

Code of Student Conduct

Policy EM003

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Responsible Administrator(s): Vice President for Enrollment Management and Student Success and Dean of Students

Responsible Office: Enrollment Management and Student Success

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Policy Statement

The Fashion Institute of Technology (“FIT” or “the college”) encourages the development of independence, maturity, and ethical sensitivity of students. To achieve its purpose, the Fashion Institute of Technology expects students to conduct themselves in a manner consistent with their respective positions within the academic community and comply with the directions of employees who are acting in the performance of their duties. In particular, students are expected to refrain from conduct that threatens or endangers the health, safety, and welfare of their community.

All members of the FIT community have an obligation to support and obey college regulations, and all federal, state, and local laws. Those who do not comply will be subject to disciplinary action by the college and, where applicable, may face action by federal, local, and/or state authorities.

Reason for the Policy

The essential purpose of the college’s governing of student conduct is to protect and promote its effective and orderly function as an educational institution. The code of student conduct was prepared to inform the FIT community of the policies regarding the standards regulating student conduct, primarily those prohibiting misconduct on FIT owned- or affiliated-property, but may also address off-campus behavior as set forth in this policy. The code is also intended to give general guidance to the college as it handles specific cases arising under regulations authorized by the Board of Trustees and approved by the President. This code provides a means for the exercise of student rights and responsibilities within the college’s student conduct system. The code seeks to preserve the individual rights of students while ensuring that the interests of the entire college community are also maintained.

Who is Responsible for this Policy

- The Dean of Students or designee(s).¹

Who is Affected by this Policy

- All members of the FIT community
- Third parties

¹ All references to the Dean of Students throughout this policy shall implicitly include the Dean’s designee(s).

Definitions

- **Student:** A person registered for, or auditing, credit or non-credit FIT courses, on either a full- or part-time basis. Any registered person is considered a student if they enroll in such courses or programs on a physical campus or site, whether in the U.S. or abroad, or via distance learning, the internet, or any other means of course-delivery technology. Students who withdraw after allegedly violating the code are considered students for the purposes of this policy.
- **Student Organization:** A club, organization, or other student group that has complied with FIT's formal recognition requirements or is, in the discretion of the Dean of Students, sufficiently cohesive with concerted action to be subject to the Code as a group.
- **Preponderance of evidence:** The preponderance of evidence is the standard of proof that requires determining that the alleged conduct is "more likely than not" to have occurred.

Principles

- **Good Samaritan/Medical Amnesty**

In the spirit of community, FIT hopes that all students would help their fellow peers if they are in need. The purpose of the Good Samaritan/Medical Amnesty policy is to help students take an active role in assisting themselves or other students if either the student or another person is under the influence of alcohol and/or drugs and require medical attention. If students seek out medical assistance for themselves or assist others who may be intoxicated or under the influence of drugs, both will be granted amnesty from formal disciplinary charges at FIT if the situation meets the criteria listed below:

- The students involved agree to complete any educational sanction(s) or alcohol or drug assessment(s) as determined by the Dean of Students. Failure to complete the assigned sanction by any deadline set forth by the Dean of Students may result in formal disciplinary charges for the conduct at issue; and
- No other disciplinary violations are associated with the person, including but not limited to, distribution of alcohol or drugs; hazing; vandalism; or sexual misconduct; and
- The students involved do not have a record of past or currently pending disciplinary offenses. In situations involving repeat offenses, the applicability of the Good Samaritan policy is at the discretion of the Dean of Students.

FIT's Good Samaritan/Medical Amnesty policy only extends to the college conduct process and does not guarantee protection from criminal or civil penalties. FIT's Good Samaritan/Medical Amnesty policy is intended to support New York State's Good Samaritan Law, which is designed to encourage individuals to call 911 in the event of an alcohol or drug related emergency. Generally, this law allows people to call 911 without fear of arrest if they are having a drug or alcohol overdose that requires emergency medical care or if they witness someone overdosing. This law does not protect individuals from charges and prosecutions for felony possession of a controlled substance; sale or intent to sell controlled substances; and other offenses. For more information on New York's Good Samaritan Law see N.Y. Public Health Law 3000-a.

- **Prohibited Conduct**

The code primarily prohibits misconduct on FIT's campus and affiliated campus property (e.g., facilities rented or used as part of a program or activity sponsored or organized by FIT), but may also address conduct occurring anywhere off campus when the behavior, or the continued

presence of an individual, violates any law, regulation, or ordinance, or, in the college's sole judgment, impairs, obstructs, or interferes with the mission, processes, or functions of FIT. The code applies to both individual students and to student organizations consisting of any number of students; all references to students include student organizations. Students should be aware that FIT reserves the right to review and take disciplinary actions based on conduct occurring off campus and/or between academic periods.

The following constitutes a non-exhaustive list of prohibited conduct, some of which are explained in further detail in other FIT policies (accessible online at FIT's website, including via links at the end of this policy). Please note that unless otherwise noted, any violation of an FIT policy may be subject to the disciplinary process described herein. In addition to the prohibited conduct enumerated in this policy, FIT also prohibits sexual misconduct (including sexual assault, stalking, and domestic and intimate partner violence) and discrimination and discriminatory harassment. Definitions of such prohibited conduct are set forth in FIT's policies on Sexual Misconduct Response and Nondiscrimination and Anti-Harassment.

- **Physical Abuse**
Physical abuse of any person, including, but not limited to, injury, constraint of another's physical movement, or threat of harm toward another person is prohibited.
- **Non-Discriminatory Harassment**
Threatening, harassing, bullying, or intimidating a person, either verbally, in writing, or through electronic or other means is prohibited.
- **Theft /Unauthorized Possession/Damage/Misuse of Property**
Theft or damage, misuse and unauthorized possession or improper use of personal property; college property and buildings; unauthorized or improper use of, or entry into, college facilities is prohibited.
- **Drugs and Alcohol**
Possession, consumption, sale, distribution, or use of illicit drugs or alcohol is prohibited. Please refer to the college's Drug and Alcohol Abuse Prevention Policy for more information on specific prohibited conduct related to drugs and alcohol. In evaluating whether the prohibition on drugs and alcohol have been violated by a preponderance of the evidence, the college may make a determination based on, but not limited to one or more of the following: the smell of alcohol, marijuana, or other drugs in or outside of any room, presence of smoke, and physical, mental, or behavioral impairments, characteristics, or actions associated with being under the influence of drugs or alcohol.
- **Tobacco Use**
The use of tobacco products on campus, including but not limited to, the use of cigarettes, electronic smoking or vaping devices is prohibited in accordance with college policy.²

² Please refer to the college's Tobacco Free Policy for more information.

- **Misappropriation and Unauthorized Use**
Unauthorized use or misappropriation of FIT’s funds, name, and/or logo or any other works or information belonging to FIT or another person or entity is prohibited.
- **Dishonesty**
Conduct that is dishonest, deceptive, or misleading is prohibited. The college requires that each student act with integrity in all college activities, academic or otherwise. Lying, dishonesty, or misrepresenting information to any college official, faculty member, or office—including members of the Department of Public Safety—is prohibited. Lying, misrepresentation, or furnishing false information that inhibits or interferes with a college investigation or hearing will be considered a serious offense. Providing false information about one’s academic history, credentials, or in any other context is prohibited.
- **Disruption**
Behavior that substantially disrupts college activities, academic or otherwise, is prohibited.
- **Unauthorized Use or Misuse of Electronic Devices**
The college places certain limitations on the use of personal technology devices on campus. Electronic devices, including but not limited to cellular phones, digital cameras, laptops, tablets, and pagers, shall not be used in a manner that causes disruption in the classroom, library, or any college-owned or college-operated facility, except as approved by an instructor or college official. Electronic devices shall not be used for the purpose of unauthorized recording, including photographing, filming, audio recording, or any other recording via any technology. Unauthorized recording includes recording of test questions, class work, or projects, or for other prohibited act or illegal activity; recording individuals in secured areas such as restrooms, locker rooms, or other premises and/or circumstances where there is an expectation of privacy; recording any individual against their will; and recording private, nonpublic conversations, as well as meetings, classroom activities, or in other non-public educational settings, without the knowledge and consent of all participants. The use of undisclosed or hidden recording devices is prohibited in any circumstance where knowledge and consent of all participants would be required. Class audio recordings may be made only for personal use and only with consent of the professor of the class, and students in the class should generally be informed when a class may be subject to recording. Students requesting recording as an accommodation for a disability should contact FIT-ABLE, <https://www.fitnyc.edu/fitable/>.
- **Internet, Electronic Communications, and Social Media**
Students must use the internet, electronic communications, and social media responsibly. Prohibited conduct, including harassment of any kind, online or via electronic communications is a violation of the Code of Student Conduct and potential violation of the law, regardless of whether the conduct occurs using FIT’s network or computer facilities.

The use of any electronic device operated across the FIT network facilities and resources in violation of copyright law, the Code of Student Conduct, or any other FIT policy is prohibited. This includes the downloading and/or distribution of copyrightable materials, such as music, videos, text, graphics, 3D models, sensor designs, art, photographs, and

software, without permission or legal authority. FIT's Acceptable Use for FIT IT Systems policy prohibits a variety of behaviors, including inappropriate use of computer resources, hacking, mining, and restrictions on devices, and students' online activity is also subject to other FIT policies, including but not limited to Information Security and Social Media.

- **Hazing**
Hazing occurs when, in the course of another person's initiation into or affiliation with any organization, a person intentionally or recklessly engages in conduct that creates a substantial risk to the mental or physical health to such other person or a third person, regardless of whether injury actually results. Hazing is prohibited and is also a violation of New York state penal law. Individuals and/or organizations found responsible for hazing may face loss of college recognition, disciplinary charges, and/or criminal charges.
- **ID Card Policy/Unauthorized Persons on Campus**
Unauthorized or improper use of, or entry into, college property and facilities is prohibited. The ID Card policy requires students to display a valid FIT ID card to enter campus buildings, residence halls and FIT vehicles. A person is considered to be loitering and trespassing when they remain in or about a building without written permission to do so, or with no legitimate reason for being there, or when they have been banned from campus or a specific area on campus.
- **On-Campus Demonstration or Protest**
Students shall not engage in substantially disruptive activities while on the college campus or property. FIT supports students' rights to dissent peacefully, however any form of on-campus protesting that violates federal, state, or local laws or regulations or interferes with the college's ability to function as an educational institution is prohibited. All demonstrations/protests must be registered and scheduled in advance with the Department of Student Life.
- **Food and Beverages**
Eating and drinking are permitted only in designated areas, and are prohibited in classrooms, labs, and other restricted facilities.
- **Animals**
Pets are not permitted inside college buildings and residential halls. Service animals and emotional support animals are permitted in accordance with the Disability Accommodations for Service and Emotional Support Animals policy.
- **Wheeled Recreational Equipment**
Wheeled recreational equipment, such as skates, bicycles, skateboards, or hover boards are not permitted and may not be used inside any college building, unless the college grants special permission in writing.
- **Gambling or Gaming**
Gambling or gaming, as defined by federal and state law, as well as all forms of betting (regardless of legality), are prohibited on college property. Utilizing college resources, including information technology resources, to engage in or coordinate gambling, gaming, or betting activities is also prohibited.

- **Weapons and Hazardous Materials/Chemicals**
The use, possession, or storage of: any firearms or weapons; dangerous materials or chemicals, flammable liquids, or explosive materials, except as specifically authorized in FIT-supervised activities; or items that pose a potential hazard to the safety or healthy of others, including but not limited to, explosive devices and firecrackers, are prohibited on campus, including residence halls and FIT vehicles. Pepper spray and mace must be securely stored and may not be misused or otherwise used in any way other than good faith uses for their intended purposes.
- **Fire Safety**
Interfering with, misusing, tampering with, or damaging fire safety equipment; unauthorized burning of any material on campus; disregarding a fire alarm signal or refusing to evacuate a building; reckless or intentionally activating alarm when an emergency situation does not exist are all prohibited.
- **Failure to Comply**
Students are expected to comply with instructions, requests, or orders of a college official, a college official's designee, or college document. This includes, but is not limited to, college administrators, faculty, and staff, such as residential staff, resident assistants, buildings and grounds personnel, and campus security officers. Examples of failure to comply include, but are not limited to:
 - Failing to comply with the directive of any college official or faculty member;
 - Failing to comply with the terms of any policy, procedure or agreement between a student and a college official or department;
 - Failing to comply with any applicable federal, state, or local law;
 - Failing to comply with instructions from members of the Department of Public Safety and federal, state, or local law enforcement;
 - Failing to comply with identification requirements; and
 - Failing to comply with a sanction issued by the Dean of Students, Academic Affairs, the Student Conduct Council, a hearing panel assembled pursuant to the Sexual Misconduct Response policy, or any other sanction imposed pursuant to FIT policy.

Responsibilities

N/A

Procedures

The following procedures apply to alleged violations of the Code of Student Conduct. Separate procedures are set forth in FIT's Sexual Misconduct Response policy and Nondiscrimination and Anti-Harassment policy for conduct implicating those policies.³ FIT will make the determination as to which policy is most appropriate.

- **Reporting**

³ Certain procedures set forth herein may, however, apply to certain allegations covered by the Sexual Misconduct Response Policy and the Nondiscrimination and Anti-Harassment Policy, where those policies refer back to this policy.

As soon as possible after learning of a violation of the Code of Student Conduct, students, employees, or anyone else in the FIT community should notify the Dean of Students in writing. Students also have the option to report incidents to other college personnel, such as residential life staff, student life staff, the Affirmative Action Officer/Title IX Coordinator (for incidents under the Sexual Misconduct Response Policy or the Nondiscrimination and Anti-Harassment policy), the Department of Public Safety, and other faculty or staff. Please know that reports submitted anonymously may result in a limited response from the Dean of Students Office due to inadequate information to investigate the reported incident thoroughly.

- **False Complaints**

Members of the FIT community who make false reports, with the exception of reports that, even if erroneous, are made in good faith, will be subject to disciplinary action.

- **Investigation**

Every reasonable effort will be made to complete investigations within 45 days of the report of the alleged violation. Investigations will be led by the Dean of Students and may include participation by the offices of Public Safety, General Counsel, Information Technology, and the Assistant Vice President for Administration, among other departments at FIT, when appropriate.

- **Protective Measures**

The college may employ protective measures, including but not limited to: temporary suspension (see below at Section V (A)), class changes, meeting room changes, residential room changes, and restriction of interaction. The college reserves the right to take interim measures as appropriate.

- **Request for Disability Accommodations in Conduct Process**

Students with disabilities may be eligible for accommodations during the student conduct process. If a student is seeking accommodations due to disability, they must make a request to the Office of Disability Services, FIT-ABLE and provide the required documentation under FIT's Disability Accommodations and Support Services Policy. Students can make a request at any point during the student conduct process however, accommodations cannot be provided retroactively. Students are encouraged to make their requests as early as possible during the process to ensure approved accommodations are implemented in a timely fashion. Students requesting such accommodations should fully review FIT's Disability Accommodations and Support Services Policy.

- **Student Disciplinary Process**

Although FIT has an obligation to uphold federal, state, and local laws, FIT's rules and regulations operate independently from them. As such, FIT may pursue enforcement of its own rules whether or not legal proceedings are initiated.

- **Dean of Students Procedures**

All infractions of the Code of Student Conduct are initially handled by the Dean of Students. Whenever possible, charges shall be stated in writing by the complainant(s). Upon receiving notice of a potential violation of the Code of Student Conduct, the Dean of Students shall initiate a disciplinary proceeding. The Dean will provide written notice of the charges, as well as the time, place, and nature of the alleged violation to the charged student(s) and the complainant. The notice shall also state the date, time, and location for a disciplinary meeting with the Dean. Pending the meeting, the Dean may temporarily suspend the charged student if, in the Dean's discretion, the student poses a substantial risk of self-harm or harm to others, or take other protective interim measures in the Dean's discretion.

If a charged student wishes to admit the charges in whole or in part, they may do so and will waive their right to the disciplinary process. The Dean will determine whether there may be justification to suspend or expel a student; if so, the Dean will refer the matter to the Student Conduct Council for consideration of the sanctions of suspension and expulsion, per Section E (ii). If not, the Dean may impose a sanction and will consider the student's entire academic and/or disciplinary record in deciding the appropriate sanction in accordance with the disciplinary sanction sections of this Code. The Dean will send the charged student(s) a written copy of the final sanctioning decision within 10 business days of the disciplinary meeting. If a charged student wishes to dispute the charges, the disciplinary meeting will go forward as scheduled. An unexcused absence will be construed as admission to the charge. Notice of whether a non-legal advisor will attend or legal counsel will be present must be submitted in writing to the Dean three (3) business days before the scheduled meeting. At the disciplinary meeting, the charged student will have an opportunity to present a case, witnesses, and/or pertinent evidence.

If, upon conclusion of the disciplinary meeting and review of the matter, the Dean determines that, if the complaint is true, there may be justification to suspend or expel a student, the Dean will refer the entire matter to the Student Conduct Council, see below, for both findings of fact and consideration of the sanctions of suspension and expulsion.

If, upon conclusion of the disciplinary meeting and review of the matter, the Dean determines that, even if the complaint is true, there are not grounds to consider suspension or expulsion of a student, the Dean shall render a decision and, if a violation is found to have occurred, impose disciplinary sanctions in accordance with the disciplinary sanction sections of this Code. The Dean shall consider the student's entire academic and/or disciplinary record in issuing a sanction. The Dean will send the charged student(s) a written copy of the final decision within 10 business days of the disciplinary meeting.

- **Student Conduct Council Procedures**

If the Dean determines there may be justification to suspend or expel a student, a hearing before the Student Conduct Council will be scheduled. The Dean will notify the charged student(s) in writing of the time, place, and location of the hearing, as well as Student Conduct Council hearing procedures. The hearing will be held even if the charged student declines to attend. Pending the hearing, the Dean may temporarily suspend the charged student if, in the Dean's discretion, the student poses a substantial risk of self-harm or harm to others, or take other protective interim measures in the Dean's discretion.

The Student Conduct Council (the "Council") is made up of three voting faculty or staff members, one of whom will serve as Chair, and two voting students. The President or the President's designee shall determine the application, selection, and training process for Council members. All Council members must be present for the hearing. Every reasonable effort will be made to conduct the hearing within 10 business days of the Dean's referral.

A list of witnesses, any written evidence, and notice of whether a non-legal advisor will attend or legal counsel will be present must be submitted in writing to the Council three (3) business days before the scheduled hearing. The student(s) has the right to: present witnesses, cross-examine witnesses (through the Council), and submit relevant evidence on their behalf, in writing or verbally. The Council will make and retain a verbatim record of

the hearing in the form of a complete recording that will be stored with the Dean of Students. However, the Council is not responsible for recording malfunctions, errors, or lost or destroyed recordings. After all presentations are complete, the Council will deliberate in a closed session and arrive at a decision. A decision must be reached by a majority vote of the Council. The deliberations and vote will remain confidential. In matters referred to the Council by the Dean of Students under this Code of Conduct, the Council shall make both findings of fact and determine whether suspension or expulsion are warranted. In matters referred to the Council pursuant to the Nondiscrimination and Anti-Harassment policy, the Council accepts the findings of fact made by the Affirmative Action Officer and solely considers whether suspension or expulsion are warranted.

If the Council finds that a violation of the Code of Student Conduct or other college policy occurred, it shall consider whether to impose the disciplinary sanction of suspension or expulsion in accordance with the disciplinary sanction sections of this Code. The Council shall consider the student's entire academic and/or disciplinary record in determining whether to impose such sanctions. If the Council determines that suspension or expulsion is warranted, the sanction will be issued in the written copy of the final decision. If the Council determines that suspension or expulsion are not warranted, the Council will remand the matter to the Dean of Students to consider imposition of a sanction. In all instances, the Council will send the charged student(s) a written copy of the outcome, including the sanction (if applicable) within 10 business days of the hearing.

- **Student Appeals**

Student(s) may appeal decisions in the following manner:

- Students may appeal the outcome or sanctions decisions, on the grounds set forth below, to the President or the President's designee(s). The purpose of an appeal is not to initiate a review of substantive issues of fact or to re-hear the case. All appeals must be in writing and made within ten (10) business days of the date of the Council's notification of the outcome or the Dean of Student's decision letter. The President or designee(s) shall consider the student's entire academic and/or disciplinary record, review all relevant and available information and any information submitted by the student, and shall render a decision within ten (10) business days of the date of the appeal. The President or designee(s) may (i) return the case to the Dean of Students or the Council and task them with reviewing the decision with the substantial new information; (ii) return the case to the Dean of Students or the Council to correct the procedural problem and re-review the case; or (iii) change the sanction or task the Dean of Students or the Council with reviewing and amending the originally imposed sanction. If the original decision is upheld by the President or designee(s), this decision will be final. Additionally, decisions made by the President or designee(s) are also final.
- Students found responsible for offenses under the Code or FIT policy may appeal on the following limited grounds: procedural error affecting the decision or sanction; the appearance of substantive new evidence not available at the time of the decision; and/or excessiveness or insufficiency of the sanction. Neither deliberate omission of information by the appealing party in the original investigation nor disagreement with the decision or sanction are, by themselves, grounds for appeal. Any new evidence or proof of a procedural error should be included in the request for review. In cases where the Dean refers a matter to the Council for consideration of suspension or expulsion, the student may not appeal the Dean's determination, but they may appeal the decision(s) of the Council, as set forth in this policy.

- **Burden of Proof**

All decisions by the Dean of Students or the Council will be based on a preponderance of evidence.

- **Non-Legal Advisor/Legal Counsel**

Any student(s) charged or involved in a Code of Student Conduct case may have a non-legal advisor or legal counsel present at any meeting or hearing with the Dean of Students or the Council. Students must provide advance written notice to the Dean of the presence of a non-legal advisor or legal counsel, and their affiliation with the student, within three (3) business days prior to their scheduled meeting or hearing. Failure to present timely notice will result in a rescheduling of the meeting or hearing. Such non-legal advisor or legal counsel accompanying a student is not allowed to participate in the disciplinary process, including responding to questions on the student's behalf, offering arguments on the student's behalf, or otherwise participating in disciplinary proceedings other than to speak with the student before, after, or on breaks from the meeting or hearing. Students will be required to sign a FERPA release, allowing the non-legal advisor or legal counsel to hear protected student information pertaining to the case. The non-legal advisor or legal counsel will be required to leave the meeting or hearing if they violate any of the above terms.

- **Compliance**

Failure to participate or comply with procedures at any point during the student disciplinary process may result in adjudication of the complaint in the student's absence, including the imposition of sanctions, and may result in further disciplinary sanctions for the failure to participate and/or comply with procedures, including but not limited to, monetary fines and an administrative hold.

- **Education and Training**

FIT provides training to members of the community who may have to adjudicate Code of Student Conduct violations.

- **Disciplinary Sanctions and Other Measures**

After disciplinary proceedings, the college may take the following actions including but not limited to:

- **Course Change or Removal**

FIT has the right to remove the student from a course(s) and/or reassign the student to another course or section. Course removal will not result in a refund and will be identified in the student's transcript as a withdrawal (WD). Course reassignments will be based on the availability of comparable courses and the student's schedule.

- **Protective Measures**

The college may employ protective measures, including but not limited to: class changes, meeting room changes, residential room changes, and restriction of interaction.

- **Admonition**

The college may issue a verbal warning that a student's conduct is improper or violates the college's rules or regulations, coupled with a direction to cease and desist.

- **Disciplinary Probation**

FIT may place a student on disciplinary probation for a designated period of time; more severe disciplinary sanctions may be imposed if the student is found responsible for further violations of the Code of Student Conduct or FIT policy during the probationary period. Disciplinary probation is a serious response to a violation resulting in a notation to the student's permanent file at FIT and may include, but is not limited to, other education sanctions as well as restriction or revocation of privileges and/or college awards or scholarships.

- **Reprimand**
The college may issue a formal written notice that the student has engaged in improper conduct, including warning that subsequent violations will result in more severe disciplinary action.
- **Restitution**
The college may require reimbursement by transfer of property, money, or services to FIT or a member of the FIT community in an amount not in excess of the damage or loss incurred.
- **Fines**
The college may assess a monetary fine as a penalty for improper conduct or violation of college rules and regulations. Fines for specific violations are enumerated in applicable college publications (i.e. catalogs or student and resident handbooks).
- **Educational Sanction**
FIT may impose educational sanctions in order to help students learn from their mistakes. Such sanctions may include, but are not limited to, community service or participation in a project or activity, either within or outside the college, during a specific period and in a manner consistent with the nature and severity of the violation(s).
- **Restriction or Revocation of Privileges**
FIT may alter, limit, or revoke a student's privileges associated with membership or participation in the college community for a specified or indefinite period of time. Examples of such privileges include, but are not limited to: entering college property or facilities; use of or participation in programs, activities, events, and services on or off campus; membership, election to, or holding office in a club, organization, or society; representing the college on a committee or in a program or activity; visitation by guests; participation in recreational, intramural, or varsity athletic programs; and use of college technology resources.
- **Suspension**
A suspended student will be temporarily deprived of some or all rights and privileges normally accorded an enrolled student. While suspended, a student may be separated from their campus residence, class or classes, and/or college facilities or premises, and have their rights and privileges revoked for a specified period. Conditions may be placed on the student's return.
- **Expulsion**

An expelled student may not return to residence and/or the college. The student is permanently separated and loses all rights and privileges associated with membership in the college community.

- **Administrative Holds**

If a student fails to comply with a disciplinary sanction, such as failing to pay a fine or comply with educational sanctions, the Dean of Students may place an administrative hold on a student's account. While an administrative hold is in effect, the student may not register, access course information, or receive official or unofficial transcripts. The hold will be removed promptly upon the student's full compliance with the disciplinary sanctions.

- **Transcript Notations**

Where a student is suspended, the following notation will be listed on that student's transcript: "Suspended after a finding of responsibility for a code of conduct violation."

Where a student is expelled, the following notation will be listed on that student's transcript: "Expelled after a finding of responsibility for a code of conduct violation." Should a student withdraw from the college while conduct charges are pending and the student declines to complete the student judicial process, the following notation will be listed on that student's transcript: "Withdrew with conduct charges pending."

A notation of suspension may be appealed, in writing, to the Dean of Students. Appeals may be granted provided that one year has passed since the conclusion of the suspension, the term of suspension was completed and any conditions complied with, and the Dean of Students has determined that the student is once again in good standing with all applicable college standards. Notations for expulsion may not be appealed or removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

- **Student Rights and Protections**

- **Statement of Rights for Accused Student**

All students charged with a Code of Student Conduct violation are presumed not responsible until the preponderance of evidence requires a conclusion to the contrary. The following rights extend to all students subject to the disciplinary process at FIT:

- The right to be treated with respect by all persons involved in the investigation and disciplinary process;
- The right to a fair, impartial, and equitable process;
- The right to timely and written notification of charges and meeting/hearing information unless delayed due to extenuating or unexpected circumstances;
- The right to be presumed not responsible until found responsible by the preponderance of evidence standard;
- The right to have a legal or non-legal advisor with them throughout the conduct process, subject to limitations as set forth in this policy;
- The right to participate or decline to participate in the investigation, disciplinary, or hearing process. In this case, a decision will be based on the information available to the Dean of Students and/or Student Conduct Council. By refusing to participate students are not excused from being held accountable for violations of the Code of Student Conduct and may be subject to additional penalties as outlined within the Code of Student Conduct (See "Compliance" Section I of the Code of Student Conduct);

- The right to be informed, in writing, of the outcome of the disciplinary meeting or hearing, pending all appeals;
 - The right to appeal the decision and/or sanction of the Dean of Students or Student Conduct Council based on specific grounds as outlined within the Code of Student Conduct;
 - The right to understand that information collected during the Conduct process may be subpoenaed in criminal or civil proceedings, subject to applicable law, as the college's conduct process is separate from criminal and civil processes; and
 - The right to privacy throughout the Conduct process.
- **Privacy**
The college complies with the Family Educational Rights and Privacy Act (FERPA), which provides for certain protections for education records, including those related to the disciplinary process. All records for all students involved in the disciplinary process, to the extent they are subject to FERPA, will be kept in accordance with FERPA.
 - **Non-retaliation**
Retaliation is an adverse action against an individual for reporting a violation in good faith or against any individual for participating in any way in the investigation or conduct process. Retaliation includes harassment and intimidation, including but not limited to violence, threats of violence, property destruction, and adverse educational or employment consequences and bullying. Any individual or group of individuals can be responsible for retaliation.

All members of the FIT community are prohibited from engaging in retaliation against an individual who, in good faith, reports or complains of a violation of the Code of Student Conduct or participates in any way in the investigation or disciplinary process (for example, a witness). Reports or complaints of retaliation will be investigated and any individuals found to have engaged in retaliation may be subject to disciplinary action in accordance with the processes and procedures set forth in this Code of Student Conduct or, depending on the nature of the allegations, as determined by the Vice President for Human Resources and Labor Relations or their designee (for employees accused of retaliation).

- **Sanctions**
Except as set forth in this policy regarding Exceptional Measures, no student accused of committing an infraction may be penalized before having been afforded an opportunity to challenge the accusation(s). Accordingly, unless the student is deemed by FIT to pose a significant threat to the health or safety of themselves or others, any student accused of violating the Code of Student Conduct shall be entitled to remain an active member of the FIT community, including remaining enrolled in classes, pending the outcome of the disciplinary proceedings.
- **Disclosure to Victims of Crimes of Violence**
FIT will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18 of the United States Code), or a non-forcible sex offense (incest or statutory rape), the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for such purposes. Note that

instances of sexual misconduct are governed by FIT's Sexual Misconduct Response policy, under which FIT notifies both the complainant and respondent simultaneously and thus it is not necessary to make a written request.

- **Exceptional Measures**

In appropriate circumstances as determined by the Dean of Students, the college may in its discretion take exceptional measures. The application of these measures will not preempt disciplinary action. Withdrawal from the college will not preempt the disciplinary process. Such measures include:

- **Residence Hall/ Temporary Reassignment and Restriction from Facilities**

The Dean of Students or Director of Residential Life may temporarily reassign a resident to another facility and/or restrict a resident from specific campus facilities pending completion of the disciplinary process. In such instances, the Dean of Students or Director of Residential Life shall grant an immediate review on request of any resident so reassigned and/or restricted with respect to the basis for such a reassignment and/or restriction.

- **Temporary Restriction from Personal Contact**

The Dean of Students or Director of Residential Life may temporarily restrict a student from any personal, verbal, written, telephone, and electronic contact with another person pending an investigation and/or hearing. In such instances, the Dean of Students or the Director of Residential Life shall grant an immediate review on request of any individual so restricted with respect to the basis for such a restriction. In addition to the above measures, where an individual's behavior poses a significant threat to the health or safety of themselves or others as determined by the Dean of Students, the college may in its discretion take additional exceptional measures, including but not limited to, family/parental notification, development of a letter of understanding with the student to remediate the issue, mandated evaluation, and/or temporary or permanent separation from the college. The application of these measures will not preempt disciplinary action. Withdrawal from the college will not preempt the disciplinary process.

- **Executive Suspension**

The Dean of Students may suspend the student or students charged with an infraction, pending the completion of the disciplinary process, whenever the Dean of Students determines that the student would pose a significant threat to the health or safety of themselves or others. In such instances, the Dean of Students shall grant an immediate review on request of any student so suspended with respect to the basis for such suspension, at which time the suspended student shall have the right to present statements tending to show that the basis for executive suspension does not exist. Suspension may apply to a portion of the college or the entire campus.

- **Executive Suspension from the Residence Halls**

The Dean of Students or Director of Residential Life may suspend from the residence halls a student or students charged with an infraction pending the completion of the disciplinary process whenever the Dean of Students or the Director of Residential Life determines that the student would pose a significant threat to the health or safety of themselves or others. In such instances, the Dean of Students or the Director of Residential Life shall grant an immediate review on request of any student so suspended with respect to the basis for such a suspension, at which time the suspended student may have the right to present

statements tending to show that the basis for the executive suspension from the residence halls/apartments does not exist. Suspension may apply to all residence facilities, an individual residence hall/apartment or any portion thereof.

- **Withdrawal Prior to Hearing**

Any student who withdraws or fails to return to the college while disciplinary action is pending or fails to appear for a scheduled hearing will be ineligible for readmission, registration, receipt of a transcript, or diploma until the outstanding matter is resolved. The college reserves the right to formally restrict individual(s) from the campus grounds while such disciplinary action is pending. Any further readmission would require an appeal in writing to the Dean of Students and approval by the Dean of Students.

- **Mandated Assessment**

The Dean of Students may direct a student to participate in an individualized psychological and/or medical assessment whenever the behavior of the student is deemed to pose a significant threat to the health or safety of themselves or others. The assessment process is designed to assess the factors that contributed to the student's behavior and to assist the student in accessing resources in order to maintain appropriate behavior.

Failure to respond to a directive from an FIT official to complete the mandated assessment, or failure to provide necessary records of prior treatment by the date requested, may result in administrative action, up to and including suspension from the college and/or the residence halls until the assessment and records request requirements are met.

- **Separation Prior to Assessment**

The student who leaves (including certain voluntary leaves of absence for medical reasons), withdraws, is administratively suspended/withdrawn, or fails to return to the college before an assessment has been completed may not be permitted to register for classes or return to campus until the outstanding matter is resolved.

- **Withdrawal by Administrative Action**

The Dean of Students may initiate and approve procedures for the administrative withdrawal from the college and/or residence halls where the student does not want to withdraw voluntarily and, in the Dean of Student's reasonable discretion, the current medical knowledge and/or the best available objective evidence indicates that the student poses a significant threat to the health or safety of the student or others, where a student is unable or unwilling to carry out substantial self-care obligations, or where a student poses an actual risk to their own safety not based on mere speculation, stereotypes, or generalizations about individuals with disabilities, and the student does not want to take a leave voluntarily.

Students may challenge the administrative withdrawal through the submission of a written appeal to the Dean of Students supported by medical and/or mental health professional documentation. Administrative withdrawal actions may be reconsidered by the Dean of Students at regular intervals upon the written request of the student. The Dean of Students may elect to appoint an independent medical and/or mental health professional or a panel of professionals to provide input to the Dean of Students with respect to administrative withdrawal determinations.

- **Return to the college**

Students who leave the college, whether the leave is voluntary or involuntary, may be required to complete the following steps, in the discretion of the Dean of Students, before they may return to the college and/or residence halls:

- The college completed an individualized assessment for the purpose of evaluating the student's readiness to return to the college, which may include receiving and evaluating documents provided by a treating practitioner.
- The Dean of Students has approved the decision to permit the student to register for classes, return to campus, and/or live in a campus residence. Registration and/or housing assignment is not permitted until readiness to return to school has been thoroughly evaluated.

Violations

- **Violations of Other Published Policies and Laws**

In addition to the above outlined behaviors and policies, students are prohibited from engaging in conduct that violates any other college policy, including but not limited to:

- Conduct that violates or is in contravention of the Student Rights and Responsibilities Manual;
- Conduct that violates the policies of the Resident Handbook; and
- Conduct that violates any statute, regulation, or ordinance.

It is the obligation of every student to notify the Dean of Students Office of any felony or misdemeanor arrests occurring at any time from when the student pays their admissions deposit through graduation or separation from the institution, regardless of geographic location of the arrest or specific crime alleged. Failure to do so may result in conduct charges by the college. The college may review the facts underlying the arrest to determine if the underlying events give rise to a policy violation.

Related Policies

- [Academic Honor Code](#)
- [Acceptable Use for FIT IT Systems](#)
- [Bias Crimes Prevention](#)
- [Campus Posting](#)
- [Campus Safety and Security](#)
- [Disability Accommodations and Support Services](#)
- [Disability Accommodations for Service and Support Animals](#)
- [Drug and Alcohol Abuse Prevention](#)
- [Family Educational Rights and Privacy Act \(FERPA\)](#)
- [FIT Card](#)
- [Information Security](#)
- [Nondiscrimination and Anti-Harassment](#)
- [Religious Accommodations](#)
- [Sexual Misconduct Response](#)
- [Social Media](#)
- [Tobacco-Free Campus](#)

Related Documents

- [New York State's Good Samaritan Law](#)
- [N.Y. Public Health Law 3000-a](#)

Contacts

- **Dean of Students**
Enrollment Management and Student Success
Business & Liberal Arts Center- B221
(212) 217-3070