



Columbia-Greene Community College Student Code of Conduct

Based on the assumption that students at C-GCC are mature and responsible citizens of both the College and community and respectful of the rights of others as well as their own, the College has a minimum of specific regulations with respect to conduct.

It is both the right and duty of the Board of Trustees of this institution, under law, to promulgate regulations of conduct for the maintenance of public order and the normal functioning of the College, and to formulate sanctions and define procedure for hearing charges involving violations of these regulations.

A basic assumption held by the College is that all persons enrolled as students, employed by the College, visiting, or otherwise present upon College property, enjoy the rights that are guaranteed to them by the laws of the United States and the State of New York and must assume the responsibilities implied by these rights.

A student who is found to have committed an offense can be suspended or dismissed for a single violation. The severity of the offense, prior disciplinary history, and other relevant circumstances will be considered in determining the appropriate disciplinary action. More than one sanction may be imposed for a single violation. A single act may constitute a violation of more than one regulation. Being under the influence of drugs or alcohol will not diminish or excuse a violation of the Student Conduct Regulations.

Except for College-sponsored off-campus programs, it is the intent of the College to leave disciplinary action with respect to off-campus offenses of students to civil authorities. It must be noted, however, that there are certain off-campus offenses that by their very nature pose a serious threat to the College community. In such cases, the College reserves the right to take appropriate action. The College will construe any of the following specified activities as inconsistent with the *Code of Conduct*. *This list is not to be considered inclusive or exclusive and may be amended at any time by the Board of Trustees of the College.*

Prohibited Conduct

a. Disruption

The obstruction or disruption of any College function or activity, including the classroom instructional environment, service functions, disciplinary proceedings, or other normal functions of the College.

b. Abusive Behavior

Physical harm or threat of harm to any person on College property or at any College sponsored function.

c. Disruptive Conduct

No person shall use threat, obscene or abusive language, epithets, abuse, or any other means of harassing expressions, which are directed at an individual and can be reasonably anticipated to provoke or encourage an inappropriate reaction. This may include but is not limited to expressions relative to a person's race, ethnicity, national origin, religious or cultural identity, sexual orientation, disability, or gender.

d. Physical Abuse

The detention, physical abuse or intimidation of any person, or threat thereof; or any conduct that threatens or endangers the health, safety, or welfare of any person on College-owned or operated property at College-sponsored activities.

e. Recklessness

Any action or situation involving physical or mental abuse, harassment, intimidation, stalking, hazing, the forced consumption of liquor, drugs, or any other liquid or solid substance, for any purpose including initiation into or affiliation with any organization on College-owned or operated property or at College-sponsored activities.

f. Conduct

Any conduct which constitutes a violation of the laws of the United States, the State of New York, or any other civil jurisdiction.

g. Compliance

The refusal to obey any reasonable or lawful request, order, or directive of a College public safety officer, faculty, College administrator or any other identified representative of the College.

h. Academic Dishonesty

Engaging in forms of academic dishonesty, including, but not limited to, cheating, plagiarism, multiple submissions, and forgery.

i. Discrimination

Discrimination in College programs on the basis of age, ancestry, color, disability, national origin, race, religion, creed, sex, sexual orientation, marital status, or veteran status.

j. Hate or Bias-related Crime

Intentionally selecting a person against whom a criminal offense is committed or intended to be committed because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation, regardless of whether the belief or perception is correct. (Refer to the Bias Crimes Policy)

k. Unlawful Possession of Alcohol

1. The use, offer for sale, distribution, possession, or manufacture of alcohol beverages on College premises, except in those specific instances when express official prior authorization has been granted in writing from the Office of the President.

2. Behavior that may be disruptive and/or attributable to the use of alcohol.

I. Unlawful Possession of Drugs

1. The illegal possession, use, sale or transfer of any controlled substance, dangerous drug or drug paraphernalia.
2. Behavior that may be disruptive and/or attributable to the use of any controlled substance or dangerous drug.

m. Firearms

Unauthorized possession or use of any firearms or deadly weapons: “Deadly weapon” means any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged (shotguns, rifles, pistols, automatic weapons, black powder rifle, black powder shotgun, or any muzzle-loading firearm), or a switchblade knife, gravity knife, pilum ballistic knife, metal knuckle knife, dagger, billy, blackjack, plastic knuckles, or metal knuckles.

Unauthorized possession of the following: Air pellet guns, paint ball guns, soft pellet air guns, rubber band gun, water guns, inoperable firearm or any other item which would resemble the same.

Unauthorized use of any dangerous instrument: “Dangerous instrument” means any instrument, article or substance, including a “vehicle” which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or other serious physical injury.

n. Forgery, Fraud, and Dishonesty

Intentionally furnishing false information or omitting relevant or necessary information to gain a benefit, to injure, or to defraud is prohibited. Using or possessing false or altered identification (including drivers’ licenses and C-GCC ID Cards).

o. Property Damage/Theft

1. Damage to or unauthorized use of College property or private property on College premises.
2. Unauthorized occupancy of College property or unauthorized prohibition of access to College property by any person.
3. Theft of or damage to property belonging to the College personnel or students.

p. False Reports and Fire Safety

False alarms or reports of emergency, tampering with fire alarms or fire equipment is prohibited. Initiation of any false report, warning, threat of fire, threat of explosion, or other emergencies on College premises or at any College-sponsored activity.

q. Unauthorized Use of Access

The unauthorized use, distribution, duplication, or possession of any access device including key(s) issued for any College building, laboratory, facility, or room is prohibited. The unauthorized use or occupation of, or entry to, College grounds, buildings or premises.

r. Smoking

Smoking and other tobacco products is not permitted anywhere on campus. Please refer to the Tobacco-Free College Policy on page 151.

s. Gambling

Unauthorized gambling on campus property.

t. Complicity

The aiding, assisting, or abetting of any person or persons in any action or conduct prohibited by the *C-GCC Code of Conduct*.

u. Theft or Abuse of Computer Resources

Theft or other abuse of computer resources and college computer policy is prohibited. Computing resources include hardware, software, and data owned, licensed, or developed by Columbia-Greene Community College students or employees.

v. Traffic

The obstruction of the free flow of pedestrian or vehicular traffic, or the free access to, or exit from, any part of the College premises whatsoever.

w. Violation of Law or College Policies

Violation of law or other duly constituted College regulations and policies.

Reporting Violations of Code of Conduct

All students, faculty, and staff have the right to file a report with the College regarding a potential or actual violation of the Code of Conduct. Reports should be filed online at <https://cm.maxient.com/reportingform.php?ColumbiaGreeneCC> or in the Office of the Dean of Student Development.

Sanctions

The sequence of events for violations of College policy, or regulations and codes would be:

- a. Referral of the case to the Dean of Student Development or designated Judicial Officer for Administrative review.
- b. Administrative resolution of the case at an informal disciplinary conference or through an administrative review process or formal hearing.
- and/or -
- c. Referral to off-campus services.

- d. Appeal to the President or formal hearing before an “ad hoc” judicial board appointed by the President.

Generally, the judicial process is satisfactorily completed at an informal disciplinary conference.

Note: All informal disciplinary conferences, administrative reviews, and formal hearings will be recorded.

Penalties for violating College policy or the *Code of Conduct* generally fall under one or more of the following categories, depending on the severity of the offense and the individual situation.

a. Verbal Reprimand

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.

b. Warning

Notice to the offender, orally or in writing about the violation of a College regulation and that continuation or repetition of this violation, within a specified period of time, may be cause for more severe disciplinary action.

c. Disciplinary Probation

Restrictions may be imposed with or without suspension or probation.

Restrictions include, but are not limited to:

1. Exclusion or restrictions from participating in intercollegiate athletics, co-curricular, and extracurricular activities;
2. Restrictions in the right of access to campus facilities;
3. Monetary payments for purpose of restitution or to cover the expense of educational sanctions;
4. No contact/restraining orders;
5. Denial of financial assistance from programs funded by the College;
6. Required attendance at, but not limited to, educational/assessment programs such as anger management workshops and comprehensive substance abuse assessments;
7. Administrative hold on access to specified College documents; behavioral contract.

d. Interim Suspension

The Dean of Student Development, in consultation with the President or designee, may summarily suspend a student and/or student organization; prohibit the same from any or all appropriate portions of College premises, College-related activities, or registered student organization activities; and/or permit the student or student organization to remain only under specified conditions for the interim period prior to a disciplinary hearing.

Interim suspension may be imposed only:

1. To ensure the safety and well-being of members of the College community or preservation of College property;
2. To ensure the student's own physical or emotional safety and well-being;
3. To document the student poses a significant threat of disruption or interference with the normal operations of the College.

A student subject to an interim suspension will be given written notice of the suspension and will be given a copy of these standards and procedures. The student will be given an opportunity to appear personally before the Dean of Student Development or President within two business days from the effective date of the interim suspension, in order to review the following issues only:

1. Whether the information concerning the student's conduct is reliable;
2. Whether the conduct and surrounding circumstances reasonably indicate a significant risk as described above;
3. Whether the risk posed by the student is the result of a medical or mental health condition or disability.

If the risk posed by the student is the result of a medical or mental health condition or disability, the Dean of Student Development, President, or designee shall also determine whether the risk can be eliminated or sufficiently reduced through reasonable accommodation and, if so, shall take appropriate steps to ensure that accommodation is provided. The Dean of Student Development, President, or designee may request that the student submit to medical or mental health examination(s) to determine whether any such condition exists and whether reasonable accommodation is possible. If the student fails to submit to examination and the available evidence establishes that the student's presence poses a significant risk of substantial harm to the health and/or safety of other students and other members of the College community, to the stability or continuance of normal College functions or property, the Dean of Student Development, President, or designee may proceed with the interim suspension.

a. Suspension

A suspended student is excluded from classes and all other privileges or activities of the College for a specified period of time.

b. Expulsion

An expelled student is prohibited from the campus for an unspecified period of time. If readmission is permissible, the conditions for returning to the campus will be specified in the letter of expulsion.

c. Banned

Any person posing a threat to the campus community will be banned from campus. Violators will be escorted from the campus property by C-GCC Security, the local authorities, or police.

d. Involuntary Leave of Absence

C-GCC offers a wide range of services to support and address the mental and physical health needs of students. Under some circumstances, a student whose psychiatric, psychological, or other medical conditions pose a threat to others, or cause them to

significantly disrupt the educational activities of the college community, may be required to take a leave of absence from C-GCC. When those circumstances occur, the student will first be given the opportunity to take a voluntary leave. If the student declines to take a voluntary leave, the College may determine that the needs of the community require the student to take a leave of absence involuntarily.

The following policy establishes the protocol under which an involuntary leave of absence may occur and the process for return from leave.

The Dean of Student Development, in consultation with the President or designee, may suspend a student for an interim period pending disciplinary proceedings or medical evaluation. The interim suspension will become effective immediately without prior notice.

e. Written Letter of Apology

Students may be provided the option of writing a letter of apology.

f. Penalties for Academic Dishonesty

Cheating or plagiarism may result in the assignment of a failing grade by the faculty member in whose course the offense occurred. This may include, but not be limited to, a failing grade on the test or assignment wherein the cheating or plagiarism has taken place or a failing grade for the entire course. The assignment of an "F" is at the discretion of the faculty member. A student may not withdraw from a course when an "F" has been assigned because of academic dishonesty.

g. Penalties for Alcohol and Other Drug Violations

Sanctions for alcohol and other drug violations will reflect the nature and severity of the violation(s) as determined by the authorized College official.

h. Project/Activity Sanction

Students may be required to perform community service or participate in a project/activity, either within or outside the College, during a period and in a manner consistent with the nature and severity of the violation(s) as determined by the authorized College officer.

i. Restitution

Reimbursement for damages to, or misappropriation of property, may result in compensation for damages other than monetary form.

j. Prohibited conduct within organization

Any organization that authorizes the prohibited conduct described herein shall be subject to the decision of permission to operate on the campus of Columbia-Greene Community College or upon any property of the institution used for educational purposes.

1. The penalty provided in this section shall be in addition to any penalty that may be imposed pursuant to the Penal Law and any other provision of law.
2. Section 6450(1) of the Education Law requires that the provisions of the part that prohibits reckless or intentional endangerment to health or forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization

shall be deemed to be part of the by-laws of all organizations that operate upon the campus of Columbia-Greene Community College. The statute further requires that each such organization shall review these by-laws annually with individuals affiliated with the organization.

3. Copies of the provisions of the part that prohibits reckless or intentional endangerment to health or forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization shall be given to all students enrolled at Columbia-Greene Community College.

Timely Warnings and Emergency Notifications/Campus Alert

1. What warrants a "timely warning" or "emergency notification/campus alert"?

Timely Warnings shall be issued whenever a Clery Crime considered to represent a serious or continuing threat to students and employees is reported to the Dean of Student Development or a local police agency and has occurred within the College's Clery Geography. A timely warning it may be sent to the entire campus community or to the relevant population if technology allows.

Emergency Notifications/Campus Alert shall be issued when a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurs on the campus. As appropriate, emergency notifications may be targeted at only a segment or segments of the campus community at risk. Emergency notifications/campus alerts will be issued without delay unless doing so would compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Who decides? The Dean of Student Development, or the designee, in conjunction with the Director of Security and/or other campus and non-campus officials as appropriate, shall confirm the existence of a situation that may warrant a warning or notification and determine if a timely warning or emergency notification/campus alert is warranted and the extent of the notification as appropriate. In addition to criminal incidents, emergency notifications/campus alerts may be issued in situations such as, but not limited to:

Safety Related Issues:

- An incident that occurs ON any campus property that affects the personal safety and security of our population.
- An incident that occurs in close proximity to the campus that may potentially affect the personal safety and security of the student, faculty, and staff population.

Health Related Issues:

- A member of the College Community receives a diagnosis of a serious or life threatening communicable/infectious disease.
- Evidence of bio terrorism.

The only reason an immediate notification for a confirmed emergency or dangerous situation would not be issued is if doing so will compromise efforts to: assist a victim, contain the emergency, respond to the emergency, or otherwise mitigate the emergency.

2. How will a "timely warning" or an "emergency notification/campus alert" be communicated?

The means of communication will be chosen by the Dean of Student Development or the designee, based upon the nature of the incident. Possible means of communication are:

For Safety Related Issues:

3. E-mail to all students and/or faculty/staff.
 - Postings in campus center as applicable to the incident.
 - ***SUNY NY Alert in the case of a critical campus-wide emergency.***
 - Social Media.
 - Post to College website and intranet.

For Health-Related Issues:

4. Letters to students and/or parents. (Communication to parents is extremely minimal, most likely done in cases of measles, mumps, or rubella. Viral Meningitis would be communicated to the parents of students directly affected.)
 - Letters to faculty and staff, if appropriate.
 - Posting of notification on the College website and intranet.

Reporting Procedures

Complaint - Any person, agency, organization, or entity may make a complaint to the Dean of Student Development Office alleging a violation of a regulation by a student or student organization. An Incident Report constitutes a complaint. The person, agency, organization, or entity making the complaint shall be known as the “complainant.”

1. ***Notice*** – The Dean of Student Development or designee, after reviewing a complaint, may initiate the disciplinary process by giving the accused student or student organization written notice of the alleged violation(s). The notice may be sent to the mailing address listed with the College information system or the address on the Incident Report. Notice also may be delivered in person by College Security personnel or by a College official. The written notice shall describe the alleged violation(s). The notice shall state that the student has 48 hours (two business days) from receiving the letter to schedule an informal disciplinary conference.

Students may waive the timeline if agreed to by the Dean of Student Development or designee.

Parties are entitled to the same opportunities to have an advisor/advocate of their choice present at any hearing and related meetings. Advisor/advocates cannot actively participate in the proceedings. Parties will be informed simultaneously in writing of the outcome of the process, the availability of any appeal procedures, and when the results become final after any appeals. An advisor/advocate is “any individual who provides the accuser or the accused support, guidance, or advice.”

Types of Hearings

1. Administrative Review

When referred students agree to the facts in judicial referral and waive rights under the *Code of Conduct*, they may consent to an administrative review of the referral and to the imposition

of a disciplinary sanction(s). This consent shall be in writing to the Dean of Student Development. The appeal rights of both parties remain unchanged. Appeals of administrative review determinations shall be limited to the appropriateness of the sanction.

2. Informal Disciplinary Conference

Students subject to less severe sanctions (e.g., Warning, Probation, and Community Service) will be entitled to an informal disciplinary conference with a representative from the Office of the Dean of Student Development. The judicial administrator will impose lower-level sanctions commensurate with the offense. Complex or contested cases may be referred by the judicial administrator for a formal hearing.

3. Formal Hearing

The Dean of Student Development or designee will schedule and conduct the formal hearing for complex incidents and will determine from the weight and credibility of the statements and evidence presented whether the student or student organization has violated the Student Conduct Regulations. If the Dean of Student Development or designee determines that a violation of the Student Conduct Regulations has occurred, appropriate sanctions(s) will be imposed.

4. Ad Hoc Disciplinary Board Hearings – Appointed by the President

The College Ad Hoc Disciplinary Board will comprise two faculty members (endorsed by the Dean of Student Development and appointed by the President) and one matriculated student (endorsed by the Columbia-Greene Community College Student Senate, Dean of Student Development, and appointed by the President) who has completed a minimum of 30 credits at Columbia-Greene Community College. The chair of the Disciplinary Board will be a member of the faculty and will be appointed by the Dean of Student Development and the President. The Dean of Student Development, in consultation with the President or designee, determines that the continued presence of the student on the College campus poses a significant risk of substantial harm to the health and/or safety of other students, other members of the College community, to the stability or continuance of normal College functions, or to property. The Dean of Student Development, in consultation with the President or designee, may suspend a student for an interim period pending disciplinary proceedings or medical evaluation. The interim suspension will become effective immediately without prior notice.

If an accused student or student organization fails to appear at a scheduled informal disciplinary conference or any of the above hearings and the absence is not excused, the hearing may proceed without the presence of the accused.

Hearings may be rescheduled at the discretion of the Dean of Student Development.

Notification

The Dean of Student Development will notify the student or student organization of the decision in writing of the outcome of the hearing and will also notify the student, if responsible, of the sanction(s) imposed.

All Other Complaints and Disputes

All other complaints, charges, or disputes shall be presented to the Dean of Student Development no later than ten College working days after the occurrence. Except in unusual circumstances, all complaints - other than those specified above - must be submitted in writing to the Dean of Student Development's Office, contain the name and address of the complainant, and a description of the allegations. The Dean of Student Development may conduct an administrative review to determine if the charges have merit and/or if they can be disposed administratively by mutual consent of the parties involved. If the charges cannot be disposed by mutual consent, the Dean of Student Development may later serve in the same matter as the hearing officer.

Appeals – Presidential Review

1. The accused student or student organization has the right to file a written appeal with the President within five College working days of the written notification of the disposition. The request should state the basis for the appeal and include all supporting documents. A copy of the appeal must be submitted to the Dean of Student Development's Office. During the period of appeal, all sanctions will be upheld.
2. Appeals may be filed for the following reasons:
 - Inappropriate sanction;
 - Procedural defect in the adjudication of the case;
 - New evidence.
3. The President shall find the appeal to have merit or not have merit (that is, to review or not review the decision).
 - a. If the appeal alleges that the sanction was inappropriate, and the President finds the sanction to be inappropriate, the President may increase or decrease the sanction.
 - b. If the appeal alleges a defect in procedure or presents new evidence and the President confirms a defect in the procedure or if new evidence presented substantially affects the outcome, the President will order a new hearing.
 - c. The President has the option to appoint an ad hoc disciplinary board to institute a hearing. The College Ad Hoc Disciplinary Board will comprise two faculty members (endorsed by the Dean of Student Development and appointed by the President) and one matriculated student (endorsed by the Columbia-Greene Community College Student Senate, Dean of Student Development, and appointed by the President) who has completed a minimum of 30 credits at Columbia-Greene Community College. The chair of the Disciplinary Board will be a member of the faculty and will be appointed by the Dean of Student Development and President.
4. The President will notify in writing the accused and the complainant of the decision within ten College working days of receiving the appeal. If the President requires additional time, the President may extend the time limit. The extension shall be in writing and shall include the reason for the extension, and copies shall be forwarded to both the complainant and the accused. The decision of the President to change a sanction or sustain the finding of the Dean of Student Development is final.

5. The result of any new hearing ordered by the President may be appealed only as detailed in this section. If a new hearing is ordered, the new hearing will occur before the original hearing authority. Direct appeals to the Dean of Student Development.)

Miscellaneous

A. Disciplinary Files and Records

Disciplinary records and files are kept in the Dean of Student Development's Office. Disciplinary actions resulting in a finding are kept on file in the Dean of Student Development's Office for six years from the last date of the incident. Disciplinary actions resulting in a finding of *not responsible* are kept on file in the Dean of Student Development's Office for six years from the date of the incident. Notice of suspension, dismissal, banned from campus, or expulsion will be kept permanently in the student's official College record maintained in the Registrar's Office.

B. Confidentiality

Disciplinary matters are kept confidential to the extent required by law.

C. Record Expunction

A student or an alumna/alumnus may request that the Dean of Student Development or designee expunge an incident or incidents from disciplinary records and files kept in the Dean of Student Development's Office after two years have passed from the time of the incident or incidents. The decision to expunge will be based on the offense, the person's disciplinary record, and evidence of good behavior since the offense occurred. Records not expunged will be those related to disciplinary probation, suspension, dismissal, expulsion, or being banned from campus.

D. Transcript Notation in Cases of Conduct Suspension or Conduct Dismissal

If the Dean of Student Development imposes a sanction of conduct suspension or conduct dismissal, then, following exhaustion of any appeals, the Dean of Student Development will notify the College Registrar to place a notation on the transcript of the student found responsible that states, "Suspended after a finding of responsibility for a code of conduct violation," with the period of suspension specified, or "Dismissed after a finding of responsibility for a code of conduct violation". Students may appeal to the Dean of Student Development, in writing, to remove a suspension notation, no earlier than one year after the suspension occurred. Notations indicating student dismissal from the College shall not be removed.