

**Corning Community College
Administrative Procedure**

Issue/Amendment Date: September 2016	Student Code of Conduct Complaint Procedure
Author: Student Development & Enrollment Management	Administrative Procedure #2016-02

This Procedure provides a mechanism through which the College may respond to violations of the Student Code of Conduct and guarantees students the right of due process, including the right to appeal.

Please Note: Complaints of discrimination (including sexual harassment, sexual violence, sexual coercion, sexual assault, rape, criminal sexual acts, forcible touching, and sexual abuse) will be addressed by the Director of Human Resources/Title IX Coordinator under the College's Equal Employment and Educational Opportunity Complaint Procedure, available at:

https://www.corning-cc.edu/sites/default/files/EEEEO_Complaint_Procedure_rev_Sept_2015.pdf

Complaint Procedure:

Any member of the CCC community may file a complaint against a student for violations of the Student Code of Conduct. Complaints must be made in writing and directed to the Associate Dean of Student Services (Associate Dean). Complaints should be submitted as soon as possible after the event takes place, preferably within thirty days.

When a complaint is filed, the Associate Dean will conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Associate Dean. The Associate Dean will render a decision and a written notice will be sent to the accused student and the complainant.

To more effectively identify behavior patterns, there are times when those with a "need to know" are notified about a student's involvement, or alleged involvement, in an incident. To the extent allowed by FERPA (Family Education Rights and Privacy Act), this "need to know" may include administrators, faculty, advisors, counselors, coaches, and health and wellness professionals. Those considered "need to know" are determined by the Associate Dean on a case-by-case basis.

An interim suspension may be imposed to ensure the safety and well-being of members of the CCC community, preservation of CCC property, and/or assurance of the student's own physical or emotional safety. During the interim suspension, a student may be denied access to any property owned or controlled by the College, any class (including Internet classes), or any other CCC activities or privileges for which the student might otherwise be eligible. Students on interim suspensions must be given a preliminary hearing unless it can be shown that it is impossible or unreasonably difficult to convene one. The student must be given a notice which

states the reasons for the interim suspension and the time and place of the hearing at which time the student is provided with an opportunity to show why his/her continued presence on campus does not constitute a danger to self, others, or to property. This interim suspension does not replace the normal discipline process. Determination of the interim suspension is at the discretion of the Associate Dean.

Sanctions

Students who are found guilty of violation of the Student Code of Conduct may be subject to one or more of the following sanctions, as determined by the Associate Dean:

- Reprimand: An oral warning to the student which includes the nature of the violation and the consequences of further violations.
- Censure: A written warning which indicates that repetition of wrongful conduct will be followed by more severe disciplinary action. This written statement will become a part of the College's disciplinary file.
- Disciplinary Probation: An official action informing the student in writing that the violation of any College regulation during the probationary period may result in suspension or expulsion. During this specified period, the student may be excluded from acting as a representative of, or participant in, any College activity or program, and may be restricted or denied the use of or participation in certain College facilities and/or activities. This written statement will become a part of the College's disciplinary file and the student's educational record.
- Fines: Reasonable fines may be imposed.
- Restitution: In all disciplinary violations involving theft and/ or damage to College property, restitution may be required.
- Discretionary Sanctions: Essays, work assignments, apology letters, service to the College or other related discretionary assignments may be imposed.
- Suspension: A written statement which indicates that the student is denied access to any property owned or controlled by the College, any classes (including Internet classes), or any other activities or privileges for a definite period of time as determined by the Associate Dean. This written statement will become a part of the College's disciplinary file and the student's educational record.
- Expulsion: A written statement which indicates permanent termination of the individual's student status at the College including denial of access to any property owned or controlled by the College. This written statement will become a part of the College's disciplinary file and the student's educational record.
- Loss of Privileges for Clubs or Organizations: In addition to the sanctions described above, clubs or organizations may lose selected or all rights and privileges for a specified period of time or indefinitely.

Appeal Procedure

- The decision of the Associate Dean may be appealed by submitting a written request to the Associate Dean within 72 hours of the written notification of the decision. The Associate Dean may waive the 72-hour requirement for just cause. The written appeal request must contain the reasons for the appeal: new evidence, violation of due process, or improper penalty.
- The Associate Dean (or his/her designee) is responsible for scheduling training for the Appeal Committee members prior to convening the Committee to ensure hearings are conducted using the established guidelines.
- The Associate Dean will convene the Appeals Committee within thirty days of receipt of written request. The Committee will be comprised of the following voting members, selected by their constituency: three students, three Faculty Assembly members, and three Administrators Assembly members. The Associate Dean is a non-voting, advisory member only, responsible for scheduling the appeal hearing, preparing committee members, and overseeing proper process.
- The proceedings of Appeals Committee hearings are closed and will remain confidential within the disciplinary system, except as provided by law.
- The Appeals Committee will review the case, hear testimony, as deemed appropriate by the Committee, consider disciplinary action, and render a majority decision to uphold, reject, or modify the action of the Associate Dean.
- The accused student(s) may forfeit their right to participate in the Appeals Committee hearing; however, the Committee reserves the right to hold the hearing in his/her absence.
- The Appeals Committee may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witness(es) during the hearing by providing separate facilities, by using visual screens, and/or permitting participation by telephone, videoconference, closed circuit television, video tape, written statement, or other means as deemed appropriate in the sole judgment of the Committee.
- Both the accused student and the complainant have the right to bring advisors of their choice, as long as the advisors are CCC students or members of CCC faculty or staff. The complainant and/or the accused student are responsible for presenting information relating to the hearing, so the advisors are not permitted to speak or to participate directly in the Appeal Committee proceedings. The Appeals Committee may grant the accused student and the complainant the right to call additional witnesses.
- In the event that Appeals Committee hearing involves more than one accused student, the Appeals Committee, at their discretion, may permit the hearings concerning each student to be conducted either separately or jointly.
- A transcript of all testimony at the hearing, in the form of an audio recording, is required and will be made available upon request to the accused student and complainant.
- After the pertinent information has been received and reviewed, the Appeals Committee will determine by majority vote whether the accused student has violated the Student Code of

Conduct. The Committee's determination will be made on the basis of whether it is more likely than not that the accused student violated the Student Code.

- The Appeals Committee will communicate its determination and recommendation to the Vice President/Dean of Student Development & Enrollment Management (VP/Dean) within 24 hours after completing the hearing, including its rationale to:
 - reject the appeal; or
 - modify the disciplinary sanction (including suggestions on how to implement); or
 - exonerating the accused student.
- The VP/Dean will notify the accused student, the complainant, the Associate Dean, and the President of his/her decision on the appeal. The decision of the VP/Dean is final.

Complaint Procedure for an Organization's Misconduct

- The President of the College is responsible for the enforcement of provisions concerning hazing and other violations of the Student Code of Conduct by student organizations. Such responsibility may be exercised by any designee appointed by the President.
- Whenever the President has determined on the basis of a complaint or on personal knowledge that there is reasonable ground to believe that there has been a violation of the Student Code of Conduct by any organization, the President or his/her designee will prepare written charges against the organization which will state the provisions prescribing the conduct and the facts alleged to constitute such violations.
- Such written charges will be served upon the principal officer of the organization by registered or certified mail, return receipt requested, to the organization's current address and shall be accompanied by a notice that the organization may respond in writing to the charges within ten days of receipt of said notice. The notice of the charge will include a statement that the failure to submit a response within ten days will be deemed to be an admission of the facts stated in such charges and shall warrant the imposition of appropriate penalties. The response is to be submitted to the President or his/her designee and will constitute the formal denial or affirmation of the facts alleged in the charge. The President or his/her designee may grant an extension of the ten-day response period.
- Upon written request by an authorized representative of the organization, the President will provide the organization's representative an opportunity for a hearing. A hearing panel designated by the President or his/her designee will hear or receive any testimony or evidence which is relevant and material to the issues stated in the charge and which will contribute to a full and fair consideration and determination. The organization's representative may confront and examine witnesses against it and may produce witnesses and documentary evidence on its behalf. The hearing panel will submit written findings of fact and recommendations for disposition of the charge to the President or his/her designee within twenty days after the close of the hearing.

- The final authority to dismiss the charges or to make a final determination is vested in the President. Notice of the decision will be in writing, include the reasons supporting such decision, and will be served on the principal officer of the organization by mail in the manner described above within a reasonable time after such decision is made. An organization which authorized hazing or other prohibited behavior described in the Student Code of Conduct, will be subject to the rescission of permission to operate upon the campus or upon the property of the College used for educational purposes. The penalty provided in this subsection will be imposed in addition to any penalty which may be imposed pursuant to NYS penal law and any other provision of law, or to any penalty to which an individual may be subject pursuant to this subsection.

Warning! If you are reading a printed copy of this document, you may not have the current information. Please go to the College website for the latest version of this procedure.