

# STUDENT CODE OF CONDUCT

## PREAMBLE

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

Northeast Community College (Northeast) students are responsible for knowing the information, policies, and procedures outlined in this document. Northeast reserves the right to make changes to this Code as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online at <https://northeast.edu/> for the updated versions of all policies and procedures.

## ARTICLE I: DEFINITIONS

- A. The term “College” means Northeast Community College, including its Norfolk campus, Extended Campuses in O’Neill, South Sioux City and West Point, and the Regional Offices in Ainsworth and Hartington, Nebraska.
- B. The term “student” includes all persons enrolled in courses at the College, including credit and non-credit, full-time or part-time, on site, online, or via distance education, or Adult Education courses. Persons who withdraw from classes after allegedly violating the Student Code and persons who are living in College residence halls, although withdrawn from Northeast Community College, are considered “students” under this Code of Conduct. This Student Code does apply at all locations of the College, including sites of College-sponsored events/activities and within online and virtual classes/events.
- C. The term “faculty member” means any person employed by the College to conduct teaching activities or who is otherwise considered by the College to be a member of its faculty.
- D. The term “College official” includes any person employed by the College performing assigned administrative or professional responsibilities.
- E. The term “member of the College community” includes any person who is a student, faculty member, College official, or any other person employed by the College. A person’s status in a particular situation shall be determined by the College President.
- F. The term “College premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, rented, or controlled by the College, including adjacent streets and sidewalks.
- G. The term “organization” means any number of persons who have complied with the

formal requirements for College recognition or registration.

- H. The term “academic year” means the first day of the fall semester through the last day of the second summer session.
- I. The term “Student Conduct Appellate Board”, hereafter referred to as the “Appellate Board”, means those persons appointed by the Director of Student Conduct, or his/her designee.
- J. The term “shall” or “will” is used in the imperative sense.
- K. The term “may” or “might” is used in the permissive sense.
- L. The term “Director of Residence Life & Student Conduct” is the official at the College who is responsible for the administration of Residence Life policies, including the imposition of sanctions upon any student(s) found to have violated specific Residence Life policies. The Director of Residence Life & Student Conduct is also the official at the College who is responsible for the administration of the Student Code of Conduct, including the imposition of sanctions upon any student(s) found to have violated said Code.
- M. The term “Vice President of Student Services” is the College official exercising primary authority over the College’s Student Services, programs, and operations.
- N. The term “Code” means the Student Code of Conduct as found in the Student Handbook, on the College website, or other official College publications.
- O. The term “Residence Life Handbook” means the written regulations of the College as found in the Residence Life Handbook <https://neccweb.azureedge.net/documents/campus-housing/ResidenceLifeHandbook.pdf> or on the College website.
- P. The term “Cheating” includes, but is not limited to, the following:
  - a. Use of any unauthorized assistance in taking quizzes, tests, or examinations.
  - b. Use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments.
  - c. The acquisition, without permission, of tests or other academic materials belonging to a member of the College faculty or staff.
  - d. Engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
- Q. The term “Plagiarism” includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of material prepared by another person or agency engaged in the selling of term papers, or other academic materials.

- R. The term “Complainant/Reporting Party” means any person who submits a charge alleging that a student, group of students, or student organization violated the Student Code of Conduct. When a student believes that she/he has been a victim of another student’s misconduct, the student who believes she/he has been a victim will have the same rights under the Student Code of Conduct as are provided to the Complainant, even if another member of the College community submitted the charge.
- S. The term “Accused Student/Respondent” means any student, group of students, or student organization accused of violating the Student Code of Conduct.

## **ARTICLE II: STUDENT CODE AUTHORITY**

- A. The Director of Resident Life & Student Conduct or their designee shall appoint three (3) persons each academic year to serve on the Student Conduct Appellate Board: one (1) on-campus student; one (1) off-campus student; and one (1) full-time faculty or staff member. The Director of Student Conduct shall also appoint one (1) alternate member from each of the three (3) categories who shall serve if the regular member is unavailable.
- B. The Director of Residence Life & Student Conduct shall develop policies for the administration of the student conduct system and procedural rules for the conduct of Student Conduct Appellate Board Hearings. These policies shall be consistent with provisions of the Student Code of Conduct.
- C. Decisions made by the Director of Student Conduct may be appealed through the Student Conduct Appellate Board, during the “normal appeal process”. This process is outlined in the Student Handbook and on the College website.
- D. Standard of proof used is a preponderance of the evidence.

## **ARTICLE III: PROSCRIBED CONDUCT**

- A. Jurisdiction of the Northeast Student Code of Conduct  
The College Student Code of Conduct shall apply to conduct that occurs on College premises and at College-sponsored activities, and within online and virtual classes/events. Each student shall be responsible for their conduct during each academic year for which they are enrolled. The Student Code shall apply to a student’s conduct if the student withdraws from school while a disciplinary matter is pending. The Student Code of Conduct applies to behaviors that take place on the campus, at Northeast sponsored events and may also apply off- campus when Vice President of Student Services and/or the Dean of Students or designee determines that the off-campus conduct affects a substantial Northeast interest. A substantial Northeast interest is defined to include:
  - Any situation where it appears that the student’s conduct may present a danger or threat to the health or safety of him/herself or others; and/or

- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational mission and/ or interests of Northeast Community College.

The Student Code of Conduct may be applied to behavior conducted online, via email or another electronic medium. Students should also be aware that online postings such as blogs, web postings, chats, and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. Northeast does not regularly search for this information but may take action if and when such information is brought to the attention of Northeast officials.

#### B. Conduct – Rules and Regulations

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

1. Acts of dishonesty, including, but not limited to, the following:
  - a. Cheating on an advanced placement test or other examination required for admission.
  - b. Cheating or plagiarism in the classroom or other forms of academic dishonesty. Such acts of dishonesty shall be referred to the Educational Services Division for handling pursuant to Educational Services policy and administered by the instructor, associate dean, dean, and/or Vice President of Educational Services.
  - c. Furnishing false information to any College official, faculty member, or office.
  - d. Forgery, alteration, or misuse of any College document, record, or instrument of identification, including misrepresentation of degrees awarded or honors received.
  - e. Other forms of dishonesty relating to academic achievement or academically related public service.
  - f. Tampering with the election of any institutionally recognized student organization.
  - g. Claiming to represent or act on behalf of the institution when not authorized to so represent or so act.
2. Disruption or obstruction of teaching, administration, disciplinary proceedings, other College activities, including its public service functions on- or off-campus, or of other authorized non-College activities when the conduct occurs on College premises.
3. Disruption of or interference with the activities of persons who are studying,

- sleeping, or otherwise engaging in activities that are consistent with the normal and expected uses of institutional facilities or of student residential facilities.
4. Acts of aggression including threats, intimidation, coercion, or other conduct that threatens or endangers the health or safety of any person:
    - a. “Aggression” means not only intentional infliction of harm, but also conduct that intentionally subjects another to unwelcome, offensive, physical contact or that puts another person in reasonable fear that the actor intends immediately to subject that person to intentional injury or unwelcome, offensive touching.
    - b. Threats, intimidation, or acts of violence (as defined in [BP-7015](#) and [AP-7015.0](#)) against employees, students, or visitors on Northeast Community College property will not be ignored, condoned, or tolerated. Physical contact will result in law enforcement being called.
  5. Discriminatory harassment, sexual harassment, and retaliation as defined in [“Harassment and Nondiscrimination for all Faculty, Students, Employees, and Third-Parties”](#). Note that behavior that would constitute a violation of harassment or nondiscrimination will be first handled under the procedures contained in ([AP-1010.0](#), [AP-1010.1](#), and the [Harassment and Nondiscrimination for all Faculty, Students, Employees, and Third-Parties document](#)). This includes discriminatory harassment, sexual harassment, sexual assault, dating violence, domestic violence, stalking, and other civil rights offenses as defined under that procedure. Questions regarding the scope of those policies and procedures may be directed to the [Title IX Coordinator](#). If deemed not a violation of Title IX, a student may be subject to a Conduct investigation and disciplinary sanctions for the aforementioned behaviors.
  6. Attempted or actual theft of and/or damage to property of the College or property of a member of the College community or other personal or public property, on- or off-campus.
  7. Possession of stolen property on institutional property or at a college-sponsored activity where the property is known to be stolen.
  8. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.
  9. Failure to comply with directions of College officials, campus security staff, or law enforcement officers acting in performance of their duties and or failure to identify oneself to these persons when requested to do so.
  10. Unauthorized possession, duplication, or use of keys to any College premises or

unauthorized entry to or use of College premises.

11. Operating a vehicle on campus so as to endanger public safety, including negligent, speeding, and/or reckless driving and other vehicle misconduct. Vehicles on campus must be properly licensed and in working order or they will be subject to towing at the owner's expense. Exceptions may be made for vehicles used for class projects and must meet the approval of the Dean of Applied Technology or designee.
12. Violation of any College policy, rule, or regulation published in hard copy or available electronically on the College website.
13. Violation of any federal, state, or local law on institutional premises or at institutionally-sponsored or supervised activities, including behavior classified as disorderly, lewd, indecent, or a breach of peace.
14. Use, possession, manufacture, or distribution of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law. This includes possession of drug paraphernalia or drugs in unmarked containers and attending College classes and/or activities while under the influence of illegal and/or controlled substances both on- and off-campus, and/or being in the presence of prohibited substances.
15. Use, possession, manufacture, or distribution of alcoholic beverages, containers, and paraphernalia on all property of the College and at all College sponsored events held off campus. This includes possession of alcohol paraphernalia and attending College classes and/or activities while under the influence of alcohol and/or being in the presence of prohibited substances. Student health and safety are primary concerns of Northeast Community College. Students are expected to contact 911, Campus Security, Residence Life staff, or other College officials when they believe medical assistance for an intoxicated/ impaired student is required. When such assistance is sought for an intoxicated/impaired student, the student seeking help, as well as the individual assisting, will not be subject to College disciplinary actions with respect to the alcohol policy. Student(s) may be required to complete an alcohol education class or assessment.
16. The use or possession of tobacco and/or tobacco substitutes is not permitted on any College-owned property, in buildings, vehicles, during classes, athletic events, or at any College-sponsored activities. This includes, but is not limited to, cigarettes, cigars, smokeless tobacco, and electronic smoking devices.
17. Making bomb threats.
18. Any possession, such as, but not limited to, firearms, explosives, knives with over 3.5" blade, destructive devices, dangerous chemicals, fireworks, or any other items, even if legally possessed (such as look-alike items – fake guns, swords), used in a manner that harms, threatens, or causes fear to others. Violation of these prohibitions will result in disciplinary and/or law enforcement action.

19. Participating in an on-campus or off-campus demonstration, riot, or activity that disrupts the normal operations of the College and/or infringes on the rights of other members of the College community; leading or inciting others to disrupt schedules and/or normal activities within any campus building or area.
20. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College-sponsored or supervised functions.
21. Performing acrobatic maneuvers on bicycles, skateboards, rollerblades, hoverboards, Segway's, or other like equipment as well as using such equipment inside College buildings or Residence Halls and Apartments. Students found violating this rule or causing property damage will be subject to fines and replacement or repair costs.
22. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on College premises or at functions sponsored by, or participated in, the College or members of the academic community. Disorderly conduct includes, but is not limited to, unauthorized use of electronic or other devices to make an audio or video record of any person while on College premises or at a College-sponsored event without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. In addition, unauthorized photos of students and employees in any area of the College is prohibited, unless it is approved by the College.
23. Theft or other abuse of computer facilities and technology resources, including, but not limited to,
  - a. Unauthorized use of another individual's identification or a technology resource account. Examples include obtaining a password for a technology resource account without the consent of the account owner. If you, as an authorized user, give out your account and password to another individual, you may be held accountable for any actions that arise associated with your account.
  - b. Gaining unauthorized access to any technology resource.
  - c. Intentionally interfering with the normal operation of technology resources.
  - d. Intentionally running or installing on any technology resource, a program intended to damage or to place excessive load on a technology resource.
  - e. Installing or removing software without the permission from the employee responsible for the inventory of the computer.
  - f. Attempting to circumvent data protection schemes or uncover security loopholes.
  - g. Violating terms of applicable software licensing agreements or copyright laws.
  - h. Deliberately wasting/overloading technology resources.

- i. Storing large files on the systems which could compromise system integrity or preclude other users' right of access to disk storage.
  - j. Masking the identity of a technology resource user to gain anonymity for malicious purposes.
  - k. Attempting to monitor or tamper with another user's electronic communications.
  - l. Reading, copying, changing, or deleting another user's files or software without the explicit agreement of the owner.
  - m. Modifying or deleting files in violation of [AP-3070.0 Records Management Procedure](#). Configuration and setup files will not be changed or removed from College owned systems without authorization from Technology Services.
  - n. Using computer facilities to interfere with the work of another student, faculty members, or institutional official.
  - o. Using electronic mail to send abusive, obscene or illegal communications or any violation of [AP-3511.5 Electronic Messaging](#).
  - p. Using technology resources for non-college consulting, business, or employment.
  - q. Violating any state or federal law or regulation in connection with use of any technology resource.
  - r. Any violation of [AP-3511.1 Acceptable Use Procedures– Technology Resources](#).
24. Abuse of the Student Conduct System, including, but not limited to,
- a. Failure to obey notice from a College Official to appear for a meeting or hearing as part of the Student Conduct System.
  - b. Falsification, distortion, or misrepresentation of information before a College official and/or the Appellate Board.
  - c. Disruption or interference with the orderly conduct of an Appellate Board proceeding.
  - d. Instituting a student conduct code proceeding in bad faith.
  - e. Attempting to discourage an individual's proper participation in, or use of, the student conduct system.
  - f. Attempting to influence the impartiality of a member of an Appellate Board prior to, and/or during the course of, the Appellate Board proceeding.
  - g. Harassment (verbal or physical) and/or intimidation of a member of the Appellate Board prior to, during, and/or after a student conduct code proceeding.



- h. Influencing or attempting to influence another person to commit a violation of the Student Code of Conduct or procedures relating thereto.
  - i. Under no circumstances will any person who in good faith reports an incident of threats, intimidation, acts of violence, or assists in its investigation be subject to any form of retribution or retaliation. Any person who makes or participates in such retribution or retaliation, directly or indirectly, will be subject to disciplinary action. A person who believes he/she has been or is being subjected to retribution or retaliation should immediately notify the Vice President of Human Resources or his/ her designee or the Vice President of Student Services.
25. Conduct not expressly proscribed may also subject students, groups of students, or student organizations to discipline where it demonstrates that a student, group of students, or organization has disregarded the need to conform to reasonable rules and regulations intended to protect the health and safety of others and to assure their orderly access to and beneficial use of institutional resources and facilities.
26. Formal or informal student organizations, which by repeated practice, initiate, encourage, support, or tolerate conduct by members, associates, or guests that violate the provisions of this Code shall be subject to discipline.
- A. Violation of Law and College Code of Conduct
- 1. No provision of this Code shall be interpreted to deprive students of rights guaranteed them under state or federal law.
  - 2. College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both criminal law and the Student Code of Conduct (it is possible both violations may result from the same factual situation) without regard to the pendency of any civil or criminal proceedings under this Student Code may be carried out prior to, simultaneously with, or following any civil or criminal proceedings conducted off-campus. Determinations made or sanctions imposed under this Code shall not be subject to change because criminal charges brought against a student or group of students were dismissed, reduced, or resolved in a Court of Law.
  - 3. When a student or group of students is/are charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special considerations for that individual because of his or her status as a student. Off-campus conduct that affects the well-being of the College community can be cause for sanctions from the College. If the alleged offense is also being processed under the Code, the College may advise off-campus authorities of the existence of the Code and of how such matters are typically handled within the College community. The College will cooperate with law enforcement and other agencies in the enforcement of criminal law violations which occur at the College. Individual students and other members of the College community,

acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

4. When the Vice President of Student Services receives a report of student misconduct that may constitute a felony offense under state or federal law, that official shall immediately report the known facts and circumstances to the local law enforcement officials who have jurisdiction over the matter.

#### **ARTICLE IV: STUDENT CONDUCT CODE PROCEDURES (OTHER THAN TITLE IX RELATED COMPLAINTS)**

##### **A. Charges and Appellate Board Hearings**

1. Any member of the College community may file charges against a student for violations of the Code. A charge shall be prepared in writing and filed with the Director of Residence Life & Student Conduct or his/her designee. Any charge should be submitted as soon as possible after the event takes place, preferably within three (3) work days.
2. The Director of Residence Life & Student Conduct or his/her designee shall conduct an investigation to determine 1) if a violation may have in fact occurred, 2) if so, what an appropriate sanction(s) might be, and 3) if a charge(s) and sanction(s) can be administratively resolved by mutual consent of the parties involved. The Director or his/her designee shall supply to the accused student, a letter outlining the Code or Residence Life violation and the sanction(s) to be imposed. Accused students may appeal the sanction(s) for the following reasons: inappropriate sanction (does not follow the Residence Halls or Student Services matrix of sanctions); 2) procedural defect during the initial investigation or meeting with College Official(s); 3) presence of new evidence. A Petition for Appeal form can be obtained from the Student Services Office, located in the College Welcome Center, Room 1230. The complete Appeals process is published in the Student Handbook that is available on the [Northeast Community College Website](#).

##### **B. Sanctions**

1. Sanctions may be imposed upon any student found to have violated the Code or Residence Life Policies. Those sanctions may include the following:
  - a. Warning – Written: A notice in writing to the student that the student has violated the Code or Residence Life Policies. Verbal: A discussion with the student outlining the violation.
  - b. Probation – A designated period during which a student is considered “not in good social standing” with the College. Additional behavior in violation of College regulations during the probationary period may constitute grounds for more serious disciplinary action including, but not limited to, suspension/dismissal from the residence halls, and/or suspension/dismissal from the College.

Probation may include specific terms and conditions as deemed appropriate by the Director of Residence Life & Student Conduct, the Dean of Students, , and/or the Vice President of Student Services.

- c. Loss of Privileges – Denial of specified privileges for a designated period of time.
- d. Fines – A sum imposed as a consequence of violating the Code of Conduct or the Residence Life Policies.
- e. Community Service - Time spent, without pay, on projects that benefit the College and the College community.
- f. Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- g. Discretionary/Educational Sanctions – Work assignments, essays, service to the College, or other related discretionary or educational assignments.
- h. Residence Hall Suspension – Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- i. Residence Hall Eviction – Permanent separation of the student from the residence halls.
- j. Interim Suspension – In certain circumstances, the Vice President of Student Services or his/her designee may impose an institutional or residence suspension prior to the hearing before a judicial officer. Interim suspension may be imposed only for one or more of the following purposes:
  - i. To ensure the safety and well-being of members of the campus community or preservation of institutional property or other property located on premises controlled by the College.
  - ii. To ensure a student’s own physical or emotional safety and well-being.
  - iii. To ensure the normal operations of the institution where a student poses a definite threat of disruption of or interference with the normal operations of the institution. During the interim suspension, students shall be denied access to residence facilities or to the campus (including classes) or all other institutional activities or privileges for which the student might otherwise be eligible as the Vice President of Student Services may determine to be appropriate.
- k. College Suspension – Separation of the student from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- l. College Expulsion – Permanent separation of the student from the College.

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

C. Appeals

1. A decision reached by the Director of Residence Life & Student Conduct or his/ her designee may be appealed by the accused student(s) or complainant(s) to the Appellate Board within three (3) working days of the decision. Accused students may appeal the sanction(s) for the following reasons: 1) inappropriate sanction (does not follow the Residence Halls or Student Services matrix of sanctions); 2) procedural defect during the initial investigation or meeting with College Official(s); 3) presence of new evidence. A Petition for Appeal form can be obtained from the Dean of Students, the Director of Student Conduct and/or the Director of Residence Life.
2. The appeal shall be limited to a review of the initial meeting with the Director or his/her designee and supporting documents. If there is new information and/or relevant facts which were not known to the accused at the time of the original meeting with the Director or his/her designee, the Appellate Board may allow said new information and/or relevant facts to be brought out if requested by the accused prior to the time for the appellate hearing as provided in Subparagraph 4 below.
3. The Appellate Board's responsibility is:
  - a. To determine whether the meeting was conducted fairly in light of the charges and information presented and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the Code or Residence Life Manual was violated and giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures shall not be a basis for sustaining an appeal unless significant prejudice results.
  - b. To determine if the decision reached regarding the accused student was based on sufficient facts in the case to establish that a violation of the Student Code occurred.
  - c. To determine whether the sanction(s) imposed were appropriate for the violation of the Code or Residence Life Manual which the student was found to have committed.
4. The Appellate Board hearings shall be conducted according to the following guidelines:
  - a. Appellate Board hearings shall be conducted in private unless requested to be an open hearing by the accused or complainant. The hearing shall be not less than five (5) nor more than fifteen (15) workdays after the student or accused has filed the appeal with the Director of Student Conduct or his/her designee. Maximum time limits for scheduling of this meeting may be extended at the discretion of the Director or his/her designee.
  - b. College faculty or staff member shall serve as the Chair of the Appellate Board.

- c. The complainant and the accused student shall have the right to be assisted by an advisor of their choice, at their own expense. The advisor shall be a member of the College community and may not be an attorney. The complainant and/or the accused student is responsible for presenting his or her own information. Advisors shall only be permitted to speak at the hearing if requested by the complainant or accused prior to the hearing and approved by the Appellate Board Chair.
- d. The complainant accused student and their advisors, if any, shall be allowed to attend the entire portion of the Appellate Board hearing at which information and testimony is received (excluding deliberations). Admission of any other person to the Appellate Board hearing shall be at the discretion of the Appellate Board Chair.
- e. In Appellate Board hearings involving more than one accused student, the Appellate Board Chair, at his or her discretion, may permit the Appellate Board hearing(s) concerning each student to be conducted either separately or jointly.
- f. The Appellate Board Chair shall have the power to remove from the hearings any person whose conduct interferes with the hearings.
- g. The complainant, the accused student, and the Appellate Board may arrange for witnesses to present pertinent information to the Appellate Board. If reasonably possible, the College will try to arrange the attendance of possible witnesses who are members of the College community and who are identified by the complainant and/or accused student at least two workdays prior to the Appellate Board hearing. Witnesses will provide information to and answer questions from the Appellate Board. The accused Student, the complainant, and the Director of Student Conduct shall have the privilege of presenting witnesses, subject to the right of cross examination by the other party or parties. Witnesses may only be present during the hearing while testifying. It is the intent to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether certain information will be allowed to be introduced and considered at the hearing shall be resolved by the Appellate Board Chair.
- h. Pertinent records, exhibits, and written statements (including Student Impact Statements) may be accepted as information for consideration by the Appellate Board at the discretion of the Appellate Board Chair.
- i. All procedural questions are subject to the final decision of the Appellate Board Chair.
- j. After the evidentiary portion of the Appellate Board hearing concludes in which all pertinent information has been received, the Appellate Board shall determine (by majority vote) whether the accused student has violated each section of

- the Code or Residence Life Manual which the student is charged with violating.
- k. The Appellate Board's determination shall be made on the basis of whether it is more likely than not that the accused student violated the Code or Residence Life Manual and whether the sanction imposed was reasonable and appropriate for the violation.
  - l. The fact that a student acted while under the influence of alcohol, marijuana, or an illegal controlled substance shall not be considered a mitigating factor.
  - m. Formal rules of process, procedure, and formal rules of evidence, as are applied in civil or criminal court proceedings, are applicable to these appellate proceedings.
5. There shall be a single verbatim record, such as an audio recording, of all hearings before the Appellate Board (not including deliberations). Deliberations shall not be recorded. The record and its contents shall be held in confidence and may be used only for the purpose of appeal to the Dean of Students or the Vice President of Student Services. In the event of such appeal, the complainant and the accused student shall be given access to the record for purposes of preparing the appeal. Access shall be provided at such places and times as the Vice President of Student Services may direct. The record shall be the property of the College.
  6. If an accused student or complainant, with notice, does not appear for a scheduled Appellate Board hearing, after having received written notice of the same, the information in support of the charges shall be presented and considered even if the accused student is not present.
  7. The Appellate Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, or other means, as long as the ability for cross examination of the witness is preserved, and where and as determined is the sole discretion of the Appellate Board Chair to be appropriate.
  8. The Appellate Board Chair shall prepare written findings to support the Board's determination. These shall include:
    - a. Concise statements of each factual finding.
    - b. Brief explanations of whether factual findings justify a conclusion that the conduct violated the Code or Residence Life Manual.
    - c. Recommendations concerning appropriate sanctions.
    - d. A copy of these findings will be presented to the Director of Residence Life & Student Conduct, and emailed to the complainant and the accused student within five (5) workdays of the determination.

- e. Cases involving sexual misconduct are handled by the Title IX procedures.
- 9. The determination of the Appellate Board is final, unless new information regarding the accusation is brought forth.
- 10. If new information is presented, the Dean of Students or the Vice President of Student Services shall review the record of appeal and render a written decision within fifteen (15) working days after receipt of the Notice of Appeal. The Dean of Students or the Vice President of Student Services shall send a copy of his/her decision to the accused student and complainant by certified mail, return receipt requested, within the fifteen (15) workdays prescribed above. The decision of the Dean of Students or the Vice President of Student Services shall be considered final.

#### D. Freedoms

The following enumeration of freedoms shall not be construed to deny other rights retained by students in their capacity as members of the student body or as members of the campus community:

##### 1. Freedom of Access.

- a. Within the limits of its resources, Northeast will admit all applicants who are qualified in accordance with published admission requirements.
- b. All facilities and services of Northeast will be available to registered students insofar as practical according to Northeast policy.

##### 2. Freedom in the Classroom.

- a. Students will have the freedom to inquire, discuss, and express their views by orderly means that do not infringe upon the rights of others or impede the progress of the class.
- b. Students have the right, through a course syllabus or outline, to be informed of the academic standards expected of them in each course. Academic standards include, but are not limited to, class attendance requirements, objectives to be achieved, and the grading criteria which are applied to a particular course.
- c. Students have the right to be evaluated solely on the basis of their academic performance, not on their opinions or conduct in matters unrelated to academic standards or course requirements. Students have the right to be protected through established procedure against prejudiced or capricious academic evaluation.
- d. Students have the right to expect that faculty will post and maintain office hours, as required by Northeast policy. Students may also expect that faculty will be available during scheduled office hours to help with academic concerns.
- e. Students have the right to expect the institution to provide reasonable academic



assistance both in and out of the classroom.

- f. Students have the right to be free from explicit or implied harassment including, but not limited to, sexual or racial harassment.
  - g. Students will have the opportunity, through established institutional mechanisms, to assess the value of a course theme, to make suggestions as to its direction, and to evaluate both the instructor and the instruction they have received.
3. Freedom on Campus.
- a. Students have the right to discuss and express by orderly means\ any view in support of any cause, providing it does not disrupt the operation of the institution or infringe on the rights of other members of the College community.
  - b. Students are free to determine their personal behavior without institutional interference, according to the following guidelines.
    - I. Dress and grooming are modes of personal expression which are left to the individual except when they violate the Student Code, Residence Life Manual, or for reasonable requirements of health and safety. Standards of dress and grooming will be set for ceremonial occasions, such as graduation, the nature of which requires particular dress.
    - II. Student's lockers will not be searched unless:
      - a. The student utilizing the locker, or to whom the possessions in question belong, consents to the search, or
      - b. A law enforcement officer conducts a search pursuant to a judicially obtained search warrant, or
      - c. The search is conducted pursuant to administrative approval by the Vice President of Student Services or his/ her designee. In those instances where there is probable cause to believe that a life-threatening situation exists, no warrant will be necessary.
    - III. Student's living in Residence Life Facilities:
      - a. Appropriate college personnel may enter and search a resident's room with reasonable suspicion to investigate possession of stolen, illegal, unauthorized, or potentially harmful articles, suspicious odors, smoke, or materials, and to confiscate such articles or materials. See the Residence Life Handbook for additional details on entry, search, and seizure within our Residence Life facilities.
4. Freedom from Improper Disclosure of Student Records. The privacy and confidentiality of all student education records will be preserved, and access guaranteed in accordance with the Family Educational Rights and Privacy Act of

1974 (as amended, 2011) and pursuant regulations. Northeast will not permit access to, or the release of, non-directory student educational records or personally identifiable information contained therein without a formal Release of Information signed by the student. All information pertaining to an individual student may be inspected by school officials pursuing legitimate educational interests.

## ACADEMIC INTEGRITY PROCEDURES

The Vice President of Educational Services shall appoint an Academic Integrity Officer(s) in consultation with the elected faculty governance leader. The Academic Integrity Officer(s) shall serve as the initial contact person(s) with faculty members when they report incidents of suspected academic integrity violations.

A faculty member who suspects that a student has committed a violation of the Northeast Community College Academic Integrity Procedures shall review with the student the facts and circumstances of the suspected violation as soon as the violation is discovered, preferably within three (3) workdays.

Thereafter, a faculty member who concludes that there has been an academic integrity violation of sufficient substance to affect the student's course grade shall report the incident on the Faculty Report Form to the college's Academic Integrity Officer(s) with the recommended sanctions for the academic integrity violation as soon as possible, preferably within three (3) working days of the incident.

Northeast will use a uniform reporting form which shall contain, at a minimum:

- the name of the instructor.
- the name of the student and student's ID#.
- the course name and CRN.
- the date of the incident.
- a description of the alleged incident.
- the instructor's contact information.

The Academic Integrity Officer(s) shall update the Faculty Report Form after a suspected incident has been resolved to reflect that resolution. Unless the resolution exonerates the student, as described in section 4. The Academic Integrity Officer shall place the Form in a confidential academic integrity file created for each student alleged to have violated the Academic Integrity Procedure and shall retain each form for the purposes of identifying repeat offenders, gathering data, and assessing and reviewing policies. Records of student academic

integrity are a part of the students' educational record until the student has graduated and it has been seven years from the date of the incident.

A. Determination on Academic vs. Disciplinary sanction.

The Academic Integrity Officer(s) shall determine whether to seek a disciplinary sanction in addition to an academic sanction. The Academic Integrity Officer(s) shall consult with the faculty member who initiated the case and may consult with student affairs and/or academic affairs administrators as needed. Before determining which sanction academic or disciplinary or both to seek, the Academic Integrity Officer(s) will consult the student's confidential academic integrity file, if any, to determine whether the student has been found to have previously committed a violation of academic integrity, the nature of the infraction, and the sanction(s) imposed or action(s) applied.

Prior violations include violations at any location of Northeast Community College (Northeast).

The Academic Integrity Officer(s) should seek disciplinary sanctions only if there is (i) a substantial violation; or (ii) the student has previously violated the Procedure; or (iii) academic sanctions are unable to be imposed because the student has timely withdrawn from the applicable course.

Examples of substantial violations include but are not limited to: submission of someone else's work as original work without proper citation, forging a grade from a transcript, stealing an examination from an instructor or a college office, having a substitute take an examination or taking an examination for someone else, having someone else write a paper for the student or writing a paper for another student, or sabotaging another student's work through actions that prevent or impede the other student from successfully completing an assignment.

B. Procedures in Cases Involving Only Academic Sanctions

1. Student Admits to the Academic Dishonesty and Does Not Contest the Academic Sanction

a. If a faculty member wishes to seek only an academic sanction (i.e., a reduced grade) and the student does not contest either their guilt or the particular sanction recommended by the faculty member, then the student shall be sanctioned accordingly, unless the Academic Integrity Officer(s) decides to seek additional disciplinary sanction(s). Faculty are encouraged to seek "teachable moments" for students when the violation is a first time offense. The sanction recommended may apply to the particular assignment as to which the violation occurred or to the course grade, at the faculty member's discretion. A reduced grade may be an "F" or another grade that is lower than the grade that the student would have earned but for the violation.

b. The faculty member shall inform the Academic Integrity Officer(s) of the

resolution via email and the Officer(s) shall update the applicable Faculty Report Form to reflect that resolution.

2. Student Admits to the Academic Dishonesty but Contests the Academic Sanction
  - a. In a case where a student admits to the alleged academic integrity violation but contests the particular academic sanction imposed, the student must submit their appeal within three (3) working days of the academic sanction imposed by the faculty of record through a request to the Academic Integrity Workgroup. Prior to the Academic Integrity Workgroup hearing, the academic division dean of record will meet with both the student and faculty involved to discuss the disputed academic integrity violation for possible resolution of the academic integrity violation.
3. The student shall, be allowed, at a minimum, an opportunity to present a written position with supporting evidence. The Workgroup reviewing the appeal shall issue a written decision explaining the justification for the academic sanction imposed.
  - a. The Academic Integrity Workgroup shall conduct the appeal hearing of the accused students' academic incident not less than five (5) workdays nor more than fifteen (15) workdays after the student has contested the recommended faculty sanction for academic dishonesty.
  - b. All decisions of the Academic Integrity Workgroup are final.
4. Student Denies the Academic Dishonesty
  - a. In a case where a student denies the academic dishonesty, the academic division dean of record will meet with both the student and faculty involved to discuss the disputed academic integrity violation. If no resolution exists then a fact-finding determination shall, be made by the Academic Integrity Workgroup.
  - b. The Academic Integrity Workgroup shall conduct a hearing of the accused student incident not less than five (5) workdays nor more than fifteen (15) workdays after the student has contested the recommended faculty sanction for academic dishonesty.
  - c. All decisions of the Academic Integrity Workgroup are final.
5. Required Action in Cases of No Violation
  - a. If either the Academic Integrity Workgroup or the Faculty- Student Disciplinary Workgroup finds that no violation occurred, the Academic Integrity Officer(s) shall remove all material relating to that incident from the student's confidential academic integrity file and destroy the material.

## STUDENT GRIEVANCES PROCEDURES

### SECTION A. DEFINITIONS

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

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

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

**Grievance:** A grievance is a protest or allegation against a party which of any College policy, procedure, or an action or position taken by the College or by a College staff member.

### SECTION B. STUDENT GRIEVANCE PROCEDURES

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

**Step Two -** If the grievance cannot be resolved in Step One and the grievant desires to pursue the grievance further, the grievant must file a "Formal Student Grievance Report" on a form available from the Dean of Students within five (5) College working days of the

informal meeting identified in Step One. Dean of Students shall schedule a formal grievance hearing within ten (10) College working days of the date the “Formal Student Grievance Report” is filed. A “Grievance Committee” shall hear the grievance. A Grievance Committee consisting of two (2) representatives of each College employee group (exempt, non-exempt, and Faculty) shall be appointed by the Dean of Students or Vice President of Student Services respectively, and three (3) Student Leadership members who shall be selected by the Dean of Students. The grievant or the accused shall have the right to strike any of the committee members selected from the employee groups or the Student Leadership prior to the hearing. Any stricken committee member shall be replaced by a new member selected by either the president of that employee group or by the Dean of Students. The committee chairperson shall be elected by the members of the Grievance Committee. The Grievance Committee shall issue a decision either supporting or not supporting the grievance within five (5) College working days and shall file a “Formal Grievance Disposition” with the Human Resources Office. The Human Resources Office shall hand deliver or send the “Formal Grievance Disposition” to the grievant and the accused by certified mail, return receipt requested, within three (3) College working days of the receipt of the “Formal Grievance Disposition”. The Human Resources Office shall also provide a copy of the disposition to the Student Leadership President and the Dean of Students. The grievant or the accused may elect to proceed with the grievance regardless of the decision of the Grievance Committee.

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

### **SECTION C. TIME LIMITS**

1. The failure of the grievant or the accused to act within the prescribed time limits will act as a bar to any further appeal.
2. The failure of the Grievance Committee or the designated administrator to give a written decision within the prescribed time limits shall permit the grievance to proceed to the next step.

3. Any grievances not appealed within the time limits shall be deemed settled on the basis of the Grievance Committee or designated administrator's last written response.
4. Time limits may be extended at any step by mutual consent of both parties involved. Notice of any such extended time limits shall be provided to the Human Resources Office in writing, at which time the new date shall be controlling.

#### **SECTION D. SEPARATE GRIEVANCE FILE**

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

#### **SECTION E. DOCUMENTATION**

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

#### **SECTION F. RETRIBUTION OR RETALIATION**

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

#### **SECTION G. OTHER**

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

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

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

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

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

*Northeast Community College reserves the right to amend this document or vary the policies and procedures as necessary.*

*Northeast takes reasonable measures to protect your personal information in accordance with all applicable federal, state and local regulations.*

*Northeast Community College does not discriminate on the basis of race, color, gender, religion, national or ethnic origin, military veteran status, political affiliation, marital or family status, age, disability, sexual orientation, gender expression or identity in education programs, admissions policies, employment policies, financial aid or other College administered programs and activities. It is the intent of Northeast Community College to comply with both the letter and the spirit of the law in making certain discrimination does not exist in its policies, regulations and operations. Inquiries may be addressed to the Northeast Compliance Officer for Title IX, ADA, Section 504; Associate Vice President of Human Resources, 801 East Benjamin Avenue, P.O. Box 469, Norfolk, NE 68702-0469; phone: 402-844-7046; email: [complianceofficer@northeast.edu](mailto:complianceofficer@northeast.edu); or mail: Office for Civil Rights, U.S. Department of Education, One Petticoat Lane, 1010 Walnut Street, 3rd Floor, Suite 320, Kansas City, MO 64106.*



*Northeast Community College  
is dedicated to the success of students and the region it serves.*



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