

I. Introduction

A. The primary purpose of the HCCC Housing Corporation Residence Hall License is to safeguard the rights of all residents and to prevent any abridgement of those rights by the careless or malicious acts of others.

B The “Rules for The Maintenance of Public Order at Herkimer College,” “The Rules of the Herkimer College Board of Trustees” the “HCCC Housing Corporation Student Housing Contract”, “The Student Code of Conduct” and the associated policies, violations and sanctions published in the *student handbook*, are referenced in this document and are considered part of the residence hall license agreement. It is the student’s responsibility to familiarize himself/herself with all the College’s Rules and Regulations as set forth in official College Publications.

II. Provisions

A. Students who live in HCCC Housing Corporation residential apartments must sign a housing license. Students admitted in the fall are required to sign the housing license and are liable for that academic year (both fall and spring semesters) , students admitted in the spring semester are required to sign the housing license and are liable for that spring semester. Students who wish to be exempt or released from the housing license must apply for exemption or release with the Office of Residence Life. Students may or may not be released from their license and should not move off campus or enter into any off-campus housing agreement until their application is reviewed and a decision is reached by the Residence Life Staff. If a residential student is *academically* suspended/dismissed from the college and that decision is changed by the college, they will remain bound by the housing license signed before the dismissal decision. The college does not provide married/family student housing.

B. Students are subject to dismissal from the residence halls or the college for misconduct or violation of guidelines, policies and the Student Code of Conduct. Residence life reserves the right to reassign occupants or terminate any housing license when it is determined to be in the best interest of the residence hall system or the college. When the termination of a license results from disciplinary action, no refund will be provided.

C. Residence Life staff members are under no affirmative requirement to notify parents of specific violations, but may disclose such information upon written consent from individual students.

D. The Residence Life & Housing Office may change this license as deemed necessary.

III. Pertaining primarily to License and Occupancy

A. Room Rate - Students living in the residence halls are required to be a full-time registered student. The first day of classes is considered to be the initial date of occupancy for payment/refund purposes. The HCCC Housing Corporation is not obligated to house students prior to established student arrival times or past designated departure times, or during vacation periods. Residence hall room rates do not cover rental of rooms during these times. Exceptions may be granted and students may be charged for housing during these times.

B. Room Assignments

Apartment, room and roommate assignments are made by Residence Life staff after a housing security deposit is paid and a completed housing contract is received. Students may be assigned to an over-occupancy room or overflow facility. Before the close of the academic year, current residents may request rooms for the next year in accordance with published room selection materials. Requests are honored whenever possible. However, Residence Life reserves all rights in the assignment or reassignment of students to any space on campus.

C. Occupancy Management

Room changes must be approved in advance by Residence Life staff. Students with sole occupancy of a room designed to hold additional students or occupying a single room in any residence hall, will pay an additional fee beyond the standard room rate. Students who do not relocate or find a roommate, will be assessed the appropriate fee. If another student or room is unavailable, the single room rate will not be assessed for that time-period. Students placed in a single room for disciplinary reasons may be charged an additional fee.

D. Use of Residence Halls During Vacation Breaks

A resident student is required to vacate his/her residence hall within 24 hours after completing their last classes or examinations, or when the residence hall closes for vacation break, unless an exception is authorized by Residence Life. Vacation Housing may be offered for short breaks. When such housing is offered, students must complete an application in the Residence Life Office. Students authorized to stay for any amount of time, may be charged a fee set by Residence Life. During breaks or past designated departure times Campus Safety will patrol the residence halls and unauthorized person(s) are subject to arrest for trespassing.

E. Check-Out Procedures

Any student, who moves out of the residence hall at any time, must follow these procedures: **a.** Remove all belongings from the residence hall within 24 hours of departure or a reasonable amount of time (to be determined by Residence Life). **B.** Clean the room and have it inspected for damages by staff. **c.** Sign the room condition form, noting any changes (Final inspection and damage assessment to be completed by maintenance staff at a later date). **d.** Turn in assigned room and mail key(s) issued. **e.** Arrange to have all mail sent to an alternative address by completing a Change of Address card through the US Post Office.

F. Assessment for Loss and Damages in Residence Halls

Students are forbidden to purposefully or carelessly damage college property and must report all damages they (or others) have been involved in or have knowledge of, in order to effect prompt replacement or repairs and appropriate billing. Upon occupying a room, a student must complete and sign a room condition form, indicating that they will pay for damages they cause (beyond normal ware) during their occupancy. Students will be held financially liable if they are found responsible for loss, damages requiring repair/replacement, lost keys/lock changes or extra cleaning of college property on campus. The college may refuse all privileges (grade reports, official transcripts, honorable dismissal or withdrawal), unless all financial obligations are met.

G. Refunds and Deposits

For regulations governing room refunds and deposits please refer to the HCCC Housing Corporation Residence Life housing contract.

IV. Pertaining Primarily to Security and Property

A. Entering and Inspecting Rooms

Residence Life reserves the right to enter any room when there is reasonable cause to believe that the health, welfare or security of a student is endangered or whenever necessary to aid in the basic responsibility of residence life regarding discipline, maintenance of Housing property, personal safety and the educational atmosphere. In such cases, an effort will be made to notify the resident(s) in advance to have them present at the time of entry.

B. Use of Internet

The use of the internet is provided both at the college and in apartment rooms. Students may have rights of access to information about themselves contained in computer files, as specified in federal and state laws. Files may be subject to search under court order. In addition, system administrators may access user files as required to protect the integrity of computer systems.

Misuse of computing, networking, local, state, federal laws, or information resources may result in the restriction of computing privileges. Additionally, misuse can be prosecuted under applicable statutes. Users may be held accountable for their conduct under any applicable campus policies, procedures, or collective bargaining agreements. Complaints alleging misuse of campus or housing computing and network resources will be directed to those responsible for taking appropriate disciplinary action. Downloading, reproduction or distribution of copyrighted works, including, but not limited to, images, text, music or video files, or software, without permission of the owner is an infringement of U.S. Copyright Law and is subject to civil damages and criminal penalties including fines and imprisonment

C. Student Property Loss and Theft

The safe keeping of student property is the responsibility of each individual student and no reimbursement can be expected from the college or housing corporation for the loss or theft of any property for any cause. Rooms should remain locked and valuables secured at all times.. Students are urged to register their possessions under their family homeowner policy or make other arrangements for insurance coverage. Students are urged to report the presence of non-residents in their residence hall or any thefts to Campus Safety or the Residence Life & Housing staff immediately. Neither Herkimer College nor the HCCC Housing Corporation is responsible for loss of contents in the event of malfunction with refrigerators, ovens, dishwashers, washers, dryers, plumbing, sprinkler systems, or other appliances.

D. Deliveries and Soliciting in Residence Halls

A student placing any order for merchandise to be delivered to him or her must arrange for delivery during regular office hours at the Residence Life Office. Packages can be picked up by students at the Residence Life & Housing Office during normal business hours. Students placing food orders must meet delivery persons at their apartment or building entrance. No soliciting or deliveries can be conducted by vendors within the facility. Students are prohibited from using any area within the facility for gambling or solicitation (commercial, political, religious, etc.).

E. Storage

All student possessions must be removed from residence life facilities immediately upon departure from the college (within 24 hours of departure or a reasonable amount of time to be determined by Residence Life). Storage is not permitted anywhere on campus. No snowmobiles, cooking grills, tools or other machines with containers of gasoline, oil, or flammable, explosive, or toxic materials are allowed in or immediately adjacent to the apartments.

F. Laundry and Vending Machines

Each residence hall community (Campus Meadows & College Hill) offers washers, dryers, and vending machines for use by residents only. These machines are owned, operated and serviced by vendors under contract. Students must supply their own laundry supplies and the use of dyes in washing machines is prohibited. The residence life office is not responsible for loss or damage to clothing while using these machines. The vendor, not residence life, is responsible for all products sold and any refunds related to the washers, dryers, or vending machines.

V. Student Code of Conduct

A. Rights and Responsibilities

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.

B. General

Residence hall staff is authorized to conduct disciplinary review and sanction students if their behavior is deemed to violate policies of the Student Code of Conduct. Students who violate the guidelines for behavior set forth by the Residence Life Office, The HCCC Housing Corporation, and further outlined in the college policies and rules published in the housing license, the Student Code of Conduct or College Catalog, can expect that College Judicial action will result and sanctions will be applied.

C. Violations

1. Intentional obstruction or disruption of teaching, administering, disciplinary proceedings, other functions of the College, inciting and/or encouraging others to do so.
2. 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.
3. 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.
4. Bias related incidents
5. Being barefoot in any Herkimer College building.
6. Gambling
7. Failure to abide by disciplinary sanctions imposed by a judicial body or College official.
8. Illegal use or possession of a weapon or dangerous instrument including pellet guns, bb guns, paintball guns, knives/swords, etc.
9. 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. Please see housing violations for fee/judicial breakdown.
10. The display of empty or refilled alcohol containers; as well as alcohol posters, signs, or advertising in residence hall windows is not permitted.
11. Illegal sale, use, intent to distribute, or possession of narcotics or drugs, drug paraphernalia including hookahs, or of alcohol.
12. Creating a safety hazard by throwing objects into or out of residence hall windows or doors.
13. Any violation to the HCCC Housing Corporation Contract or Residence Hall License and any of their published policies.
14. 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.
15. 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.
16. Without authorization, remain in any building or facility after it is normally closed.
17. 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.
18. Unauthorized use or misuse of the College’s Computer Equipment and/or Network.
19. Falsification of an Admissions Application and/or furnishing false information to any College Official or employee.
20. 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.
21. Disorderly conduct, lewd, indecent, obscene or abusive conduct on College or College-related property, as well as within the surrounding community.
22. Claiming to speak or act in the name of the College without prior official authorization.
23. 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.
24. Violation of other duly constituted College regulations and policies, including the Student Handbook, HCCC Housing Corporation contract, or this Apartment License.

D. 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 Herkimer College Student Code of Conduct.

E. Alcohol Use Policy

No person shall possess, sell or give away alcoholic beverages in any building or on any property owned or controlled by Herkimer College, 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. Herkimer College 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. Students who host Large Parties (10 or more people) in their on campus apartment when alcohol and other drugs are being consumed may be subject to immediate removal from campus housing. Violations are subject to HCCC Housing Corporation rules as well as the Herkimer College Student Code of Conduct.

F. 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.

VI. 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 offender even though civil authorities may impose concurrent sanctions for the same violation.

VII. 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 ten 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.

VIII. Appeal Procedure

A. 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.

IX. Housing Violations:

A. Duplication/Unauthorized use of keys or Access Cards

Unauthorized fabrication, duplication, or sharing of any housing key or Herkimer ID Card by students or their guests that compromises the security of personal or college property or property operated for the benefit of the college. All students found in possession of such items or who intentionally impede recovery of same by the owner or college officials, will be considered as knowingly participating in the use of these unauthorized items.

B. Fire Regulations

Setting fires, cooking/cleaning practices, initiating or reporting false alarms, discharging fire extinguishers, tampering with safety or firefighting equipment, failure to vacate during an alarm or hampering fire evacuation procedures are violations and will be met with judicial sanctions and/or fines. Students found responsible for fires, sprinkler activations, etc. will be held responsible for the full cost of all damage and repairs to their apartments and/or those surrounding affected apartments in addition to any fine received as a judicial sanction. At the sound of a fire alarm, everyone must immediately vacate the building, assemble in orderly

groups at a safe distance from the facility and await instructions from residence life staff. No candles, incense or open flames are permitted in the apartments.

C. Restricted Access (Apartment-Room)

Students are prohibited from entering any apartment without authorized security/key access and a properly issued/programmed Herkimer ID card. Students may not enter any apartment without permission from the occupants. When students visit another apartment, they must be escorted at all times by a resident of the apartment. Students are not to change apartments or rooms without permission from the Office of Residence Life & Housing staff. Students will be billed damages for apartments and rooms that they are assigned to and are on record with the Office of Residence Life & Housing.

D. Guest Policy

A residence hall guest is anyone other than an authorized resident of the apartment in which they wish to visit (for any period of time). Permission must be secured from each resident of the apartment before the guest may stay; whether the guest lives on-campus, off-campus, or is a non-student. Being in a room at any time between the hours of 8 PM and 7 AM will constitute being an “overnight guest”. All guests must be registered and all overnight guests must have a completed guest registration form signed by residence life staff with them at all times. Guest registration forms must be completed before 12:00 am (midnight). Overnight guests may not stay longer than two consecutive nights and/or five nights per month in the campus apartments. The maximum number of guests in any room is limited to two. Guests under 17 years of age must be directly related to their host and must obtain permission from the Area Coordinator or Director of Residence Life & Housing prior to their arrival. At no time is it acceptable that a resident be deprived of sleep, privacy or study accommodations due to the presence of guests.

E. Appliances

Air conditioners, space heaters, halogen lighting, electrical or heating appliances, and amplification equipment are not permitted. Power strips must meet the following criteria may be used: UL approved, grounded, 3-prong, 12 or 14 gauges, and equipped with a surge suppressor. Multi plug adapters and plugging one power strip into another one (“piggy-backing”) is prohibited. The use of extension cords is prohibited. Damages and loss are determined through comparative inspections (upon arrival and departure).

F. Furniture

HCCC Housing Corporation supplies approved furnishings within the residence halls and do not allow dormitory furniture to be removed from assigned locations without permission from a Residence Life & Housing Staff member. It is also prohibited to bring furniture outside at any time. Lounge furniture may not be moved into student rooms. Students may be billed \$35 per piece should staff be forced to remove or return any lounge, apartment, or personal furniture to its proper location. Lofts and waterbeds are prohibited in the residence halls. Furniture may be rearranged within student rooms and broken furnishings should be brought to the attention of residence hall staff immediately. All furniture must be put in the original locations at the end of the semester that the student leaves campus.

G. Pet Policy

Students are not permitted to have any animals or pets in the apartments. There is a \$100.00 charge for each instance.

H. Quiet Hours / Sound Policy

“Courtesy hours” are in effect continuously, with the expectation that sound levels are not disturbing to roommates, other residents, or members of the community. Specific “quiet hours” are in effect at designated times, with the expectation that sound levels are appropriate for quiet study and sleep. Strict enforcement of courtesy and quiet hours should be expected. Noise policies are enforced in apartments, buildings, common areas, and parking lots. 24-Hour quiet hours are expected in Reservoir Run Building 1.

I. Room Cleanliness, Conditions and Decorations

Students are responsible for maintaining sanitary and orderly conditions in their apartments and rooms to prevent insects or vermin and fire hazards. Food may be kept in student rooms (in closed containers or refrigerators). Students may not use nails or adhesives on walls, doors, or furniture for affixing items. Paint, ink, highlighters, pencils, etc. may not be used to mark surfaces in the housing apartments. Safety inspections are conducted on a monthly basis. Students with repetitive cleaning, damage and/or safety violations will face sanctioning up to and including fines or removal from housing.

J. Smoking Policy

ALL Residence Life & Housing apartments and common areas are smoke-free, including vapor or electronic cigarettes. Smoking devices such as a hookah pipe are not permitted to be used or stored.

K. Trash/Recycling

Students are expected to collect their trash and recycling in their room prior to disposal in designated areas. Accumulation and disposal of trash and recycling products inside or outside the residence halls is prohibited and will minimally result in a \$10 per bag fine, and possible judicial sanction for repeat offenders.

L. Windows

Students are not permitted to sit on windowsills, climb in or out of windows, remove windows or screens, drop or throw solid objects or liquids, climb, lean, store, or hang objects, play speakers or other sound producing equipment in or out of apartment windows. Minimize energy waste through sound energy conservation practices, specifically keeping windows closed during the winter.

M. Smoke Detector Fines:

(Tampering with any fire detector in your apartment will be fine billed to all occupants of the apartment.)
1st violation \$400, 2nd violation \$400 judicial hearing, 3rd violation removal from housing.

My signature below indicates that I have read, understand and agree to abide by the provisions of the Herkimer County Community College Housing License and the Student Code of Conduct. I also understand that a copy of this license can be obtained in the Residence Life & Housing Office.

Student Signature	Date
Print Name	Date of Birth
Parent or Guardian if student is under 18 years of age	Date

