

## CODE OF CONDUCT

### DOMINICAN COLLEGE DISCIPLINARY SYSTEM: POLICIES, RULES AND PROCEDURES

Dominican College, as an institution of learning and a community of persons with a special purpose, accepts its obligation to provide for its members an atmosphere that protects and promotes its educational mission and which guarantees its orderly and effective operation. To accomplish these goals, the College must require certain standards of conduct (The “Code of Conduct”).

The Code of Conduct is not intended to define misconduct in exhaustive terms, or to replicate a criminal code and does not replace or relieve the requirements of civil or criminal laws. College regulations and civil law, though not in conflict, are often promulgated for different purposes and in different contexts.

Therefore, the College has established standards of conduct related to its special educational mission. The code of conduct is a general statement of behavioral expectations and community standards built on the values espoused by the Dominican College Community. The Community values a scholarly, supportive, and caring environment, and affirms the uniqueness and dignity of each person. Any conduct that violates the pursuit of this environment or the dignity of another person is a violation of the Code of Conduct.

The conduct of students and student organizations on the premises of the College is subject to the College Discipline System and the Code of Conduct. The College may, at its discretion, and after appropriate deliberation, however, impose disciplinary sanctions in relation to off College premises conduct, if another member of the College community is the victim of misconduct or the misconduct takes place at a sponsored activity or event, or involves a College recognized organization. The College also reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community. Such action may include taking disciplinary action against those students whose behavior off College premises indicates that they may pose a substantial danger to others in the Dominican College community, or otherwise have an adverse effect upon the mission or purpose of the College or upon individual members of the College community.

All members of the College community share the obligation to respect:

The fundamental rights of others as citizens.

The rights of others based upon the nature of the educational process.

The rights of the institution.

The rights of members to fair and equitable procedures for determining when and upon whom penalties for violation of College regulations should be imposed.

## 1. **Examples of Misconduct**

The following list examples of misconduct which may result in disciplinary action is not intended to be an exhaustive list of the type of conduct subject to disciplinary sanctions. And, the College may, at its discretion impose disciplinary sanctions for other acts which it reasonably deems to be misconduct by students and/or student organizations. Moreover, the penalties issued by the College in relation to student misconduct are issued solely as a result of the relationship the College has with the student, and such discipline is not a substitute and does not relieve an individual from any other civil or criminal penalty which may be imposed for the same conduct.

- \* Violation of written College policy
- \* Academic Dishonesty
- \* Violation of College Alcohol Regulations
- \* Complicity
- \* Disruptive Conduct
- \* Violation of Drug Policy
- \* Endangering the Safety of Others
- \* Failure to Comply with College Rules and Instructions
- \* False Information
- \* Violation of Guest policies
- \* Hazing
- \* Misuse of College Materials, Services or Property
- \* Off-Campus Violations
- \* Violations of Residence Hall Regulations
- \* Improper use of Computer Equipment, Services and Resources
- \* Sexual Assault
- \* Sexual Harassment
- \* Theft
- \* Assault
- \* Commission of Hate Crimes
- \* Possession of Weapons and Dangerous Instruments, and/or Devices on Campus
- \* Harassment of another individual
- \* Cohabitation
- \* Smoking on Campus Property

Note: A violation of the Code of Conduct may also constitute a violation of city, state, or federal law and vice versa. If so, simultaneous prosecutions may result. Students should be aware that student status does not insulate them from awareness of and compliance with other laws.

Aiding, abetting, or attempting to commit an act or action that would constitute an offense under any of the types of misconduct stated under the above items.

a. Violation of College policy

Students must adhere to and not violate any written College policy or regulations contained in any official publication or administrative announcement of Dominican College.

b. Academic Dishonesty or Misconduct

A statement of Dominican College Policy on Academic Integrity is found in the Student Handbook. Failure to comply with this policy may be deemed as misconduct by the College. Though subject to other process and penalties than those described in this Code, Violations of Academic Integrity are types of misconduct that are important for students to understand and avoid.

All students must be honest and forthright in their academic studies. To falsify the results of one's research, to steal the words or ideas of another, to cheat on an assignment, or to allow or assist another to commit these acts corrupts the educational process. Students are expected to do their own work and neither give nor receive unauthorized assistance.

Violations of this standard are reported to the Office of the Academic Dean, who will be responsible for determining the appropriate sanction to be imposed upon the offending student..

**Examples of Academic Dishonesty include, but are not limited to:**

**Plagiarism**

Plagiarism is defined as presenting someone else's work as one's own. When a student submits academic work that includes another's words, ideas, or data, whether published or unpublished, the source of that information must be acknowledged with complete and accurate references and, if verbatim statements are included, with quotation marks as well. Simply put, students should document quotes of others through quotation marks and footnotes or other citation methods.

By submitting work as his or her own, a student certifies the originality of all material not otherwise acknowledged. Plagiarism includes, but is not limited to:

1. The quotation or other use of another person's words, ideas, opinions, thoughts, or theories (even if paraphrased into one's own words) without acknowledgment of the source; or
2. The quotation or other use of facts, statistics, or other data or materials that are not clearly common knowledge without acknowledgment of the source.

Ignorance of these rules concerning plagiarism is not an excuse. When in doubt, students should seek clarification from the professor who made the assignment.

## **Lying**

Lying is defined as any attempt to deceive, falsify, or misrepresent the truth in any matter involving College business. College business includes, but is not limited to, financial aid information, excuses for absences, statements to professors in order to reschedule tests or assignments, and responses to the queries of Public Safety officers.

## **Fabrication**

Fabrication is the use of invented information or the falsification of research or other findings. Fabrication includes, but is not limited to:

1. The false citation or acknowledgment of a direct or secondary source, including the deliberately incorrect documentation of a source;
2. The citation, in a bibliography or other list of references, of sources that were not used to prepare the academic work;
3. The inclusion in an academic work of falsified, invented, or fictitious data or information, or the deliberate and knowing concealment or distortion of the true nature, origin, or function of such data or information; or
4. The unauthorized submission of an academic work prepared totally or in part by another.

## **Cheating**

Cheating is an act or an attempted act of deception by which a student seeks to misrepresent that he or she has mastered information that has not been mastered. Cheating includes, but is not limited to:

1. Copying of all or any portion of another's academic work and submitting it, in part or in its entirety, as one's own;
2. Allowing another person to copy one's own academic work—whether intentionally or recklessly;
3. The unauthorized use or possession of a class textbook, notes, or any other material to complete or prepare an academic work;

4. The unauthorized collaboration with any other person on an academic exercise, including collaboration on a take-home or make-up academic exercise;
5. The unauthorized use of electronic instruments, such as cell phones, pagers, or PDAs, to access or share information; or
6. The unauthorized completion for another person of an academic work, or permitting someone else to complete an academic work for oneself.

**Examples of Academic Misconduct include but are not limited to:**

1. The unauthorized possession, copying, distribution, sale, or other transfer of all or any part of an academic exercise, or the answers or solutions to an academic exercise, whether or not the exercise has been administered;
2. Changing, altering, attempting to change or alter, or assisting another in changing or altering any grade or other academic record, including grades or records contained in a grade book or computer file, that is received for or in any way attributed to academic work;
3. Entering any College building, facility, office, or other property, or accessing any computer file or other College record or storage for the purpose of obtaining the answers or solutions to an academic exercise or to change a grade; or
4. Bribing another person to obtain an academic exercise, including answers to questions of an unadministered academic exercise.

c. Violation of Alcohol Regulations

No student or employee shall sell, possess or consume alcoholic beverages on college property or as part of any of the College's activities, without the appropriate prior written approval. Students must receive approval from the Dean of Students or the President of the College, and employees must obtain the approval of the President and/or his/her designee.

The College policy is not intended to punish people who seek rehabilitation. All information provided to people who voluntarily avail themselves of drug and alcohol counseling or rehabilitation services will be confidential. All students must comply with New York State law and these alcohol regulations. The College does not condone the use of alcoholic beverages and prohibits their abuse or illegal consumption.

d. Complicity

A student shall not, through act or omission, assist another student, individual, or group in committing or attempting to commit a violation of this Code of Conduct. A student who has knowledge of another committing or attempting to commit a violation of the Code of Conduct is required to remove him or herself from the situation, and failure to do so when reasonable under the circumstances may be the basis for a violation of this policy.

e. Disruptive Conduct

A student shall not impair, interfere with, or obstruct the orderly operations, conduct, process, or function of the College or any of its students, faculty members, College officials, or guests.

Disruption of operations of the College is defined as an action or combination of actions, by an individual or a group that unreasonably interferes with, hinders, obstructs, or prevents the regular and essential operation of the College or infringes upon the rights of others to freely participate in its programs and services.

**Examples Prohibited Disruptive Activities**

Specific violations of this standard include, but are not limited to:

1. Committing or threatening to commit any act of violence against self or other;
2. Threatening the health, safety, or welfare of another;
3. Acting recklessly or in a manner that endangers or could reasonably be expected to endanger the health, safety, or welfare of the student or anyone else;
4. Interfering with the freedom of movement of another person;
5. Invading the privacy of another person;
6. Interfering with the right of another to enter, use, leave, or enjoy any College building, facility, property, service, resource, or activity;

7. Interfering with a faculty member or College official in the performance of his or her duty;

8. Interfering with the freedoms of speech, religion, or association of another;

9. Trespassing or the unauthorized entering or accessing of any College building, facility, property, service, resource, or activity;

10. Instigating or otherwise encouraging others to engage in a fight, riot or other disruption;

11. Making, exhibiting, or producing any inappropriate, loud, or disruptive noise or behavior;

12. Exhibiting public nudity or lewd behavior; or

13. Urinating in any area of College buildings, facilities, or property.

f. Violation of the College Drug Policy

**Prohibited Activities**

Specific violations of this standard include, but are not limited to:

1. No student or employee shall manufacture, distribute, sell, dispense, possess or use illicit drugs on College property or as part of any of the College's activities.
2. A violation of any applicable local, state, or federal law relating to drugs or drug paraphernalia; or
3. The sale, delivery, or transfer of a prescription or prescription drug.

Any violations of this drug policy may be reported to all appropriate law enforcement authorities.

**Definitions**

The term "Drugs" broadly includes, without limitation, any stimulant, intoxicant (other than alcohol), nervous system depressant, hallucinogen, or other chemical substance, compound, or combination when used to induce an altered state, including any otherwise lawfully available product used for any purpose other than its intended use.

The term “Drug Paraphernalia” broadly includes any material, product, instrument, or item used to create, manufacture, distribute, use, or otherwise manipulate any drug and includes, but is not limited to, hypodermic needles and syringes.

g. Endangering the Safety of Others

A student shall not endanger the lives or safety of others. Specific violations of this standard include, but are not limited to:

1. Creating a safety hazard;
2. Setting or causing a fire;
3. Tampering with, misusing or damaging fire or safety equipment, such as alarms, heat sensors, smoke detectors, hoses, and fire extinguishers;
4. Failing to immediately exit any facility or building when a fire alarm has been sounded, or hindering or impairing the orderly evacuation of any Dominican College facility or building; or
5. Disobeying a command by any College official or faculty member in connection with a fire, alarm, or other safety or security matter.

h. Failure to Comply

It is a violation to ignore, disobey, disregard, or otherwise violate any provision of this Code of Conduct or any applicable rule. Specific violations include, but are not limited to:

1. Failing to comply with the directive of any Dominican College official or faculty member, including any sanction imposed by the College upon a group or individual;
2. Failure to or refusal to respond to a request to report to an administrative office.
3. Failing to comply with the terms of any Dominican College Agreement, policy, or procedure;
4. Failing to comply with any applicable federal, state, or local law;
5. Failing to advise the College of an off-campus criminal charge(s) or conviction.

i. False Information

A student shall not furnish false information to the College or other similar forms of dishonesty in College regulated affairs, including knowingly making false oral or written statements to any College official or disciplinary committee.

Specific violations of this standard include, but are not limited to:

1. Making a false or misleading oral or written statement to any College official or faculty member when the student knew or should have known the statement was false;
2. Making a false or misleading oral or written statement that misrepresents the character, qualifications, or reputation of another;
3. Falsely reporting the presence of an explosive or incendiary device, or fire or other safety hazard;
4. Falsely reporting a crime or a violation of this Code of Conduct;
5. Possessing any form of false identification.

j. Guests

Students are responsible for the behavior of their guests and must ensure that guests comply with Dominican College regulations, **including the standards in this Code of Conduct**. Students in residence halls are responsible for abiding by the Rules for Hosting Visitors in the Residence Halls.

k. Hazing

Dominican College defines hazing to include any action or situation created by a student, faculty or staff member, visitor, licensee, invitee or organization, on or off the Dominican College campus, which (1) recklessly or intentionally harms, damages, or endangers the mental or physical health or safety of a person for the purpose of initiation or entrance into or affiliation with any organization or group operating within the College; or (2) creates an environment within the College Campus that is demonstrably embarrassing to a person and violates human dignity.

Examples of hazing include, but are not limited to: any brutality of a physical nature, such as whipping, beating, paddling, branding, forced calisthenics, exposure to the elements, wearing more or less clothing than the temperature or weather permits, forced/encouraged consumption of any food, liquor, drug, or other substance, or other forced activity which would adversely affect the physical

or mental health or safety of the student, and also includes any activity which would subject the student to mental stress, such as sleep deprivation, encouraged exclusion from social contact, forced/encouraged conduct which would result in extreme embarrassment, or forced/encouraged activity which could adversely affect the mental health or dignity of the student, forced/encouraged defacing or stealing of property.

l. Forgery or Misuse of College Property

A student shall not misuse any College material, service or property. Specific violations of this standard include, but are not limited to:

1. Forgery, reproduction, alteration, destruction, defacing, counterfeiting, or misuse of College documents, records, identification cards, or papers.
2. Destroying, damaging, misusing, or defacing any College building, facility, or property, or any private property on-campus or being used for a College-sponsored event;
3. Destroying, damaging, misusing, reproducing, or defacing any laboratory equipment, athletic equipment, or any material issued or owned by the College;
4. Impairing or otherwise hindering another's use of a College material, service, or property;
5. Littering on or in any College property, facility, or building;
6. Forgery, reproduction, alteration, destruction, defacing, counterfeiting, or misuse of the DC 1 Card.

m. Improper Off-Campus Conduct

**Statement of Policy**

Violations of local, state, or federal law are subject to College judicial action. A student who has pleaded guilty to or otherwise accepted responsibility for a violation (e.g. Probation Before Judgment or no lo contendere) should be aware that the College may also sanction the student.

**Notification of Criminal Arrest**

1. A student is responsible for notifying the Vice President for Student Development and Dean of Students of Dominican College of any off-campus arrest.

2. When the Vice President for Student Development and Dean of Students is informed of the arrest of a student, the College will send a letter to the student requiring that he or she make an appointment for an interview with the Vice President for Student Development and Dean of Students. During this interview, the facts involved in the student's arrest, the student's obligation to keep the College informed of the progress of the criminal charge(s), and the student's obligation to advise the College of the final disposition of the criminal charge(s) will be discussed with the student.

### 3. Withdrawal When Felony Charges are Pending

The College may withdraw any student when felony charges are pending against that student, subject to the procedures set forth in the College Discipline System.

### 4. Emergency Suspension

The College may remove any student where the continued presence of the student on-campus poses a threat to safety or the rights, welfare, or property of another.

#### n. Residence Hall Regulations

A residence hall resident shall comply with all provisions of this Code of Conduct, and should refer to the Residence Hall Regulations, the Housing Agreement, and Residence Hall Student Rights and Responsibilities for additional rules and responsibilities that supplement the Code of Conduct. Residence hall residents are responsible for the behavior of their guests and for ensuring that guests comply with all Dominican College regulations.

#### o. Improper Use of Computing Equipment, Services and Resources

##### **Statement of Policy**

The Policy for Responsible Computing regulates the use of the College's computing resources, including computers, equipment, software, and networks. All members of the College must comply with local, state, and federal laws relating to copyright, security, and electronic media. This policy does not alter any individual's duty to obey those laws. All individuals who use the College's computing and information resources must act responsibly and in accordance with relevant laws, contractual obligations, and the highest standard of ethics. Every user is responsible for the integrity of these resources and must respect the rights of other computing users and the integrity of the physical facilities and controls and must comply with all pertinent licenses and agreements.

All students, faculty, and staff are responsible for the integrity of their own individual computers. It is each person's responsibility to make certain that his or her computer is secured against viruses, worms, hacker attacks, and other intrusions. Further, you are responsible for all uses of your computer and will be held accountable for network traffic originating at your computer or traced back to your computer's IP number (Internet address).

Access to computing and information resources is a privilege granted by the College to its students. Access to these information resources may be granted based on the College's judgment of the following factors: relevant laws and contractual obligations; the requester's need to know; the information's sensitivity; and the risk of damage to or loss by the College or its students, faculty members, or staff.

### **Prohibited Activities**

A student shall not damage, destroy, misuse, or otherwise endanger the College's computing and information resources. Specific violations of this standard include, but are not limited to:

1. Using any Dominican College computer, facility, equipment, software, network, or other resource, including e-mail, for any activity other than that for which access or use was assigned or authorized;
2. Using any College computer, facility, equipment, software, network, or other resource, including e-mail, for commercial use;
3. Accessing any College computer, facility, equipment, software, network, or other resource, including e-mail, without authorization;
4. Using any College computer, facility, equipment, software, network, or other resource, including e-mail, to commit or attempt to commit any other violation of this Code of Conduct;
5. Disrupting, hindering, or damaging the service, use, or ability of others to access or use any College computer, facility, equipment, software, network, or other resource, including e-mail;
6. Damaging, destroying, misusing, or otherwise harming any College computer, facility, equipment, software, network, or other resource, including e-mail; or
7. Using any College computer, facility, equipment, software, network, or other resource, including e-mail, to commit or attempt to commit acts prohibited under applicable federal, state, or local laws.

p. Sexual Assault

**Statement of Policy**

The College will not tolerate sexual assault. Sexual assault occurs when a person is physically forced, is coerced, drugged, or is physically or mentally unable to give consent; and assault may be committed by an acquaintance or a stranger.

**Prohibited Activities**

Specific violations of this standard include, but are not limited to:

Any uninvited, unwelcome advance, request for sexual favor, or touching or kissing of a sexual nature, where such conduct placed the victim in a position where he or she reasonably felt unable to avoid the uninvited conduct. Conduct includes, but is not limited to, rape, sodomy or oral copulation, sexual assault, or battery.

Dominican College does not recognize a victim's signed consent, waiver, or release as an absolute defense to a claim of sexual assault.

q. Sexual Harassment

1. Statement of Policy

The College is committed to protecting the rights and dignity of its students and will not tolerate sexual harassment.

2. Prohibited Activities

Specific violations of this standard include, but are not limited to:

1. Making an advance, a request for sexual favor, or other verbal or physical conduct of a sexual nature when:

2. Submission to or rejection of such contact is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement or achievement;

2. Making any uninvited, unwelcome advance, request for sexual favor, or touching or kissing of a sexual nature, including, without limitation, patting, pinching, hugging, or repeatedly brushing against another person's body;

3. Repeatedly making sexually degrading or insulting comments that demean an individual;

4. Displaying sexually suggestive objects or pictures; or
5. Committing any act of sexual assault.

r. Theft

Theft is defined as taking or possessing the property of another without right or permission.

**Prohibited Activities**

Students shall respect the property of the College, its guests, and all members of the College community. Specific violations of this standard include, but are not limited to:

1. The unauthorized taking, misappropriation, possession, retention, or disposal of any property owned or maintained by the College, another student, a guest, a person attending a College sponsored event, or any other person; or
2. The unauthorized taking or use of any College owned or contracted service.

**Possession of Lost or Misplaced Items**

Any lost or misplaced item that is found should immediately be turned in to the proper College office.

s. Weapons, Dangerous Instruments, and/or Devices on Campus

**Prohibited Activities**

A student shall not possess, use, or threaten to use any of the following items:

1. Any firearm (including but not limited to, pistols, rifles, shotguns, or ammunition or any weapon or instrument from which a shot, projectile, or other object may be discharged by force, whether operable or inoperable, loaded or unloaded) ;
2. Any deadly weapon, defined as any instrument, item, or material readily capable of causing death or serious physical injury;
3. Any BB gun, pellet gun, air rifle, paint gun, sword (whether decorative or not), or other martial arts weapon;

Use, possession, or carrying of firearms, handbilly, dirk knife, gravity knife, or other knives, explosives, or other weapons while on College owned or-controlled property, or at College sponsored-supervised activities

4. Any bomb, knife, switchblade, gravity knife, billy club, blackjack, bludgeon, metal knuckles, slingshot, razor, bicycle chain, or ice pick; or

5. Any explosive chemical or device including a substance or a combination of substances possessed or prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including fireworks and illegal or potentially dangerous chemicals.

**Possession of a license to possess or use any of the above items shall not constitute a defense of any violation of this section.**

s. Assault or Physical Abuse of Another Person

Physical abuse of any person on College owned or controlled property, or at a College-sponsored or supervised function; or conduct that threatens or endangers the health or safety of a person.

t. Hate Crimes/Conduct

Dominican College takes Hate Crimes very seriously. All members of the Dominican College Community are entitled to a learning or working environment free of discrimination based on race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability or national origin.

In addition to applicable criminal statutes, Hate crimes and “Bias Incidents” are also violations of the Dominican Code of Conduct. A “bias incident” is defined as behavior or actions discriminating against another based on race, religion, sexual orientation, ethnicity, national origin, gender, age, disability or veteran status.

Those committing a hate crimes must understand that the penalties for hate crimes are very serious under local penal law, and further penalties will be imposed when the crime is committed on College property.

u. Harassment.

Dominican College defines harassment as any of the following:

- \* following another person in or about a public place or places or by engaging in a course of conduct or by repeatedly committing acts which place such person in reasonable fear of physical injury,
- \* with intent to harass, annoy or alarm another person:
  1. He or she strikes, shoves, kicks or otherwise subjects such other person to physical contact, or attempts or threatens to do the same; or

2. He or she follows a person in or about a public place or places; or
3. He or she engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose.

- \* with intent to harass, annoy, threaten or alarm another person, he or she:
1. Either (a) communicates with a person, anonymously or otherwise, by telephone, or by email, telegraph, mail or any other form of written communication, in a manner likely to cause annoyance or alarm; or (b) causes a communication to be initiated by mechanical or electronic means or otherwise with a person, anonymously or otherwise, by email, telephone, or by telegraph, mail or any other form of written communication, in a manner likely to cause annoyance or alarm; or
  2. Makes a telephone call, whether or not a conversation ensues, with no purpose of legitimate communication.

v. Cohabitation

Cohabitation, which is defined as the sexual union between two individuals without the benefit of marriage, is not permitted at the College. Guests of the opposite gender of their hosts may not sleep in the same room regardless of their relationship.

Cohabitation with a sexual partner is inconsistent with the Dominican College Philosophy and purpose of the residence hall and is not permitted.

w. Smoking

Smoking in the dormitory residence room is prohibited.

## **Disciplinary Action**

Disciplinary sanctions will be assigned anytime the Vice President for Student Development and Dean of Students (hereafter referred to as the VPSDDS) and or that officer's designated representative feels inappropriate behavior has occurred. Sanctions include, but are not limited to: fines, disciplinary warning and probation, assignment of community service hours, revocation of guest privileges, termination of the housing agreement, and expulsion from the residence hall, or dismissal from the College. The College may also pursue legal remedies against students, when appropriate, by means of civil action and/or criminal prosecution.

**In order to facilitate the upholding of the College's Community standards, a point system has been established to address student offenses against the standards. This point system will serve as a guideline for the students, staff and faculty in promoting a safe and respectful campus community at Dominican College. Notwithstanding this point system guideline, The Vice President for Student Development and Dean of Students reserves the right to administer Disciplinary Action and assign sanctions in all cases to the extent he or she deems is appropriate and reasonably warranted under the circumstances.**

**Each offense is assigned a point value, and if during the course of the year the student accumulates a total of ten points, the student will be removed from the residence halls and/or the College. Depending upon the offense, some of the accumulated points may be worked off by performance of community service upon approval of the VPSDDS.**

**Category A offenses are those where the student's conduct warrants Automatic Removal from the Residence Hall, and further subjects the student to possible Suspension, Dismissal, or Expulsion from the College.**

**Category B offenses are serious conduct violations and may NOT be worked off by community service.**

**Category C offenses qualify those which may be worked off by community service, upon approval of the VPSDDS..**

The following is a list of specific disciplinary actions. It is not intended to be a comprehensive list of all possible violations or occurrences. As such, at the discretion of the VPSDDS, other offenses may also fall within the three categories below:

**Category A:**

| <b>Offense</b>  | <b>Points/Action</b>   |
|---|--|
| Assault   | Immediate Removal from Residence Hall and Possible Suspension, Dismissal, or Expulsion from the College. |
| Harassment  | Immediate Removal from Residence Hall and Possible Suspension, Dismissal, or Expulsion from the College  |
| Drug Possession   | Immediate Removal from Residence Hall and Possible Suspension, Dismissal, or Expulsion from the College  |
| Theft   | Immediate Removal from Residence Hall and Possible Suspension, Dismissal, or Expulsion from the College  |
| Alcohol 3 <sup>rd</sup> offense   | Immediate Removal from Residence Hall and Possible Suspension, Dismissal, or Expulsion from the College  |
| Sexual Assault or Sexual Harassment   | Immediate Removal from Residence Hall and Possible Suspension, Dismissal, or Expulsion from the College  |
| Possession of a keg or other large containers of alcoholic beverages            | Immediate Removal from Residence Hall and Possible Suspension, Dismissal, or Expulsion from the College  |
| Violation of smoking policy (in dormitory room)                                 | Immediate Removal from Residence Hall and Possible Suspension, Dismissal, or Expulsion from the College  |
| Tampering with fire equipment or deliberately triggering a false fire alarm     | Immediate Removal from Residence Hall and Possible Suspension, Dismissal, or Expulsion from the College  |
| Conveying false emergency information (e.g. false fire alarm, false bomb scare) | Immediate Removal from Residence Hall and Possible Suspension, Dismissal, or Expulsion from the College  |
| Fighting or physical violence   | Immediate Removal from Residence Hall and Possible Suspension, Dismissal, or Expulsion from the College  |
| Repeated or excessive deliberate damage to College property                     | Immediate Removal from Residence Hall and Possible Suspension, Dismissal, or Expulsion from the College  |
| The Commission of a Hate Crime  | Immediate Removal from Residence Hall and Possible Suspension, Dismissal, or Expulsion from the College  |

**Category B:**

| <b>Offense</b>                                 | <b>Points/Action</b>  |
|--|---|
| Physical Harassment                            | 7 to 10   |
| Verbal Harassment                              | 3 to 5  |
| Vandalism                                      | up to 10 Points: Discretionary + Fine   |
| Alcohol Offense                                | 1 <sup>st</sup> offense: 3 points + \$75.00 fine and must attend a workshop/ program<br>2 <sup>nd</sup> offense: 3 points + \$150.00 fine and an evaluation and parental notification<br>3 <sup>rd</sup> offense: 3 points + \$300.00 fine and depending on findings of evaluation, removal from residence hall and/or the College (see Category A)           |
| Unauthorized use/attempted use of DC 1 Card    | 1 <sup>st</sup> offense:<br><u>Residents:</u> Residence Hall Probation + reimbursement to card owner (to be made within two weeks) + \$250 fine<br><u>Commuters:</u> Residence Hall Ban<br>2 <sup>nd</sup> Offense: Reimbursement to card owner (to be made within two weeks) and penalties that include removal from residence hall, suspension or expulsion |
| Deliberately damaging College property         | 1 <sup>st</sup> Offense: For item with value under \$500, repair or replacement of item damaged & housing probation;<br>For item with value of \$500 or over, repair or replacement of the item damaged,<br>Immediate Removal from Residence Hall<br>2 <sup>nd</sup> Offense: Immediate Removal from Residence Hall   |
| Disruptive Conduct                             | up to 10 Points: Discretionary  |
| Endangering the safety of others               | up to 10 Points: Discretionary  |
| Report of False information                    | up to 10 Points: Discretionary + Fine   |
| Hazing   | up to 10 Points: Discretionary  |
| Off-Campus Violations                          | up to 10 Points: Discretionary  |
| Possession of Weapons or Dangerous Instruments | up to 10 Points: Discretionary  |
| Cohabitation                                   | up to 10 Points: Discretionary  |

**Category C:**

| <b>Offense</b>   | <b>Points/Action</b>  |
|--|---|
| Loitering  | 1 <sup>st</sup> Offense: warning, then, tier points incrementally doubled<br>2 <sup>nd</sup> Offense:2 points<br>3 <sup>rd</sup> Offense:4 points, etc.   |
| Noise  | 1 <sup>st</sup> Offense: warning, then, tier points incrementally doubled<br>2 <sup>nd</sup> Offense:2 points<br>3 <sup>rd</sup> Offense:4 points, etc.   |
| Outstanding parking tickets  | 1 point per parking ticket after the 4 <sup>th</sup> parking ticket. In place until paid  |
| Visitation Hours   | 1 <sup>st</sup> Offense: warning, then points incrementally doubled<br>2 <sup>nd</sup> Offense:2 points<br>3 <sup>rd</sup> Offense:4 points, etc.   |
| Disruptive behavior – Discretionary  | 1 <sup>st</sup> Offense: discretionary points<br>2 <sup>nd</sup> Offense: discretionary points, \$25 Fine<br>3 <sup>rd</sup> Offense: \$discretionary points, 50 Fine & housing probation<br>4 <sup>th</sup> Offense: Immediate Removal from Residence Hall                     |
| Quiet Hours violation  | 1 <sup>st</sup> Offense: written warning, discretionary points<br>2 <sup>nd</sup> Offense: discretionary points, \$10 Fine<br>3 <sup>rd</sup> Offense: discretionary points, Progressive fines in \$10 increments   |
| Violation of guest policy  | 1 <sup>st</sup> Offense: 2 points and \$25 fine, possible loss of guest privileges (discretionary)<br>2 <sup>nd</sup> Offense: 5 points and Loss of guest privileges for a semester and housing probation<br>3 <sup>rd</sup> Offense: 10 points and Removal from Residence Hall |
| Entering or exiting the Residence Hall through emergency doors in non- emergencies or through any window, throwing objects from windows, or passing objects through windows. | 1 <sup>st</sup> Offense: \$35 fine, discretionary points<br>2 <sup>nd</sup> Offense: \$50 fine, discretionary points and probation<br>3 <sup>rd</sup> Offense: Immediate Removal from Residence Hall  |
| Failure to attend mandatory Hall meeting   | 1 <sup>st</sup> Offense: \$20 fine,<br>2 <sup>nd</sup> Offense: \$35 fine   |

|                           |  |
|---------------------------|--|
|                           | 3 <sup>rd</sup> Offense: \$50 fine, discretionary points and housing probation   |
| Removing lounge furniture | 1 <sup>st</sup> Offense: \$20 fine, discretionary points<br>2 <sup>nd</sup> Offense: \$35 fine, discretionary points<br>3 <sup>rd</sup> Offense: \$50 fine and housing probation                       |
| Removing window screens   | 1 <sup>st</sup> Offense: \$20 fine, discretionary points<br>2 <sup>nd</sup> Offense: \$35 fine, discretionary points<br>3 <sup>rd</sup> Offense: \$50 fine, discretionary points and housing probation |

### 3. Structure of the College Discipline System

The discipline system of Dominican College is administered by the VPSDDS or that officer's designated representative. The system consists of the VPSDDS, the College Disciplinary Committee (see Section E #3), the Academic Dean's Office, (in cases involving appeals of academic dishonesty charges), the Director of Residence Life, the Director of Security.

When an alleged violation of the Code of Conduct is reported to a College official, the allegation will be referred to the appropriate office for resolution. Generally non-academic, behavioral allegations will be referred to the Office of Student Development.

Normally, accused students should expect a written notification of the accusation(s) against them, an opportunity to present information and witnesses if the facts are in dispute, an investigation by the appropriate College official(s), as required, to determine the facts and a fair and impartial decision by the College based on the total information available.

#### A. Disciplinary Officers of the College.

Normally, the Director of Residence Life will serve as the disciplinary officer for any student alleged to be in violation of policy and procedure at the Residence Halls and Dining Halls. The Director of Security will serve as the disciplinary officer for any student alleged to be in violation regarding security, theft, physical violence, or parking for all buildings on campus as well as off-campus facilities including athletic fields. Any other alleged offense will be handled directly by the VPSDDS.

#### B. Jurisdiction.

The VPSDDS or that officer's representative, may assign a discipline sanction for violations of the Code of Conduct under the following circumstances:

1. The facts justify that an appropriate sanction be applied immediately.

2. The student admits the facts of a case by failing to respond to the accusations.
3. After investigation and fact-finding the disciplinary officer establishes by a preponderance of information available that a violation has occurred.

In all cases where the facts or severity of the sanction are in dispute, students will be notified in writing of meeting and appeal procedures and other possible sanctions for violations.

- C. **Sanctions.** The VPSDDS or that officer's representative may impose any sanction provided for in the College Sanctions.

The VPSDDS or that officer's representative shall further serve as the liaison with students who have been placed on disciplinary probation or separated from the College. When a student has been separated from the College, the VPSDDS or that officer's representative shall be responsible for informing the student of the procedure for re-instatement. The VPSDDS or that officer's representative has the responsibility and authority to carry out or direct summary suspension of students. The VPSDDS or that officer's representative also has authority to place holds on a student's further registration. A Disciplinary Officer releases information concerning the status of a discipline case to persons involved in the case. These may include the accuser, the witnesses, the student development staff, and other appropriate College officials.

- D. **Appeals.** A student who wishes to appeal a decision of the Disciplinary Official, must submit a written request for an appeal within five days of notification of the decision. The request shall be directed to the VPSDDS or that officer's representative. At the discretion of the VPSDDS, an appeal may stay the imposition of a sanction. The VPSDDS or that officer's representative will inform the student of the result of his/her appeal or may refer the appeal to the College Disciplinary Committee.

- E. Procedures for Disciplinary Meetings.

If the VPSDDS or that officer's representative refers an appeal to the College Disciplinary Committee, normally the following procedures will be observed.

1. Notice of Accusations. The student shall be informed of the accusations against him/her in writing sufficiently in advance of the meeting to afford a reasonable opportunity to prepare a presentation. The notice of accusations shall state the specific regulation that the student is alleged to have violated, stating the time, date, and place of the occurrence and will be informed of meeting procedures and possible sanctions.

2. Conduct of Disciplinary Committee Meetings
  - a. The Disciplinary Committee Meetings shall be conducted in such a manner as to do substantial justice and shall not be restricted unduly by rules of procedure. Information not directly related to the matter at hand will not be considered.
  
  - b. The focus of inquiry in disciplinary proceedings shall be the validity or invalidity of the accusations against those accused of violating the Code of Conduct. Formal rules of evidence shall not be applicable; nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding, unless significant prejudice to a student respondent of the College may result.
  
3. Composition. The Disciplinary Committee shall be composed of two students, a faculty member, and a senior faculty member who shall serve as chairperson, and one administrator. In addition, two students, two faculty members, and an administrator shall be appointed to serve as alternates. The VPSSDS or that Officer's representative shall select the student membership from a pool of six students nominated by the Student Government Association and will appoint the administrator. Faculty shall be appointed by the Academic Dean.
  
4. Term of Office. Members of the College Disciplinary Committee shall serve for a term of one year and until successors are named, commencing on the last academic class day of spring semester. Members may be appointed for additional terms of office. Vacancies may be filled at any time.
  
5. The meeting shall be private in order to protect the confidentiality of the proceeding.
  
6. The accused student may challenge any member of the committee on grounds of prejudice. The committee shall deliberate in private and determine, by majority vote (excluding the member being challenged), whether the member should be replaced by an alternate committee member who would be designated by the chairperson.
  
7. The student shall have the right to be assisted by an adviser of his/her choice, who must be a full-time administrative official, full-time faculty member, or full or part-time student of the College. The adviser, upon request of the student may:
  - 1) Advise the student in the preparation of his/her presentation.
  
  - 2) Accompany the student to all disciplinary meetings.

3) Advise the student in the preparation of appeals.

The adviser shall not assume responsibility for conducting the presentation of the accused student, except that the adviser may assist the student in questioning all witnesses.

8. On behalf of the College, the accusations and supporting information may be presented by the Disciplinary Officer or by a person designated by the VPSDDS
9. In his/her own behalf, the student shall have the right to call a reasonable number of witnesses who shall be subject to questioning by members of the committee and the Disciplinary Officer, or the Dean's designee.
10. The student accused shall have the right to question all witnesses.
11. The testimony of unknown or unidentified witnesses shall not be admissible.
12. The committee may address questions to any party or to any witness called by the parties, provided, however, that the student accused shall not be compelled against his/her wishes to testify or answer any questions and his/her silence shall not be held against him/her. The committee shall limit the scope of the testimony to matters relevant to the accusation(s) and the defense thereof. The committee and/or the accused student may request that the VPSDDS or that officer's representative require the presence at the meeting of any member of the College community, including the accused person. The committee and/or the accused student also may request the VPSDDS or that officer's representative to require the production of records or other relevant information. In the event any person, including the student charged and/or his/her adviser, shall disrupt the meeting, the chairperson of the committee shall exclude that person and proceed with the meeting in his/her absence.
13. The committee's decision should reflect the validity or non-validity of the accusation(s) based on the preponderance of information available indicating one of the above.
14. No recommendation for the imposition of sanctions shall be based solely upon the failure of a person charged to answer the accusation(s). In the event of the refusal of the accused person to appear at the meeting, the information in support of the accusation(s) shall be presented, considered, and discussed.
15. The committee shall make a written report of the meeting consisting of:
  - 1) the notice of accusation(s) and other meeting documents.
  - 2) a summary of the information presented.

- 3) the decision of the committee relating to the validity or non-validity of the accusation(s) shall be transmitted to the VPSDDS or that officer's representative who will inform the student of a final decision. Normally, within five business days the VPSDDS or that officer's representative shall implement the decision or amend it as appropriate based on facts.
- 4) the sanction(s) recommended.

The VPSDDS or that officer's representative may amend a committee decision based on one or both of the following grounds:

- a) The findings of the committee do not adequately account for all available information.
- b) The recommendation(s) of the committee does not provide for appropriate sanction(s) for the offense .

F. Sanctions for Violation of Regulations

In addition to points accumulated as a result of the commission of an offense, the range of official action that may be imposed for violation of regulations may also be comprised the following disciplinary sanctions:

- 1) Disciplinary Warning  
Disciplinary warning is a notice to a student that previous conduct was questionable and that future breaches of conduct will be treated more severely. The warning is recorded in the confidential disciplinary records of the VPSDDS or that officer's representative.
- 2) Disciplinary Probation  
The status of disciplinary probation is assigned for a specific period of time. While on disciplinary probation, a student is encouraged to seek advice and counsel from appropriate College offices. Disciplinary officers or the Disciplinary Committee may set forth terms of probation, including terms that restrict the student's participation in extracurricular activities. Disciplinary probation status may affect qualification for some awards, prizes, or student aid, particularly those stipulating conduct acceptable to the College. Disciplinary probation is recorded in the confidential discipline records of the VPSDDS.
3. Disciplinary Suspension  
Disciplinary suspension is an action that excludes the student from registration, class attendance, residence on campus, and use of the

College facilities for a specified period of time. The privilege of the use of the College facilities is withdrawn by this action unless specific permission is obtained from the VPSDDS or that officer's representative.. Parents are notified of the suspension status. Disciplinary suspension is recorded on the student's educational record during the period in effect and is recorded in the confidential discipline records of the VPSDDS. Upon termination of the period of suspension, the student shall be considered for registration in compliance with academic admission standards then in effect. Established proof of a further incident of misconduct, after the student is readmitted, may result in dismissal or expulsion.

4. Disciplinary Dismissal

Disciplinary dismissal is the withdrawal of a student's privilege of registration, class attendance, residence on the campus, and use of College facilities with no promise (implied or otherwise) that the student may return at any future time. Parents of a student are notified of the disciplinary dismissal status. Disciplinary dismissal is recorded on the student's educational record, to be removed only if and when the student is reinstated, and is recorded in the confidential disciplinary records of the VPSDDS.

5. Disciplinary Expulsion.

Disciplinary expulsion is the permanent withdrawal of a student's privilege of registration, class attendance or residence on campus and use of College facilities. The privilege of the use of College facilities is withdrawn by this action unless specific permission is obtained from the Dean of Students. Parents of a student are notified of the disciplinary expulsion status. Disciplinary expulsion is recorded on the student's educational record.

6. Loss of Privilege.

Loss of privilege is the withdrawal of a privilege or use of a service for a specific period of time consistent with the violation committed and the education of the student (e.g. housing privilege). Loss of privilege is recorded in the confidential disciplinary records of the VPSDDS or that officer's representative. Loss of privilege may be imposed separately or in addition to any other sanction(s).

7. Reimbursement.

Reimbursement requires a student to pay for damages to or misappropriation of College property or the property of members of or visitors to the College community. Such reimbursement shall be charged to any student who alone,

or through group activities, organizes or knowingly participates in the events causing the damages or costs. Restitution is recorded in the confidential disciplinary records of the VPSDDS or that officer's representative. Restitution may be imposed separately or in addition to any other sanction(s).

8. Fines.

Fines may be imposed in accordance with published Schedules. Fines may be imposed separately or in addition to any other sanction.

9. Other Educational Sanctions.

Other educational sanctions such as required community service, required attendance at educational activities, or required counseling may be imposed consistent with the violation. Other educational sanctions may be imposed separately or in addition to other sanction(s).

10. Summary Suspension.

A summary suspension requires that a student immediately leave the campus. It may be imposed upon a student when a College official, designated by the President, has reasonable cause to believe the student is an immediate threat to the safety of himself/herself or other persons or property or is an immediate threat to disrupt essential operations of the College. The official may rely upon information supplied to him/her by others. Any summarily suspended student who returns to the campus during the period of summary suspension shall be subject to disciplinary dismissal or disciplinary expulsion. Permission to be on campus for a specific purpose must be granted in writing by the VPSDDS or that officer's representative or the President of the College. Any student subject to summary suspension shall be required to remain off campus until a disciplinary meeting is held. The meeting normally shall be held within five days of the notice of suspension.