

Drug-Free Schools and Communities Act Amendments (P.L. 101-226). To maintain an atmosphere conducive to fulfilling this mission, the policy for a drug-free campus states:

“The College expressly prohibits the unlawful use, possession, manufacture, distribution, or dispensation of controlled substances, which includes alcohol, in all Nassau Community College facilities or while attending or conducting college business off campus.

No alcohol is permitted on campus without express permission of the President or his designee. Consumption of alcohol is not permitted on campus by anyone under the age of 21. Compliance with the provisions of the College’s drug and alcohol policies is a condition of attendance at the College. Violations of any rule of the Student Code of Conduct, Section I, shall result in appropriate disciplinary action. Infractions of the Code include the following:

Attendance in class or at any College function under the influence of alcoholic beverages, of narcotics and drugs or unauthorized possession, and/or sales of alcoholic beverages, narcotics or drugs on the College campus.

## **STUDENT CODE OF CONDUCT**

### **Student Rights and Responsibilities**

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

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

1. To be afforded a fair and timely hearing, including the opportunity to challenge the impartiality of the hearing officer or committee members prior to the beginning of the hearing;
2. To have notice of the accusations;
3. To have the opportunity to question witnesses and evidence presented;
4. To have adequate time to prepare and present a defense;
5. To receive in writing the disposition of the case and sanctions.;

6. To appeal based upon procedures in this Code;
7. To be afforded confidentiality to the extent permitted by law;
8. To remain silent with no inference of guilt;
9. To waive any of these rights.

### **Fundamental Fairness Rights of Alleged Victims**

1. To be afforded the opportunity to challenge the impartiality of the hearing officer or committee members prior to the beginning of the hearing;
2. To have adequate time to prepare for hearings and interviews;
3. To have the opportunity to question witnesses and evidence presented;
4. To receive in writing specific information on the disposition of the case and sanctions;
5. To appeal based upon procedures in this Code;
6. To be afforded confidentiality to the extent permitted by law;
7. To submit an impact statement to the Assistant or Associate Dean of Students and/or hearing committee;
8. To waive any of these rights.

### **Sexual Harassment Policy**

It is the policy of Nassau Community College to establish an environment in which the dignity and worth of all members of the institutional community are respected. In keeping with this principle, the sexual harassment of students or employees is considered unacceptable conduct and will not be tolerated.

Sexual Harassment is a serious violation of campus policy and can result in disciplinary action. Sexual harassment subverts the mission of the College and undermines the educational process. It creates an atmosphere that is not conducive to learning or productivity.

Guidelines of Title VII of the Civil Rights Act focus upon sexual harassment as an unlawful practice. Sexual harassment, like harassment on the basis of color, race, religion, or national origin, has been recognized by the Equal Employment Opportunity Commission as a violation of Section 703 of Title VII of the Civil Rights Act. Interpretations of Title IX of the Education Amendments similarly delineate sexual harassment as discriminatory and unlawful.

Sexual Harassment is a violation of Title IX of the Education Amendments of 1972, which prohibits sex discrimination in education. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where grades or educational progress are made contingent upon submission to such conduct,

or where the conduct has the purpose or effect of interfering with the individual's academic performance or of creating an intimidating, hostile, or offensive educational environment.

## **Bias and Discrimination**

Nassau Community College is a broadly diversified institution, committed to recognizing diversity and pluralism of values and beliefs on campus. The College condemns bias and all other acts of hatred and violence. Furthermore, the College condemns all evils of bigotry, discrimination, harassment, physical violence and/or any form of abuse based on race, ethnicity, national origin, disability, age, gender, or sexual orientation.

Nassau Community College is committed to all provisions of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and other human rights and equal opportunity laws. These laws include prohibitions of discrimination in employment and educational programs and services. Title VII of the 1964 Civil Rights Act bans discrimination because of race, color, sex, religion or national origin.

As applied to post secondary education, Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. Sec. 794, as amended by Section 111(a) of the Rehabilitation Act amendments of 1974) prohibits discrimination on the basis of handicap. Section 504 contains several specific provisions similar to those prohibiting sex discrimination under Title IX.

## **Affirmation Action Officer/Section 504 Coordinator (516) 572-7747**

Tower 818

## **NASSAU COMMUNITY COLLEGE RULES AND REGULATIONS OF CONDUCT Preamble**

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

## **Statement of Policy**

As an educational institution of higher education, Nassau Community College seeks to provide the best educational environment for its students, faculty, and staff. It is mindful that academic freedom is an essential element of college life.

To carry out its goal the College requires each student to obey the rules and regulations established by the College set forth herein, and all local, state, and federal laws. The College will not tolerate deliberate disruptive words, actions, violence or physical interference with the rights of any member of our College community or with any of the facilities of the College, or with any authorized functions being carried out on the College campus or at any college sponsored event.

Therefore, in furthering the educational aims of the College and in compliance with the provisions of Article 129-A of the Education Law of the State of New York, the following rules and regulations concerning conduct on the College campus or at any college sponsored event, the use of College property, the means of enforcement, and penalties for any violations thereof are hereby established.

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

## **Section I: The Student Code of Conduct**

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

- A. **Physical Violence.** Acts of physical violence will not be tolerated. A student who initiates physical violence against any member of the College community will face the harshest of penalties, including the likelihood of expulsion from the College.
- B. **Criminal Violations.** A student who is convicted of violating a criminal law may be subject to summary suspension or expulsion from the College.
- C. **Maintenance of Public Order.** The President of the College or his/her representative shall have the authority and responsibility to take whatever steps are necessary to carry out the mandate of the following rules and regulations in the interest and for the welfare of the College community and of the citizens of the County of Nassau. Violations of the following regulations, whether such violations are carried out individually or in concert, are extremely serious in nature. Such violations will constitute cause for immediate suspension and/or ejection from the campus and may also subject the violator to whatever penalties may be imposed

by appropriate college and/or civil authorities. These violations may include:

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

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

1. Infringing upon the rights of other members of the College community via stalking;
2. Infringing upon the rights of other members of the College community via physical assault or abuse;
3. Infringing upon the rights of other members of the College community via verbal assault or abuse;
4. Infringing upon the rights of other members of the College community via written assault or abuse;
5. The possession or use of weapons of any nature, "including instruments intended to be used to inflict harm, fireworks or explosives on the campus, in class, or at any College function;
6. Unauthorized or illegal use of College computers;
7. Disruptive conduct in the classroom that interferes with instruction;
8. Disorderly, lewd, indecent, or obscene conduct or expression;
9. Any act of whatsoever nature that interferes with normal operation of the College or which adversely affects the student's suitability as a member of the College community;
10. Failure to comply with directions of College personnel acting in the performance of their duties, for example, failure to show proper I.D. to requesting College personnel acting in the performance of their duties;

11. Theft of, or damage to College or personal property belonging to any member of the College community;
12. Unauthorized possession, use, and/or sale of alcoholic beverages, narcotics, or drugs on the College campus and/or attendance in class, on campus, or at any College function under the influence of alcoholic beverages, narcotics, or drugs;
13. Gambling in any form;
14. Plagiarism, cheating, or any form of academic dishonesty.;
15. Submitting a false application or other information to the College, and the forgery, alteration, or intentional misuse of College documents, records or identification;
16. Violation of College policies concerning regulation of student clubs or organizations;
17. Unauthorized use of a vehicle on the College campus;
18. Failure to adhere to campus traffic regulations;
19. Violation of County Ordinance 238-1984 Section 4, Subsection e, as amended by Ordinance 152-1993. (Advertising and Handbills; No person will distribute, display or post or cause to be distributed, displayed or posted, any sign, banner, poster or advertisement of commercial nature except as authorized by the appropriate designated County official or unless distributed, displayed or posted at such locations designated by the facility for such purpose.)

The Dean, Assistant, or Associate Dean of Students will use his/her discretion in determining whether the alleged violation could warrant suspension or expulsion.

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

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

The College will respond to violators of its Code of Conduct using the procedures listed below. At all stages of these proceedings, the College will proceed expeditiously. However, the time limits specified in the following sections may be extended due to extraordinary extenuating circumstances. For procedural issues not specified in this document, refer to Roberts Rules of Order.

All records pertaining to charges and hearings are confidential to the extent allowed by law and shall be maintained as such. Throughout the proceedings the students' right to privacy shall be maintained to the extent allowed by law.

### **A. Filing of Charges**

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

### **B. Presentation of Charges**

1. At the initial interview the Assistant or Associate Dean will inform the student of his/her rights and possible consequences as defined in the Student Code of Conduct. There shall be a thorough review of the charges, including statements from witnesses.
2. Based on the interview and all other information gathered, the Assistant or Associate Dean of Students will make one of the following determinations:
  - a. A resolution can be reached without the imposition of sanctions. In this case, the Assistant or Associate Dean of Students will attempt to reach a resolution satisfactory to all parties. If a negotiated solution cannot be reached, the matter will be forwarded to the Dean of Students for adjudication as outlined in section b immediately below.
  - b. Due to the nature of the alleged violation(s), the student(s) charged could receive a sanction other than suspension or expulsion. In this case, the Assistant or Associate Dean of Students will inform the charged student(s), in writing, of the date and time of a hearing before the Dean of Students. This hearing will take place no more than fifteen (15) business days following the interview with the Assistant or Associate Dean of Students. The written notification will be mailed to the student's address of record both by first class mail and by overnight, certified, return receipt requested mail.
  - c. Due to the nature of the alleged violation(s), the student(s) charged could receive a sanction of suspension or expulsion. In this case, the Assistant or Associate Dean of Students will inform the charged student(s), in writing, of the date and time of a hearing before the Code of Conduct Hearing Committee. This hearing will take place no more than fifteen (15) business days following the interview with the Assistant or Associate Dean of Students.

d. Due to the nature of the alleged violation(s), the student(s) charged could receive a sanction of suspension or expulsion and the Assistant or Associate Dean of Students determines that the student(s) should be suspended pending final adjudication of the charges. Such a decision would be based on the Assistant or Associate Dean's determination that the accused student(s)' continued attendance at the College is inconsistent with the safety of the College Community. In this case, the Assistant or Associate Dean of Students will suspend the student(s) and will inform the charged student(s), in writing, of the date and time of a hearing before the Code of Conduct Hearing Committee. This hearing will take place no more than five (5) days following the interview with the Assistant or Associate Dean of Students.

### C. Code of Conduct Hearing Committee

1. Jurisdiction and Procedures of the Committee
  - a. The Committee will consider those cases that could result in suspension or expulsion.
  - b. The Committee shall not be bound by the strict rules of evidence and shall hear evidence that it deems appropriate.
  - c. Decisions will be made based on the preponderance of the evidence presented.
2. Membership of the Committee
  - a. The Committee will consist of nine (9) members.
    - i. Three students, drawn from the six student members of the Academic Senate's Student Code of Conduct Committee. These six members are appointed by the President of the Student Government Association prior to the end of May of each academic year. Their term shall be one year, ending May 31st.
    - ii. Three administrators, drawn from the six administrative members of the Academic Senate's Student Code of Conduct Committee. These six members are appointed by the College President or his/her designee prior to the end of September of each academic year. Their term shall be one year. Administrators can be reappointed.
    - iii. Three faculty members, drawn from the six faculty members of the Academic Senate's Student Code of Conduct Committee. These six members are appointed by the Chair of the Academic Senate prior to the end of September of each academic year. Their term shall be two years.

- b. The Chair of the Code of Conduct Hearing Committee shall be the Chair of the Academic Senate's Student Code of Conduct Committee. In his/her absence, an Acting Chair will be elected by a simple majority of voting members present at the hearing. The Chair or Acting Chair will conduct the hearing and rule on questions of procedure.
- c. The Assistant or Associate Dean of Students, or his or her designee, will present the case.

### 3. Definitions

- a. A quorum shall be five (5) members of the committee, with at least one member from each of the three constituent groups: students, administrators, and faculty members.
- b. Decisions will be determined by a simple majority of voting members present at the hearing. If a simple majority vote cannot be secured, the case shall be forwarded to the Dean of Students for adjudication.

### 4. Limitations

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

### D. Adjudication of Charges

1. Charges that could result in sanctions other than suspension or expulsion:
  - a. As indicated above, the Dean of Students will hear cases that the Assistant or Associate Dean of Students believes could result in sanctions other than suspension or expulsion. At the hearing, the Dean of Students will consider evidence presented by the accused student(s), the victim(s)/accuser(s), the Assistant or Associate Dean of Students, and any other witnesses whose testimony the Dean of Students believes to be necessary. The accused student will have the right, with prior notification to the Dean of Students, to bring his/her own witnesses to the hearing.

b. The following procedures and due process will govern the Dean of Students' hearing. Students involved with a hearing before the Dean of Students are entitled to the following:

- i. a written statement of the charges and the date and time of the hearing mailed to the student(s) address of record by both first class mail and overnight, certified, return receipt requested mail within five (5) business days after the Dean receives the charges from the Assistant or Associate Dean;
  - ii. access to records in the Office of the Dean of Students; records cannot be removed from the office;
  - iii. the opportunity to have an advisor present at the hearing, who may advise but not represent students;
  - iv. the opportunity to present his/her version of the facts, including documents and/or witnesses that may support his/her position;
  - v. the opportunity to respond to allegations, including documents;
  - vi. the victim(s)/accuser(s) has the right, at his/her discretion, to remain in the hearing room with the accused;
  - vii. a determination based on evidence presented at the hearing;
  - viii. a written notification of the Committee's decision sent by the Dean within five (5) business days of the conclusion of the hearing;
  - ix. all parties involved will be informed of the findings and sanctions.
- c. As a result of the hearing, the Dean of Students may:
- i. negotiate a solution between the accused and the victim(s)/accuser(s);
  - ii. determine that no sanction should be imposed. In this case, the Dean of Students will notify the accused and the victim(s)/accuser(s) of his/her decision, in writing, within five (5) business days of the hearing. The victim(s)/accuser(s) will have the right to appeal the Dean of Students' decision to the President of the College based on specific justifications for appeal listed in Section II, E (Appeal of Disciplinary Decisions). A request for an appeal must be presented to the President of the College within five (5) business days of receipt of the Dean of Students' decision;
  - iii. determine that some sanction(s) should be imposed. In this case, the Dean of Students will notify the accused and the victim(s)/accuser(s) of

his/her decision, in writing, within five (5) business days of the hearing. The student(s) receiving the sanction(s) will have the right to appeal the Dean of Students' decision to the President of the College based on specific justifications for appeal listed in Section II, E (Appeal of Disciplinary Decisions). A request for an appeal must be presented to the President of the College within five (5) business days of receipt of the Dean of Students' decision.

2. Charges that could result in suspension or expulsion:
- a. As indicated above, the Code of Conduct Hearing Committee will hear cases that the Assistant or Associate Dean of Students believes could result in suspension or expulsion. At the hearing, the Committee will consider evidence presented by the accused student(s), the victim(s)/accuser(s), the Assistant or Associate Dean of Students, and any other witnesses whose testimony the Committee deems to be necessary. The accused student will have the right, with prior notification to the Dean of Students, to bring his/her own witnesses to the hearing. In its decision, the Committee shall not be limited to the sanctions of suspension and expulsion, but may impose a lesser sanction if it deems this to be appropriate.
  - b. The following procedures and due process will govern the Code of Conduct Hearing Committee's hearing. Students involved with a hearing before the Code of Conduct Hearing Committee are entitled to the following:
    - i. a written statement of the charges and the date and time of the hearing mailed to the student(s) address of record by both first class mail and overnight, certified, return receipt requested mail within five (5) business days after the Code of Conduct Hearing Committee receives the charges from the Assistant or Associate Dean;
    - ii. access to records in the Office of the Dean of Students; records cannot be removed from the office;
    - iii. the opportunity to have an advisor present at the hearing, who may advise but not represent students;
    - iv. the opportunity to present his/her version of the facts, including documents and/or witnesses that may support his/her position;
    - v. the opportunity to respond to allegations, including documents;
    - vi. the victim(s)/accuser(s) has the right to remain in the hearing room with the accused, if desired;

- vii. a determination based on evidence presented at the hearing;
- viii. a written notification of the Committee's decision, to be sent by the Dean, Assistant, or Associate Dean of Students within five (5) business days of the conclusion of the hearing;
- ix. all parties involved will be informed of the findings and sanctions.

c. As a result of the hearing, the Committee may:

- i. determine that no sanction should be imposed. In this case, the Committee will notify the Assistant or Associate Dean of Students of its decision within 24 hours. The Assistant or Associate Dean of Students will notify the accused and the victim(s)/accuser(s) of the Committee's decision, in writing, within five (5) business days of the hearing. The victim(s)/accuser(s) will have the right to appeal the Committee's decision to the Dean of Students based on specific justifications for appeal listed in Section II, E (Appeal of Disciplinary Decisions). A request for an appeal must be presented to the Dean of Students within five (5) business days of receipt of the Committee's decision.
- ii. determine that a sanction should be imposed. In this case, the Committee will notify the Assistant or Associate Dean of Students of its decision within 24 hours. The Assistant or Associate Dean of Students will notify the accused and the victim(s)/accuser(s) of the Committee's decision, in writing, within five (5) business days of the hearing. The student(s) receiving the sanction(s) will have the right to appeal the Committee's decision to the Dean of Students based on specific justifications for appeal listed in Section II, E (Appeal of Disciplinary Decisions). A request for an appeal must be presented to the Dean of Students within five (5) business days of receipt of the Dean of Students' decision.

3. If a student fails to appear as scheduled before the Dean of Students or the Code of Conduct Hearing Committee, whichever is scheduled to hear his/her case, the right to be heard is waived unless the student presents in writing an acceptable reason for failure to appear. In the case of an excused absence, the case will be adjudicated at the earliest possible date. If the absence is not excused, the Dean of Students or the Code of Conduct Hearing

Committee, whichever is scheduled to hear the case, will decide the case on the basis of evidence presented.

4. Hearings with the Dean of Students or the Code of Conduct Hearing Committee shall be tape recorded and can be reviewed by the individual charged and by the victim(s)/accuser(s) in the Dean of Students' office.

#### **E. Appeal of Disciplinary Decisions**

1. An appeal of a disciplinary action must be based on one or more of the following:
  - a. Inappropriate sanction, for example, extremely punitive, not consistent with precedent;
  - b. Presence of new evidence that was not available during the original hearing;
  - c. Failure to follow due process or any other part of the College judicial procedure.
2. The student must request the appeal in writing within five (5) business days of receipt of the decision. The request must include a justification for the appeal. The President of the College or the Dean of Students will decide if an appeal will be granted.
3. The accused or the accuser(s) may appeal a decision of the Code of Conduct Hearing Committee to the Dean of Students within five (5) business days of receiving written notice of the decision. If an appeal is granted, it will be scheduled within five (5) business days of receipt of the appeal request. The Dean shall have the authority to sustain, modify, or reverse the disciplinary action imposed by the Committee. The Dean will notify the student(s) and the Committee of his/her decision, in writing, within five (5) business days of hearing the appeal.
4. The accused or the accuser(s) may appeal a decision of the Dean of Students to the President of the College within five (5) business days after having received written notification of the decision. This applies to initial decisions made by the Dean of Students based on his/her hearing as described in Section II, D, 1 and to decisions on appeals heard by the Dean of Students as described in Section II, E, 3.
5. In cases of appeals to the President of the College, the Dean of Students will present to the President of the College a written record of the charges, pertinent correspondence, a summary transcript of the proceedings, and the Dean's and/or Committee's decision where applicable, and the respective justification(s). The President shall have the authority to sustain, modify, or

- reverse the disciplinary action imposed by the Dean.
6. The President shall convey his decision in writing to the student, the Dean of Students, and, in cases that were originally heard by the Code of Conduct Hearing Committee, to the Committee, within fifteen (15) days after receipt of the appeal.
  7. The decision of the President of the College shall be final in all cases of appeal.
  8. Should the President or the Dean of Students determine that an appeal will not be heard, that decision will be final. The student(s), accused and victim(s)/accuser(s), will be notified in writing of such a decision within five (5) days of receipt of the appeal.

#### F. **Definitions of Disciplinary Measures**

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

##### 1. **Written Reprimand**

A written reprimand is a letter from the Dean of Students or his/her designee to a student found guilty of violating the Code of Conduct. The specific violation is to be defined in the letter with a stated rationale for its unacceptability. A copy will be maintained by the Dean of Students' Office.

##### 2. **Social Probation**

Non-academic probation may be imposed on a student who has been found guilty of violating the Code of Conduct. If a student becomes involved in any other problems of conduct while on social probation, he/she is liable for suspension or expulsion from the College, based on a hearing before the Dean of Students or the Code of Conduct Hearing Committee. Probationary notice is to be given to the student in writing by the Dean of Students with the terms of the probation and the rationale carefully detailed.

##### 3. **Restitution**

Any student found guilty of violating the Code of Conduct that has caused an expense to the College or his/her fellow student(s) may be required to rectify this action by

making financial restitution to the parties involved or through appropriate service or material replacement. Failure to do so within a specified time period may result in further disciplinary action as determined by the Dean of Students.

##### 4. **Suspension**

Specific period of time in which a student is prohibited from enrolling at the institution. Ordinarily a student who is suspended will receive a "W" for all his/her courses. In compelling circumstances the committee reserves the right to allow a student's instructor to grant a grade. Suspension can be accompanied by additional criteria which the student must fulfill prior to re-enrollment.

##### 5. **Temporary Suspension**

A narrowly defined period of time, i.e., three days, two weeks, etc., in which the student will be prohibited from attending classes while further investigation of the alleged violation occurs.

##### 6. **Expulsion**

The immediate removal of a student from the College, prohibiting future enrollment at the institution. Ordinarily a student who is expelled will receive a "W" for all his/her courses. In compelling circumstances the committee reserves the right to allow a student's instructor to grant a grade.

##### 7. **Persona Non-Grata**

Prohibits a student's presence on campus without prior approval from Public Safety and the Office of the Dean of Students. Failure to adhere to the Persona Non-Grata will subject the student to Nassau County Police arrest.

##### 8. **Record Impounded**

All academic, financial, and social transactions will be prohibited without the prior consent of the Office of the Dean of Students. This action automatically occurs within all listed sanctions with the exception of sanction 1.

##### 9. **Confiscation of Student Identification**

Students may be required to surrender their College identification.

#### G. **Information Release**

The Dean of Students will inform all complainants and respondents in writing of the result of the disciplinary proceedings.

### **Section III: Rules and Regulations Regarding Initiation or Affiliation With Student Organizations**

A. Nassau Community College recognizes that membership in a fraternity/sorority or other campus organization (hereinafter collectively referred to as an "Organization") can be a meaningful experience in conjunction with other aspects of the educational process. Unfortunately, however, membership or prospective membership in an organization is sometimes accompanied by an activity commonly known as "hazing." Hazing has been deemed as generally including, among other things:

1. Any action or situation which recklessly or intentionally endangers mental or physical health or involves the consumption of liquor, drugs, or other substances for the purpose of initiation into or affiliation with any organization;
2. Any other act or series of acts which cause bodily or physical harm or danger;
3. Mistreatment by playing stunts or practicing abusive or humiliating tricks that subject an individual to personal indignity, humiliation or ridicule;
4. Harassment by exacting unnecessary, disagreeable, difficult, or degrading work or harassment by ridicule, criticism, or public embarrassment.

B. Hazing is a violation of the Penal Law and other laws of the State of New York. Accordingly, the College affirms its policy that it will not condone hazing of any kind. To this end, any student or organization that engages in hazing may be ejected from the campus and, where appropriate, shall be subject to suspension, expulsion, or other disciplinary action.

1. In the case of an organization: the College may take any or all of the following actions against any organization which authorizes hazing or whose members (whether individual or in concert) engage in hazing: rescind permission for the organization to operate on campus property; rescind recognition of the organization; freeze and/or rescind its budget; and prohibit the organization from using the College's name.
2. In the case of a student(s): the student shall be requested to cease and desist from such prohibited conduct, and if he/she fails to do so, necessary and appropriate action will be taken to eject such student from College property, consistent with Section I of the Student Code of Conduct. In addition, disciplinary proceedings shall be commenced, pursuant to the Student Code of Conduct, against any student who engages in hazing. In accordance with those procedures, the penalties of suspension, expulsion, or other disciplinary action may be imposed.

3. Wherever, in the opinion of the President or his designee, the conduct of any individual or organization poses an imminent threat to the physical or emotional safety of himself/herself, to others or to the property, the President or his designee may immediately suspend such individual or organization from the campus pending an appropriate hearing and the final determination therein, consistent with Section II of the Student Code of Conduct.

4. In addition to the foregoing, the College reaffirms its right to utilize and seek the aid of public authorities and such judicial, civil, and criminal processes and proceedings as may, in the discretion of the College, be necessary and appropriate. Any penalty imposed by the College may be in addition to any penalty pursuant to the Penal Law or any other law to which a violator or organization may be subject.

C. The foregoing Rules and Regulations shall be deemed to be part of the bylaws of all College organizations.

## **ACCEPTABLE USE OF COMPUTER RESOURCES AND ELECTRONIC COMMUNICATION POLICY OF NASSAU COMMUNITY COLLEGE**

### **I. Introduction**

In keeping with the tradition of fostering academic freedom, Nassau Community College (NCC) respects, encourages, and supports the right of any member of the College Community to participate in dialog and discourse to promote its educational mission. In support of this process, the College provides campus computing technologies.

Electronic mail and web hosting services are a common part of the fabric of campus life. These services provide an environment that enables us to communicate within and outside the College community. Acknowledging this capability and recognizing its potential for abuse, this document describes the guidelines for acceptable use of computer resources and electronic communication at NCC.

### **II. Computer Use Policy**

NCC provides computer facilities and related resources to support its educational mission. It is the responsibility of the user to abide by the College guidelines as outlined below. Central to appropriate and responsible use is the stipulation that electronic communication and access shall be used in a manner consistent with the instructional, public service, research, and administrative

objectives of the College and in accordance with contractual obligations and Academic Senate policies. All individuals have the responsibility to use computer resources in an effective, efficient, ethical, and legal manner.

Computer facilities and related resources are intended for the sole use of College faculty, staff, students, and other authorized individuals. Such resources include host computer systems, personal/laptop computers and workstations, personal digital assistants (PDAs), communications networks, software, databases, and files.

The Internet should not be used for personal business during working hours. Any employee who uses computer resources for improper purposes shall be subject to disciplinary action, up to and including, discharge. Any employee who receives material on his/her computer which he/she believes violates a College policy should contact the Office of College Relations.

It has been ruled by the courts that users of institutional computer resources have no expectation of privacy in any form of electronic communication. Therefore, all users of NCC computer resources must be aware that the College reserves the right to monitor its computing resources to protect the integrity of its computer systems, workstations, and lab facilities.

The use of the College's computer resource facilities and services is subject to and conditioned upon compliance with:

- College policies
- Federal, state and local laws
- ADA guidelines
- Academic Senate by-laws and policies
- Contractual obligations
- Policies of the Board of Trustees

The following activities are examples of unethical, unacceptable behavior, and are in violation of the College policies. These include but are not limited to any attempt to:

- alter system software or hardware configurations;
- access another individual's account, private files, or email without permission of the owner;
- misrepresent one's identity in electronic communication;
- violate rules or codes set by services subscribed to by the College;
- use computer resources to threaten or harass others;
- use the College systems for commercial or personal profit-making purposes;

- not comply with computer facilities and system policies, procedures, and protocol; or
- use the College facilities or resources to violate the policies of other computer systems or organizations.

The use of a computer or other electronic equipment that is not the property of NCC (e.g., a personally owned computer) in conjunction with NCC resources (e.g., the College network) shall constitute the use of NCC computer resources, shall be governed by the College's Acceptable Use of Computer Resources and Electronic Communication Policy, and shall be the legal responsibility of the individual user.

### **III. Intellectual Rights and Responsibilities**

The College respects the intellectual and creative contributions made by all members of the academic community and recognizes that they are vital to the academic enterprise. Furthermore, the College adheres to the principle of respect for the right of acknowledgment, the right of privacy, the right to determine the form, manner, and terms of publication and distribution of intellectual property.

Since electronic information is transient and may easily be reproduced, respect for the work and personal expression of others is critical. Violations of authorial integrity, including plagiarism, invasion of privacy, unauthorized access, and copyright violations, may be grounds for sanctions against members of the College community.

Images of people, places, graphics and logos on ncc.edu domain are either the property of the College or used with permission. Unless authorized by the Office of College Relations, the use of these images by web developers or the downloading and use of these images by web users who browse the web is prohibited, except in the course of normal business operations. Unauthorized use of the images may violate copyright and privacy laws and statutes.

### **IV. College Website Structure**

NCC's website is meant to promote a positive image of the College to other institutions, accrediting agencies, funding agencies, the media, prospective students, their families, and the general public.

#### **A. The Official Website**

The official website of the College is located at <http://www.ncc.edu>. This site provides current, public information about NCC's mission, programs, and

services. All content under the College's website address is deemed as official and authorized. As such, the College administration has the sole right, responsibility, and obligation to provide oversight and final editorial control of content. The official website must follow the College's branding policies and guidelines which are available through the Office of College Relations.

## B. **Secondary Websites**

College-related websites beyond the official websites are identified as secondary websites. When entering a secondary website area, a general disclaimer must inform visitors that the material presented does not represent the official position of the College and the views and opinions expressed are strictly those of the web page author. Secondary websites are used by constituent groups of the College community such as administration, alumni, departments, faculty, staff, and student activities. Secondary websites may include content and/or applications for general public access or internal use only. All content on secondary websites is deemed "unofficial." For legal purposes, the designation of unofficial is to be interpreted as "not representing the official position of the College," yet must adhere to the appropriate computer use policy as defined in Section II of this document.

NCC does not provide access to web publishing for students, except in an instructional setting or when the administration grants students permission to publish a web page on behalf of an NCC organization. All NCC club or organization websites must be supervised by a faculty or staff member and obtain content authorization from the appropriate administrator.

Club or organization published web pages are considered "secondary" and are, therefore, unofficial. Web pages published by a club or organization must adhere to the appropriate computer resource use policy.

## C. **Secondary Website Publishing – Rights and Responsibilities**

Due to the dynamic nature of electronic publication via the web, the following guidelines must be adhered to when creating content for secondary websites:

- Faculty of the College community have a right and are encouraged to establish a web presence, commonly

referred to as a "homepage," provided that the purpose of the website is consistent with the College Mission and adheres to the provisions defined in Section II.

- Oversight of the content in administration, alumni, department, staff and student activities websites must be done a minimum of twice a year by the appropriate oversight committee or individual assigned the responsibility for such oversight. For academic departments, this is the responsibility of the departmental chairperson or his/her designee. For non-academic departments, this is the responsibility of the supervising administrator.
- All websites must be compliant with ADA guidelines for access by persons with disabilities.
- Each secondary website homepage must contain the author's name and date of last revision.
- Any pages deemed in violation of the policies set forth in this document may warrant immediate removal.
- Secondary websites must not represent themselves as "official College pages." Authors are prohibited from using the college logo, seal, graphics, statements, and layout which may appear to the reader as to be indistinguishable from the College official website.
- Secondary websites must not contain "official" information. This includes but is not limited to course descriptions, programs of studies, college directories, etc. All references to "official" information must be made through referral "links" to the official College website.

## V. **E-mail Policy**

All accounts issued to individuals are intended for the sole use of those individuals and are non-transferable. Individual account holders are responsible for all usage on their assigned accounts, hold a position of trust, and must preserve the security and confidentiality of the information they use.

Members of the College community who are account holders are expected to act responsibly and within the regulations and standards established by the College.

### A. **General Guidelines for E-mail Use**

When using e-mail, common sense, good manners, integrity, mutual respect for others and sensitivity must be observed by all members of the College community.

### B. **Prohibited Activities**

Prohibited e-mail activities include, but are not limited to, the following:

- Unauthorized use of another individual's account;

- Performing an act that will interfere with the normal operations of computers or networks on campus;
- Creating and/or distributing chain letters;
- Impersonation (misrepresenting yourself as another individual);
- Violating policies and applicable laws;
- Classified, commercial, or political advertisements;
- Distributing unsolicited and/or unauthorized mass mailings (spamming) unrelated to College business, events, or announcements.

**C. Guidelines for the use of Distribution**

**Lists for e-mail Messages**

Distribution lists (such as allncc) provide a means for e-mail messages to reach a specific audience. Lists should be selected with the appropriate audience in mind. When sending an e-mail to a distribution list, the "Subject" heading area should be a descriptive phrase that offers the recipients an overview of the e-mail. The distribution list is available at: [lionnet.ncc.edu/default.aspx](http://lionnet.ncc.edu/default.aspx).

Once the page is accessed, it can be placed in Favorites for future reference.

**D. LionNet.ncc.edu**

The College Intranet is intended to provide the faculty and staff access to services that support the operational needs of the College community and information disseminated by means of a role specific criteria. Access to the content is role based and is determined by one's logon profile-which may include one or more of the following designations: f/t faculty, adjunct faculty, administrator, or staff.

**VI. Departmental Networks**

Departments with their own local area networks will appoint a contact person and identify this person to the appropriate network administrator. The departmental contact person should be knowledgeable about the department's computing environment. This person will serve as a liaison to administrative personnel seeking problem resolution, information, and other assistance regarding computing and networking. In addition, this person will facilitate interaction between the Department and the administration on security matters or alleged abuses or related issues.

**VII. Reporting, Investigations, and Sanctions**

Personnel designated by the Administration and in consultation, when necessary, with the Office of Public Safety will investigate

alleged violations of the policies articulated herein. While an alleged violation is under investigation, computing privileges may be suspended. Where a confirmed violation is serious or persists, a restriction of computing privileges may be imposed temporarily or permanently by the College. Cases involving violations of statutory law will be turned over to the Office of Public Safety or to the appropriate authorities and may be subject to civil and/or criminal penalties.

**STUDENT SUPPORT SERVICES**

The Dean of Students is located in the College Center Building Room 312 and is responsible for most student support services. Students requiring assistance with general student advocacy or special problems, should contact this office.

In addition, services are provided to students by the Office of Health Services, the Department of Student Personnel Services and the Academic Advisement Center. A detailed description of the support services available to students follows.



**ACADEMIC ADVISEMENT AND THE ACADEMIC ADVISEMENT CENTER**

**Mission**

The mission of the academic advising program at Nassau Community College is to assist students in the development of meaningful educational plans that are compatible with their goals. Further, it is to fully inform students regarding requirements in their areas of concentration and expose students to the variety of course and degree options offered by the College. This should take the form of an ongoing discussion between advisor and student, beyond merely a consideration of courses for registration, which continues throughout the student's college experience.