

STUDENT CODE OF CONDUCT

PREAMBLE

Students enrolled at Northeast Community College (Northeast) are expected to conduct themselves in a mature and responsible manner. It is the policy of Northeast to allow students maximum freedom consistent with good scholarship and citizenship. Students are required to engage in responsible social conduct that reflects credit upon the college community and to model good citizenship in any community. Good citizenship implies high standards of conduct and requires conformity to the laws of the United States, the State of Nebraska, its subdivisions, and to Northeast policies, procedures, and Code of Conduct.

ARTICLE I: DEFINITIONS

- A. The term "College" means Northeast Community College, including its Norfolk campus, Extended Campuses in O'Neill, South Sioux City and West Point, and the Regional Office in Hartington, Nebraska.
- B. The term "student" includes all persons enrolled in courses at the College, including credit and non-credit, full-time or part-time, on site, online, or via distance education, or Adult Education courses. Persons who withdraw from classes after allegedly violating the Student Code and persons who are living in College residence halls, although withdrawn from Northeast Community College, are considered "students" under this Code of Conduct. This Student Code does apply at all locations of the College, including sites of College-sponsored events/activities.
- C. The term "faculty member" means any person employed by the College to conduct teaching activities or who is otherwise considered by the College to be a member of its faculty.
- D. The term "College official" includes any person employed by the College performing assigned administrative or professional responsibilities.
- E. The term "member of the College community" includes any person who is a student, faculty member, College official, or any other person employed by the College. A person's status in a particular situation shall be determined by the College President.
- F. The term "College premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, rented, or controlled by the College, including adjacent streets and sidewalks.
- G. The term "organization" means any number of persons who have complied with the formal requirements for College recognition or registration.
- H. The term "academic year" means the first day of the fall semester through the last day of the second summer session.
- I. The term "Student Conduct Appellate Board", hereafter referred to as the "Appellate Board", means those persons appointed by the Director of Student Conduct to consider an appeal from the sanctions imposed by the Director of Student Conduct, or his/her designee.
- J. The term "shall" or "will" is used in the imperative sense.
- K. The term "may" or "might" is used in the permissive sense.
- L. The term "Director of Residence Life and Food Service" is the official at the College who is responsible for the administration of Residence Life policies, including the imposition of sanctions upon any student(s) found to have violated specific Residence Life policies.
- M. The term "Director of Student Conduct" is the official at the College who is responsible for the administration of the Student Code of Conduct, including the imposition of sanctions upon any student(s) found to have violated said Code.
- N. The term "Vice President of Student Services" is the College official exercising primary authority over the College's Student Services, programs, and operations.
- O. The term "code" means the Student Code of Conduct as found in the Student Handbook, on the College website, in the College catalog, or other official College publications.
- P. The term "Residence Life Manual" means the written regulations of the College as found in the Residence Life Manual or on the College website.
- Q. The term "cheating" includes, but is not limited to: 1) use of any unauthorized assistance in taking quizzes, tests, or examinations; 2) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; 3) the acquisition, without permission, of tests or other academic material belonging to a member of the College faculty or staff; and 4) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
- R. The term "plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
- S. The term "Complainant" means any person who submits a charge alleging that a student, group of students, or student organization violated the Student Code of Conduct. When a student believes that she/he has been a victim of another student's misconduct, the student who believes she/he has been a victim will have the same rights under the Student Code of Conduct as are provided to the Complainant, even if another member of the College community submitted the charge.
- T. The term "Accused Student" means any student, group of students, or student organization accused of violating the Student Code of Conduct.

ARTICLE II: STUDENT CODE AUTHORITY

- A. The Director of Student Conduct or his/her designee shall appoint three (3) persons each academic year to serve on the Student Conduct Appellate Board: one (1) on-campus student; one (1) off-campus student; and one (1) full-time faculty or staff member. The Director of Student Conduct shall also appoint one (1) alternate member from each of the three (3) categories who shall serve if the regular member is unavailable.
- B. The Director of Student Conduct shall develop policies for the administration of the student conduct system and procedural rules for the conduct of Student Conduct Appellate Board Hearings. These policies shall be consistent with provisions of the Student Code of Conduct.
- C. Decisions made by a Student Conduct Appellate Board and/or the Director of Student Conduct shall be final, pending the "normal appeal process". This process is outlined in the Student Handbook and on the College website.

ARTICLE III: PROSCRIBED CONDUCT

- A. Jurisdiction of the Northeast Student Code of Conduct

The College Student Code of Conduct shall apply to conduct that occurs on College premises and at College sponsored activities. Each student shall be responsible for his/her conduct during each academic year for which he/she is enrolled. The Student Code shall apply to a student's conduct if the student withdraws from school while a disciplinary matter is pending.

- B. Conduct – Rules and Regulations

Any student found to have committed the following misconduct is subject to the disciplinary sanctions outlined in Article IV:

- 1. Acts of dishonesty, including, but not limited to, the following:
 - a. Cheating on an advanced placement test or other examination required for admission.
 - b. Cheating or plagiarism in the classroom or other forms of academic dishonesty. Such acts of dishonesty shall be referred to the Educational Services Division for handling pursuant to Educational Services policy and administered by the instructor, associate dean, dean, and/or Vice President of Educational Services.

- c. Furnishing false information to any College official, faculty member, or office.
 - d. Forgery, alteration, or misuse of any College document, record, or instrument of identification, including misrepresentation of degrees awarded or honors received.
 - e. Other forms of dishonesty relating to academic achievement or academically related public service.
 - f. Tampering with the election of any institutionally recognized student organization.
 - g. Claiming to represent or act on behalf of the institution when not authorized to so represent or so act.
2. Disruption or obstruction of teaching, administration, disciplinary proceedings, other College activities, including its public service functions on- or off-campus, or of other authorized non-College activities when the conduct occurs on College premises.
 3. Disruption of or interference with the activities of persons who are studying, sleeping, or otherwise engaging in activities that are consistent with the normal and expected uses of institutional facilities or of student residential facilities.
 4. Acts of aggression including threats, intimidation, coercion, or other conduct that threatens or endangers the health or safety of any person:
 - a. Conduct that threatens or endangers a student's own health or safety may also violate this section.
 - b. "Aggression" means not only intentional infliction of harm, but also conduct that intentionally subjects another to unwelcome, offensive, physical contact or that puts another person in reasonable fear that the actor intends immediately to subject that person to intentional injury or unwelcome, offensive touching.
 - c. Threats, intimidation, or acts of violence against employees, students, or visitors on Northeast Community College property will not be ignored, condoned, or tolerated. (Northeast Community College BP 7015 or as the same may from time to time be amended) Physical contact will result in law enforcement being called.
 5. Sexual Misconduct. Sexual Misconduct offenses occur when a person is subjected to any sexual act against that person's will or consent and include, but are not limited to: sexual harassment; non-consensual sexual contact (or attempts to commit same); non-consensual sexual intercourse (or attempts to commit same); sexual exploitation. Consent is clear, knowing, and voluntary. Persons who are minors, mentally disabled, and/or under the influence of alcohol, marijuana, or other illegal or legal controlled substances at the time they are subjected to the sexual act shall be presumed incapable of effective consent. In matters of alleged sexual misconduct, both the accuser and the accused have the opportunity to have an advisor present during a disciplinary proceeding as permissible by the Title IX Coordinator.
 6. Discriminatory Conduct, including race, color, national origin, sexual orientation, disability, religious, or gender-based harassment or harassment on any other grounds, directed at individuals. This also includes intimate partner violence (domestic or dating), bullying, and stalking.
 - a. Harassment may be established by showing:
 - i. Conduct toward another person that has the purpose or effect of creating an intimidating, hostile, or demeaning environment and/or that interferes with his or her ability to participate in or to realize the intended benefits of an institutional activity, employment, or resource; or
 - ii. Other conduct that is extreme and/or outrageous, exceeding bounds usually tolerated by polite society and that has the purpose or the substantial likelihood of interfering with another person's ability to participate in or benefit from the College's educational programs or activities. This also includes stalking; cyber stalking; bullying; threats; abuse; insults; or humiliation to the instructor or the members of a class; demeaning written or oral comments of an ethnic, religious, sexist/sexual orientation, or racist nature; and unwanted sexual advances or intimidation by email, discussion boards, and other postings in course shells. Any case that is determined to be of a criminal or legal nature will be referred to local authorities.
 7. Attempted or actual theft of and/or damage to property of the College or property of a member of the College community or other personal or public property, on- or off-campus.
 8. Possession of stolen property on institutional property or at a College-sponsored activity where the property is known to be stolen.
 9. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.
 10. Failure to comply with directions of College officials, campus security staff, or law enforcement officers acting in performance of their duties and or failure to identify oneself to these persons when requested to do so.
 11. Unauthorized possession, duplication, or use of keys to any College premises or unauthorized entry to or use of College premises.
 12. Operating a vehicle on campus so as to endanger public safety, including negligent and/or reckless driving and other vehicle misconduct.
 13. Violation of any College policy, rule, or regulation published in hard copy or available electronically on the College website.
 14. Violation of any federal, state, or local law on institutional premises or at institutionally-sponsored or supervised activities, including behavior classified as disorderly, lewd, indecent, or a breach of peace.
 15. Use, possession, manufacture, or distribution of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law. This includes possession of drug paraphernalia, and attending College classes and/or activities while under the influence of illegal and/or controlled substances both on- and off-campus.
 16. Use, possession, manufacture, or distribution of alcoholic beverages, containers, and paraphernalia on all property of the College and at all College sponsored events held off campus. This includes possession of alcohol paraphernalia, and attending College classes and/or activities while under the influence of alcohol.
 17. The use or possession of tobacco and/or tobacco substitutes is not permitted on any College-owned property, in buildings, vehicles, during classes, athletic events, or at any College-sponsored activities. This includes, but is not limited to, cigarettes, cigars, smokeless tobacco, and electronic smoking devices.
 18. Making bomb threats.
 19. Any possession, such as, but not limited to, firearms, explosives, knives with over 3.5" blade, destructive devices, dangerous chemicals, fireworks, or any other items, even if legally possessed (such as look-alike items – fake guns, swords), used in a manner that harms, threatens, or causes fear to others. Violation of these prohibitions will result in disciplinary and/or law enforcement action.
 20. Participating in an on-campus or off-campus demonstration, riot, or activity that disrupts the normal operations of the College and/or infringes on the rights of other members of the College community; leading or inciting others to disrupt schedules and/or normal activities within any campus building or area.
 21. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College-sponsored or supervised functions.
 22. Performing acrobatic maneuvers on bicycles, skateboards, rollerblades, or other like equipment as well as using such equipment inside College buildings or Residence Halls and Apartments. Students found violating this rule or causing property damage will be subject to fines and replacement or repair costs.

23. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on College premises or at functions sponsored by, or participated in, the College or members of the academic community. Disorderly conduct includes, but is not limited to, any unauthorized use of electronic or other devices to make an audio or video record of any person while on College premises or at a College-sponsored event without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, restroom and/or living quarters; it also includes posting such photos to websites. In addition, unauthorized photos of students and employees in any area of the College is prohibited, unless it is approved by the College.

24. Theft or other abuse of computer facilities and technology resources, including, but not limited to,

- a. Unauthorized entry into a file to use, read, or change the contents or for any other purpose.
- b. Unauthorized transfer of a file.
- c. Use of another individual's identification and/or password or misrepresenting the identity of the sender.
- d. Use of computing facilities and technology resources to interfere with the work of another student, faculty member, or College Official.
- e. Use of computing facilities and technology resources to send obscene, threatening, harassing, or abusive messages.
- f. Use of computing facilities and technology resources to interfere with normal operation of the College computing system.
- g. Use of computing facilities and technology resources in violation of copyright laws.
- h. Making, acquiring, or using unauthorized copies of computer software or violating terms of applicable software license agreements.
- i. Attempting to circumvent data protection schemes or tampering with security.
- j. Any violation of BP 5250 Acceptable Use Policy—Technology Resources - Student (or as the same may from time to time be amended).

25. Abuse of the Student Conduct System, including, but not limited to,

- a. Failure to obey notice from a College Official to appear for a meeting or hearing as part of the Student Conduct System.
- b. Falsification, distortion, or misrepresentation of information before a College official and/or the Appellate Board.
- c. Disruption or interference with the orderly conduct of an Appellate Board proceeding.
- d. Instituting a student conduct code proceeding in bad faith.
- e. Attempting to discourage an individual's proper participating in, or use of, the student conduct system.
- f. Attempting to influence the impartiality of a member of an Appellate Board prior to, and/or during the course of, the Appellate Board proceeding.
- g. Harassment (verbal or physical) and/or intimidation of a member of the Appellate Board prior to, during, and/or after a student conduct code proceeding.
- h. Influencing or attempting to influence another person to commit a violation of the Student Code of Conduct or procedures relating thereto.

26. Conduct not expressly proscribed may also subject students, groups of students, or student organizations to discipline where it demonstrates that a student, group of students, or organization has disregarded the need to conform to reasonable rules and regulations intended to protect the health and safety of others and to assure their orderly access to and beneficial use of institutional resources and facilities.

27. Formal or informal student organizations, which by repeated practice, initiate, encourage, support, or tolerate conduct by members, associates, or guests that violate the provisions of this Code shall be subject to discipline.

C. Violation of Law and College Code of Conduct

1. No provision of this Code shall be interpreted to deprive students of rights guaranteed them under state or federal law.
2. College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both criminal law and the Student Code of Conduct (it is possible both violations may result from the same factual situation) without regard to the pendency of any civil or criminal proceedings under this Student Code may be carried out prior to, simultaneously with, or following any civil or criminal proceedings conducted off-campus. Determinations made or sanctions imposed under this Code shall not be subject to change because criminal charges brought against a student or group of students were dismissed, reduced, or resolved in a Court of Law.
3. When a student or group of students is/are charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special considerations for that individual because of his or her status as a student. Off-campus conduct that affects the well-being of the College community can be cause for sanctions from the College. If the alleged offense is also being processed under the Code, the College may advise off-campus authorities of the existence of the Code and of how such matters are typically handled within the College community. The College will cooperate with law enforcement and other agencies in the enforcement of criminal law violations which occur at the College. Individual students and other members of the College community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.
4. When the Vice President of Student Services receives a report of student misconduct that may constitute a felony offense under state or federal law, that official shall immediately report the known facts and circumstances to the local law enforcement officials who have jurisdiction over the matter.

ARTICLE IV: STUDENT CONDUCT CODE PROCEDURES (other than Title IX related complaints)

A. Charges and Appellate Board Hearings

1. Any member of the College community may file charges against a student for violations of the Code. A charge shall be prepared in writing and filed with the Director of Student Conduct or his/her designee. Any charge should be submitted as soon as possible after the event takes place, preferably within three (3) work days.
2. The Director of Student Conduct or his/her designee shall conduct an investigation to determine 1) if a violation may have in fact occurred, 2) if so, what an appropriate sanction(s) might be, and 3) if a charge(s) and sanction(s) can be administratively resolved by mutual consent of the parties involved. The Director or his/her designee shall supply to the accused student, a letter outlining the Code or Residence Life violation and the sanction(s) to be imposed. Accused students may appeal the sanction(s) for the following reasons: 1) inappropriate sanction (does not follow the Residence Halls or Student Services matrix of sanctions); 2) procedural defect during the initial investigation or meeting with College Official(s); 3) presence of new evidence. A Petition for Appeal form can be obtained from the Director of Student Conduct and/or the Director of Residence Life and Food Service.
3. In disciplinary cases involving sexual misconduct, both the accused and the accuser/victim will receive, in writing, the results of the investigation and any sanction(s) imposed.

B. Sanctions

1. Sanctions may be imposed upon any student found to have violated the Code or Residence Life Manual. Those sanctions may include the following:
 - a. Warning – Written: A notice in writing to the student that the student has violated the Code or Residence Life Manual. Verbal: A discussion with the student outlining the violation.
 - b. Probation – A designated period during which a student is considered “not in good social standing” with the College. Additional behavior in violation of College regulations during the probationary period may constitute grounds for more serious disciplinary action including, but not limited to, suspension/dismissal from the residence halls, and/or suspension/dismissal from the College. Probation may include specific terms and conditions as deemed appropriate by the Director of Student Conduct, the Dean of Student Life, the Director of Residence Life and Food Service, and/or the Vice President of Student Services.
 - c. Loss of Privileges – Denial of specified privileges for a designated period of time.
 - d. Fines – A sum imposed as a consequence of violating the Code of Conduct or the Residence Life Manual.
 - e. Community Service - Time spent, without pay, on projects that benefit the College and the College community.
 - f. Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
 - g. Discretionary Sanctions – Work assignments, essays, service to the College, or other related discretionary assignments.
 - h. Residence Hall Suspension – Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
 - i. Residence Hall Eviction – Permanent separation of the student from the residence halls.
 - j. Interim Suspension – In certain circumstances, the Vice President of Student Services or his/her designee may impose an institutional or residence suspension prior to the hearing before a judicial officer. Interim suspension may be imposed only for one or more of the following purposes:
 - i. To ensure the safety and well-being of members of the campus community or preservation of institutional property or other property located on premises controlled by the College.
 - ii. To ensure a student’s own physical or emotional safety and well-being.
 - iii. To ensure the normal operations of the institution where a student poses a definite threat of disruption of or interference with the normal operations of the institution. During the interim suspension, students shall be denied access to residence facilities or to the campus (including classes) or all other institutional activities or privileges for which the student might otherwise be eligible as the Vice President of Student Services may determine to be appropriate.
 - k. College Suspension – Separation of the student from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
 - l. College Expulsion – Permanent separation of the student from the College.
 - m. Revocation of Admission and/or Degree – Admission to or a degree awarded from the College may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

- n. Withholding of a Transcript – The College may withhold a formal transcript until the completion of the process set forth in the Student Conduct Code, including the completion of all sanctions imposed, if any.
2. More than one of the sanctions listed above may be imposed for any single violation.
3. a. Student Disciplinary Records: Other than College expulsion or withholding of a formal transcript, disciplinary sanctions shall not be made part of the student’s permanent academic record, but shall become part of the students’ disciplinary record. Upon graduation, the student’s disciplinary record may be expunged of disciplinary actions other than residence hall expulsion, College suspension, College expulsion, or withholding of a formal transcript, upon application to the Vice President of Student Services or his/her designee. Cases involving the imposition of sanctions other than residence hall expulsion, College suspension, College expulsion, or revocation or withholding of a degree shall be expunged from the student’s confidential record seven years after final disposition of the case.
 - b. In situations involving both an accused student(s) (or group or organization) and a student(s) claiming to be the victim of another student’s conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the accused student(s) and the student(s) claiming to be the victim because the educational career and chances of success in the academic community of each may be impacted.
4. The following sanctions may be imposed upon groups or organizations:
 - a. Those sanctions listed above in article IV (B) (1) (a) – (n)
 - b. Loss of selected rights and privileges for a specified period of time.
 - c. Deactivation: Loss of all privileges, including College recognition, for a specified period of time.
5. In each case in which the Director of Student Conduct or his/her designee determines that a student and/or group or organization has violated the Code or Residence Life Manual, the sanction(s) shall be determined and imposed by the Director or his/her designee. Following the meeting with the Director or designee, the accused student and/or group or organization will be informed in writing of the sanction(s) imposed, if any.

C. Appeals

1. A decision reached by the Director of Student Conduct or his/her designee may be appealed by the accused student(s) or complainant(s) to the Appellate Board within three (3) working days of the decision. Accused students may appeal the sanction(s) for the following reasons: 1) inappropriate sanction (does not follow the Residence Halls or Student Services matrix of sanctions); 2) procedural defect during the initial investigation or meeting with College Official(s); 3) presence of new evidence. A Petition for Appeal form can be obtained from the Director of Student Conduct and/or the Director of Residence Life and Food Service.
2. The appeal shall be limited to a review of the initial meeting with the Director or his/her designee and supporting documents. If there is new information and/or relevant facts which were not known to the accused at the time of the original meeting with the Director or his/her designee, the Appellate Board may allow said new information and/or relevant facts to be brought out if requested by the accused prior to the time for the appellate hearing as provided in Subparagraph 4 below.
3. The Appellate Board’s responsibility is:
 - a. To determine whether the meeting was conducted fairly in light of the charges and information presented and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the Code or Residence Life Manual was violated and giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures shall not be a basis for sustaining an appeal unless significant prejudice results.

- b. To determine if the decision reached regarding the accused student was based on whether there were sufficient facts in the case to establish that a violation of the Student Code occurred.
 - c. To determine whether the sanction(s) imposed were appropriate for the violation of the Code or Residence Life Manual which the student was found to have committed.
4. The Appellate Board hearings shall be conducted according to the following guidelines:
 - a. Appellate Board hearings shall be conducted in private unless requested to be an open hearing by the accused or complainant. The hearing shall be not less than five (5) nor more than fifteen (15) work days after the student or accused has filed the appeal with the Director of Student Conduct or his/her designee. Maximum time limits for scheduling of this meeting may be extended at the discretion of the Director or his/her designee.
 - b. College faculty or staff member shall serve as the Chair of the Appellate Board.
 - c. The complainant and the accused student shall have the right to be assisted by an advisor of their choice, at their own expense. The advisor shall be a member of the College community and may not be an attorney. The complainant and/or the accused student is responsible for presenting his or her own information. Advisors shall only be permitted to speak at the hearing if requested by the complainant or accused prior to the hearing and approved by the Appellate Board Chair.
 - d. The complainant, accused student and their advisors, if any, shall be allowed to attend the entire portion of the Appellate Board hearing at which information and testimony is received (excluding deliberations). Admission of any other person to the Appellate Board hearing shall be at the discretion of the Appellate Board Chair.
 - e. In Appellate Board hearings involving more than one accused student, the Appellate Board Chair, at his or her discretion, may permit the Appellate Board hearing(s) concerning each student to be conducted either separately or jointly.
 - f. The Appellate Board Chair shall have the power to remove from the hearings any person whose conduct interferes with the hearings.
 - g. The complainant, the accused student, and the Appellate Board may arrange for witnesses to present pertinent information to the Appellate Board. If reasonably possible, the College will try to arrange the attendance of possible witnesses who are members of the College community and who are identified by the complainant and/or accused student at least two work days prior to the Appellate Board hearing. Witnesses will provide information to and answer questions from the Appellate Board. The accused Student, the complainant, and the Director of Student Conduct shall have the privilege of presenting witnesses, subject to the right of cross examination by the other party or parties. Witnesses may only be present during the hearing while testifying. It is the intent to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether certain information will be allowed to be introduced and considered at the hearing shall be resolved by the Appellate Board Chair.
 - h. Pertinent records, exhibits, and written statements (including Student Impact Statements) may be accepted as information for consideration by the Appellate Board at the discretion of the Appellate Board Chair.
 - i. All procedural questions are subject to the final decision of the Appellate Board Chair.
 - j. After the evidentiary portion of the Appellate Board hearing concludes in which all pertinent information has been received, the Appellate Board shall determine (by majority vote) whether the accused student has violated each section of the Code or Residence Life Manual which the student is charged with violating.
 - k. The Appellate Board's determination shall be made on the basis of whether it is more likely than not that the accused student violated the Code or Residence Life Manual and whether the sanction imposed was reasonable and appropriate for the violation.
 5. There shall be a single verbatim record, such as an audio recording, of all hearings before the Appellate Board (not including deliberations). Deliberations shall not be recorded. The record and its contents shall be held in confidence and may be used only for the purpose of appeal to the Dean of Student Life or the Vice President of Student Services. In the event of such appeal, the complainant and the accused student shall be given access to the record for purposes of preparing the appeal. Access shall be provided at such places and times as the Vice President of Student Services may direct. The record shall be the property of the College.
 6. If an accused student or complainant, with notice, does not appear for a scheduled Appellate Board hearing, after having received written notice of the same, the information in support of the charges shall be presented and considered even if the accused student is not present.
 7. The Appellate Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, or other means, as long as the ability for cross examination of the witness is preserved, and where and as determined is the sole discretion of the Appellate Board Chair to be appropriate.
 8. The Appellate Board Chair shall prepare written findings to support the Board's determination. These shall include:
 - a. Concise statements of each factual finding.
 - b. Brief explanations of whether factual findings justify a conclusion that the conduct violated the Code or Residence Life Manual.
 - c. Recommendations concerning appropriate sanctions.
 - d. A copy of these findings will be presented to the Director of Student Conduct, and mailed certified mail, return receipt requested to the complainant and the accused student within five (5) work days of the determination.
 - e. Cases involving sexual misconduct are handled by the Title IX procedures.
 9. The determination of the Appellate Board is final, unless new information regarding the accusation is brought forth.
 10. If the accused or complainant does not agree with the determination of the Appellate Board, he/she may file a written Notice of Appeal to be considered by the Dean of Student Life or the Vice President of Student Services. This Appeal must be requested, in writing, to the Dean of Student Life or the Vice President of Student Services, no more than five (5) work days from the date of the statement prepared/submitted by the Appellate Board Chair to the accused student or complainant.
 11. The Dean of Student Life or the Vice President of Student Services shall review the record on appeal and render a written decision within fifteen (15) working days after receipt of the Notice of Appeal. The Dean of Student Life or the Vice President of Student Services shall send a copy of his/her decision to the accused student and complainant by certified mail, return receipt requested, within the fifteen (15) work days prescribed above. The decision of the Dean of Student Life or the Vice President of Student Services shall be considered final.
1. The fact that a student acted while under the influence of alcohol, marijuana, or an illegal controlled substance shall not be considered a mitigating factor.
 - m. Formal rules of process, procedure, and formal rules of evidence, as are applied in civil or criminal court proceedings, are applicable to these appellate proceedings.
1. Freedom of Access.
 - a. Within the limits of its resources, Northeast will admit all applicants

STUDENT GRIEVANCES PROCEDURES

- who are qualified in accordance with published admission requirements.
- b. All facilities and services of Northeast will be available to registered students insofar as practical according to Northeast policy.
2. Freedom in the Classroom.
 - a. Students will have the freedom to inquire, discuss, and express their views by orderly means that do not infringe upon the rights of others or impede the progress of the class.
 - b. Students have the right, through a course syllabus or outline, to be informed of the academic standards expected of them in each course. Academic standards include, but are not limited to, class attendance requirements, objectives to be achieved, and the grading criteria which are applied to a particular course.
 - c. Students have the right to be evaluated solely on the basis of their academic performance, not on their opinions or conduct in matters unrelated to academic standards or course requirements. Students have the right to be protected through established procedure against prejudiced or capricious academic evaluation.
 - d. Students have the right to expect that faculty will post and maintain office hours, as required by Northeast policy. Students may also expect that faculty will be available during scheduled office hours to help with academic concerns.
 - e. Students have the right to expect the institution to provide reasonable academic assistance both in and out of the classroom.
 - f. Students have the right to be free from explicit or implied harassment including, but not limited to, sexual or racial harassment.
 - g. Students will have the opportunity, through established institutional mechanisms, to assess the value of a course theme, to make suggestions as to its direction, and to evaluate both the instructor and the instruction they have received.
 3. Freedom on Campus.
 - a. Students have the right to discuss and express by orderly means any view in support of any cause, providing it does not disrupt the operation of the institution or infringe on the rights of other members of the College community.
 - b. Students are free to determine their personal behavior without institutional interference, according to the following guidelines.
 - i. Dress and grooming are modes of personal expression which are left to the individual except when they violate the Student Code, Residence Life Manual, or for reasonable requirements of health and safety. Standards of dress and grooming will be set for ceremonial occasions, such as graduation, the nature of which requires particular dress.
 - ii. Student's lockers or Residence Hall rooms will not be searched unless:
 - a. The student utilizing the locker or room, or to whom the possessions in question belong, consents to the search, or
 - b. A law enforcement officer conducts a search pursuant to a judicially obtained search warrant, or
 - c. The search is conducted pursuant to administrative approval by the Vice President of Student Services or his/her designee. In those instances where there is probable cause to believe that a life-threatening situation exists, no warrant will be necessary.
 4. Freedom from Improper Disclosure of Student Records. The privacy and confidentiality of all student educational records will be preserved and access guaranteed in accordance with the Family Educational Rights and Privacy Act of 1974 (as amended, 2011) and pursuant regulations. Northeast will not permit access to, or the release of, non-directory student educational records or personally identifiable information contained therein without a formal Release of Information signed by the student. All information pertaining to an individual student may be inspected by school officials pursuing legitimate educational interests.

SECTION A. DEFINITIONS

College Working Day: This is a day the College is regularly open for business. It does not include Saturdays, Sundays, or holiday breaks recognized by the College.

Complaint: A complaint is an event or condition that is the cause or subject of protest or an allegation against a party. A student(s) having a complaint about a College staff member, a College policy or procedure, or an action or position taken by the College may discuss their concerns with an advisor, instructor, counselor, or any full-time College staff member. The advisor, instructor, counselor, or staff member will attempt to informally resolve any complaints between the particular College department or staff member and the student.

All complaints shall be resolved at the lowest possible organizational level. The student(s) may continue to pursue any unresolved issues by following the College chain of command up through the College President. Should this process fail to give the student(s) satisfactory resolution, the student(s) may then continue to pursue the issue in accordance with the formal student grievance procedures identified herein.

Grievance: A grievance is a protest or allegation against a party which gives rise to the filing of a formal complaint. The grievance may be based upon an event(s) or condition(s) which affects the welfare of the student. This includes the interpretation, meaning, or application of any College policy, procedure, or an action or position taken by the College or by a College staff member.

SECTION B. STUDENT GRIEVANCE PROCEDURES

Step One - Within ten (10) College working days of the event or condition giving rise to a complaint, the student(s) [the grievant(s)] shall file a written notice, in any format, stating the nature of the grievance by delivering such notice to the accused College staff member (the accused), and by delivering copies of such notice to the immediate supervisor of the accused and the Human Resources Office. In the event that the grievance concerns a College policy or procedure, the Associate Vice President of Human Resources shall become the accused for purposes of this grievance procedure. Within five (5) College working days after the written complaint has been filed, the accused, his/her immediate supervisor, and the appropriate divisional vice president shall meet and review the grievance. This meeting shall be set up by the divisional vice president or his/her designee. Within ten (10) College working days from the date of filing the written notice, the grievant(s) and the accused shall meet at a mutually agreed upon time and place to discuss the grievance (set up by the divisional vice president or his/her designee). If a meeting time and place cannot be agreed upon, the grievant shall notify the Human Resources Office, who shall then set a time and place for the meeting. The grievant(s) shall have the option of requesting the attendance of the accused's immediate supervisor and/or divisional vice president at this meeting.

Step Two - If the grievance cannot be resolved in Step One and the grievant(s) desires to pursue the grievance further, the grievant(s) must file a "Formal Student Grievance Report" on a form available from the Director of Student Conduct within five (5) College working days of the informal meeting identified in Step One. The Director of Student Conduct shall schedule a formal grievance hearing within ten (10) College working days of the date the "Formal Student Grievance Report" is filed. A "Grievance Committee" shall hear the grievance. A Grievance Committee consisting of two (2) representatives of each College employee group (exempt, non-exempt, and Faculty) shall be appointed by the Director of Student Conduct or Vice President of Student Services respectively, and three (3) Student Government members who shall be selected by the Director of Student Conduct. The grievant(s) or the accused shall have the right to strike any of the committee members selected from the employee groups or the Student Government prior to the hearing. Any stricken committee member shall be replaced by a new member selected by either the president of that employee group or by the Director of Student Conduct. The committee chairperson shall

be elected by the members of the Grievance Committee. The Grievance Committee shall issue a decision either supporting or not supporting the grievance within five (5) College working days and shall file a "Formal Grievance Disposition" with the Human Resources Office. The Human Resources Office shall send the "Formal Grievance Disposition" to the grievant(s) and the accused by certified mail, return receipt requested, within three (3) College working days of the receipt of the "Formal Grievance Disposition". The Human Resources Office shall also provide a copy of the disposition to the Student Government President and the Director of Student Conduct. The grievant(s) or the accused may elect to proceed with the grievance regardless of the decision of the Grievance Committee.

Step Three - If the grievance is not resolved in Step Two and the grievant(s) or the accused desires to pursue the grievance, the grievant(s) or the accused must submit the "Formal Student Grievance Report" to the Director of Student Conduct within five (5) College working days of either the grievant's or accused's acceptance of the certified mail receipt of the "Formal Grievance Disposition" rendered by the Grievance Committee in Step Two. The Director of Student Conduct shall review the grievance and shall issue a written decision to support or not support the grievance within five (5) College working days of the submission of the grievance with the Director of Student Conduct and shall file the same in the Human Resources Office. The Human Resource Office shall provide copies of the Director of Student Conduct's written decision to the grievant(s) and the accused by certified mail, return receipt requested, within three (3) College working days of the Director of Student Conduct filing his/her decision in the Human Resources Office. The Human Resources Office shall also provide a copy of the disposition to the Student Government President. Decisions rendered by the Director of Student Conduct are final within the College.

SECTION C. TIME LIMITS

1. The failure of the grievant(s) or the accused to act within the prescribed time limits will act as a bar to any further appeal.
2. The failure of the Grievance Committee or the designated administrator to give a written decision within the prescribed time limits shall permit the grievance to proceed to the next step.
3. Any grievances not appealed within the time limits shall be deemed settled on the basis of the Grievance Committee or designated administrator's last written response.
4. Time limits may be extended at any step by mutual consent of both parties involved. Notice of any such extended time limits shall be provided to the Human Resources Office in writing, at which time the new date shall be controlling.

SECTION D. SEPARATE GRIEVANCE FILE

All documents, communications, and records dealing with the processing of a grievance involving a student shall be filed in a separate grievance file and shall not be kept in the student file or the employee file of any participant until the final decision is rendered, at which time the disposition will be placed in the student or employee file.

SECTION E. DOCUMENTATION

1. Step 1 - Time, date, who attended, and a copy of the signed written agreement, if resolved at this level, is to be filed with the parties involved and the Human Resources Office.
2. Step 2 - The Formal Grievance Disposition will be completed and signed by the chairperson of the Grievance Committee.
3. Step 3 - The Director of Student Conduct will submit a written decision to the Human Resources Office.
4. A recording of the proceedings in Step 2 shall be made and shall be the official transcript of the proceedings; no other recordings shall be permitted.

SECTION F. RETRIBUTION OR RETALIATION

Under no circumstances will any person who in good faith files a grievance or assists in a hearing and/or investigation be subject to any form of retribution or retaliation. Any person who makes or participates in such retribution or retaliation, directly or indirectly, will be subject to disciplinary action. A person who believes he or she has been or is being subjected to retribution or retaliation should immediately notify the Associate Vice President of Human Resources or his or her designee (employees) and/or the Associate Vice President of Student Services or his or her designee (students).

SECTION G. OTHER

Under Step Three, the Director of Student Conduct shall have authority to reverse, modify, or sustain the action or decision of the accused which constitutes the basis for the grievance, or to take whatever other action that is appropriate and within the scope of the administrative and disciplinary policies of the College permissible to such administrator.

None of the meetings and hearings under these procedures shall be conducted in public, except as provided in this procedure, and shall include only the grievant(s), the accused, committee members, and individuals called to give testimony.

Costs associated with additional copies of materials, reports, certified mail, or written transcripts requested by the grievant(s) and not identified in these procedures shall be paid by the grievant(s).

Transcripts, reports, or other information generated as a result of the grievance shall be confidential records and shall be reviewed only with the parties involved in the grievance process.

Complaints regarding Title IX violations will be addressed by the Title IX policy and procedure.