NYIT VIP PROGRAM STUDENT CODE OF CONDUCT

I. INTRODUCTION

A. Purpose and Approach

The pedagogical approach of the NYIT | Vocational Independence Program is grounded in the research on Positive Behavioral Interventions and Supports as articulated by the U.S. Department of Education’s Office of Special Education (http://www.pbis.org). The NYIT | Vocational Independence Program’s mission is to maximize the potential of all its students. Wherever possible the NYIT | Vocational Independence Program will endeavor to correct student behavior that fails to rise to the highest standards and expectations through a positive-based approach of re-teaching and coaching the skills and strategies necessary for our students to realize successful and independent lives.

Nevertheless, the deliberate violation of established rules or procedures is unacceptable to building a learning community. Every VIP student who accepts enrollment thereby agrees to abide by all policies, rules, and regulations of the NYIT | Vocational Independence Program.

These policies provide students, faculty, and staff with guidelines regarding the expectations for responsible participation in the educational community, as well as offer information regarding consequences for violating such expectations.

B. Jurisdiction

This VIP Program Student Code of Conduct applies to all students in the VIP Program (including I to I) and covers all conduct by VIP students on the NYIT campus or that adversely affects the NYIT community. VIP students who participate in the NYIT Associate’s Degree program or who take classes at NYIT’s Old Westbury or Manhattan campuses are also subject to all NYIT policies applicable to NYIT students on those campuses and may be subject to conduct proceedings under the jurisdiction of the NYIT Vice President for Student Affairs, as set out in the NYIT Student Handbook.

II. STANDARDS AND CODE OF CONDUCT

VIP students are expected to abide by the NYIT | VIP Dare to Care campaign BEARS Code and also not to engage in any behavior which would constitute an Offense under the NYIT Student Code of Conduct, applicable to all NYIT students and contained in the NYIT Student Handbook. The Bears
Code (set out in II.A below) and the list of Offenses under the NYIT Student Code of Conduct (set out in II.B below) are together referred to as the “VIP Code of Conduct.”

A. VIP Bears Code

Believe: “You are Capable”

Effort: “Present your Best”

Practice Self Determination
- Identify & understand your strengths & needs
- Identify & express your feelings in a calm and respectful way.
- Identify realistic goals, & steps to achieve them
- Explore your interests, participate in activities, find common interests with others & develop friendships
- Practice being assertive & using self-advocacy skills

Accountability: “Be Responsible!”

- Stop and Think
- Consider Options
- Be Safe
- Take responsibility for your choices

Respect: “Dare to Care”

Be Empathetic: “Treat others the way you want to be treated”
- Accept yourself & others
- Respect different points of view
- Identify and use positive coping strategies
- Focus on problem solving “off the problem onto the solution”

Success: “Is Earned”

MOTTO: “I believe that Effort and Accountability will earn me Respect & Success”

B. NYIT Student Code of Conduct Offenses

a. Academic Integrity

Violation(s) of NYIT’s Academic Integrity Policy (contained in the NYIT Student Handbook). All policies, procedures, and definitions applicable to other violations of the Student Conduct Code apply to violations of the Academic Integrity Policy, except as specified in that policy.
b. Alcohol
Violation(s) of NYIT’s Policy on Alcohol and Other Drugs, which may be found on NYIT’s website, http://www.nyit.edu/campus_life/life_on_campus/policies_procedures.

c. Conduct Unbecoming
Flagrant disrespect for persons, flouting of common standards of decency, behavior unbecoming of an NYIT student, on or off campus, and/or continued behavior that demonstrates contempt for the generally accepted values of the intellectual community.

d. Computer Misuse

1. Unauthorized access, entry, or use of a computer, computer system, network, software, password, account, or data.

2. Unauthorized alteration or degradation of computer equipment, software, network, data, or system performance.

3. Unauthorized copying, downloading, or distribution of computer software or data.

4. Unauthorized use of NYIT computer resources for commercial purposes or personal financial or other gain. This includes, but is not limited to, advertising a product or service on any Internet site, fundraising, or advertising on behalf of unsanctioned non-NYIT organizations, publicizing of unsanctioned non-NYIT activities, the reselling of NYIT resources, and the unauthorized use of NYIT’s name or logos. Use of NYIT’s network for any of these purposes, even if the user is using his or her own personal computer, constitutes an offense.

5. Posting of any inappropriate or unauthorized images, messages, text, sounds, or any other format on any Internet site constitutes a violation of this code.

6. Any other violation of NYIT computer use and Web page policies and the Student Organization Web Policy, which can be found on NYIT’s website, www.nyit.edu.

e. Disruptive Behavior

1. Behavior that disrupts, impairs, interferes with, or obstructs the orderly conduct, processes, and functions of NYIT or the rights of other members of the NYIT community, including administration, disciplinary proceedings, athletic contests, or other NYIT-sponsored events and activities conducted on or off campus.

2. Behavior that disrupts, impairs, interferes with, or obstructs the orderly conduct, processes, and functions within an academic classroom or laboratory. This includes interfering with the academic mission of NYIT or individual classroom or interfering with a faculty member’s or instructor’s role to carry out the normal academic or educational functions of his classroom or laboratory, including teaching and research.
3. Behavior that is deemed reckless in that it creates a danger, real or perceived, to the safety of persons or property.

f. Drugs
Violation(s) of NYIT’s Policy on Alcohol and Other Drugs, which can be found on NYIT’s website, http://www.nyit.edu/campus_life/life_on_campus/policies_procedures.

g. Endangerment
1. Physical violence toward another person or group.
2. Behavior that endangers or threatens the mental or physical health, safety, or well-being of another person or group.
3. Interference with the freedom of another person or group to move about in a manner considered lawful or reasonable within an educational community.

h. Failure to Comply
1. Failure to comply with a request or directive of an NYIT official (i.e., faculty, staff, administrator, residence hall staff, campus security, etc.) or non-NYIT law enforcement official in the performance of his duty.
2. Failure to comply with the final decision/sanctions rendered by a student conduct hearing or review body.
3. Failure to comply with the final decision/sanctions rendered by a student conduct body in the timeframe put forth by the student conduct body.
4. Failure to identify oneself and/or produce identification upon request by an NYIT official (i.e., faculty, staff, administrator, residence hall staff, campus security, etc.) or non-NYIT law enforcement official in the performance of his duty.
5. Failure to comply with traffic rules and parking regulations in effect for each campus.
6. Failure to comply with college policies concerning the registration of campus activities, student organizations, the use of college facilities, and public assembly.

i. Falsification/Fraud/False Testimony
1. Providing false or misleading information to and/or withholding or omitting information from an NYIT official or judicial body.
2. Providing false or misleading information and/or withholding or omitting information on college documents/records, including but not limited to admissions applications, grade transcripts, student identification, computer records, and other official documents.
3. Misuse, reproduction, alteration, or forgery of any type of identification, document, key, or property of NYIT or a NYIT community member.

4. Permitting another person to use one’s NYIT-related identification.

5. Use of another person’s NYIT-related identification.

6. Impersonation or misrepresentation, including acting on behalf of another person, group, or NYIT without authorization or prior consent.

7. Impersonation or misrepresentation, including acting on behalf of another person, group, or NYIT, with or without prior consent, in such a manner to cause disruption.

8. Providing a worthless check, money order, credit, or any monetary form in payment to NYIT or to a member of NYIT community.

9. Any other acts of falsification/fraud/false testimony.

j. Fire and Emergency Safety

1. Action(s) that result in a fire or explosion, or the possibility of such an occurrence.

2. Inappropriate activation of any emergency-warning equipment or the false reporting of any emergency.

3. Removing, damaging, interfering, or tampering with fire safety or other emergency-warning equipment, including smoke detectors, extinguishers, sprinklers, and/or fire and door alarms.

4. Failure to evacuate an NYIT building, facility, or residence hall when a fire alarm is sounded.

5. Interfering with the carrying out of emergency response and/or evacuation procedures.

6. Items placed or hung from, or blocking, sprinklers or smoke detectors.

k. Harassment and/or Bullying (Other than Gender-Based Misconduct; see “p” below)

1. Conduct, not of a sexual nature, (including, but not limited to, physical contact, verbal, graphic, written, or electronic communication), that creates an intimidating, hostile, or threatening environment for another person and/or group.

2. Conduct, not of a sexual nature, regardless if via physical, verbal, graphic, written, or electronic communication, that threatens, harms, or intimidates another person and/or group, including, but not limited to, NYIT personnel, student conduct body, or persons involved in student conduct processes.
3. Conduct, whether passive or active, related to bystander behavior that supports acts of harassment or bullying.

I. Hazing

Any group or individual action or activity that inflicts or intends to inflict physical or mental harm or discomfort, or that may demean, disgrace, or degrade any person, regardless of location, intent, or consent of participant(s). Although hazing may be related to a person’s initiation or admission into, or affiliation with, a student group or organization, it is not necessary to have direct proof that a person’s initiation or continued membership is contingent upon participation in the activity for a charge of hazing to be upheld. The actions of either active or associate members (inductees/pledges) of an organization may be considered hazing. Hazing includes, but is not limited to:

1. Interference with a student’s academic performance.
2. Forced or coerced consumption of any food, alcohol, controlled substances, drugs, or any other substance.
3. Forced or coerced physical activity.
4. Deprivation of food or sleep.
5. Kidnapping, including restricting a person to move about in free and lawful manner.
6. Physical abuse of any nature.
7. Performing personal chores or errands for members.
8. Verbal abuse or degradation, including yelling or demands.
9. Assigning or endorsing pranks (e.g. stealing, harassing other organizations, defacing property, etc.).
10. Any action or threatened action that would subject the individual to embarrassment, humiliation, or mental distress, including the use of demeaning names or games.
11. Any additional definitions of hazing as set forth by New York State or local hazing laws.

m. Housing Violations

Violations of policies, rules or regulations specific to residential life as outlined in the Residential Community Living Standards, which can be found at http://www.nyit.edu/housing/policies.
n. **Littering**

Dispersing litter in any form or from any point on NYIT grounds, property, or facilities, including the throwing of objects out of windows or the dispensing of cigarette butts, flyers, cans, bottles, etc.

o. **Rollerblades/Skates/Bicycles**

The use or operation of rollerblades, skates, skateboards, bicycles, mopeds, etc. inside of NYIT facilities (e.g., libraries, classrooms, hallways, student unions, etc.). This also includes the hallways, balconies, courtyards, lounges, and lobbies of residential facilities owned, operated, or leased by NYIT. Outdoor use of such items is prohibited if the activity or behavior is potentially harmful to others or property, if it interferes with the normal functioning of the academic community, or is expressly prohibited.


Specific forms of Gender-Based Misconduct include but are not limited to:

1. **Nonconsensual Sexual Contact:** This includes any type of touching, or contact with, another person’s sexual or intimate parts, under or over clothing, or forcing the other person to touch the perpetrator’s sexual or intimate parts. It may also include touching of other parts of the body (e.g. squeezing, grabbing or pinching) for the purpose of degrading or abusing the other person or for the purpose of gratifying the perpetrator’s sexual desire.

**Definition of Affirmative Consent:** 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.”

Furthermore:

a) Consent of 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.

b) Consent may be initially given but withdrawn at any time.

c) 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.

d) Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

e) When consent is withdrawn or can no longer be given, sexual activity must stop.

2. **Sexual Exploitation:** Taking abusive or nonconsensual sexual advantage of another. Examples include:

   a) Taking or transmitting sexual photographs, videos, or audiotapes without consent, or causing or permitting others to take or transmit such photographs, videos, or audiotapes without consent.

   b) Watching another engage in sexual activity or contact without consent; viewing another nude without consent (e.g. watching someone in the shower without consent); allowing a third party to observe sexual acts without a partner’s consent.

3. **Sexual or Gender-Based Harassment:** This includes:

   a) Unwelcome sexual advances, requests for sexual favors, and other nonverbal, expressive or physical conduct of a sexual nature

   b) Other verbal, nonverbal, or physical acts, or acts of aggression, intimidation or hostility, when based on gender or gender-stereotyping.

This conduct constitutes sexual or gender-based harassment when it either substantially interferes with an individual’s ability to participate in or benefit from the institution’s programs or activities or creates an intimidating, hostile, or offensive environment for learning or participating in NYIT programs and activities.

Examples include:

   (1) Unwanted flirtation, advances, or propositions of a sexual nature.

   (2) Insults, humor, jokes, or anecdotes (not legitimately related to the subject matter of a course, if one is involved) that belittle or demean an individual’s or a group’s sexuality or gender.

   (3) Unwelcome comments of a sexual nature about an individual’s body or clothing.

   c) Physically threatening a person because of his or her gender identity or expression or sexual orientation

4. **Domestic Violence:** This includes the use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual or economic abuse directed towards:

   a) A current or former spouse or intimate partner;
b) A person with whom one shares a child; or

c) Anyone who is protected from the respondent’s act under the domestic or family violence laws of New York.

This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Domestic violence can be a single act or a pattern of behavior in relationships.

5. **Dating Violence:** This includes the use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual or economic abuse directed towards a person who is or has been in a social relationship of a romantic or sexually intimate nature with the victim. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Dating violence can be a single act or a pattern of behavior in relationships.

6. **Stalking:** see definition under “s. Stalking” below

q. **Shared Responsibility**

1. Failure to remove oneself from an area, room, place, or activity in which a violation of the Student Code of Conduct is occurring.

2. Failure to appropriately notify NYIT officials of a violation of the Student Code of Conduct.

3. Attempting to commit, soliciting another to commit, aiding or abetting the commission of any conduct that is a violation of the Student Code of Conduct.

r. **Smoking**

1. Pursuant to New York Public Health Law, Article 13E (New York State Clean Indoor Act) and Regulations of Smoking in Public and Work Places, smoking is prohibited in all NYIT buildings and/or sections thereof, owned, leased, or operated by NYIT. This includes, but is not limited to, classrooms, stairwells, bathrooms, offices, hallways, labs, roofs, libraries, common area of residential facilities, or private areas of residential facilities where smoking is prohibited.

2. Smoking is prohibited at the entrances and exits of NYIT facilities or residence halls. Actions that cause smoke to enter into NYIT facilities or residence halls are prohibited. Smoking is prohibited in all residence hall areas as of August 2008 per NYS Law.

s. **Stalking:** Intentionally and for no legitimate purpose engaging in a course of conduct directed at another person, on more than one occasion, that the student knows or reasonably should know is likely to cause a reasonable person to fear for his or her safety or the safety of others or causes the other person to suffer substantial emotional damage. Such behaviors and activities may include, but are not limited to:
a) Nonconsensual communication (including face-to-face, telephone calls, voice messages, electronic mail, written letters/notes, unwanted gifts).

b) Threatening or obscene gestures.

c) Pursuing or following.

d) Electronic or any form of surveillance and/or other types of nonconsensual observation.

t. Theft and Trespass

1. Removal or use of the property or services of another person or of NYIT without prior written consent or authorization.

2. Possession, use, or sale of property or services of another person or of NYIT without prior written consent or authorization.

3. Entrance into any NYIT building, office, area or residence hall unit, room, class, laboratory, or athletic field when or where not authorized.

4. Unauthorized use of NYIT property for personal gain or personal business practices.

5. Unauthorized use of NYIT’s name or logos.

u. Vandalism

Damage, destruction, or defacing of property of another person, group, or NYIT.

v. Weapons, Firearms, Explosives

1. The display, possession, or use of weapons or other dangerous items or apparently dangerous items (such as replica or simulated weapons), including but not limited to firearms, explosives, ammunition, knives, swords, blackjacks, martial arts weapons, and containers of noxious material.

2. The use or discharge of firearms, explosives, ammunition, noxious material, and/or other objects or substances.

w. Other Violations

1. Violations of other written expectations for students as members of NYIT organizations.

2. Suspected or convicted violations of other Federal, State and/or Local Laws or Ordinances.

III. STUDENT CONDUCT PROCESS
Proceedings for violation of the VIP Code of Conduct may be initiated by the VIP staff or by the victim of a student’s behavior.

Depending upon the severity of the infraction, the student’s behavior will be addressed either informally by the VIP Director of Student Services or by a more formal hearing before a VIP Conduct Committee. The appropriate forum, and the members of any VIP Conduct Committee, will be determined by the Associate Dean/Executive Director of the NYIT VIP Program (or designee).

Generally, infractions will be considered more severe if the behavior significantly violates the rights of others, puts others at risk or at harm, or constitutes a chronic or repeated pattern of minor infractions.

The procedures set out below will be generally followed, but NYIT reserves the right to adapt the procedures on a case by case basis where appropriate to a particular student’s situation, including, for example, in connection with a student’s disability.

A. Informal Hearing

At an informal hearing, the VIP Director of Student Services will meet with the student to discuss the infraction, and if the student accepts responsibility, to discuss any sanctions, consequences or corrective actions for the student. If the student disputes the factual findings or refuses to accept responsibility, then a more formal Conduct Committee hearing will be held.

B. Conduct Committee Procedures

In the event that it is determined that a VIP Conduct Committee should hear the matter, the following procedures will apply:

1. The student will receive notice of the hearing, including a brief description of the alleged offenses and the applicable provisions of the VIP Code of Conduct. In cases of violations of the gender based misconduct policy, the student will be informed of the date, time and location of the alleged offense, the factual allegations, the specific code of conduct violations and possible sanctions.

2. The student will have the right to meet with the Conduct Committee and to suggest other witnesses and evidence to be heard by the Conduct Committee. The Conduct Committee Chair will determine which witnesses will be heard and what documents or other evidence will be reviewed.

3. Witnesses who appear may be questioned by the student in an appropriate format determined by the Conduct Committee Chair. If a witness is called but does not appear, his/her written or recorded statements, or representation of his/her statements as obtained by an NYIT staff member, may be considered by the Conduct Committee. In certain cases, where a witness refuses to participate in a hearing out of concerns for personal safety, or where it may be determined that a witness’s active participation in a hearing may result in undue repercussions, witnesses may be
granted the opportunity by the Conduct Committee Chair to remain anonymous in the hearing process; in such cases, an NYIT staff member will present the statement of the witness.

4. The student may be accompanied at the hearing by an advisor of the student’s choice. The advisor may not speak, serve as a witness, or represent the student before the hearing body. The advisor may not serve as a legal representative. Students must speak for themselves.

5. The student is presumed to be not responsible and the burden of proof is the preponderance of the evidence, meaning that a student will be found responsible for a violation of the VIP Student Conduct if the Conduct Committee determines that it is more likely than not that a violation occurred.

6. The student will receive a written decision within two weeks of the conclusion of the Conduct Committee’s deliberation and final decision. The decision will set forth a summary of the Conduct Committee’s findings of fact, any violations of the VIP Code of Conduct for which the student is found responsible, the determination of the appropriate sanctions, and the process for appeal. A sanction of expulsion must be approved by the Associate Dean/Executive Director of the NYIT VIP Program.

C. Sanctions

In the event a student is found responsible for a violation of the VIP Code of Conduct, the sanctions may include one or more of the following, or other sanctions deemed appropriate by the VIP Director of Student Services or the Conduct Committee: warning, educational or community assignments, fine, restitution, residential probation, residential relocation, residential suspension, campus access restrictions, conduct probation, no contact orders, suspension or expulsion.

In addition, counseling assessments and/or treatment, including behavioral programs such as anger management, may be mandated. Any such assessments or treatment will be at the student’s expense, including transportation costs.

D. Appeals

Any student found responsible for a violation of the VIP Code of Conduct may request a review of the determination of responsibility and/or of the sanction(s) imposed, in accordance with the provisions on Grounds for Appeal below, in a written letter submitted within five business days of the decision of the Conduct Committee.

1. Burden of Proof

The burden of proof at the appellate level rests with the student to clearly show that an error has occurred during the conduct process; this is not a re-hearing of the disciplinary case but rather a review of the specified error as outlined in the Grounds for Appeal below.
2. **Appellate Forums**

a. Decisions of the VIP Director of Student Services or of the Conduct Committee that do not involve violations of the Gender Based Misconduct Policy will be appealed to the Associate Dean/Executive Director of the VIP Program, with the exception of expulsion, in which case the appeal will be decided by the NYIT Provost and Vice President for Academic Affairs (or designee).

b. Decisions of the VIP Director of Student Services or of the Conduct Committee that involve violations of the Gender Based Misconduct Policy will be appealed to an appellate review panel as determined by the Dean/Executive Director of the VIP Program, with the exception of expulsion, in which case the appeal will be decided by an appellate review panel as determined by the NYIT Provost and Vice President for Academic Affairs (or designee).

3. **Grounds for Appeal**

Failure to describe the nature of the evidence in full detail in the appeal letter will result in the denial of an appeal. Appeal considerations are limited to:

1. A violation of student’s rights or other procedures occurred that substantially affected the outcome of the hearing. Appeals based on this consideration will be limited solely to a review of the record of the conduct hearing.

2. New evidence, which was not available at the time of the original hearing and could have substantially affected the outcome. The nature of the evidence must be described in full detail in the appeal letter.

3. The sanction(s) imposed were disproportionate to the violation of the VIP Code of Conduct for which the student was found to be responsible.

4. The grounds for appeal for students whose case was determined through a summary resolution is solely that the severity of the sanction is disproportionate to the nature of the offense.

5. Failure to attend a hearing, if proper notice was given as set forth in this code, is not sufficient grounds for an appeal.

**E. Parental Notification**

Students are encouraged to themselves notify their parents of pending conduct proceedings. In accordance with the Family Educational Rights and Privacy Act (FERPA), NYIT officials may provide information to a student’s parents in any of the following circumstances:

- the student is under 18 or a tax dependent of the parent,
● the parent has provided proof of either legal guardianship or power of attorney, or
● the student has signed a FERPA release of information form.

In addition, FERPA permits NYIT officials to provide information to parents or legal guardians, without the student’s consent, under certain circumstances, including the following:

a. If it is determined that a student (under age 21) has committed a violation of law or the VIP Code of Conduct which involved the use or possession of alcohol or controlled substances;

b. If NYIT determines that there is a significant threat to the health or safety of the student or other individuals;

c. If a dependent student has been placed on suspension or expulsion.

**F. Delivery of Conduct Notifications**

Permanent and/or local addresses on file with the Office of the Registrar and/or the student’s official NYIT e-mail account are considered appropriate and official venues for notifications regarding violations of the VIP Code of Conduct. In cases where appropriate, written conduct notices may be delivered by hand to a student’s class, other NYIT location, or NYIT residence hall.

**G. Interim Suspension**

In situations where there is reasonable cause to believe a student’s alleged behavior or action and/or continued presence at the institution poses a clear and present danger to the health, safety, or general welfare of individuals, the campus community, or continuance of normal NYIT functions, the Associate Dean/Executive Director of the NYIT VIP Program (or designee) may temporarily restrict a student from specific NYIT facilities including, but not limited to, residence halls, buildings, and classrooms or temporarily suspend the student from NYIT for an interim period of time pending conduct proceedings.

In situations where the NYIT VIP Program staff believes that a student’s behavior shows signs of escalating to a violation of the VIP Code of Conduct and the student would benefit from a short-term break, the Associate Dean/Executive Director (or designee) may mandate a short (usually weekend) return to home or other agreed location away from the VIP Program.

In either the case of an Interim Suspension or short-term break, NYIT may require specific evaluations to take place. Outside evaluations are conducted at the expense of the student.

**H. Victim Rights**

1. Victim Rights Cases
2. Victims’ Rights

a. To have an advisor, who is not acting as legal counsel, of the alleged victim’s choice accompany him or her when presenting information to the hearing body and to any other relevant meetings held throughout the disciplinary process.

b. To obtain reasonable and available interim and/or permanent measures and accommodations in academic, housing or other arrangements in order to help ensure safety, prevent retaliation and avoid an ongoing hostile environment, consistent with NYIT’s policies and procedures, with both the complaining and the responding student given the opportunity to be heard and submit evidence requiring the requested arrangements.

c. To receive referrals and information about counseling, health, mental health, victim advocacy, legal assistance, and other services available both on campus and in the community.

d. To receive assistance in notifying law enforcement.

e. To obtain or enforce a no contact directive.

f. To submit a victim impact statement to the hearing body. This information will be used only in the sanctioning phase of deliberations, if the charged student is found responsible for the charge(s).

g. To remain anonymous. A victim who is unwilling to participate in the disciplinary proceeding needs to understand that this may compromise NYIT’s ability to present its case against the respondent student. In certain cases where it is determined that the victim’s active participation in a hearing may result in undue repercussions, the victim may be granted the opportunity by the Discipline Committee Chair to remain anonymous in the hearing process; in such cases, an NYIT staff member will represent the statement of the victim.

h. To have unrelated past behavior excluded from the hearing. The Discipline Committee Chair will decide if such information is unrelated.

i. To submit questions to the hearing body. The hearing body will then consider posing those questions to the student being charged.

j. To provide a statement to the hearing body in limited privacy, as long as the process does not unduly/unreasonably compromise the ability of the student who is being charged to question witnesses. Determination will be made by the Discipline Committee Chair.

k. To be present throughout the entire hearing, or portions thereof. Determination will be made by the Discipline Committee Chair.

l. To be notified of the Discipline Committee hearing outcome and appeals outcome.

m. To appeal the hearing decision on the basis outlined below.
3. Victim Appellate Process

A victim will have the same rights to appeal as the student found responsible for a violation, as set forth in Section III. C above.

I. Additional Provisions Required by New York Law

1. Alcohol and/or Drug Use Amnesty Policy

The health and safety of every student at NYIT is of the utmost importance. NYIT 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. NYIT 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 NYIT’s officials or law enforcement will not be subject to NYIT’s code of conduct action for violations of alcohol and/or drug policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

2. Transcript Notations

For crimes of violence, including, but not limited to sexual violence, NYIT will make a notation on the transcript of students found responsible after a conduct process that there was a sanction of suspension and/or expulsion after a finding of responsibility. For respondents in cases of sexual violence who withdraw from the institution while conduct charges are pending, and decline to complete the student conduct disciplinary process, NYIT will make a notation on the transcript of such students that they withdrew with conduct charges pending. Appeals to seek the removal of transcript notations of suspensions (but not expulsions) may be submitted in writing to the Associate Dean/Executive Director of the NYIT VIP Program no less than one year following the conclusion of the suspension period.

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

3. Student Bill of Rights

All Students have the right to:
a. Make a report to local law enforcement and/or state police.

b. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously.

c. Make a decision about whether or not to disclose a crime or violation and participate in the conduct process and/or criminal justice process free from pressure by the institution.

d. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard.

e. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available.

f. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations.

g. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident.

h. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances with the jurisdiction of the institution

i. Access to at least one level of appeal of a determination.

j. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused or respondent through the conduct process including during all meetings and hearings related to such process.

k. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or conduct process of the institution.