Guttmann Community College (CUNY)

Manual of Students’ Rights & Responsibilities 2015-17

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I. Conduct Policy Statement

a. Each student enrolled or in attendance at Guttman Community College (GCC), [hereafter called the College] and every student organization, association, publication, club or chapter shall obey;
   i. The laws of the city, state, and nation
   ii. The Bylaws and resolutions of the City University of New York (CUNY) [hereafter called the University] Board of Trustees, including the rules and regulations of public order pursuant to Article 129-A of the education law (Henderson Rules):
      and
   iii. The policies, regulations and orders of Guttman Community College.

As such, they are expected to conduct themselves as law-abiding citizens of the College at all times. Admission to GCC carries with it special privileges and imposes responsibilities. GCC is committed to the development of students’ personal and academic excellence. As voluntary members of the GCC community, students are expected to act with civility towards others in order to foster and promote an educational environment conducive to the College’s mission.

b. The GCC institutional goals #2 and #3 of its mission statement make the following provisions which are intendent for students to flourish
   i. The Stella and Charles Guttman Community College will provide students with opportunities to achieve academically, grow socially, and contribute to the College and the community.
   ii. The Stella and Charles Guttman Community College will be an exemplary environment in which to work, one that affords faculty, administration and staff ample opportunities to grow, to learn and to practice their profession at the highest standards.

c. The mission of the Office of Student Conduct and Community Standards is aligned with GCC’s mission and strategic goals #2 and #3. It is the mission of the Office of Student Conduct and Community Standards at Guttman Community College to promote a safe and secure community and enforce City University of New York rules and regulations through civility, integrity, and student learning while treating each student with dignity and respect. The Office of Student Conduct and Community Standards fulfills this mission by:
   i. Developing, disseminating, interpreting, and enforcing the University’s rules and regulations;
   ii. Educating students about institutional expectations by holding them accountable for their actions;
   iii. Intervening effectively when student behavior violates the University/College’s rules and regulations;
iv. Supporting students during conduct experiences in an effort to foster maturity; independence, responsibility, advocacy, and life-long learning skills;

v. Offering education and awareness to the campus community; and

vi. Working collaboratively with campus officials to maintain campus safety.

II. Disciplinary Offenses

2. Prohibited Conduct - Henderson Rules of Public Order

GCC considers behaviors described below inappropriate for students and organizations at the College. Any student or organization found to have committed or to have attempted to commit the following acts is subject to the sanctions outlined in Section X- Disciplinary Sanctions. Those behaviors include:

a. Obstruction of or interference with institutional educational processes or facilities and the prevention of others from exercising their rights;

b. Failure to comply with lawful directions of College officials acting in the performance of their duties, including failure to comply with the reasonable directions of a member or agent of the College acting in the performance of his or her duty;

c. Any unauthorized occupancy of facilities owned or controlled by the institution or blockage of access to or from such facilities;

d. Theft, misappropriation, damage, or unauthorized sale of College property;

e. Intimidation or abuse of others who advocate their positions;

f. Interference with the right of any institution member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by the institution;

g. Disorderly Conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, other groups or individuals (e.g. public urination/defecation, participation in a disruptive or coercive demonstration);

h. Firearms, Ammunition and Other Dangerous Weapons. Possession of or use of firearms, ammunition, dangerous weapons of any kind, as well as replica/toy weapons. (Examples of prohibited items include but are not limited to: BB guns, pellet guns, explosive materials, paintball guns, water guns, cap guns, stun guns, Tasers, toy knives or other items that simulate firearms or dangerous weapons);

i. Recklessly or intentionally endangering the physical or mental health of others. These behaviors include but are not limited to actions causing bodily harm to another person, or reckless disregard for the health, safety and welfare of any person. Also, engaging in threatening/intimidating behavior which is so persistent, pervasive, or severe as to deny a person’s ability to participate in the College community, and verbal threats and/or attempts to intimidate, including, but not...
limited to statements meant to provoke conflict with another person or which cause a reasonable fear for a person’s safety;

j. Drugs and other Controlled Substances. The unlawful possession, use, or sale of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic, hallucinogenic drug, or marijuana). This offense includes the violation of any local ordinance, state, or federal law concerning drugs or controlled substances, on or off College-owned or controlled property; and

k. Alcoholic Beverages. The use and/or possession of alcoholic beverages on or off institution owned or controlled property. This offense includes the violation of any University policy, local ordinance, state, or federal law concerning alcoholic beverages, on or off College-owned or controlled property. See CUNY’s Drug and Alcohol Policy for more details.

Prohibited Conduct- CUNY Sexual Misconduct Policy

3. This policy prohibits sexual harassment, gender-based, harassment, and sexual violence against any CUNY student, employee, or visitor. Sexual harassment includes unwelcome conduct of a sexual nature, such as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic and electronic communications or physical conduct that is sufficiently serious to adversely affect an individual’s participation in employment, education or other CUNY activities. Conduct is considered “unwelcome” if the individual did not request or invite it and considered the conduct to be undesirable or offensive. Sexual Misconduct involves, but is not limited to:

a. Inappropriate or unwelcome physical contact or suggestive body language, such as touching, groping, patting, pinching, hugging, kissing, or brushing against an individual’s body;

b. Verbal abuse or offensive comments of a sexual nature, including sexual slurs, persistent or pervasive sexually explicit statements, questions, jokes or anecdotes, degrading words regarding sexuality or gender, suggestive or obscene letters, notes, or invitations;

c. Visual displays or distribution of sexually explicit drawings, pictures, or written materials; or

d. Undue and unwanted attention, such as repeated inappropriate flirting, staring, or making sexually suggestive gestures.

For purposes of this policy, sexual harassment also includes acts that violate an individual’s right to privacy in connection with her/his body and/or sexual activity such as:

a. Recording images (e.g. video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness without that person’s consent;
b. Disseminating images (e.g. video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure;

c. Viewing another person’s sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person’s consent.

**Prohibited Conduct- CUNY’s Policy on Academic Integrity**

4. This policy prohibits cheating, plagiarism, fabrication, unfair advantage and falsification of records and official documents. Academic Misconduct. Plagiarism, cheating, fabrication. For purposes of this section the following definitions apply:

a. **Plagiarism.** The adoption or reproduction of ideas, words, statements, images, or works of another person as one’s own without proper attribution, or the reuse of one’s own academic work previously submitted for academic credit at any academic institution. Examples include:
   i. Copying another person’s actual words without citation;
   ii. Presenting another person’s ideas or theories as one’s own without acknowledging the source;
   iii. Failing to acknowledge collaborators on assignments; and
   iv. Participating in internet plagiarism, including downloading all or parts of term papers.

b. **Cheating.** Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours. Examples of cheating includes:
   i. Copying from another student during an examination or allowing another to copy one’s work;
   ii. Using unauthorized collaboration on a take home assignment or exam;
   iii. Using notes on a closed book exam before getting directions to begin;
   iv. Taking an exam for another student or allowing another student to take one’s exam;
   v. Changing a graded exam and returning it for more credit.
   vi. Submitting substantial portions of the same paper to more than one course without consulting the instructors;
   vii. Preparing answers or writing notes in a blue book; and
viii. Allowing others to research and write assigned papers or do assigned projects.

c. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.

d. Unauthorized use during an exam of technological or electronic devices to retrieve or send information.

e. Obtaining Unfair Advantage. Any action taken by a student that gives that student an unfair advantage in his/her academic work over another student. Examples include:
   i. Stealing, reproducing, circulating or otherwise gaining advance access to exam materials;
   ii. Depriving other students of access to library materials by stealing, destroying, defacing, or hiding them;
   iii. Retaining, using or circulating exam materials which should be returned at the end of the exams; and
   iv. Obstructing or interfering with another student’s work in an intentional way.

f. Falsification of records and official documents. Examples include:
   i. Forging signatures of authorization;
   ii. Falsifying information on official academic record; and
   iii. Falsifying information on an official document such as permission letter, drop/add form, ID card or other College document.
Prohibited Conduct - Admission Fraud

5. This policy prohibits the submissions of documents in support of applications for admissions. Any forgery, alteration of or unauthorized use of institutional documents, forms, records, including the giving of any false information, or withholding of necessary information, in connection with a student’s admission, enrollment or status in CUNY. This includes, but is not limited to failure to disclose complete official transcripts of all domestic and/or international coursework for the purpose of admission into CUNY or for consideration of transfer articulation and materially incomplete documents.

Materially incomplete applications include applications that fail to include all prior post-high school College level courses, regardless of whether

a. The courses were taken at a post-secondary institution in the United States or outside the United States;
b. The applicant received a degree at the post-secondary institution;
c. The applicant is seeking credit for such courses; or
d. The applicant is changing majors/careers.
6. Conduct Alternative — CUNY’s Emergency Medical Withdrawal Policy

This policy is used in College-initiated cases of threatening or disruptive behavior connected to a mental health or other medical issue. As an alternative to conduct, the College can initiate a voluntary or involuntary medical withdrawal.

In the case of a College-initiated medical withdrawal, the procedure is outlined in CUNY’s Medical Withdrawal Policy. In general, this type of withdrawal is processed through the office of the College’s Dean of Student Engagement, who is responsible for informing the Office of the Registrar of the withdrawal. In most cases, a withdrawal grade will appear on a student’s transcript, but in limited situations as defined in the Medical withdrawal Policy and in the discretion of the Dean of Student Engagement, notations of incomplete for classes taken during the semester in which the withdrawal occurs may appear on a student’s transcript.

The policy is used:
   a. When a student’s behavior evidences a direct threat of harm to others, or when the students’ behavior substantially disrupts the learning or working environment of others. A direct threat means a significant risk of harm or health or safety.
   b. When a student threatens or attempts to harm himself whether that behavior substantially disrupts the learning or working environment of others.

Re-entry to the College may be given if the Dean of Student Engagement or Student Conduct Officer determines based on the assessment of a qualified, licensed mental health professional, that there is not a significant risk that the behavior that required withdrawal will be repeated.
III. Classroom Misconduct

7. Disruptive Behavior in the Classroom

Guttman expects students to respect the rights, privileges and property of other people. Faculty are required to report disruptive behavior that interrupts their ability to teach, compromises the safety of the learning environment or inhibits students' ability to learn. The instructor has responsibility for maintaining control over classroom behavior and can report behaviors through appropriate procedures of the institution, such as Behavior Intervention Team (BIT), Office of Public Safety, Office of Student Engagement/Office of Student Conduct and Community Standards.
IV. Students’ Rights and Expectations

8. Students’ Rights and Responsibilities under Article XV of CUNY Bylaws

Any charge, accusation, or allegation which is to be presented against a student, and, which if proved, may subject a student to disciplinary action, must be submitted in writing in complete detail to the office of the Dean of Student Engagement or the Office of Student Conduct and Community Standards promptly by the individual, organization or department making the charge. All respondents have the following rights:

a. General Procedural rights
   i. Advance notice of hearing and charges with relevant documents (at least 7 calendar days).
   ii. Representation; advisor or legal counsel (respondent and complainant).
   iii. Present their side of the story; witnesses and evidence.
   iv. Cross-examination of witnesses (exception for cases of sexual misconduct).
   v. Right against self-incrimination; silence may not construed as an admission of responsibility.
   vi. Present character references in the penalty phase (complainant and respondent).
   vii. Impact statement in the penalty phase (complainant and respondent).
   viii. Written notice of the outcome (respondent and complainant).
   ix. Right to appeal (respondent and complainant).

9. Complainants’ Rights under CUNY’s Sexual Misconduct Policy

CUNY students who experience campus-related sexual harassment or sexual violence, including sexual assault, stalking, domestic violence, intimate partner violence or dating violence, are entitled to the following rights:

a. To be provided with confidential on-campus counseling, and to be notified of other available services on- and off-campus.

b. To obtain, where appropriate, changes with respect to campus academic and living arrangements, no-contact orders, and other interim remedial measures to enable them to continue their education without undue stress or trauma.

c. To have their complaints handled respectfully by the campus, to be informed about how the campus will protect their privacy and confidentiality, and to have any allegations of retaliation addressed by the campus.

d. To file a criminal complaint and to seek an Order of Protection, with the assistance of the College, if they so choose.

e. To make a formal complaint at the campus as the first step in the disciplinary process against the respondent(s).

f. To have their complaint investigated in a prompt, impartial and thorough manner by individuals who have received appropriate training in conducting investigations and the issues related to sexual harassment and sexual violence.
g. To report incidents of sexual harassment or sexual violence that they experience while under the influence of alcohol or drugs without receiving discipline for their alcohol or drug use, if they agree to complete appropriate education or treatment as the circumstances warrant.

h. To have the same opportunity as the respondent(s) to participate in a student disciplinary hearing before a faculty-student disciplinary committee, including the right to be present, to be represented by a person of their choice, including an attorney, to present evidence, call witnesses, cross-examine witnesses, receive notice of the outcome of the hearing, and to appeal from the decision.

10. **Expectations**

The respondent can expect from the Office of Student Conduct and Community Standards:

a. Diligent assistance including evidence and document review.

b. Due process

c. Explanation of University and College rules and policies.

d. Maintenance of confidentiality and privacy.

e. Professionality and balanced judgement.

f. Protection of all materials and records in accordance the [Federal Education Rights and Privacy Act](#) (FERPA), except under certain conditions.
V. Student Grievance about Faculty or Staff Conduct

11. Students are encouraged to resolve complaints informally with faculty or staff. Students may seek the assistance of a Program Coordinator to facilitate an informal resolution.

   a. Formal complaint

      If students do not wish to pursue informal resolution, or attempts to resolve the matter informally are not successful, they may file a written complaint with the Academic Dean or designee (the “investigator”). Only students in a faculty member’s class or present in the setting where the staff conduct occurred may file a complaint against that individual.

      i. The complaint must be filed within thirty (30) days of the alleged event. Written material and supporting evidence, if any, must be as specific as possible in describing the conduct of concern.

      ii. The investigator shall give a copy to the faculty or staff member with a formal notice stating that the complaint itself does not imply that any wrongdoing has occurred and there must be no retaliation of any kind against the student for filing a complaint.

      iii. If the student or faculty/staff member has reason to believe that the investigator may be unable to deal with the matter in a fair and objective manner, or if the investigator is the subject of the complaint, the student or faculty/staff member shall advise the Provost of the reasons for that belief. If the request appears to have merit, the Provost may designate a different individual to investigate or ask the President to designate a senior administrator to serve in that capacity.

      iv. The President may re-assign any investigation at any time as appropriate, such as when an investigation is not completed in a timely manner or the designated individual is unavailable or unwilling to serve.

      v. The investigator shall meet with the student and faculty/staff member, separately or together, to discuss the complaint and try to resolve it. The investigator may seek the assistance of other people to mediate or facilitate informal resolution at any time.

      vi. If resolution is not possible, formal fact-finding shall commence.

      vii. Where there is strong preliminary evidence that:

            1. The complaint is meritorious and the student may suffer immediate and irreparable harm, the investigator may provide appropriate relief to the complainant before the investigation is completed. The affected faculty/staff member may appeal the interim relief to the Provost.

            2. The complaint, even taken as true and viewed in the light most favorable to the student, is clearly protected by academic freedom, the investigator shall issue a written report dismissing the complaint and setting forth the reasons for dismissal. A copy shall be sent to the student, faculty/staff member, Provost and Dean of Student Engagement. Guttman notes that
academic freedom rights do not supersede the College’s obligation to provide a discrimination and harassment-free work and learning environment.

3. The circumstances are of such severity as to warrant immediate action, disciplinary charges may be brought even though the investigative process is not yet complete. In that case, the investigation shall be automatically suspended and interim measures may be taken.

viii. At the end of the investigation, the investigator shall issue a written report setting forth his or her findings of fact and recommendations and shall send a copy to complainant, the faculty/staff member, the Provost and Dean of Student Engagement. In ordinary cases, the investigation and written report should be completed within thirty (30) days of the date the complaint was filed.

b. Appeals procedure

If either the student or faculty/staff member is not satisfied with the fact finding report and recommendation, a written appeal to the Provost may be filed within ten (10) days of receipt.

i. The Provost or designee shall convene and chair an Appeals Committee consisting of the Dean of Student Engagement or Student Conduct Officer, two faculty members (or a faculty member and a HEO) and one student from the Student Government Association (SGA) [the “Appeals Committee”].

ii. The Appeals Committee shall review the report’s findings and recommendations, but shall not conduct a new factual investigation or overturn any factual findings unless the investigator’s findings are clearly erroneous.

iii. If the Appeals Committee decides to reverse the investigator in a case where there was no investigation because of an erroneous finding that the alleged conduct was protected by academic freedom, the report may be remanded or reassigned for further proceedings.

iv. The Provost or designee shall issue a written decision setting forth reasons for the Appeals Committee determination within twenty (20) days of receiving the appeal. A copy of the decision shall be sent to the student, faculty/staff member, investigator and President.

c. Subsequent action. On issuance of the Appeals Committee’s decision, the appropriate College official shall decide what action to take, if any. For example, a report may be placed in the faculty/staff member’s file or disciplinary charges may be filed. All actions taken, whether interim or final, must comply with all relevant CUNY Bylaws, regulations and collective bargaining procedures.
VI. Student Conduct Process

12. Filing a Formal Complaint

Article XV of the CUNY Bylaws allows any person to file a formal complaint against any active Guttman Community College student or organization for alleged violations of University policy, occurring either on or off campus. Complaints may be originated by students, faculty, staff, University departments and individuals external to the University.

To file a complaint:

i. Send an email to Dean of Student Engagement (Charles.Pryor@guttman.cuny.edu) or Student Conduct Officer (Carolee.Ramsay@guttman.cuny.edu). The best way to submit is via your Guttman e-mail account (your email will act as your signature).

ii. Cases of assault, theft, harassment and other serious or immediate issues should be immediately reported to Public Safety at 646-313-8101/646-313-8112 or by emailing anastasia.koutsidis@guttman.cuny.edu and pub safety@guttman.cuny.edu

iii. Academic integrity violations must be reported to the Academic Integrity Officer, Tracy.Daraviras@guttman.cuny.edu

a. A complaint must include:
   i. Complainant’s name, address, phone number and GCC email.
   ii. Nature and date of alleged violation/behavior
   iii. Name of person(s)/organization responsible for the alleged violation/behavior
   iv. Detailed statement of the incident
   v. The best time to contact you for more information if needed.

b. Once a complaint is filed:

Having received a formal complaint against a student, the Office of Student Conduct will conduct a preliminary review of the complaint in order to determine whether the circumstances detailed in the formal complaint are sufficient to cause a formal charge to be made. The Office of Student Conduct and Community Standards consults with the Dean of Student Engagement regarding how to proceed with a complaint. If the Office of Student Conduct and Community Standards concludes that the complaint is sufficiently complete and involves a violation of a University policy, rule, regulation, or standard of conduct, the person(s) making the complaint will be expected to appear before the Faculty Disciplinary Committee (FSDC) as the complainant/witness unless the respondent agrees that a violation has taken place, agrees to a Pre-Hearing Resolution and waives the right to a hearing. In certain cases when the complainant decides not to file or pursue a formal complaint, the College/University reserves the right to continue to process the matter.

c. Admission and Acceptance of Penalty without Hearing (Pre-Hearing Resolution):

i. At any time after receiving the charges, but prior to the commencement of the hearing, the respondent may admit to the charges and accept the recommended penalty by Dean of Student Engagement or Student Conduct Officer as a resolution.

ii. The agreed upon penalty shall be placed on the respondent’s transcript.
VII. Conduct Process Condensed

1. Incident occurs and an allegation or complaint is made.

2. Written complaint given to the Chief Student Affairs Officer (CSAO)/Designee.

3. Investigate whether there is sufficient evidence to pursue formal disciplinary charges. Cases of Sexual Assault, Stalking, or Sexual Violence – Title IX Coordinator Investigates.
   • Send a “Request for Contact” to respondent(s)
   • Coordinate meetings with parties involved
   • Interview respondents, complainants, witnesses, and examine all physical or documentary evidence
   • Get statement from respondent (not cross examination)
   • Explain procedures to respondents and complainants
   • Give a copy of Article IV and Henderson

4. CSAO/Designee assigns personnel to attempt mediation by way of mediation. Cases of sexual misconduct cannot be mediated. Prevent pre-conference meetings with respondent/complainant to discuss findings prior to mediation. Prepare Request for Mediation and have respondent sign off.

5A. Mediation not possible so the matter is referred to a formal hearing.

5B. Matter so serious that it is immediately referred to disciplinary hearing. Cases of Sexual Assault, Stalking, or Sexual Violence go directly to hearing.
   • ISSK Designation, Coordinate hearing, Send form to CSU, get recorder and personnel for hearing
   • Have pre-hearing conferences with respondent about findings, rights, responsibilities, evidence or prior record that needs to be signed off
   • Have witness/medical preparation for complainant, witness practice direct and cross examination questions
   • Can offer a Pre-Hearing Resolution (needs to be a different document agreed upon by complainant and respondent)
   • Notice of Hearing, Henderson Rules, Article XIV, Appeal Info, Hearing Rights. Penalties sent to student 7 days before hearing
   • Notice of Hearing/Advisory needed 5 days before hearing

6. If student found responsible then he/she can appeal penalty to college President within 15 days.

7. If the appeal to the college President is unsuccessful and the penalty is 1 semester or more, the student can then make an appeal to the BOT Committee on Student Affairs. Decision final and binding.
VIII. What is a Faculty Student Disciplinary Committee (FSDC) Hearing?

13. A hearing pursuant to Article XV of the bylaws to determine whether a student accused of violating the Henderson Rules, school code of conduct, CUNY rule or policy, or any laws of the city, state, or nation is guilty of the alleged misconduct.

a. Who are the members of the FSDC?

Members of the Committee are elected or appointed pursuant to Article XV of the CUNY Bylaws. Each year 4 faculty, 4 HEOs, and 4 students are elected by their respective bodies or appointed by the College’s President to serve on the FSDC along with 2 chairs (faculty) selected by the College President. Chairs must receive training upon appointment.

b. How many members must be assigned to hear a case?

Article XV requires an FSDC hearing panel to have 5 members:

i. Chair  
ii. 2 Faculty/HEO  
iii. 2 Students

** Article XV requires a quorum of 3 for any hearing – Chair plus 2 members - one of whom must be a student.**

c. How are chairs and FSDC committee members chosen for individual cases?

Article XV requires that chairs be selected on a rotating basis and that faculty and student members be selected by lottery from their respective pools. A Designation of Faculty-Student Disciplinary Committee form must be submitted to the Central Office of Student Affairs.

d. Faculty Student Disciplinary Committee Subcommittee

i. Each School is required to designate from its FSDC a subcommittee consisting of 1 Chair, 2 Faculty / HEO, and 2 students to hear disciplinary matters related to sexual misconduct.

ii. All members of this subcommittee must receive annual training.

iii. Only the subcommittee can hear cases related to sexual misconduct

d. Committee Panel

i. The Dean of Student Engagement/Student Conduct Officer will select a panel pursuant to Article XV, to hear the matter.

ii. The Dean of Student Engagement/Student Conduct Officer must fill out the designation of FSDC form and forward a copy to the Central Office of Student Affairs.

e. Open/Closed Hearing

The respondent is entitled to a closed hearing, but can request an open hearing. If the student chooses an open hearing, the chair must have the student fill out and sign the “Request and Consent for an Open Public Student Disciplinary Hearing” form. **Ultimately, the College has the discretion to hold a closed hearing if it is determined that an open hearing would be disruptive. Cases involving sexual misconduct will be held in closed hearing.**
IX. Hearing Process

14. A student or organization accused of violation of CUNY, Guttman, state or federal rules or laws will be given notice of the alleged violation(s) in the form of a notice letter. The notice letter will be communicated to the student in writing and will identify the alleged violation(s) and direct the respondent how to proceed to the next step of the College’s disciplinary process. In cases involving interim suspension, the Dean of Student Engagement/Student Conduct Officer will send notice to the students informing them of the interim suspension.

   a. All matters involving allegations of sexual misconduct (including but not limited to sexual violence), sexual harassment, or retaliation will be governed by the procedures outlined in CUNY Sexual Misconduct Policy and Article XV where applicable.

   b. The notice letter will generally direct the respondent to contact the Office of Student Conduct and Community Standards to arrange an appointment to meet for pre-conference hearing(s).

      i. Notice letters will be delivered to respondents via certified PDF through their Guttman email account and regular mail. The College considers e-mail a valid form of communication. As such, it is every student’s responsibility to check school e-mail account on a regular basis. A notice letter will inform the respondents of the following rights:

         1. Representation; advisor or legal counsel (respondent and complainant).
         2. Present their side of the story; witnesses and evidence.
         3. Cross-examination of witnesses (exception for cases of sexual misconduct).
         4. Right against self-incrimination; silence may not construed as an admission of responsibility.
         5. Present character references in the penalty phase.
         7. Written notice of the outcome.
         8. Right to appeal.

   c. During the pre-conference meeting with the conduct officer, the respondent/organization will be given copies of the policy (ies) that has/have been violated. He/she will also be given the opportunity to contest the alleged violation(s) and to present information to contest the violation.

   d. The respondent/organization has the right to be accompanied by an advisor of choice, including legal counsel, but that advisor may not speak on behalf of the student. The legal counsel may represent the student during a hearing.

   e. All disciplinary meetings are conducted in private in order to protect the confidential nature of the proceedings.

   f. The Conduct Officer also reviews the Faculty Student Disciplinary Committee’s (FSDC) structure and purpose with the respondent.
g. Commencement of hearing
   i. The College shall make a record of each fact-finding hearing by some means such as a stenographic transcript, a tape recording or the equivalent. The College must assign a designated recorder to record hearing.
   ii. A student who has been disciplined is entitled, upon request, to a copy of such a record without cost.

h. Student failure to appear
   i. Student is entitled to one adjournment. Additional requests for adjournment must be made 5 calendar days prior to the hearing date.
   ii. If the student fails to appear for the scheduled hearing, the hearing should be adjourned and rescheduled. A new hearing notice, indicating that the student failed to show for a hearing, should be sent to the student.
   iii. This notice should also explain that should the student fail to show up on the rescheduled date, a hearing will be held in her/his absence.
   iv. Immediately following a student withdrawal from the College after a charge, a notation must be placed on the transcript indicating “withdrew with conduct charges pending”.

i. Due process
   Any decision issued by the committee must reflect that the procedural rules set forth in the bylaws were followed to protect the student’s rights, and afford him/her a fair hearing.

j. Penalty phase
   If respondent is found responsible of the alleged charges:
   i. **Impact Statement:** Both complainant and respondent may make an impact statement.
   ii. **Character References:** Both complainant and respondent may introduce individual character references. This will be used in determining appropriate penalty.
   iii. **Previous record:**
       The College may introduce past findings of respondents’ responsibility for domestic violence, stalking or sexual assault, and/or any prior disciplinary record from any CUNY institution the respondent has attended. Prior disciplinary record includes:
       1. A previous FSDC decision, where charges were sustained,
       2. A previous fully executed mediation agreement for any CUNY institution the student has attended.
       3. The Conduct Officer must submit a sealed envelope bearing the respondent’s signature. The FSDC chair must confirm that the respondent had the opportunity to review the contents of the envelope, as a standard practice.
k. Post-hearing
   i. Decision
      1. Article XV requires that the respondent be mailed a copy of the decision within 7 days of the hearing’s conclusion.
      2. In cases involving two or more complainants or respondents, the decision must be mailed within 14 days of the hearing’s conclusion.
      3. When the case involves an allegation of sexual assault the decision must be transmitted to the respondent and the complainant concurrently.

   ii. Each decision must include:

      1. An outline of the charges
      2. A procedural history
      3. The findings
      4. The penalty & reasoning/rationale
      5. Notice of appeal rights
X. Disciplinary Sanctions

15. The following disciplinary sanctions are applicable to both individual students as well as student organizations. Upon determination that a student or organization has violated any of the policies set forth in this document and/or the general policies of the University/College, disciplinary sanctions may be imposed by the appropriate official/committee.

Definition of Sanctions:

a. **Admonition.** An oral statement to the offender(s) that he/she/they have violated University rules;

b. **Warning.** A warning constitutes official written/oral notice that a student or organization has violated University rules governing conduct and that repetition of inappropriate conduct, within a period of time, would be cause for more serious disciplinary action;

c. **Censure.** A censure may be issued to any student or organization whose conduct violates University rules. Censure provides written reprimand of the specified violation and notice that any further violation(s) within a specified time stated in the letter, will result in more serious disciplinary action;

d. **Disciplinary Probation.** Any student or organization placed on disciplinary probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities, or any other appropriate special condition(s). Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these policies;

e. **Suspension.** Suspension involves the separation of a student or student organization from the College and University for a specified period of time. Suspension may be accompanied by special conditions for readmission. All students suspended from the University will be issued a directive barring them from college-owned or controlled property. A student suspended from Guttman must submit a written request to the Dean of the Student Engagement or Student Conduct Officer to request permission to be present on College property. This request must specifically identify the nature of the official business which the suspended student wishes to conduct as well as the location(s) that the student wishes to visit;

f. **Emergency Suspension.** As a general rule, the status of a student or student organization accused of violation(s) of the prohibited conduct identified in Henderson Rules, CUNY rules or any college rules or policies shall not be affected until a final determination of responsibility has been made in regard to the violations. However, emergency suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the Dean of Student Engagement or Student Conduct Officer that the continued presence of the respondent on campus would constitute an immediate threat to the physical safety and well-being of the respondent, any other member of the College, its guests, property, or would create a substantial disruption of classroom or other College activities. All students/organizations placed on interim suspension status will be barred from University owned or controlled property and all college-sanctioned events or functions;

g. **Restitution.** Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or organization is obligated by the appropriate official/body to compensate a party or parties for a loss suffered as a result of disciplinary
violation(s). Restitution may take the form of appropriate service to repair or otherwise compensate for damages;
h. **Expulsion.** Termination of student status for an indefinite period. If the College believes the student can show rehabilitation, it can state conditions in the order of expulsion;
i. **Complaint to Civil Authorities;**
j. **Ejection;**
k. For **Admission Fraud:**

   i. **Pre-enrollment**- In the event of the submission of fraudulent documents lifetime ban on admission to any college of the University
   
   ii. **Post-Enrollment**
   
   iii. If, after a student has completed registration or begun classes in a University college, it is found that the student had submitted a fraudulent document in support of an application for admission, the student shall be suspended from the University for five years. A second offense shall result in expulsion.

   iv. **Post-Graduation**
   
   v. If, after a student has graduated it is found that the graduate submitted a fraudulent document in support of an application for admission, then he or she shall be notified in writing. The accused graduate shall be entitled to a hearing pursuant to the University Bylaws, at which the college faculty-student disciplinary committee shall determine the facts, based upon which the disciplinary committee may make a decision to impose a penalty of suspension from the University for five years, and may also recommend the revocation of the degree or certificate that had been awarded to the student. A second offense shall result in expulsion;

l. **Mediation.** After the investigation, Article XV provides the Office of Student Conduct and Community Standards and the respondent an opportunity to resolve the allegations, in lieu of a formal disciplinary hearing, in the form of Mediation. This mediation can done formally with a mediator or through a behavior contract with the student. Specific terms are outlined in the agreement.
XI. Transcript Notations

16. Disciplinary Penalties – Notation on Transcript

a. Disciplinary penalties shall be placed on the student’s transcript and shall remain there unless the committee’s decision, the decision on any appeal, or a mediation agreement expressly indicates otherwise.

b. In cases where the respondent is found responsible for a *Clery reportable crime of violence, a notation must be placed on the transcript indicating “suspended or expelled after a finding of responsibility for a conduct violation”.

c. A notation of expulsion after a respondent is found responsible for a Clery reportable act of crime shall NOT be removed.

*A Clery reportable crime is the College’s compliance with the Clery Act: a consumer protection law that aims to provide transparency around campus crime policy and statistics. In order to comply with Clery Act requirements, colleges and universities must understand what the law entails, where their responsibilities lie, and what they can do to actively foster campus safety.

See a comprehensive list of Clery reportable crimes and their definitions here.