

***STUDENT  
RIGHTS & RESPONSIBILITIES  
(CODE OF CONDUCT)***



**2012**

**Approved by the NCCC Board of Trustees  
on August 18, 2010**

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# **Student Conduct Disciplinary Procedure Overview**

## **Charge of Misconduct**

Any student, faculty member, College official, or College employee may file a charge(s) of misconduct against a student. An incident report may be submitted to a College Security officer or to the Vice President of Student Services, or designee, and may constitute a written charge of misconduct.

Pending action on any charge(s) of misconduct by the Vice President of Student Services, or designee, the status of a student shall not be altered or his/her right to participate in all class(es), College sponsored or College supervised functions or be present on any College premises except for: (a) reasons relating to the student's physical or emotional safety or for reasons relating to the safety and well being of any other student, College employee, faculty member, member of the College Community, College official or College property; or (b) the student persistently disrupts or obstructs teaching/learning, or is continuously disrespectful in the classroom.

## **Administrative Judicial Process**

The purpose of the Administrative Judicial Process is for the Vice President of Student Services, or designee, to (a) review the charge(s) of misconduct; (b) determine if the charge(s) of misconduct violates the Student Code of Conduct; (c) investigate the charge(s) of misconduct by interviewing all involved parties including the student charged with misconduct; (d) decide if the student(s) charged is guilty of the violation; and (e) if the student violated the Student Code of Conduct, impose a sanction(s). Such disposition shall be final and there shall be no subsequent proceedings unless the student invokes his/her right to appeal.

If the Vice President of Student Services decides the student did not violate the Student Code of Conduct or is not guilty of the charge of misconduct, there shall be no subsequent proceedings. If the charge violates another College policy, the student may be charged under that policy.

Reports submitted to a College Security officer follow the appropriate protocols outlined by Campus Security. Such reports may be disposed by either accepting reports for the record, forwarding to the office of VP for Student Services for further review, or may be made available for proper investigation and follow up by appropriate law enforcement agencies.

## **Judicial Appeal Process**

The purpose of the Judicial Appeal Process is for the Judicial Board to concur or disagree with the decision and/or sanction(s) imposed by the Vice President of Student Services, or designee, that the student violated the Student Code of Conduct.

If the Judicial Board decides the student violated the Student Code of Conduct, the Board may affirm the sanction(s) the student received or recommend further sanction(s).

If the Judicial Board decides the student did not violate the Student Code of Conduct, the Board shall make the recommendation(s) to redress any sanction(s) imposed by the Vice President of Student Services, or designee.

If more than one student is involved, the Judicial Hearing may be conducted combined or separately.

## **Presidential Appeal**

Any decision reached by the Judicial Board or sanction(s) imposed by the Vice President of Student Services, or designee, after the Judicial Hearing may be appealed, in writing, by the student(s) charged with misconduct to the President of the College, or designee.

The President of the College, or designee, shall render his/her decision concurring or disagreeing with the decision and/or sanction(s). The President of the College, or designee, may not impose a more severe sanction(s) on the student(s).

# Student Conduct Code

## Article I: Purpose

Based on Federal and New York State Law, as a public higher education institution, NCCC shall afford each student his/her inalienable rights of freedom that all citizens of the United States enjoy. Every student is guaranteed due process in all College related disciplinary matters when a student's College related actions go beyond the exercise of inalienable rights guaranteed by law. The College will not infringe on any rights guaranteed by law.

On campus or off campus, the student is regarded as a citizen of the community and is subject to all laws of the community. The College will not interfere with the work of law enforcement agencies/officers nor will the College protect any student charged with any violation of law.

No adverse action will be taken against the complainant(s) for filing a complaint.

## Article II: Judicial Authority

- A. The Vice President of Student Services, or designee, is responsible for the administration of the Student Code of Conduct.
- B. The Judicial Board is the body authorized by the President of the College, or designee, to implement the Judicial Appeals Process.
- C. Any decision(s) made by the Judicial Board of the Vice President of Student Services, or designee, shall be final unless the student(s) or complainant(s) initiates the appeal process within the specified time frame.

## Article III: Proscribed Misconduct

### A. Jurisdiction of the College

Generally, jurisdiction of the College and any sanction(s) imposed shall be limited to conduct by a student which:

- 1. occurs on any College premises or areas operated for the benefit of the College's educational mission
- 2. occurs at any College sponsored or College supervised function
- 3. adversely affects the College Community
- 4. adversely affects the pursuit of College objectives

### B. Definitions

- 1. The term "College" means Niagara County Community College.
- 2. The term "student" includes any person taking a course(s) at the main College campus or any official off-campus site.
- 3. The term "faculty member" means any person employed by the College to conduct educational activities.
- 4. The term "College employee" means any person eligible to be a member of the Educational Support Personnel Association, Faculty Association, Technical Support Personnel Association, or The College employee may have full-time or part-time status,
- 5. The term "College official" means any person employed by the College performing administrative responsibilities.
- 6. The term "member of the College Community" includes any person who is a student taking a course(s), faculty member, College official or any other person employed by the College.
- 7. The term "College premises" includes all land, buildings, facilities and any other property in the possession of, owned, used, leased or controlled by the College.
- 8. The term "Judicial Board" refers to the body authorized by the President of the College, or designee, to implement the Judicial Appeals Process.

9. The term “policy” includes all written regulations of the College as found in, but not limited to, the Student Handbook and College Catalog.
10. The term “working days” refers to the hours and days the College conducts administrative and/or instructional operations.
11. The term “recommendation” refers to a remedy proposed by the Judicial Board. A recommendation(s) is not binding.
12. The term “decision” refers to the determination by the Judicial Board; Vice President of Student Services, or designee; or President of the College, or designee. A decision(s) is binding.
13. The term “advisor” means any person from the Academic Affairs or Student Services units designated, or a student, faculty member or staff member the student(s) or complainant(s) selects to advise/assist him/her with the Judicial Appeals Process.
14. The term “counsel” means any person external to the College that the student(s) or complainant(s) retains to advise/assist him/her with the Judicial Appeals Process. The student(s) and complainant(s) are responsible for any cost incurred to retain his/her counsel.

### **C. Student Conduct**

The College expects every student to conduct himself/herself in an honorable and ethical manner. The following are UNACCEPTABLE conduct(s) and subject to sanction(s):

1. Disruption or obstruction of teaching or disrespectful behavior in any learning environment, physical, or electronic. Every professor has the right to remove any disruptive student from any learning activity. (See Faculty Handbook).
2. Furnishing false information to any College official, faculty member, employee or office.
3. Failure to show College identification (ID) card or other forms of acceptable identification when requested to do so by any College official, faculty member or employee.
4. Forgery, alteration or misuse of any College document, record or instrument of identification; imitating another person’s signature or mark on academic or other official documents.
5. Attempted or actual theft of and/or damage to any property of the College or property of a member of the College Community or other personal or public property.
6. Hazing, which is any act that endangers the mental or physical health or safety of any student, or that destroys or removes public or private property for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in any group or organization.
7. Failure to comply with a direction(s) of any College official or law enforcement officer acting in performance of his/her duty.
8. Violation of any published College policy, rule, regulation or inciting other person(s) to do so.
9. Failure to abide by any College parking regulation including the affixing of parking stickers, parking in designated areas and speed limits.
10. Disruption or obstruction of research, administration, disciplinary proceeding or other College activity including the on- or off-campus public service function of the College or other authorized non-College activities on any College premises or electronic media.
11. Unauthorized possession, duplication, or use of any key to any College premises or unauthorized entry to, or use of any College premises or electronic media.

12. Unauthorized solicitation of money in the form of any type of donation or as any charge for goods or services on any College premises.
13. NCCC is a tobacco free campus.
14. Participation in any form of gambling on any College premises.
15. Use, possession or distribution of any alcoholic beverage on any College premises except as expressly permitted by written authorization of the Vice President of Student Services, or designee. All regulations pertaining to the use of alcoholic beverages on campus are available from the Student Activities Office.
16. Illegal use, possession or distribution of marijuana or any controlled substance or contributing to the use of any such substance by another person on any College premises, or at any College sponsored or College supervised function(s).
17. Physical abuse, verbal abuse, threat, intimidation, harassment, coercion, discrimination and/or any other conduct which threatens or endangers the health or safety of any person on any College premises, on any College electronic media on any College sponsored or College supervised function. The Affirmative Action Officer shall be notified of any concern regarding discrimination.
18. Violation of a federal, state, county or local law(s) or inciting another person to do so on any College premises, on any College electronic media, or at any College sponsored or College supervised function(s).
19. Participation in any demonstration which disrupts the normal operations of the College and/or infringes on the rights of another member of the College Community; leading or inciting another person to disrupt scheduled and/or normal activities on any College premises. The right to assemble is provided to any group recognized by the Student Senate and when room or facility space was registered with the appropriate College official(s).
20. Obstruction of the free flow of pedestrian or vehicular traffic on any College premises or at any College sponsored or College supervised function(s).
21. Illegal or unauthorized possession of any firearm, explosive, other weapon or noxious material or object on any College premises or at any College sponsored or College supervised function.
22. Conduct which is disorderly, lewd, or indecent; breach of peace; aiding, abetting or procuring another person to breach the peace on any College premises, on any electronic media, or at any College sponsored, or College supervised function.
23. Plagiarism which includes, but is not limited to, the use by paraphrase of direct quotation of the published or unpublished work of another person without full and clear acknowledgment; the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials. Any concern regarding plagiarism shall be handled through the Academic Grievance Policy.
24. Cheating which includes, but is not limited to, use of any unauthorized assistance in taking quizzes, tests or examinations; dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems or carrying out other assignments; the acquisition without permission of tests or other academic materials belonging to a member of the College's faculty. Any concern regarding cheating shall be handled through the Academic Grievance Policy.

25. Destroying, damaging or stealing another person's work or work materials including, but not limited to, lab experiments, computer programs/files, term papers, projects or copy of an examination.
26. Theft, damage or misuse of Library resources; removing uncharged material from the Library Learning Center; defacing or damaging Library materials; intentionally displacing or hoarding Library materials within the Library Learning Center for one's unauthorized private use or any other abuse of reserved materials.
27. Theft, damage or misuse of computer resources including, but not limited to, computer accounts codes, passwords or facilities; damaging computer equipment or interfering with the operation of any computer system in the College.

**D. Violation of Law and College Discipline**

1. If a student is charged with misconduct under the Student Code of Conduct and the charge(s) of misconduct is also a violation of any law, then the proceedings described in the student Code of Conduct may be instituted against a student without regard to any pending civil or criminal proceedings, criminal arrest or prosecution.
2. All proceedings under the Student Code of Conduct may be carried out prior to, simultaneously with or following any civil or criminal proceedings, criminal arrest or prosecution at the discretion of the Vice President of Student Services, or designee.

**Article IV: Violation of the Student Code of Conduct**

**A. Charging a Student with Misconduct**

Any student, faculty member, College official or College employee may file a charge(s) of misconduct against a student. The charge(s) of misconduct shall be submitted in writing, to the Vice President of Student Services within ten (10) working days of the point at which the alleged misconduct occurred or within ten (10) working days of the point at which the alleged misconduct could reasonably have known to occur. An incident report submitted by a College Security Officer to the Office of the Vice President of Student Services is a written charge of misconduct.

Pending action on any charge of misconduct by the Vice President of Student Services, or designee, the status of a student shall not be altered or his/her right to participate in all class(es), College sponsored or College supervised functions or be present on any College Premises except for: (a) reasons relating to the student's physical or emotional safety or for reasons relating to the safety and well being of any other student or College employee, faculty member, member of the College Community, College official or College property; or (b) the student persistently disrupts or obstructs teaching/learning or is continuously disrespectful in the classroom.

**B. Administrative Judicial Process**

The purpose of the Administrative Judicial Process is for the Vice President of Student Services, or designee, to (a) review the charge(s) of misconduct; (b) determine if the charge(s) of misconduct violates the Student Code of Conduct; (c) investigate the charge(s) of misconduct by interviewing all involved parties including the student charged with the misconduct; (d) decide if the student(s) charged is guilty of the violation; and (e) if the student violated the Student Code of Conduct, impose a sanction(s). Such disposition shall be final and there shall be no subsequent proceedings unless the student invokes his/her right to appeal.

1. If the charge(s) of misconduct involves more than one student, the Administrative Judicial Process may be conducted separately for each student.
2. The Vice President of Student Services, or designee, shall explain to the student(s) charged with misconduct the purpose and ramifications of the Administrative Judicial Process and his/her due process rights.

3. If the charge(s) of misconduct does not violate the Student Code of Conduct or the Vice President of Student Services decides the student charged is not guilty of the violation, there shall be no subsequent proceedings under the Student Code of Conduct Policy. If the charge violates another College policy, the student may be charged under that policy.
4. If the Vice President of Student Services, or designee, decides the student(s) violated the Student Code of Conduct, the charge(s) of misconduct may be disposed of administratively. The attempt of administrative disposition shall not exceed 45 calendar days.
5. The Vice President of Student Services, or designee, may impose singularly or in any combination the sanctions described in Article IV, Section E. Such disposition shall be final and there shall be no subsequent proceedings unless the student invokes his/her right to appeal.
6. The student(s) charged with misconduct may appeal any sanction(s) imposed by the Vice President of Student Services, or designee, in writing, to the President of the College, or designee, within five (5) working days of receiving notification of the sanction(s).
7. The President of the College, or designee, shall notify the Office of the Vice President of Student Services within two (2) working days that the student charged with misconduct appealed the sanction(s) imposed by the Vice President of Student Services, or designee.
8. The Office of the Vice President of Student Services shall notify the Judicial Board within two (2) working days that an appeal was filed.
9. The Judicial Board shall initiate the Judicial Hearing within five (5) working days of receiving notice of the appeal.

**C. Judicial Appeal Process**

Judicial Hearing\A Judicial Hearing shall be held if the student invokes his/her right to appeal. The purpose of the Judicial Appeal Process is for the Judicial Board to concur or disagree with the decision and/or sanction(s) imposed by the Vice President of Student Services, or designee, that the student violated the Student Code of Conduct.

If the Judicial Board decides the student violated the Student Code of Conduct, the Board may affirm the sanction(s) the student received or recommend another sanction(s). If the Judicial Board decides the student did not violate the Student Code of Conduct, the Board shall made a recommendation(s) to redress any sanction(s) imposed by the Vice President of Student Services, or designee. If more than one student is involved, the Judicial Hearing may be conducted combined or separately.

**D. Judicial Hearing**

1. If the student charged with misconduct does not appear for the Judicial Hearing, the Judicial Hearing shall still be held.
2. The advisor shall advise/assist the student(s) throughout the Judicial Hearing. A different advisor shall advise/assist the faculty member(s) throughout the Judicial Hearing.
3. The Judicial Board shall initiate the Judicial Hearing within five (5) working days of receiving notice of the charge(s) of misconduct.
4. The Vice President of Student Services shall distribute copies of the written charge(s) of misconduct to the Judicial Board members and the student(s) charged with misconduct at least two (2) working days before the Judicial Hearing. The student(s) charged with misconduct shall receive copies of all evidence against him/her.

5. One official record shall be made of all proceedings for accuracy. If requested, the student(s) and complainant(s) involved shall have access to the record through the Vice President of Student Services. in the presence of his/her advisor, or designee.

The record and all documents relevant to the concern(s) shall be kept in a confidential file by the Vice President of Student Services for seven years from the date of the end of the process .

6. All Judicial Board members shall be present to conduct all business. If a Judicial Board member will not be available for the entire Judicial Hearing, then the Judicial Board member shall be replaced before the Judicial Hearing begins.

If a Judicial Board member becomes ill during the Judicial Hearing and is unable to return within a reasonable time frame, the Judicial Hearing shall be postponed until the Judicial Board member is available.

7. All parties associated with the complaint are expected to be present for the Judicial Hearing. Each person may speak to only his/her first-hand knowledge of the charge(s). However, due to the confidential nature of the Judicial Hearing, attendance is limited to the Judicial Board members; Vice President of Student Services, or designee; all students and faculty members directly involved; witness(es); advisor(s) and counsel. All participants should refrain from discussing the aspects of the charge(s) of misconduct outside the Judicial Hearing.
8. The student(s) or complainant(s) may be accompanied by an advisor or counsel if he/she chooses. The advisor or counsel may not attend the Judicial Hearing in place of the student(s) or the complainant(s) nor speak on their behalf. If student(s) or complainant(s) plan to be accompanied by counsel, the Chairperson of the Judicial Board shall be notified in writing at least forty-eight (48) hours prior to the time of the Judicial Hearing. The student(s) and complainant(s) are responsible for any cost incurred to retain his/her respective counsel.
9. All procedural questions are subject to the final decision of the Chairperson of the Judicial Board.
10. The Judicial Board reserves the right to call for executive session if so warranted.
11. The Judicial Board may impose reasonable time limits on all presentations. One Judicial Board member shall be appointed to act as time keeper.
12. Following each presentation the Judicial Board may ask questions for clarification.
13. All speakers should address the Judicial Board and no other person(s) involved.
14. At the beginning of the Judicial Hearing every person shall be introduced and the purpose of his/her presence shall be identified.
15. The Vice President of Student Services, or designee, shall present the charge(s) of misconduct including the Administrative Judicial Process.
16. If more than one complainant is involved, they may take turns during the presentation. The complainant, or each complainant, shall present his/her understanding/explanation of the charge(s). The complainant(s) should present any supporting information, including witnesses, that would be helpful to the Judicial Board in making a decision and recommendation(s). Witnesses may be dismissed after his/her presentation.

The complainant(s) may consult his/her advisor and/or counsel at any time during the Judicial Hearing. The complainant(s), not the advisor or counsel, is primarily responsible for presenting his/her understanding/explanation of the charge(s) and responding to any questions.

17. If the student(s) charged with misconduct select to have a joint Judicial Hearing, they may take turns during the presentation. The student charged with misconduct, or each student charged with misconduct, shall present his/her understanding/explanation of the charge(s). The student(s) should present any supporting information, including witnesses, that would be helpful to the Judicial Board in making a decision and recommendation(s). Witnesses may be dismissed after his/her presentation.

The student(s) may consult his/her advisor and/or counsel at any time during the Judicial Hearing. The student(s), not the advisor or counsel, is primarily responsible for presenting his/her understanding/explanation of the charge(s) and responding to any questions.

18. The complainant, or each complainant, may respond to any statements made.
19. The student charged with misconduct, or each student charged with misconduct, may respond to any statement made.
20. The complainant, or each complainant, may present concluding comments.
21. The student, or each student, may present concluding comments. **NOTE: It may take more than one meeting for all presentations.**
22. Following all the presentations, the Judicial Board shall go into executive session to decide if the student(s) charged with misconduct violated the Student Senate Code of Conduct. The Judicial Board shall only consider evidence presented during the Judicial Hearing. If the Judicial Board decides the student violated the Student Code of Conduct, the Board may affirm the sanction(s) the student received or recommend another sanction(s). If the Judicial Board decides the student did not violate the Student Code of Conduct, the Board shall make a recommendation(s) to redress any sanction(s) imposed by the Vice President of Student Services, or designee.
23. The Judicial Board shall submit a decision and any recommendation(s), in writing, to the Vice President of Student Services, or designee, within two (2) working days after completion of the Judicial Hearing.
24. The Vice President of Student Services, or designee, shall render his/her decision, in writing, to implement the recommendation(s) from the Judicial Board within five (5) working days after receiving the decision/ recommendation(s) from the Judicial Board.
25. If the Vice President of Student Services, or designee, cannot accept the recommendation(s) from the Judicial Board, the Vice President of Student Services, or designee, shall meet with the Judicial Board to discuss his/her concern(s). The Judicial Board and the Vice President of Student Services, or designee, shall try to reach consensus on the recommendation(s).
26. If the student charged with misconduct did not violate the Student Code of Conduct, the process ends and redress transpire if any sanction(s) was imposed.
27. If the student charged with misconduct did violate the Student Code of Conduct, the Vice president of Student Services, or designee, shall notify the student(s) of any sanction(s) imposed within five (5) working days after receiving the decision/recommendation(s) of the Judicial Board.

## E. Sanctions

1. The following sanctions may be imposed singularly or in any combination. The Judicial Board is not limited to the following sanctions and may recommend any other sanction(s) considered appropriate. The Vice President of Student Services, or designee, is not limited to the following sanctions and may impose any other sanction(s) considered appropriate.
  - a. Warning: Notice to the student stating that repetition of the misconduct for a period not exceeding one (1) calendar year is cause for more severe disciplinary action.
  - b. Disciplinary Probation: Exclusion from participating in privileges or College co-curricular activities for a specified period of time.
  - c. Restitution: Reimbursement for any damage or misappropriation of property.
  - d. Suspension: Exclusion from all class(es), College premises, College sponsored or College supervised functions or privileges as determined by the Vice President of Student Services, or designee, for a period not exceeding one (1) calendar year. Any conditions of readmission shall be stated in the notice of suspension.
  - e. Expulsion: Termination of student status for an indefinite period of time. Any condition(s) of readmission shall be stated in the notice of expulsion.
  - f. Interim Suspension: Exclusion from any class(es), component of any class(es), College premises, College sponsored or College supervised functions or privileges for which the student might otherwise be eligible at the discretion of the Vice President of Student Services, or designee. Interim suspension may not exceed three (3) working days.
2. Interim Suspension shall only be imposed in extreme circumstances by the Vice President of Student Services, or designee:
  - a. To ensure the safety and well being of any member of the College Community or preservation of College property.
  - b. To ensure the student's physical or emotional safety or well being.
  - c. If the student poses definite threat, disruption or interference with the normal operations of the College.

During interim suspension the Vice President of Student Services, or designee, shall (a) review the charge(s) of misconduct; (b) determine if the charge(s) of misconduct violates the Student Code of Conduct; (c) investigate the charge(s) of misconduct by interviewing all involved parties including the student charged with misconduct; (d) decide if the student(s) charged is guilty of the violation; and (e) if the student violated the Student Code of Conduct, impose a sanction(s).

If the charge(s) of misconduct does not violate the Student Code of Conduct or the Vice President of Student Services, or designee, decides the student charged is not guilty of the violation, there shall be no subsequent proceedings under the Student Code of Conduct Policy and all privileges the student is eligible for shall be reinstated. If the charge violates other College policy, the student may be charged under that policy. If the charge violates other College policy, the student may be charged under that policy. If the Vice President of Student Services, or designee, decides the student(s) violated the Student Code of Conduct, the charge(s) of misconduct may be disposed of administratively per Article IV, Section B.

3. Except expulsion and suspension, any other sanction(s) shall not be part of the student's permanent record, but shall become part of the student's confidential record. Six years after the concern(s) is resolved, the student's confidential record may or may not be expunged of any sanction(s).
- F. **Appeal of Judicial Board Decision or Sanction(s) Imposed After Judicial Hearing** Any decisions related to the Judicial Board or sanction(s) imposed by the Vice President of Student Services, or designee, after the Judicial Hearing may be appealed, in writing, by the student(s) charged with misconduct to the President of the College, or designee.

The President of the College, or designee, shall render his/her decision concurring or disagreeing with the decision and/or sanction(s). The President of the College, or designee, may not impose a more severe sanction(s) on the student(s).

## **Article V**

There shall be three (3) faculty Judicial Board Members and four (4) student Judicial Board members.

### **A. Judicial Board Membership**

1. The three (3) faculty members on the Judicial Board are elected by the Faculty Senate. Membership terms for the Judicial Board are for three (3) years, on a rotating basis. One faculty member of the Judicial Board shall be replaced each year. An election to replace this Judicial Board member shall occur at the May meeting of the Faculty Senate. The Chairperson of the Judicial Board is elected by the Judicial Board members majority vote.
2. The four (4) student members of the Judicial Board are elected each year at the May meeting of the Student Senate from those who petition to serve on the Judicial Board.
3. All faculty members and students on the Judicial Board shall agree to be available within the specified time frames, even if classes are not in session. If it is necessary to conduct a Judicial Hearing when faculty members do not normally work or students are not in attendance (e.g. winter, spring or summer recess), then the time frame for convening the Judicial Hearing may be extended until all Judicial Board members are available.

### **B. Choosing Alternate Judicial Board Members**

1. An alternate(s) Judicial Board Faculty member shall be chosen, for that specific charge(s) of misconduct, if the Judicial Board faculty member works in the same area/department/division as the faculty member(s) or College employee(s) who filed the charge of misconduct.

The temporarily replaced Judicial Board faculty member(s) may not observe all proceedings dealing with that charge(s) of misconduct in question. The process for choosing an alternate(s) shall be done on a rotating basis from the alphabetical list of divisions. The Division Chairperson shall be contacted by the Chairperson of the Judicial Board to request a volunteer(s) to act as an alternate(s) for the charge(s) of misconduct in question. An alternate(s) shall be chosen from full-time faculty members.

2. An alternate(s) Judicial Board student member shall be chosen, for that specific charge(s) of misconduct, if the Judicial Board student member takes a course from the faculty member(s) or College employee(s) who filed the charge of misconduct.

An alternate(s) Judicial Board student member shall be chosen, for that specific charge(s) of misconduct, if the Judicial Board student member is enrolled in the curriculum of the faculty member(s) or College employee(s) who filed the charge of misconduct.

The temporarily replaced Judicial Board student member(s) may not observe all proceedings dealing with the charge(s) of misconduct in question. An alternate(s) shall be selected through the Student Senate. The President of the Student Senate shall be contacted by the Chairperson of the Judicial Board to request a volunteer(s) to act as an alternate(s) for the charge(s) of misconduct in question.

**C. Record of the proceedings**

The Judicial Board reserves the right to create a record of all proceedings for accuracy and review. The record used is the only one that is permitted during all proceedings.

**D. Voting Procedures**

Approval of any decision or recommendation(s) requires a majority vote. The Chairperson of the Judicial Board is permitted to vote in all proceedings.

**E. Time Frames**

Any time frame may be extended if necessary. All such extensions shall be reasonable.

**Article VI: Interpretation and Revision**

Any question about or interpretation of the Student Code of Conduct shall be referred to the Vice President of Student Services, or designee, for final determination. The Student Code of Conduct shall be reviewed under the direction of the Vice President of Student Services, or designee.

**Academic Grievance Procedure Overview**

**Informal—Faculty Member**

1. The first discussions about an academic fairness issue should be between the student and instructor.

**Program Coordinator**

2. If the concern is not resolved, the student should meet with the Program Coordinator who will try to resolve the concern.

**Division Chair**

3. If the concern is not resolved, the student should meet with the Chairperson of the instructor's academic division who will try to resolve the concern.

**Office of Academic Affairs**

4. If the problem is not resolved at the division level, the student should contact the Office of Academic Affairs to meet with a member of the Administrative staff who will convene appropriate individuals to further discuss and try to resolve the concern.

**Formal Preliminary Hearing**

5. If the informal steps do not resolve the concern, a representative from Academic affairs will assist the student to file an academic grievance. The purpose of the Preliminary Hearing is for the Academic Grievance Board to decide if the subject matter of the student's concern(s) is grievable or not grievable. If the Academic Grievance Board decides the subject matter of the student's concern(s) is grievable, the burden of proof to substantiate the existence of the unfair academic treatment shall rest with the student(s).

**Academic Grievance Hearing**

6. If the Academic Grievance Board decides the subject matter of the student's concern(s) is grievable, an Academic Grievance Hearing will be scheduled. The purpose of the Academic Grievance Hearing is for the Academic Grievance Board to decide if the student received fair or unfair academic treatment.

If the Academic Grievance Board decides the student received unfair academic treatment, the Board shall make a recommendation(s) to redress the treatment.

**Sanction**

7. The Vice President Academic Affairs will decide to implement any recommendation.

**Appeal**

8. Either the student or instructor may appeal the decision of the Vice President of Academic Affairs to the President of the College.

**President**

9. The decision of the President is final and may not be appealed.

**Academic Grievance Procedures**

(Procedures for Academic grievances are scheduled for revision during Fall semester 2003. For a revised copy of procedural guidelines, please contact Academic Affairs/Student Services Offices.

## **Article 1: Purpose**

As a public higher education institution, Niagara County Community College shall afford each student due process regarding an academic concern. As it is difficult to indicate the specific type of concern for which a student could legitimately institute an academic grievance, each concern shall be handled on an individual basis. All students are entitled to fair treatment. However, the following are non-grievable: admission and retention standards for a program and grading criteria established by an instructor.

Any concern regarding plagiarism or a Standard of Ethics Policy (e.g. allied health programs) will be handled through the Academic Grievance Policy.

In general, conditions under which a student could initiate an academic grievance and seek redress of a concern include if the student believes:

1. that an academic policy(ies) of the College or Division was violated, misinterpreted or applied in an inequitable manner;
2. he/she was evaluated in a manner which was prejudiced, capricious or unjust.

No adverse action shall be taken against a student for filing a complaint about an academic concern(s).

## **Article 2: Academic Grievance Authority**

1. The Vice President of Academic Affairs, or designee, is responsible for the administration of the Academic Grievance Policy.
2. The Academic Grievance Board is the body authorized by the President of the College, or designee, to implement the Formal Academic Grievance Process.
3. Any decision(s) made by the Academic Grievance Board or the Vice President of Academic Affairs, or designee, shall be final unless the student(s) or faculty member(s) initiates the appeal process within the specified time frame.

## **Article 3: Informal Academic Grievance Process**

Niagara County Community College is an academic community dedicated to collegial interchange. As such, a student who feels he/she has a legitimate academic grievance shall first try to resolve his/her concern informally by following appropriate channels.

1. A student who thinks he/she received unfair academic treatment by a faculty member should first talk with the faculty member. Often the faculty member can provide additional information to justify a policy or practice, or the student and the faculty member can work out a way to resolve the concern(s). This discussion shall take place within 30 working days from the point that the alleged action occurred, or that the student could reasonably known the alleged action occurred.
2. After talking with the instructor, a student who still thinks he/she received unfair academic treatment shall discuss his/her concern(s) with the Chairperson/Director of the faculty member's division. The goal of this meeting is to provide another means of resolving the concern(s) with participation of all parties involved.

The Chairperson/Director shall listen to the concern(s) and then ask the student to come back after the faculty member has had an opportunity to tell his/her understanding of the concern(s). If appropriate, the Chairperson/Director may meet with the student and the faculty member together.

3. Only if the concern(s) is not resolved within the division, should the student contact the Office of Academic Affairs. There the student shall have an opportunity to discuss his/her concern(s) with a member of the administrative staff, who shall also attempt to resolve and mediate the concern(s). Should this not result in a solution, the student shall be advised of the steps involved in the Formal Academic Grievance Process and his/her rights and responsibilities.

(Note: There are some extenuating situations where a student may feel very uncomfortable discussing a concern with a faculty member, program coordinator, and/or division chair. In these circumstances, the student may first need to discuss his/her concern with the Vice President of Academic Affairs, or designee. The Vice President of Academic Affairs, or designee, will handle these situations on a case-by-case basis and work with the student and faculty member to mediate the concern informally.)

4. Both faculty members and students have the right to express their opinions. The burden of proof to substantiate the existence of the unfair academic treatment shall rest with the student(s).

#### **Article 4: Formal Academic Grievance Process**

If a student who feels he/she has a legitimate academic grievance does not resolve his/her concern through the Informal Academic Grievance Process, then the student may seek resolution through the Formal Academic Grievance Process.

The purpose of the Formal Academic Grievance Process is to reach one of the following outcomes:

1. Affirm the student's declaration of unfair academic treatment and approve the student's remedy to his/her concern(s).
2. Affirm the student's declaration of unfair academic treatment and modify the student's remedy to his/her concern(s).
3. Dismiss the student's declaration of unfair academic treatment.

##### **A. Preliminary Hearing**

The purpose of the Preliminary Hearing is for the Academic Grievance Board to decide if the subject matter of the student's concern(s) is grievable or not grievable.

If the Academic Grievance Board decides the subject matter of the student's concern(s) is grievable, the burden of proof to substantiate the existence of the unfair academic treatment shall rest with the student(s).

1. The student(s) shall initiate the formal academic grievance process, by filing an academic grievance, in writing, with the Office of Academic Affairs within five (5) working days from the point at which it was determined that his/her concern(s) cannot be resolved through the Informal Academic Grievance Process.
2. The Office of Academic Affairs shall notify the Academic Grievance Board within two (2) working days that an academic grievance was filed.
3. The Office of Academic Affairs shall notify the faculty member(s) that an academic grievance was filed and provide a copy to the faculty member(s) of the written academic grievance within two (2) working days of the academic grievance being filed.
4. The advocate shall advise/assist the student(s) throughout the Preliminary Hearing.

5. A different advocate shall advise/assist the faculty member(s) throughout the Preliminary Hearing.
6. The Academic Grievance Board shall initiate the Preliminary Hearing within ten (10) working days of receiving notice of the academic grievance.
7. The Office of Academic Affairs shall distribute a copy of the written academic grievance to the Academic Grievance Board members at least two (2) working days before the Preliminary Hearing.
8. One official audio or video recording shall be made of the proceedings for accuracy.
9. All Academic Grievance Board members shall be present to conduct all business.

If an Academic Grievance Board member will not be available for the entire Preliminary Hearing, then the Academic Grievance Board member shall be replaced before the Preliminary Hearing begins.

If an Academic Grievance Board member becomes ill during the Preliminary Hearing and is able to return within a reasonable time frame, the Preliminary Hearing shall be postponed until the Academic Grievance Board member is available.

If an Academic Grievance Board member becomes ill during the Preliminary Hearing and is unable to return within a reasonable time frame, the Academic Grievance Board member shall be replaced.

Replacement of an Academic Grievance Board member shall follow Article V, Section B.

10. The student(s) for faculty member(s) may be accompanied by an advocate if he/she chooses. The advocate may not attend the Preliminary Hearing in place of the student(s) or faculty member(s).
11. The only parties that shall be present for the Preliminary Hearing are the Academic Grievance Board members, the student(s) filing the academic grievance and his/her advocate and the faculty member(s) charged with the academic grievance and his/her advocate.

Since the student initiated the complaint, if the student fails to attend the Preliminary Hearing and it is confirmed he/she knew of the date, time and place of the hearing, the hearing will not be held and the student will forfeit his/her right to pursue the complaint any further through any grievance process at NCCC unless the student can demonstrate to the satisfaction of the Academic Grievance Board that he/she could not attend the Preliminary Hearing. If the faculty member fails to attend the Preliminary Hearing and it is confirmed he/she knew the date, time and place of the hearing, the hearing shall proceed.

All participants should refrain from discussing the aspects of the academic grievance outside the hearing setting.

12. The Academic Grievance Board reserves the right to call for executive session, if so warranted.
13. All procedural questions are subject to the final decision of the Chairperson of the Academic Grievance Board.
14. The Academic Grievance Board may impose reasonable time limits on all presentations (ten minutes recommended). One Academic Grievance Board member shall be appointed to act as the time keeper.
15. At the beginning of the Preliminary Hearing, every person shall be introduced and the purpose of his/her presence shall be identified.

16. The student(s) and faculty member(s) should address only the Academic Grievance Board.
17. The Chairperson of the Academic Grievance Board shall present the academic grievance including the informal processes used to resolve the concern(s).
18. The student, or each student, shall present his/her charge of unfair academic treatment. If more than one student is involved, they may take turns presenting. The student(s) may consult his/her advocate at any time during the Preliminary Hearing. The student(s), not the advocate, is responsible for presenting his/her charge of unfair academic treatment and responding to any questions.
19. The faculty member(s) may respond to any statement the student(s) made. The faculty member(s) may consult his/her advocate at any time during the Preliminary Hearing. The faculty member(s), not the advocate, is primarily responsible for responding to any statements and questions.
20. Following each presentation the Academic Grievance Board may ask questions for clarification.
21. The student, or each student, may present concluding comments.
22. The faculty member, or each faculty member, may present concluding comments.
23. Following all the presentations, the Academic Grievance Board shall go into executive session to decide if the subject matter of the student's concern(s) is grievable.

The Academic Grievance Board shall only consider information presented during the Preliminary Hearing.

24. The Academic Grievance Board shall submit a decision, in writing, to the Vice President of Academic Affairs, or designee, within two (2) working days after completion of the Preliminary Hearing.
25. The Office of Academic Affairs shall notify, in writing, the student(s) and faculty member(s) regarding the decision of the Academic Grievance Board within five (5) working days of the Academic Grievance Board making its decision.
26. If the Academic Grievance Board decides the subject matter of the student's concern(s) is not grievable, the Formal Academic Grievance Process ends unless the student(s) appeals this decision, in writing, to the Vice President of Academic Affairs within five (5) working days or receiving notification of the decision of the Academic Grievance Board.

The Vice President of Academic Affairs will notify the President within one (1) working day that the student appealed the decision of the Academic Grievance Board. This appeal will be considered by a College administrator, viewed neutral to the concern and appointed by the President, or designee. The President, or designee, shall appoint the neutral administrator within two (2) working days of the student's appeal.

The neutral administrator should study the evidence submitted to the Academic Grievance Board and may talk with the student and faculty member to be able to render a decision. The neutral administrator shall submit his/her decision to the Vice President of Academic Affairs, or designee, within five (5) working days of the student's appeal.

If the neutral administrator decides the subject matter of the student's concern(s) is grievable, the Formal Academic Grievance Hearing shall be held within ten (10) working days of the neutral administrator submitting his/her decision. An entirely new Academic Grievance Board will be appointed to consider the student's concern. Board members will be replaced per Article V, Section B.

27. If the Academic Grievance Board decides the subject matter of the students' concern(s) is grievable, the Formal Academic Grievance Hearing shall be held within ten (10) working days of the Academic Grievance Board submitting its decision to the Executive Vice President of Academic Affairs, or designee.
28. If the Academic Grievance Board decides the subject matter of the student's concern(s) is grievable, the Office of Academic Affairs shall notify, in writing, the student(s) and faculty member(s) about the Academic Grievance Hearing date and time.

## **B. Formal Academic Grievance Hearing**

The purpose of the Academic Grievance Hearing is for the Academic Grievance Board to decide if the student received fair or unfair academic treatment.

If the Academic Grievance Board decides the student received unfair academic treatment, the Board shall make a recommendation(s) to redress the treatment.

1. The Formal Academic Grievance Hearing shall be held within ten (10) working days of the Academic Grievance Board submitting its Preliminary Hearing decision to the Vice President of Academic Affairs, or designee.
2. The advocate shall advise/assist the student(s) throughout the Formal Academic Grievance Hearing. A different advocate shall advise/assist the faculty member(s) throughout the Academic Grievance Hearing.
3. One official audio or video recording shall be made of the proceedings for accuracy.
4. All Academic Grievance Board members shall be present to conduct all business.

If an Academic Grievance Board member will not be available for the entire Formal Academic Grievance Hearing then the Academic Grievance Board member shall be replaced before the Formal Academic Grievance Hearing begins.

If an Academic Grievance Board member becomes ill during the Formal Academic Grievance Hearing and is able to return within a reasonable time frame, the Formal Academic Grievance Hearing shall be postponed until the Academic Grievance Board member is available.

If an Academic Grievance Board member becomes ill during the Formal Academic Grievance Hearing and is unable to return within a reasonable time frame, the Academic Grievance Board member shall be replaced.

Replacement of an Academic Grievance Board member shall follow Article V, Section B.

5. The student(s) or faculty member(s) may be accompanied by either an advocate or counsel if he/she chooses. The advocate and counsel may not attend the Formal Academic Grievance Hearing in place of the student(s) or faculty member(s). If the student(s) or faculty member(s) plans to be accompanied by counsel, the Chairperson of the Academic Grievance Board shall be notified, in writing, at least 48 hours prior to the time of the Formal Academic Grievance Hearing. The student(s) and faculty member(s) are responsible for any cost incurred to retain his/her respective counsel.
6. All parties associated with the concern(s) shall be present for the Formal Academic Grievance Hearing. Each person may speak to only his/her first-hand knowledge of the concern(s). However, due to the confidential nature of the Formal Academic Grievance Hearing, attendance is limited to the Academic Grievance Board members, Vice President of Academic Affairs, or designee, all student(s) and faculty member(s) directly involved, witness(es), advocates and counsels.

Since the student initiated the complaint, if the student fails to attend the Formal Academic Grievance Hearing, the hearing will not be held and the student will forfeit his/her right to pursue the complaint any further through any grievance process at NCCC unless the student can demonstrate to the satisfaction of the Academic Grievance Board that he/she could not attend the Preliminary Hearing. If the faculty member fails to attend the Formal Academic Grievance Hearing and it is confirmed he/she knew of the date, time and place of the hearing, the hearing shall proceed. All participants should refrain from discussing the aspects of the grievance outside the hearing setting.

7. The Academic Grievance Board reserves the right to call for executive session, if so warranted.
8. At the beginning of the Academic Grievance Hearing, every person in the room shall be introduced and the purpose of his/her presence shall be identified.
9. The Academic Grievance Board may impose reasonable time limits on all presentations. One Academic Grievance Board member shall be appointed to act as time keeper.
10. Following each presentation, the Academic Grievance Board may ask questions for clarification.
11. All speakers should address the Academic Grievance Board and no other person(s) involved.
12. All procedural questions are subject to the final decision of the Chairperson of the Academic Grievance Board.
13. At the beginning of the Formal Academic Grievance Hearing the student, or each student, shall inform the Academic Grievance Board, in writing, of the remedy he/she is seeking through the Formal Grievance Hearing.
14. The student, or each student, shall present his/her understanding of the concern(s). If more than one student is involved, they may take turns during the presentation. The student(s) should present any supporting information that is helpful to the Academic Grievance Board in making a decision.

The student(s) may consult his/her advocate or counsel at any time during the Formal Academic Grievance Hearing. The student(s), not the advocate or counsel, is responsible for presenting his/her understanding of the concern(s) and responding to any questions.

15. The faculty member, or each faculty member, shall present his/her under standing of the concern(s). If more than one faculty member is involved, they may take turns during the presentation. The faculty member(s) should present any supporting information that is helpful to the Academic Grievance Board in making a decision. The faculty member(s) may consult his/her advocate and/or counsel at any time during the Formal Academic Grievance Hearing. The faculty member(s), not the advocate or counsel, is responsible for presenting his/her understanding of the concern(s) and responding to any questions.
16. The student, or each student, may respond to any statements made.
17. The faculty member, or each faculty member, may respond to any statements made.
18. The student, or each student, may present concluding comments.
19. The faculty member, or each faculty member, may present concluding comments. Note: It may take longer than one meeting to complete the presentations.
20. Following all the presentations, the Academic Grievance Board shall go into executive session to decide if the student received fair or unfair academic treatment. The Academic Grievance Board shall only consider evidence presented during the Formal Academic Grievance Hearing.

If the Academic Grievance Board decides the student received unfair academic treatment, the Board shall make a recommendation(s) to redress the treatment.

21. The Academic Grievance Board shall submit its decision and any recommendation(s), in writing, to the Vice President of Academic Affairs, or designee, within ten (10) working days from the Formal Academic Grievance Hearing.
22. The Vice President of Academic Affairs, or designee, shall render his/her decision, in writing, to implement the recommendation(s) from the Academic Grievance Board within ten (10) working days.
23. If the Vice President of Academic Affairs, or designee, cannot accept the recommendation(s) from the Academic Grievance Board to redress unfair academic treatment, the Vice President of Academic Affairs shall meet with the Academic Grievance Board to discuss his/her concern(s). The Academic Grievance Board and the Vice President of Academic Affairs shall try to reach consensus on redress of unfair academic treatment.
24. The Office of Academic Affairs shall notify, in writing, the student(s) and faculty member(s) about the decision of the Vice President of Academic Affairs, or designee, within two (2) working days from his/her decision.
25. After receiving the decision of the Vice President of Academic Affairs, the student(s) or faculty member(s) may appeal the decision, in writing, to the President of the College, or designee, within five (5) working days.
26. The President of the College, or designee shall render his/her decision, in writing, concurring or disagreeing with the decision of the Vice President of Academic Affairs, or designee, within ten (10) working days.

## Article 5

### A. Academic Grievance Board Membership

There shall be five (5) faculty Academic Grievance Board members and two (2) student Academic Grievance Board members.

1. The five (5) faculty members on the Academic Grievance Board are elected by the Faculty Senate. Membership terms for the Academic Grievance Board for (3) three years on a rotating basis.

Members replacing those with expired terms are elected each year at the May meeting of the Faculty Senate. The Chairperson of the Academic Grievance Board is elected annually by the Academic Grievance Board members by a majority vote.

The selection of the Chairperson shall occur in an organizational meeting of the Academic Grievance Board held in September. The Office of Academic Affairs shall call this meeting.

### B. Choosing Alternate Academic Grievance Board Members

1. If a Formal Academic Grievance involves a faculty member(s) of a division from which a Academic Grievance Board member(s) is already elected, an alternate(s) shall be chosen to replace that Academic Grievance Board faculty member(s) for that specific academic grievance. The temporarily replaced Academic Grievance Board faculty member(s) may not observe any proceedings dealing with that academic grievance. The process for choosing an alternative shall be done on a rotating basis from an alphabetical list of divisions.

The Division Chairperson shall be contacted by the Office of Academic Affairs to request a volunteer to act as an alternate for the academic grievance in question. An alternate(s) shall not be chosen from a division(s) already represented on the Academic Grievance Board. An alternate(s) shall be chosen from full-time faculty members.

2. If a formal academic grievance involves a faculty member(s) which a student Academic Grievance Board member(s) currently has for a course, or if the student is currently enrolled within the faculty member's curriculum, an alternate(s) shall be chosen to replace that Academic Grievance Board student member(s) for that specific grievance. The temporarily replaced Academic Grievance Board student member may not observe all proceedings dealing with the academic grievance. An alternate(s) shall be selected through the Student Senate.

The President of the Student Senate shall be contacted by the Chairperson of the Academic Grievance Board to request a volunteer(s) to act as an alternate(s) for the grievance in question.

### C. Record of proceedings

The Academic Grievance Board reserves the right to create a record of all proceedings for accuracy and review. The record used is the only one that is permitted during all proceedings. If requested, the student(s) and faculty member(s) involved shall have access to the record through the Office of Academic Affairs. The record and all documents relevant to the concern(s) shall be kept in a confidential file by the Vice President of Academic Affairs for seven years from the date of the end of the grievance process

### D. Voting Procedures

Approval of any recommendation(s) or decision(s) requires a majority vote. The Academic Grievance Board Chairperson is permitted to vote in all proceedings.

### E. Time Frames

Any time frame may be extended if necessary. All such extensions shall be reasonable.

**F. Equity and Diversity Officer**

The Chairperson of the Academic Grievance Board may request the Equity and Diversity Officer to attend, in an advisory capacity, the Preliminary Hearing and if necessary the Formal Academic Grievance Hearing if a student alleges he/she received unfair academic treatment based on discrimination.

**G. Definitions**

1. The term “College” means Niagara County Community College.
2. The term “student” includes any person taking a credit course(s) at the main College campus or any official off-campus site, both full- and part-time, matriculated and non-matriculated.
3. The term “faculty member” means any person employed by the College to conduct educational activities.
4. The term “Academic Grievance Board” refers to the body authorized by the President of the College, or designee, to implement the Formal Academic Grievance Process.
5. The term “policy” includes all written regulations of the College as found in, but not limited to, the Student Handbook and the College catalog.
6. The term “working days” refers to the hours and days the College conducts administrative operations. This is usually Monday through Friday 9 am to 5 pm from September to May, and Monday through Thursday 8 am to 5:15 pm during June, July and August.
7. The term “recommendation(s)” refers to a remedy proposed by the Academic Grievance Board. A recommendation(s) is not binding.
8. The term “decision(s)” refers to a determination by the Academic Grievance Board, Vice President of Academic Affairs, or designee, or President of the College, or designee. A decision(s) is binding.
9. The term “advocate” means any person from the Academic or Student Services units designated, or a student, faculty member or staff member the student(s) or faculty member(s) selects to advise/assist him/her with the Formal Academic Grievance Process.
10. The term “counsel” means any person external to the College that the student(s) or faculty member(s) retains to advise/assist him/her with the Formal Academic Grievance Process. The student(s) and/or faculty member(s) are responsible for any cost incurred to retain his/her respective counsel.
11. The term “plagiarism” includes, but is not limited to, the use of paraphrase or direct quotation of the published or unpublished work of another person without full and clear acknowledgement; the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
12. The term “Standard of Ethics Policy” means the approved policy by the Board of Trustees for select curricula which addresses safe patient care and/or ethics standards in a profession. Refer to the College catalog for further information.

**Article VI: Interpretation and Revision**

Any questions about or interpretation the Academic Grievance Policy shall be referred to the Vice President of Academic Affairs, or designee, for final determination. The Academic Grievance Policy shall be reviewed a under the direction of the Vice President of Academic Affairs, or designee.

## **Drug and Alcohol Policy**

Niagara County Community College is committed to the elimination of drug and alcohol abuse for its students and employees. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in and on Niagara County Community College owned or controlled property. Any Niagara County Community College employee determined to have violated this policy may be subject to disciplinary action up to and including removal. No employee will report to work while under the influence of illegal drugs. Violation of these rules by an employee will be reason for mandatory evaluation/treatment for a substance use disorder or for disciplinary action up to and including removal.

The use of alcohol while on Niagara County Community College owned or controlled grounds is absolutely prohibited except when authorized by the College for approved College functions.

## **NCCCnet Use Policy**

Introduction: Niagara County Community College provides computing resources to support NCCC users in academic research and the learning/teaching process.

### **Definitions:**

1. NCCCNet means the campus-wide, computer-based data system which includes, but is not limited to, the host computer systems, College licensed software, College owned computers and related equipment, communication networks specifically, but not limited to, the internet.
2. User means any NCCC credit student, College employee or community member.
3. Student means any person taking a NCCC credit course at the main College campus or any official off-campus site.
4. College employee means any person eligible to be a member of the Educational Support Personnel Association, Faculty Association or Technical Personnel Association, a College administrator or part-time personnel.
5. Community member means any person who is not a NCCC credit student or College employee. Any person taking a NCCC non-credit course is a community member.
6. Electronic communications means e-mail and voice mail which includes, but is not limited to, the internet.

**Confidentiality:** NCCC will strive to provide privacy and academic freedom for all NCCCnet users while keeping within the College policies and practices and state and federal laws. While unauthorized access of a user's NCCCnet account is prohibited, NCCC cannot guarantee complete confidentiality of any user's NCCCnet account. In addition, all data on a user's NCCCnet account is subject to court order.

**Software licensing:** Per U.S. Code, Title 17, Section 106, software shall only be distributed per the licensing software agreement. NCCC is obligated to enforce all software licensing agreements.

## **Software and Computer Hardware Allocation:**

- a. The Department of Administrative Computing or the Department of Academic Computing and the appropriate Vice President will:
  - 1.) determine what software will be loaded onto NCCCnet;
  - 2.) assign all computing hardware and related equipment.
- b. Users must obtain the approval of the Department of Administrative Computing or Department of Academic Computing and the appropriate Vice President before:
  - 1.) moving any College licensed software;
  - 2.) moving any College owned computing hardware or related equipment;
  - 3.) loading any software onto NCCCnet (individual computers and especially those involving server groups).

## **Rights and Responsibilities of Users:**

- a. Only NCCC students and College employees are entitled to NCCCnet accounts.
- b. A NCCCnet account is intended for the sole use of the assigned user, and is non-transferable.
- c. Anytime a user is connected to NCCCnet, whether local or remote, the user is responsible to comply with the NCCCnet Use Policy.
- d. All users are responsible to respect the rights of other users.
- e. All users are expected to use NCCCnet in a responsible manner (e.g. users should not consume unreasonable amounts of limited computing resources).
- f. All users are responsible to protect their NCCCnet account password from discovery or use by another person.
- g. The assigned user is responsible for the usage of his/her NCCCnet account. If user knowingly or inadvertently makes his/her NCCCnet account password available to another person, he/she is responsible for any sanctions that may arise from the use of his/her NCCCnet account by another person.
- h. All users are responsible to report to the Department of Administrative Computer or the Department of Academic Computing if they suspect that their NCCCnet account was accessed without permission.
- i. All users are responsible to change their NCCCnet account password if they suspect that their NCCCnet account was accessed without permission.
- j. All students are responsible to backup data stored on their NCCCnet account.
- k. All users are responsible to maintain any privately owned software, personal computer or related equipment. NCCC is not responsible for any privately owned software, personal computers or related equipment.

## **Rights and Responsibilities of NCCC:**

- a. NCCC has the right to control all policies and procedures governing NCCCnet.

- b. NCCC has the right to monitor the use of all computing resources and to protect the integrity of NCCCnet as well as any other College computing system or network. NCCC will honor a user's right to privacy, but reserves the right to monitor all communications transacted through NCCCNet. See Section VIII for prohibited behaviors.
- c. NCCC has the right to monitor all software loaded onto NCCCnet and remove any unauthorized software.
- d. NCCC has the right to allocate the use of all NCCCnet resources (e.g. time and space) as necessary. The Vice President of Operations has the discretion to allocate NCCCnet accounts to clients and persons associated with units in this area.
- e. NCCC has the right to terminate any user's NCCCnet account.
  - 1.) NCCC reserves the right to terminate employees' access to NCCCnet when their employee status ends.
  - 2.) NCCC will terminate students' access to NCCCnet when their student status ends—either the student terminates enrollment or fails to enroll for the next consecutive semester.
  - 3.) NCCC reserves the right to terminate any user's access to the NCCCnet if he/she violates this policy or he/she is no longer associated with NCCC.
- f. NCCC has the right to investigate any data stored on a user's NCCCnet account that caused or may cause a system problem and remove such data.
- g. NCCC will determine the level of access all users have to data on NCCCnet.
- h. NCCC bears no responsibility for loss of any data stored on a user's NCCCnet account due to system failure, user error or any other cause.

**Prohibited Behavior:**

Prohibited behavior includes, but is not limited to, the following and complies with conditions stipulated in the federal law Telecommunications Act 1996 Sections 502 & 507 Title V Subtitle A "Obscene, Harassing and Wrongful Utilization of Telecommunications Facilities." A copy of these laws will be available in the Library Learning Center.

- a. Violating any child pornography law, state or federal law, NCCC policy, copyright or software agreement while using NCCCnet.
- b. Accessing or attempting to access an unauthorized area of NCCCnet the user is not allowed to access. Hacking is prohibited per Public Law 98-473, Chapter XXI.
- c. Disrupting or attempting to disrupt the integrity of NCCCnet or any other College computing system or network.
- d. Altering or attempting to alter any College licensed software or the configuration of any College owned computer or related equipment.
- e. Circumventing or attempting to circumvent any data protection scheme.
- f. Discovering or attempting to discover any security loophole or possessing software to do such.
- g. Decoding or attempting to decode any encrypted material

- h. Deliberately wasting or overloading any NCCCnet resource.
- i. Viewing, downloading, trading or posting to a NCCCnet account or transporting across NCCCnet material that is non-business related, illegal, proprietary, obscene, in violation of the NCCC contractual agreements or otherwise damaging to NCCC.
- j. Harassing, threatening, defaming or otherwise causing harm to another person through electronic communications, whether by direct or indirect reference, including sexual and racially offensive jokes.
- k. Accessing or attempting to access another user's NCCCnet account.
- l. Manipulating or attempting to manipulate data in another user's NCCCnet account.
- m. Sharing one's NCCCnet password and account with another person.
- n. Misrepresenting one's identity in electronic communication.
- o. Plagiarizing any electronic work (e.g. text, graphics or programs).
- p. Violating any copyright or software agreement.
- q. Using NCCCnet for any commercial purpose unless authorized by the Office of the President.
- r. Reading, deleting, copying or altering electronic communications of others.
- s. Sending unsolicited "for profit" personal messages or chain letters.
- t. Using the internet and e-mail for other than educational and work related purposes.

Any of these behaviors by a user will prompt a College official to take action. Procedures for Handling a Violation of the NCCCnet Use Policy or Misuse of NCCCnet Resources:

Complaints regarding a violation of the NCCCnet Use Policy or misuse of the NCCCnet resources should be directed to the person responsible for taking action.

**a. Student:**

A suspected violation of the NCCCnet Use Policy or misuse of NCCCnet resources by a student should be reported to the Vice President of Student Services, or designee, and handled through the Student Code of Conduct Policy.

While investigating the suspected violation or misuse, the Vice President of Student Services, or designee, may suspend a student's NCCCnet privileges. The Office of Student Services will notify the student, in writing, within three (3) working days that his/her NCCCnet privileges were suspended.

## **Sanctions:**

A user's NCCCnet privileges will not be suspended unless the suspected violation is reasonably perceived to constitute unlawful activity; pose a risk to the integrity of NCCCnet or any other College computing system or network or present an imminent threat to the safety or welfare of NCCC, a student, College employee or another person in the community. Penalties that may be imposed include, but are not limited to, reprimand, temporary or permanent loss of using NCCCnet or referral to College, state and/or federal authorities.

## **Interpretation and Revision:**

Any question about or interpretation of the NCCCnet Use Policy shall be referred to the Office of the President for final determination.

The NCCCnet Use Policy shall be reviewed annually under the direction of the Executive Vice President of Academic Affairs, Vice President of Student Services and the Vice President of Finance.

## **NCCC Policy Concerning Sexual Assaults**

### **Policy Statement:**

Niagara County Community College does not condone any form of sexual assault committed by any member of the College Community. Sexual assaults are crimes of violence, and men and women of the campus community who commit these crimes are subject to serve sanctions pursuant to the Penal Law of the State of New York as well as through the campus judicial system of College Policy and Procedures as established through the collective bargaining agreements, Board of Trustees Policy and/or the Student Code of Conduct. Internal sanctions may include suspension or expulsion of students, required leave, or termination of employment.

### **Definition:**

Sexual assault is forced sexual acts or any sexual contact against one's will as defined in Penal Law S130.00(3).

### **Procedure:**

**Reporting**—Sexual assault incidents shall be reported to Campus Security, which in turn is required to report such incidents to law enforcement agencies. When the victim reports the incident, the Victim Assistance Support Team shall be contacted immediately. This team will consist of the College nurse, a counselor, a victim advocate and a representative of Campus Security. The team is to make available immediate medical and psychological treatment for the victim. This team will also advise the victim about his/her rights to initiate judicial proceedings on campus, as well as the right to utilize law enforcement agencies.

**Off College Owned or Controlled Property**—If the assault occurs off College owned or controlled property and the alleged perpetrator is a member of the College Community, the College may invoke established procedures as deemed necessary to protect the institution and those affiliated members.

**Confidentiality**—All reports of sexual assault will be kept confidential and anonymity of all parties will be maintained to the extent possible. The names of the involved parties will only be available during the investigation and hearing to those with a "need to know." Those with a "need to know" may include: the alleged victim, the alleged accused, the members of the Victim Assistance Support Team, the hearing officer and counsel for all parties including the College.

**Action**— If the accused is a student, the procedures detailed in the Student Code of Conduct shall be followed. If the accused is an employee of the College and/or College Association, the procedures detailed in the respective contractual agreement and/or according to terms or conditions of employment shall be utilized.

All documents related to the incidents will be kept on file as required by the State of New York.

**False Accusations:**

False accusations of sexual assault are a serious matter and the accuser may be subject to disciplinary action according to the provisions of the appropriate contract or the Student Code of Conduct as well as the Penal Law of the State of New York.

**Communication of Incident:**

The need for notification of the College Community will be determined by the College President and the Director of Security based on the specific situation and safety of College personnel. In no case will the College release the names of involved parties. Any communication, both internal and external, will be coordinated by Public Relations and the Office of the President.

**Sexual Harassment Policy & Procedures**

It is the policy of Niagara County Community College to establish an environment in which the dignity and worth of all members of the College Community are respected. In keeping with this principle, the sexual harassment of students, employees or a third party (defined as prospective and former students as well as other visitors to the campus, including parents, vendors, contractors, etc.) is considered unacceptable conduct and will not be tolerated. Sexual harassment subverts the mission of the College and undermines the educational process. In relationships between members of the College Community, it creates an atmosphere which is not conducive to learning or productivity.

Niagara County 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, NYS Executive Order #28, and other human rights and educational opportunity laws. These laws include prohibitions of discrimination in employment and educational programs and services on the basis of sex.

It is the policy of Niagara County Community College that all forms of sexual harassment should be corrected early and firmly in the interest of maintaining a barrier-free working and learning environment. Note: These laws apply to women harassing women, women harassing men, men harassing men and men harassing women.

**Definition:**

Sexual harassment is an unwanted and unwelcome attention directed toward someone's gender or sexual identity. The behavior can be verbal, nonverbal or physical. There are two types of sexual harassment. The first type is known as "quid pro quo" which involves implicit or explicit requests for favors that may be used as condition or basis for employment or educational decisions or promotion. The second type of sexual harassment is known as "hostile environment." It is any unwanted verbal or physical sexual advance or sexually explicit or implicit derogatory statements or actions made by someone in the College Community, which are offensive and/or which cause the recipient discomfort or humiliation or which interfere with the recipient's school or work environment. Examples: Sexual harassment behaviors may include, but are not limited to, leering at a person's body; verbal harassment or abuse of a sexual nature; inappropriate touching, petting, pinching or brushing against a person's body; subtle or direct pressure for sexual favors accompanied by implied or overt threats concerning grades, employment recommendations, job performance, evaluation, etc.

**Responsibility:**

This policy applies to all members of the College Community, who are encouraged and have responsibility to promptly report complaints of sexual harassment. In the absence of the Equity & Diversity Director, any complaint of sexual harassment is to be reported to the individual designated by the President to receive informal or formal complaints. Administrators and supervisors have further responsibility of preventing and eliminating sexual harassment within their respective areas.

## **Non-Reprisal Statement**

No College employee, student, applicant for employment, or member of the public (third party) may be subject to restraint, interference, coercion or reprisal for action taken in good faith to seek advice concerning a sexual harassment matter, to file a sexual harassment complaint, or to serve as a witness in the investigation of a sexual harassment complaint.

## **Procedures:**

- I. Informal Reporting:** The aim of the informal complaint resolution is not to determine whether there is intent to harass, but to ensure that the alleged offending behavior ceases and that the matter is resolved promptly. No disciplinary action is taken in resolving informal complaints. If the situation is resolved or if the complainant does not want to pursue further investigation, the process may end at this stage. However, if the complainant is not satisfied with the outcome, or if the complainant chooses to forego the informal reporting stage, he/she may proceed directly to the formal reporting procedures.
1. Any member of the College Community (students, employees or third parties) may seek advice, information or counseling on matters related to sexual harassment without having to lodge a formal complaint. The complainant will be made aware of the institution's formal policy and procedures on sexual harassment and his/her options. Persons who believe that they have been victims of sexual harassment as defined above may approach a member of the College Community with whom they feel comfortable such as: advisor, counselor, faculty, administrator, security officer or College nurse. The Equity & Diversity Director is available for consultation and/or referral by the above mentioned sources.
  2. At this point, if the complainant, after the initial meeting with the member of the College Community decides to proceed with the complaint, the complainant should make a written statement to the Equity & Diversity Director, or designee.  
  
Dissemination of the information relating to the case should be limited to those on a need to know basis in order that the privacy of all individuals involved is protected as much as possible.
  3. After a complaint is submitted, the Equity & Diversity Director, or designee, should initiate appropriate actions to affect an informal resolution. These actions may include, but are not limited to: (a) The person(s) to whom the complaint is brought will counsel the complainant as to the options available under this policy which include the informal and formal procedures available for resolving the complaint; (b) The Equity & Diversity Director, or designee, may help the complainant resolve the complaint that will be acceptable for both parties, if the identifying information about himself/herself or any other party is known (e.g. names, department or unit). A conversation may remain confidential and no further action normally will be taken when an individual wishes to make an inquiry or complaint if he or she does not reveal identifying information. While the confidentiality of the information received, the privacy of the individuals involved and the wishes of the complainant regarding action by the College cannot be guaranteed, they will be protected to as great a degree as is legally permissible; (c) the Equity & Diversity Director, or designee, may help the complainant draft a formal complaint if the complainant decides to follow that route.
  4. At this stage, there will be no records of complaints kept in personnel files. However, all complaints will be kept in the Office of Equity & Diversity.
- II. Formal Reporting:** If the complainant wishes to forego the informal stage and proceed to the formal reporting stage, or if the matter has not been resolved through the informal process, the complainant will do so in writing with the Equity & Diversity Director, or designee. The Equity & Diversity Director, or designee, will initiate an investigation to establish whether there is a reasonable basis for believing that a violation of the policy has occurred.

1. A complaint must be filed within 45 calendar days following the alleged incident, or 45 days after the date on which the complainant first recognized the full extent of the alleged harassment incident, if that date is later. For example, the complainant may file a complaint 45 days after he/she has received their grades.
2. The Equity & Diversity Director, or designee, will contact the alleged offender and the administrator and/or supervisor of the department in which the alleged offender works or the Vice President of Student Services. If the alleged offender is a campus administrator, the guidelines set forth by SUNY regarding sexual harassment will be implemented. At this time, the alleged offender will be informed of the allegations, the identity of the complainant and the facts surrounding the allegations. A written statement of the complaint will be given to both parties. If the alleged offender is a third party, the complainant will be informed of avenues of resource which may include filing charges with the New York State Human Rights, initiating civil action or seeking redress under state criminal statutes and/or federal law.
3. The investigation will afford both parties, the alleged offender and the complainant, the full may be accompanied by legal counsel and/or union representation. The Equity & Diversity Director, or designee, will involve only those persons who are believed to have pertinent factual knowledge. To every extent possible, allegations will be handled confidentially and the information will be available only to those who have a compelling need to know for the purpose of the investigation. The investigation must be completed within a reasonable time from the initial receipt of the complaint.
4. Within five (5) days after the end of the investigation, the Equity & Diversity Director, or designee, will prepare a written report to the President of the College, or designee, of his/her findings, which may include, but are not limited to: (1) a determination that the allegations are not warranted; (2) a determination that the allegations are warranted and a recommendation made of a negotiated settlement; or (3) a determination that the allegations are warranted and recommendation for implementation of appropriate College procedures and/or disciplinary actions.

**Presidential Action:**

Within 15 working days after receipt of the Equity & Diversity Director's findings, the President of the College, or designee, will make a determination as to whether there was a violation of policy, and will inform the complainant and the alleged offender of the disposition of the complaint.

**Options Following Presidential Action:**

In the event that one of the parties does not accept the President's decision, the appropriate procedure applicable under present collective bargaining agreements or campus student judiciary regulations will be implemented. Campus administrators not covered by a collective bargaining agreement will follow the guidelines set forth by SUNY regarding sexual harassment.

Filing a complaint with the College does not preclude a complainant from filing with outside agencies such as the Equal Employment Opportunity Commission or the State Division of Human Rights. If the complainant is dissatisfied with the President's decision, he/she may file a formal complaint with the appropriate state or federal agency. The Equity & Diversity Director will assist the complainant by providing information on names and addresses of these agencies.

NOTE: The need for notification to the County Attorney's office involving any incident will be determined by the College President and the Equity & Diversity Director based on the specific situation. All communication, both Internal and external, as well as, all relevant materials will be coordinated and forwarded by the Office of Equity & Diversity and the President's Office.

**False Accusation:**

False accusations of sexual harassment are a serious matter and anyone who can be shown to have falsely accused another may be subject to disciplinary action according to the provisions under the Penal Code of the State of New York, the Student Conduct Code and collective bargaining agreements. Campus administrators not covered by a collective bargaining agreement will be subject to College discipline.

**Statement on Consensual Sexual and Amorous Relationships**

Niagara County Community College, NCCC, acknowledges its responsibility to provide clear direction to the College Community about the professional risks associated with consensual amorous and/or sexual relationships in which a definite power differential between parties exists.

In as much as NCCC is committed to fostering the development of learning and work environments characterized by professional and ethical behavior and free of discriminatory behavior, consenting amorous and/or sexual relationships between College employees and students, or between supervisor and subordinates are strongly discouraged. NCCC recognizes that it is difficult to regulate such personal decisions, but views them as a reason for concern for the following two reasons:

- A. **Power Differential:** Individuals entering into consensual amorous and/or sexual relationships involving a power differential must recognize that (1) the reasons for entering such a relationship may be a function of the power differential; (2) where power differential exist, even in seemingly consensual relationships, consent may not be considered a defense if a complaint of sexual harassment or retaliation is brought; and (3) is almost always the case that the individual with the power or status advantage in the relationship will bear the burden of accountability.
- B. **Conflict of Interest:** Conflicts of interest may arise in connection with consensual amorous and/or sexual relationships between College employees and students, or between supervisor and subordinates. College policy and more general ethical principles preclude individuals from evaluating the work or academic performance of those with whom they have intimate, familial relationships or from making hiring, salary or similar decisions that have a financial impact on such persons. The same principles apply to consensual amorous and/or sexual relationships and require that appropriate alternate arrangements be made for objective decision making with regard to the student, subordinate or prospective employees.)

**Disabled Student Services**

In accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, NCCC provides “reasonable accommodations and support services to students with disabilities, including learning disabilities”. Our objective is to support the educational and vocational goals of students with disabilities at NCCC.

Registration with the Coordinator of Disabled Student Services is on a voluntary, self-identifying basis and is necessary to receive services. This process is confidential and requires certified documentation. If you anticipate using accommodations, it is important that you contact the Coordinator (as soon as possible).

**Immunization Policy**

In accordance with New York State Public Health Law 2165, it is the policy of Niagara County Community College to require all students who were born on or after January 1, 1957, to be immunized for measles, mumps and rubella. In addition, students are expected to provide proof or sign a waiver for meningitis prior to registration.

## **Purpose**

The purpose of this policy and the Public Health Law is to eliminate outbreaks of measles, mumps and rubella among college and university students in New York State. Vaccine preventable disease outbreaks occurring on college campuses result in high cost to both student and institutions.

## **Definitions**

Student means anyone born on or after January 1, 1957.

Attendance at a post-secondary institution is defined as the physical presence of the student at the main campus and/or any off-campus sites and shall begin on the first scheduled day of classes each semester.

Acceptable proof of immunity for measles means two doses of live vaccine, the first given on or after the first birthday and after January 1, 1968, and the second one after fifteen months of age. There must be an interval of at least 30 days between the first measles dose and the second dose of the vaccine. Serological proof (titre) is also acceptable as is a physician's statement of prior disease history.

Acceptable proof of immunity to rubella consists of one dose of live vaccine given on or after the first birthday and after 1968, or serological evidence of immunity for rubella.

Acceptable proof of immunity for mumps consists of immunization on or after the first birthday and after 1968, serological evidence of immunity, or physician's statement of disease history.

In case of Meningitis, the student is required to submit proof form a physician or Health department or by signing a waiver form provided by the Wellness Office at NCCC

In all cases, proof of immunity must be documented by one of the following:

Physician's or Health Department record, high school record, or statement signed by the appropriate College Health Services official indicating that they have received the appropriate immunization on campus.

## **Exemption-Medical and Religious**

If a licensed physician or nurse practitioner certifies in writing that one or more of the required immunizations may be detrimental to the student's health or is otherwise medically contradicted, the requirements for measles, mumps and rubella immunity shall be waived until such immunization is determined to no longer be detrimental to the student's health or otherwise medically contradicted.

The statement must specify those immunizations which may be detrimental and the length of time they may be detrimental.

Students granted exemptions for religious or medical reasons will be required to sign a statement indicating that they have been advised that in the event of an outbreak of measles, mumps, or rubella on campus that they will be excluded from attending classes or activities at Niagara County Community College until two weeks after the outbreak. In most instances they will be allowed to return to campus immediately upon receiving the vaccine.

## **Enforcement of Requirements**

Students new to the College must provide proof of immunity prior to their first registration. Students will be notified at the time of admission and in their notification of registration. Students who do not provide proof of immunity will not be allowed to register and/or may be excluded from classes and/or may be excluded from classes and/or will not receive final grade reports until they do so.

## **Reporting of Measles, Mumps, and Rubella and Outbreak Control Strategies**

In the event a student, staff member, or faculty is suspected of having measles infection, the Supervisor of the Health Services or the College nurse will notify the County Health Department immediately. Health Services will work with the Health Department to follow up with exposed close contact and implement outbreak control activities. Persons born before January 1, 1957, are considered immune from natural disease, but will be encouraged to obtain measles immunization.

Persons who are susceptible to measles will be encouraged to obtain measles immunization immediately. In the event such persons continue to refuse immunization or are unable to receive immunizations, the College will exclude them from attendance at Niagara County Community College.

### **Rubella**

In the event of a rubella outbreak on campus all females, student or staff, will be notified so that if they are pregnant they should notify their health care provider to determine their rubella immune status through serological results.

### **Institutional Responsibility**

It is the role of Health Services personnel to evaluate documentation supplied by students to ensure that the documentation meets requirements set forth in this policy and to input data to student records.

### **Confidentiality**

Student immunizations records contain information of a medical nature; and, therefore, must be considered confidential. Access is restricted to College employees whose job responsibilities require information from those records. Students wanting a copy of their records for their personal files or for transfer to another institution will be required to sign a release form prior to receiving the records.

## **College Health Insurance**

It is the policy of NCCC that all students are required to have health insurance. If students are not covered by their own insurance, they must participate in the Accident Insurance plan offered by the College. Optional Basic Sickness and Supplemental Medical Insurance is available to all students.

Information and claim forms are available in the Wellness Office

### **Confidentiality of Student Records**

In accordance with the statutory requirements of the Family Education Rights and Privacy Act of 1974, students at NCCC are provided full access to their educational records, the right to challenge the content of such records and the right to limit transferability of such records without their consent. Details pertaining to the content and location of student records, as well as to procedures for action and hearings, can be obtained in the Records Office.

Written consent from a student is required before personally identifiable information can be released from an individual educational record in all cases except those specifically exempted by law.

There is certain directory information which the College may release without the student's permission: the student's name, address (including e-mail), telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, photograph, weight and height of members of the athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student. However, a student may prevent the release of such information by completing the appropriate form in the Records Office.

The full College policy and procedure for exercising student rights under this law are available from the Vice President of Student Services. Inquiries or complaints may be filed with the Family Educational Rights and Privacy Act Office, Department of Health and Human Services; 350 Independence Avenue, SW; Washington, DC 20201.

# **Student Senate Information Moved to the Student Handbook**

## **Affirmative Action/Equal Opportunity Statement of Policy**

The Board of Trustees of Niagara County Community College adopted an Affirmative Action/Equal Opportunity policy in recognition of the College's commitment to ensuring equal employment and educational opportunity for all persons regardless of race, ethnicity, religion, age, marital status, sex, veteran status, national origin, sexual orientation or disability. The College is committed in practice to be non-discriminatory and to take remedial steps to correct inequities which exist.

The President, as chief executive officer, affirms this policy and will take appropriate action when the intent of State and Federal policies and law, and Affirmative Action and Equal Opportunity Regulations have been willfully or habitually abrogated at Niagara County Community College.

Inquiries regarding questions on application of a compliance with State and Federal policies and law may be directed to the Affirmative Action Officer.

### **Policy of Non-Discrimination on the Basis of Disability**

Niagara County Community College does not discriminate on the basis of disability in the admission or access to, or treatment or employment in its programs or activities. The College's Affirmative Action Officer and Disabilities Coordinator coordinate compliance with the non-discrimination requirements contained in Section 35.107 of the Department of Justice regulations.

Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, is available from the ADA Coordinator/Affirmative Action Officer.

Write or call:

Niagara County Community College  
Sanborn, New York 14132-9460  
Phone: (716) 614-6222 • Fax: (716) 614-6700

[www.niagaracc.suny.edu](http://www.niagaracc.suny.edu)

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©2010-11 Niagara County Community College  
Student Services  
3111 Saunders Settlement Road  
Sanborn, New York 14132-9460  
Phone: (716) 614-6240 • Fax: (716) 614-6700