauthorized or attempted unauthorized entry into any building, office, construction site, or other GCC facility.
  - ii. Unauthorized possession, use, or duplication of keys or other methods of controlled access such as ID or access cards or codes.
- c. Damage to or littering on GCC premises and/or properties owned or leased by GCC:
  - i. Driving motor vehicles on lawn or premises without permission.
  - ii. Failing to maintain an organization's facilities and/or surrounding property.
  - iii. Vandalizing or the causing of intentional damage to the property of another person or GCC.
- d. Inappropriate use of college computing resources, Information Technology, including misuse of GCC computing facilities, equipment, network, passwords, accounts or information. Students who connect their personal computers to the college network will be held responsible for any violation of this policy that originates from that computer. Examples include but not limited to:
  - i. Use of computing facilities to interfere with the work of other community members.
  - ii. Unauthorized access to a file or personal or group account.
  - iii. Use of computing facilities to interfere with normal operation of GCC computer system.
  - iv. Anonymous or forged network news articles or E-mail messages.
  - v. Disk usage over the allotted limit without prior approval.
  - vi. Unauthorized transfer of a file.
  - vii. Use of another individual's identification and password or sharing of your own identification and/or password.
  - viii. Making copies of copyrighted computer software when no written authority to copy the software has been granted.
- e. Possession of firearms, explosives, other weapons (including, but not limited to BB/pellet guns, slingshots, and sharp edged instruments, such as hatchets, knives when used as weapons), or dangerous chemicals while on campus, unless properly authorized.
- f. Having animals on campus except as may be required for a class, or for use of guide/support/therapy animals.

**4. RESPECT - GCC students show respect for each other, for property and for the community. Behavior that violates this value includes, but is not limited to:**

- a. Threatening or causing physical harm, verbal abuse, or other conduct which threatens or endangers the health or safety of any person, whether done intentionally or by failure to exercise reasonable care.
  - i. Dating Violence is 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. This definition does not include acts covered under domestic violence.
  - ii. Domestic Violence is any violent felony or misdemeanor 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.
- b. Intimidation (implied threats) or coercion (pressuring another unreasonably until an act is not truly voluntary).
- c. Harassment - verbal or physical conduct that has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creates an intimidating, hostile, or offensive working or educational environment.

- d. Discriminatory harassment, including speech, actions or conduct, which have the intent or effect of depriving a member of the community of educational or employment access, enjoyment, benefits or opportunities. Merely offensive or annoying behavior may feel like harassment, but to rise to the level of a code violation, harassment must cause a deprivation of the civil rights of a member of a protected class.
  - i. Protected classes include sex , race, color, religion, age, national origin, ancestry, disability, military status, sexual orientation, pregnancy status, or as defined by New York or applicable federal law.
  - ii. Including but not limited to all other discriminatory policies or procedures.
- e. Hazing – behavior that endangers the mental, physical, or emotional health of a student as a condition for initial or continued affiliation with any group regardless of either the lack of intent to endanger the student or the student’s own willingness to participate. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing is also a violation of this policy.
- f. Stalking –The term means intentionally engaging in a course of conduct, directed at a specific person, which is likely to cases 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, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose, and repeatedly communicating by any means, including electronic means, with such person(s) in a manner likely to intimidate, annoy, or alarm him or her.
- g. Sexual Misconduct:
  - i. Sexual Harassment – Gender-based verbal or physical conduct that has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creates an intimidating, hostile, or offensive working or educational environment. Sexual harassment includes any situation in which there is gender-based misconduct that is sufficiently severe, pervasive, persistent or objectively offensive that it alters the conditions of education or employment. Retaliatory conduct is also prohibited under this policy.
  - ii. Non-Consensual Sexual Contact – Any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman, without effective consent.
  - iii. Non-Consensual Sexual Intercourse – Any sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a man or a woman upon a man or a woman, without effective consent.
  - iv. Sexual Exploitation – taking non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, such as prostituting another student, non-consensual video or audio-taping of sexual activity, going beyond boundaries of consent, voyeurism, or knowingly transmitting an STI or HIV to another student.
- h. Lewd or Obscene Conduct:
  - i. Public urination.
  - ii. Sexual acts performed in public or on college premises.
  - iii. Taking pictures of another person in a gym, locker room, or restroom without that person’s consent.
  - iv. Disrobing or Streaking.
  - v. Possession or distribution of any obscene materials.
- i. Violation of any GCC policy, rule, or regulation published in hard copy or available electronically on GCC website.

**5. RESPONSIBILITY - GCC students are given and accept a high level of responsibility as role models.**

**Behavior that violates this value includes, but is not limited to:**

- a. Intentionally or recklessly causing a fire which causes or could cause damage to GCC or personal property, or which causes or could cause injury to any member of the community.
- b. Failure to follow fire safety procedures:
  - i. Failure to exit a building when the fire alarm sounds.
  - ii. Misusing, damaging or tampering with fire safety equipment.
  - iii. Intentionally or recklessly obstructing a fire exit in any GCC building.
- c. Failure to comply with the directions of GCC officials, including campus public safety officers acting in the performance of their duties and/or failure to identify oneself to these persons when requested to do so. Deliberate incitement of others to commit a prohibited act; involvement as an accessory to any prohibited acts by providing assistance or encouragement to others engaged in them or by failure to separate oneself clearly from a group in which others are so engaged when there is sufficient time and opportunity.
- d. Action or inaction by a student who is in collusion which fails to discourage a violation of GCC policy or law; assisting in violation of GCC policies or public laws.

- e. Knowing failure of any organized group to exercise preventive measures relative to violations of this Student Code of Conduct by members.
- f. Use, possession, or distribution of alcoholic beverages.
- g. Use, possession, or distribution of a narcotic, inhalant or other controlled substances, as well as drug paraphernalia, except as expressly permitted by law.
- h. Abuse or misuse of prescriptions or over-the-counter medications.
- i. Conducting, organizing, or participating in any activity involving games of chance or gambling except as permitted by law.
- j. Allegation, arrest, or charge of a violation of federal, state, or local law.

E. PROCEDURES

1) Hearing Options

GCC uses informal and formal procedures to resolve violations of the Student Code of Conduct. The *informal process* is an administrative hearing and the *formal process* is a hearing with the Student Conduct Committee. The Dean of Students or designee may seek to resolve disputes through arbitration or mediation. (Please see Procedures section, #4 and 5)

2) Notice

For all hearings, written notice by mail and email with delivery notification (in person can be used additionally) will be provided to the accused student stating: (1) the nature of the complaint including available supporting documentation; (2) the alleged violation(s) of the Student Code of Conduct; and (3) the date, time and location of the hearing. A restriction will be noted on the accused student’s record which will restrict him or her from adding or dropping classes or from obtaining transcripts until the conduct matter is resolved. Notice will include copies of the applicable procedures that will be used to decide the allegation. All notices are considered delivered when sent by the college.

*\*Target timeline that may be adjusted based on situation.*

STEP 1	<b>10 BUSINESS DAYS TO FILE A COMPLAINT:</b> The report of misconduct shall be submitted, in writing, to the Dean of Students or Campus Safety Office within (10) calendar days of the point at which the alleged misconduct occurred or within (10) calendar days of the point at which the alleged misconduct could reasonably have been known to occur.
STEP 2	3 Business Days to review the complaint & generate an appearance letter *
STEP 3	3 Business Days (DUE NOTICE) to adjudicate the charge (to meet with Administrative Hearing Officer or Student Conduct Committee) *
STEP 4	3 Business Days to notify in writing the findings to the offender *
STEP 5	5 Business Days to appeal

3) Academic Integrity & Misconduct Procedure

a. Faculty-Student Conference

1. The instructor judges whether the student was intentionally dishonest. (Checking with the Dean of Students Office for previous incidents could be illuminating.) If so, the following process shall be followed:
2. Within one business day, the instructor will fill out the Incident Report Form (available in public folders), and forward it to the Dean of Students office electronically. The instructor shall retain evidence for a possible AIRC hearing.
3. Within two business days of the Dean of Students office receiving the report, the student will meet with the Dean of Students or Designee (Campus Center Dean or the instructor, for example). During this meeting the student will accept or not accept responsibility for the incident on a Student Response Form, which he or she signs. The original Student Response Form will be sent to the Dean of Students, with copies to the Instructor, the Student and the Academic or Campus Center Dean.
4. If student accepted responsibility, the Dean of Students office will notify instructor of the predetermined sanction (above) within one business day.
5. If student did not accept responsibility, the AIRC will meet within two business days of the student’s written disagreement to examine the evidence and testimony of instructor and student. The Dean of Students office will notify the student and the instructor of the decision and sanction, if any, within one business day.
6. A decision of the AIRC may be appealed to the Executive Vice President for Academic Affairs. The appeal is to be based on new evidence or a violation of proper procedure.

STEP 1	1 Business day for Faculty member to fill out Incident Report Form
STEP 2	2 Business days after receiving the report the DOS will generate, adjudicate and deliver findings to the student.
STEP 3 A.	Within 1 Business Day if the student accepts responsibility the DOS will notify the faculty member in writing.
OR STEP 3 B.	If the student does not accept responsibility the AIRC will meet within 2 Business Days to review the student's written complaint. The AIRC will submit in writing within by the next business day of their decision to the DOS office. The DOS office will notify the student and faculty member within 1 Business Day of the results of the AIRC

The AIRC, Academic Integrity Review Committee, is composed of four people: 3 people selected by the Academic Senate and a student selected by the Student Senate. The Chair will receive release time, and must be on call or arrange for an alternate to be available any time classes are in session. All members of the AIRC, including alternates, must have received appropriate training.

**b. ACADEMIC DISPUTES — STUDENT COMPLAINTS**

1. Students charging a faculty member with prejudiced, capricious or unfair academic appraisal shall be permitted to discuss the charge with the instructor without fear of reprisal.
2. If the problem is unresolved, the student may take the complaint to the appropriate Dean (e.g., the Dean supervising that faculty member.)If the problem is still unresolved it may then be taken to the Academic Standards Committee. The student must initiate contact with this committee by submitting a Request to Appeal Grade form either electronically via the Genesee Community College website or by U.S. mail addressed to the Office of the Vice President of Student and Enrollment Services, ATTN.: Academic Standards Committee. (The form can be found here: <http://faculty.genesee.edu/senate/appeal.htm>.)
3. A copy of the appeal form will be forwarded to the Academic Standards Committee Appeals Chair, the Executive Vice President for Academic Affairs, and the course instructor. There is a fifteen day statute of limitations to initiate contact with the Academic Standards Committee on all student academic appeal issues. This statute of limitations period begins on the first day of the next full semester (Fall or Spring) following the post date of the disputed grade. Exceptions to this statute of limitations may be made on a case by case basis. This decision will be made by the appeals chair.
4. The appeal shall be formally presented to the committee and all involved parties. Due notice of the hearing date shall be provided to all involved parties. The committee shall approve, disapprove, or table the appeal. If the student is not satisfied with the outcome, the appeal may be forwarded to the Executive Vice President for Academic Affairs, whose decision shall be final.

**4) Administrative Hearing Procedure**

When the alleged violation does not warrant suspension or expulsion from the college, an administrative hearing is available upon a student's request. Administrative hearings are informal, one-on-one conversations with a conduct officer designated by the Dean of Students to determine responsibility for alleged violations of the Student Code of Conduct and discuss how a student's behavior impacts the community. Witnesses may be called, though this happens infrequently. Students will be given the option to accept responsibility for the violation and accept the sanction recommended by the conduct officer. If the student does not accept responsibility nor accept the recommended sanction, the matter will be resolved by the Student Conduct Committee. No appeal will be permitted from an administrative hearing.

**5) Student Conduct Committee (SCC) Procedure**

- a) The Student Conduct Committee is composed of four (4) members, including one (1) faculty member appointed by the Academic Senate, one (1) staff member and one (1) student appointed by the Dean of Students, who volunteer for each hearing from a pool of trained members and one (1) Chair person who may be a faculty, staff, administrator or student. Quorum for a student conduct committee is three (3).
  - i) The Student Conduct Committee is facilitated by the Dean of Students, who does not participate in the hearing but serves as a resource during the deliberation and sanctioning phases of the hearing. This Dean of Students has access to a student's conduct history and will make it available to the Student Conduct Committee when appropriate.
- b) If a student who has been given notice does not appear before the hearing board, the information in support of the alleged violation(s) will be presented and considered in the student's absence. If no defense is offered, it is reasonable for the Student Conduct Committee to infer that no defense is available.
- c) The student has the right to be assisted in the hearing by a College advisor (an administrator, faculty, staff member, or other student chosen by the student). Advisors may provide counsel and support to the student

but are not permitted to speak to the Student Conduct Committee (SCC) or to participate directly in the hearing. Advisors who do not observe this restriction can be removed from the hearing. No replacement advisor will be permitted.

- i) Because student conduct hearings are not legal proceedings, attorneys are not permitted to participate or to be in the room during the hearing.
- d) The student and the Dean of Students may arrange for witnesses to present pertinent information to the committee. Witnesses will provide information to and answer questions from the SCC. Questions of whether potential information will be received will be resolved at the discretion of the chair.
- e) The student, and his/her advisor, if any, will be allowed to attend the entire portion of the hearing at which information is received, excluding deliberations of responsibility and sanctioning. Admission of any other person to the hearing will be at the discretion of the Dean of Students.
- f) In hearings involving more than one student in the same situation, the Dean of Students may permit the hearings concerning each student to be conducted jointly.
- g) Supporting documentation, including pertinent records, exhibits, and written statements may be accepted as information for consideration at the discretion of the Dean of Students or SCC Chair. All documentation must be submitted prior to or during the hearing.
- h) All procedural questions during the committee are subject to the final decision of the SCC Chair.
- i) The SCC will determine, by a majority vote, whether the student is responsible for each alleged violation of the Student Code of Conduct. The Student Conduct Committee's determination will be made on the basis of whether it is more likely than not that the student violated the Student Code of Conduct. If a student is found to be in violation of the Student Code of Conduct, the SCC will then deliberate on what sanction(s) it will recommend to the Dean of Students.
- j) Formal rules of process, procedure and/or technical rules of evidence, such as are applied in civil or criminal court, are not used in these proceedings.
- k) Hearings (excluding deliberations) will be audio recorded for the purpose of appeals.
- l) The SCC Chair will prepare a written form to the Dean of Students, detailing the finding, the majority vote, the information cited by the Student Conduct Committee in support of its finding, and any information that the Student Conduct Committee excluded from its consideration and why, concluding with any recommended sanctions. This form must be submitted to the Dean of Students within 48 hours after the end of deliberations. The Dean of Students may make appropriate modifications and then will implement the final determination and inform the party or parties.
- m) Administrative and Student Conduct Committees are closed.

## 6) Interim Suspension

- a) When it has reasonable cause to separate a student from the community, the college may suspend a student for a reasonable time pending the scheduling of a campus hearing for violation of the code of conduct, including arrest, criminal investigation, and/or charges.
- b) The college will schedule an informal meeting with the student as soon as possible to determine whether the interim suspension should continue until a formal resolution under the Student Code of Conduct is reached.

## 7) Voluntary Withdrawal Agreement

In certain cases where a student's behavior and continued enrollment may adversely affect his or her well being or the college, the Dean of Students or designee and the student may agree to discontinue his or her attendance at GCC for a specified period of time and agree to conditions for re-admittance to the college. In such instances, the Dean of Students or designee and the student will sign a written Withdrawal Agreement.

## 8) Administrative Disenrollment

- a) A student may be disenrolled from the college and prohibited from all or any portion of College premises, College-related activities or registered student organization activities, and/or permitted to remain only under

specified conditions for a designated period of time (i.e. 1 or 2 semesters) when the Dean of Students finds that there is a preponderance of evidence that:

- i) The student's continued presence poses a significant risk of substantial harm to the health or safety of themselves or others; or to property; or to College operations; or
  - ii) The student, as a direct result of an apparent health condition, is engaged in substantial, continuing disruption of teaching, learning, research, administration or other College-related activities.
- b) Before making such a determination, the Dean of Students shall notify the student in writing of the reasons that disenrollment is being considered, provide the student with an opportunity to respond, and consult with appropriate College personnel. The Dean of Students may also consult with any other persons who are deemed appropriate under the circumstances.
- c) The Dean of Students may request the student to undergo an appropriate examination, as specified by the Dean of Students, to determine whether any health condition or disability as defined by the Americans with Disabilities Act exists that may be addressed through reasonable accommodation to reduce the risk or disruption and whether any such accommodation is possible.

If the student fails to undergo such an examination, and if the other available evidence supports administrative disenrollment, the Dean of Students shall, to the extent reasonably possible, take the least restrictive measure or combination of measures necessary to resolve the risk or disruption.

d) A student who has been disenrolled, prohibited from College premises, College-related activities or registered student organization activities, or permitted to remain only under specified conditions may petition the Dean of Students in writing for revision of that status. The petition must include supporting documentation or evidence that:

- i) The conditions found to have existed under paragraph (a)(i) or (ii) of this rule no longer exist and will not recur, and
  - ii) The student meets all usual and appropriate college requirements for admission and enrollment, including resolving any outstanding violations of the Student Code of Conduct.
- e) Upon receipt of such a petition, the Dean of Students shall evaluate the evidence and may consult with the student, any appropriate College personnel, and any other persons whom the Dean of Students deems appropriate. The Dean of Students may deny the petition, grant the petition in whole or in part under specified conditions, or grant the petition in whole or in part without condition. In the event of a negative determination, the student may request in writing to have the decision reviewed by the Vice President for Enrollment & Student Services and Behavioral Assessment Intervention Team (BAIT).

#### 9) Special Provisions for Sexual Misconduct and Other Sensitive Issues:

- a) Upon the receipt of a claim of sexual misconduct, the Dean of Students or their designee will immediately confer with the Title IX Coordinator on interim action, accommodations for the alleged victim or other necessary remedial short-term action.
- b) Victims will be notified when written notice of the allegation/hearing is delivered to the accused student, so as to protect themselves from potential retaliation.
- c) Administrative and Student Conduct Committees are closed. In sensitive issues, such as stalking, violence, and sexual misconduct, all hearings will be closed at the sole discretion of the Dean of Students, only those who have a legitimate reason to be present will be permitted to be present.
- d) Sexual misconduct and other sensitive complaints will be given priority to ensure that GCC provides a prompt response.
- e) All parties to an allegation have a right not to face questions or discussion of their sexual history or character unless the facilitator determines that such information is highly relevant to determining whether the policy has been violated.
- f) Each party has the right to be present for all testimony and questioning. Deliberation is conducted in closed-session without the parties present. If the findings and sanctions are presented orally at the end of the hearing, the student will be permitted to be present.
- g) The complainant has the right to know the outcome and sanctions of the hearing and whether an appeal has been filed. The complainant will be notified in writing.

h) The board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the student, respondent, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audiotape, written statement, or other means where and as determined by the Dean of Students to be appropriate.

i) The Dean of Students or their designee has final decision making authority with regard to complaints, subject to appeal. Where the accused individual is found in violation, after consultation with the Title IX officer, the appropriate sanctions for the violation will be imposed. The college will act to end the discrimination, prevent its reoccurrence and remedy its effect on the victim and the college community. The College considers dating violence, domestic violence, sexual assault, and stalking as extremely serious violations and subject to Suspension and/or Expulsion from the College.

j) The burden of proof in all cases is “the preponderance of the evidence” – whether it is “more likely than not” that the sex discrimination, dating violence, domestic violence, sexual assault, or stalking occurred. If the evidence presented meet this standard, then the respondent must be found responsible.

k) The respondent and complainant may be assisted during the student conduct hearing and related meetings, by an advisor of their choice. The respondent and complainant may present witnesses and may produce other evidence for consideration by the student conduct board. The respondent and complainant are responsible for presenting evidence on their own behalf. Advisors may speak privately to their advisee, respondent or complainant, during the proceeding. Either party may request a brief recess to consult with their advisor which will be granted at the discretion of the Dean of Students or designee. Advisors for the respondent and complainant may not present evidence or question witnesses.

## 10) Sanctions

a) The following sanctions may be imposed upon any student found to have violated the Student Code of Conduct:

- i) Restitution – compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- ii) Educational sanctions – including work assignments, essays, community service, behavioral contract, administrative referral, or other related educational assignments.
- iii) Written warning – a notice to the student that further proven violations of the Student Code of Conduct will result in progressive sanctions.
- iv) Disciplinary probation - The student is not in good standing for a designated period of time and is notified that further proven violations of the Student Code of Conduct may result in suspension or expulsion from GCC, particularly if the incident occurs during the probationary period.
- v) Facility suspension- The student no longer has the privilege of entering or using a particular facility or building for a specified period of time or until a specific condition is met.
- vi) Facility expulsion- The student has lost the privilege of entering or using in a particular facility or building at any time.
- vii) Loss of privileges – denial of specified privileges for a designated period of time.
- viii) Removal from class – the student is barred from attending a particular class or may be reassigned to a different section of the same class. Details will be coordinated between the Dean of Students or designee and the appropriate faculty member.
- ix) Revocation of admission – the student loses admitted status to GCC. A permanent notation will be made on the student’s transcript indicating that the admission was revoked and the date of the action.
- x) Revocation of degree – the student loses the right to claim a degree from GCC. Awarding of the degree will be removed from the student’s transcript and a permanent notation will be made on the transcript indicating the revocation, the degree involved, and the date of the action. The Vice President for Academic Affairs or designee shall review all recommendations for degree revocation.

- xi) Suspension from GCC - suspension is defined as a complete separation from GCC activities, services, facilities, and grounds. Suspension may be:
  - (a) Term suspension will be for a specified time, after which the suspended student may return to GCC.
  - (b) Conditional suspension will stipulate that reentry to the community will be granted upon the fulfillment of certain conditions by the student. Subject to fulfillment of the stipulated conditions, the suspension will be indefinite.
- xii) Loss of Academic Credit – Students found responsible for serious violations may, as a part of the College’s disciplinary action, be denied academic credit for the semester in which a suspension or expulsion occurred.
- xiii) Liability for Tuition and Fees -- Students found responsible for serious violations will, as a part of the College’s disciplinary action, be responsible for all tuition and fees for the semester in which a suspension or expulsion occurred.
- xiv) Expulsion from GCC. The student is permanently separated from GCC, may not be present on GCC property, or in attendance at GCC-sponsored events. Permanent notification will appear on the student’s transcript.

b.) Student Group or Organization Sanctions

- i. Any of those sanctions listed above.
- ii. Loss of registration as a registered student organization. The Student Activities Office shall notify any national, regional or state governing body with whom the organization is associated or which sponsors social, academic, or sports events when such action is taken. Loss of registration includes loss of all student activity fee and College funding and all rights and privileges accorded to registered student organizations.
- iii. Loss or withdrawal of all student activity fee funding or other College funding and any other selected rights and privileges accorded to registered student organizations for a specified period of time.

c.) More than one of the sanctions listed above may be imposed for any single violation.

d.) Any sanction imposed will be in effect at all campuses/sites or functions sponsored by or under the supervision of GCC or College Village.

e.) Where there is reasonable cause to believe that a student has intentionally selected a person or persons to victimize or selected property to damage, or violated other provisions of the Student Code of Conduct because of the personal characteristics or status of a person or group of persons or personal characteristics or status of the owner or owners of any property, sanctions may be increased. These characteristics include, but are not limited to race, ethnicity, creed, disability, color, religion, national origin, sex, age, veteran’s status, marital status, sexual orientation, or public assistance status.

f.) If a student is found responsible for one or more violations of the Student Code of Conduct, the student’s prior conduct record will be taken into consideration and may result in progressive sanctions because of a pattern of behavior. While previous conduct violations by the accused student are not generally admissible as information about the present alleged violation, the Dean of Students may supply information to the Student Conduct Committee in pattern-offense situations, such as stalking, relationship violence, sexual misconduct, only if:

- i. The accused was previously found to be responsible; or
- ii. The previous incident was substantially similar to the present allegation; or
- iii. Information indicates a pattern of behavior and substantial conformity with that pattern by the accused student.

g.) By federal law, all conduct records are kept by the Dean of Students Office for seven (7) years from the date of the incident, and then destroyed.

11) Appeals

a) A student who is found responsible for violating the Student Code of Conduct may petition within 5 business days of the notice of the written decision for review of a decision reached or a sanction imposed. An appeal must be submitted by completing the form which can be accessed in the Dean of Students Office or on-line. Appeals will be in writing, can be email, no texting, and shall be submitted to the Appeal Board Committee. An appeal is not a review of a case, but instead is an independent review of the process utilized to reach the original finding or decision.

***Students may appeal the decision of a hearing for the following reasons:***

- i. Procedural irregularity that affected the outcome of the hearing.  
*During the hearing process, there was a material deviation from the College's written procedures that adversely affected the outcome of the hearing.*
- ii. Harshness of sanction inconsistent with stated community standards and precedents.  
*The sanction(s) imposed were grossly disproportionate to the violation(s) of the Student Code of Conduct for which the student was found responsible.*
- iii. Prejudicial bias on the part of the Student Conduct Committee hearing board members.
- iv. New information.  
*Information has been discovered that was not reasonably available at the time of the hearing and that could be sufficient enough to alter the outcome of the hearing.*

*Pursuant to Title IX, 20 U.S.C. § 1681, in a student conduct case dealing with a complaint of sexual harassment or sexual assault, both the accused student and the complainant may appeal a decision of a hearing board or officer based on one or more of the reasons stated above.*

***What to Include in an Appeal***

Specific information your appeal should include:

- Contact information (name, GCC email address, telephone number, GCC student ID number, current address)
- Relevant Student Conduct Committee information (date of hearing, name and title of SCC Chair, Code of Conduct violations and any applicable sanctions, date of decision letter)
- Grounds upon which your appeal is based

The appeal form must state the reason(s) for the appeal and provide an answer to one or more of the following questions:

- What was the material deviation from written procedures and how did it adversely affect the outcome of the Student Conduct Committee hearing?
- What is the new information and why was it not available at the time of the Student Conduct Committee hearing?
- Why is the sanction inappropriate?

b) Sanctions imposed upon students found responsible for a Student Code of Conduct violation will not go into effect until there is a final appeal decision in the case. **Interim suspensions will remain in effect during the appeal process.**

c) The function of the Appeals Board is to ascertain that hearings conducted by the Student Conduct Committee have been conducted fairly, in accordance with the procedures outlined above, and without undue bias. The Appeals Board will not substitute its own judgment for that of the original hearing body, nor will it concern itself with the possibility that others might have arrived at a different judgment. Its terms of reference extend only to investigation of the procedures by which the original judgment was reached. Decisions of the Appeals Board are final.

d) Composition: The Appeals Board shall be composed of three members (faculty, staff or administrator.) A quorum shall consist of three members.

e) Within five business days (5) of receipt of the appeal, the Dean of Students shall convene the Appeals Board to determine whether the appeal shall be considered. In making that decision, the Appeals Board shall have access to the written records of the case. Acceptable grounds for an appeal are limited to:

- i. Procedural irregularity that affected the outcome of the hearing.  
*During the hearing process, there was a material deviation from the College's written procedures that adversely affected the outcome of the hearing.*
- ii. Harshness of sanction inconsistent with stated community standards and precedents.  
*The sanction(s) imposed were grossly disproportionate to the violation(s) of the Student Code of Conduct for which the student was found responsible.*
- iii. Prejudicial bias on the part of the Student Conduct Committee hearing board members.
- iv. New information.  
*Information has been discovered that was not reasonably available at the time of the hearing and that could be sufficient enough to alter the outcome of the hearing.*

New evidence not available at the time of the original hearing must be brought to the attention of the original hearing body for consideration before the case can be presented on appeal.

- f) If the Appeals Board decides to consider the appeal, the Appeals Board shall have access to the records of the SCC hearing. The Appeals Board may decide:
1. To uphold the original decision.
  2. To remand the case to the original SCC for rehearing. This shall normally be done when there is a procedural irregularity that could be corrected in a rehearing.
  3. To remand the case to the Dean of Students with a recommendation that the sanction be modified, together with an explanation of why the original sanction is deemed inappropriate.

The appellant shall be informed in writing of the decision and of the grounds for the decision. The Appeals Board shall make a brief account of its decision public. Names shall not appear.