

STUDENT CODE OF CONDUCT

All persons enrolled as students (including those enrolled in an on-line Internet Academy class), 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 responsibilities implied by these rights. Students are expected to maintain standards of conduct that will reflect credit to the College and the community. The authority and jurisdiction of the College to discipline students under the terms of the Student Code of Conduct shall extend to misconduct which occurs on or off campus which may adversely affect the interests of the College and/or the safety and well-being of members of the College community.

Any of the following activities/actions will be considered to be Violations of Public Order by the College and are subject to adjudication.

- Intentional obstruction or disruption of teaching, administering, disciplinary proceedings, or other functions of the College, or inciting and/or encouraging others to do so.
- Cheating and/or plagiarism. This includes the writing of papers or projects for other students that are submitted for academic credit as their own work.
- Physical abuse and/or assault (including sexual assault), verbal abuse, threats, intimidation, harassment (including sexual harassment), coercion and/or other conduct that threatens or endangers the health and safety of any person.
- Bias related incidents
- Being barefoot in any HCCC building.
- Gambling
- Failure to abide by disciplinary sanctions imposed by a judicial body or College official.
- Illegal use or possession of a weapon or dangerous instrument including pellet guns, bb guns, paintball guns, knives, etc.
- Tampering with any fire safety equipment (including but not limited to fire extinguishers, heat and smoke detectors, or pre-alarm covers), intentionally activating a false alarm, including acts of gross negligence (i.e., leaving food on a stove) which cause the fire alarm to be activated. Also, the failure to leave a building/residence hall in a timely fashion as a result of a fire alarm.
- The display of empty or refilled alcohol containers; as well as alcohol posters, signs, or advertising in residence hall windows is not permitted.
- Illegal sale, use, intent to distribute, or possession of narcotics or drugs, drug paraphernalia, or of alcohol.
- Creating a safety hazard by throwing objects into or out of residence hall windows or doors.
- Any violation to the HCCC Housing Corporation Contract or Residence Hall License and any of their published policies.
- Theft, vandalism, malicious mischief or unauthorized use of College or private property while on any College or College-related properties, as well as within the surrounding community.
- Unauthorized entrance to, or occupancy of any College or College-related property, or any unauthorized prohibition of access to College or College-related property by any person.
- Without authorization, remain in any building or facility after it is normally closed.
- Refuse to, or fail to comply with the lawful direction of, or to produce proper identification to, College official acting on behalf of the College.
- Unauthorized use or misuse of the College's Computer Equipment and/or Network.
- Falsification of an Admissions Application and/or furnishing false information to any College official or employee.
- Unauthorized use or possession of, firearms (rifles, shotguns, pistols, revolvers, BB or pellet included), or other firearm, illegal fireworks, noxious chemicals and/or explosives on any College or College-related property.
- Disorderly conduct, lewd, indecent, obscene or abusive conduct on College or College-related property, as well as within the surrounding community.

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- Claiming to speak or act in the name of the College without prior official authorization.
 - Reckless or intentional actions (Hazing) which endanger the mental or physical health or the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization. Conviction of hazing in the first degree now carries a potential penalty of a fine of up to \$1000, one year in jail, or both.
 - Violation of other duly constituted College regulations and policies, including the HCCC Housing Corporation Handbook.

DRUGS AND OTHER CONTROLLED SUBSTANCES

The sale, use, possession or distribution of prohibited drugs or other controlled substances, or loitering with the intent of engaging in any of these activities, is prohibited on any College or College-related property. The term “drug” includes all controlled substances defined in section 220.00 of the New York State Penal Law and Marijuana Reform Act of 1977.

The College will cooperate fully and completely with local or State authorities on any case of suspected illegal use, possession or redistribution of State controlled drugs. Any student who is apprehended for the same will in no way be protected by the College. The offender may also face separate disciplinary action by the College. The disciplinary action may include, but is not limited to reprimand, disciplinary probation with or without specific conditions, referral to individual and/or group counseling (possibly at the student’s expense), parental notification, suspension, or expulsion. Students residing in residences operated by HCCC Housing Corporation are subject to HCCC Housing Corporation rules as well as the HCCC Student Code of Conduct.

ALCOHOL USE POLICY

No person shall possess, sell or give away alcoholic beverages in any building or on any property owned or controlled by HCCC, including HCCC Housing Corporation residence halls. Any exception needs the prior approval of the College President. Open containers of alcoholic beverages may not be possessed on campus. HCCC holds person(s) responsible for their conduct at all times, including behaviors which occur while under the influence of alcohol. Persons violating these policies will be subject to disciplinary action. The disciplinary action may include, but is not limited to reprimand, disciplinary probation with or without specific conditions, referral to individual and/or group counseling at the student’s expense, removal from residences operated by HCCC Housing Corporation, parental notification and/or suspension. Alcohol is not allowed in residences operated under the HCCC Housing Corporation, by student residents and/or their guests. Violations are subject to HCCC Housing Corporation rules as well as the HCCC Student Code of Conduct.

PROCEDURES FOR VIOLATIONS TO ALCOHOL AND DRUG POLICY

An Administrative Hearing or Judicial Review Board Hearing will be scheduled for any student allegedly in violation of the Alcohol and Drug policies as stated above. If the student is found responsible for the alleged violation, the following sanctions will be administered:

First Offense

1. Parental notification (optional).
2. Disciplinary probation until such time as the student is no longer enrolled.
3. Two mandated counseling or substance abuse education sessions.
4. Additional sanctions, if deemed necessary. Failure to comply with any sanction will result in an additional violation of “failure to comply,” thus resulting in additional sanctions being administered.

Second Offense

1. Parental notification (optional).
2. May be temporarily removed from College housing.
3. Substance abuse assessment by Counseling Center staff and/or referral for substance abuse evaluations to outside agency as recommended by the College. Mandatory participation in REWIND class.
4. Additional sanctions, if deemed necessary. Failure to comply with any sanction will result in an additional violation of “failure to comply,” thus resulting in additional sanctions being administered.

Third Offense

1. Parental notification (optional).
2. Possible suspension from classes for the remainder of the semester and/or subsequent semester.
3. Permanent removal from College housing.
4. Additional sanctions, if deemed necessary. Failure to comply with any sanction will result in an additional violation of “failure to comply,” thus resulting in additional sanctions being administered.

CODE ADMINISTRATION

The Dean of Students, or designee (e.g., Director of Campus Safety), shall administer the Student Code of Conduct, and questions regarding its interpretation shall be referred to the Dean, or designee, for final determination. The Director of Residence Life and Area Coordinators, through their work with the HCCC Housing Corporation, are also actively involved with the administration of the Student Code of Conduct. Additionally, the College may apply to the public authorities for any aid which he/she deems necessary in causing the ejection of any violator of these rules. The College administration reserves the right to request the assistance of local and state law enforcement agencies and to use the powers of the courts for injunctions or other legal devices to maintain an atmosphere on the College so that its educational purposes can be met. Violation of the Student Code of Conduct may also be a violation of law. College sanctions may be applied to an offender even though civil authorities may impose concurrent sanctions for the same violation.

HEARINGS

The Dean of Students shall review all alleged infractions involving students and shall determine whether an Administrative Hearing or a hearing by the Judicial Review Board is appropriate. Such decisions will be based upon the circumstances and severity of each individual case.

The College may suspend a student pending a hearing if, in the Dean of Students’ judgment, the student’s continued presence at College constitutes a

danger to the student or others or to the College's activities or property. The student is entitled to an immediate interview with the President to discuss the decision, and may bring counsel to the interview. A hearing must be convened within 10 class days of the suspension.

- (a) Administrative Hearing—The Dean of Students may conduct an Administrative Hearing or appoint Administrative Hearing Officer(s) to conduct a hearing. Possible sanctions as a result of an Administrative Hearing include but are not limited to reprimand, removal from residences operated by HCCC Housing Corporation, restitution, disciplinary probation with or without specific conditions, deferred suspension, and/or suspension from the College for a designated period of time.
- (b) Judicial Review Board Hearing—The Judicial Review Board consists of four students, four faculty members and one administrator. Board members are appointed by the President of the College. Possible sanctions include but are not limited to reprimand, removal from residences operated by HCCC Housing Corporation, restitution, disciplinary probation with or without specific conditions, suspension or expulsion.
- (c) Definitions and possible sanctions:
 1. REPRIMAND is a formal discussion of the consequences of future misconduct. Reprimand does not become a matter of permanent record.
 2. RESTITUTION requires the student to reimburse the wronged party or parties for destruction, damage or misappropriation of property. Restitution may take the form of service or other compensation as well as money.
 3. DISCIPLINARY PROBATION WITH OR WITHOUT SPECIFIC CONDITIONS is for a specified period of time. If conditions are applied, such conditions would include but not be limited to participation in any College activities, access to particular facilities and/or events, or any personal contact with specific individuals.
 4. SUSPENSION is temporary withdrawal from the College for a specified period, usually a semester or longer, after which the student may return. Suspension is recorded on the student's permanent judicial folder.
 5. DEFERRED SUSPENSION is a written notice that College rules have been violated and while the offense could result in suspension, circumstances exist that would mitigate that action. This sanction implies that any further violation of College policy will result in the suspension of the student from the College.
 6. EXPULSION from the College is permanent. There is no opportunity for reinstatement.
 7. Any student who is apprehended for an incident which is serious in nature and/or which is the result of the use/possession of alcohol or illegal drugs may be subject to the following:
 - Reprimand
 - Disciplinary probation with or without specific conditions
 - Referral to individual and/or group counseling at the student's expense
 - Parental Notification
 - Suspension
 - Removal from residences operated by HCCC Housing Corporation

The following procedures apply to all disciplinary hearings:

- (a) The student shall be informed of the infraction(s) he/she is being charged with, with sufficient particularity and in sufficient time, to ensure opportunity to prepare for the hearing.
- (b) The student appearing before an Administrative Hearing Officer shall have the right to be assisted in his/her defense by an advisor of his/her choice. The advisor's role is to provide advice and not to offer testimony, information and/or question any participants in the hearing. The student appearing before the Judicial Review Board may have an advisor and/or attorney present.

The advisor and/or attorney's role is to provide advice and not to offer testimony, information, and/or question any participants in the hearing. At either hearing the student charged has the right to question any witnesses.
- (c) The burden of proof shall rest upon the official(s) bringing the charge.
- (d) The student shall be given the opportunity to testify and to present evidence and witnesses. The student shall notify the Dean of Students of which persons he/she will have present at the hearing no later than 48 hours before the hearing. The student will be notified of any witnesses who will be at the hearing no later than 24 hours before the hearing.
- (e) All matters upon which the decision may be based must be introduced into evidence at the proceedings. The decision shall be based solely upon such matters.
- (f) The decision made as a result of an Administrative Hearing is considered final.

APPEAL PROCEDURE

1. Administrative Judicial Hearing or Judicial Review Board Hearing—The student may appeal the decision of an Administrative Judicial Hearing or from the Judicial Review Board to the President within five class days or eight calendar days, whichever is shorter. The appeal request should be in writing and state the reasons for requesting an appeal. In most cases, only decisions that involve suspension or expulsion would warrant an appeal. The President shall consider the written appeal and may base his/her decision on that writing and the documentary record, or may in a suitable case, allow oral argument of the appeal by the student. The official(s) initiating the charge should be present at the hearing. The President shall, within five class days or eight calendar days, whichever is shorter, make his decision on the written appeal or notify the student that oral argument will be heard. Said oral argument shall be heard and decision made within an additional five class days or eight calendar days, whichever is shorter.