



STUDENT CODE OF CONDUCT

STUDENT CONDUCT

INTRODUCTION

LIBI is deeply committed to the academic achievement, the growth and development of our students, and the safety and wellness of the members of our community. When students choose to accept admission to LIBI, they accept the rights and responsibilities of membership in LIBI's academic and social community. As members of the college community, students are expected to embrace our affirmed and articulated values by maintaining a high standard of conduct at all times. These values, principles, and policies are articulated and published in the Student Code of Conduct. Although no such document can be exhaustive, the Student Code of Conduct is designed to provide clear, fair, and consistent procedures and policies relevant to how all LIBI students are expected to comport themselves. The Student Code of Conduct supports community safety, student growth, and success by helping students reflect on their decisions, holds students accountable for their actions, and helps students make decisions that are congruent with the articulated community standards of conduct.

Each student will be held responsible for his/her conduct from the time the student is admitted to the college through the actual awarding of a degree or to the point of withdrawal. Students are responsible for their conduct regardless if it occurs before or after their class sessions, during their class sessions, during scheduled breaks between semesters of actual enrollment, or during a leave of absence.

It is the responsibility of every LIBI student to avoid conduct that limits, or may limit, the rights of any member of the college community to learn or work and thrive in a safe and respectful environment. No student or group of students will engage in conduct or assist another in conduct that adversely affects another member of the college community, curtails educational access for others, or creates a substantial risk to any other member of the LIBI community.

The Student Code of Conduct covers:

Student conduct that occurs on, or as it relates to, college property or at official functions and college sponsored programs conducted away from the campus. College property is defined as any premises, buildings, and facilities in possession of or owned, used, or controlled by the college, or funded by college budgets.

Student conduct that occurs off college property is subject to policies under the Student Code of Conduct if it:

- a.** Adversely affects the health, safety, or security of any member of the college community or the mission of the college;
- b.** Involves any misuse of records or documents of the college;
- c.** Involves allegations of sexual assault, or any nonconsensual sexual contact, dating violence, domestic violence, or stalking.

DEFINITIONS

All policies in this document apply equally to all members of the LIBI community. The following selected terms are defined in an effort to facilitate a more thorough understanding of the institutional Code of Conduct and policies herein.

“Accused” refers to a person alleged to have violated the Student Code of Conduct who has not yet entered LIBI’s judicial/conduct process.

“Advisor” means a support person who accompanies a respondent or reporting individual for the limited purpose of providing support, advisement and guidance in cases involving sexual assault, domestic violence, dating violence, stalking, or any other sexual misconduct. A support person may not directly address the hearing panel, question witnesses, or otherwise actively participate in the student conduct process (refer to full policy in the [Enough is Enough Sexual Assault Special Section](#)).

“Affirmative consent” is a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity, or gender expression. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent maybe initially given but withdrawn at any time. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. When consent is withdrawn or can no longer be given, sexual activity must stop (refer to full policy in the [Enough is Enough Sexual Assault Special Section](#)).

“Amnesty” The health and safety of every student at LIBI is of utmost importance.

LIBI recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct.

LIBI strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to LIBI’s officials or law enforcement will not be subject to LIBI’s code of conduct action for violations of alcohol and/ or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault. (Refer to full policy in the [Enough is Enough Sexual Assault Special Section](#))

Arrests and Referrals for Disciplinary Action for Weapons will occur when individuals are found responsible for carrying, possessing, selling drugs or alcohol, or weapons. Violations of law involving drug abuse, weapons, and liquor law violations will be referred to law enforcement.

“Assault” refers to intentionally inflicting bodily harm upon any person; taking reckless action that results in harm to any person; or threatening by any means of transmission the use of force to harm or injure any person.

“Bystander” shall mean a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of LIBI (refer to full policy in the [Enough is Enough Sexual Assault Special Section](#)).

“Bystander intervention” are safe and positive actions to prevent harm or intervene when there is a risk posed to another person. Bystander intervention includes recognizing situations of potential harm, identifying safe and effective intervention options, and taking action to intervene (refer to full policy in the [Enough is Enough Sexual Assault Special Section](#)).

“Business day” means any day except any Saturday, any Sunday, any day which is a federal legal holiday in the United States or any day on which banking institutions in the State of New York are authorized or required by law or other governmental action to close. Typically, the day covers the period from 9 a.m. to 5 p.m.

“Code of conduct” shall mean the written policies adopted by an institution governing student behavior, rights, and responsibilities while such student is matriculated in LIBI.

“College” refers to the Long Island Business Institute, or LIBI, and includes the main campus and all other LIBI locations, academic and non-academic departments and academic programs.

“College official” refers to any person employed by LIBI to perform administrative or instructional duties.

“College premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College, either solely or in conjunction with another entity.

“College-sponsored activity” refers to any authorized activity on or off LIBI’s premises that is held, sponsored, or supervised by the college or by any student clubs or associations.

“Complainant” alternatively referred to as **“Reporting individual”** refers to any person who makes a complaint or reports a violation of the Student Code of Conduct or any other college policy.

“Confidentiality” means the condition of not wishing to have information passed on to anyone else. Confidentiality may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with state and federal law,

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including but not limited to 20 U.S.C. 1092(f) and 20 U.S.C. 1681(a). Licensed mental health counselors, medical provider and pastoral counselors are examples of institution employees who may offer confidentiality.

“Consent” must be knowing, voluntary, and mutual. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act (refer to full policy in the [Enough is Enough Sexual Assault Special Section](#)).

“Criminal Offenses” – Criminal Homicide, including Murder and Non-negligent Manslaughter, and Manslaughter by Negligence; Sexual Assault, 2 including Rape, Fondling, Incest and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.

“Dating violence” is defined as a felony or misdemeanor crime of violence committed: by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitation with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. Refer to full policy in the [Enough is Enough Sexual Assault Special Section](#).

“Designee” refers to a staff or faculty member selected to implement the Student Code of Conduct or to administer the Student Conduct system, in part or in whole.

“Disciplinary hearing” refers to the formal process conducted by a hearing panel comprised of LIBI employees. This formal process aims to collect and consider applicable information regarding an alleged violation of the Student Code of Conduct, and to determine whether sanctions are appropriate. The panel determines the sanctions once it establishes that a transgression of the Student Code of Conduct occurred.

“Disciplinary hearing panel” alternatively referred to as the **“hearing board”** refers to five employees chosen from a pool of trained individuals whose role at the hearing is to consider the evidence in relation to the allegations, and to give those involved an opportunity to state their case in response to the allegations and evidence presented.

“Distribution” refers to the sale, exchange, or transfer with or without personal profit.

“Disruptive behavior” alternatively referred to as “disorderly conduct” refers to any actions taken by students that interfere with the educational mission of the college and involve, but are not limited to: disruption or obstruction of teaching; interfering with administrative functions; interfering with disciplinary proceedings, and other college activities. Acts under this definition also include: defiance of college personnel and belligerence toward any member of the college community.

“Domestic violence” includes asserted violent misdemeanor and felony offenses committed by the victim’s current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law (refer to full policy in the [Enough is Enough Sexual Assault Special Section](#)).

“Equitable Rights” refers to the rights afforded to both the respondent and the reporting individual as a “party” in conduct proceedings when the alleged accusation includes having engaged in any of the following prohibited conduct: Discriminatory harassment; Indecent exposure; Intimate partner violence; Retaliation; Sexual assault; Sexual exploitation; Sexual harassment.

Any rights or opportunities that the college makes available to one party during the investigation will be made available to the other party on equal terms (2001 Guidance at (X)). In every investigation conducted under the college’s grievance procedures, the burden is on the college—not on the parties—to gather sufficient evidence to reach a fair, impartial determination as to whether sexual misconduct has occurred and, if so, whether a hostile environment has been created that must be redressed. A person free of actual or reasonably perceived conflicts of interest and biases for or against any party will lead the investigation on behalf of the college.

“Hate Crimes” refers to Criminal Homicide, including Murder and Non-negligent Manslaughter, and Manslaughter by Negligence; Sexual Assault, 2 including Rape, Fondling, Incest and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/ Vandalism of Property that were motivated by bias.

“Indecent Conduct” refers to conduct or remarks, including noises and oral or written communications, marked by extreme disregard for the feelings and values of another by demonstrable lack of respect for acceptable community standards. This includes the public use of any profane, vulgar or obscene language or any lewd act. This also encompasses behavior that causes serious discomfort or embarrassment to any member of the college community.

“Institution” shall mean any college or university chartered by the regents or incorporated by special act of the legislature that maintains a campus in New York. In this document, “institution” refers to the Long Island Business Institute (LIBI).

“Knowing” refers to conduct one undertakes with reasonable awareness.

“Member of the College community” includes any individual who is a matriculated or non-matriculated student taking classes, student employee, faculty, staff; any other person working for the college, such as vendors or contractors.

“Off campus” shall be defined as any location not included in the definition of on campus.

“On campus” shall be defined as campus is defined in Higher Education Act (Cleryct), 20 U.S.C. section 1092(f)(6)(A)(ii).

“Preponderance of evidence” refers to the standard used by the conduct hearing panel whereby a respondent will be held liable if fact finders and members of the panel believe that the respondent has more likely than not engaged in the conduct giving rise to liability/responsibility. LIBI uses the “more likely than not” standard in cases where sexual or interpersonal violence is alleged. If the standard is met the respondent will be found responsible.

“Privacy” may be offered by an individual when such individual is unable to offer confidentiality under the law but shall still not disclose information learned from a reporting individual or bystander to a crime or incident more than necessary to comply with this and other applicable laws, including informing appropriate institution officials.

“Reckless” means conduct which is marked by utter thoughtlessness or disregard for oneself or others and provides a substantial risk to persons or property. It is behavior that one should reasonably be expected to know would create a substantial risk of harm to person or property, or which would otherwise be likely to result in interference with normal college operations.

“Relationship violence” alternatively also “Intimate partner violence” refers to interpersonal violence and includes domestic violence and dating violence (refer to full policy in the [Enough is Enough Sexual Assault Special Section](#)).

“Reporting Individual” also alternatively referred to as “complainant” encompasses the terms victim, survivor, complainant, claimant, witness with victim status, used by LIBI to reference an individual who brings forth a report of a violation of the Student Code of Conduct or other college policies.

“Respondent” shall mean a person accused of a violation who has entered an institution’s judicial or conduct process.

“Retaliation” means to do something in response to an action done to oneself or another member of the community, especially to harm or injure someone as a response to a hurtful or offensive action.

“Sexual act” – Contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight; contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person. 18 USC

“Sexual activity” shall have the same meaning as “sexual act” and “sexual contact” as provided in 18 U.S.C. 2246(2) and 18 U.S.C. 2246(3).

In order to determine when affirmative consent is required prior to sexual activity, this legislation first defines **“sexual activity.”**

18 U.S.C. 2246(2)-(3) states that: “(2) the term “sexual act” means— A. contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight; B. contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; C. the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent

to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or D. the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; (3) the term “sexual contact” means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.” Individuals must obtain affirmative consent prior to engaging in any of the activity referenced above.

Sexual Assault occurs when the act is intentional and is committed either by a) physical force, violence, threat, or intimidation; b) ignoring the objections of another person; c) causing another's intoxication or impairment through the use of drugs or alcohol; or d) taking advantage of another person's incapacitation, state of intimidation, helplessness, or other inability to provide consent.

“Sexual assault” – The term **“sexual assault”** means any non-consensual sexual act proscribed by Federal, or State law, including when the victim lacks capacity to consent. Falling under the definition of sexual assault are sexual activities as forced sexual intercourse, rape, sexual coercion, forcible sodomy, child molestation, incest, fondling, and attempted rape (refer to full policy in the [Enough is Enough Sexual Assault Special Section](#)).

“Sexual contact” means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person. Individuals must obtain affirmative consent prior to engaging in any of the activity referenced above.

“Sexual harassment” is unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.

“Sexual violence” refers to physical sexual acts performed against a person’s will or where a person is unable to give affirmative consent. Several different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Students, college employees, or third parties can carry out sexual violence against a member of the college community (refer to full policy in the [Enough is Enough Sexual Assault Special Section](#)).

“Stalking” means intentionally engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear for his or her safety or the safety of others or cause that person to suffer substantial emotional damage. Stalking may take many forms, waiting for, monitoring, and/or pursuing contact. Stalking may occur in person or through telephone calls, text messages, unwanted gifts, letters, e-mails, surveillance, or other types of observation and communication (refer to full policy in the [Enough is Enough Sexual Assault Special Section](#)).

“Student” means an individual enrolled in, a credit-bearing course, auditing a credit-bearing course, or taking a non-credit course at LIBI, on either a full-time or part-time basis and those who have been notified of their acceptance for admission and have confirmed their future attendance at the college.

“Student Code of Conduct” is a collection of student conduct standards, policies, and procedures that define community expectations for students at LIBI.

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Students are expected to maintain a certain standard of behavior and be responsible members of the community. The Student Conduct Code defines prohibited conduct and describes how LIBI holds students accountable as they pursue their academic goals. It is alternately referred to as the “Code of Conduct”.

“Student Conduct Officer” provides students with an overview of the conduct process and informs students of their rights and responsibilities as outlined in the Student Code of Conduct. Presents the accused with information concerning the alleged policy violation and is authorized to determine the appropriate resolution of an alleged violation of the Student Code of Conduct, and/or to impose sanctions or other remedies as appropriate. Upon investigating complaints of alleged violation of the Student Code of Conduct, the Student Conduct Officer may decline to pursue a complaint; may refer the parties involved to mediation or other appropriate resources; may move to conduct a hearing; may impose sanctions with/without a hearing; and may advise a disciplinary hearing panel as necessary or appropriate.

“Title IX Coordinator” shall mean the Title IX Coordinator and/or his or her designee or designees. Higher education institutions receiving federal funding are required to designate a coordinator who is responsible for ensuring the school complies with Title IX. Individuals serving in this role are the key to helping create a campus that is free from sexual violence and discrimination and that welcomes and supports all students. Title IX Coordinators oversee the prompt investigation of complaints alleging sexual harassment; review findings as to whether sexual harassment occurred; review proposed remedies (including interim measures) necessary to address the sexual harassment, eliminate any hostile environment, and prevent its reoccurrence; and serve as consultants to any disciplinary hearing panel where sexual harassment has been determined to have occurred to ensure LIBI’s compliance with Title IX.

“Weapons” refers to any object that can be used to inflict injury, incapacitate another, that is intended to inflict harm, or that could reasonably cause fear of infliction of harm, and any item that may be deemed as a weapon under applicable law. LIBI is a WEAPONS FREE COLLEGE. Possessing, using, or threatening others with knives, firearms, explosives, hazardous materials, pepper spray, or other weapons on college premises or at college-sponsored activities, is strictly forbidden.

The following list is not exhaustive and includes examples of what will be considered a weapon:

1. **“Machine-gun”** means a weapon of any description, irrespective of size, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged from a magazine with one continuous pull of the trigger and includes a sub-machine gun.
2. **“Firearm silencer”** means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearms to be silent, or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearms.
3. **“Firearm”** means
 - a. any pistol or revolver; or
 - b. a shotgun; or

- c. a rifle; or
 - d. any weapon made from a shotgun or rifle whether by alteration modification; or
 - e. an assault weapon.
4. **“Switchblade knife”** means any knife which has a blade which opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife.
5. **“Gravity knife”** means any knife which has a blade which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force which, when released, is locked in place by means of a button, spring, lever or other device.
- a. **“Pilum ballistic knife”** means any knife which has a blade which can be projected from the handle by hand pressure applied to a button, lever, spring or other device in the handle of the knife.
 - b. **“Metal knuckle knife”** means a weapon that, when closed, cannot function as a set of plastic knuckles or metal knuckles, nor as a knife and when open, can function as both a set of plastic knuckles or metal knuckles as well as a knife.
 - c. **“Automatic knife”** includes a stiletto, a switchblade knife, a gravity knife, a cane sword, a pilum ballistic knife, and a metal knuckle knife.

“Simulated weapons” refers to facsimiles of any category of weapon described above that resemble the actual weapon but are not capable of use as a weapon.

“VAWA Offenses” Violence Against Women Act refers to any incidents of Domestic Violence, Dating Violence and Stalking. (Note that Sexual Assault is also a VAWA Offense but is included in the Criminal Offenses category for Clery Act reporting purposes).

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The term **student** includes all individuals taking courses at LIBI, either full-time or part-time, pursuing a degree, certificate or non-matriculating, or enrolled in a non-credit course or program.

It further includes individuals:

- who withdraw after allegedly violating the Student Code of Conduct;
- who are not officially enrolled for a specific term but who have a continuing relationship with LIBI (LOA, disciplinary suspension, academic dismissal, Military Leave, and someone admitted to the college, etc.);
- who have been accepted for admission (applicants who become students for offenses committed as part of the application process);
- former students for offenses committed while a student.

The Student Code of Conduct also covers certain behaviors that occur off-campus or in external online environments. When sexual assault, stalking, or intimate partner violence is alleged, the rights and responsibilities of the Code of Conduct apply based on identity of the reporting individual and/or accused/respondent, not based on the geographic location of the violation.

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LIBI's conduct process is independent of any legal proceedings and will be conducted as such (LIBI will proceed simultaneously with criminal investigations or proceedings off campus, except when temporary delays, generally no more than 10 days, are requested by law enforcement with proper jurisdiction). The filing of a complaint under LIBI's Student Code of Conduct does not trigger a criminal investigation or legal proceedings. Individuals, however, may be accountable to civil and/or criminal authorities and to the college for acts that constitute violations of LIBI's Code of Conduct that are also violations of the law. Disciplinary sanctions or actions taken by LIBI in response to a violation will be independent of any civil or criminal court determinations. LIBI's determinations should not be challenged because civil or criminal charges involving the incident/violation have been dismissed.

SECTION 1 - ORDERLY OPERATIONS OF THE COLLEGE

Violation of the orderly operations and functioning of LIBI includes, but is not limited to:

- Excessive noise, which interferes with classes, administrative college offices, or other campus and community activities.
- entry into a private work area or refusal to leave a private work area.
- Conduct that restricts or prevents faculty or staff members or student workers or volunteers from performing their duties, including interruption of meetings, classes, or events.
- Obstructing or blocking passage into or out of any college building, classroom, and/or work space.
- Failure to disperse when a building, office, or campus space is closed.
- Other conduct that disrupts or interferes with the normal operations of the college.

SECTION 2 - INTEGRITY

PERSONAL INTEGRITY

This section of the Student Code of Conduct pertains to Personal Integrity on the part of students. On the most basic level, adherence to the standards of Personal Integrity is necessary for any student **to remain a member in good standing of the college community**. It is the intent and hope of the college, however, that adhering to the Student Code of Conduct will encourage students to move beyond simple compliance with the standards to develop sound personal judgment, ethical decision-making, and habits that lead to life-long commitment to ethical behavior.

Every LIBI student is expected to:

CONDUCT STANDARD I:

Interact with other members of the college community with integrity, respect, and honesty.

CONDUCT STANDARD II:

Not harm anyone physically or psychologically, or cause them to fear being harmed.

This includes but is not limited to physical assault, sexual assault, physical, intimate partner violence, stalking, sexual exploitation, psychological or sexual harassment, hazing,

or any related activities aimed at any member of the college community. Conduct prohibited under this policy, includes racial, ethnic, or sexual discrimination, threatening remarks or gestures which are directly and specifically intended for another member or members of the college community. This type of behavior interferes with the opportunity of those who are targeted to attain their educational goals, and is strictly prohibited. Intentional actions or destructive behavior which undermines another individual's or group's, basic dignity or self-esteem are also contrary to LIBI's standards of Personal Integrity and are strictly prohibited.

Examples include but are not limited to:

- i. **Aggravated Assault** – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury using firearm, knife or cutting instrument, or other dangerous weapons;
- ii. **Cyberstalking** – The use of technology to stalk victims. It involves the pursuit, harassment, or contact with others in an unsolicited fashion initially via the Internet and e-mail;
- iii. **Sexual assault** – Any nonconsensual sexual act proscribed by Federal and State law, including when the victim lacks capacity to consent;
- iv. **Destructive behavior** – Refers to any act that harms others, or has the potential to harm others;
- v. **Harassment** – Any act or actions taken or any situation created for the purposes of intentionally distressing, annoying, threatening, or alarming another person because of their perceived race, color, national origin, ancestry, gender, gender identity, sexual orientation, religion, age, or disability;
- vi. **Hazing** – Any action taken or any situation created intentionally that causes embarrassment, harassment or ridicule and risks emotional and/or physical harm to members of a group, club, or organization, whether new or not, regardless of the person's willingness to participate.
- vii. **Identity Theft** – Also referred to as identity fraud, are terms used to refer to all types of crime in which someone wrongfully obtains and uses another person's personal data in some way that involves fraud or deception, typically for economic gain.
- viii. **Intimate Partner Violence** – Acts that encompass physical violence, sexual violence, stalking and psychological aggression (including coercive acts) by a current or former intimate partner (domestic violence, dating violence). In cases involving sexual assault, domestic violence, dating violence and stalking, a sanction of suspension or expulsion will result in a notation on the respondent student's transcript if the student is found responsible through LIBI's conduct process. Students may request the removal of a suspension notation no sooner than one year after the conclusion of the suspension, but notations for expulsions may not be removed. For college policies involving "Intimate Partner Violence" please refer to the [Enough is Enough Sexual Assault Special Section](#).
- ix. **Noncontact unwanted sexual experiences** – This behavior includes unwanted sexual attention that does not involve physical contact. Some examples are verbal sexual harassment (e.g., making sexual comments) or unwanted exposure to pornography. This occurs without a person's consent and sometimes, without the victim's knowledge. This type of sexual violence can occur in many different settings, such as school, the workplace, in public, or through technology. This type of conduct is unacceptable at LIBI and will be subject to LIBI's judicial process, including an investigation and a hearing.

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- x. Physical Harm** – Any physical injury to the body, including an injury that caused, either temporarily or permanently, partial or total physical disability, incapacity or disfigurement. This includes when a person deliberately hurts someone else by punching, kicking, slapping, or shaking. Making aggressive physical contact with someone is known as assault and is maximally punishable under LIBI’s Student Code of Conduct. It is also against the law to hurt someone intentionally and students may face legal action apart from Code of Conduct sanctions.
- xi. Physical Violence** – Actions in this category, in any form, will not be tolerated at LIBI. Physical violence will never be an acceptable means to resolve problems, disputes, or interpersonal conflicts under LIBI’s policies, and thus, the behavior is strictly prohibited. This category of misconduct encompasses any action where physical contact is made resulting in harm or with the intent to cause harm. Such actions include, but are not limited to, assault (simple and/or by means of a dangerous weapon), slapping, shoving, kicking, punching, shaking, fighting/tussling, or restraining.
- xii. Sexual Exploitation** – Acts in this category are classified as Sexual Misconduct under LIBI’s policies. This includes any act whereby one person takes sexual advantage of another who has not provided consent. Sexual exploitation occurs when the perpetrator acts for his or her own advantage or benefit, or for the benefit or advantage of anyone other than the person being exploited. Examples of sexual exploitation include, but are not limited to: photographing or recording someone involved in sexual activity or in a state of undress without that person’s knowledge or consent; voyeurism; non-consensual streaming or transmitting of images or video of another person involved in sexual activity; offering an individual for sexual activity with another in exchange for payment; engaging in consensual activity with an individual while knowingly infected with any sexually transmitted disease without informing the other person of that infection.
- xiii. Sexual Harassment** – Any unwanted sexual behavior is unlawful, including but not limited to touching, crude jokes, and lewd comments. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct interferes with an individual’s work performance, or creates an intimidating, hostile, or offensive environment. If found responsible through LIBI’s conduct process involving an investigation, the student will face disciplinary sanctions up to and including expulsion without recourse.
- xiv. Sexual Violence** – Is an umbrella term that refers to a sexual act committed against someone without that person’s freely given consent. For more information please refer to the [Enough is Enough Sexual Assault Special Section](#).
- xv. Stalking** – A pattern of behavior directed toward an individual by another that results in the person to whom the behavior is directed fearing for themselves and/or others. The behaviors can involve overtly criminal behavior or seemingly non-criminal, innocent behavior, or both. Stalking can escalate and ultimately result in actual physical harm to its intended subject. In cases involving sexual assault, domestic violence, dating violence and stalking, a sanction of suspension or expulsion will result in a notation on the accused student’s transcript if the student is found responsible through LIBI’s conduct process. Students may request the removal of a suspension notation no sooner than one year after the conclusion of the suspension, but notations for expulsions may not be removed. For college policies involving stalking please refer to the [Enough is Enough Sexual Assault Special Section](#).
- xvi. Theft** – The unauthorized use or possession of property belonging to another is prohibited. Theft is a serious offense which subjects a student to college as well as civil action. Attempted or actual theft of property belonging to LIBI, a student club, a member of the college community, or a campus visitor is a violation of college policy and subject to disciplinary sanctions ranging up to dismissal without recourse.

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Theft or other abuse of computer and network resources – acts include are 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) Unauthorized use of another individual's identification and password.
 - D) Unauthorized use of phone and electronic devices.
 - E) Use of computing facilities to interfere with the work of another student, faculty member, or college administrator.
 - F) Use of computing facilities to send obscene or abusive messages.
 - G) Use of computing facilities to interfere with normal operations of LIBI's computing systems.
- xvii. Threat** – Any LIBI student making a threat against another member of the LIBI community should have no expectation of privacy. LIBI will treat behavior that manifests itself in words or actions including, but not limited to: repeated abusive or profane language, allusions to violence against self or others, fighting or assault, aggression, intimidation, or hostile behavior, persistent inappropriate anger or conflict, as threats. Additionally, any verbal threats that stigmatize, threaten, or endanger another individual's emotional or mental well-being or causes another to reasonably fear for his/her safety are prohibited by this policy. Any student established to be making threats against another member of the college community will be sanctioned, suspended, or permanently separated from the college.
- xviii. Vandalism** – Any action that involves willfully or maliciously destroying, damaging, defacing, or otherwise injuring real or personal property without the consent of the owner or the person having custody or control of the property. Vandalism is a Clery reportable crime and students will face sanctions if found responsible.
- xix. Destruction of college property** – Upon finding of responsibility, restitution will be charged to the appropriate student(s) for any destruction of college property. Destruction may also warrant disciplinary action under the Student Code of Conduct. Administrative fees will be added to the assessed restitution if students do not comply within the specified time frame by the end of the semester

This standard of Personal Integrity is consistent with LIBI's policies prohibiting Sexual Misconduct, Discrimination and Harassment. These policies can be found in their entirety in the Enough is Enough Sexual Assault Section and in the Annual Security Report. LIBI's sexual harassment standards adhere to the definitions of harassment and discrimination which are included in Title VII of the Civil Rights Act of 1964 and Title IX of the Education Act of 1972.

Legal Sanctions:

Article 130 - NY Penal Law

<http://ypdcrime.com/penal.law/article130.htm#p130.05>

Sex Crimes: Definitions and Penalties (New York)

<https://apps.rainn.org/policy/policy-crime-definitions.cfm?state=New%20>

[York&group=3](#)

Stalking Information:

http://www.opdv.ny.gov/professionals/criminal_justice/stalking/stalking-infoguide.pdf

<https://statelaws.findlaw.com/new-york-law/new-york-stalking-laws.htm>

Every LIBI student is expected to:

CONDUCT STANDARD III:

Not engage in activities that threaten the safety and security of the college community. This includes, but is not limited to destroying, damaging, misusing, or illegally possessing the property of the college, the property belonging to other students and employees, or to visitors. This standard of Personal Integrity encompasses:

- Fire safety equipment – (fire alarms, smoke detectors, fire extinguishers)
- Academic materials and instructional equipment (such as computer equipment, electronic classroom devices and library materials);
- Personal belongings of other members of the community;
- Copy copyrighted materials – The manipulation or alteration of information gained by unauthorized access to electronic equipment or other record-keeping systems, and use of software to illegally download materials that are copyrighted, such as music or movies that can expose the college and students to fines or legally imposed responsibilities are strictly prohibited and will result in disciplinary action up to, and including, expulsion without recourse.
- Furnishing false information to the college or its employees;
- Altering college identification cards;
- Failing to comply with directions of college officials and building personnel acting to maintain safety and security;
- Attempting to gain access to any college premises without authorization;
- Possessing, storing, or using a weapon (which can include but is not limited to firearms, pellet guns, explosives, fireworks, or chemicals such as tear gas);
- Any other conduct that interferes with LIBI's responsibility to protect the health and safety of its students and employees, to protect their property, or to provide them with services as a part of their college experience.

Examples under this standard include, but are not limited to:

- i. Altering Official Documents** – Forging, altering, falsely making, using, possessing, providing, or attempting to provide any document to a LIBI employee for the purpose of satisfying a requirement of the college or to obtain a benefit for oneself or another is strictly forbidden and subject to immediate expulsion and/or expulsion and legal action.
- ii. Disrespectful Behavior** – Student behavior or speech that disrupts the instructional setting, campus life, or is clearly disrespectful of the instructor, staff member, or other students, will not be tolerated. Disruptive conduct may include, but is not limited to:
 - A)** offensive or disrespectful behavior
 - B)** unwarranted interruptions (while class is in session)
 - C)** failure to follow or abide the instructor's or staff member's directions

tion violations. Students found responsible for unauthorized use of college property, equipment or facilities, or property may face trespassing charges.

- xii. Weapon Possession** – LIBI expressly prohibits the carrying of firearms on college campuses (including those by concealed carry weapons permit holders). No person shall possess, discharge, transfer, transport, or otherwise use any weapon on any property owned, leased, or otherwise controlled by the college. This prohibition applies regardless of whether the individual has a concealed weapon permit or is otherwise authorized by law to possess, discharge, or use any such device. Any student violating this policy shall be subject to suspension or expulsion. Others may be subject to banning from campus and arrest for trespassing. LIBI and the local law enforcement agencies do not provide weapon storage of any kind to any member of the LIBI community.

Every LIBI student is expected to:

CONDUCT STANDARD IV:

Not possess, use, distribute, or sell illicit substances, or engage in activities with the intention of distributing any controlled substance or illegal drugs on college premises or at college-sponsored trips or activities.

It is the policy of the college that the unlawful use, possession, sale, distribution, or manufacture of controlled substances and alcohol on college property or at college sponsored programs and activities are prohibited. Even if possession or consumption of alcohol may otherwise be lawful, alcohol is not permitted on LIBI's campuses or at college sponsored programs and activities.

The college enforces all relevant local, state and federal laws regarding illicit substances. Specific prohibitions are outlined in LIBI's drug and alcohol policies printed in the college catalog, student handbook, and in the Annual Safety Report.

LIBI strives to empower all members of the college community to make positive choices that reflect attitudes and behaviors that result in healthy lifestyles and contribute to a positive campus learning environment.

LIBI strongly supports educational and treatment programs as the most effective means to help reduce and prevent alcohol and drug abuse. At the same time, the college expressly prohibits the unlawful possession, use, or distribution of drugs and alcohol by students, faculty, or staff members while on LIBI's premises or while participating in LIBI-sponsored activities or conducting college business off-premises (employees). Members of the LIBI community are responsible for complying with federal, state, and local laws on the possession, use, and sale of alcohol and illicit drugs.

Every member of the college community will be held accountable for their behavior, including their use of alcohol and other drugs. Possession, distribution, or illegal use of alcohol, and/or illegal use, possession, distribution, sale, or manufacture of controlled substances, drug paraphernalia, including intentional misuse or distribution of legally prescribed drugs, are prohibited on campus, on college grounds or LIBI's Clery geography, and at college sponsored events, trips, or activities.

In order to make informed choices about the use of drugs and alcohol, members of the LIBI community are asked to familiarize themselves with the information provided by the college about the psychological, social, and physiological consequences of substance abuse contained in the Annual Security Report (ASR) and the Alcohol and Other Drugs (AOD) publication (prepared

biannually). Extensive referral and help resources are available in these publications and all members of the college are expected to review these resources.

Use of Alcoholic Beverages and/or Drugs On and Off campus

- The **legal age of possession and purchase of alcohol in New York state is 21** years of age. It is **against the law to sell or give away alcohol to anyone under the age of 21**.
- LIBI is in compliance with the Drug-Free Schools and Communities Act Amendments of 1989. The New York State minimum drinking age (**21 years**) is observed at all campus functions in cases when alcohol may be present.
- The consumption, possession and distribution of alcohol **on campus and on campus facilities is prohibited**.
- Arriving on campus intoxicated, attempting to participate in college activities while intoxicated, or attempting to go to class while intoxicated is prohibited and grounds for disciplinary actions under LIBI's Student Code of Conduct and may be grounds for expulsion from the college.
- Any member of the community who is transported to the emergency room because of alcohol consumption or requires medical treatment for any injury related to alcohol consumption will be required to meet with the Disciplinary Hearing Panel to discuss their plans for seeking help and how that help will fit into the educational goals of the individual.
- Intoxicated individuals who are confrontational, argumentative or uncooperative with college personnel summoned to assist will be subject to college disciplinary action and/or arrest.
- Students and employees who violate LIBI's Drug and Alcohol policies are subject to sanctions under college policies and procedures. Employees and students should be aware that, in addition to college sanctions, LIBI will contact appropriate law enforcement agencies if the college believes that a violation of the policies should also be treated as a criminal matter.
- Any member of the college community found to have used on another, is in possession of, or is distributing date rape drugs, also commonly referred to as predatory drugs, used for the purpose of rendering a victim passive, submissive, unwilling or unable to resist unwanted sexual advances, or unable to make reasonable decisions regarding sexual contact, will face disciplinary charges. These drugs are strictly prohibited on any of LIBI's properties and premises, at LIBI-sponsored events, trips, or activities. Students found responsible for the sale, possession, distribution, or usage of these substances will be subject to disciplinary action. **Anyone who reports the presence of these drugs in good faith to an official of the college in relation to** domestic violence, dating violence, stalking, or sexual assault will not be subject to LIBI's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault. *Please see the [Enough is Enough Sexual Assault Special Section](#) for detailed information on LIBI's Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases.*

In compliance with New York State's Education Law 129-B, LIBI has established a Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases that is intended to encourage students to seek medical assistance related to drug and/or alcohol use without fear of being disciplined for such use. The health and safety of every student at LIBI is of utmost importance. LIBI recognizes that students who have been drinking and/or using drugs (whether such use

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is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. LIBI strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to institution officials. **A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to LIBI officials or law enforcement will not be subject to LIBI's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.** *Please see the [Enough is Enough Sexual Assault Special Section](#) for detailed information on LIBI's Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases.*

Instances of drug usage or sale on campus, or possession of drugs or drug paraphernalia related to drug usage, other than in connection with the aforementioned *LIBI's Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases*, will result in temporary suspension while a conduct process for a violation under LIBI's Drug and Alcohol policies is completed.

PLEASE NOTE:

Students are strongly urged to review the ASR and the Alcohol and Other Drugs publication to better understand the health risks posed by the consumption of controlled substances, alcohol, and prescription drugs. The use and abuse of these substances may lead to permanent health conditions and disorders that affect all major organ systems in the human body. Since drug and alcohol abuse affects each major organ system, when one or more of these organs are damaged, you risk serious chronic conditions and death. Alcohol interferes with the body's ability to absorb and utilize calcium, which results in weakened and fragile bones. This means you are more prone to injuries and more susceptible to osteoporosis. Alcohol and drugs can slow muscle movement and impair muscle coordination. Over time, substance abuse reduces muscle mass and puts you at risk for developing a condition in which the muscle fibers of the body breakdown and enter your bloodstream. This can result in severe kidney damage and, in some cases, kidney failure. Alcohol and drugs strain the heart considerably. This can cause several chronic heart conditions including high blood pressure, deteriorated heart muscle, and an irregular heartbeat. High blood pressure can cause hormonal irregularities and strokes. Deterioration of the heart muscle reduced blood flow, which can interfere with your daily life and puts you at higher risk for heart attacks. Drug and alcohol abuse also interferes with blood clotting, causes anemia, and contributes to cirrhosis of the liver.

In addition, drugs and alcohol affect your short and long term memory and recall, they also negatively affect how you process information, and how you perform at school. Drugs and alcohol impair your judgement, and can expose you to potentially dangerous situations you would have normally avoided without the influence of illicit substances.

Remember: all drugs, prescription or illegal, alter your body's chemicals. Misuse of these substances can lead to addiction, hospitalization, long term health problems, brain damage, and even death.

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If you are sharing needles, understand that people who inject drugs (also known as PWID) are among the groups most vulnerable to HIV infection. HIV prevalence among people who inject drugs is 28 times higher than among the rest of the population. ^[1]

Inappropriate use and abuse of alcohol is often associated with lower academic performance and failures. Alcohol blocks REM sleep, and as a result drinking can make you forget new information—even if the drinking happens days after the learning took place. ^[2]

Consuming alcohol also exposes individuals to sexually transmitted diseases and unplanned pregnancies. It increases aggressive behaviors, including sexual assault and rape, physical harm hallucinations, life-threatening convulsions, and death.

Even small amounts of alcohol may impair the ability to concentrate, as well as the judgment and coordination required to drive a car safely thus increasing the likelihood that the driver will be involved in an accident.

For more information please review the ASR and the AOD publication.

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- 1 Harm Reduction International (2016) '[The Case for a Harm Reduction Decade: Progress, potential and paradigm shifts](#)' [pdf]
 - 2 <https://www.theatlantic.com/health/archive/2017/12/even-small-amounts-of-alcohol-impair-memory/548474/>

LEGAL SANCTIONS

Both Federal and New York State law make it a criminal offense to manufacture, distribute, dispense or possess with intent to manufacture, distribute, dispense or simply possess a controlled substance, including marijuana. See Title 21 US Code 801 et. seq.; New York State Penal Law 220-221; and New York State Public Health Law § 3306. The sanctions for violation of these laws depend upon the particular offense and depend on aggravating factors such as the type and quantity of drugs involved. Sanctions range from monetary fines and community service to imprisonment.

Applicable legal sanctions under federal, state, or local laws for the unlawful possession or distribution of illicit drugs and alcohol may be found at Title 21 US Code 801 et. seq.; New York State Penal Law 220- 221; and New York State Public Health Law § 3306. For the most recent and complete Federal Trafficking Penalties information, visit the website of the U.S. Drug Enforcement Administration at www.dea.gov/agency/penalties.htm.

Or see:

https://www.iecc.edu/files_user/CONS/Files/Federal_Trafficking_Penalties.pdf

Appearance in public under the influence of narcotics or a drug other than alcohol is a violation under New York State Penal Code § 240.40. A person is guilty of appearance in public under the influence of narcotics or a drug other than alcohol when he appears in a public place under the influence of narcotics or a drug other than alcohol to the degree that he may endanger himself or other persons or property, or annoy persons in his vicinity.

A **Violation** is an offense for which a sentence to a term of imprisonment of up to 15 days may be imposed (New York State Penal Law, Article 10). A person arrested for committing a violation may be taken into custody but will usually be issued an appearance ticket indicating the time and place that he/she must appear in court.

New York State law 260.20 (d) (4) make it a violation to give or sell an alcoholic beverage to a person less than twenty-one years old. This is class A misdemeanor punishable by a sentence of

imprisonment up to one year. It is illegal to use a false ID or to provide someone else with a false ID to buy alcohol. This is punishable by a \$100 and/or completion of an alcohol awareness program, and/or 30 hours of community service. If the false ID is a driver's license, your license may also be suspended for up to 90 days.

It is unlawful to drive while intoxicated, i.e., blood alcohol content of .08 and higher, or "in an intoxicated condition." It is also a criminal offense for anyone to operate a motor vehicle if the person's ability to operate the vehicle is impaired by alcohol or other drugs. Any person who operates a motor vehicle while intoxicated or while his/her ability to operate such vehicle is impaired by the consumption of alcohol or by drugs, is in violation of New York State Vehicle and Traffic Law 1192, and is subject to suspension or revocation of driving privileges in the state as well as a fine up to \$1,000 and possible imprisonment for up to one year. A detailed summary of this can be obtained from Governor's Traffic Safety Committee webpage: <http://www.safeny.ny.gov/alco-vt.htm>

COLLEGE SANCTIONS

Any violation of LIBI's Drug and Alcohol Policy may be disciplined in accordance with LIBI's disciplinary procedures for students and for employees. LIBI may refer the student or employee for criminal prosecution. Any sanction imposed by the college is independent of, and is in addition to, any penalty imposed in connection with legal sanctions.

The sanctions that may be imposed on a student include, but are not limited to, probation, suspension, dismissal and expulsion from the college.

The sanctions described below are illustrative of the range and severity of sanctions that may be imposed on a student, but they do not constitute a complete list of the possible sanctions. In determining a sanction, LIBI will consider the nature and severity of the violation, the impact of the transaction on the college community and the student's disciplinary history.

- **Controlled Substances:**

Violations of LIBI's Drug and Alcohol Policy relating to the unlawful possession, use, or distribution of controlled substances, even if a first offense, are considered to be extremely serious. Such violations may result in more severe disciplinary sanctions, even if there is no harm to the student, others, or property, than if the violation related to the use of alcohol. In addition to sanctions (probation, suspension, dismissal or expulsion), the student will be referred to a drug use assessment and required to comply with any recommendations.

- **Alcohol:**

Greater sanctions will be imposed for each successive violation.

- First infraction: Generally, a first violation and there is **no harm to the student, others, or property**, sanctions may include, but are not limited to a probationary period; participation in an alcohol awareness program, submitting to an alcohol use assessment and complying with any recommendations; or community service.
- Second infraction: Generally, a repeat violation **or** a first violation that caused harm to the student, others, or property. Sanctions include, but are not limited to, submitting to an alcohol use assessment and complying with any recommendations; a probationary period; suspension, or expulsion from the college, and community service, if not dismissed.
- Third infraction: Generally, a repeat violation indicative of a pattern of inappropriate behavior including disregarding previous admonitions, or a serious first or second

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violation involving harm to the student, others, or property will result in separation from the college (suspension) and mandated alcohol use assessment and proof of compliance with the assessment, or expulsion.

Every LIBI student is expected to:

CONDUCT STANDARD V:

Refrain from any interference with the procedures related to the enforcement of the Student Code of Conduct or any disciplinary decision, and will agree to fulfill any sanction properly imposed under the provisions of the Code of Conduct.

Any interference with the process outlined can erode students' access to a reasonable and fair disciplinary process. Students who interfere with this process by providing false information, or who withhold information necessary for the college to reach a fair and balanced decision, interfere with the proper functioning of the disciplinary process. Students who misrepresent information, withhold information, or otherwise distort facts surrounding an event being investigated will be held accountable for their decisions separately under this standard of LIBI's Code of Conduct. Failing to honor a commitment to complete a sanction, falls under this standard as well and renders the student responsible for an additional violation of the Code of Conduct.

Students are informed, upon enrollment at LIBI, about the requirements of the Student Code of Conduct. It is the responsibility of each student to read the Code carefully and to ask his/her academic advisor questions and to seek clarification. The Code of Conduct is available on the college website, in the Catalog, and on Engrade, and it explains processes and procedures and the options available to students charged with a violation, and other features of the Student Code of Conduct.

Every LIBI student is expected to:

CONDUCT STANDARD VI:

Abide by the No Solicitation Policy

- LIBI does not endorse any third-party products, services, tours, or memberships. Members of the college community may not use any part of the college premises, including bulletin boards and common areas, for soliciting or selling any merchandise or services without the written permission of the Director of Intercampus Activities.
- Personal integrity also encompasses not using LIBI's name or ID card to obtain charitable funds for personal gain through false representation.
- Knowingly misrepresenting items or services to deceive another, or to gain personal benefit from another's ignorance or inexperience is strictly prohibited on campus, and off-campus when using LIBI's name or one's association with LIBI.

Every LIBI student is expected to:

CONDUCT STANDARD VII:

Abide by the policies and rules outlined in the Academic Integrity section of the Student Code of Conduct.

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It is the responsibility of every student enrolled at LIBI to support the principles of academic integrity and to refrain from all forms of academic dishonesty, including but not limited to the following:

- i.** Plagiarism is a serious academic offense and carries sanctions that range from failing the assignment or course to expulsion from the college.

 - Plagiarism includes, but is not limited to, the use of words or ideas written or created by someone other than the student, as if they were one's own without properly giving credit to the source when submitting academic work (whether graded or otherwise);
 - The use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment;
 - The unacknowledged use of materials prepared by another person or acquired from an entity engaging in the selling of term papers or other academic materials.
 - Unauthorized collaboration.
 - Engaging in behavior specifically prohibited by an instructor during class instruction or in a course syllabus.
 - Taking deliberate action to destroy or damage another's academic work to gain an advantage for oneself or another.
 - The recording of instructional content without the express permission of the instructor(s), unless approved as an accessibility accommodation, and/or the dissemination or use of such unauthorized records.
 - Multiple submissions of the same work in separate courses without the express permission of the instructor(s).
 - Falsification, fabrication, or misrepresentation of data, other information, or citations in connection with an academic assignment, whether graded or otherwise.
 - Using online sources, such as solution manuals, without the permission of the instructor to complete assignments, exams, tests, or quizzes;
 - Any action taken or attempted by a student that gives the student an unfair advantage in his or her academic work over other students. Actions include but are not limited to: securing or gaining access to tests in advance (stealing, buying, etc.); copying (physically or electronically), retaining without permission (holding on to an examination that should have been returned at the end of the examination period), or disseminating unauthorized copies of testing materials.
- ii.** Cheating is classified as the use of unauthorized assistance in taking quizzes, tests, or examinations, or completing assignments.
- iii.** Cheating includes, but is not limited to, the use of unauthorized materials, information, or study aids in any academic exercise; the alteration of any answers on a graded document before submitting it for re-grading; or the failure to observe the expressed procedures or instructions of an academic testing exercise (e.g., examination instructions regarding alternate seating, conversation during an examination, the use of electronic devices when expressly forbidden to do so by the instructor or proctor, unauthorized collaboration).
- iv.** Unauthorized use of electronic devices during any graded testing activity. A student is not permitted to access any electronic devices including, cell phones, tablets, notebooks, smart watches, etc. during any graded testing activity. Any student using an

electronic device without permission of the instructor will be in violation of LIBI's Academic Integrity policy and subject to disciplinary sanctions.

- v. All other forms of academic misconduct, including but not limited to, requesting, hiring, or otherwise encouraging someone to take a course, exam, test, or complete assignments for a student. Copying answers from another, using study notes to aid in a testing exercise, and aiding or assisting another student in the commission of prohibited conduct.

All forms of academic dishonesty are unacceptable at LIBI and will not be tolerated. Students who violate LIBI's academic integrity policies will be subject to disciplinary sanctions.

A student accused of violating LIBI's academic integrity policies will be informed of his/her alleged violation(s) by his/her professor either verbally or in writing. The student will participate in a meeting arranged by the faculty member to discuss the evidence against the student. This meeting will provide the student an opportunity to respond to the charges.

If a student is found to be in violation of LIBI's academic integrity policies, a decision will be made by the faculty member as to an appropriate academic penalty. If the infraction is the first one for the student, the faculty member may reduce the student's final grade or award a grade of "zero" for the assessment in question. The academic directors serve as the initial point of contact for faculty when they report incidents of suspected academic dishonesty. When the accused student has been found to have committed an academic violation that affects the student's final grade causing course failure, the Provost will be notified. The Provost will verify whether this was the student's first infraction. If the academic dishonesty is not the student's first infraction, the Provost will place the student on academic integrity probation. If an additional infraction occurs while the student is on academic integrity probation, the student will face a conduct hearing that will determine whether the student should be suspended (for a minimum of one semester) or expelled, depending on the seriousness of the infractions committed in their entirety.

Every LIBI student is expected to:

CONDUCT STANDARD VIII:

Not violate published college regulations and policies, including, but not limited to those outlined above, and any other college policies published as an addendum, required for the safety and orderly operation of the college.

LIBI periodically reviews the Student Code of Conduct and may amend or add policies in response to new requirements, regulations or laws. LIBI may also change, add, or amend the Student Code of Conduct based on institutional need as perceived by the President, the Provost, or other members of the college community in order to maintain a safe, productive, and respectful learning environment. When the Student Code of Conduct is changed before a new College Catalog can be published, LIBI will release an addendum to the Catalog and will publish it on the College website. Students will be notified that an addendum has been produced and will be expected to read and abide by any changes therein.

Students may seek clarification about published policies from the following offices:

Examples:

- i. **Academic Honesty** – Provost's Office, Academic Directors, Faculty
- ii. **Alcohol and Drug Policy** – Director of Operations, Director of Intercampus Activi-

- ties, Assistant Campus Director
- iii. **Code of Conduct** – Director of Operations, Provost, Assistant Campus Director, Academic Advising Staff
 - iv. **Education Records Policy** – Registrar
 - v. **Facility Use Policy** – Provost, Assistant Campus Director, Director of Operations
 - vi. **Firearms/Weapons Policy** – Provost, Assistant Campus Director, Director of Operations
 - vii. **Campus Policy Prohibiting Sexual Misconduct** – Title IX Coordinators, Provost, Assistant Campus Director, Director of Operations
 - viii. **Campus Policy Prohibiting Discrimination and Harassment** – Title IX Coordinators, President, Provost, Assistant Campus Director, Director of Operations, Academic Advising Staff
 - ix. **Hazing Policy** – Director of Operations, Director of Intercampus Activities
 - x. **Information Use and Security Policy** – IT Department, Director of Operations
 - xi. **On-Campus Fundraising Policy** – Director of Intercampus Activities, Assistant Campus Director
 - xii. **Political Activity Policy** – Director of Intercampus Activities, Provost, Assistant Campus Director
 - xiii. **Privacy and Appropriate Use of Resources Policy** – Director of Operations, Registrar, IT department
 - xiv. **Engrade Policies** – Director of Academic Affairs, Provost
 - xv. **Smoking Policy** – Assistant Campus Director, Director of Operations
 - xvi. **Solicitation Policy** – Director of Intercampus Activities

SECTION 3 - IDENTIFICATION CARDS

LIBI ID cards are not transferable. The ID holder is responsible for the care and safekeeping of the ID card. Transferring or lending one's ID card to another person to obtain entry to LIBI premises or for any other reason is strictly prohibited. The ID card remains the property of the college and must be returned if the student's relationship with the college ceases. Students found to be in violation of this policy will face disciplinary action.

Any transfer, alteration, falsification, or forgery of an ID card constitutes a violation of the Student Code of Conduct and will result in disciplinary action.

College ID must be:

- carried at all times;
- presented to gain access to the campuses;
- presented when checking out library materials;
- returned to the Registrar upon termination of enrollment;
- reported to the Registrar or reception desk personnel if lost or stolen.

ID cards found by a non-owner should be returned to the Registrar or the reception desk personnel promptly.

PERSONAL MISREPRESENTATION AND REFUSAL TO PRODUCE IDENTIFICATION

Proper identification for LIBI students is defined as the LIBI ID card. Each member of the LIBI community is issued a college ID card. Everyone, without exception, is expected to wear their college ID in a visible manner and to produce it upon request of a college official or the building security staff. Refusal to show proper identification to authorized personnel in the performance of their duties, or the inability to show identification(s) as a result of failing to carry/possess identification, will result in being refused access to LIBI's premises (i.e. buildings, classrooms, library, etc.) as well as in disciplinary action.

SECTION 4 - REPORTING

The following procedures should be followed for filing reports of Student Code of Conduct Violations **that do not involve allegations of sexual assault, domestic violence, sexual violence, or stalking**. The full policy on handling and reporting allegations involving sexual assault, domestic violence, or stalking are published in the [Enough is Enough Sexual Assault Special Section](#).

REPORTING A VIOLATION OF THE STUDENT CODE OF CONDUCT

LIBI is committed to the holistic development of our students. Part of our commitment is instilling integrity, encouraging right decision-making, and fostering self-accountability in each student. Every student is expected to grow and develop during their time at LIBI.

The Student Code of Conduct contains policies and procedures to both promote the college mission and to protect the rights of students, faculty and staff. Students are obligated to be aware of and to comply with the college's rules, policies and procedures. Students are also individually responsible for understanding and exercising their rights, fulfilling their obligations and respecting the rights of others. The Student Code of Conduct articulates the types of actions that infringe upon the rights of others in the college community and that curtail the academic integrity efforts of the college. Any member of the college community with relevant information concerning a possible violation of the Student Code of Conduct may file a complaint. Students can make a formal complaint concerning an alleged violation of the Student Code of Conduct to any college staff or faculty member; however, the Conduct Officer will be notified upon the receipt of a formal complaint so that the complaint can be properly reviewed to determine appropriate next steps. Students can also file complaints on LIBI's website by submitting an incident report. The incident report is routed directly to the Conduct Officer. The incident report should be as detailed as possible, listing the party charged, witnesses, dates, times, locations and specific information about the behavior. The complaint will be reviewed by the Conduct Officer to determine the applicable procedure to address the conduct.

Students should understand that although the Student Conduct process operates parallel to criminal or civil justice processes, it is not the forum to rely on to recover money damages or otherwise seek a judgment in one's favor.

To submit report visit www.libi.edu and click on the "[Submit Incident Report](#)" button.

AFTER A CLAIM IS REPORTED

The Conduct Officer will review all reports received for possible investigation. An investigation may involve interviewing those involved in the incident, consulting with police or other college personnel who may be co-investigating, or collecting materials relevant to the situation. Students who are the subject of reports alleging misconduct will meet with the Conduct Officer in a preliminary conference. This is the student's opportunity to learn about the disciplinary process, make an

initial statement regarding his/her involvement in the reported incident, and to ask any questions of the Conduct Officer.

ROLE OF THE COMPLAINANT IN CASES NOT INVOLVING ALLEGATIONS OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, SEXUAL VIOLENCE, OR STALKING.

No individual, also referred to as the reporting-individual or the complainant in LIBI's publications, who brings forward a complaint, is responsible for "prosecuting" or presenting the case. The reporting individual may be asked to meet with a Conduct Officer, or a designee assigned to investigate the allegations, to provide additional information, answer any questions the Conduct Officer or designee may have about the incident. The reporting individual may be asked to address the panel during the hearing. Reporting individuals who do not wish to be involved in the disciplinary process once they file a complaint or report, should understand that the process will continue if there is sufficient information for the process to proceed. The reporting individual will be notified by the Conduct Officer whether there is sufficient information to sustain charges.

The Conduct Officer or designee will be the primary contacts for the accused student, referred to as the respondent. Reporting individuals who feel uncomfortable participating in the conduct process should discuss their trepidation with the Conduct Officer since there are other mechanisms that will allow the reporting individual to participate. Alternatives include but are not limited to, allowing the reporting individual to provide a written statement or to testify separately at a different time. The college makes a great effort to keep the questioning from being done in an inappropriate manner and to make the environment feel as safe as possible.

ROLE OF THE RESPONDENT

The Conduct Officer or designee will be the primary contact for the responding party. The respondent will have the opportunity to offer evidence during the investigation and to present evidence and testimony at the hearing. The Conduct Officer or Chair of the Hearing Panel will determine how this will occur. If the respondent does not contest the complaint within 2 business days of the receipt of the written allegations, and the student has not requested an extension for a valid reason, the Conduct Officer will proceed with the sanctioning, as appropriate. The Conduct Officer will send all correspondence regarding the allegations to the address on file with the Registrar's Office. A good faith effort to deliver the notice or any subsequent correspondence to the address on file will constitute acceptable notice to the respondent.

If the respondent does not wish to participate in the proceedings, he/she must provide written notification of their desire not to participate further in the process.

Students who withdraw prior to the conclusion of the disciplinary proceedings will receive a notation on their transcripts (for more information please see transcript notation in the [Sanctions](#) section).

Students who admit responsibility to the allegation in question will not participate in a hearing, rather the hearing panel process will be moved to deliberation. Any applicable sanctions will be imposed.

CAN THE REPORTING INDIVIDUAL STOP THE PROCESS FROM HAPPENING?

Individuals who report a violation of the Student Code of Conduct and wish to stop the disciplinary process from happening, must speak to the Conduct Officer. The answer will depend on the nature of the allegations. In some cases, the reporting individual can choose to stop the process, while in some other instances, if there is an issue of safety for the reporting individual or for members of the LIBI community, the college may have to take action, even if the reporting individual does not want the college to do so. Reporting individuals are urged to openly discuss their concerns and preferences with the Conduct Officer handling the case.

SUBMITTING COMPLAINTS ANONYMOUSLY

Students may submit complaints of Student Code of Conduct violations anonymously, but LIBI's ability to start or complete an investigation may be limited without knowing the source of the complaint.

SECTION 5 - COMPLICITY

Attempts to commit acts prohibited by the Student Code of Conduct or encouraging others to commit acts prohibited by the Student Code of Conduct will be addressed to the same extent as completed violations. A student may be found complicit if he or she is cognizant that a violation of the Student Code of Conduct has occurred and has the ability to report it, but fails to do so, or fails to remove him/herself from the violation.

SECTION 6 - SANCTIONS

LIBI aims to make the conduct process educative first and punitive second; therefore, sanctions under the Student Code of Conduct are imposed for their educative, not punitive, effect. Students who enter LIBI's conduct process are asked to examine the motives for and consequences of their actions. At the conclusion of the process, it is the hope of the college that the student will understand the effect of his/her behavior on other members of the community.

It is also the hope of the college that by participating in the disciplinary process the student will:

- demonstrate ethical development;
- commit to complying with institutional policies;
- understand that committing further violations of policy will result in further sanctions, including potentially dismissal;
- demonstrate a fuller understanding of LIBI's values reflected in college policies;
- demonstrate a fuller understanding of the purpose of institutional policies;
- achieve a better understanding of the importance of personal integrity.
- gain a better understanding of the consequences and potential consequences of personal actions;
- demonstrate that he/she will employ more effective critical thinking and problem-solving skills if confronted with future potential conduct situations;
- ultimately obtain a degree.

With this in mind, sanctions are given with the intent to help the student accept accountability and to learn from the process. When the student is found responsible for violating the Student

STUDENT CODE OF CONDUCT

Code of Conduct, a formal sanction will be assigned. All the sanctions listed below may be imposed on groups and organizations as well as individuals.

Possible sanctions include, but are not limited to:

- i. Reprimand** – A formal admonition on behalf of the LIBI community. Transgressions warranting a Reprimand do not rise to the level of a formal warning, but are nevertheless unacceptable and can't be overlooked. It is intended to clearly document in a student's file that his/her behavior has been deemed unacceptable. No other specific action is taken unless further misconduct occurs.
- ii. Revocation of Privileges** – Privileges normally afforded to students may be revoked as an appropriate response to a student's behavior. This can include denial of the use of certain college facilities or the right to participate in certain activities, events, programs, or to exercise certain privileges for a designated period of time. A violation of the restriction will result in further sanctions.
- iii. Restitution** – A student may be required to make payment to an individual or to the college related to the misconduct for damage, destruction, defacement, theft, or unauthorized use of property.
- iv. Fines** – LIBI reserves the right to impose fines, as appropriate, in addition to requiring payment for costs resulting from or associated with the offenses.
- v. Contact Restrictions** – Directives to students issued by the college that restrict the contact and/or communication between or among designated parties. Contact Restrictions may be the result of a student conduct process, remedies based resolution, or put in place temporarily.

Contact Restrictions prohibit all forms of communication between designated parties, direct or indirect, including in person, social media, text messaging, email, mail, and through the use of friends, family, or acquaintances making requests on the individual's behalf. These restrictions are not legal protective orders as those are issued by a court of law.
- vi. Interim Suspension** – Temporary suspension of certain rights or privileges while a conduct case is pending. Interim suspension may be broad and all-inclusive, involving the student's removal from campus until the hearing, or may be restricted to a specific location and/or function and is based on the determination that the safety and well-being of the college community or specific persons are at risk.
- vii. Warning** – A conduct warning is the result of a Standards violation that calls into question the student's full understanding of the conduct expected of a student at the college. Students who receive a warning will be asked to examine the source of their behavior and ways to refocus themselves to return to good standing. Students who violate the Code of Conduct while on warning will face more serious sanctions. No other specific action is taken unless further misconduct occurs. A Conduct Warning will be maintained as part of a student's educational record until graduation.
- viii. Disciplinary Probation** – This action constitutes a change in status between good standing and suspension or expulsion from the college. The student is permitted to remain enrolled and to continue attending classes at the college under certain stated conditions depending upon the nature of the violation. If a student violates the Student Code of Conduct further while on conduct probation, the student may be subject to suspension or expulsion. Probation may extend beyond one semester, and may be imposed for the duration of the student's studies at LIBI.
- ix. Disciplinary Conduct Suspension** – Conduct suspension is a separation of the student from the college (including its premises and activities) for a specified period of time. This sanction is instituted when a period away from the college may be neces-

sary and sufficient in reconciling the student to the college community's values and goals. Depending on the timing of the suspension, all fees and academic credits for the semester during which the suspension occurs may be forfeited. Student who wish to return LIBI after their suspension period has concluded must make that request to the Provost or designee and will be asked to demonstrate willingness to abide by LIBI's Student Code of Conduct. Conduct Suspension is maintained as a part of a student's educational record indefinitely.

x. Educational Referrals – LIBI reserves the right to impose counseling or substance assessments or other required educational sanctions.

xi. Disciplinary Conduct Expulsion – Conduct expulsion is a permanent separation of the student from the college (including all college premises and activities). This sanction is given to students who have proven themselves incapable of following the Student Code of Conduct and are unable to demonstrate an understanding of the ethical values held by the institution. This sanction is usually given because of continued pattern of violations that directly threaten the safety or well-being of the members of the college community. Record of the expulsion will appear in the student's file maintained by the Registrar and will be kept indefinitely. Students who are dismissed may request a refund for tuition for the semester in which the dismissal is imposed only in accordance with the refund policy and schedule published in the College Catalog. All fees and academic credits for the semester during which the expulsion occurs are forfeited.

xii. Revocation of a Degree or Certificate – This sanction would be the result of the college discovering that the credential was awarded based, in whole or in part, upon the student's satisfying the academic requirements for the award of the credential by or through actions which constitute academic dishonesty;

The credential was awarded based, in whole or in part, upon the student's satisfying the academic requirements for the award of the degree, diploma and/or certificate by or through actions which involve falsification, misrepresentation, fabrication or other mischaracterization of the nature of or number of credit hours or degrees earned at other institutions of higher education for which LIBI had awarded transfer credit;

The credential was awarded based, in whole or in part, upon the student's obtaining a waiver of the academic requirements for the award of the credential by or through actions which involve falsification, misrepresentation, fabrication or other mischaracterization of the reasons for such waiver of the academic requirements for the award of the credential or the forgery, falsification, fabrication or mischaracterization of the necessary approval of such waiver of the academic requirements for the award of the credential;

The credential was awarded despite the student's failure to satisfy the academic requirements for the award of the degree, diploma and/or certificate in existence at the time the credential was awarded and without regard to whether or not the student's conduct contributed, in whole or in part, to the erroneous award of the credential.

xiii. Transcription Notation – Any time a student is found responsible for committing a violent act, including but not limited to sexual misconduct, Education Law Article 129-B requires a notation be made on the student's transcript. The notation may read, "suspended after finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." If a student withdraws from the institution while conduct charges are pending, and declines to complete the disciplinary process, as outlined above, a notation will be made on the transcript indicating the student "withdrew with conduct charges pending." Students suspended from the college for acts of violence, including but not limited to sexual

misconduct, have the right to request that disciplinary notation be removed from the transcript, one year from the date of their return to the college from suspension. This request needs to be made, in writing, to the Provost, and is not a guarantee the notation will be removed. If a finding of responsibility is vacated, for any reason, any such transcript notation shall be removed.

- xiv. Other Sanctions** – Educational Tasks: Examples of educational tasks include, but are not limited to, essays, assignments, community development initiatives, educational workshops provided by the college or outside entities, etc. The student will be required to submit proof of completion of the educational task from a source deemed appropriate by the college. Other sanctions may include programs related to the nature of the violation, including, but not limited to alcohol/substance education, including alcohol/substance assessment and treatment. Withholding or deferral of issuance of degree or revocation of alumni privileges (if the respondent graduates prior to the conclusion of the disciplinary process).
- xv. Non-Compliance with Sanctions** – Sanctions imposed through the Student Conduct process are official actions of LIBI. Failure to comply with sanctions that are imposed by hearing panels, or to comply with specific conditions related to the safety and security of any parties while a case is pending, will likely result in additional charges through the Student Conduct process. Students who are going through a conduct process are placed hold by the Office of the Registrar (i.e. affecting the student's ability to register for classes, ability to obtain transcripts, etc.). Non-compliance with sanctions may result in immediate suspension or dismissal from the college.

FACTORS CONSIDERED WHEN DETERMINING SANCTIONS

The following information pertains only to non-sexual assault cases, domestic violence, dating violence, or stalking. For information specific to those categories please see the Enough is Enough Sexual Assault Special Section.

Sanctions are commensurate with the nature and scope of the violation. Subsequent violations generally result in more serious disciplinary sanctions. The college considers previous violations, and other factors such as the ones listed below when determining appropriate sanctions:

- The nature of the violation;
- The student's scope of involvement;
- The severity of violation(s) and the actual harm caused by the respondent's conduct/behavior;
- The respondent's intentions;
- The impact on the individual(s) involved;
- The impact on the college community;
- The pervasiveness of the behavior;
- The respondent's demonstrated understanding of the transgression and how the behavior violates college policies and values;
- The respondent's acknowledgement of responsibility for improper conduct and sincere remorse;
- The respondent's disciplinary history;
- The respondent's level of cooperation and compliance with directives during the hearing process.

This list is not intended to be exhaustive and is only a partial enumeration of the factors considered when determining appropriate sanctions. LIBI evaluates each student's situation individually when considering other mitigating and aggravating factors.

DISCIPLINARY FILES AND RECORDS

Disciplinary files and records are maintained by the Student Conduct Officer for seven years after the student graduates or is inactive, in accordance with institutional record retention policies. In the event of suspension or expulsion, records are maintained as follows:

- **For cases where allegations do not involve sexual assault, domestic violence, dating violence, or stalking:**

If a student is suspended for a disciplinary infraction-- the suspension will be noted on the student's transcript and other files maintained by the Registrar. The suspension is noted on the transcript only during the suspension period; *for cases that do not involve sexual assault, domestic violence, dating violence, or stalking*, the notation will be removed from the transcript once the suspension is served and the student returns to good standing.

- **For cases involving sexual assault, domestic violence, dating violence, or stalking (applicable regardless of whether the violation occurs on campus, off campus, or while studying abroad):**

If the suspension occurs because a student is found responsible after a conduct process (or takes responsibility) for a Code of Conduct violation where allegations involved sexual assault, domestic violence, dating violence, stalking or Clery Act Part I Primary Crimes ^[1], the Registrar will make the following notation on the student's transcript: "suspended after a finding of responsibility for a code of conduct violation". These notations will appear on the actual transcript and students may not petition to have the notation issued on a separate, detachable paper. This notation will not be removed prior to one year after conclusion of the suspension.

If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

Expulsions are permanently noted and remain in the Registrar's files indefinitely regardless of the type of violation. Students expelled after being found responsible (or taking responsibility) for violation of the Code of Conduct where the allegations involved sexual assault, dating violence, domestic violence, or stalking will have the following notation placed on their transcript: "expelled after a finding of responsibility for a code of conduct violation." Notations for expulsion shall not be removed from the student's transcript.

Students who withdraw from the college while conduct charges are pending, and decline to complete the disciplinary process, LIBI will make a notation on the transcript of such students that they "withdrew with conduct charges pending." This notation will stay on the transcript permanently, or until the student returns and participates in the disciplinary process until its conclusion. Returning to participate in the disciplinary proceedings does not preclude the responding student from being found responsible for a conduct violation where a notation of suspension or expulsion is mandated.

1 Violations equivalent to crimes of violence, as defined in the Clery Act (as updated by the Violence Against Women Act Final Regulations) Part I crimes, as set forth in 34 C.F.R. §668.46(c), that require a transcript notation under §6444(6) are: murder; manslaughter; rape, fondling, incest and statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; and arson.

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Students must understand that actual Clery Act reportability of an incident is not relevant to the question of whether a transcript notation of a violation must be utilized. All students who take responsibility or are found responsible after a Code of Conduct process for a Student Code of Conduct violation whose definition is equivalent to a Clery Part I Primary Crime*, or who withdraw with conduct charges pending, must have such corresponding notation (described above) on their transcript regardless of where or when the violation occurred.

In all cases, if a finding of responsibility is vacated for any reason, transcript notations will be removed.

Written student appeals to lift transcript notations should be sent to the Provost of the college.

Provost Johnson
136-18 39th Avenue
Flushing, NY 11354
email: sjohnson@libi.edu

Notations involving **suspensions** for Code of Conduct violations related to sexual assault, dating violence, domestic violence, or stalking **may not be lifted until one year after the suspension ends**. A notation for expulsion related to sexual assault, dating violence, domestic violence, or stalking **may not be removed via an appeal to the college**.

A student's conduct record is considered a part of their educational record and may not be disclosed by the college without the written consent of the student(s) to whom the requested information pertains, unless otherwise permitted or required by the Family Educational Rights and Privacy Act of 1974, and Campus Security Act of 1990 or the Clery Act of 1998.

The reporting individual of a violent crime, sexual assault, domestic violence, dating, or stalking offense will be informed of the decision and any sanction resulting from a conduct process with the responding student.

TUITION AND FEES

Students who are suspended or dismissed may request a refund for tuition and fees for the semester on which the sanction is imposed in accordance with the refund policy and schedule published in the College Catalog. Depending on the timing of the suspension, all fees and academic credits for the semester during which the suspension occurs may be forfeited.

SECTION 7 - STUDENT HEARING PROCEDURES

Instances where the hearing does not involve Title IX allegations, or allegations of sexual assault, domestic violence, dating violence, or stalking, or in instances when possible sanctions would not include suspension or expulsion from the college if the student were found responsible, are addressed through the following hearing process:

- Hearings are recorded for purposes of review in the event of an appeal. LIBI will produce a single verbatim record, such as an audio recording or a transcript prepared by one of LIBI's Court Reporting faculty, for all panel hearings. **Deliberations will not be recorded.** The record is LIBI's property and will be maintained according to LIBI's record retention policies.
- Hearings are closed to the public.

In conduct cases where more than one respondent is involved, the allegations will generally be heard jointly; however, the college may opt to conduct the hearing pertinent to each responding party separately. In instances when hearings are conducted jointly, the panel will make separate determinations of responsibility for each responding party.

The respondent and complainant have the following rights:

LIBI uses the "more likely than not" standard in cases where sexual or interpersonal violence is alleged and in all other cases where violation of Student Code of Conduct is alleged.

- To receive advance notice of the alleged violation(s) and the date of the hearing;
- The opportunity to present their version of the events in question;
- To have witnesses present information on their behalf;
- To not participate in or answer any questions during a hearing;
- To question any statements presented against them by submitting written questions to the hearing panel;
- To challenge the objectivity of the hearing;
- Appeal the outcome of the hearing.

Advisors are not permitted during hearing procedures not involving allegations of sexual assault, domestic violence, dating violence or stalking.

STANDARD OF PROOF IN CONDUCT PROCEEDINGS

“Preponderance of evidence” refers to the standard used by the conduct hearing panel whereby a respondent will be held liable if fact finders and members of the panel believe that the respondent has more likely than not engaged in the conduct giving rise to liability/responsibility. LIBI uses the “more likely than not” standard in cases where sexual or interpersonal violence is alleged and in all other cases where violation of Student Code of Conduct is alleged. If the standard is met the respondent will be found responsible.

SECTION 8 - APPEAL PROCESS

The following policy outlines procedures for appealing cases **NOT involving** Sexual Assault, Dating or Domestic Violence, or Stalking. For procedures involving Sexual Assault, Dating or Domestic Violence, or Stalking please refer to the [Enough is Enough Sexual Assault Special Section](#).

An appeal is not a rehearing of the matter and will not be considered simply because the person submitting the appeal disagrees with the outcome.

GROUNDS FOR APPEAL

Upon receiving notification of the outcome of a student conduct hearing, a respondent and complainant may appeal in writing for any of the following reasons:

- a. Procedural error that likely impacted the hearing outcome.
- b. New information (applies when there is an acceptable reason to explain why the information could not be presented at the original hearing).
- c. Inappropriate sanctions that resulted in one or more of the following: suspension, and/or expulsion.

APPEAL PROCEDURES

The respondent and complainant must present a written request that specifically articulates one or more reason(s) for appeal from the grounds listed above to the Provost or designee (students will be informed at the time of the hearing if there is a designee) within seven (7) calendar days of notification of the hearing decision. The request must be received by the college no later than the 7th calendar day after the notification of the hearing decision.

The person submitting the appeal must include in the written appeal:

- a. the reason(s) for the appeal (simply disagreeing with the outcome is not a valid reason, appeals on fines will not be accepted);
- b. the supporting facts;
- c. copies of all supporting documents or evidence that was not available at the time of the hearing, but may have changed the outcome if they were;
- d. the requested solution;
- e. the appeal must include the signature of the person submitting the appeal.

Appeals cannot be submitted by a third party on behalf of the respondent or the complainant.

If the appeal process is permitted to move forward because sufficient information was presented to the Provost, or designee, to warrant the decision to assemble an appeal panel, the parties will be notified in writing. No sanctions will be lifted during the appeal process. If sanctions prohibit contacting another individual, that sanction will also not be lifted. The Provost or designee will assign a board to hear the appeal. Upon considering the appeal, the appeal board may sustain the sanction(s), reduce or increase the severity of the sanction(s), reopen the case with the original Student Conduct Panel, or require that the case be reheard by a new Student Conduct Panel. The record for appeal will be placed in the student conduct file maintained by the Conduct Officer. Decisions on all appeals will be rendered within seven (7) calendar days, absent extenuating circumstances. At the conclusion of any appeal process, the respondent and the complainant will be notified in writing of the outcome of the process. Appeals of expulsion must be submitted to the Office of the President. The College President, the Provost, and the Assistant Campus Director will convene to deliberate the appeal and will render a written decision to the respondent regarding the appeal of an expulsion decision within seven (7) calendar days from the receipt of the appeal. This decision will be final.

SECTION 9 - PROCESS FOR SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

NOTIFICATION OF OUTCOME

For violations concerning alleged sexual assault, domestic violence, dating violence, and stalking both the reporting individual and the respondent will be notified in writing of the final outcome of the disciplinary hearing process, the rationale for the decision, the sanction and the rationale for the sanction. LIBI will provide the parties with simultaneous notice of the outcome. Both the reporting individual and the respondent will have the right to appeal the decision and sanctions. The allotted time to appeal is (seven) 7 calendar days from the receipt of the decision. If there is no appeal within the allotted time, LIBI will provide notice to the parties when the outcome becomes final because the time for an appeal has expired.

For all other conduct violations, not stemming from allegations of sexual misconduct, relationship violence, or stalking, the respondent will be notified in writing of the final outcome of the disciplinary hearing process as well as any sanctions.

APPEAL PROCESS

Both the respondent and the reporting individual may appeal the decision and/or the sanction(s) within 7 calendar days from the receipt of the letter outlining the finding and sanctions (if applicable). The appeal should be addressed to the college official whose contact information is on the decision letter.

Failure to notify the college of the request to appeal within the allotted time will render the original decision final. If there is no appeal, LIBI will provide notice to the parties when the outcome becomes final because the time for an appeal has expired.

Upon the receipt of the written request for appeal, LIBI will assemble an Appeals Panel. The college will generally hold the appeals hearing within five (5) days from the receipt of the written appeal. The Appeals Panel will be comprised of three (3) members other than individuals who made the initial decision. The Chair of the Faculty Governance Council, the Assistant Campus Director, and the Director of the Academic Success Center are the standing members of the Appeals Panel. In the event that a conflict of interest exists, or one of the members is unavailable, the Provost will appoint a replacement member from the faculty. The Appeals Panel will reach their decision by majority vote.

The procedure to file an appeal is as follows:

1. The appeal must be in writing.
2. The appeal must be filed with 7 calendar days from the receipt of the decision/sanction letter.
3. The party appealing must clearly and specifically provide the grounds for appeal. Disagreement with the finding or sanction is not, by itself, a ground for appeal.
4. The appealing party must also submit copies of any and all materials the party wishes to provide as evidence for his or her appeal.

Grounds for appeal are:

Appeals must be in writing. They must be made within seven (7) calendar days.

There are three grounds for appeal:

(i) Procedural error:

A procedural error occurred that significantly impacted the outcome of the determination. The party seeking an appeal must clearly and specifically demonstrate that the student was denied a fair review by identify and detailing each alleged error within the investigative and/or hearing process and how those error(s) substantially affected the decision of the Hearing Panel to the detriment of the appealing party.

(ii) New information:

New information that was unavailable and could not have been obtained at the time of the hearing has become available, and the consideration of this new information could impact the outcome.

(iii) Excessive or insufficient sanction:

The sanctions are not consistent with the severity of the alleged sexual misconduct.

Sanctions shall remain in effect pending the resolution of any timely appeal.

- a. No additional evidence is allowed and no witnesses will be heard during an appeal hearing, except for appeals brought under **(ii)** above. For grievance **(i)** and

- (iii) above, the Appeals Panel will consider only the individual's appeal and the record of the case.
- b.** The Appeals Panel will make a final determination on the appeal. A written determination will be rendered within 10 business days after the conclusion of the appeal hearing.
- c.** A written determination will be issued concurrently to the respondent and the complainant.