



# Constitution of the Student Body

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*Jamestown Community College does not discriminate and will make all decisions regarding admission and the entire educational process of its students, and recruitment, hiring, promotion, and other terms and conditions of employment without discrimination on the basis of sex, gender (including sexual harassment, gender harassment, and harassment due to pregnancy, childbirth, breastfeeding, and related conditions), gender identity, gender expression, gender non-conformity, sexual orientation, marital or domestic partner status, race, creed, color national origin, ancestry, religion, physical or mental disability, medical condition, genetic information of an individual or family member of the individual, requesting an accommodation, veteran or military status, family care status, requesting or taking pregnancy, parental or disability leave, age, or any other characteristic protected by federal, state or local law, or regulation. All such discrimination and harassment is unlawful and will not be tolerated by JCC. If any faculty, staff, employee, or any job applicant believes they have been subject to discrimination or harassment during any phase of the recruitment process or in the workplace, they may file a complaint under JCC's Human Right and Affirmative Action Policy. For these purposes, any incident should be reported to one of JCC's Civil Rights Compliance Coordinators. The name(s) and title(s) of the designated Civil Rights Compliance Coordinator(s)/Officer(s) and their complete contact information are available at [sunyjc.edu/nondiscrimination](http://sunyjc.edu/nondiscrimination).*

*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 executive director of human resources at 716.338.1035. Information can also be obtained on JCC's website, [www.sunyjc.edu](http://www.sunyjc.edu).*

# Constitution of the Student Body

## 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 Affairs.

### 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 the student body or appointed by Senate when voting is not available.
2. Any future reference to the Faculty Student Association in this document shall be FSA.

### CHAPTER II

#### MEMBERSHIPS & 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. FSA fees can vary from year to year and are dependent on registration status.
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 overall GPA is 2.0 or better.
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 from members of the student body. Students attending the Jamestown campus must get at least twenty (20) signatures and students attending the North County Extension Center must get at least five (5) signatures. 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 plurality vote of the Student Senate through a 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, at the North County Extension Center, and/or in an online format every semester.

## **Article 4**

1. 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.
2. The election committee shall have the authority and jurisdiction over all elections, unless otherwise stated in this constitution.
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 Student Senate shall appoint or elect 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 Campus Activity Board 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 chairperson 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 chairperson 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. 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 Affairs, 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 Affairs.

### **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 overall GPA is 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.

appoint the committee members or the president may delegate such appointments to the committee chairperson.

#### **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 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. 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.

#### **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 executive director of the Cattaraugus County Campus, the Vice President of Student Affairs, student clubs, and others as appropriate within one week of every meeting.

### **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 20 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. In the event an election cannot be held in the spring semester, the Senate president election can be held in the fall semester.
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 up to two (2) weeks before the election. To be valid, nominations must be given to the campus life director or faculty advisor in writing and be documented in Senate minutes.

#### **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 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.

#### **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 4**

#### **OFFICERS' 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

**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 Affairs. 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 Affairs. 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 president 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 their office by a 3/4 vote of voting members of the board of officers 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 Affairs 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 Affairs 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.

**Rights & Responsibilities of College  
Community Members**

It is the right and responsibility of college community members to ensure that the student constitution is updated and edited as appropriate. To that end, there are three distinct levels of changes that can be proposed.

**Level I** covers general edits, such as corrections in grammar, adjustments to titles, and other minor modifications. These types of changes are straightforward and do not require any formal approval.

**Level II** involves externally mandated changes, which are necessary requirements set forth by external authorities. These include, but are not limited to, organizations such as SUNY, the State Education Department (SED), the Middle States Commission on Higher Education (MSCHE), and the Federal Government. Such changes are crucial for compliance and must be implemented as directed by these governing bodies.

**Level III** consists of requested changes that carry more weight and complexity. For a change to be considered at this level, it must be supported by either the Student Senate or a college-recognized committee and submitted to the Student Affairs Committee for review. Approval is required from multiple entities, including the Student Senate, the Student Affairs Committee, and Shared Governance, which encompasses both the Academic Council and the President's Cabinet. This multi-tiered approval process ensures that all perspectives are considered before implementing significant

changes.

Furthermore, to promote transparency and communication, all members of Shared Governance will be notified of any level II or III changes that occur, ensuring that stakeholders are kept informed and involved in the decision-making process. This structured approach aims to foster a collaborative environment while adhering to necessary regulations and maintaining academic standards.

Changes will take effect at the beginning of the next academic year, unless otherwise approved by the Student Affairs Committee. To ensure a structured approach to managing these changes, the Student Affairs Committee will serve as the gatekeeper, overseeing the process and maintaining the integrity of the academic framework.

## 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 those protected classes listed in the JCC non-discrimination statement. 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 they have been graded unjustly or who wishes to present evidence of extenuating circumstances may appeal to the academic standings committee for review of their 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 suitemates 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 those protected classes listed in the JCC non-discrimination statement. 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 ensure 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

## 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. They 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 their 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 their 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,

- 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, expression, peaceful assembly, and right of petition that other citizens enjoy and, as members of the academic community, they are subject to the obligations which apply to them by virtue of this membership. Faculty members and administrative officials should ensure 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.

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 (their) own, for credit, the language, or information, or thought for which (they deserve) 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, they 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 need not be documented in papers. (e.g., George Washington was the first president of the United States. Albert Einstein developed the theory of relativity, etc.).

#### 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 oneself 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 them, that the student 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 their 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 the student's 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. If a student is found guilty of academic dishonesty and the instructor's sanction is a failing grade for the course, then a student will not be permitted to withdraw from the course to remove the failing grade.

The faculty shall consult their 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.

#### **Sec. 4 – Appeal of an Academic Integrity Decision**

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. The appeal must meet specific rationale as outlined below.

If an individual should wish to appeal a decision, the person making the appeal must do so in written form to the appropriate dean within five (5) class days of the instructor's decision. The dean's decision shall be made and disclosed within five (5) 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 (5) class days, file a written appeal with the Vice President of Academic Affairs. The Vice President of Academic Affairs' decision shall be made and disclosed within five (5) 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 of Academic Affairs within five (5) class days of the receipt of the vice president's decision.

A clearly stated rationale for the appeal must be included 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:
  - Discovered after the conclusion of the disciplinary hearing, and/or
  - Could not have been reasonably discovered prior to or during the hearing, 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.

Appeals may be no longer than two (2) pages including attachments. Appeals should be submitted in electronic format. Appeals that do not meet these standards may be returned to the party for correction and the time for appeal will not be extended unless there is evidence of a technical malfunction.

The submission of an appeal stays any sanctions for the pendency of the appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal.

If a party appeals, the institution will notify the other party in writing of the appeal within a reasonable timeframe. The time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

The Vice President of Academic Affairs will forward all materials to the Student Affairs Committee chairperson upon notification that an appeal has been made. The Chair and two other members of the Student Affairs Committee will review the written appeal request to determine whether or not the criteria for appeal has been met. The Chair of the Student Affairs Committee will send the individual who is seeking an appeal a written confirmation or denial of the appeal within five (5) class days of receipt of the appeal.

When an appeal is confirmed, the hearing is expected to commence within ten (10) class days following the appeal. The student shall be informed in writing via the student's institutional email of the charges by the chairperson of the Student Affairs Committee no later than three (3) days before the hearing. An advocate to help the student navigate the appeal process will be made available upon request to the Student Affairs Committee Chair.

#### **Formal Hearing**

The case is heard before a hearing panel composed of three students, two faculty, the Vice President of Student Affairs, and the chairperson of the Student Affairs Committee. Panel members will be free of conflict of interest and bias. The student panel members are chosen annually by the Student Senate specific to each 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 and the faculty panel member's replacement may be appointed by the Student Affairs Committee chairperson 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. All student and faculty panel members and student advocates will be expected to attend annual appeal process training early in the academic year.

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

- The person charged
- Their 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 chairperson's function is to conduct the hearing. The chair is the chairperson 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. Appeal 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 (45-minute limit).

3. The accused presents evidence and/or testimony to uphold the rationale for the appeal (45-minute limit).
4. At the conclusion, the accuser and the accused will have the opportunity to summarize their remarks.

Written statements in lieu of being present are not encouraged, but will be allowed at the discretion of the panel chair. 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 appeal, but will not speak to the panel directly.

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.

Panel members may ask questions of anyone providing testimony for purposes of clarification.

After the presentation of evidence, panel deliberations shall be held in private. Majority vote will decide the case.

The college will maintain a record (an audio recording) of the hearing. Thereafter, the record will remain the property of the college. In the event of further action, 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 to uphold the rationale for the appeal for each allegation, but forfeited their ability to present information on their 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.

The chair will notify the accused and accuser of the Appeal Panel's decision in writing within five (5) class days of the hearing.

This procedure in no way limits the student's right to appeal to the civil courts.

## **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 their 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, due process will be afforded to the student and the student will be informed of the nature of the allegations or charges against them. The student will be given a fair opportunity to refute the allegations or defend themselves against the charges. The institution will not be arbitrary in its actions and there will be a provision for an appeal of a decision.

Any individual who is determined to have a conflict of interest in a conduct and judicial process will be excused from the process and an alternate person will be appointed by the Vice President of Student

Affairs to act in the place of the individual with the conflict of interest.

### **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.

A student may be subject to an immediate meeting with the Vice President of Student Affairs or the vice president's designee which could result in an involuntary withdrawal from JCC, or from JCC housing, if it is determined, by a preponderance of evidence, that the student is suffering from a psychological, emotional, medical condition or disorder, or in accordance with provisions of the residence hall occupancy agreement, or other JCC rules or regulations.

Forms of misconduct include but are not limited to:

- Violation of college policies or local, state, and federal laws;
- Behavior which violates the established standards of ethical conduct for each discipline or field of experience;
- 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, discrimination, harassment or coercion of another person or group of persons;
- 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;
- Obstruction or disruption of the functioning of the college, or of any college sponsored activities;
- Trespassing or other unauthorized entering into in a building or upon college property;
- 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 or illicit drugs;
- Use and/or possession of firearms, explosives, noxious chemicals, and other weapons to include paint guns, homemade devices, knives, etc., or a threat thereof;
- Failure to comply with reasonable instructions of all institutional faculty, staff, administrative staff or ancillary staff of the college;
- Inappropriate use of personal or college owned electronic equipment to threaten, intimidate or otherwise harass another member of the college community;
- 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;
- Hazing for the purpose of initiation or affiliation into any organization, which intentionally or recklessly subjects a person to conduct, including, but not limited to, making physical contact with or requiring physical activity of such other person, which creates a substantial risk of physical injury to such other person or a third person;
- Hazing, or any other action which brings embarrassment or unwanted attention, humiliation, or public ridicule, including the use of unauthorized photography;
- 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;
- Hazing, or any other action which brings embarrassment or unwanted attention, humiliation, or public ridicule, including the use of unauthorized photography; and
- 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 - Drug and Alcohol Misconduct

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

#### Section 3.a. – Drug and Alcohol Sanctions

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 Affairs (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. 4 – Covered Sexual Harassment/Sexual Misconduct

“Covered sexual harassment” includes any conduct on the basis of sex that satisfies one or more of the following:

- Any conditioning for benefits or participation in unwelcome sexual conduct (i.e., quid pro quo);
- Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity;
- Sexual assault, which includes any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent;
- Dating violence, which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; (iii) the frequency of interaction between the persons involved in the relationship.
- Domestic violence, which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under New York State domestic or family violence laws or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of New York State.
- Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to-- (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Note, conduct that does not meet one or more of these criteria may still be prohibited under the Code of Conduct.

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. 5 - Procedures for Handling Allegations of Misconduct**

All reports of misconduct shall be reviewed by the Vice President of Student Affairs and directed for further action to the appropriate designee.

Pending action on the charges, the status of a student should not be altered, or the student's right to be present on the campus and to attend classes should not be suspended, except for reasons relating to the safety and well-being of members of the college community or in protection of college property as determined by the Vice President of Student Affairs.

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 residence directors or other professional staff in residence life, in consultation with the Director of Residence Life and the college conduct and judicial officer, will carry out the judicial process.

The JCC conduct proceeding is not a trial. 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 challenge the initial faculty or administrative action, the case will be referred to the student conduct and judicial process.

The Vice President of Student Affairs or the vice president's designee shall review complaints and determine whether they meet established criteria for an investigation. In cases when the vice president determines the complaint meets appropriate criteria, the vice president or the vice president's designee may forward a complaint to the appropriate office for an investigation and judicial process. During the investigation, the Vice President of Student Affairs or the vice president's designee shall interview all principals and witnesses and maintain a written record of what transpired.

#### **Section 5.a. – Emergency Removal**

Jamestown Community College retains the authority to remove a respondent from Jamestown Community College's program or activity on an emergency basis, where Jamestown Community College (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

If Jamestown Community College determines such removal is necessary, the respondent will be provided notice and an opportunity

to challenge the decision immediately following the removal. An emergency removal will be initiated by the Director of Campus Safety for incidents on Jamestown Community College campuses or the Director of Residence Life when the emergency removal is necessary from a residence hall or residence life programs. An emergency removal initiated by the Director of Campus Safety will remain in effect until the Vice President of Student Affairs hears a challenge from a student or; the Director of Human Resources hears a challenge from an employee. In cases of an emergency removal from the residence life program initiated by the Director of Residence Life, the respondent has the right to challenge the decision to the Vice President of Student Affairs.

When the accused is not a member of the college community, the JCC safety office or other college official may issue a *persona non grata* letter, subject to legal requirements and college policy.

### **Sec. 6 - Procedures for Handling Allegations of Sexual Harassment/Sexual Misconduct**

#### **Section 6.a. – Confidential Reporting**

The following officials will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this process:

- Title IX Coordinator or designee
- Jamestown Community College counselors
- Faculty and staff of Jamestown Community College

The following officials may provide confidentiality:

- Health Center nurses
- Confidential Resources, such as domestic violence and rape crisis advocates partnering with Jamestown Community College under an MOU
- Off-campus healthcare providers

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by submitting an online incident report on the Jamestown Community College website at:

[https://cm.maxient.com/reportingform.php?SUNYJamestownCC&layout\\_id=5](https://cm.maxient.com/reportingform.php?SUNYJamestownCC&layout_id=5).

Such a report may be made at any time (including during non-business hours) by using the telephone number, electronic mail address, or by mailing to the office address listed for the Title IX Coordinator.

Filing an incident report will initiate contact from the Title IX Coordinator with the reporting person to determine whether the reporting person wishes to pursue a Formal Complaint process.

#### **Section 6.b. – Filing a Formal Complaint**

"Formal complaint" means a document – including an electronic submission - filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent about conduct within Jamestown Community College's education program or activity and requesting initiation of the procedures consistent with the JCC Title IX Grievance Process to investigate the allegation of sexual harassment.

The timeframe for the JCC Title IX Grievance Process begins with the filing of a Formal Complaint. The Grievance Process will be concluded within a reasonably prompt manner, and no longer than ninety (90) calendar days after the filing of the Formal Complaint, provided that the Process may be extended for a good reason, including but not limited to the absence of a party, a party's advisor,



or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The procedure for applying for extensions is described below.

To file a Formal Complaint, a complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Process if they are currently participating in, or attempting to participate in, the education programs or activities of Jamestown Community College.

If a complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. Jamestown Community College will inform the complainant of this decision in writing, and the complainant need not participate in the process further but will receive all notices issued under this Process.

Nothing in the JCC Title IX Grievance Process or Constitution of the Student Body prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

A complainant who files a Formal Complaint may elect, at any time, to address the matter through the institution's Informal Resolution Process.

### **Section 6.c. – Multi-Party Incidents**

The institution may consolidate Formal Complaints alleging covered sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of covered sexual harassment arise out of the same facts or circumstances.

### **Section 6.d. – Process for Handling a Formal Complaint**

- In these cases, the Title IX Coordinator will draft and provide the Notice of Allegations to any party to the allegations of sexual harassment. Such notice will occur as soon as practicable, after the institution receives a Formal Complaint of the allegations, if there are no extenuating circumstances.
- The parties will receive the Notice of Allegations by their institutional email accounts.
- The Notice of Allegations will include the following:
  - Notice of the institution's Title IX Grievance Process including any Informal Resolution Process
  - Notice of the allegations potentially constituting covered sexual harassment, and sufficient details known at the time the Notice is issued, such as the identities of the parties involved in the incident, if known, including the complainant; the conduct allegedly constituting covered sexual harassment; and the date and location of the alleged incident, if known.
  - A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
  - A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, as required under 34 C.F.R. § 106.45(b)(5)(iv);
  - A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source, as required under 34 C.F.R. § 106.45(b)(5)(vi);
- The institution will provide sufficient time for the parties to

review the Notice of Allegations and prepare a response before any initial interview.

- Ongoing Notice: If, in the course of an investigation, the institution decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations and are otherwise covered "sexual harassment" falling within the JCC Title IX Grievance Process, the institution will notify the parties whose identities are known of the additional allegations by their institutional email accounts or other reasonable means. The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.
- The Title IX Coordinator, Conduct and Judicial Officer or Vice President of Student Affairs may determine that the Formal Complaint must be dismissed and will issue a Notice of Dismissal. If such a determination is made, any party to the allegations of sexual harassment identified in the Formal Complaint will receive the Notice of Dismissal in conjunction with, or in separate correspondence after, the Notice of Allegations.

The Jamestown Community College Code of Conduct deems dishonesty, knowingly furnishing false information, as misconduct.

### **Section 6.e. – Supportive Measures**

Complainants (as defined above), who report allegations that could constitute covered sexual harassment under this process, have the right to receive supportive measures from Jamestown Community College regardless of whether they desire to file a complaint, which may include:

- counseling;
  - extensions of deadlines or other course-related adjustments;
  - modifications of housing, work or class schedules;
  - restrictions on contact between the parties (no contact orders);\*
  - changes in work or housing locations;
  - leaves of absence;
  - increased security and monitoring of certain areas of the campus;
- Supportive measures are non-disciplinary and non-punitive.

\*Both the accused/respondent and complainant/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:

- Receive assistance from the JCC safety office or other college officials in facilitating contact with community resources to assist in initiating legal proceedings in criminal court, family court, or civil court. Community resources can assist the student in obtaining an order of protection or, if outside of New York state, an equivalent protective or restraining order;
- To have an opportunity to meet or speak with a college official who can explain the no contact 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 facilitating contact with local law enforcement when an individual is alleged to have violated an order of protection or, if outside of New York state, an equivalent order.

\*\*Orders of protection are not issued by the college, therefore college officials may need to refer the student to community resources for assistance.



## **Section 6.f. – Sexual Harassment/Sexual Misconduct Investigation**

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 they are required or are eligible to attend. Advisors of choice shall not participate directly in the process as per standard policy and practice of Jamestown Community College. Participation of the advisor in any proceeding is governed by federal law, the Student Code of Conduct and the JCC Grievance Process for Addressing Formal Complaints of Sexual Harassment;
- 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 harassment, 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 electronic notice by their institutional email accounts of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will be notified of the specific code of conduct provisions alleged to have been violated, and possible sanctions should they be found responsible for the alleged conduct.
- 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 ten (10) days except when law enforcement specifically requests and justifies a longer delay.
- The right to offer evidence during an investigation. Either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing.
- Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.
- The parties will have ten (10) class days to inspect and review the evidence and submit a written response by email to the investigator. The investigator will consider the parties’ written responses before completing the Investigative Report.
- The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will create an Investigative Report that fairly summarizes relevant evidence and will provide that Report to the parties at least ten (10) class days prior the hearing in an electronic PDF format for each party’s review and submit a written response.
- The right to present evidence and testimony at a hearing. Either party may decide not to share their account of what occurred or may decide not to participate in a hearing.
- The right to a live hearing that may be conducted with all parties physically present in the same geographic location, or, at Jamestown Community College’s discretion, any or all parties, witnesses, and other participants may appear at the live hearing

virtually through a virtual ZOOM video conferencing format that will be recorded.

- The parties cannot waive the right to a live hearing.
- The institution may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a “statement” by that party. 85 Fed. Reg. 30026, 30361 (May 19, 2020).
- 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 via the party’s advisor and the advisor will conduct live cross-examination of the other party or parties and witnesses\*. Before any cross-examination question is answered, the Conduct/Judicial Officer will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked, including by Conduct/Judicial Officer may be deemed irrelevant if they have been asked and answered.
- The right to written Determination Regarding Responsibility issued simultaneously to all parties through their institutional email account, or other reasonable means as necessary. The Determination will include:
  - Identification of the allegations potentially constituting covered sexual harassment;
  - A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
  - Conclusions regarding which section(s) of the Code of Conduct, if any, the respondent has or has not violated.
  - For each allegation:
    - A statement of, and rationale for, a determination regarding responsibility;
    - A statement of, and rationale for, any disciplinary sanctions imposed on the respondent; and
    - A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the recipient’s education program or activity will be provided to the complainant; and
    - The procedures and the permitted reasons for the complainant and respondent to appeal. (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 (5) years.
- 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.

\*Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation. See, 85 Fed. Reg. 30026, 30360 (May 19, 2020). If a witness does not submit to cross-examination, as described below, the Conduct/Judicial Officer cannot rely on any statements made by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent witness to a witness or

party who testifies at the live hearing. 85 Fed. Reg. 30026, 30347 (May 19, 2020). Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Conduct/Judicial Officer. A Party's waiver of cross-examination does not eliminate the ability of the Conduct/Judicial Officer to use statements made by the Party.

### **Sec. 7 – Hearing Process**

The Vice President of Student Affairs will render a decision within five (5) class days of receipt of the case and a written notice will be sent to the student. The Vice President of Student Affairs may impose an emergency removal from the college and college programs, or an immediate suspension of a student when it is determined that an immediate threat to the physical health or safety of any student or other individual arising from the allegations.

If such removal is necessary, the affected student will be provided notice and an opportunity to challenge the decision immediately following the removal.

#### **Section 7.a. – Misconduct Hearings**

Misconduct hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

- The person charged
- Their advocate. Lawyers are not permitted at a misconduct hearing.
- The accuser
- Witnesses at the time of their testimony
- Other college officials whose attendance is deemed necessary by the Conduct and Judicial officer.

#### **Section 7.b. – Sexual Harassment/Sexual Misconduct Hearings**

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

- Complainant
- Respondent
- Advisor of choice (one for each party-“Complainant & Respondent” who can be an attorney)
- The Decision-maker
- Witnesses at the time of their testimony

### **Sec. 8 – Appeal of a Judicial Decision**

Either party may appeal a judicial decision. An appeal of a judicial decision is not an opportunity to have the case reheard and the appeal must meet specific rationale as outlined below.

If an individual should wish to appeal a decision, the person making the appeal must do so in written form to the Vice President of Student Affairs within five (5) class days of receipt of the decision. Clearly stated rationale for the appeal must be included 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:
  - Discovered after the conclusion of the disciplinary hearing, and/or;
  - Could not have been reasonably discovered prior to or during the hearing, 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.
- In sexual harassment cases, facts demonstrate the Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict

of interest or bias for/or against an individual party, or for/or against complainants or respondents in general that affected the outcome of the matter.

Appeals may be no longer than two (2) pages including attachments. Appeals should be submitted in electronic format. Appeals that do not meet these standards may be returned to the party for correction the time for appeal will not be extended unless there is evidence of a technical malfunction.

The submission of an appeal stays any sanctions for the pendency of the appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal.

If a party appeals, the institution will notify the other party in writing of the appeal within a reasonable timeframe. The time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

The Vice President of Student Affairs will forward all materials to the Student Affairs Committee chairperson upon notification that an appeal has been made. The Chair and two other members of the Student Affairs Committee will review the written appeal request to determine whether or not the criteria for appeal has been met. The Chair of the Student Affairs Committee will send the individual who is seeking an appeal a written confirmation or denial of the appeal within five (5) class days of receipt of the appeal.

When an appeal is confirmed, the hearing is expected to commence within ten (10) class days following the appeal. The student shall be informed in writing via the student's institutional email of the charges by the chairperson of the Student Affairs Committee no later than (3) three days before the hearing. An advocate to help the student navigate the appeal process will be made available upon request to the Student Affairs Committee Chair.

#### **Formal Hearing**

The case is heard before a hearing panel composed of the panel chairperson, three students, two faculty, and the Vice President of Academic Affairs. Panel members will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing decision-maker in the same matter. The student panel members are chosen annually by the Student Senate specific to each 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 and the faculty panel member's replacement may be appointed by the Student Affairs Committee chairperson 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. All student and faculty panel members and student advocates will be expected to attend annual appeal process training early in the academic year.

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

- The person charged
- Their advocate (two maximum). Lawyers are not permitted at the hearing except in allegations of sexual harassment/sexual misconduct. 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 chairperson's function is to conduct the hearing. The chair is the chairperson 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. Appeal 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 (45-minute limit).
3. The accused presents evidence and/or testimony to uphold the rationale for the appeal (45-minute limit).
4. At the conclusion, the accuser and the accused will have the opportunity to summarize their remarks.

Written statements in lieu of being present in misconduct cases are not encouraged, but may be allowed at the discretion of the panel chair. Such written statements can be challenged, but not defended. The chair will determine the relevance of written statements.

Written statements in lieu of being present in sexual harassment or sexual misconduct appeals will not be permitted.

Advisor(s) may attend the entire misconduct appeal, but will not speak to the panel directly. Lawyers are not permitted at the hearing except in allegations of sexual harassment/sexual misconduct. In these cases, lawyers who are the advisor of choice are permitted for both the accused and the complainant.

If witnesses are giving testimony in misconduct appeals, 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 sexual harassment/sexual misconduct appeal, the advisor will conduct live cross-examination of the other party or parties and witnesses through the panel chair. Before any cross-examination question is answered, the panel chair will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked, including by the panel members may be deemed irrelevant by the panel chair if they have been asked and answered.

Panel members may ask questions of anyone providing testimony for purposes of clarification.

After the presentation of evidence, panel deliberations shall be held in private. Majority vote will decide the case.

The college will maintain a record (an audio recording) of the hearing. Thereafter, the record will remain the property of the college. In the event of further action, 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 to uphold the rationale for the appeal for each allegation, but forfeit their ability to present information on their 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.

The chair will notify the accused and accuser of the Appeal Panel's decision in writing within five (5) class days of the hearing.

This procedure in no way limits the student's right to appeal to the civil courts.

## Sec. 9 – 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 Vice President of Student Affairs 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 Vice President of Student Affairs. Students who are suspended will not be eligible for a refund. This includes tuition and the cost of on-campus housing. JCC considers sexual harassment/sexual misconduct as extremely serious violations, subject to suspension and/or expulsion from the college, and will result in a transcript notation. Students suspended for these violations will be suspended for a minimum of one calendar year and may apply for reinstatement through the Vice President of Student Affairs after the suspension period has ended.
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 Affairs 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 sexual harassment/sexual misconduct as extremely serious violations and subject to suspension and/or expulsion from the college, and will result in a transcript notation. Students expelled for these violations will not be eligible for reinstatement to the college.
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 but 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 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. 10 - 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 harassment/sexual misconduct 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 those protected classes listed in the JCC non-discrimination statement, have the following rights, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad:

All students have the right to:

- Make a report to local law enforcement and/or state police;
- Have disclosures of sexual harassment/sexual misconduct 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 one 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.

### **Sec 10.a. – 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 themselves, 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.

### **Sec. 10.b. - 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 sexual harassment/sexual misconduct 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 sexual harassment/sexual misconduct to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of sexual harassment/sexual misconduct 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 sexual harassment/sexual misconduct.

### **Sec. 11 - 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 Affairs or designee may require a mandatory assessment of the student’s emotional or medical state if a student’s condition renders them unable to function in the college community without harm to self or others and/or disrupting the educational mission of the institution. Please note, JCC does not provide official emotional and/or medical assessment.

When the Vice President of Student Affairs receives notification as described above, the Vice President of Student Affairs or their designee will review appropriate documentation and make a decision regarding absence without further process. If the Vice President of Student Affairs determines that the student should leave JCC, the Vice President of Student Affairs or their designee will establish contacts consistent with the campus FERPA policy.

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, the staff member will refer the student to an outside resource.

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 reenrollment by following the re-admission process established by the JCC admissions office.

### **Sec. 11.a. - 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 Health Center nurse 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, the student 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 to learn about the support services available in the Counseling and Career Center and to arrange any community referrals as appropriate (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, the student 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 the student's 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, the student will be contacted by the office of student affairs via email to inform them of the administrative determination and any special conditions to be set forth in a behavioral contract.

If the student does not comply with return to campus requirements, a disciplinary conduct hold will be placed on the student's Banner account and the student must meet with the Vice President of Student Affairs or their designee.

## **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**

Students' academic attitude is a major factor in their success at JCC. Students share responsibility, along with their professors and fellow students, for creating a productive learning environment. This responsibility includes behaving courteously and respectfully toward

students' professors and their classmates and becoming self-disciplined in their learning. To create a productive college experience for everyone, students 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.** Students will not ask the instructor to go over material they missed by skipping class or not concentrating. If students have difficulty understanding the presented material, they will ask the instructor for assistance.
- **Not come to class late or leave early.** If students must enter late, they will do so quietly and will not disrupt the class by walking between the class and the instructor. Students will not leave class early unless it is an absolute necessity. If they know in advance they will need to leave class early, students will 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 students have a question or comment, they will raise their hands, rather than start a conversation with their neighbors. Others in the class may have the same question.
- **Show respect and concern for others by not monopolizing class discussion.** Students will allow others time to give their input and ask questions. Students will do their best not to 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 book bags or backpacks to leave until the instructor has dismissed the class.**
- **Clear any visitors they would like to bring to class with their instructor ahead of time.**

### **Rights as a Student**

Students have the right to a learning environment free from distractions. If others in the environment are engaging in behaviors that interfere with learning, students must bring the situation to the attention of their instructor or other college staff member. The instructor or staff member 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 all students 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**

#### **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 with their respective guardian.

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 ensure 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.

#### **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 the student is unable, because of their 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 their 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 their religious beliefs, an equivalent opportunity to make up any examination or study or work requirements which they 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 their rights under this section.

## **Appendix VI**

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

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

Jamestown Community College will make all decisions regarding admissions and the entire educational process of its students and the recruitment, hiring, promotions and other terms and conditions of employment without discrimination on the basis of sex, gender (including sexual harassment, gender harassment, and harassment due to pregnancy, child birth, breast feeding and related conditions), gender identity, gender expression, gender non-conformity, sexual orientation, marital or domestic partner status, race, creed, color, national origin, ancestry, religion, physical or mental disability, medical condition, genetic information of an individual or family member of the individual, requesting an accommodation, veteran or military status, family care status, requesting or taking pregnancy, parental or disability leave, age or any other characteristic protected by Federal, State or Local Law or Regulation. All such discrimination and harassment is unlawful and will not be tolerated by JCC.

#### **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**

JCC provides a discrimination/human rights/affirmative action complaint procedure to address claims by an employee, prospective employee, student, prospective student, or a group of same, based upon a claimed violation of the affirmative action policy of JCC, 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, the Americans with Disabilities Act of 1990, and the Age Discrimination Act of 1975 and the Sexual Orientation Non-Discrimination Act of New York State. The affirmative action policy states that JCC 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 access to all activities and programs under JCC sponsorship, as well as to application and selection for admission, employment, and all other human resource procedures within JCC.

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

If a complaint is based upon allegations involving discrimination, harassment or affirmative action, it should be directed to: Nicolette Riczker, Executive Director of Human Resources and Chief Diversity Officer, Hamilton Collegiate Center, Room 14, Jamestown campus, NickeyRiczker@mail.sunyjc.edu, 716.338.1035

If a complaint is based upon allegations involving Title IX, it should be directed to: Barry Swanson, Campus Safety and Security Officer and Title IX Coordinator, Hamilton Collegiate Center, Room 48, Jamestown campus, BarrySwanson@mail.sunyjc.edu, 716.338.1015

If a complaint is based upon allegations involving a disability, it should be directed to: Donald Pool, Coordinator of Accessibility Services, Hultquist Building, Room 116, Jamestown campus, DonPool@mail.sunyjc.edu, 716.338.1251

#### **Sec. 4.a. – Filing of Complaint**

1. The complainant may discuss the complaint informally with JCC's human rights officer. The Executive Director of Human Resources and Chief Diversity Officer serves as JCC's human rights officer.
2. If the claim is not resolved informally, 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 180 days of the alleged discriminatory incident(s) or within 60 days of receipt of the determination reached by JCC regarding an internal grievance or complaint, whichever is later.
3. No unauthorized audio or video recording of any kind is permitted during investigation meetings or other internal proceedings covered by this procedure.
4. Companion witnesses, including advocates and union representatives, will be allowed to accompany the complainant during the process, but will not be allowed to testify or provide commentary unless they are direct witnesses to the event(s) contained in the complaint. Attorneys or other forms of legal counsel will be prohibited from participating in any internal investigatory or hearing processes. Legal counsel can be

secured by the complainant for support in any external appeals process with entities such as the New York State Division of Human Rights or the United States Equal Employment Opportunity Commission.

#### **Sec. 4.b. – Investigation and Findings**

1. The human rights officer shall conduct a preliminary investigation and discuss the issue with the parties involved, either individually or in a joint meeting. If the respondent is the President, any references to the President in this procedure will be replaced with the Board of Trustees.
2. Within twenty (20) working days after the filing of the written complaint, the human rights officer shall render a decision in writing to both parties.
3. If the complainant, or the respondent, is not satisfied with the written decision, and wishes to proceed further, they shall, within ten (10) working days, file a written appeal of the decision with the human rights officer. Where extenuating circumstances exist, the deadline for accepting a written appeal of the decision will be extended to a maximum of 180 days.

#### **Sec. 4.c. – Appeal**

1. For students, appeals will be decided by a hearing panel, appointed by the President, composed of employees of the college who are free of conflict of interest and bias, and who will not serve as investigator, Title IX Coordinator, or hearing decision-maker in the same matter. For employees, appeals will be decided by the President or their designee or as designated by applicable collective bargaining agreement. Any member of the hearing panel or any individual assigned to hear an employee appeal will receive training that will include, but is not limited to: how to appropriately remedy, investigate, render findings and determine appropriate sanctions in reference to all forms of discrimination and human rights allegations.
2. A hearing shall take place within thirty (30) working days of the date the written appeal was filed at a time and place agreeable to both parties.
3. The hearing panel or President/designee shall render a decision in writing to both parties within ten (10) working days after the end of the hearing. Included in the panel's/President'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.
4. If the complainant, or the respondent, is not satisfied with the written decision and wishes to proceed further, they may take the complaint to the civil rights agency of their choice, or seek other legal remedies.

The current contact information of other offices where a complainant can also file grievances regarding Title IX, Section 504, or any other alleged civil rights violations in NY State is:

Office for Civil Rights (OCR) – Enforcement Office  
U.S. Department of Education  
32 Old Slip, 26th floor  
New York, NY 10005 – 2500  
Telephone: 646-428-3900  
FAX: 646-428-3843  
TDD: 800-877-8339  
Email: OCR.NewYork@ed.gov

#### **Sec. 4.d. – Probation against Retaliation**

Retaliation against any individual covered by this procedure who, in

good faith, brings a written or verbal complaint of discrimination, or human rights/affirmative action policy violations, or who assists, participates, or testifies in any investigation or proceeding related to such complaint, regardless of whether or not the alleged discrimination/violation rises to the level of a violation of this procedure or the law, is strictly prohibited. Such retaliation is unlawful under federal, state, and (where applicable) local law, and JCC will not tolerate or permit adverse treatment of individuals because they report discrimination or provide information related to such complaints. Adverse treatment includes being discharged, disciplined, discriminated against, or any action that could discourage an individual from coming forward to make or support a claim of discrimination or violations of human rights/affirmative action policies. Participants who experience retaliation should contact the human rights officer and/or file a complaint of retaliation with the human rights officer.

The New York State Human Rights Law protects any individual who has engaged in “protected activity”. Protected activity occurs when a person has: made a complaint of discrimination, either internally or with any anti-discrimination agency; testified or assisted in a proceeding involving discrimination under the Human Rights Law or other anti-discrimination law; opposed discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of discrimination; reported that another employee has been discriminated against and/or have otherwise had their human rights/affirmative action rights violated; or encouraged a fellow employee to report discrimination/violation of human rights/affirmative action. Any individual who participates in the procedure may do so without fear of retaliation. Violations of this prohibition may result in disciplinary action up to and including termination from employment. However, this retaliation provision is not intended to protect persons making intentionally false charges of discrimination or human rights/affirmative action violations.

## 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, they 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 Affairs in Jamestown, executive director 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 their 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 Acceptable Use of Computing Systems at JCC

#### Sec. 1 – 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). Jamestown Community College has created this policy to maximize the benefits of its computer resources and minimize potential liability.

#### Sec. 2 - Policy

It is the policy of JCC that all JCC employees, Foundation employees, FSA employees, students, and other computer users are obligated to use these resources responsibly, professionally, ethically, and lawfully. To ensure that all individuals granted access to the college computing resources are responsible productive users who protect the college’s public image, the college has established guidelines for using the computing resources, electronic mail, the Internet, and related electronic products on its computers.

#### Sec. 3 – All Users

**Password Requirements.** Jamestown Community College requires all JCC employees, Foundation, FSA personnel, students, and other computer users to use their own unique login username and password to access computing resources. This identity verification process is to protect the individual’s privacy. Individuals are responsible for maintaining their own secure password on college owned equipment and on personal devices that are used to access college files and/or data. Passwords are not to be shared with others. Upon approval of the Executive Director of Technology, guests and consultants are issued a temporary password that expires upon completion of their visit.

**Communications.** All users are responsible for all content they place or send over the college network or Internet. Illegal activities and fraudulent, harassing, abusive, profane, obscene or offensive messages are prohibited. All messages communicated on the Internet should have the user’s 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. 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. For more information, refer to JCC’s “Social Media Procedure.”



Information posted on official college sites is information posted directly from the college. The college is not responsible for information posted to sites not officially affiliated with JCC. A list of officially affiliated SUNYJCC sites is found in the “Social Media Procedure.”

SUNY JCC is officially affiliated with these social media sites:

SUNY JCC Facebook: [www.facebook.com/sunyjcc](http://www.facebook.com/sunyjcc)  
SUNYJCC Instagram: [www.instagram.com/sunyjcc](http://www.instagram.com/sunyjcc)  
SUNY JCC Flickr: [www.flickr.com/photos/sunyjcc](http://www.flickr.com/photos/sunyjcc)  
SUNY JCC LinkedIn: [www.linkedin.com/school/jamestown-community-college/](http://www.linkedin.com/school/jamestown-community-college/)  
SUNY JCC Twitter: [www.twitter.com/sunyjcc](http://www.twitter.com/sunyjcc)  
SUNYJCC YouTube: [www.youtube.com/sunyjcc](http://www.youtube.com/sunyjcc)  
SUNY JCC Alumni Facebook: [www.facebook.com/JCCAlumni](http://www.facebook.com/JCCAlumni)  
SUNY JCC Snapchat: [www.snapchat.com/add/sunyjcc](http://www.snapchat.com/add/sunyjcc)

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

- Unauthorized access to and/or modification of files, programs, or system software;
- Unauthorized use of passwords and/or accounts to obtain access to information networks;
- 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. copyright legislation:

- Unauthorized duplication of copyrighted material;
- Distribution of illegally copied material;
- Unauthorized alteration of copyrighted material.

**Peer-to-peer file sharing.** JCC’s “Peer-to-peer File Sharing” 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.) in violation of state and federal law, and leaves the perpetrator liable, upon 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 or agents of the college 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. All JCC employees, Foundation, FSA personnel, students, and computer users should be guided by prevailing principles used to govern other processes and academic environments at Jamestown Community College. Conduct of users should take into account issues such as courtesy and good taste as well as those of pure legality. Users must not present false identification or misleading information to gain access to computing resources or use computing resources for which users are not authorized.

**Internal email.** Internet 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 related events is prohibited.

**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 is provided for the benefit of the college.

**Software.** Software purchased must be approved by the department

and the Executive Director of Technology. Installation requests for software are made through the JCC Help Desk and approved by the technology department. If the software must be purchased, a departmental budget number and request should be processed through the office of Information Technology Services.

**Ownership.** The computer systems and devices purchased by Jamestown Community College are owned by the college unless specifically indicated otherwise and should be used for college business or academic purposes only. Employees who are issued a college owned mobile device (i.e. laptops, iPads, and mobile phones, etc.) must sign an equipment checkout form. The systems are not intended for personal business. All software and files on Jamestown Community College’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 of any user. Users shall receive notification prior to any action taken unless extenuating circumstances prevent it.

**Privacy.** Users are given access to the college’s computer network to assist in performing job duties or completing academic tasks. Users should not have an expectation of privacy in anything users 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.** Personal files and/or software should not be stored on the local computer hard drive.

**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, 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 computer login credentials (username and password) are liable for 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.

### Sec. 3.a. – Prohibited Activities

Use of computer resources for the following activities is strictly prohibited, but not limited to:

- Monitoring, reading, or intercepting email, files, or electronic communications of other employees, or third parties, except in cases in which explicit authorization has been granted by the Vice President of Administration or designee;
- Knowingly sending, receiving, downloading, displaying, printing, or otherwise disseminating material that is sexually explicit, profane, obscene, harassing, fraudulent, racially offensive, defamatory, or otherwise unlawful;
- Disseminating or storing commercial or personal advertisements, solicitations, promotions, malicious software (i.e., viruses, self-replicating code, etc.) or political information;
- Computer resources should not be used for conducting private business affairs. Nor should computer resources be used for personal gain or advancement of individual views (i.e., commercial consulting or manuscript preparation for hire);
- Conducting business for political purposes;
- Wasting computer resources by, among other things, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, social media, playing games, engaging in online chat groups, printing multiple copies of documents,

printing excessively long Internet documents or otherwise creating unnecessary network traffic;

- Violating the privacy of others, including using other people's login credentials;
- Hacking or obtaining access to systems or accounts they are not authorized to use;
- Using programs (such as copying the password file or password cracking programs) 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) 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;
- Attempting to gain access to any system for which the person is not an authorized user;
- Decrypting, or attempting to decrypt, scrambled files (e.g., the password file) that are not owned by the user;
- Using "network packet capture" or similar software 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 (i.e., transmission of software containing a virus, Trojan horse, worm, or other malicious software);
- Altering systems configuration files (i.e., autoexec.bat or config.sys);
- Removing college-owned software, or alter files owned by another user;
- Downloading from the Internet any copyrighted material without explicit written permission from the author;
- Uploading to the Internet, posting, publishing, transmitting, or reproducing in any way, information, software or other material which is protected by copyright or other proprietary right;
- Uploading to the Internet, posting, publishing, electronically transmitting, or reproducing in any way college information that is confidential or legally protected according to the college's Information Security Program;
- Engaging in any form of harassment over the Internet, commonly referred to as cyberbullying. Cyberbullying includes, but is not limited to the following: transmitting unlawful messages to anyone that is threatening, abusive, libelous, obscene or pornographic, stalking, whether in text, audio, or graphic form; on the Internet such as through email, blogs or social networking sites.
- Sending unsolicited messages (such as chain letters or electronic junk mail) that may be perceived as harassing, annoying, or obscene; Interfering with or intercepting the electronic communications of another user;
- Obscuring or to attempting to obscure the identity and location of a remote connection;
- Physically abusing or misusing college computing equipment;
- Engaging in activities prohibited by local, state, or federal law.

#### **Sec. 4 – Rules & Regulations for Shared Computing Labs**

**Purpose of Computing Labs.** The primary purpose of Jamestown Community College's computing facilities is for completion of class assignments requiring the use of college-owned software and hardware. Individuals who receive computer login credentials (username and password) are liable for all activities on their accounts. Users should never sign anyone else in under their account.

**Hours.** Operating hours for computing labs are posted. The technology staff reserves the right to close the facilities with little or no notice for repair purposes. Hours may vary during vacation periods, summer sessions, and during mid-term recesses.

**Internet Access.** The technology staff makes every effort to provide

Internet access to users searching academic resources in the computing facilities. Recreational use of the facilities may be limited during peak usage times.

**Games.** Games are not allowed in the computing facilities unless permission is granted by technology personnel.

**Personal Equipment and Software.** Users are not allowed to connect personal laptops into the network with a physical wire without special permission from the technology department. Personal software may not be loaded onto any networked computers in the computing facilities.

**Saving Work.** No one is allowed to store personal work and/or software on the hard drives in the computing facilities. All users should have a personal storage device for saving their work. Any files or software found on the hard drives will be deleted. The technology 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.** Technology staff reserves the right to refuse entry into a computing facility to any individual who has an unremovable virus on their storage device. In addition, technology staff reserves the right to remove any individual who refuses to scan their device.

**Printing.** There are a limited number of printers available in the student computing lab facilities. To avoid printing delays and backups, please print only necessary files.

#### **Sec. 4.a. – Access to College Computing Facilities**

The following individuals are provided with access to college computing facilities:

- **Students:** Registered students of Jamestown Community College have the privilege of accessing designated computing resources on campus.
- **Faculty/Staff:** All JCC employees, Foundation employees, FSA employees, students, and computer users have the privilege to access computing resources on campus unless otherwise specified by their supervisor. VPN connectivity must be utilized when remotely accessing college computing resources except publicly available web resources.
- **Authorized Guests:** Those individuals doing legitimate business with the college (i.e., Workforce Development customers, rentals, consultants, vendors).

#### **Sec. 5 – Reporting Violations**

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 faculty or staff contract/procedure may face suspension of privileges, possible employment termination or college expulsion, and civil or criminal liability.

If users become aware of someone violating these policies, users 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 accessibility 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 accessibility 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 accessibility 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.