



# Constitution of the Student Body

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Jamestown Community College does not discriminate on the basis of color, sex, sexual orientation, race, creed, religion, national origin or citizenship, age, marital status, military status, disability, family status, domestic violence victim status, arrest or conviction record, or predisposing genetic characteristics. This policy applies to access to all activities and programs under the college sponsorship as well as to application and selection for admission, employment, and all other personnel procedures within the college. The college reserves the right, whenever it deems advisable, to change its schedule of tuition and fees; to withdraw, cancel, reschedule, or modify any course, program of study, degree, requirement, or policy.

This material can be made available in alternative media upon request for those with disabilities. Accommodations for those with disabilities can be arranged upon request.

A copy of the JCC campus crime statistics as reported annually to the U.S. Department of Education will be provided upon request by the campus health and safety committee. Direct all such requests to the director of human resources at 716.338.1035. Information can also be obtained on JCC's website, [www.sunycc.edu](http://www.sunycc.edu).

# Constitution of the Student Body of Jamestown Community College

## JAMESTOWN CAMPUS

It is to be understood that this Constitution will conform to the academic and administrative policies of the college. Chapters 1-12 and the bylaws are applicable only to the Jamestown Campus. Any necessary clarification of this document shall be brought before the vice president of student development.

### CHAPTER I ♦ PURPOSES & PRINCIPLES

Full-time status is defined as 12 credits or more. Part-time seats shall be held only by a part-time student. Status is determined at the time of election or appointment and shall continue in force for the duration of the academic year.

**Article 1** - The purposes of this organized student body are to enable every student member:

1. To influence the direction and scope of college activities.
2. To discuss matters of common interest with the faculty and administration of the college in order to clarify and present the views of the student body.
3. To communicate with other students and the community through student publications, newspapers, and other means of public communication.

#### Article 2

1. The purposes stated in Article 1 shall be achieved through a Student Senate elected by members of the student body, and through committees made up of the Student Senate and/or members of the student body.
2. Any future reference to the Faculty Student Association in this document shall be FSA.

### CHAPTER 2 ♦ MEMBERSHIP & ORGANIZATION

#### Article 1

1. Every student, as stated in Article 1, Section 2, who has paid an FSA fee shall be a member of the student body.
2. By law, a student is anyone who pays "tuition" to an institution/agency for the purpose of studying a curriculum. Persons who pay fees for workshops or other non-credit offerings are not considered students, unless a "tuition" is paid.
3. Every member of the student body who is in good academic standing shall be eligible to be a candidate for and to hold elective and appointive offices. Any board member who is removed from good academic standing shall cease to hold office.
4. Students are considered in good academic standing if their GPAs are 2.0 or better each semester.
5. Every member of the student body has the right to sign at least one petition for each elective office and to vote in all elections held, except when provided differently in this constitution.

#### Article 2

1. There shall be a Student Senate at Jamestown Community College as the main representative of the student body for the Jamestown Campus and North County Extension Center.
2. Student Senate shall consist of six (6) sophomore members, six (6) freshman members, one (1) flexible member, two (2) North County Extension Center members, and a non-voting student trustee; all elected by the student body under the rules of the constitution. The flexible seat is only available for fall election candidates for the purpose of allowing transfer students an opportunity to run for senate. All seats, except the student trustee, may be held by full-time or part-time students.
3. Sophomore status is defined as having accrued 26 credits at the time of taking office.
4. There shall be at least two non-voting advisors to the Student Senate; one shall be the campus life director and one shall be a JCC faculty/staff/administrator member. A third advisor may be appointed to the Student Senate, if interest is shown or it is deemed appropriate by the senate or advisors. The third advisor shall also be a JCC faculty/staff/administrator member.
5. Full- and part-time students shall be allowed to serve a maximum

of three (3) academic years.

#### Article 3

1. The executive committee of the Student Senate shall consist of a chairperson, vice chairperson, secretary, and treasurer.
2. The officers shall be elected by a majority vote of the Student Senate in the fall semester.
3. The executive committee shall act on behalf of the entire Student Senate, where the committee and the advisors deem it necessary.
4. Freshmen representatives are ineligible to hold the office of chairperson. It is preferred that the chairperson position be held by a returning Senate member with sophomore status.

#### Article 4

1. An interim Student Senate board shall serve as the representative of the student body during the period from the day of graduation until the new board takes office in the following academic year.
2. This interim board shall consist of the newly elected sophomore Student Senate members.
3. The interim board shall elect the interim chairperson and interim vice-chairperson. These positions will be held over the summer with new executive officer elections to be held in September from the full board.
4. The interim board comprised of all sophomore senate members elected in the spring election process shall have the same functions as the permanent board and shall be bound by this constitution.

### CHAPTER 3 ♦ ELECTIONS

#### Article 1

1. Students who wish to be placed on the ballot may do so by securing a petition and obtaining signatures of at least twenty (20) members of the student body. Spring candidates must also obtain two faculty endorsements on their petition. The petition must be returned at least one (1) week prior to elections to the campus life director.
2. No student can be a candidate for both Student Senate and the Student Trustee in any election. A student may be elected to Student Senate and elected or appointed to a college committee, but may not hold the title of Student Trustee and Student Senate member in the same academic year.
3. Only students in good academic standing shall be permitted to be candidates for either elective or appointive offices. Any office holder who is removed from good academic standing shall cease to hold office.
4. Students who wish to campaign may obtain further information from the Student Senate and campus life offices.
5. Write-in candidates must receive a minimum of twenty (20) votes to be eligible to hold elective office.

#### Article 2

1. Student Senate sophomore representatives shall be elected in the spring before the closing of school. Student Senate freshman representatives, and the flexible Senate member shall be elected during the first full month of instruction in the fall. Any vacant positions from spring shall also be filled during this fall election.
2. The executive committee of the Student Senate, as defined in Chapter 2, Article 3, shall be elected in the fall semester by a majority vote of the Student Senate through written, secret ballot. In the event of a tie, the Student Trustee may cast a vote.

#### Article 3

1. All elections shall be by secret ballot which shall be provided.
2. All members of the student body who vote shall be tracked on a roster of currently enrolled students, which shall be provided.
3. All student body members who wish to vote may be asked to produce ID at the time they cast their vote to verify identity.
4. Elections shall be held on the Jamestown Campus and at the North County Extension Center every semester.

#### Article 4

1. The election committee shall have the authority and jurisdiction over all elections, unless otherwise stated in this constitution.
2. The election committee shall consist of members of the current

senate who are not candidates for the upcoming election and at least one of the advisors.

3. It shall be the duty of the election committee to (a) arrange the specified times and places for obtaining and returning petitions; (b) certify the validity of the petitions; (c) to conspicuously post the time and place of elections; and (d) to see that these specifications are observed.
4. It shall be the duty of the election committee to oversee and supervise all elections and tabulate results.

#### **CHAPTER 4 ♦ STUDENT TRUSTEE**

**Article 1** - Although the student trustee will have as his/her primary responsibility the interest of the college as a whole, he or she will be expected to be especially mindful of the interests of students and to articulate those interests within the board.

1. The student trustee will be elected from the entire student body at all sites during May elections.
2. The student trustee must be a full-time student at either the Jamestown or Cattaraugus County campuses or North County Extension Center.
3. Only students in good academic standing may be candidates for student trustee.
4. Full-time students shall be allowed to serve a maximum of two (2) academic years.

#### **CHAPTER 5 ♦ FACULTY STUDENT ASSOCIATION**

##### **Article 1 - Executive Board**

1. Two (2) full-time FSA representatives, one from Jamestown Campus/North County Extension Center and one from the Cattaraugus County Campus, will be elected at the time of elections as stated in the FSA bylaws.
2. In the event of a vacancy on the FSA Executive Board, student appointments will be made through recommendations of the Student Senate and by final approval of the FSA Executive Board.

##### **Article 2 - Jamestown Campus/North County Center Activity Board**

1. Representatives to FSA shall be as follows: chairperson of the Student Senate or appointee of the chairperson; one freshman representative; one sophomore representative; one North County Center student representative; and one part-time student representative. These student positions (excluding Student Senate chairperson) will be elected at the time of elections as stated in the FSA bylaws.
2. Candidates for the FSA activity board may also be a candidate for Student Senate, but are not required to be.
3. In the event of a vacancy on the FSA Activity Board, student appointments will be made through recommendations of the Student Senate and by final approval of the FSA Activity Board.

#### **CHAPTER 6 ♦ STUDENT AFFAIRS COMMITTEE**

##### **Article 1**

1. Three Student Affairs Committee representatives shall be elected at the time of elections.
2. Three representatives from the Student Senate shall be appointed to the Student Affairs Academic and Disciplinary Appeal Panels by the Student Senate on their respective campuses as required.
3. In the event of a vacancy, appointments may be made from the student body by the Student Senate or the Student Affairs Committee.
4. Candidates for the Student Affairs Committee may also be a candidate for Student Senate, but are not required to be.

#### **CHAPTER 7 ♦ COLLEGE PROGRAM COMMITTEE**

##### **Article 1**

1. Student representatives may be elected to the College Program Committee during spring or fall elections.
2. In the event of a vacancy, the chairperson of the Student Senate shall appoint representatives to the College Program Committee from the senate or general student body following fall elections.

#### **CHAPTER 8 ♦ CAMPUS ACTIVITY BOARD**

##### **Article 1**

1. The chairperson of the Student Senate shall appoint one (1)

sophomore and one (1) freshman representative of the Student Senate to the Campus Activity Board; these liaisons are expected to keep senate regularly informed of upcoming campus events.

2. Other students interested in joining CAB may be appointed by the campus life office. This is not an elective office.

#### **CHAPTER 9 ♦ STUDENT SENATE OFFICERS' DUTIES & POWERS**

##### **Article 1**

1. The chairperson of the Student Senate shall preside at all Student Senate meetings. He/she may also designate this duty to the vice chairperson or share the responsibility on a regularly or occasional basis.
2. The chairperson shall hold special meetings of the Student Senate whenever necessary, or when at least three members of the Student Senate demand one, and it is approved by an advisor.
3. The chairperson of the Student Senate shall have the right to appoint committee members to committees created by the Student Senate.
4. Any student called before the administration for disciplinary reasons may request the chairperson of the Student Senate to accompany him/her.
5. The chairperson may vote only as provided in Robert's Rules of Order. This means the chairperson only votes when a tie vote occurs.
6. The chairperson and vice president shall meet with an advisor weekly to discuss the agenda for the next meeting. The chairperson will be actively involved in the executive committee of Student Senate. Regular collaboration and communication with all executive officers is expected.
7. The chairperson, or designee, is responsible for the public relations of the Student Senate to recognized clubs/student organizations, the college, and the community.
8. The chairperson, or designee, is expected to serve as a voting member of the FSA Jamestown Campus/North County Center Activity Board.

##### **Article 2**

1. The vice chairperson shall, in the absence of the chairperson, have all the rights and duties ordinarily designated to the chairperson.
2. In case of a vacancy in the office of chairperson, the vice chairperson shall become chairperson, and a new vice chairperson shall be elected by the Student Senate. The vice chairperson is responsible for the public relations of the Student Senate to the recognized groups, college, and community.
3. The vice chairperson may co-facilitate Student Senate meetings with the chairperson as requested. When audio-visual or teleconferencing technology are used, the vice chairperson, or designee, will be the primary technician during meetings.
4. The chairperson and vice president shall meet with an advisor weekly to discuss the agenda for the next meeting.
5. The vice chairperson will be actively involved in the executive committee of Student Senate. Regular collaboration and communication with all executive officers is expected.

##### **Article 3**

1. The secretary shall record meeting attendance, take diligent and copious minutes of all Student Senate meetings in a format agreed upon by the executive officers, and perform other secretarial duties during meetings as needed.
2. The secretary shall distribute meeting minutes 48 hours before the next senate meeting, or by Fridays at noon, whichever comes first. During senate meetings, the secretary shall ask for a motion to approve the previous week's minutes and make corrections as needed.
3. The secretary shall receive and file one copy of any formal report of a senate committee.
4. The secretary shall make copies of the minutes available to all Student Senate members, the advisors of the Student Senate, the vice president of student development, the vice president of student development, and student clubs, and shall post the minutes for college community access.

5. In the absence of both the chairperson and vice chairperson, the secretary shall preside over the senate meetings and delegate the responsibility of taking minutes to another senate member.
6. The secretary will be actively involved in the executive committee of Student Senate. Regular collaboration and communication with all executive officers is expected.

**Article 4**

1. The treasurer shall keep an accounting of Student Senate funds and shall conduct transactions with the FSA office for distribution of allocations approved by the Student Senate.
2. The treasurer shall draw up a budget proposal for the next college year and present it to the Student Senate and FSA board for approval in consultation with the campus life director.
3. The treasurer shall be chair of the senate finance committee.
4. The treasurer’s report during senate meetings shall include weekly updates on the financial status of Student Senate accounts. The treasurer shall provide the secretary with up to date financial information to include in meeting minutes.
5. The treasurer will be actively involved in the executive committee of Student Senate. Regular collaboration and communication with all executive officers is expected.
6. The treasurer is expected to meet regularly with the campus life director to ensure accurate account records.

**Article 5**

1. No Student Senate member can hold more than one executive office on the Student Senate during the same academic year.
2. Any elective or appointed member of the Student Senate may be recalled from his or her office by: (a) a 3/4 vote of the Student Senate and with the approval of an advisor, or (b) by a petition signed by the majority of the students he or she represents.

**CHAPTER 10 ♦ CLUBS**

**Article 1**

1. All clubs shall be open to all currently enrolled students.
2. No clubs shall be active on campus without first being chartered by the Student Senate on an annual basis.
3. Annually all student clubs must (a) notify the campus life director of their intent to be active; (b) submit to the Student Senate a charter packet stating their purpose, advisor(s)’ name(s), a membership list and a list of officers; and (c) be recognized by the Student Senate.
4. Once recognized and chartered by the Student Senate, clubs are eligible to apply for funds by submission of a complete Student Senate budget request packet. Clubs shall be considered for funding by the Student Senate on a first come, first served basis.
5. No club shall function with Student Senate funds without first being chartered by the Student Senate.
6. All clubs have the right to choose their advisor(s).

**CHAPTER 11 ♦ GENERAL**

**Article 1**

1. Vacancies in any elective office shall be filled by a special election or by joint appointment by the Student Senate until the next general election.
2. The rules for the special election shall be the same as for the general election with this exception: the election may take place sooner than one week after the petition deadline.
3. In case of a vacancy in the office of chairperson of the Student Senate, the vice chairperson shall become chairperson, and the Student Senate shall appoint a new vice chairperson.
4. Where elective office positions specified, full-time status is defined as 12 credits or more. Part-time seats shall be held only by a part-time student. Status is determined at the time of election or appointment and shall continue in force for the duration of the academic year.

**Article 2**

1. A quorum shall consist of more than half of the total membership of the Student Senate.
2. The Student Senate shall pass bylaws and such other regulations as are necessary to govern and direct activities of the Student Senate,

the student body, and student clubs.

3. Such regulations and bylaws must be passed by 2/3 vote of Student Senate members present.
4. The Student Senate should concern itself with all other matters which may serve the interests of the student body and college.
5. The executive committee of the Student Senate shall act on behalf of the entire board in case of an emergency.

**CHAPTER 12 ♦ AMENDMENT PROCEDURE & RATIFICATION**

**Article 1**

1. An amendment to chapters 1-13 of this document may be proposed by: (a) a simple majority of the Student Senate; or (b) a petition signed by 1/3 of the members of the student body.
2. An amendment, in order to become effective, must be ratified by a 3/4 vote of all voting members of the Student Senate and a majority of the votes cast by the student body; or by a 3/4 vote of all members of the student body.
3. Amendments to this constitution must be published and posted seven days prior to vote on ratification of said amendment by the student body.
4. This constitution shall go into effect as a normal expression of the current policies and principles of the student body upon ratification as stated in Chapter 12, Article 1.2 and upon its formal approval by the president of the college. This constitution shall supersede all previous existing constitutions.

**CHAPTER 13 ♦ MEETINGS**

**Article 1**

1. The Student Senate will strictly follow rules and procedures from the most current edition of Robert’s Rules of Order.
2. Student Senate meetings are open to the college community. Any member of the student body, faculty, or staff are welcome to attend Student Senate meetings.

**BYLAWS**

1. An advisor can advise only two (2) clubs per year.
2. Any member of the faculty, staff, or administration can be an advisor.
3. Senate member attendance at Senate meetings is mandatory, and absences must align with the attendance policy currently endorsed by the Student Senate.
4. Anyone on the Student Senate missing more than three (3) meetings per semester, without prior approval of the chairperson and/or advisor(s), is to be considered by the Student Senate for dismissal.
5. A casted vote must be given by more than half of the voting delegates present at the given meeting for the motion to be considered. If this requirement is not met, the specified motion dies but may be readdressed in a future meeting. Abstentions do not count as casted votes.
6. Motions that are made electronically must obtain a “second” endorsement in some recordable fashion and must receive more than half of the voting delegates to be marked as “in favor” or “in opposition” for the motion to be considered.
7. Voting for motions made electronically is only active for 24 hours. Once 24 hours have passed from the time the motion was posted, voting will end and will be counted to determine the outcome of the motion.
8. The chairperson has the right to veto any proposition passed by a simple majority of the Student Senate that, in the opinion of the chairperson, is not beneficial to the student body nor the Student Senate of Jamestown Community College. The proposal will automatically be brought up for a re-vote at the next meeting of the Student Senate. A two-thirds vote of approval must be obtained in order to override the chairperson’s veto.

## CATTARAUGUS COUNTY CAMPUS

*(Amended and ratified May 6, 1997, May 2000, and May 2008.)*

It is to be understood that this Constitution will conform to the academic and administrative policies of the college. Chapters 1-8 and the bylaws are applicable only to the Cattaraugus County Campus. Any necessary clarification of this document shall be brought before the vice president of student development.

### CHAPTER 1 ♦ PURPOSE & PRINCIPLES

#### Article 1

The purposes of this organized student body are to enable every student member:

1. To influence the direction and scope of college activities.
2. To discuss matters of common concern with the faculty and administration of the college in order to clarify and present the views of the student body.
3. To communicate with other students and the community through student publications, newspapers, and other means of public communication.

#### Article 2

1. The purposes stated in Article 1 shall be achieved through a Student Senate nominated by the members of the student body, and through committees made up of the Student Senate and/or members of the student body. The Student Senate and these committees shall be guided in their decisions by this constitution and shall be bound by the administrative policies of the college.
2. Any future reference to the Student Senate in this document shall be the Senate.
3. The Senate shall have a copy of all administrative policies of the college.

### CHAPTER 2 ♦ MEMBERSHIP & ORGANIZATION

#### Article 1

1. Every student, as stated in Article 1, Section 2, who has paid the Faculty Student Association (FSA) fee shall be a member of the student body.
2. By law, a student is anyone who pays "tuition" to an institution/agency for the purpose of studying a curriculum. Persons who pay fees for workshops or other non-credit offerings are not considered students, unless a "tuition" is paid.
3. Every member of the student body who is in good academic standing shall be eligible to seek petition to the Senate and hold elective and appointive offices. Any member who is removed from good academic standing shall cease to hold office.
4. Students are considered in good academic standing if their GPAs are 2.0 or better.
5. Every member of the student body has the right to sign as many petitions for Senate membership as he/she feels is appropriate.
6. All dues paying faculty and staff of the college shall be members of the FSA.

#### Article 2

1. There shall be two non-voting advisors to the Senate: one advisor shall be the campus life director and one advisor shall be a full-or part-time faculty member. One administrator shall serve as an ex-officio of the Senate.

#### Article 3

1. An interim Senate shall serve as the representative of the student body during the period from the day of graduation until the new Senate takes office in the following college year.
2. This interim Senate, which meets over the summer, shall consist of available members of the previous Senate and the president-elect for the following year.
3. The interim Senate shall have the same functions as the permanent Senate and shall be bound by this constitution.

### CHAPTER 3 ♦ NOMINATIONS & ELECTIONS

#### Article 1

1. Students seeking membership in Student Senate may do so by securing a petition from the campus life office of the Cattaraugus County Campus and obtaining 25 qualifying signatures. A

qualifying signature will be defined as a signature of a member of the student body. In addition, students seeking membership must also obtain two faculty signatures on the petition. The petition must be returned to the campus life office by the end of the third week of the semester.

2. Election of Senate president shall be in the spring semester by secret ballot by the entire student body. The president-elect shall assume office the day after commencement.
3. To be eligible for the Presidency of the Senate, the candidate must have completed at least 12 degree-bearing credits at JCC by the beginning of the following fall semester, have a 2.0 grade point average, and be a full-time student at JCC's Cattaraugus County Campus. Full-time status is defined as 12 credits or more.
4. The president will be elected by receiving a majority of the votes from those FSA members voting. The Senate will accept nominations for the president throughout March. To be valid, nominations must be given to the campus life director or faculty advisor in writing and be documented in Senate minutes.

#### Article 2

1. The vice president, secretary, and treasurer of the Senate shall be elected in the fall by a majority of the vote cast by the Senate.
2. In case of a tie vote, a tie-breaking election shall take place involving only those candidates who are tied.

### CHAPTER 4 ♦ OFFICER'S DUTIES & POWERS

#### Article 1

1. The president of the Senate shall preside at all Senate meetings.
2. The president shall call special meetings of the Senate whenever it seems necessary, or when at least two members of the Senate demand one and it is approved by a Senate advisor.
3. The president shall appoint the chairperson of any committee created by the Senate. The president shall have the right to appoint the committee members or the president may delegate such appointments to the committee chairperson.

#### Article 2

1. The vice president of the Senate shall, in the absence of the president, have all the rights and duties ordinarily designated to the president.
2. The vice president shall assume coordination responsibilities for the function of all standing committees and clubs and will report back to the Senate.

#### Article 3

1. The secretary of the Senate shall record and present the minutes of all Senate meetings and perform other secretarial duties including all necessary correspondence concerning the Senate.
2. The secretary shall receive and file one copy of any formal report of a committee.
3. The secretary shall distribute copies of the minutes to all members of the Senate, the advisors, the vice president of the Cattaraugus County Campus, the vice president of student development, student clubs, others as appropriate, and shall post the minutes within one week of every meeting.

#### Article 4

1. The signature of the treasurer and at least one Senate advisor shall be required on all FSA Purchase Requisition Forms concerning Senate purchases.
2. The treasurer, together with a committee to be appointed by the Senate president, shall draw up an annual budget proposal for the next college year and present it to the Senate for approval before May first.

### CHAPTER 5 ♦ ORGANIZATION'S DUTIES & POWERS

**Article 1** - The Senate shall have full jurisdiction over all student activities, student organizations and committees, and the expenditure of the Senate's funds and other monies available to the student body or its organizations.

#### Article 2

1. A quorum shall consist of one more than half of the total membership of the Senate. A quorum must be present in order for the Senate to vote.

2. The Senate shall pass bylaws and such other regulations as are necessary to govern and direct activities of the Senate, the student body, and student clubs.
3. Such regulations and bylaws must be passed by a 2/3 vote.
4. The Senate should concern itself with all other matters which may serve the interests of the student body and the college.

**Article 3**

1. No clubs or organizations shall function with Senate funds without first being chartered by the Senate.
2. All clubs or organizations that wish to become authorized by the Senate shall turn in charters and budget requests.
3. Clubs and organizations must submit a charter stating the purpose, advisor, and lists of officers and members.
4. All clubs and organizations are open to all students.
5. All clubs and organizations have the right to choose their advisors from the college's full- or part-time faculty and staff members pending consent of the faculty/staff member.

**CHAPTER 6 ♦ STUDENT TRUSTEE**

**Article 1** - Although the student trustee will have as his/her primary responsibility the interest of the college as a whole, he or she will be expected to be especially mindful of the interests of students and to articulate those interests within the board.

1. The student trustee will be elected from the entire student body during spring elections.
2. The student trustee must be a full-time student at either the Jamestown or Cattaraugus County campuses.
3. Only students in good academic standing may be candidates for student trustee.
4. Full-time students shall be allowed to serve a maximum of two (2) academic years.

**CHAPTER 7 ♦ GENERAL**

**Article 1**

1. Only students earning a GPA of 2.0 or better per semester shall be permitted to be candidates for either elective or appointive office in the Senate. Any office holder or member who is not making satisfactory academic progress shall cease to hold office.
2. Vacancies in any elected position shall be filled by temporary appointment by the Senate until the next elections.
3. In case of a vacancy in the office of president of the Senate, the vice president shall become the new president and a replacement for the vice president shall be appointed or elected by the Senate.

**CHAPTER 8 ♦ AMENDMENT PROCEDURE & RATIFICATION**

**Article 1**

1. An amendment to chapters 1-7 may be proposed by: a simple majority of the Senate; or a petition signed by 1/3 of the members of the student body.
2. An amendment, in order to become effective, must be ratified either by: a 3/4 vote of all voting members of the Senate and a majority of the votes cast by the student body, or a 3/4 vote of all voting members of the student body.
3. Amendments to this Constitution shall go into effect as a normal expression of the current policies and principles of the student

body upon ratification as stated in Chapter 7, Article 1.2 and upon its formal approval by the president of the college.

4. Amendments to this Constitution must be published and posted ten (10) days prior to vote on ratification of said amendment by the student body.
5. This constitution shall supersede all previous existing constitutions.

**BYLAWS**

1. All bylaws must be passed by a 2/3 majority of the entire Student Senate.
2. An advisor can advise only two (2) clubs per year.
3. Two full- or part-time faculty/staff members is the minimum number of chaperones required for all Senate sponsored activities involving more than 25 students or lasting more than 36 hours, unless a waiver is granted by a majority vote of the Senate and the vice president of student development. Expenses charged participating FSA members will be absorbed by the Senate for these chaperones.
4. One full- or part-time faculty/staff member is the minimum number of chaperones required for all Senate sponsored activities scheduled to take place more than 100 miles from the Campus, unless a waiver is granted by a majority vote of the Senate and the vice president of student development. Expenses charged participating FSA members will be absorbed by the Senate for this chaperone.
5. Anyone on Student Senate missing three (3) meetings per semester without prior approval of the chairperson and/or advisor is to be considered by the Student Senate for dismissal.
6. Proxy votes are not permitted.
7. At least one advisor must be present for official votes in the Student Senate.
8. Impeachment procedures: Any elective or appointive Senate officer may be recalled from his/her office by a 3/4 vote of voting members of the executive board and by a petition signed by 3/4 of the Senate.
9. Senate members may approach the board of officers to obtain a leave of absence from the Senate.

**CHAPTER 9**

**FACULTY STUDENT ASSOCIATION EXECUTIVE BOARD**

The FSA Executive Board shall consist of two full-time student members (one from the Jamestown Campus/North County Center and one from the Cattaraugus County Campus), the vice president of student development or designee, the vice president of administration or designee, two full-time faculty members (one each from the Jamestown and Cattaraugus County campuses), and one staff member.

**CHAPTER 10**

**CATTARAUGUS COUNTY CAMPUS ACTIVITY BOARD**

The FSA Activity Board of the Cattaraugus County Campus shall consist of the vice president of student development or Cattaraugus County Campus designee, one full-time faculty member, the Student Senate president, one freshman student, one sophomore student, one part-time student, and one part-time faculty/staff member.

# Statement of the Rights & Responsibilities of College Community Members

## Appendix I

### Joint Statement of Rights and Freedoms of Students

*(Adapted from the Joint Statement of Rights and Freedoms of Students issued in 1969 and adopted by the Board of Trustees of Jamestown Community College on June 19, 1990 and amended in May 2008 following approval by the Student Affairs Committee, the administration, the Student Advisory Board, and faculty).*

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students should be encouraged in a sustained and independent search for truth. Institutional procedures for achieving these purposes may vary from campus to campus, but the minimal standards of academic freedom of students outlined below are essential to any community of scholars.

Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students shall exercise their freedom with responsibility.

The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community. Each college and university has a duty to develop policies and procedures which provide and safeguard this freedom. Such policies and procedures should be developed at each institution within the framework of general standards and with the broadest possible participation of the members of the academic community. The purpose of this statement is to enumerate the essential provisions for students' freedom to learn.

#### Sec. 1 Freedom of Access to Higher Education

The admissions policies of each college and university are a matter of institutional choice provided that each college and university makes clear the characteristics and expectations of students which it considers relevant to success in the institution's program. While church-related institutions may give admission preference to students of their own persuasion, such a preference should be clearly and publicly stated. Under no circumstances should a student be barred from admission to a particular institution on the basis of race. Thus, within the limits of its facilities, each college and university should be open to all students who are qualified according to its admission standards. The facilities and services of a college must be open to all of its enrolled students, and institutions must secure equal access for all students to public facilities in the local community.

#### Sec. 2 In the Classroom

The professor in the classroom and in conference should encourage free discussion, inquiry, and expression. Student performance should be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards.

**A. Protection of Freedom of Expression.** Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

**B. Protection Against Improper Academic Evaluation.** Students should have protection through orderly procedures against prejudiced or capricious academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled. A student who believes that he/she has been graded unjustly or who wishes to present evidence of extenuating circumstances may appeal to the academic standings committee for review of his/her case within one year after the grade has been assigned. Grade appeals must first be considered at the instructor and division levels. Following a thorough review of all

written documentation, it is at the committee's discretion to request a meeting that includes the student and applicable members of the faculty and college.

**C. Protection Against Improper Disclosure.** Information about student views, beliefs, and political associations which professors acquire in the course of their work as instructors, advisors, and counselors must be considered confidential. Protection against improper disclosure is a serious professional obligation. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge or consent of the student.

#### Sec. 3 In the Residence Halls

**A. Right to safe and secure environment.** Students have the right to feel comfortable and secure in the residence hall and in their rooms. Students are responsible for keeping hall, suite, and room doors locked, for not propping doors open or allowing strangers to enter, and for upholding all security policies and procedures as outlined in On-Campus Living Policies.

**B. Right to quiet environment.** Students have the right to a reasonably peaceful and quiet space in which to sleep, relax, and study. Students are responsible for observing quiet hours and keeping the volume of music, television, or computer at a reasonable level. Campus-wide **quiet hours** are: 8 p.m. to 8 a.m. on Sunday, Monday, Tuesday, Wednesday, and Thursday, and from 11 p.m. to 8 a.m. on Friday and Saturday. The residence halls are **24-hour quiet hour** facilities. At all times, noise is to be kept to a level which will not disturb other residents or other community members. This means that at no time will music (including stereos and live instruments), televisions, computers and or other noise producing activity be loud enough to be heard outside the student's room, suite or building. The use of headphones, when appropriate, is encouraged.

**C. Right to privacy.** Students have a right to privacy and to the proportionate use of the common areas inside of the suite in which they reside, both in terms of space and time, and the right to be free of unwanted guests in their suite. Students are responsible for letting their suitmates know of their wishes and preferences for hours of sleep, study, and visitation.

**D. Right to assistance.** Students have the right to ask for assistance from a resident assistant, resident director, or other residence life staff member when they are experiencing problems. Students are responsible for notifying a staff person when a problem occurs, requesting assistance in a timely manner, and cooperating with those involved as they work to solve the problem.

**E. Right to know what is expected.** Students have the right to know the rules of the residence halls. Students have the responsibility to read the information provided by Jamestown Community College. This includes, but is not limited to, material contained in On-Campus Living Policies.

**F. Freedom from discrimination.** Students have the right to be free from discriminatory behavior based on race, gender, belief, religion, sexual orientation, age, physical characteristics, or national origin. Students have the responsibility to inform resident staff if they believe their rights have been violated.

#### Sec. 4 Student Records

Institutions should have a carefully considered policy as to the information which should be part of a student's permanent educational record and as to the conditions of its disclosure. To minimize the risk of improper disclosure, academic and disciplinary records should be separate, and the conditions of access to each should be explained in an explicit policy statement. Transcripts of academic records should contain only information about academic status. Information from disciplinary or counseling files should not be available to unauthorized persons on campus, or to any person off campus without the express consent of the student involved except under legal compulsion or in cases where the safety of persons or property is involved. No records should be kept which reflect the political activities or beliefs of students. Provision should also be made for periodic routine destruction of noncurrent records. Administrative staff and faculty members should respect confidential information about students which

they acquire in the course of their work.

## Sec. 5 Student Affairs

In student affairs, certain standards must be maintained if the freedom of students is to be preserved.

**A. Freedom of Association.** Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the academic community. They should be free to organize and join associations to promote their common interests.

1. The policies and actions of a student club or organization will be determined by vote of only those persons who hold bona fide membership in the college or university community.
2. Affiliation with an extramural organization should not of itself disqualify a student club or organization from institutional recognition.
3. Where advisors are required, each student club or organization should be free to choose its own advisor. Advisors may advise student clubs or organizations in the exercise of responsibility, but they should not have the authority to control the policy of such student clubs or organizations.
4. Student clubs or organizations may be required to submit a statement of purpose, criteria for membership, rules of procedures, and a current list of officers and members.
5. Student clubs or organizations, including those affiliated with an extramural organization, are open to all students without respect to age, race, creed, sexual preference or national origin.

### B. Freedom of Inquiry and Expression

1. Students and student clubs or organizations should be free to examine and to discuss all questions of interest to them and to express opinions publicly and privately. They should always be free to support causes by orderly means which do not disrupt the regular and essential operation of the institution. At the same time, it should be made clear to the academic and larger community that in their public expressions or demonstrations, student clubs or organizations speak only for themselves.
2. Students should be allowed to invite and to hear any person of their own choosing. Those routine procedures required by an institution before a guest speaker is invited to appear on campus should be designed only to insure that there is orderly scheduling of facilities and adequate preparation for the event and that the occasion is conducted in a manner appropriate to an academic community. The institutional control of campus facilities should not be used as a device of censorship. It should be made clear to the academic and larger community that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed, either by the sponsoring group or the institution.

**C. Student Participation in Institutional Government.** As constituents of the academic community, students should be free, individually and collectively, to express their views on issues of institutional policy and on matters of general interest to the student body. The student body should have clearly defined means to participate in the formulation and application of institutional policy affecting academic and student affairs. The role of the student government and both its general and specific responsibilities should be made explicit, and the actions of the student government within the areas of its jurisdiction should be reviewed only through orderly and prescribed procedures.

**D. Student Publications.** Student publications and the student press are valuable aids in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and the institutional authorities and of formulating student opinion on various issues on the campus and in the world at large.

Whenever possible the student newspaper should be an independent corporation, financially and legally separate from the university. Where financial and legal autonomy is not possible the institution, as the publisher of student publications, may have to bear the legal responsibility for the contents of the publications. In the delegation of editorial responsibility to students the institution must provide

sufficient editorial freedom and financial autonomy for the student publications to maintain their integrity of purpose as vehicles for free inquiry and free expression in an academic community.

Institutional authorities, in consultation with students and faculty, have a responsibility to provide written clarification of the role of the student publications, the standards to be used in their evaluation, and the limitations on external control of their operation. At the same time, the editorial freedom of student editors and managers entails corollary responsibilities to be governed by the canons of responsible journalism, such as the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo. As safeguards for the editorial freedom of student publications the following provisions are necessary:

1. The student press should be free of censorship and advance approval of copy, and its editors and managers should be free to develop their own editorial policies and news coverage.
2. Editors and managers of student publications should be protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content. Only for proper and stated causes should editors and managers be subject to removal and then by orderly and prescribed procedures. The agency responsible for the appointment of editors and managers should be the agency responsible for their removal.
3. In order to emphasize that the student newspaper does not speak officially for the institution, it will not carry the institutional seal, official motto, or the institution's name.
4. All college published and financed student publications must explicitly state on the editorial page that the opinions expressed there are not necessarily those of the college or student body.

## Sec. 6 Student Responsibilities

While the student possesses the rights that have been enumerated previously, these rights carry with them the responsibilities of citizenship in a democracy. Such responsibilities include:

1. compliance with and support of duly constituted civil authority.
2. respect for the rights of others and cooperation to ensure that such rights are guaranteed whether or not the views of those exercising such rights are consistent with their own.
3. cooperation to ensure that the will of the majority is implemented after due consideration has been given to contrary points of view.
4. the exercise of dissent in a responsible manner within a framework compatible with the orderly resolution of differences.

## Sec. 7 Off-Campus Freedom of Students

**A. Exercise of Rights of Citizenship.** College and university students are both citizens and members of the academic community. As citizens, students should enjoy the same freedom of speech, peaceful assembly, and right of petition that other citizens enjoy and, as members of the academic community, they are subject to the obligations which accrue to them by virtue of this membership. Faculty members and administrative officials should insure that institutional powers are not employed to inhibit such intellectual and personal development of students as is often promoted by their exercise of the rights of citizenship both on and off campus.

**B. Institutional Authority and Civil Penalties.** Activities of students may upon occasion result in violation of law. In such cases, institutional officials should be prepared to apprise students of sources of legal counsel and may offer other assistance. Students who violate the law may incur penalties prescribed by civil authorities, but institutional authority should never be used merely to duplicate the function of general laws. Only where the institution's interests as an academic community are distinct and clearly involved should the special authority of the institution's regulations be asserted. The student who incidentally violates institutional regulations in the course of his off-campus activity, such as those relating to class attendance, should be subject to no greater penalty than would normally be imposed. Institutional actions should be independent of community pressure.



## Appendix II

### Student Rights, Responsibilities, Regulations

*(Approved by the Student Affairs Committee, faculty, and student body.)*

A student who enrolls in Jamestown Community College becomes a voluntary member of this academic community and in so doing contracts a particular relationship with the college. This relationship is based on mutual expectations and should ultimately enhance the growth of both parties and permit a sense of community to develop.

What can a student expect from the college? Each individual can acquire substantial and relevant knowledge and skills in the personal, vocational, and social aspects of living. He/she can shape a personal philosophy, create a relationship with society, and participate within a community of persons that exemplify an effective, purposeful, ongoing society which is open to improvement and growth. Each student will have competent guidance and workable procedures to assist in resolving personal, academic, and social concerns. Each can become informed well enough to choose his/her own vocational and social involvement.

What can the college expect from a student? The college wants a student to become a conscientious learner and a concerned participant in this community and to show a sincere desire for increased responsibility and maturity. The college wishes a student to improve substantially and enlarge upon personal, vocational, and social abilities; examine life carefully; act with knowledge and care in decision making; maintain a concern for the welfare of the academic community; and accept the consequences of his or her own behavior.

Our academic community must encourage and exemplify behavior that creates effective student-college relationships and fulfills both the student and the college. Our academic community must also define and manage unacceptable behavior. Specific regulations must be prescribed by the academic community which will guide the behavior of its members.

What follows is the academic community's statement of rights, responsibilities, and regulations concerning academic integrity and student contact.

#### PART I ♦ ACADEMIC INTEGRITY

##### Sec. 1 Statement of Academic Integrity

The college is an academic community whose mission is to promote scholarship through the acquisition, preservation, and transmission of knowledge. Fundamental to this goal is the institution's dedication to academic integrity. Providing an atmosphere that promotes honesty and the free exchange of ideas is the essence of academic integrity. In this setting all members of the institution have an obligation to uphold high intellectual and ethical standards.

Academic integrity includes the adherence to codes of ethical behavior associated with all areas of study including specialized environments such as internships, fieldwork, cooperatives, and clinical experiences.

##### Sec. 2 Responsibility of Students

To establish such an environment, students must recognize that their role in their education is active; they are responsible for their learning. Specifically, it is the responsibility of students to protect their own work from inappropriate use by others and to protect the work of other people by providing proper citation of ideas and research findings to the appropriate source. This includes the obligation to preserve all educational resources (i.e., library and media center materials), thereby permitting full and equal use by all students.

In situations where students may have difficulty in knowing how to draw the line between acceptable behavior and academic dishonesty, it is the responsibility of the student to confer with the instructor. This is particularly important for avoiding charges of plagiarism when written sources are used in the preparation of papers or take-home examinations. It is also extremely important for students to confer with the instructor to clarify and understand ground rules for proper behavior in those courses where limited consultation among students is permitted in the preparation of assignments.

Because Jamestown Community College is an academic

community, ignorance of the accepted standards of academic honesty in no way decreases the guilt of students who violate expected patterns of behavior in the conduct of courses and other academic work.

This academic community takes seriously its responsibilities regarding academic honesty. Academic integrity is absolutely essential to ensure the validity of the grading system and maintain high standards of academic excellence. In addition, all members of the academic community must exhibit behavior exemplifying academic honesty and encourage such behavior of others.

Academic dishonesty can occur in many ways. Common forms and evidence of dishonesty include the following:

#### A. PLAGIARISM

Plagiarism is the dishonest use of the work of others.

*Plagiarism means presenting, as one's own, the words, the work, or the opinions of someone else. It is dishonest, since the plagiarist offers, as his or her own, for credit, the language, or information, or thought for which he or she deserves no credit. It is unproductive, since it defeats the purpose of the course - improvement of the student's own powers of thinking and communication. It is also dangerous, since penalties for plagiarism are severe: they commonly range from failure on the paper to failure in the course; in some institutions the penalty is dismissal from college.*

Birk, Newman P. and Birk, Genevieve B.

*Understanding and Using English*, 5th ed., 1972, Odyssey Press

If students wish to quote, they should put the passage in quotation marks and give credit to the author in a footnote. They should write the bulk of the paper in their own words and own style, using footnotes to acknowledge the facts and ideas from the reading. All papers, examinations, and other assignments must be original or explicit acknowledgement must be given for the use of another person's ideas or language.

Examples of plagiarism as it might occur in term papers, research papers, laboratory reports, and other written assignments include:

1. Failure to use quotation marks: All work which is quoted directly from a source should be enclosed in quotation marks and followed by a proper reference giving the exact page or pages from which the quote is taken. Failure to use the quotation marks, even if a footnote source is provided, is plagiarism.
2. Failure to document ideas: When a student uses one or more ideas from and/or paraphrases a source, he or she must give the exact page or pages from which the ideas or paraphrasing were taken. Failure to provide an exact reference is plagiarism.
3. False documentation: Falsifying or inventing sources or page references is plagiarism. Ideas which are part of the general fund of human knowledge (e.g., George Washington was the first president of the United States. Albert Einstein developed the theory of relativity, etc.) need not be documented in papers.

**B. CHEATING ON EXAMINATIONS:** Students are expected to present their own work in all examinations. Examples of cheating as it might occur in examinations are as follows:

1. copying the work of another student during an examination;
2. permitting another student to copy one's work during an examination;
3. possessing accessible unauthorized notes, crib sheets, additional sources of information, or other material during an examination;
4. writing the answer to an exam question outside of class and submitting that answer as part of an in-class exam;
5. taking an examination for another student;
6. having an examination taken by a second party;
7. altering or falsifying examination results after they have been evaluated by the instructor and returned to the student;
8. providing exam questions for students scheduled to take the exam at a later date.

#### C. OTHER EXAMPLES OF ACADEMIC DISHONESTY:

Examples of academic dishonesty include but are not limited to the following:

1. possessing term papers, examinations, lab reports or other assignments which have not been formally released by the

- instructor is dishonest. (Formally releasing such materials means that the instructor has distributed material to the students and has not required that it be returned.);
2. possessing another student's work without permission;
  3. writing a paper, lab report, or other assignment for another student or submitting material written by someone else;
  4. selling or purchasing examinations, papers, or other assignments;
  5. falsifying college documents or altering a transcript or other official college record;
  6. presenting forged or false statements for the purpose of enabling a student to take advantage of such college policies as Incomplete, Credit/Fail, and Withdrawal;
  7. altering another student's examination, term paper, laboratory work, or other assignment;
  8. falsifying data;
  9. violating confidentiality in work with patients or clients;
  10. crediting yourself with ownership of the visual images of others, which is plagiarism. Visual images include, but are not limited to, the following media: paintings, drawings, photographs, sculpture, craft objects, computer generated images, video images, film, graphic design and illustration, and all images restricted by copyright.
  11. violating the general copyright laws; illegal use of copyrighted materials, including but not limited to printed matter, recordings, films, videotapes, and visual images such as paintings, photographs, etc.
  12. violating the Policy Statement on Ethical Standards in the Use of Computing Systems at Jamestown Community College. (see Appendix VII).

#### **D. EVIDENCE OF ACADEMIC DISHONESTY**

According to the traditions of higher education, certain behaviors will be considered sufficient evidence of academic dishonesty. Examples include: conversations between students during an examination; reference to written material brought into the examination room during a closed book, written examination; submission without proper acknowledgements of work which is based partly or entirely on the evidence of writing of others. A faculty member has the right to charge the student with dishonesty if certain behaviors traditionally associated with dishonesty are witnessed.

#### **Sec. 3 Procedures For Handling Academic Infractions**

In all situations involving academic dishonesty, procedural fair play requires that the student be informed of the nature of the charges against him/her, that he/she be given a fair opportunity to refute them, that the institution not be arbitrary in its actions, and that there be provision for appeal of a decision.

Pending action on the charges, the status of a student should not be altered, or his right to be present on the campus and to attend classes suspended, except for reasons relating to the safety and well-being of students, faculty, or other members of the college community or college property as determined by the appropriate college administrator.

In situations of conflict of interest, any individual who is in a position to hear the grievance shall be excused from the process and a substitute appointed to act in his/her place by the appropriate supervisor.

The faculty member who discovers an instance of academic dishonesty has the right to and shall be responsible for determining and administering sanctions. Potential sanctions for a violation of the college's Policy on Academic Integrity include, but are not limited to: reduction in grade, elimination of grade, and failure of the course. The faculty member shall discuss the incident with the student prior to any formal action.

The faculty shall consult his or her dean regarding all instances of academic dishonesty where a penalty has been administered to a student. The dean may suggest additional sanctions relative to the student's status, depending on the severity of the infraction. The dean then forwards all instances of academic dishonesty to the vice president of academic affairs.

Flagrant violations (violating computer security, submitting false

information about a patient's condition, etc.), may result in immediate probation, suspension or expulsion from the college by the vice president of academic affairs\*. In addition, a permanent or temporary notation that the student has violated the Policy on Academic Integrity may be made on the official academic records of the student. Extenuating circumstances will be considered for each individual case. Counseling may be recommended.

The student shall have the right to appeal a decision and/or penalty for academic dishonesty if the student considers the decision and/or penalty to be unjust or unwarranted. Grounds for appeal include claims of bias, procedural infractions, and/or new evidence. The student should attempt an informal appeal with the instructor at the time of initial sanction.

If an informal settlement cannot be reached, the student should contact the appropriate dean within five class days and file a written appeal of the instructor's decision. The dean's decision shall be made and disclosed within five class days to the student.

If a formal appeal to the dean does not satisfactorily resolve the situation, the student or faculty member may, within five class days, file with the vice president of academic affairs, a written appeal which includes additional and supporting information. The vice president of academic affairs' decision shall be made and disclosed within five class days and disclosed to both parties.

Either party may appeal the vice president's decision. The person making the appeal must do so in written form to the vice president within five class days of the receipt of the vice president's decision.

Well-articulated rationale for the appeal must be stated in the written request and may only be made in cases of the following:

- Procedural error; due process was violated;
- Relevant information to the alleged violation was: 1) discovered after the conclusion of the disciplinary meeting, and/or 2) could not have been reasonably discovered prior to or during the meeting, and would have had a significant bearing on the outcome of the hearing.
- A sanction that is unreasonably severe in light of the offense(s) committed.
- Facts demonstrate that the conclusion of the hearing office was clearly unfounded.

The vice president of academic affairs will forward all materials to the Student Affairs Committee chairman upon notification that an appeal has been made. A formal hearing shall be conducted by the chairman of the Student Affairs Committee within five class days after the receipt of the written appeal from the academic dean. The academic vice president will forward all supporting materials to the Student Affairs chairman upon notification that an appeal has been made.

#### **Formal Hearing**

The case is heard before a hearing panel composed of three students, two faculty, the dean of student development, and the chairman of the Student Affairs Committee. The student panel members are chosen annually by the Student Advisory Board for the Jamestown Campus\*\*. The faculty panel members are chosen annually by the faculty. In cases where there may be a conflict of interest, the student panel member's representative may be appointed by the Student Advisory Board chairman, the faculty panel member's replacement may be appointed by the Student Affairs Committee chairman, and the dean's replacement may be appointed by the college president. In addition, the student may request for personal reasons that any two panel members be replaced by the above means. The student shall be informed in writing by the chairman of the Student Affairs Committee of the charges no later than three class days before the hearing.

#### **A. The hearing will be closed except to:**

- the person charged
- his/her advocate (two maximum). Lawyers are not permitted at the hearing.
- the accuser
- witnesses at the time of their testimony

- the panel chairman
- the members of the panel

The panel chairman's function is to conduct the hearing. The chairman is the chairman of the Student Affairs Committee or a designee, except where interests conflict in which case a replacement may be chosen by the Student Affairs Committee. In the case of a tie vote, the panel chair will cast the deciding vote.

### **B. Hearing Panel Procedure**

1. The panel chair shall initiate the hearing by reading the allegations aloud.
2. The accuser presents evidence and/or testimony supporting the charges.
3. The accused presents evidence and/or testimony refuting the charges.
4. At the conclusion, the accuser and the accused will have the opportunity to summarize their remarks.

If witnesses are giving testimony, the person calling that witness may question the witness first (direct examination), and then the opposing side may cross-examine the witness. It shall be the discretion of the panel chair to rule, if necessary, about the relevance or duration of questioning and of concluding statements.

Written statements in lieu of being present are not encouraged, but will be allowed. Such written statements can be challenged, but not defended. The chair will determine the relevance of the written statement.

Advisor(s) may attend the entire hearing, but will not speak to the panel directly.

Panel members may ask questions of anyone providing testimony for purposes of clarification. After presentation of evidence, panel deliberations shall be held in private. Majority vote will decide the case.

The college will maintain a record (a tape recording) of the hearing. Thereafter, the record will remain the property of the college. In the event of an appeal, the accused and/or accuser will have access to the record.

If the accused or accuser fails to attend the scheduled hearing, the hearing will be held in their absence. The accused will be assumed to have entered a claim of Not In Violation to each allegation, but forfeited his/her ability to present information on his/her behalf. The panel chair shall then investigate to determine why the student did not attend the hearing. If the panel chair determines that the absence is inexcusable, the decision of the hearing shall stand. Otherwise, the panel chair may grant a new hearing.

### **C. Following the Hearing**

1. As a result of this hearing:
  - a. The hearing panel (H.P.) will decide the case and set an appropriate penalty.
  - b. The student may accept the decision of the H.P.
  - c. The student may appeal the decision of the H.P. by requesting that the college president hear the case within 10 class days. The president will hear the appeal within 10 class days of the request and render a decision within five class days after the hearing.
  - d. If the hearing panel exonerates the student, the accuser will have no further recourse. The accuser may appeal only the penalty imposed.
  - e. All appeals shall be made in writing to the Student Affairs Committee chairman or designee within five class days of the decision of the H.P. The chairman will forward the appeal to the college president.
  - f. This procedure in no way limits the student's right to appeal to the civil courts.
2. The chair will notify the accused and accuser of the HP's decision in writing within five class days of the hearing.

*\*\*For appeals involving Cattaraugus County Campus students at the formal hearing level, panel members are chosen by the Student Senate and faculty members are chosen from the Cattaraugus County Campus.*

## **PART II ♦ STUDENT CONDUCT**

### **Sec. 1 Statement of Appropriate Student Conduct**

The ideal learning environment is one in which mutual respect and responsibility guide the actions of all members. As a member of the college community, each student is responsible for his/her actions within the community. When these actions hinder the academic life of students or the ability of the college to accomplish its educational purposes, students will be subject to discipline by members of the college community.

The college has a duty and responsibility to protect its educational purpose by setting standards of scholarship and conduct for the students who attend. The preferred means for developing and encouraging responsible student conduct should include providing good example, offering counseling and guidance, directing community service, and providing feedback. However, there may be exceptional circumstances when these preferred means fail to resolve problems of student conduct. In these instances, proper procedural safeguards should be observed to protect the student from the unfair imposition of serious penalties. In all situations involving misconduct, procedural fair play requires that the student be informed of the nature of the charges against him/ her, that he/she be given a fair opportunity to refute them, that the institution not be arbitrary in its actions, and that there be provision for appeal of a decision.

In situations of conflict of interest, any individual who is in a position to hear the grievance shall be excused from the process and a substitute appointed to act in his/her place by the appropriate supervisor.

### **Sec. 2 Example of Misconduct**

Students shall be subject to disciplinary or legal action, or both, for misconduct on the campus or at college sponsored activities or off campus when there is a significant relation to or effect on the college or the student population. Forms of misconduct include but are not limited to:

- Dishonesty, such as forgery, knowingly furnishing false information, stealing, or wrongfully acquiring either private or college property;
- Damage to or unauthorized or improper use of private or college property;
- Physical harm or threat of physical harm to anyone or verbal abuse resulting in intimidation, harassment or coercion of another person or group of persons including such acts as: assault, battery, stalking, sexual assault, or sexual harassment of another person, dating or domestic violence, or any other conduct which directly threatens or endangers the health and safety of any person;
  - ⇒ A student may be subject to an immediate meeting with the vice president of student development or his/her designee which could result in an involuntary withdrawal from JCC, or from JCC housing, if it is determined, by clear and convincing evidence, that the student is suffering from a psychological, emotional, or medical condition or disorder, and as a result:
    - ⇒ Engages, or threatens to engage, in behavior which poses a danger of causing physical harm to others, or
    - ⇒ Engages, or threatens to engage, in behavior which would cause significant property damage, or directly and substantially impede the lawful activities of others.
    - ⇒ These standards do not preclude removal from JCC, or JCC housing, in accordance with provisions of the residence hall occupancy agreement, or other JCC rules or regulations.
- Obstruction or disruption of the functioning of the college, or of any college sponsored activities;
- Abusive, obscene, indecent, lewd, or disorderly conduct;
- Manufacture, distribution, sale, possession, exchange or use of illegal drugs, controlled substances, and drug paraphernalia in any form;
- Manufacture, distribution, use, or possession of alcoholic beverages;
- Use of tobacco products except in designated areas;

- Attendance in class under the influence of alcohol beverages;
- Use and/or possession of firearms, explosives, noxious chemicals, and other weapons to include paint guns, homemade devices, knives, etc.;
- Failure to comply with reasonable instructions of all institutional faculty, staff, and administrative staff;
- Claiming to speak or act in the name of the college, without prior authorization;
- Reckless or intentional action which threatens the mental or physical health of another, including but not limited to, for the purpose of initiation into or affiliation with any organization;
- Violation of college policies regarding student organizations;
- Gambling;
- Misuse of any and all safety equipment, i.e. fire bells, alarms, exit lights, emergency phones, and reporting of a false report;
- Behavior which violates the established standards of ethical conduct for each discipline or field of experience;
- Violation of other college policies or local, state, and federal laws; and
- Hazing, or any other action which brings embarrassment or unwanted attention, humiliation, or public ridicule, including the use of unauthorized photography.
- Stalking: Intentionally engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear for his or her safety or the safety of others or cause that person to suffer substantial emotional damage. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose, and repeatedly communicating by any means, including electronic means, with such person(s) in a manner likely to intimidate, annoy, or alarm him or her.

### Sec. 3 Sexual Misconduct

Sexual misconduct can be defined as, but not limited to, one or more of the following:

**Dating Violence:** Any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the victim's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.

**Domestic Violence:** Any violent felony or misdemeanor crime committed by a current or former spouse or intimate partner of the victim, a person sharing a child with the victim, or a person cohabitating with the victim as a spouse or intimate partner.

**Sexual Assault:** A sexual assault has been committed when an individual engages in sexual activity without the explicit consent of the other individual involved.

Sexual activity is any touching of a sexual or other intimate part of a person for the purpose of gratifying sexual desire of either party. This includes coerced touching of the actor by the victim as well as the touching of the victim by the actor, whether directly or through clothing.

Sexual assault includes any forced act against one's will where sex is the weapon. This can include, but is not limited to:

- *Sexual battery:* the unwanted touching of an intimate part of another person for the purpose of arousal by the actor
- *Sodomy:* forced anal intercourse
- *Oral copulation:* forced oral-genital contact
- *Rape by a foreign object:* forced penetration by a foreign object including digits (fingers and toes)
- *Rape:* penile-vaginal intercourse against a person's will and without

consent

Whether or not specifically stated, it is an element of every sexual assault that the sexual act was committed without **consent** of the victim.

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time.

Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. When consent is withdrawn or can no longer be given, sexual activity must stop.

### Sec. 4 Procedures for Handling Allegations of Misconduct

Pending action on the charges, the status of a student should not be altered, or his right to be present on the campus and to attend classes suspended, except for reasons relating to the safety and well-being of students, faculty, or other members of the college community or college property as determined by the appropriate college administrator.

For minor infractions, an attempt will be made by the faculty member or administrator involved to rectify the misconduct problem on an informal basis. At this point, the faculty member or administrator has the right to and may take action to determine an appropriate penalty or remedy if warranted. For minor infractions that occur within the residence halls, the judicial process will be carried out by the residence directors or other professional staff in residence life.

The JCC conduct proceeding is not a trial; any attempt to make it such will impair its educational function in which open discussion, rather than adversarial debate, is sought. The college is committed to providing due process to all students involved in the college conduct proceedings.

In more complicated cases or in cases where the student chooses to appeal the initial faculty or administrative action, appeal will be made to the vice president of student development. In strictly student versus student conflicts, the offended sides shall bring the case to the vice president of student development.

The vice president of student development or the vice president's designee shall review the complaint and conduct an investigation. During the investigation, the vice president of student development or the vice president's designee shall interview all principals and witnesses and maintain a written record of what transpired. The vice president of student development will render a decision within five class days of receipt of the case and a written notice will be sent to the student. Whenever, in the judgment of the vice president of student development, clear danger exists to the individual or to the institution, immediate suspension may be imposed. If suspended in this way, the individual shall be entitled to an interview with the vice president of student development to discuss the basis for the decision. After further review of the case the vice president of student development may take other appropriate action.

### Section 4.a. Special Circumstances

In judicial cases involving sexual harassment, sexual violence, domestic violence, dating violence, and stalking, the following student

conduct process will apply:

- To file student conduct charges against the accused, conduct proceedings are governed by the procedures set forth in the JCC Code of Conduct as found in the JCC Constitution of the Student Body <http://www.sunyjcc.edu/files/JCCstudent%20constitution.pdf> as well as federal and New York state law, including the due process provisions of the United States and New York State constitutions.
- Throughout conduct proceedings, the respondent and the reporting individual will have:
  - ⇒ The same opportunity to be accompanied by an advisor of their choice who may assist and advise the parties through the conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Conduct;
  - ⇒ The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent including the right to a presumption that the respondent is “not responsible” until a finding of responsibility is made, and other issues related to sexual assault, domestic violence, dating violence, and stalking.
  - ⇒ The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.
  - ⇒ The right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions.
  - ⇒ The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.
  - ⇒ The right to offer evidence during an investigation and to review available evidence held by JCC.
  - ⇒ The right to present evidence and testimony at a hearing, where appropriate.
  - ⇒ The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.
  - ⇒ The right to exclude prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis or treatment from admittance in college disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.
  - ⇒ The right to ask questions of the decision maker and via the decision maker indirectly request responses from other parties and any other witnesses present.
  - ⇒ The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
  - ⇒ The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanction, and the rationale for the decision and any sanctions.
  - ⇒ The right to written or electronic notice about the sanction(s)

that may be imposed on the accused based upon the outcome of the conduct proceeding. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.

- ⇒ Access to at least one level of appeal of a determination before a panel, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest.
- ⇒ The right to have access to a full and fair record of a student conduct hearing which shall be preserved and maintained for at least five years.
- ⇒ JCC’s vice president of student development is the college judicial officer and is located in the administration wing, Hamilton Collegiate Center, 525 Falconer St., Jamestown, NY 14702 (716.338.1025).
- ⇒ The right to choose whether to disclose or discuss the outcome of a conduct hearing.
- ⇒ The right to have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

#### **Section 4.b. Protection and Accommodations**

In judicial cases involving sexual harassment, sexual violence, domestic violence, dating violence, and stalking, the following accommodations may be applied at the discretion of the judicial officer:

- When the accused is a student, to have the college issue a “no contact order,” meaning that continuing to contact the protected individual is a violation of college policy subject to additional conduct charges; if the accused and a protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person.
- When the accused is a student and presents a continuing threat to the health and safety of the community, to have the accused subject to interim suspension pending the outcome of a conduct process.
- Either party may request a prompt review of the need for and terms of an interim suspension.
- When the accused is not a student but is a member of the college community and presents a continuing threat to the health and safety of the community, to subject the accused to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and JCC policies and rules.
- When the accused is not a member of the college community, to have assistance from the JCC safety office or other college officials in obtaining a persona non grata letter, subject to legal requirements and college policy.

To obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation, or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment.

Parties may request a prompt review of the need for and terms of any interim measures and accommodations that directly affect them.

While reporting individuals may request accommodations through any of the offices referenced in this policy, the office of the vice president of student development can serve as a point to assist with these measures.

Both the accused/respondent and reporting individual may request a prompt review of the need for and terms of a “no contact order,” consistent with JCC policy. Parties may submit evidence in support of their request.

Students have a right to:

- Assistance from the JCC safety office or other college officials in initiating legal proceedings in family court or civil court, including but not limited to obtaining an order of protection or, if outside of

- New York state, an equivalent protective or restraining order;
- To receive a copy of the order of protection or equivalent and have an opportunity to meet or speak with a college official who can explain the order and answer questions about it, including information from the order about the accused's responsibility to stay away from the protected person(s); that burden does not rest on the protected person(s);
- To an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension.
- To have assistance from the JCC safety office in effecting an arrest when an individual violates an order of protection or, if outside of New York state, an equivalent order.

#### **Appeal of a Judicial Decision**

Upon request, either party may appeal the decision of the vice president of student development or the vice president's designee to the hearing panel.

If a student should wish to appeal the decision of the vice president of student development, the person making the appeal must do so in written form to the vice president of student development within five class days of receipt of the vice president's decision. Well-articulated rationale for the appeal must be stated in the written request and may only be made in cases of the following:

- Procedural error; due process was violated;
- Relevant information to the alleged violation was: 1) discovered after the conclusion of the disciplinary meeting, and/or 2) could not have been reasonably discovered prior to or during the meeting, and would have had a significant bearing on the outcome of the hearing.
- A sanction that is unreasonably severe in light of the offense(s) committed.
- Facts demonstrate that the conclusion of the hearing office was clearly unfounded.

The vice president of student development will forward all materials to the Student Affairs Committee chairman upon notification that an appeal has been made.

When an appeal is made, the hearing is expected to commence within 10 class days following the appeal. The student shall be informed in writing of the charges by the chairman of the Student Affairs Committee no later than three days before the hearing.

The case is heard before a hearing panel composed of three students, two faculty, and the vice president of academic affairs. The student panel members are chosen annually by the Student Senate for both the Jamestown and Cattaraugus County campuses. The faculty panel members are chosen annually by the faculty. In cases where there may be a conflict of interest, the student panel member's replacement may be appointed by the Student Affairs Committee chairman, and the vice president's replacement may be appointed by the college president. In addition, the student may request for personal reasons that any two panel members be replaced by the above means.

#### **A. The hearing will be closed except to:**

- the person charged
- his/her advocate (two maximum). Lawyers are not permitted at the hearing except in allegations of sexual assault, dating violence, domestic violence, and stalking. In these cases, lawyers are permitted for both the accused and the complainant but will be limited to a silent observer role.
- the accuser
- witnesses at the time of their testimony
- the panel chairperson
- the members of the panel

The panel chairman's function is to conduct the hearing. The chairman is the chairman of the Student Affairs Committee or a designee, except where interests conflict in which case a replacement may be chosen by the Student Affairs Committee. In the case of a tie vote, the panel chair will cast the deciding vote.

#### **B. Hearing Panel Procedure**

1. The panel chair shall initiate the hearing by reading the

allegations aloud.

2. The accuser presents evidence and/or testimony supporting the charges.
3. The accused presents evidence and/or testimony refuting the charges.
4. At the conclusion, the accuser and the accused will have the opportunity to summarize their remarks.

If witnesses are giving testimony, the person calling that witness may question the witness first (direct examination), and then the opposing side may cross-examine the witness. It shall be the discretion of the panel chair to rule, if necessary, about the relevance or duration of questioning and of concluding statements. In cases of sexual violence, cross-examination is not permitted.

Written statements in lieu of being present are not encouraged, but will be allowed. Such written statements can be challenged, but not defended. The chair will determine the relevance of the written statement.

Advisor(s) may attend the entire hearing, but will not speak to the panel directly. Lawyers are not permitted at the hearing except in allegations of sexual assault, dating violence, domestic violence, and stalking. In these cases, lawyers are permitted for both the accused and the complainant but will be limited to a silent observer role.

Panel members may ask questions of anyone providing testimony for purposes of clarification. After presentation of evidence, panel deliberations shall be held in private. Majority vote will decide the case.

The college will maintain a record (a tape recording) of the hearing. Thereafter, the record will remain the property of the college. In the event of an appeal, the accused and/or accuser will have access to the record.

If the accused or accuser fails to attend the scheduled hearing, the hearing will be held in their absence. The accused will be assumed to have entered a claim of Not In Violation to each allegation, but forfeited his/her ability to present information on his/her behalf. The panel chair shall then investigate to determine why the student did not attend the hearing. If the panel chair determines that the absence is inexcusable, the decision of the hearing shall stand. Otherwise, the panel chair may grant a new hearing.

#### **C. Following the Hearing:**

As a result of this hearing:

- a. The hearing panel (H.P.) will decide the case and set an appropriate penalty.
- b. The student may accept the decision of the H.P.
- c. If the student believes there are special circumstances such as new evidence or a perceived procedural error the student may appeal the decision of the H.P. by requesting that the college president hear the case within 10 class days. The president will hear the appeal within 10 class days of the request and render a decision within five class days after the hearing.
- d. If the hearing panel exonerates the student, the accuser will have no further recourse. The accuser may appeal only the penalty imposed.
- e. All appeals shall be made in writing to the Student Affairs Committee chairman or designee within five class days of the decision of the H. P. The chairman will forward the appeal to the college president.
- f. This procedure in no way limits the student's right to appeal to the civil courts.

The chair will notify the accused and accuser of the H.P.'s decision in writing within five class days of the hearing.

*\*\*For appeals involving Cattaraugus County Campus students at the formal hearing level, panel members are chosen by the Student Senate and faculty members are chosen from the Cattaraugus County Campus.*

#### **Sec. 4 Drug and Alcohol Policy**

The inappropriate use of alcohol and drugs can interfere with student development and seriously threaten the health and safety of the college community. Members of the college community will be held

accountable for their behavior while under the influence of alcohol and/or drugs.

These alcohol and drug related sanctioning guidelines focus on student development and early intervention for minor violations and first offenses and on more disciplinary approach for major violations and repeat or multiple offenses.

#### **Drugs**

The following are prohibited:

1. The use, possession, sale or distribution or knowingly in the presence of illegal drugs, controlled substances, and drug paraphernalia.

#### **Alcohol**

The following are prohibited:

1. Using or possessing alcohol or knowingly in the presence of (all students on campus and to include residence halls)
2. Distributing or selling alcohol

Listed below are possible sanctions for those who violate the drug and alcohol policy. These sanctions may be applied alone or in combination, and additional sanctions not listed here may also be applied.

**First Offense:** The first alcohol or drug related offense will typically result in a disciplinary warning that will be documented in a student file.

**Second Offense:** The second alcohol or drug related violation will typically result in disciplinary probation and a referral to the substance counseling program, an in-depth alcohol and drug prevention counseling program. The student will be charged a fee to offset some of the cost of this counseling program.

**Third Offense:** The third offense will typically result in a disciplinary suspension. The duration of the suspension will depend on the student's educational and disciplinary record.

If any of these offenses are major violations of campus policy, the sanctions may be more severe. Major violations typically result in police involvement, criminal charges, hospitalizations of participants, or involve the illegal sale or distribution of drugs or provision of alcohol to students who are underage.

#### **In addition, resident student infractions involving drug/alcohol in the residence halls will also be subject to:**

**First Offense:** disciplinary action of a strike and a meeting with the residence director of the student's residence hall during which additional consequences are articulated. The secondary consequence may include but not be limited to:

1. A reflective assignment or other educational component;
2. A discussion about wise choices.

**Second Offense:** Disciplinary action will include a second strike and the student will be required to meet with the residence life director and the vice president of student development (or designee).

As a result of that meeting and dependent upon the severity of the infraction, a determination will be made about an appropriate additional consequence. The secondary consequence may include but not limited to:

1. A community referral for drug and/or alcohol evaluation;
2. A discussion about wise choices.

**Third Offense:** Disciplinary action of a third strike, which may result in sanctions up to and including expulsion from the residence halls. Expulsion will include loss of the privilege of entering the residence halls as a guest.

#### **All residence life offenses and consequences (strikes) remain part of a student's record for the duration of his/her JCC residential experience.**

#### **Sec. 5 Other Types of Sanctions**

If a student is found responsible for misconduct, the following sanctions may be imposed singly or in combination. The sanction(s) imposed will be commensurate with the offending conduct, and may take into account the student's educational record and any previous conduct record. (The consequences are not listed in order of severity.):

1. **Verbal warning** - A verbal reprimand which expresses college dissatisfaction with the student's conduct and which clarifies

expected behavior in the future.

2. **Disciplinary warning** - A written reprimand which expresses college dissatisfaction with the student's conduct and which clarifies expected behavior in the future.
3. **Loss of credit in a course** - An administrative withdrawal of the student from a course(s) with a loss of credit for that particular session.
4. **Disciplinary probation** - Written notification that any further violations within the probationary period shall result in more severe disciplinary action. The probationary period will be for a specific period of time and/or until the completion of any specified requirements or conditions that are part of the probation.
5. **Disciplinary suspension in abeyance** - The student remains enrolled. However, any violation of conduct regulations during the period of suspension in abeyance will, after determination of guilt, result in a minimum sanction of automatic suspension.
6. **Disciplinary suspension** - A decision that removes the student from the college for a specific period of time, ranging from one day to an academic year. The terms of reinstatement will be set forth in the notice of suspension, which include meeting with the dean of student development regarding the intent to return to the campus. A record of the incident will be added to the student's conduct file. The student will be barred from college premises and college sponsored events during the suspension period, except with the express written permission of the dean of student development. Students who are suspended will not be eligible for a refund. This includes tuition and the cost of on-campus housing. JCC considers dating violence, domestic violence, sexual assault, and stalking as extremely serious violations, subject to suspension and/or expulsion from the college, and will result in a transcript notation.
7. **Disciplinary expulsion** - A lengthy separation of the student from the college, to be more than one academic year in length. A record of the incident will be added to the student's conduct file. The student will be barred from college premises and college sponsored events. If the student is desirous to return to the campus after the terms of expulsion have been met, the student must meet with the vice president of student development, who will determine if the student could be allowed to request readmission to the college. If readmitted, the student would be placed on probation status. (See 3). JCC considers dating violence, domestic violence, sexual assault, and stalking as extremely serious violations and subject to suspension and/or expulsion from the college, and will result in a transcript notation.
8. **Restitution** - Reimbursement to the college or another party for the value of damaged, destroyed, or misappropriated property. Restitution may not always be in monetary terms by may take the form of appropriate service or other compensation.
9. **Other sanctions** - Other sanctions may include a variety of restrictions and educational related activities. These include but are not limited to:
  - Prohibition from engaging in any extracurricular activity
  - Prohibition from running or holding an office in any student group or organization
  - Prohibition from participation in sports-related activities
  - Restricting students from serving on any college committees
  - Limiting student employment
  - Removal from on-campus housing
  - Restriction from specific buildings or residence halls
  - Changing student room or residence hall assignment
  - Restricting from campus
  - Placing holds on records
  - Service charges or restitution
  - Required counseling
  - Required community service
  - Required class attendance
  - Required Internet research

- Reflective assignment
- Required apology

Students may also be subject to fines or penalties prescribed in college policies. In addition to, or in lieu of the foregoing, the college may, at any time, invoke any or all processes of civil or criminal law.

**Transcript Notations** - For crimes of violence, including, but not limited to sexual violence, a notation shall be made on the transcript of students found responsible after a conduct process that they were “suspended after a finding of responsibility for a code of conduct violation” or “expelled after a finding of responsibility for a code of conduct violation.” For the respondent who withdraws from JCC while such conduct charges are pending, and declines to complete the disciplinary process, JCC shall make a notation on the transcript of such students that they “withdrew with conduct charges pending.” Respondents may appeal the decision and seek the removal of a transcript notation for a suspension, provided that such notation shall not be removed prior to one year after conclusion of the suspension, while notations for expulsion shall not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

**Retaliation** – No member of the JCC community shall retaliate, intimidate, threaten, coerce or otherwise discriminate against a person who files a Title IX complaint, serves as a witness, or assists or participates in a Title IX proceeding in any manner.

## Sec. 6 JCC Students’ Bill of Rights

The State University of New York and JCC are committed to providing options, support and assistance to victims/survivors of sexual assault, domestic violence, dating violence, and/or stalking to ensure that they can continue to participate in College-wide and campus programs, activities, and employment. All victims/survivors of these crimes and violations, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, have the following rights, regardless of whether the crime or violation occurs on campus, off campus, or while studying broad:

All students have the right to:

- Make a report to local law enforcement and/or state police;
- Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
- Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure from the institution;
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
- Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
- Describe the incident to as few institutional representatives as practicable and not to be required to unnecessarily repeat a description of the incident.
- Be free from retaliation by the institution, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
- Access to at least on level of appeal of a determination;
- Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process;
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, judicial, or conduct process of the college.

## Good Samaritan Policy

The JCC *Good Samaritan 911 Policy* supports students who reach out for assistance in the case of a medical emergency, as well as supports the student who is helped. This policy also applies to victims of and witnesses to crimes, including sexual violence. Therefore, a student or student organization seeking medical treatment for him/herself, or for any other student who is in immediate medical need, or any student who is the recipient of this emergency medical help, will not be subject to disciplinary sanctions related to the violation of using or possessing alcohol or other drugs, as defined in the JCC Code of Conduct. This policy applies to emergencies both on and off campus.

### 6.1 Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases

The health and safety of every student at the State University of New York and its state-operated and community colleges is of utmost importance. JCC recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct.

JCC strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to JCC officials or law enforcement will not be subject to JCC’s code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

### Sec. 7 Involuntary Medical Leaves of Absence

JCC maintains health centers and counseling centers to serve physical and emotional needs of students. Students whose needs are beyond the resources of these offices will be referred to off-campus, community facilities and service providers when possible. However, students who cannot adequately be helped by the available facilities and/or refuse to accept recommended emotional and/or medical treatment and whose resulting behavior renders them unable to effectively function in the residential or college community may be required to leave JCC following the described procedure below:

The vice president of student development or designee may require a mandatory assessment if a student’s condition renders him/her unable to function in the college community without harming others and/or disrupting the educational mission of the institution.

When in the opinion of a professional member of the counseling or health center staff a student is unable to be adequately helped by the center or by other available facilities, and the student’s condition renders them unable to function in the college community without harming others and/or disrupting the educational mission of the institution, the staff member shall notify the vice president of student development or designee of the situation as soon as possible.

When the vice president of student development receives notification under either (a) or (b), described above, the vice president of student development or his/her designee will review appropriate documentation and make a decision regarding absence without further process. If the vice president of student development determines that the student should leave JCC, the vice president of student development or his/her designee will establish contacts consistent with the campus FERPA policy.

Although a request for return will be assessed whenever requested by a student, involuntary medical leaves of absence are generally for a period of no less than six months. A student may apply for re-enrollment by following the re-admission process established by the JCC admissions office.



## Sec. 8 Policy Regarding Return to Campus after Emergency Medical Evaluation/Treatment

Any student who has needed emergency medical evaluation and/or treatment, or who has been transported from JCC by emergency medical personnel, must follow specific procedures to return to campus. The college will determine the student's appropriateness to return to the academic and/or residential environments, including planning for needed follow-up care, arranging for the completion of missed academic work, and assuring the safety and well-being of the whole campus community.

*Psychological/psychiatric incident, including alcohol or other drug-related incident:*

- Before noon of the first business day following the student's return to campus, he/she must contact the following two offices to arrange immediate appointments:

**The Counseling Center** at: 716.338.1007 (Jamestown), 716.376.7508 (Cattaraugus County Campus), and 716.363.6500 (North County Extension Center) to arrange an immediate appointment for follow-up care and/or referrals (an expectation will be in place that you will bring information from the attending physician in the ER/hospital).

**The office of residence life** at: 716.338.1188 if the student lives on campus.

*Traumatic injury, accident, or illness:*

- Before noon of the first business day following the student's return to campus, he/she must contact the JCC health center at: 716.338.1013 (Jamestown) and 716.376.7569 (Cattaraugus County Campus) to arrange an immediate appointment for follow-up medical care and/or referrals (an expectation will be in place that you will bring information from the attending physician in the ER/hospital).

On the basis of all of the above information, an administrative determination will be made about the student's ability to remain in school, any special conditions on his/her continued attendance (i.e., part-time study only, residential status), and any disciplinary action that the college may pursue. Following the completion of the student's reentry assessment, he/she will be contacted by the office of student development via email to inform him/her of the administrative determination and any special conditions to be set forth in a behavioral contract.

## Appendix III Civility Statement

*JCC is committed to the highest standards of academic and ethical integrity, acknowledging that respect for self and others is the foundation of educational excellence. As such, we will cultivate an environment of mutual respect and responsibility. Whether we are students, faculty, or staff, we have a right to be in a safe environment, free of disturbance and civil in all aspects of human relations.*

### Expectations of Students While On Campus

Your academic attitude is a major factor in your success at JCC. You share responsibility, along with your professor and other students, for creating a productive learning environment. This responsibility includes behaving courteously and respectfully toward your professors and your classmates and becoming self-disciplined in your learning. To create a productive college experience for you and all students, you should:

- **Show respect for people and property.** All students are expected to treat one another with respect and dignity during all campus interactions and to refrain from horseplay such as yelling, swearing, roughhousing, inappropriate use of furniture, and inappropriate touching. Violators will be subject to discipline action according to *JCC's Constitution of the Student Body*.
- **Attend class and pay attention.** Do not ask the instructor to go over material you missed by skipping class or not concentrating. If you have difficulty understanding the presented material, ask the instructor to assist you.
- **Not come to class late or leave early.** If you must enter late, do so quietly and do not disrupt the class by walking between the

class and the instructor. Do not leave class early unless it is an absolute necessity. If you know in advance you will need to leave class early, sit near an exit and inform the instructor prior to class.

- **Not talk with other classmates while the instructor or another student is speaking.** If you have a question or comment, please raise your hand, rather than start a conversation with your neighbor. Others in the class may have the same question.
- **Show respect and concern for others by not monopolizing class discussion.** Allow others time to give their input and ask questions. Do not stray from the topic of class discussion.
- **Turn off all electronic devices, including but not limited to: cell phones, pagers, beeping watches.** If, due to work or family obligations, you need to remain in contact, inform your instructor ahead of time and set these devices to be as unobtrusive as possible.
- **Avoid audible and visible signs of restlessness.** These are both rude and disruptive to the rest of the class.
- **Focus on class material during class time.** Sleeping, talking to others, doing work for another class, reading the newspaper, checking email, exploring the internet etc., are unacceptable and can be disruptive.
- **Not pack bookbags or backpacks to leave until the instructor has dismissed the class.**
- **Clear any visitors you would like to bring to class with your instructor ahead of time.**

### Your Rights as a Student

As a student, you have the right to a learning environment free from distractions. If others in your environment are engaging in behaviors that interfere with your learning, bring the situation to the attention of your instructor or other college staff member. He or she is responsible for managing the college environment and determining the action that should be taken.

### Consequences of Inappropriate Campus Behavior

Faculty or other college personnel have the right and the responsibility to take appropriate action when an instance of inappropriate behavior is observed. The form of intervention taken by the instructor or other college personnel will depend on the nature of the misconduct observed. The Constitution of the Student Body outlines the process to be followed and sanctions that may be placed on students who engage in various forms of misconduct.

### A Final Note

JCC is committed to creating and maintaining an effective community of learners in which all can grow and develop. We look forward to interacting with you in a civil and respectful classroom environment that encourages dialogue, supports the acquisition of knowledge, and assists all students in meeting their academic and personal goals.

## Appendix IV

### Maintenance of Public Order on the Campus of Jamestown Community College

#### 1. DESCRIPTION OF POLICY

The Board of Trustees of Jamestown Community College, as required by law, has adopted the following rules and regulations for the maintenance of public order on the campus of Jamestown Community College and other properties used for educational purposes by Jamestown Community College. These rules and regulations are in compliance with Section 6450 of the New York State Education Law and have been filed along with a statement of procedures, penalties, and responsibilities with the commissioner of education and the Board of Regents. These rules and regulations were adopted by the Board of Trustees on July 15, 1969, and amended on December 16, 1980.

The rules hereby adopted govern the conduct of all students, faculty, staff, visitors, licensees, organizations, and invitees, whether or not their presence is authorized upon the campus of this institution.

Visitors are welcome on campus. They are expected, however, to abide by the same rules that apply to students. Action, including ejection, may be taken against any and all persons who are present in

or on college owned or used facilities for an improper purpose or purpose which, in the judgment of the college representative, is improper or interferes with or obstructs the functioning of the college or the normal processes or activities of the college.

If students bring children on campus, the children must remain under the direct supervision of their parents or guardians. Any unsupervised or disruptive children will be detained by a college representative, and their parents or police will be contacted immediately. Any unsupervised or disruptive children may be asked to leave the campus.

The college has the right and responsibility to take such action it deems appropriate, either administratively, or in civil or criminal legal action, or any combination thereof, to insure the maintenance of public order on its campus, the continuation of its work, the protection of its resources, and the rights of the members of this academic community.

The rules and regulations are intended to clarify and record the official policy of the college in regard to matters concerning the maintenance of public order on the premises of the college. They are not intended, nor should they be construed, to limit or restrict the freedom of speech or peaceful assembly.

## **2. VIOLATIONS OF PUBLIC ORDER**

No person, either singly or in concert with other persons, shall violate any section of the New York State Penal Code on the properties of Jamestown Community College. When such violations are alleged to have occurred, a representative of the college will take whatever action is deemed appropriate.

## Appendix V

### **Students Unable, Because of Religious Beliefs, To Attend Classes On Certain Days**

1. No person shall be expelled from or be refused admission as a student to an institution of higher education for the reason that he/she is unable, because of his/her religious beliefs, to attend classes or to participate in any examination, study or work requirements on a particular day or days.
2. Any student in an institution of higher education who is unable, because of his/her religious beliefs, to attend classes on a particular day or days shall, because of such absence on the particular day or days, be excused from any examination or any study or work requirements for those days.
3. It shall be the responsibility of the faculty and of the administrative officials of each institution of higher education to make available to each student who is absent from school, because of his/her religious beliefs, an equivalent opportunity to make up any examination or study or work requirements which he/she may have missed because of such absence on any particular day or days. No fees of any kind shall be charged by the institution for making available to the said student such equivalent opportunity.
4. If classes, examinations, or study or work requirements are held on Friday after four o'clock post meridian or on Saturday, similar or makeup classes, examinations, or study or work requirements shall be made available on other days, where it is possible and practical to do so. No special fees shall be charged to the student for these classes, examinations, or study or work requirements held on other days.
5. In effectuating the provisions of this section, it shall be the duty of the faculty and of the administrative officials of each institution of higher education to exercise the fullest measure of good faith. No adverse or prejudicial effects shall result to any student utilizing the provisions of this section.
6. Any student, who is aggrieved by the alleged failure of any faculty or administrative officials to comply in good faith with the provisions of this section, shall be entitled to maintain an action or proceeding in the supreme court of the county in which such institution of higher education is located for the enforcement of his/her rights under this section.

## Appendix VI

### **Complaint Procedure - Human Rights**

#### **Sec. 1 AFFIRMATIVE ACTION**

Jamestown Community College does not discriminate on the basis of color, sex, sexual orientation, race, creed, national origin, age, marital status, veteran status, or disability. This policy applies to all activities and programs under the college sponsorship as well as to application and selection for admission, employment, and all other personnel procedures within the college.

#### **Sec. 2 SEXUAL HARASSMENT**

Sexual harassment is against the law and a violation of the non-discriminatory policy of Jamestown Community College. Harassment on the basis of sex is a violation of federal law including Section 703 of Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. It is also a violation of New York state's human rights law.

Sexual harassment, like harassment based on race, color, national origin, or religion, will not be condoned by Jamestown Community College, whether it occurs in our educational programs or among our non-teaching staff.

#### **Sec. 3 DISABILITIES**

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act protect employees with disabilities from discrimination in the workplace. Inquiries about access to buildings and facilities should be directed to the human resources office in the Hamilton Collegiate Center.

#### **Sec. 4 HUMAN RIGHTS/AFFIRMATIVE ACTION COMPLAINT PROCEDURE**

A human rights/affirmative action complaint is a claim by an employee, prospective employee, student, prospective student, or a group of same, based upon a claimed violation of the affirmative action policy of Jamestown Community College, or a claimed violation of state or federal human rights laws, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

The affirmative action policy states that Jamestown Community College does not discriminate on the basis of basis of color, sex, sexual orientation, race, creed, religion, national origin or citizenship, age, marital status, military status, disability, family status, domestic violence victim status, arrest or conviction record, or predisposing genetic characteristics.

The following procedure shall be followed to resolve a human rights/affirmative action complaint. This procedure may be followed in addition to any union complaint.

The complainant shall discuss the complaint informally with the college's human resources director Nickey Riczker (ext. 1035) on the Jamestown Campus or human rights assistant Paula Snyder (ext. 7569) on the Cattaraugus County Campus. If the claim is not resolved at this stage:

- a. A written complaint, which includes information pertaining to the incident and the outcome desired by the complainant, should be submitted to the human rights officer. A written complaint must be filed within the statute of limitations for the complaint: within one year of the alleged incident for state complaints and within 300 days for federal complaints.
- b. The human rights officer shall conduct a preliminary investigation and discuss the issue with the parties involved, either individually or in a joint meeting.
- c. Within 20 working days after the filing of the written complaint, the human rights officer shall render a decision in writing to the complainant.
- d. If the complainant, or the respondent, is not satisfied with the written decision, and wishes to proceed further, he/she shall, within 10 working days, file a written appeal of the decision with the human rights committee.
- e. Within 15 working days, the human rights committee of the college will appoint a panel consisting of impartial representatives

- chosen from the faculty, administration, staff, or student body.
- f. A hearing shall take place within 30 working days of the date the written appeal was filed at a time and place agreeable to both parties.
  - g. The hearing panel shall render a decision in writing to both parties within 10 working days after the end of the hearing. Included in the panel's decision of validity shall be a statement of recommended disciplinary action, if warranted. Such disciplinary action is dependent upon the nature of the violation and may vary from the minimum of a written letter describing the violation placed in the violator's file to a maximum of dismissal from the institution.
  - h. If the complainant, or the respondent, is not satisfied with the written decision and wishes to proceed further, he/she may take the complaint to the civil rights agency of his/her choice, or seek other legal remedies.

## Appendix VII

### Jamestown Community College Complaint Process

A student who has a complaint about a program, service, or other aspect of this institution may utilize the following process in seeking resolution of the concern:

1. The student should meet with the college employee who directly supervises the affected area to attempt informal resolution of the situation. The supervisor will keep records of the outcome of this meeting. If the student is unsure who supervises an office, he should contact the human resources office.
2. If resolution does not occur informally, or if there are compelling reasons why the student chooses not to meet with the supervisor of the area, the student shall present a written complaint to the supervisor at the next level, who will review the complaint, conduct appropriate investigations, and attempt to resolve the situation. This process will be completed within 10 class days of the receipt of the complaint. Students can submit a complaint through [https://publicdocs.maxient.com/reportingform.php?SUNYJamestownCC&layout\\_id=2](https://publicdocs.maxient.com/reportingform.php?SUNYJamestownCC&layout_id=2). The following individuals will serve as informal facilitators of the complaint resolution process: vice president of student development in Jamestown, vice president of the Cattaraugus County Campus, and director of the North County Extension Center in Dunkirk.
3. If the previous steps do not resolve the complaint, the student may take the complaint to the appropriate vice president or his/her designee from within whose area the complaint arises. The vice president will investigate the complaint, gather all relevant information, and offer a resolution of the process within 10 class days of receipt of the complaint. In the case where the appropriate vice president is directly involved in the complaint, the matter will be referred to another vice president.
4. The student may appeal the resolution at the previous step to the college president. The president will review all previously gathered data, consider any additional relevant information, and issue a decision within 10 class days of the receipt of the appeal. This will be the final step in the internal complaint process.
5. Students shall be assured that no adverse action will be taken against them for filing a complaint.

In circumstances where another college grievance procedure is in place to address the student concern, that grievance procedure should be used instead of this complaint process.

## Appendix VIII

### Policy Statement On Ethical Standards in the Use of Computing Systems at JCC

#### I. Purpose

The purpose of this policy is to establish basic guidelines for the appropriate use of computing resources (including but not limited to: computers, laptops, electronic mail, the Internet, mobile devices, and related electronic products) at Jamestown Community College. JCC has created this policy to maximize the benefits of its computer resources and minimize potential liability. All computer users are obligated to use these resources responsibly, professionally, ethically, and lawfully. Violations of this policy will be taken seriously and may result in

disciplinary action according to the student conduct code or the appropriate faculty or staff contract/procedure. Users not subject to the student conduct code or the a faculty or staff contract/procedure may face suspension of privileges, possible employment termination or college expulsion, and civil and criminal liability.

To ensure that all individuals granted access to the college's computing resources are responsible, productive users who protect the college's public image, the following guidelines have been established for using the computing resources, electronic mail, the Internet, and related electronic products on computers at JCC:

#### II. All Users

**Password Policy:** JCC requires all students and staff to use their own unique login and password to access computing resources. This identity verification process is to protect your privacy. Each individual is responsible for maintaining his or her own secure password. That password is not to be shared with others.

**Communications:** All users are responsible for the content of all text, audio, or images that they place or send over the Internet. Illegal activities, fraudulent, harassing, or obscene messages are prohibited. All messages communicated on the Internet should have your name attached. No messages will be transmitted under an assumed name.

Users may not attempt to obscure the origin of any message. Information published on the Internet should not violate or infringe upon the rights of others. No abusive, profane, or offensive language is to be transmitted through the system. Users who wish to express personal opinions are encouraged to obtain their own usernames on other Internet systems.

**Social Networking:** Social media allows for users to share information and resources over the Internet. Social media includes but is not limited to blogs, social networking, Internet forums, and photo/video sharing sites.

Information posted on the following websites is information posted directly from the college. The college is not responsible for any information posted on non-officially affiliated social media sites.

SUNY JCC is officially affiliated with these social media sites:

<a href="https://www.facebook.com/sunyjcc">https://www.facebook.com/sunyjcc</a>	<b>Main SUNY JCC Facebook</b>
<a href="https://www.facebook.com/SUNYJCCjamestowncampuslife">https://www.facebook.com/SUNYJCCjamestowncampuslife</a>	<b>SUNY JCC Campus Life Jamestown Campus Facebook</b>
<a href="http://www.facebook.com/JCCAlumni">http://www.facebook.com/JCCAlumni</a>	<b>SUNY JCC Alumni Facebook</b>
<a href="http://www.facebook.com/jccfinancialaid">http://www.facebook.com/jccfinancialaid</a>	<b>SUNY JCC Financial Aid Facebook</b>
<a href="https://www.flickr.com/photos/sunyjcc">https://www.flickr.com/photos/sunyjcc</a>	<b>SUNY JCC Flickr</b>
<a href="https://instagram.com/sunyjcc/">https://instagram.com/sunyjcc/</a>	<b>SUNYJCC Instagram</b>
<a href="https://www.linkedin.com/edu/school?id=20220">https://www.linkedin.com/edu/school?id=20220</a>	<b>SUNY JCC LinkedIn</b>
<a href="http://www.linkedin.com/groups?home=&amp;gid=2199857&amp;trk=anet_ug_hm">http://www.linkedin.com/groups?home=&amp;gid=2199857&amp;trk=anet_ug_hm</a>	<b>SUNY JCC Alumni LinkedIn</b>
<a href="https://www.pinterest.com/sunyjcc/">https://www.pinterest.com/sunyjcc/</a>	<b>SUNY JCC Pinterest</b>
<a href="http://ambassadors.sunyjcc.edu/">http://ambassadors.sunyjcc.edu/</a>	<b>SUNY JCC student blogs</b>
<a href="http://twitter.com/sunyjcc">http://twitter.com/sunyjcc</a>	<b>SUNY JCC Twitter</b>
<a href="http://www.youtube.com/sunyjcc">http://www.youtube.com/sunyjcc</a>	<b>SUNYJCC YouTube</b>

**Computers and Computer Networks:** The following activities constitute a breach of ethics and are prohibited:

1. Unauthorized access to and/or modification of files, programs, and/or system software;
2. Unauthorized use of passwords and accounts to obtain access to information networks;
3. Deliberate attempts to sabotage the normal operation of systems.

**Copying Software:** Copying software from any JCC computer system is illegal. Software is protected by the Federal Copyright Law as printed material and violation can result in criminal charges and college disciplinary action.

**Copyright violations:** The following activities are contrary to existing U.S. copying legislation:

1. Unauthorized duplication of copyrighted material;
2. Distribution of illegally copied material;
3. Unauthorized alteration of copyrighted material.

**Peer-to-peer file sharing:** SUNY JCC policy forbids illegal file-sharing. Violation of copyright is a federal offense. Using a computer to copy or store any copyrighted material (text, images, music, movies, computer programs, etc.) is a violation of state and federal law, and leaves you liable, on conviction, to heavy fines and possibly imprisonment.

**Disclosure of confidential information:** It is against college policy to seek out or use personal or confidential information relating to others for personal interest or advantage. Employees responsible for the collection, maintenance, use, and dissemination of information about individuals that relates to individuals' personal lives, including employment, medical history, financial transactions, marital status, and dependents, must hold this information in confidence.

**Ethical Standards:** Computing systems exist for the constructive manipulation of information. Students, faculty, and staff should be guided by prevailing principles used to govern other processes and academic environments at JCC. The conduct of students, faculty, and staff should take into account issues such as courtesy and good taste as well as those of pure legality. You must not present false identification or misleading information to gain access to computing resources or use computing resources for which you are not authorized.

**Internal e-mail:** will be used for college related business only. Non-college related items such as the sale of personal items, discussion of non-college related issues, and the promotion of non-college events will be posted on the bulletin board section of Outlook only.

**Network Code of Conduct:** JCC's computing facilities are networked to provide for the most efficient use of limited resources. Access to college computer systems, software, networks, and the Internet has been provided for the benefit of the college.

**New Software:** Installation requests for new software that the college already owns is made through the help desk. If the software must be purchased, a departmental budget number and request should be processed through the instructional computing and software services office. It investigates best price options. Selected software is available for student use on a checkout basis after a request from their instructor is made through the help desk.

**Ownership:** The computer system belongs to JCC and should be used for JCC business or academic purposes. The system may not be used for personal business. All software and files on JCC's computer systems are the property of the college. The college reserves the right to inspect/delete/print files from all software and accounts. In addition, the college reserves the right to revoke computing privileges to any user. Users shall receive notification prior to any action taken unless extenuating circumstances prevent it.

**Privacy:** You are given access to the college's computer network to assist you in performing your job or completing your academic tasks. You should not have an expectation of privacy in anything you create, store, send, or receive on the computer system. Without prior notice, the college may review any material created, stored, sent, or received on its network or through the Internet or any other computer network.

**Saving Work:** No one is allowed to store personal work and/or software on the hard disk drives.

**Security:** All messages created, sent, or retrieved over the Internet are the property of the college and should be considered public information. The college reserves the right to access and monitor all messages and files on the computer as deemed necessary and appropriate. Internet messages are public communication and are not private. All communication, including text and images, can be disclosed to law enforcement or other third parties without prior consent of the sender or receiver.

**Systems regulations:** Individuals who receive a computer access code (username and password) are liable for any and all activities on their accounts. Usernames and passwords are given the same significance as a handwritten signature; delegation of a username and password to another person, or use of another person's username or password, may be considered false representation.

### III. All Users Prohibited Activities

Use of computer resources for any of these activities is strictly prohibited:

- a. Knowingly sending, receiving, downloading, displaying, printing, or otherwise disseminating material that is sexually explicit, profane, obscene, harassing, fraudulent, racially offensive, defamatory, or otherwise unlawful;
- b. Disseminating or storing commercial or personal advertisements,

solicitations, promotions, destructive programs (that is, viruses or self-replicating code) or political information or for the conduct of private business affairs; computer resources should not be used for personal gain or advancement of individual views;

- c. Wasting computer resources by, among other things, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in online chat groups, printing multiple copies of documents, printing excessively long Internet documents or otherwise creating unnecessary network traffic;
- d. To interfere with the privacy of others;
- e. For direct financial gain (e.g., commercial consulting or manuscript preparation for hire);
- f. In conjunction with programs (such as copying the password file, password cracking programs or Satan) that are designed to probe, describe, or to defeat computer security features of computer systems located at the college or elsewhere, or the use of ordinary tools (e.g., ping or finger) in a manner that may probe or describe network topology or computer security features without the express written consent of the executive director of technology;
- g. To effectuate, or to attempt to effectuate, access to any system for which the person is not an authorized user;
- h. To decrypt, or to attempt to decrypt, scrambled files (e.g., the password file) that are not owned by the user;
- i. To use "sniffing" or similar programs so as to gain access to communications or data to which the user is not a party in a manner that degrades system or network performance (e.g., transmission of software containing a virus, cancelbot, trojan horse, worm, or other harmful component or running a program that has no purpose);
- j. To alter systems configuration files (e.g., autoexec.bat or config.sys);
- k. To remove college-owned software, or alter files owned by another user;
- l. To upload to the Internet, post, publish, transmit, or reproduce in any way, information, software or other material which is protected by copyright or other proprietary right;
- m. To upload to the Internet, post, publish, electronically transmit, or reproduce in any way college information that is confidential or legally protected according to the college's information security program;
- n. To engage in any form of harassment over the Internet, commonly referred to as cyber bullying. Cyber bullying includes, but is not limited to the following: transmitting unlawful messages to anyone that is threatening, abusive, libelous, obscene or pornographic, whether in text, audio, or graphic form; on the Internet such as through email, blogs or social networking sites;
- o. To send unsolicited messages (such as chain letters or electronic junk mail) that may be perceived as harassing, annoying, or obscene;
- p. To conduct business for political purposes, to interfere with or intercept the electronic communications of another user;
- q. To obscure or to attempt to obscure the identity and location of a remote connection;
- r. To physically abuse or misuse college computing equipment, and
- s. To engage in activities prohibited by local, state, or federal law.

### IV. Rules & Regulations for Open Lab Facilities

**Purpose of Open Labs:** The primary purpose of JCC's open computing lab facilities is for completion of **class assignments** requiring the use of college-owned software and hardware. Individuals who receive a computer access code (username and password) are liable for any and all activities on their accounts. You should never sign anyone else in under your password.

**Lab Hours:** Operating hours for open lab facilities will be posted. The instructional computing staff reserves the right to close the facilities with little or no notice for repair purposes. Hours will be posted and may vary during vacation periods, summer sessions, and during mid-term recesses.

**Internet Access:** The instructional computing staff will make every effort to provide Internet access to users searching academic resources in the open lab facilities. Recreational use of the facilities may be limited during peak usage times.

Additional terminals are provided in the Hultquist Library on the

Jamestown Campus for students who wish to access Internet services during regular library hours.

**PC Games:** PC games are generally not allowed in the open computing lab facilities.

**Personal Equipment and Software:** Users are not allowed to connect personal laptops into the network with a physical wire without special permission of the instructional computing staff. Personal software may not be loaded onto any networked computers in the open labs. In addition, Internet files may not be downloaded onto the system hard drives.

**Reserving Equipment:** All equipment in the open labs is available on a first come, first served basis. No reservations will be taken. If all equipment is in use, a waiting list will be started and users performing non-academic functions will be asked to vacate the equipment for users waiting to do academic assignments.

**Saving Work:** No one is allowed to store personal work and/or software on the hard disk drives in the open labs. All users should have a personal data disk for saving their work. Any files or software found on the hard drives will be deleted. The instructional computing staff is not responsible in any way for unsaved data lost due to power failure, computer failure, or any other unplanned or unavoidable event or emergency.

**Virus Protections:** Instructional computing staff reserves the right to refuse entry into an open lab to any individual who has an un-removable virus on his/her disk. In addition, instructional computing staff reserves the right to remove any individual who refuses to scan his/her disk.

**Printing:** There are a limited number of printers available in the open labs. To avoid printing delays and backups, please print only necessary files. In order to avoid backups at closing time, users will be notified to begin print jobs at least 15 minutes prior to closing.

**Food and Drink:** Food and drink are not allowed in computing facilities. Anyone found with food or drink will be asked to dispose of it or leave.

**Noise:** Noise and loud talking are to be kept to a minimum in order to avoid disturbing others. Disruptive individuals will be asked to leave the lab area.

#### **V. Access to College Computing Facilities**

**Students:** Registered students of JCC have the privilege to access computing resources in designated open labs.

**Alumni:** Alumni who have a valid **gold** card are eligible to use designated college computing resources. Alumni must show the gold card to lab staff in order to get an account.

#### **VI. Reporting Violations**

If you become aware of someone violating these policies, you are obligated to report the incident immediately to the executive director of technology.

## Appendix IX

### **Policy Statement for Students With Disabilities**

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 state that qualified students with disabilities have the right to reasonable modifications in all on and off-campus academic programs and services, as well as in student services in order to make a college education truly accessible. The philosophy of Jamestown Community College is to do its utmost to maximize the educational opportunities of all its students. Thus, our policy regarding students with disabilities is a manifestation of our general approach to all students. We believe in treating students as individuals and in doing our best to meet individual needs.

To plan for necessary modifications and support services, students must contact the disability support services office coordinator and provide documentation that verifies the existence of a disability and supports the need for accommodation. We can best meet the needs of students if requests for accommodations are made as soon as possible after the master schedule is available. For those students who have a disability requiring services and/or equipment from outside the college, such as course materials in alternate media or sign language interpreters, we strongly urge three months' advance notice. All disability-related information is treated confidentially.

Programs, or portions of programs with separate admissions policies (e.g. field placements), may have additional performance criteria for students to review prior to application. The nursing program's essential skills and abilities information is published in the college catalog and on the college website. The occupational therapy assistant program's essential skills information is available on JCC's website. Both programs require medical exams prior to field placement.

When a student requests a modification which is beyond the scope of authority of the disability support services coordinator to decide, the request will be decided upon by a committee appointed by the vice president of academic affairs. The procedure for filing such requests is available in the disability support services office, in the office of the vice president of academic affairs, and on JCC's website.

## Appendix X

### **Student Release Procedure**

The use of student release forms has proven to be an extremely effective risk management tool for institutions of higher education across the country, particularly in the areas of field placements, student travel, and athletics. In recognition of this fact, the JCC administration has determined that it is in the interest of the college to formalize a procedure whereby student release forms are secured as a prerequisite for participation in certain classes and/or outside activities. Such activities shall include nursing practicum, human services field placements, criminal justice programs, organized student travel, college sponsored team athletics, internships, field trips, other college sponsored off-campus activities and FSA sponsored activities.

Each student who desires to participate in these courses of study or activities shall be permitted to do so only after a completed and full executed Release and Acknowledgement of Assumption of Risk form is received by college personnel supervising the class or activity in question, on a form prepared and approved by the legal counsel for the college. A separate form shall be required for each individual course or activity falling under this procedure, and in no event shall a single release form be used for more than one activity. All students' signatures must be properly witnessed by a college employee. Signed forms should be forwarded to the business services office where they will be filed.

It should be emphasized that the language contained in the release form is intended to release the college from liability only in cases where third parties cause injury to person or property; it is not intended to relieve the college from its duty to exercise care, and the college will continue to be held liable for reckless, careless, or negligent acts of its employees or agents.

This procedure took effect September 1, 1994, and shall be supplemented from time to time as the administration deems appropriate.