



## **Uniform Sanctioning Policy in Response to COVID-19 Student Violations**

On September 25, 2020, the Chancellor of the State University of New York (“SUNY”) issued a **comprehensive emergency directive** to all SUNY Campuses, concerning the disciplinary sanctions which campuses will impose starting on October 1, 2020, in the event a student on a SUNY campus violates COVID-19-related regulations or protocols of their campus, or of the State of New York, or of the New York State or local Departments of Health.

This is an unprecedented time in the history of SUNY and Nassau Community College (“NCC” or the “College”). Unlike most Student Code of Conduct disciplinary violations that impact just the accused or a small group of people, a violation of mandatory COVID-19 safety protocols can have a wide impact upon many people, and can result in their illness, injury, and/or death. Violations of mandatory COVID-19 protocols can cause the spread of the virus, which can result in the partial or complete closure of a campus, loss of academic opportunity, and significant economic damage on and off campus.

The Uniform Sanctioning Policy in Response to COVID-19 Violations (“COVID-19 Sanctioning Policy”) lists the disciplinary sanctions which the College may impose should any student be found in violation of COVID-19-related protocols, depending on the severity and intentionality of the conduct. The COVID-19 Sanctioning Policy does not affect any of the due process rights that students are entitled to by applicable federal and state laws, and by the NCC Student Code of Conduct. As such, the sanctions listed below will be implemented by the College in full compliance with such due process rights, including, but not limited to the right to have notice of the accusations, the opportunity to present evidence either before the Dean of Students, or the Student Conduct Hearing Committee, and the opportunity to appeal the sanction. The preponderance of the evidence standard will be used for COVID-19 related infractions. Students will be presumed not responsible until the College makes a finding based upon the evidence. Furthermore, the College may consider a student’s financial and other exigent circumstances in resolving a violation.

The College may impose Interim Suspension upon students who commit a COVID-19-related violation during the pendency of the investigation and adjudication process. The College shall determine whether students can participate in their coursework remotely during this time. Further, during the pendency of such an investigation and adjudication, a hold shall be placed on a student’s transcript and the transcript will not be released. Amnesty and Whistleblower policies and principles that are currently in place to encourage disclosure of violations of federal, State, or local

law or campus policy or participation in an investigation or adjudication of such a violation may be expanded to apply those principles to potential violations of the provisions of this policy.

Generally, and as it relates to this Policy, students shall retain all rights to expression as protected under the First Amendment. This policy shall apply equally to all students, regardless of membership in a protected class.

Multiple findings of responsibility may result in graduated levels of sanction, up to and including permanent dismissal. Additionally, findings of violations during periods when a campus is partially or completely closed (or on pause) under the standards established by the New York State Department of Health and SUNY Chancellor, may result in elevated levels of sanction. All sanctions established in this policy serve as the minimum, and the College shall have discretion to enact higher sanctions where merited.

Students who are found responsible for a COVID-19-related conduct violation, and sanctioned to dismissal or suspension shall **not** be eligible for refund of tuition or fees, and the student will remain responsible for all amounts owed.

Students are strongly encouraged to continue following the reasonable requirements of wearing masks/coverings, socially distancing, avoiding crowds, presenting for COVID-19 testing when required, filling out the Student Daily Health Screening before arrival on campus, reporting positive test results to the College, and following all directives of campus, local, and State health officials, as further described in the Student Guide for Returning to the Campus.

This COVID-19 Sanctioning Policy shall take effect on October 1, 2020. The Policy shall apply only during the State of New York's and SUNY's emergency response to the COVID-19 pandemic, and shall end upon order of the SUNY Chancellor.

- **I(A)- COVID-Positive Intentional Violations:** For students who know that they have tested positive for COVID-19, from one or more positive tests, or students who know they have had close contact to someone who has tested positive for COVID-19 or been treated or is symptomatic for COVID-19, and then intentionally expose other students by any means—including, but not limited to, visiting with the COVID-19 positive tested person in an enclosed area or inviting that person to the student's home or other enclosed space, sharing food or other personal items, or hosting a gathering of any size—the available sanctions shall be:
  - permanent dismissal or suspension from academic access (including distance learning) for no less than one calendar year.
  - A student dismissed or suspended from Nassau Community College for a positive intentional violation shall be ineligible for admission to any other SUNY institution, including State-operated and community college colleges, during the pendency of their sanction.

- **I(B)- Failure to Self-Isolate:** For students who have been directed by the College or the New York State or local Department of Health to self-isolate (because they have tested positive for COVID-19) off campus, and then engage in any conduct that would violate such isolation order—including, but not limited to, intentionally leaving isolation, exposing other individuals, including students (whether in isolation or not) by visiting with them in an enclosed area, by inviting them to the student’s home or other enclosed space, by sharing food or other personal items, or by hosting a gathering of any size—the available sanctions shall be:
  - permanent dismissal or suspension from academic access for no less than one calendar year.
  - A student dismissed or suspended from Nassau Community College for failure to self-isolate shall be ineligible for admission to any other SUNY institution during the pendency of their sanction.
  - Failure to follow the directions of State or local Health Departments or the provisions of Executive Orders (including but not limited to New York State on Pause) may also result in fines, criminal prosecution, or referral to relevant government agencies.
  
- **I(C)- Failure to Quarantine:** For students who have been directed by the institution or the State or local Department of Health to complete a quarantine period (mandatory or precautionary), and then engage in any conduct that would violate such quarantine order, the available sanctions shall include:
  - A suspension from academic access to the campus of at least one year with continued access to their academic program via remote or online learning only (if available and subject to College procedures), or
  - permanent dismissal from the College.
  - Failure to follow the directions of State or local Health Departments may also result in fines, criminal prosecution, and referral to relevant government agencies.
  
- **II(A)- Prohibited On Campus Gathering (Hosts):** For students who organize an unauthorized on-campus gathering of any size, whether indoor or outdoor, that violates or exceeds campus policy and/or the current limitation published by the College, Executive Order, or the State or local Department of Health, the available sanctions shall include:
  - an academic suspension of at least one year with or without continued access to their academic program via remote or online learning only, or
  - permanent dismissal from the College.
  
- **II(B)- Prohibited On Campus Gathering (Attendee):** For students who attend an unauthorized campus gathering of any size (but not as host), whether indoor or outdoor, that violates or exceeds campus policy and/or the current limitation published by the College, Executive Order, or the State or local Department of Health, the available sanctions shall include:

- A suspension from academic access to campus of at least one year with continued access to their academic program via remote or online learning only, if feasible and subject to College policies, or
  - or permanent dismissal from the College.
- **III(A)- Prohibited Off Campus Gathering (Hosts):** Acts that occur off campus in violation of social distancing requirements under law, regulation, order, or College policy present significant health and safety threats on campus and have a nexus to continued functioning of each campus. For students who host an off-campus gathering of any size, indoor or outdoor, that exceeds the current limitation published by the College, Executive Order, or the State or local Department of Health, the available sanctions shall include:
  - a suspension from live attendance at the College of at least one year with continued access to their academic program via remote or online learning only (if available and as subject to College procedures),
  - a suspension of at least one year, or
  - permanent dismissal from the institution.
  - For such prohibited gatherings, all individuals who are on the lease (or a member of their family is on the lease), pay rent, or live at the location shall be considered a host unless it can be shown that they were not present and played no part in organizing, hosting, promoting, or advertising the event.
- **III(B)- Prohibited Off Campus Gathering (Attendee):** Acts that occur off campus in violation of social distancing requirements under law, regulation, order, or College policy present significant health and safety threats on campus and have a nexus to the continued functioning of each campus. For students who attend a gathering of any size (but not as host), whether indoor or outdoor, that exceeds the current limitation published by the College, Executive Order, or the State or local Department of Health, the available sanctions shall include:
  - a suspension from live attendance at the College with continued access to their academic program via remote or online learning only (if available and as subject to College procedures),
  - an academic suspension, or
  - permanent dismissal from the College.
- **IV- Face Mask and Social Distancing Requirements:** For students found to have committed repeated and/or intentional violations of face mask/covering or social distancing requirements of the College, Executive Order, or the State or local Department of Health, the available sanctions shall include:
  - an academic suspension with or without continued access to their academic program via remote or online learning only, or
  - permanent dismissal from the College.
- **V- Contact Tracing.** For students who repeatedly fail to comply, whether intentionally or unintentionally (unless it can be shown that the student was genuinely not reached by contact

tracers through no failure on their part), with COVID-19 contact tracing efforts conducted by the College or the State or Nassau County Departments of Health, the available sanctions shall include:

- an academic suspension with or without continued access to their academic program via remote or online learning only, or
- permanent dismissal from the College.

- **VI- Failure to Comply with Campus Health Protocols:**

- **Violation of COVID-19 Testing Requirements:** For students who fail, without sufficient excuse, to obtain diagnostic or surveillance COVID-19 testing under the College's published protocol, the College shall undertake disciplinary action to enforce compliance, which may include interim suspension, or take administrative measures to electronically deactivate card access and restrict access to College facilities (or equivalent). For students whose access has been restricted, they shall be ineligible to attend live classes, though they may continue in remote or online coursework only (if available and as subject to College procedures), and their parking privileges on campus may be temporarily revoked such that their car may be ticketed or towed if parked on campus. Restricting access to the campus and revoking parking privileges are administrative actions that are not disciplinary in nature, and the affected student may revive full access by submitting a negative result of a COVID-19 test. The College shall notify the student of their reduction of access. Coming to campus or seeking access to a campus building or course without curing this deficiency shall be considered trespassing and may result in investigation and discipline.

- **Violation of COVID-19 Daily Screening Requirements:** For students who fail to submit their Daily Health Screening via the student portal for at least three (3) consecutive days, without sufficient excuse, the College shall undertake disciplinary action to enforce compliance, which may include interim suspension, or take administrative measures to electronically deactivate card access and restrict access to College facilities (or equivalent). For students whose access has been restricted, they shall be ineligible to attend live classes, though they may continue in remote or online coursework only (if available and as subject to College procedures), and their parking privileges on campus may be temporarily revoked such that their car may be ticketed or towed if parked on campus. Restricting access to the campus and revoking parking privileges are administrative actions that are not disciplinary in nature and affected student may revive full access by submitting their daily health screening. Coming to campus or seeking access to a campus building or course without curing this deficiency shall be considered trespassing and may result in investigation and discipline.

- **VII- Student Athletes:** For student athletes, in addition to the other provisions of this policy,

- a finding of responsibility for any violation detailed above in Sections I, II, and/or III, or repeated violations of other provisions above, may also include, at a minimum:
  - a loss of the privilege of competing in intercollegiate athletics at the College in the current academic year or longer.
  - Athletic sanctions may also include:
    - temporary or permanent removal of leadership roles; and
    - loss of scholarship (where applicable).
- For student athletes found responsible for any violation detailed above in Sections I(A), I(B), I(C), the consequences may also include:
  - permanent loss of the privilege of competing in intercollegiate athletics at the College;
  - temporary or permanent removal of leadership roles; and
  - loss of scholarship (where applicable).
  - Such consequences may also impact NCAA, NCJAA, or other conference or association eligibility (pursuant to applicable rules).
- **III- Student Clubs and Organizations:**
  - Where applicable for recognized or registered student clubs and organizations, whether academic, social, athletic, or of any other nature, that have one or more members who know that they have tested positive for COVID-19, from one or more positive tests, or members who know they have had close contact to someone who has tested positive for COVID-19 or been treated or is symptomatic for COVID-19, and are found to have hosted a gathering of any size, indoor or outdoor, on campus or off campus, that exceeds the current limitation published by the College, Executive Order, or the State or Nassau County Departments of Health, the available sanctions shall include:
    - de-registration or de-recognition and a report to a national organizing body (if applicable), and
    - may also include permanent ineligibility for recognition or registration.
  - Where applicable for recognized or registered student clubs and organizations, whether academic, social, or of any other nature, that are found to have hosted a gathering of any size, indoor or outdoor, that exceeds the current limitation published by the College, Executive Order, or the State or Nassau County Department of Health, the available sanctions shall include:
    - a de-registration or de-recognition, a report to a national organizing body (if applicable),

- organizational suspension of at least one year, or permanent ineligibility for recognition or registration.
- Student members of a club or organization found to have engaged in any conduct described Section III above, who themselves individually organized or participated in such a gathering shall, in addition to the sanctions described above, be subject to loss of their membership and/or officer status (where applicable) in an organization found to have so violated.