

GRIEVANCE POLICIES AND PROCEDURES

CODE OF CONDUCT AND DISCIPLINARY PROCEDURES

Grounds for Disciplinary Action

A violation of the Grounds for Disciplinary Action may be construed to include: (a) active Violation; (b) attempt to violate; and (c) solicitation of or aiding another in the commission of a violation.

Disciplinary action may be instituted in any case in which an individual or group of students is found to have engaged in any of the following:

1. Conduct which could be construed to be a violation of any federal, state, or local law and adversely affects the interests and reputation of the College;
2. Conduct that places another in danger of bodily harm;
3. Conduct that causes bodily harm or threatens bodily harm in a circumstance where there is a clear and present danger of bodily harm;
4. Conduct which disrupts or interferes with the personal or group rights of other members of The College community or with any activities of The College including, but not limited to, access to facilities and performance of normal duties.
5. Theft of College property or the property of a member of the College or local community. This includes without limitation (a) unauthorized use of College property, equipment, facilities or services (b) possession of stolen property; (c) possession or use of unauthorized College keys or access devices; (d) unauthorized entry; and (e) refusal to leave or to release any property when ordered to do so by its owner or any person having jurisdiction over it.
6. Misappropriation, destruction of, unauthorized removal of, or damage to computer equipment or any College property, including intellectual property.
7. Conduct in violation of the community standards listed under the *Academic Integrity* section.
8. Smoking, vaping, or use of tobacco products on campus, including in parking lots, entryways, and sidewalks.
9. Being in any place for the purpose of unlawful use, possession, or distribution of a controlled substance.
10. Disorderly, lewd, slanderous, intimidating or indecent conduct or other personal conduct that would tend to demean another or the reputation of the College.
11. Bullying defined as any repeated, intentional, and harmful behavior directed towards an individual or group, where there is an imbalance of power. It includes but is not limited to physical, verbal, psychological, or cyberbullying. This includes incidents that occur on campus, during college-related activities, or through via digital means between two or more members of the CW community.
12. Photographing or audio/visual recording another without their knowledge.
13. Harassment, which may include but is not limited to: (a) pursuing or following another person in or about a public place(s) or through physical, electronic, written, or telephonic means; (b) repeated unwelcome communications; (c) directing obscene language, gestures or abusive conduct, including verbal abuse, threats, and intimidation at another; (d) directing verbal abuse at another because the individual is carrying out duties and responsibilities associated with their role as faculty, staff or student staff at the College; (e) publishing, distributing or posting of photographs or recordings of members of the CW community without their consent; and (f) distributing private information about another individual without their consent.
14. Assault and/or sexual assault. See Title IX Policy Prohibiting Discrimination and Harassment on the Basis of Sex.
15. Knowingly providing false information to the College or making false statements or false reports to College officials, engaging in forgery, alteration or improper use of any College record, key, identification card or other document.
16. Willful failure or refusal to appear as a witness at a College disciplinary proceeding after having been directed to do so. Conduct which endangers the safety of The College community, including, but not limited to, tampering with safety or fire-warning devices; setting a fire on College property; reckless operation of a motor vehicle; or failing to abide by the safety rules of The College.

17. Use, possession or storage of dangerous weapons, chemicals, explosive devices or materials including, but not limited to, firearms, tasers, air guns, prohibited knives (such as switch knives, swords, daggers, gravity knives, throwing stars, and knives with blades more than three inches long), ammunition, slingshots, metallic knuckles, bows and arrows, firecrackers, bombs, or any other instrument designed or intended to inflict injury or cause a reasonable person to believe they are in physical danger.
18. Failure to comply with a College official in the performance of his or her duties, including but not limited to, failure to provide valid identification or knowingly furnishing false information.
19. Failure to honor financial obligations to The College or to any element thereof.
20. Conduct which violates College or student government regulations established for any specific area or department by those having jurisdiction over it.
21. Failure to comply with any other applicable College policy, including without limitation, the Rules for the Maintenance of Public Order; the Anti-Drug and Alcohol Policy, the Computer Usage Policy; Audio/Video Recording Policy; Social Media Policy; the Title IX Policy Prohibiting Discrimination and Harassment on the Basis of Sex; and the Policy Against Hate Crimes and Bias Incidents.

DISCIPLINARY GRIEVANCE PROCEDURES FOR CONDUCT VIOLATIONS

The College of Westchester's discipline policy is intended to support the standards of The College with regard to the conduct of students and academic integrity policies. (Alleged violations of the Title IX Policy Prohibiting Discrimination and Harassment on the Basis of Sex will be investigated and adjudicated pursuant to the procedures set forth therein.) A student may face interim suspension if they are accused of possessing drugs, alcohol or weapons on College property or any other major conduct violation that could put another member of the College community in immediate danger or threat of harm. The College reserves the right to place a student on an emergency suspension when the continued presence of such student could constitute a danger to the safety of person or property on the premises of The College. The interim suspension may remain in place until a final decision regarding responsibility is made by the Discipline Committee as outlined below.

In some cases, the Vice President of Student Services and Retention may choose to meet with the accused prior to conduct charges being filed. Otherwise, students accused of a conduct violation will be referred to the Discipline Committee, composed of three faculty members who are not involved in the issue at hand. Prior to the Discipline Committee Hearing, the student will be notified of the date, time, and place of the hearing via electronic correspondence to the student's CW email as well as overnight mail. If the accused student fails to appear at the hearing, the committee will proceed as scheduled and make a decision based upon the facts presented. Based on the judgment of The College, discipline hearings may be held remotely via conference call, video, or other alternative formats.

At least three days prior to the Discipline Committee hearing, the aggrieved person is required to submit a written statement describing the incident to the Vice President of Student Services and Retention. This statement will be read aloud at the hearing by the committee members and witnesses may be called to testify. The accused student will be notified of the committee's decision, within three business days after the hearing by electronic correspondence to the student's CW email as well as overnight mail. If the accused student does not fulfill the penalty imposed by the committee, the student may be suspended or dismissed.

Sanctions for a violation of the Code of Conduct may include but are not limited to: dismissal, suspension for one or more semesters, probation for one or more semesters, loss of privileges (including scholarships) for one or more semesters, warning, restitution for stolen or damaged property, educational workshops; or transcript notation.

The accused student may appeal the committee's decision to the Vice President of Academic Affairs. The appeal must be submitted, in writing, within three business days of the committee's decision and must include a rationale for seeking the appeal. In order to be considered, the appeal must articulate one or more of the following criteria:

- A. A procedural error occurred that significantly impacted the outcome of the hearing

- B. To consider new evidence, unavailable during the original hearing, that could substantially impact the finding or sanction
- C. The sanctions fall outside the range typically imposed

Should an appeal be submitted that meets the above criteria, the sanction(s) may be reduced, but will not be made more severe.

The College may, upon written request, disclose to the alleged victim of a crime of violence, or non-forcible sex offense, the results of any disciplinary hearing conducted by the institution against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, the institution must provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

Title IX Policy Prohibiting Discrimination and Harassment on the Basis of Sex

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access our educational programs and opportunities. As required by Title IX and Title VII, New York State Education Law 129-B, and other federal and state laws, The College of Westchester does not discriminate against students or employees on the basis of sex/gender in its educational programs and activities. The College of Westchester further prohibits students, employees and third parties from engaging in sex discrimination, including sexual harassment, sexual assault, sexual exploitation, domestic violence, dating violence and stalking as those terms are defined in the policies linked below. Any attempt to engage in prohibited conduct may itself constitute a violation of this policy. Any actions knowingly taken to aid, facilitate or encourage another to engage in prohibited conduct and any actions taken for the purpose of interfering in the investigation of an allegation of prohibited conduct shall constitute a violation of this policy. Anyone found to have violated this policy will be subject to disciplinary action as set forth in the procedures linked below. The College is committed to provide those who feel that they have been subjected to conduct in violation of this policy with mechanisms for seeking redress and resources for support. Accordingly, the College of Westchester prohibits retaliation against any person for reporting a violation of this policy or for participating in any investigation or proceedings related to an alleged violation.

The [Title IX Policy Prohibiting Discrimination and Harassment on the Basis of Sex](http://www.cw.edu/Title-IX) can be found here: www.cw.edu/Title-IX.

Title IX Coordinators

Inquiries regarding the application of this Policy should be referred to the Title IX Coordinators, Janna Gullery, (914-831-0401, jgullery@cw.edu) and Lavada Carruthers, (914-831-0263, lcarruthers@cw.edu) or the Deputy Title IX Coordinator, Anna Bravo (914-831-0353, abravo@cw.edu), 325 Central Avenue, White Plains, NY 10606. In addition to coordinating compliance with Title IX, the Title IX Coordinators are responsible for coordinating the College of Westchester's efforts to comply with other federal and state laws governing sex discrimination and sex harassment, overseeing the College's responses to reports of alleged violations, and identifying and addressing any pattern or systemic problems. The Deputy Title IX Coordinator will oversee compliance with respect to employees and will provide updates to the Title IX Coordinator. Students and employees who file a grievance are hereby assured that no adverse action will be taken against them for filing a complaint.

Student Bill of Rights

All students/employees have the right to:

- Make a report to local law enforcement and/or state police;
- Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
- Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by 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 institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
- Be protected from retaliation by the institution, any student, 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; and
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution. Response to Reports:
- Notify university police or campus security, local law enforcement and/or the State Police;
- Have emergency access to a Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault who shall be available upon first instance of disclosure by reporting individual to provide information regarding options to proceed, and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination, and detailing that the criminal justice process utilizes different standards of proof and evidence. The official shall also explain whether he or she is authorized to offer the reporting individual confidentiality or privacy and shall inform the reporting individual of other reporting options.
- Confidentially disclose the incident to institution representatives, who may offer confidentiality and can assist in obtaining services;
- Disclose confidentially the incident and obtain services from the state or local government;
- File a report of sexual assault, domestic violence, dating violence and/or stalking and the right to consult the Title IX Coordinator and other appropriate institution representatives for information and assistance. Reports shall be investigated in accordance with the institution policy and a reporting individual's identity shall remain private at all time if said reporting individual wishes to maintain privacy;
- Disclose the incident, if the accused is an employee of the institution, to the institution's human resources authority;
- Receive assistance from appropriate institution initiating legal proceedings in family or civil court; and
- Withdraw a complaint or involvement from the institution process at any time.

Transcript Notation Policy

A student who has been suspended or dismissed for any violation of the Code of Conduct including, but not limited to, behavior that leads to the death or serious physical injury of another person, hazing, physical abuse, sexual misconduct, and per New York State Education Law Article 129B, conduct that constitutes a crime of violence (including but not limited to sexual assault) as defined in the Clery Act will have a permanent notation placed on the student's official college transcript indicating the disciplinary suspension or dismissal. If a student withdraws from the institution while such a disciplinary matter is pending, a transcript notation will indicate that the student withdrew with student conduct charges pending.

The transcript notation will be one of the following:

- a. Suspended after a finding of responsibility for a code of conduct violation
- b. Dismissed after a finding of responsibility for a code of conduct violation
- c. Withdrew with conduct charges pending

If a student withdraws from the institution while such a disciplinary matter is pending, the transcript notation will remain on their transcript for a minimum of one year. After one year's time, a student may request to have the transcript notation removed by filing an appeal with the Vice President of Student Services or designee. Transcript notations for students who are expelled as a result of above conduct violations are permanent and cannot be removed. If a finding of responsibility is vacated for any reason, the corresponding transcript notation will be removed.

Transcript Notation Appeals Procedure

To file an appeal to have the transcript notation removed from an academic transcript, a student must submit in writing to the Vice President of Student Services or designee evidence of rehabilitation or other good cause for the transcript notation removal. Students who withdrew from the College prior to resolution of the conduct process will need to fulfill any sanctions imposed in absentia before being permitted to appeal. The Vice President of Student Services will respond in writing to student the decision regarding the appeal within fifteen business days.

LEGAL PROTECTIONS AND EXTERNAL REMEDIES

A student who believes that an error or misjudgment has been made regarding a college policy may first discuss the matter with their academic advisor or submit a Grievance/Complaint Form. If after a review of the matter, the student still believes that the issue has not been resolved, a formal hearing on the matter may be requested. The request for this formal review must be made to the Vice President of Student Services and Retention, in writing, citing the basis for grievance, within one month of the incident in question. If the request is approved, the College will investigate the student complaint which may include meetings with the student and any involved parties to arrive at a final determination and actions taken. A decision will typically be made within three weeks of receipt of the formal written complaint.

If the student still believes that they have been aggrieved by the College, the student may appeal the decision to the Vice President of Academic Affairs. After reviewing the written complaint, associated facts and final determination, the Vice President of Academic Affairs will make a determination to grant or deny the appeal within five business days.

If the student still believes that they have been aggrieved by The College, the student may file a complaint with the New York State Education Department, Office of College and University Evaluation, Education Building, 5 North Mezzanine, 89 Washington Avenue, Albany, NY 12234 (follow instructions <http://www.highered.nysed.gov/ocue/spr/COMPLAINTFORMINFO.html>) An out-of-state student should follow the same Grievance Procedures except that the student should contact the state agency based on his/her state residency. A list which includes the contact information for the relevant state agencies is located at <http://www.cw.edu/consumer-information>, under "Student Grievance Procedures".

If a student has a discrimination or sexual harassment complaint, the student may file a complaint with the Office of Civil Rights-New York Office, U.S. Department of Education, 32 Old Slip, 26th Floor, New York, New York 10005-2500.

A complaint of consumer fraud may be filed with the Office of the New York State Attorney General, Justice Building, Empire State Plaza, Albany, NY 12223.

A complaint about New York State Student Financial Aid matters may be made with the Higher Education Services Corporation (HESC), Customer Communications Center at 1-888- NYS-HESC. Or students may contact the college's accrediting body, Middle States Commission on Higher Education, following the instructions by clicking on this link: <https://www.msche.org/complaints/>

Out-of-state enrolled and prospective students (excluding Florida): Complaints pertaining to distance education programs being offered by out-of-state institution operating under a nationwide reciprocity agreement - known as the State Authorization Reciprocity Agreement (NC-SARA) - need to be filed with the State Portal Agency of the institution home state within two years of the incident about which the complaint is made. CW is a voluntary institutional member of NC-SARA and its State Portal Agency is the New York State Department of Education, attention Supervisor, Higher Education Programs, 89 Washington Avenue, Albany, NY 12234. The student must first follow the College's Grievance Procedure and then may file the complaint (except for complaints about grades or student conduct violation). Florida is not an NC-SARA member and therefore, enrolled and prospective students who are residents of Florida should file the complaint with the State of Florida. The student must first follow the College's Grievance Procedure and then may file the complaint (except for complaints about grades or student conduction

violation). A list which includes the contact information for the relevant state agencies are located at <https://www.cw.edu/student-consumer-information>. Students who file a grievance are hereby assured that no adverse action will be taken against them for filing a complaint.