

STUDENT CONDUCT

Student Conduct promotes a safe and secure community and enforces The City University of New York (CUNY) rules and regulations through civility, integrity, and student learning while treating each student with dignity and respect. Student Conduct fulfills this mission by:

- Promoting a safe and secure community
- Enforcing The City University of New York's rules and regulations.
- Educating students about institutional expectations
- Holding students accountable for their actions
- Intervening effectively where appropriate
- Supporting students during their conduct experiences

As such, students are expected to conduct themselves as law-abiding citizens of the College at all times. Admission to York carries with it special privileges and imposes responsibilities. York is committed to the development of students' personal and academic excellence. As voluntary members of the York 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, vision, and values.

STUDENT RIGHTS AND RESPONSIBILITIES

It is important that students understand their rights to due process. These rights are consistent at all City University of New York Colleges. These rights are housed in a document titled Article XV. This article is pursuant to the bylaws set forth by CUNY.

Every enrolled student and guest of the City University of New York Community is responsible for maintaining appropriate, professional behavior. Every student must follow all State, Federal and Local laws at all times during their enrollment. Additionally, all CUNY students must follow the Henderson Rules which are the outlined policies of the institution. They are consistent at all CUNY Colleges.

MAINTENANCE OF PUBLIC ORDER - CODE OF CONDUCT

The Student Process bylaws (Article XV) were adopted by the Board of Higher Education at its meeting held November 23, 1970. This action provided the means by which administration, faculty, and students at each college of the University may administer a system of student conduct and discipline designed to maintain campus order and protect the rights of members of the college community. (continued)





The following behaviors are considered violations of the Code of Conduct and are subject to disciplinary process and sanctions:

1. A member of the academic community shall not intentionally **obstruct and/or forcibly prevent others** from the exercise of their rights. Nor shall he interfere with the institution's educational processes or facilities, or the rights of those who wish to avail themselves of any of the institution's instructional, personal, administrative, recreational, and community services.
2. Individuals are liable for **failure to comply** with lawful directions issued by representatives of the University/college when they are acting in their official capacities. Members of the academic community are required to show their identification cards when requested to do so by an official of the college.
3. **Unauthorized occupancy** of University/college facilities or blocking access to or from such areas is prohibited. Permission from appropriate college authorities must be obtained for removal, relocation, and use of University/college equipment and/or supplies.
4. **Theft from, or damage** to University/college premises or property, or theft of or damage to property of any person on University/college premises is prohibited.
5. Each member of the academic community or an invited guest has the **right to advocate his position without having to fear abuse, physical, verbal, or otherwise**, from others supporting conflicting points of view. Members of the academic community and other persons on the college grounds shall not use language or take actions reasonably likely to provoke or encourage physical violence by demonstrators, those demonstrated against, or spectators.
6. Action may be taken against any and all persons who have no legitimate reason for their presence on any campus within the University/college, or whose presence on any such campus **obstructs and/or forcibly prevents** others from the exercise of the rights or interferes with the institution's educational processes or facilities, or the rights of those who wish to avail themselves of any of the institution's instructional, personal, administrative, recreational, and community services.
7. **Disorderly or indecent conduct** on University/college-owned or controlled property is prohibited.
8. No individual shall have in his **possession a rifle, shotgun, or firearm** or knowingly have in his possession any other dangerous instruments or material that can be used to inflict bodily harm on an individual or damage upon a building or the grounds of the University/college without the written authorization of such educational institution. Nor shall any individual have in his possession any other instrument or material which can be used and is intended to inflict bodily harm on any individual or damage upon a building or the grounds of the University/college.
9. Any action or situation which **recklessly or intentionally endangers mental or physical health** or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization is prohibited.
10. The **unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs or other controlled substances** by University students or employees on University/college premises, or as part of any University/college activities is prohibited. Employees of the University must also notify the College Personnel Director of any criminal drug statute conviction for a violation occurring in the workplace not later than five (5) days after such conviction.
11. The **unlawful possession, use, or distribution of alcohol** by students or employees on University/college premises or as part of any University/college activities is prohibited.

[Policy on Sexual Misconduct](#) - This Policy prohibits Sexual Misconduct at The City University of New York ("CUNY"). In addition to defining what constitutes Sexual Misconduct and explaining the resources available to those affected by Sexual Misconduct, this Policy details CUNY's procedures for investigating and adjudicating allegations of Sexual Misconduct.

GUIDELINES FOR REPORTING

- Issues of Safety and Security where there is a threat of harm to anyone in the community, self or others, should be reported to the Office of Public Safety by calling 718-262-2222. The Office of Public Safety is located in room AC-1M02.
- Issues of a sexual nature such as sexual assault, sexual harassment, dating violence, domestic violence and stalking should make a report to the Office of Diversity and Compliance. Call 718-262-2141. The Office of Diversity and Compliance is located in Room AC-2H04.
- Incidents of in class student behavioral issues should be reported by faculty through the Behavioral Intervention Team (BIT) reporting system. Call 718-262-2331.
- All incidents of academic integrity should be reported by faculty to the Academic Integrity Committee using the Academic Integrity form. All forms should be accompanied with supporting documents and evidence of the infraction. Email integrity@york.cuny.edu.
- Faculty can refer a student to counseling services through the Counseling Center. Call 718-262-2272 or email counseling@york.cuny.edu. The Counseling Center is located in room AC-1G03.
- Members of the York community who need to report an injury or health-related issue can contact the Office of Public Safety at 718-262-2222 and the Office of Health Services 718-262-2050. The Office of Health Services is located in room AC-1F01.

CUNY POLICIES AND RESOURCES

Scan the QR code for all CUNY related policies and resources or visit:

<https://www.cuny.edu/about/administration/offices/legal-affairs/policies-resources/>



STUDENT CONDUCT FREQUENTLY ASKED QUESTIONS

1. How are disciplinary incidents identified?

Information is sent to Student Conduct by a variety of complaint avenues and sources. Within York's campus, this commonly includes Public Safety reports, faculty reports, and referrals from the Behavioral Intervention Team of reports made by members of the college community. Outside of York, information can also be referred to from other colleges or universities or by law enforcement professionals. Once a report is received, staff members in the office review the information presented to determine whether a policy violation may have taken place. If so, the student conduct process is initiated.

2. Who is involved in the student conduct process?

The Ombudsperson (Ombuds) is responsible for conducting a fact-finding investigation of incidents, facilitating mediations. A student accused of violating a college policy will meet with the Ombuds to discuss what took place and how the student conduct review process will proceed. In addition, parties directly or indirectly involved with the matter may be contacted during the investigation process, as needed.

3. What rights do students have in the student conduct process?

Article XV of the CUNY Board of Trustees Bylaws outlines the specific rights and responsibilities of students in the student conduct process. These include:

- The right to receive formal notification of the charges against you
- The right to have an investigation and mediation or hearing take place within a reasonable amount of time
- The right to present your side of the story (continued)

STUDENT CONDUCT FREQUENTLY ASKED QUESTIONS (CONTINUED)

- The right to present witnesses and evidence on your behalf
- The right to remain silent without assumption of guilt
- The right to be represented by legal counsel or an advisor at the student's expense

4. What will happen to me if I am found responsible?

A decision will be made either through mediation or a formal hearing whether the accused student is responsible or not responsible for the charges presented. If a student is found responsible, a specific sanction will also be outlined. The range of sanctions that are possible in the student conduct process are outlined in the York College Code of Conduct and/or Henderson Rules, outlined in Article XV of the CUNY Board of Trustees Bylaws. These include:

- a. Admonition:** An oral statement to the offender that he or she has violated university rules.
- b. Warning:** Notice to the offender, orally or in writing, that continuation or repetition of the wrongful conduct, within a period of time stated in the warning, may be cause for more severe disciplinary action.
- c. Censure:** A written reprimand for violation of specified regulation, including the possibility of more severe disciplinary sanction in the event of conviction for the violation of any university regulation within a period stated in the letter of reprimand.
- d. Disciplinary Probation:** Exclusion from participation in privileges or extracurricular university activities as set forth in the notice of disciplinary probation for a specified period of time.
- e. Restitution:** The reimbursement for damage to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.
- f. Suspension:** Exclusion from classes and other privileges or activities as set forth in the note of suspension for a definite period of time.
- g. Expulsion:** The termination of student status for an indefinite period. The conditions of readmission, if any are permitted, shall be stated in the order of expulsion. Complaint to Civil Authorities.
- h.** Complaint to Civil Authorities.
- i. Ejection:** A true copy of resolution adopted by the Board of Trustees of the City University of New York on June 23, 1969, as amended on October 27, 1980, May 22, 1989, and June 25, 1990. In addition, an educational sanction may be imposed on the student providing an opportunity to reflect on the incident and the student conduct process.

5. Will this go on my "record"?

Students who are found responsible for violating a policy or policies are provided with documentation of their charges and sanctions. Copies of these documents are maintained within Student Conduct and may be released to outside parties when requested. For example, some employers or graduate schools ask York to disclose whether a student has a disciplinary record at the college. However, these documents are protected under The Family Educational Rights and Privacy Act (FERPA) and are only released according to the guidelines set forth in that law. Some disciplinary sanctions are also recorded on a student's academic transcript. The details of this will be specifically outlined to you in the documentation provided during the student conduct process.

6. Are NYPD or other outside agencies involved in the process?

In some cases, information provided by the NYPD or other outside law enforcement professionals may be used in the student conduct process. In addition, the nature of some cases may result in the college referring a matter as a formal complaint to civil authorities. From time to time, York officials may assist with an investigation of an external matter involving York students and provide such information within our legal obligation and guidelines.

