



# Herkimer™

THE STATE UNIVERSITY OF NEW YORK

2022/2023

# Student Handbook



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**IT IS THE RESPONSIBILITY OF EACH STUDENT TO FAMILIARIZE THEMSELVES WITH ALL THE COLLEGE'S RULES AND REGULATIONS AS SET FORTH IN OFFICIAL COLLEGE PUBLICATIONS. FAILURE TO READ THIS HANDBOOK DOES NOT EXCUSE STUDENTS FROM THE REQUIREMENTS AND REGULATIONS HEREIN.**

# ABRIDGED 2022-23 ACADEMIC CALENDAR

(as of 10/06/2022)

## FALL 2022

Classes Begin	August 29
Last Day to Add a Full Term Class	August 31
Labor Day (College Closed)	September 5
Quick Classes Begin	September 19
Fall Break (College Closed)	October 10 & 11
Late Start Classes Begin	October 19
Mid-Semester Grades Due	October 21
Last Day to Withdraw Full Term Classes	November 9
Continuing Student Registration Opens	November 10
Thanksgiving Recess (NO CLASSES)	November 23 - 25
Returning Student Registration Opens	December 5
Classes End	December 9
Final Exams	December 12 - 15
Final Grades Due	December 19
Christmas Break (College Closed)	December 26

## WINTER 2023

New Year's Break (College Closed)	January 2, 2023
Winter Mini Starts	January 3
Martin Luther King, Jr. Day (College Closed)	January 16
Winter Mini Ends	January 18

## SPRING 2023

Day and Evening Classes Begin	January 19, 2023
Last Day to Add a Full Term Class	January 23
Quick Classes Begin	February 8
Presidents' Day (College Closed)	February 20
Mid-Semester Grades Due	March 10
Mid-Semester Recess	March 13 - 17
Late Start Classes Begin	March 21
Last Day to Drop/Withdraw Full Term Classes	April 6
Continuing Student (Currently Enrolled) Registration Opens	April 7
Returning Student (Not Currently Enrolled) Registration Opens	May 1
Classes End	May 3
Final Exams	May 5-9
Commencement	May 12
Memorial Day (College Closed)	May 29

## **SECTION I: GENERAL INFORMATION**

### **ADMISSIONS REQUIREMENTS**

1. Matriculated study at Herkimer College is limited to those applicants who hold a local or Regents high school diploma, GED, TASC or who have completed an equivalent program as approved by the NYS Education Department. Exceptions will be allowed for international students who are participating in the 24 College Credit Hours Program.
2. Homeschooled students who have not earned their GED or TASC must submit a letter of certification from the school district superintendent in which the student resides. Financial aid requirements may differ.
3. Students who have dismissed from another college for disciplinary reasons will not be admitted to study at Herkimer College either on a part-time or full-time basis until a satisfactory review of the incident(s) has/have been completed by a committee comprised of the Dean of Students/Director of Athletics, Director of Campus Safety and Director of Admissions. Students who have been convicted of a felony and who are applying to live in HCCC Housing Corporation Housing may not be allowed to live on campus until their case has been reviewed by a committee comprised of the Dean of Students/Director of Athletics, Director of Campus Safety and the Director of Residence Life.
4. Students who expect to receive financial aid must file the Free Application for Federal Student Aid (FAFSA) no later than 60 days prior to the start of classes. Late filers will be responsible for tuition, fees, books and other expenses until the FAFSA has been processed.

Herkimer College does not discriminate on the basis of race, color, creed, gender, national origin, age, disability, marital status or any other characteristic protected by federal or state law in admissions, employment, or in any aspect regarding the conduct of college business.

### **CERTIFICATE OF RESIDENCE**

To verify your residence from your home county, a Certificate of Residence form is required from every New York State student annually. Students not supplying this form are subject to paying at the higher out-of-state rate.

### **COLLEGE ID**

It is the responsibility of each student to obtain an official Herkimer College ID (RMCC 254). The ID needs to be carried at all times on campus and at off-campus college events. Students are required to present the ID as requested by college officials. The ID may also be used for General's Cash Card purchases, library use and to allow admission to college sponsored events. If a student withdraws or is dismissed from the College, their ID will be surrendered to the Student Accounts Office. The first ID is free and will be used throughout your time at Herkimer College. Replacement ID's are \$15 each.

### **CREDIT CARD POLICY**

Pursuant to New York State Education Law 6437 (Regulation by Colleges of Conduct on Campuses and Other College Property Used for Educational Purposes) the advertising, marketing or merchandising of credit cards to students is prohibited on the campus of Herkimer College.

### **EMERGENCY CLOSING OR DELAY ANNOUNCEMENT**

The President of the College will determine whether to remain open or delay/cancel day classes. A delay usually does not affect the remaining daily campus activities. The closing of the campus affects all activities of the college for the day activities only. When the campus is closed during the day, it shall remain closed until 5:00 pm. The decision to delay opening or to close the campus will be communicated to students via email, posted on the homepage of the College website, and local media outlets will be notified. (Notification of media does not guarantee that they will air or publish the notice.) Additionally, students may subscribe to receive text alerts by texting "closings" to 34166. To unsubscribe, text "stop". If a decision to close the College in the evening is made, an announcement shall be made as outlined above and will affect evening classes and all other activities, including off-campus classes.

Instructional time lost because of closing due to weather conditions will be made up, for both day and evening students, prior to the end of the semester in which it falls. The schedule of make-up days will be determined as soon as possible after classes are resumed. Make-up days may include Saturdays and elimination of scheduled holiday closings.

## **EMERGENCY TELEPHONE CALLS**

The College will only notify students of personal telephone calls received that deal with serious emergencies or death. For questions, contact the Dean of Student/Director of Athletics at 315.574.4009.

## **FAMILY EDUCATION RIGHTS AND PRIVACY ACT (FERPA)**

The College maintains the integrity of student privacy and is mandated by law to protect the privacy of eligible student records. Eligible students, as defined by the U.S. Department of Education, are transferred the rights to their educational records when they attend college or when they reach the age of 18. The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of students' education records.

Pursuant to this law, this statement will constitute official notice of the following information:

1. The student has direct access to all student records on file at Herkimer College, except the following:
  - Counseling
  - Financial records of parents
  - All records filed prior to January 1, 1975
2. The Act stipulates that the following persons and officials may have access to your records without your consent:
  - School officials with legitimate educational interest
  - Other schools to which a student is transferring
  - Specified officials for audit or evaluation purposes
  - Appropriate parties in connection with financial aid to a student
  - Organizations conducting certain studies for or on behalf of the school
  - Accrediting organizations
  - To comply with a judicial order or lawfully issued subpoena
  - Appropriate officials in cases of health and safety emergencies
  - State and local authorities, with a juvenile justice system, pursuant to specific State law
3. All other inquiries not listed in Item 2 above, and who wish access, must have your written consent. Under these circumstances, a record must also be kept of their interest in your files. The student has a right to see this list at any time.
4. FERPA allows the College to disclose to parents when the student poses a threat to themselves, other, or the campus community.
5. In order for you to inspect your official student record, you must make a written request to the Registrar stating which records you would like to see. This request will be answered within 45 days after the date of the request. You have a right to have your record explained to you. You may also have a copy of certain records where permissible. If a copy is issued, a charge may be assessed.
6. When registering, each new student will be informed that they have the opportunity to waive their right of access to all their educational records. The FERPA release form may only be accessed by logging into your Student Online Services account at [www.herkimer.edu/experience/ferpa-release/](http://www.herkimer.edu/experience/ferpa-release/).
7. You also have a right to challenge your personally identifiable records alleged to be inaccurate, misleading or otherwise inappropriate.
8. The Act permits the College to release "directory information and other similar information". The following information shall be designated "directory information": student name; address(es); telephone listing(s); picture identification; date and place of birth; major participation in officially recognized activities and sports; weight and height of the athletic team members; field of study; enrollment status; dates of attendance; degrees and awards received; and the most recent educational institution attended. If you do not wish any or all of this information released without your prior consent, please notify the offices of the Registrar and Public Relations in writing. Otherwise, any or all the directory information will be released.
9. Student records are kept on file after the student leaves the College as long as there is a reasonable use for them. The Registrar's record of your academic performance is kept permanently.

## **FOOD AND BEVERAGE POLICY**

Food and beverages are not permitted in classrooms, laboratories, lecture halls, gymnasiums, the library, theater, swimming pool deck, Hummel Center Theater, Cogar Gallery or other designated areas at any time unless specifically approved by the College President. This regulation applies to all students, visitors, and employees of the College.

## HEALTH INFORMATION

### FOR EMERGENCIES, CALL 911

For health related concerns, students can contact:

Bassett Convenient Care  
315.867.2884  
321 East Albany St  
Herkimer, NY 13350

Primary Urgent Care  
315.634.6647  
130 West Albany Street  
Herkimer, NY 13350

## IMMUNIZATION REQUIREMENTS

New York State Law requires that students who are on campus 6 (six) credits or more need to have proof of having received 2 MMRs (Measles, Mumps & Rubella) vaccines. This law applies to all students born after January 1, 1957.

A Public Health Law effective August 15, 2003 makes it mandatory for ALL college students taking 6 or more credits on campus to receive information about Meningitis disease and vaccine. ALL students must have a record of having received the vaccine within the last 5 (five) years OR sign a waiver declining the vaccine.

ALL students will have 30 days from the first day of school to comply with the immunization requirements. Holds will be placed on your student account until these requirements are met. This means that no transactions can be made on your student account – i.e.: dropping/adding classes, financial refunds, etc. A copy of an official record (such as a high school or military record) may be submitted. You may be required to submit an authorization form for those records to be released to Herkimer College.

Effective August 2021, SUNY policy requires full COVID-19 vaccinations for all students enrolled in on-campus classes or planning to be on campus for any reason. In addition, proof of having received the COVID-19 booster, when eligible, is required as of February 2022.

## PHYSICAL EXAM REQUIREMENTS

In addition to the proper immunizations, a physical exam is required for all student athletes and students enrolled in the Pre-Employment Police Academy and Physical Therapist Assistant programs.

### FOR QUESTIONS ABOUT HEALTH RECORDS OR IMMUNIZATIONS, PLEASE CONTACT:

Dean of Student/Director of Athletics  
315.574.4009  
[DeanofStudents@Herkimer.edu](mailto:DeanofStudents@Herkimer.edu)  
CA 264

## HUMAN RIGHTS AND DIGNITY

The College expects all students, staff and faculty to practice high regard for the human dignity of all persons. It seeks to prevent all types of discrimination on the basis of race, sex, religion, sexual orientation, gender identification, age, handicap and national origin. Repeated disregard for the rights and dignity of others will result in disciplinary action by the College. Any student who feels that they have been the victim of discrimination or harassment should first bring their complaint to the Dean of Students/Director of Athletics to discuss such problems and to seek recourse, including lodging an official complaint. If a formal hearing is required, the procedures established by the College and/or published in the Faculty Handbook shall be followed. Such a hearing shall be confidential.

## IMAGE RELEASE POLICY

As a student, faculty or staff member or visitor to the campus of Herkimer College, or at an event not on campus but sponsored by Herkimer College, you grant permission to Herkimer College and/or its assignees, clients, or agents full permission to use, publish, and copyright, either in whole or in part, photographs or other images or likenesses of yourself in the form of videotape, film or digital stills, or any other medium. Such material may be used with or without your name in publications, television, billboards, online, social media and other media for promotion and advancement of the College. You give this permission without expectation of any remuneration. If you do not consent to this general permission, you must contact the Director of Public Relations, in writing, at Herkimer College, 100 Reservoir Road, Herkimer, NY 13350.

## **INVESTIGATION OF VIOLENT FELONY OFFENSES/MISSING STUDENTS**

The Campus Safety Department has primary law enforcement jurisdiction to investigate incidents that occur on the College campus. The Village of Herkimer Police Department will be advised of any incident or situation involving violent felonies or missing persons which may occur on any property owned, leased, or under the control of the College. In converse, the Village of Herkimer Police Department will notify the campus Safety Department of any incident or situation on any property within the jurisdiction of the village that may affect the safety of the staff and students, or any property owned, leased or under the control of the College.

## **POLICY CHANGES**

The College reserves the right to make such changes in policies and procedures from time to time as it may deem necessary. Such changes shall take effect when specified by the College.

## **SERVICES FOR STUDENTS WITH DISABILITIES**

Voluntary self-identification of a disability will allow the College to identify and provide the appropriate support services to facilitate learning. Medical or other professional diagnostic reports must be provided to ensure appropriateness of the accommodation. Students who require an accommodation should contact the Coordinator of Services for Students with Disabilities in the Services for Students with Disabilities (SSD) Office. The SSD Office is in the Academic Support Center on the second floor of the library building. The phone number is 315.574.4000.

Should a student have a complaint regarding these services, the College provides for the following procedure:

- Step 1: The student should consult the faculty and the Coordinator of Services for Students with Disabilities. If the problem is not resolved, the student can proceed to Step 2.
- Step 2: The student should complete the Student Complaint Resolution Form located at [www.herkimer.edu/complaint](http://www.herkimer.edu/complaint), selecting Academics as the complaint area.

## **TEMPORARY ABSENCES**

A student who has been absent from class due to hospitalization for a mental health disorder(s) may be required to have their psychologist/psychiatrist submit a written statement to the Dean of Students/Director of Athletics at the College, stating that the student is able to return to college. The statement should also specify any recommended/required out-patient treatment plan(s). If a student is admitted for a psychological evaluation, voluntarily or involuntarily, then the student must follow-up with the Counseling Center on campus upon release.

## **TOBACCO USE POLICY**

As of January, 2021, Herkimer College is a 100% smoke and tobacco-free campus.

Smoking, including the use of e-cigarettes, Juul pods, and all other forms of tobacco use is prohibited in all indoor and outdoor areas of the Herkimer County Community College campus, including all athletic fields and facilities, on-campus parking lots and within all college vehicles.

## **USE OF THE COLLEGE'S NAME**

In order to use the College's name, clubs and organizations must be officially recognized by the College. Student groups that are not recognized may not use the College's name of facilities. Organizations using the College's name will function under the rules and regulations of the College. Parties interested in requesting official college recognition should contact the Director of Student Activities in the Center for Student Leadership and Involvement, RMCC 220.

## **SECTION II: STUDENT LIFE & SERVICES FOR STUDENTS**

### **ATHLETICS**

Herkimer College offers a highly profiled national athletic program. The College belongs to Region III of the National Junior College Athletic Association, Men's and Women's Divisions. The College is also a member of the Mountain Valley Collegiate Conference, which is comprised entirely of community colleges.

#### **INTERCOLLEGIATE ATHLETICS**

Each coach is responsible for the recruitment of student athletes for their assigned sport and open tryouts are offered. A list of coaches may be obtained from the Dean of Students/Director of Athletics office located in the Physical Education Building (PE 114). Additionally, coaches will post flyers around the campus which will notify students about organizational team meetings prior to the beginning of an athletic season. Students should feel free to contact individual coaches or the Dean of Students/Director of Athletics for further information at any time.

Intercollegiate men's teams include: baseball, basketball, JV basketball, bowling cross country, golf, lacrosse, soccer, swimming & diving, and track & field.

Intercollegiate women's teams include: basketball, bowling, cross country, golf, soccer, softball, swimming & diving, tennis, track & field and volleyball.

#### **INTRAMURAL ATHLETICS**

The College Intramural Activity Program is operated under the Physical Education Department. A listing and/or schedule of intramural activities may be obtained from the Dean of Students/Director of Athletics office (PE 114) or by calling 315.866.0300 ext. 8255.

### **THE CENTER FOR STUDENT LEADERSHIP & INVOLVEMENT**

The Center for Student Leadership & Involvement is located in RMCC 220. This office serves to support and augment the varied co-curricular and academic pursuits of the Herkimer College student body. Over 20 active clubs and organizations provide students with the opportunity to explore new ideas assume leadership roles and generate and run social events.

The office staff works directly with student groups and helps them turn their ideas into real programs. Leadership development programs are offered to assist students in becoming more effective in working with clubs and organizations and with their future careers. The Center for Student Leadership & Involvement staff works directly with the Student Government Association and the Student Activities Committee to plan and operate a wide range of social and educational programs. In addition, the Center for Student Leadership & Involvement is responsible for supervision of Alumni Hall and the game room.

### **FACULTY-STUDENT ASSOCIATION**

The Herkimer College Faculty-Student Association (FSA) is a non-profit organization that supports the educational, social, athletic, recreational and cultural activities for the campus community. Students, faculty and staff, as well as the general public, are welcome to attend any FSA sponsored event. The FSA also provides funds for Athletics and recognized clubs and organizations. FSA funding comes from the Campus Life Fee and from commissions from food service and bookstore operations. Most events are free to students who possess a Herkimer College ID.

### **STUDENT GOVERNMENT ASSOCIATION (SGA)**

The Student Government Association is the governing student agency of the College. All student activity-fee paying students are eligible to vote in its election. Meetings of the SGA are held bi-weekly, and all students have full speaking privileges at these meetings. Budgets for student organizations must be approved by the SGA for presentation to the FSA Board of Directors. The SGA is a member in good standing of the Community College Student Association, Inc., a not-for-profit corporation with statewide membership. In the past, Senators have served on various positions in statewide student government, including committees appointed by the Board of Trustees of the State University, committees of the Student Assembly, and the Board of Directors of the Community College Student Association. SGA's office is located in the College Center, RMCC 220.



## CLUBS & ORGANIZATIONS

A Cappella Singing Group	History Club
Active Minds	Human Services Club
Amnesty International	International Student Association
Anime Club	Music Industry Association
Art Club	Outdoor Adventure/Green Club
Black & Latino Student Union	Peer Tutor Club
Campus Christian Fellowship	Phi Theta Kappa
Creative Writing Club	Physical Therapist Assistant Club
Criminal Justice Club	Radio-TV Club
Education Club	S.A.D.D.
Entrepreneur Club	Science Club
Fashion Club	Sociology Club
Gaming Club	Student Activities Committee
Rainbow Alliance	Student Government Association
Generals First	Underground Metal Club
General's Theater Group	Women's Club

A list of club advisors can be found at [www.herkimer.edu/connect/directory/clubsorgs](http://www.herkimer.edu/connect/directory/clubsorgs) or by visiting the Center for Student Leadership & Involvement in RMCC 220.

## ACADEMIC COMPUTER CENTER

Herkimer College Academic Computer Center consists of seven on-campus computer labs. The seven labs offer more than 175 PCs, which are available to students for coursework. Microsoft Office (including word processing), Excel spreadsheet, Access database and e-mail are available. The Center is open Monday - Thursday, 8:00am - 10:00pm, and Friday, 8:00am - 4:00pm.

Herkimer College students are entitled to use:

- Computer laboratories on campus
- Wireless internet access (on campus)
- Wireless internet access in the residence halls
- HCCC Housing Corporation students can also use computers in the Residence Life Academic Success Center located in the basement of the Residence Life Office

Use of these resources is a privilege, not a right, and access is granted with restrictions and responsibilities for their use. Computer abuse is expensive and can have far-reaching negative consequences from disrupting the educational process to infringing on copyright. Misuse of Herkimer College computer resources may result in computing privileges revocation, suspension, dismissal and/or criminal prosecution. The "Herkimer College, Department of Information Services - Computer Use Policy and Guidelines" document is available on-line to all beginning Herkimer College students. Each student must read and agree to this form before access is provided to them.

The Help desk is available to assist Herkimer College students with computer related problems or questions.

PHONE: 315.866.0300, ext. 8555

LOCATION: JH 113

HOURS: Technician on Duty - Monday - Friday, 8:00am - 4:00pm

EMAIL: [HELP@herkimer.edu](mailto:HELP@herkimer.edu)

## **COLLEGE BOOKSTORE**

*BookMarket* is a new course material delivery program at Herkimer College. With *BookMarket*, you will be provided with your required books and other course materials in a convenient package before the first day of class. All your required course materials will be included, and you will be charged only \$24 per credit hour, saving you over 35%. The charge will be applied directly to your student account.

*BookMarket* - here's how it works:

- You register for classes.
- One month before classes start, you will receive an email instructing you to review your courses and choose how to receive your materials.
- The bookstore will prepare your course materials in a convenient package.
- You will receive an email notification when your order is ready for pickup at the bookstore or when it ships, depending on your selection. Digital materials will be delivered within Generals Online.
- When your courses end, the bookstore will send you helpful reminder emails to return your rental course materials.

If you do not wish to participate in *BookMarket*, you will have the ability to opt-out. Please note, that if you do opt-out, you will be responsible for acquiring and paying for all required materials separately.

We are excited to offer you this convenient, affordable way to get all your course materials! For more information, visit [Herkimer.edu/bookmarket](http://Herkimer.edu/bookmarket) or contact your bookstore team at [bookstore@herkimer.edu](mailto:bookstore@herkimer.edu) or 315-866-1550.

## **CAREER SERVICES AND ACADEMIC ADVISEMENT**

The Career Services and Academic Advisement Center is located in RMCC 302, and offers academic advising, as well as career and transfer counseling.

### **ACADEMIC ADVISING**

The Academic Advisement Center is responsible for assigning faculty advisors to campus based and Internet Academy students; assisting students with the curriculum change process; and assisting new students with placement score interpretation and initial course registration. The Advisement Center is home to over 400 advisees, but also assists non-advisees when faculty advisors are unavailable during winter and summer breaks. Such assistance includes: course selection; schedule adjustments; curriculum changes; referrals; and counseling on the impact of each academic decision. The Advisement Center takes on the role of educating the student population on their role as a student advisee, the self-registration process and how to be responsible consumers of their education through one-on-one appointments, publications and workshops. The Advisement Center can be reached at 315.574.4029.

### **CAREER SERVICES**

A variety of career services are available to Herkimer College students. Individual career counseling (including assessments) can help a student confirm their current major, identify a transfer major, and help to identify potential career paths. Workshops are offered each semester to teach skills to help students transition into the workforce. Students can also have their resume critiqued and participate in a mock interview. In addition to the annual career fair, employers with specific hiring needs are brought to campus to recruit future employees. Students can also learn about on-campus and community-based employment opportunities by visiting Career Services or [www.herkimer.edu/jobs](http://www.herkimer.edu/jobs). Career Services can be reached at 315.574.4031.

### **TRANSFER COUNSELING**

Transfer Counseling services include individual transfer assistance from any academic advisor in the Academic Advisement Office (i.e.: selection of courses for transfer to specific colleges or majors), transfer assistance workshops, transfer college days, individual on-campus visits by various four-year colleges, a transfer resource library, information on transfer agreements and transfer scholarships and computer assisted transfer college searches. A transfer counselor can be reached at 315.574.4029.

**COUNSELING CENTER**

The Counseling Center is located in CA 130. Counseling services provide students with the opportunity to speak one-on-one with a counselor about problems which could interfere with personal growth and academic achievement. Reasons to seek out counseling could include concerns with family, roommates, relationships, stress and anxiety, adjusting to college life, academics, substance abuse, sexual assault or depression. Individual, couples or group counseling are offered. These services are free and confidential. The Counseling Center can be reached at 315.574.4034.

**CRISTMAN SWIMMING POOL**

The College swimming pool is used for academic instruction, team swimming, and open swim time. Open swim times may be subject to change due to availability of lifeguards. Open swim times during the academic semester are:

Further information about the pool, you may contact the Dean of Students/Director of Athletics (PE 114) or by calling 315.866.0300, ext. 8255.

**FINANCIAL AID OFFICE**

The Financial Aid Office is located in RMCC 269. Financial aid is any grant, scholarship, loan, or employment opportunity with the express purpose of assisting students with educational related expenses. Although the primary obligation for college expenses rests with the student and the student's parents, the College, the community and state and federal governments have programs of financial assistance that can be employed separately or in combination to meet individual needs. For more information, contact the Financial Aid Office at 315.574.4035.

**FITNESS CENTER**

This multi-purpose facility offers students, staff and community members one of the best fitness facilities in the area. In addition to the latest in fitness equipment, members have access to an indoor walking track and locker room facilities. Professionally staffed throughout the day, the Fitness Center provides an opportunity to get a great workout in a clean, supervised atmosphere. To become a member, full-time students must pass PE 136, with a \$25 per semester fee charged thereafter. Open times can be found on the website.

For more information, contact the Fitness Center at 315.574.4036.

**REGISTRAR'S OFFICE**

The Registrar's Office is located in RMCC 216, where students can access the following services: Drop/Add courses; transcript requests; address/name changes; graduation applications; transfer credit evaluations; education verifications and enrollment certifications. For more information, contact the Registrar's Office at 315.574.4037.

**RONALD F. WILLIAMS LIBRARY**

The Library is open from 8:00 am - 9:00 pm, Monday through Thursday, 8:00 am - 4:00 pm on Friday, and 4:00 pm - 9:00 pm on Sunday during the regular academic year. Summer and break hours will be posted, but are generally 8:00 am - 4:00 pm Monday through Friday only. Smoking and the consumption of food are not permitted in the Library at any time. Beverages in secure containers are allowed, but not in the computer areas. Excessive talking and/or other disruptive behavior where it interferes with the ability of others to read and study is strictly prohibited. Library materials will only be charged out on a current official College ID card. Fines are assessed for overdue material. Replacement costs plus a processing fee will be charged for lost or damaged materials. Each person is responsible for all material taken out on their ID. Reserve items can be used in the Library only and also require a current official College ID. Grades will be withheld and graduation will be barred until all Library obligations are met. Do not lend your card to a friend! You can contact the Library at 315.574.4007 or by text 315.836.3796.

**STUDENT ACCOUNTS OFFICE**

The Student Accounts Office is located in RMCC 216 and is responsible for student tuition and fee billings and collections, financial aid disbursements and certificate of residency forms. All students must provide a Certificate of Residence Form (Form B-81) from their home county on or prior to the first day of classes each academic year in order to avoid being charged additional tuition. For more information, contact the Student Accounts Office at 315.574.4018.

**STUDENT SERVICES DIRECTORY**

Absences .....	Individual Instructor
Academic Standing .....	Assoc. Dean of Academic Affairs
Advisement .....	Faculty Advisor
Advisor Assignments .....	Advisement Center (RMCC 302)
Appeal & Reinstatement .....	Assoc. Dean of Academic Affairs
Athletics.....	Athletic Office (PE 104)
Bulletin Board Postings.....	Director of Student Activities (RMCC 220)
Campus Safety .....	(CA 138)
Career Counseling .....	Counseling Center (RMCC 302)
Center for Student Leadership & Involvement.....	(RMCC)
Clubs & Organizations .....	Center for Student Leadership & Involvement (RMCC)
College ID's .....	(RMCC 254)
Counseling and Academic Advisement Center .....	(RMCC 302)
Course Changes .....	Faculty Advisor
Curriculum Changes .....	Advisement Center (RMCC 302)
Director of Campus Safety.....	(CA 263)
Financial Aid.....	Financial Aid Office (RMCC 269)
Graduation Certification .....	Registrar's Office (RMCC 216)
Housing.....	Residence Life & Housing Office (Campus Meadows)
Immunization Forms .....	Dean of Student/Director of Athletics Office (CA 264)
Insurance .....	Student Accounts Office (RMCC 216)
International Students .....	Center for Global Learning
Lost & Found.....	Campus Safety Office (CA 138)
Off Campus Housing .....	Dean of Students/Director of Athletics Office (CA 264)
Parking & Fines .....	Student Accounts Office (RMCC 216)
Personal Counseling.....	Counseling Center (RMCC 302)
Registration & Drop/Add .....	Registrar's Office (RMCC 216)
Services for Students with Disabilities .....	SSD Office (LB 115)
Student Employment.....	Counseling Center (RMCC 302)
Textbooks.....	Bookstore - Bottom floor of the Library
Transfer Counseling.....	Counseling Center (RMCC 303)
Tutoring.....	Academic Support Center
Veterans Counseling.....	Registrar's Office (RMCC 216)
Withdrawal .....	Registrar's Office (RMCC 216)

For more information on Student Services, see the College Catalog

### SECTION III: ACADEMIC INFORMATION, STANDARDS AND REGULATIONS

#### ACADEMIC REQUIREMENTS FOR DEGREES AND CERTIFICATES

1. Satisfactory completion of the minimum number of credits and courses required by the specific program. The student is responsible for registering for the proper courses and for fulfilling all degree requirements as outlined herein.
2. The earning of a 2.00 cumulative grade point average (GPA).
3. Payment of all financial obligations

The College holds graduation ceremonies once a year at the end of the Spring semester. Students completing requirements at times other than the Spring semester will be awarded their diplomas or certificate at the next regular commencement. Prior to commencement, a statement indicating completion of degree or certificate requirements will be issued upon request.

#### SATISFACTORY ACADEMIC PROGRESS AND STATUS

A student is considered to be in satisfactory academic standing if they maintain a cumulative GPA of 2.0 or higher. A student's academic status is determined by the student's cumulative GPA and/or the number of credit hours earned, compared to the number attempted as shown in the tables in the college catalog. These standards will not apply until a student has attempted a minimum of twelve (12) credits.

#### GRADING SYSTEM

The following is the official college grading system, based upon comparison with other students in the course or students who have taken the course previously

Letter Grade	Quality Points	Quality Range
A+, A	4.0	Superior mastery of facts and principles; clear evidence that stated course objectives and requirements were met by the student
A-	3.7	
B+	3.3	Above average mastery of facts and principles;
B	3.0	evidence that stated course objectives and requirements were met by the student
B-	2.7	
C+	2.3	Average mastery of facts and principles; some evidence that stated course objectives and requirements were met by the student
C	2.0	
C-		
D+	1.3	Little mastery of facts and principles; acceptable evidence that stated course objectives and requirements were met by the student
D	1.0	
D-	0.7	
F	0.0	No mastery of facts and principles; little evidence that stated course objectives and requirements were met by the student
*		A grade with an * indicates a course below 100 level; (below college level) grades are not calculated in the GPA and credit does not apply towards graduation
AW		Administrative Withdrawal
AF		Administrative Failure
I		Incomplete
WM		Medical Withdrawal
W		Withdrawn
P		Satisfactory completion of a required course
S		Satisfactory completion of a non-credit course
U		Unsatisfactory
Z		Given to students who officially register for a course but who fail to attend. This grade is equivalent to an "F"

In computing averages for all students, only grades earned at the College are considered. A student must maintain a 2.0 cumulative GPA in order to qualify for graduation. If, at the end of any semester, a student is deficient in quality points or credit hours earned, they may be placed on Academic Review or Academic Restriction or may be considered

for dismissal, depending on the extent of the deficiency. A student on Academic Restriction who does not overcome quality point or credits completed deficiency at the end of the next semester will be considered for dismissal. A student on Academic Review may not carry, during the next semester in attendance, more than the normal number of credit hours for that curriculum. A student may also be required to take a reduced load.

The College reserves the right to withdraw, suspend or dismiss any student whose academic standing, conduct or attendance is unsatisfactory.

### COMPUTATION OF QUALITY POINTS AND AVERAGE

To determine the quality point average, multiply the quality point value of each grade by the credits designated by each course, then divide the total quality points by the number of quality hours.

*Example:*

COURSE	GRADE	CREDITS	QUALITY POINTS
English	A	3	12.0
History	C+	3	6.9
Art	C-	3	5.1
Science	B+	3	9.9
Elective	B	3	9.0
	2.86 GPA	15	42.9

### ACADEMIC REVIEW

Academic Review is determined when a student's cumulative GPA does not meet the minimum requirement and/or the student does not earn the minimum credits to demonstrate academic progress

A student placed on Academic Review will be notified of their academic standing when grades are processed at the end of the term. Students on Academic Review will be contacted by the Advisement Center to develop/revise their schedule for the next term to repeat courses in which the student received F or Z grades. A student placed on Academic Review may have constraints placed on their schedule and/or activities and will be required to take steps designated to improve their academic progress.

### ACADEMIC RESTRICTION

A student who does not meet minimum academic standards in their first term OR after a prior term of Good Standing or Academic Review will be placed on Academic Restriction. Students will be notified of their academic standing when grades are processed at the end of the term and will be required to take steps designed to improve their academic progress. This may include revision of their schedule for the next term to repeat courses in which the student received F or Z grades; credit restrictions and/or other constraints placed on their schedule and/or campus activities.

### ACADEMIC DISMISSAL

A student who does not meet minimum academic standards after a prior term of Academic Restriction will be placed on Academic Dismissal. Students on Academic Dismissal will be notified of their status and the appeal requirement when grades are processed at the end of the term. Eligibility for Financial Aid will be affected.

### ACADEMIC APPEALS AND CHANGING GRADES

Step 1: Students must first consult with the instructor who gave the grade.

- a) Appeals of grades for a Spring or Summer semester must be received in writing before October 15 of the following Fall semester.
- b) Appeals of grades for a Fall or Winter semester must be received in writing before March 1 of the following Spring semester.

Step 2: If the appeal with the instructor is unsatisfactory to the student, the student may appeal to the appropriate Associate Dean by completing the Student Complaint Form located at [www.herkimer.edu/complaint](http://www.herkimer.edu/complaint) selecting Academics as complaint area.

- a) Appeals must be initiated before the end of the semester in which the process commenced.

## **ACADEMIC COMPLAINT RESOLUTION PROCEDURE**

Should a student have a complaint concerning academics, the College provides the following procedure:

- Step 1: The student should consult the faculty or staff member with whom they are experiencing the difficulty. If the problem is not resolved, the student can proceed to Step 2.
- Step 2: The student should complete the Student Complaint Resolution Form located at [www.herkimer.edu/complaint](http://www.herkimer.edu/complaint) selecting Academics as complaint area.

## **ACADEMIC HONESTY POLICY AND PROCEDURE**

Academic dishonesty shall include securing of information relative to the content of an examination prior to the scheduled time of the examination, giving or receiving assistance during an examination, and presenting as one's own in reports, term papers or other projects, any expression, quotations, or creative work of others without giving due credit to the author.

Plagiarism and cheating are violations of the Student Code of Conduct. The maintenance of academic honesty is the responsibility of both faculty and students. Any written assignment submitted by a student must be of original authorship. Representation of another's work as their own shall constitute plagiarism. Any charge of plagiarism shall be substantiated by either a direct correlation between the original and the alleged plagiarized copy or a preponderance of evidence. Cheating shall be considered a violation and subject to the same penalties. Students should refer to the course syllabus for additional details.

**SANCTIONS** - Any action is at the discretion of the instructor which may include any of the following:

- Failing the test
- Failing the assignment
- Failing the paper
- Failing the course

## **ACADEMIC HONESTY APPEAL**

Step 1: Students must first appeal with the instructor who issued the sanction.

Step 2: If the sanction is upheld, the student may appeal to the appropriate Associate Dean by completing the Student Complaint Form located at [www.herkimer.edu/complaint](http://www.herkimer.edu/complaint), selecting Academics as complaint area.

## **ACADEMIC HONORS PROGRAMS**

The College offers an Honors Program that provides qualified students with additional opportunities to expand their intellectual and artistic growth and to enrich their individual skills and abilities. The program promotes the College's commitment to the pursuit of academic excellence and is available to students in all curricula. Students who successfully complete the Honors Program are given special recognition by the College.

The Honors Program enables students who are enrolled full -time to work on an independent project in one-credit courses during two different semesters. The student selects the course in which they want to work independently, and the project is designed by the instructor of the course and the student. During the fourth semester (spring), students must enroll in a required Honors Seminar course. This is a nontraditional, inter-disciplinary course that provides students with an opportunity to use a variety of higher-level learning techniques and to interact with other students who excel academically. Students in the Honors Program also meet periodically to attend cultural functions and to discuss special topics.

The following requirements should be noted by all students interested in the program:

1. Students who enter college need a high school average of 88 to be eligible for the special section of First Year Student Seminar, if offered. This section will augment the study of the topics by incorporating selected readings and other supporting material.
2. Applications will be available for all students obtaining at least a 3.5 average during their first semester as well as for students who transfer in with at least a 3.5 average.
3. Students applying for the program must complete an application and information sheet each semester.
4. A standard schedule of courses for a particular program as specified in the College Catalog must be taken.
5. A student cannot withdraw from any course.
6. A student with a reduced course load because of required developmental courses is not eligible to apply in that semester for the Honors Program.
7. Students must maintain a 3.5 GPA to remain in the program.

## **PRESIDENT'S LIST**

The President's List is comprised of all students who have a GPA of 3.80 or better, with the exception of those who have failures, incompletes, equivalent credit courses, or have earned less than twelve credits in that semester. The President's List is determined at the end of each semester and is entered on the student's permanent record.

Part-time students will be eligible for President's List honors if they:

1. Have accumulated 15, 30, 45 and/or 60 earned credit hours in residence;
2. Have a minimum cumulative GPA of 3.80;
3. Be matriculated in a degree or certificate program; and,
4. Did not have a failure or incomplete grade during the period.

## **DEAN'S LIST**

The Dean's List is comprised of all students who have a PGA of 3.25 or better, with the exception of those who have failures, incompletes, equivalent credit courses, or have earned less than twelve credits in that semester. The Dean's List is determined at the end of each semester and is entered on the student's permanent record.

Part-time students will be eligible for President's List honors if they:

1. Have accumulated 15, 30, 45 and/or 60 earned credit hours in residence;
2. Have a minimum cumulative GPA of 3.25;
3. Be matriculated in a degree or certificate program; and,
4. Did not have a failure or incomplete grade during the period.

## **ATTENDANCE**

To maintain high quality academic work, regular attendance at class is necessary. Absence from class is considered a serious matter and never excuses a student from class work. After reviewing the student's justification, the instructor may give the student the opportunity to make up the work missed; however, this decision is at the instructor's discretion. A college-wide attendance policy empowers a faculty member to administratively withdraw a student who has missed 25% of the class meetings in a course.

## **ABSENCE DUE TO RELIGIOUS BELIEFS**

The following apply only to students who are unable, because of religious beliefs, to attend classes on certain days:

1. No person shall be expelled from or be refused admission as a student to Herkimer College for the reason that they are unable, because of their religious beliefs, to attend classes or to participate in any examination study or work requirements on a particular day or days.
2. Any student in attendance at Herkimer College who is unable, because of their religious beliefs, to attend classes on a particular day or days shall, because of such absence on the particular day or days, be excused from any examination or any study or work requirements.
3. It shall be the responsibility of the faculty and of the administrative officials of each institution of higher education to make available to each student who is absent from school because of their religious beliefs, an equivalent opportunity to make up any examination, study or work requirements which they may have missed because of such absence on any particular day or days. No fees of any kind shall be charged by the institution for making available to the said student such equivalent opportunity.
4. If classes, examinations, study or work requirements are held on Friday after 4:00pm or on Saturday, similar or make up classes, examinations, study or work requirements shall be made available on other days where it is possible and practical to do so. No special fees shall be charged to the student for these classes, examinations, study or work requirements held on other days.
5. In effectuating the provisions of this section, it shall be duty of the faculty and the administrative officials of each institution of higher education to exercise the fullest measure of good faith. No adverse or prejudicial effects shall result to any student because of their availing themselves of the provision of this section.
6. Any student who is aggrieved by the alleged failure of any faculty or administrative official to comply in good faith with the provisions of this section, shall be entitled to maintain an action or proceeding in the Supreme Court of the County in which such institution of higher education is located for the enforcement of their rights under this section.
7. A copy of this section shall be published by each institution of higher education in the catalog of such institution containing the listing of available courses.
8. As used in this section, the term "institution of higher education" shall mean schools under the control of the Board of Trustees of the State University of New York or the Board of Higher Education of the City of New York or of any community college.



## **AUDIT POLICY**

A student who wishes to audit a course, on a space available basis only, must obtain permission from the instructor of the course and the appropriate associate dean. With permission of the instructor, the student may submit written work for feedback. The final grad of AU (audit) will be assigned and a record of the course being audited will appear on the student's transcript.

A student wishing to change their status must follow the procedure for changing a course. Changing from audit to credit or credit to audit basis during the semester will not be permitted after the third instructional day of the semester or the beginning of the second class meeting for an evening, summer session or mini semester course. Credit for an audited course cannot be established at a later date except by enrolling in the course for credit in a subsequent semester and satisfying all course requirements at that later time.

A part-time student who is auditing a course pays full tuition and fees for the course and attends under the same regulations established for full-time student auditors. Students wishing to register for a class on an audit basis must contact the Registrar's Office. Separate receipts for payments of a class on an audit basis are given to students who are also registered in a class(es) for credit. This prevents a person registered for 9 credit hours and 3 audit hours becoming classified as a full-time student.

## **CHANGE OF COURSE/CURRICULUM**

Students may drop/add courses for any given term as per the schedule posted by the Registrar's Office. Students may add courses providing space permits. Schedule changes are initiated with the student's assigned academic advisor. Following the official time period for dropping/adding a class, a student may withdraw from a course. This will be noted on an official transcript. Students who do not formally withdraw in the Registrar's Office will be carried on class rosters and will receive a failing grade for all assignments and tests not completed. Students wishing a change of curriculum (major) must complete the appropriate form obtained from the Academic Advisement Center. The first curriculum change is free, all changes after are \$25.

## **COURSE OVERLOADS**

An overload is defined as a course a student wishes to take above and beyond 18 credits in a given semester. Physical Education activities (one credit courses) are an exception and do not need to follow the guidelines. Course overloads are initiated with the student's assigned faculty advisor.

The following criteria are used in determining approval for an overload:

1. Overloads are the exception and not the norm.
2. The student should have a GPA of 3.25 or higher in coursework completed at Herkimer College.
3. The student should not have withdrawn from a course in any previous semester. (The impact is to elevate GPA and indicates that the student was unable to handle the normal load during that semester.)
4. Generally, overloads are not allowed for first year students.
5. Seniors, with the approval of their associate dean, may overload to meet graduation requirements.
6. There is a maximum of 22 credits allowed per semester, NO EXCEPTIONS.

## **CREDIT BY EXAMINATION**

The College may grant credit by proficiency to students whose previous training experience, or independent study has provided them with the appropriate background. See the College Catalog for specific details.

## **DROP/ADD/WITHDRAWAL FROM A COURSE**

Students may drop/add courses for any given term as per the schedule posted by the Registrar's Office. Students may add courses providing space permits. Schedule changes are initiated with the student's assigned faculty advisor.

Following the official time period for dropping and adding a class, a student may withdraw from a course. This will be noted on an official transcript. Students who do not formally withdraw in the Registrar's Office will be carried on class rosters and will receive a failing grade for all assignments and tests not completed. The last date to withdraw formally from a course is at the end of the tenth week of classes, or the equivalent time period (67%), in the case of a course of shorter duration than a full semester.

## **GRADUATION WITH HONORS/HIGH HONORS/HIGHEST HONORS**

The requirements for graduation with honors include a 3.25 cumulative GPA. The requirements for graduation with high honors include a 3.80 cumulative GPA. The requirements for graduation with highest honors include a 4.0 cumulative GPA. This designation requires a minimum of thirty semester hours earned at Herkimer College.

**INCOMPLETES**

When the student received the grad "I" (incomplete), the student must complete the work within 45 calendar days from the end of the final exam period for the relevant semester. For courses ending before the end of the semester, the deadline is 45 calendar days after the last day of class.

**MATRICULATION**

Matriculation refers to a full-time or part-time student who has successfully satisfied all admission requirements and is officially accepted into a degree or certificate program through the Admissions Office. A full-time matriculated student meets the above-mentioned criteria and registers for 12 or more credit hours. A part-time matriculated students meets the above-mentioned criteria and registers for less than 12 credit hours.

**PHYSICAL EDUCATION REQUIREMENT**

Two credits of physical education activity courses are required for students in all degree programs. One credit may be granted for participation in a varsity sport. Students who complete their program entirely online may take either HE 121 (Personal & Community Health) or HE 130 (Wellness) to satisfy the physical education requirement.

Students may be exempt from required physical education activity courses for certified medical reasons. Documentation must be provided to the office of the Dean of Students/Director of Athletics. It is required that you have documentation from your doctor stating the specific reasons for your exemption and the period of time that it covers. In such cases, a minimum of two credits in a non-activity physical education or health course must be completed.

Military veterans may have earned credit and should contact the Registrar. Students requesting an exemption should submit their medical documentation to the office of the Dean of Students/Director of Athletics at least one (1) year prior to the anticipated graduation date in order to allow sufficient time for course substitution.

If an accident or injury occurs during the time the student is enrolled in classes, the office of the Dean of Students/Director of Athletics needs to be made aware as soon as possible. No student is guaranteed an exemption even with proper documentation. There are several physical education classes available that are low impact and every effort is made to have students take physical education classes.

**SEMESTER GRADES**

At the end of each semester, final grades are available through Student Online Services ([www.herkimer.edu/sos](http://www.herkimer.edu/sos)). These grades are part of the student's permanent record. Grades will not be available if the student has a financial obligation to the College.

**TRANSPORTATION TO FIELD EXPERIENCES**

Students in some programs may be required to participate in field experiences arranged by the College in local schools, hospitals, social agencies and business establishments. Each student is responsible for arranging and paying for their own transportation to scheduled off-campus experiences.

**WITHDRAWAL FROM A COURSE**

Students may drop/add courses or make section changes through the third day of classes during the fall and spring semesters for full-term classes. Drop/add for the mini and summer sessions is allowed on the first day of class. Evening class drop/add is allowed up to the second class session. Students may add courses providing space permits. Students who do not formally withdraw in the Registrar's Office will be carried on class rolls and will received a failing grade for all assignments and tests not completed. Please refer to the College Catalog for more information.

### **WITHDRAWAL FROM THE COLLEGE**

If a student wishes to withdraw from the College, they must obtain a Withdrawal Form from the Registrar's Office. After obtaining all of the necessary signatures on the Withdrawal Form, it is returned to the Registrar for certification. The official date of withdrawal is the date on which the Registrar certifies the Withdrawal Form. The last day to withdraw formally from the College and receive "W" grades is the end of the tenth week of classes or the equivalent time period (67%) in the case of a course of shorter duration than a full semester. Students who do not follow this procedure will be carried on the College rolls and will receive failing grades for all courses in which work is not completed. No partial refund of tuition and fees can be made until a student has officially completed the withdrawal procedure and the withdrawal has been certified. A student's record will not be released unless financial obligations to the College have been met.

Depending on the date that a student withdraws, that student could be charged all or a percentage of the tuition, fees, room and board for that semester. Additionally, depending on the type of financial aid a student receives, the student could go through a process of Title IV Recalculation. This process is when a student receives funding through specific federal government programs known as Federal Subsidized Loans, Federal Unsubsidized Loans, Federal Pell Grants, and Federal Supplemental Education Opportunity Grants. Basically, the recalculation policy states that a student "earns" federal financial aid directly in proportion to the number of days the student attends classes

### **WITHDRAWAL FOR EMERGENCY ACTIVE DUTY**

In the event of a national emergency, students may have responsibilities which supersede their academic obligations to the College. Having produced written proof of such assignment or duty to the Dean of Students/Director of Athletics, and with the expressed approval of the Provost, each student will be provided with options for withdrawal.

### **WITHDRAWAL FOR MEDICAL REASONS**

The Student Academic Progress and Status Guidelines will not be applied to any student who has formally withdrawn from the College for a certified medical reason. A statement from the attending physician verifying the medical problem will be required in order for the student to receive this waiver. This statement must be received by the Registrar's Office and approved by the Provost prior to the end of the semester in which the withdrawal occurred.

## RESOURCE & EMERGENCY NUMBERS

<b>EMERGENCY</b> .....	<b>911</b>
Campus Safety Emergency .....	911
Campus Safety Non-Emergency .....	315.866.0300, ext. 8616
Mobile Crisis Assessment Team (MCAT) .....	315.732.6228
National Suicide Prevention Lifeline .....	1.800.273.TALK
<b>ABUSE</b>	
Child Abuse .....	315.867.1249
Domestic Violence Services .....	315.866.0458
YWCA Sexual Violence Services .....	315.866.4120
<b>AMBULANCES</b>	
MOVAC .....	315.866.5200
<b>ALCOHOL &amp; DRUG ABUSE</b>	
Alcoholics Anonymous .....	315.732.6880
Addictions Stabilization Center .....	315.735.1645, ext. 2162
Beacon Center .....	315.717.0189
Insight House (Utica) .....	315.724.5168
NYS Office Alcohol & Substance Abuse Services .....	1.877.8-HOPENY
<b>FIRE DEPARTMENT</b>	
Herkimer .....	315.866.2241
Ilion .....	315.895.7424
Frankfort .....	315.895.7700
Mohawk .....	315.866.3600
Little Falls .....	315.823.2233
<b>HEALTH &amp; COUNSELING</b>	
AIDS/Substance Abuse .....	1.800.541.AIDS
Care Net Pregnancy Center of CNY .....	315.867.6148
Planned Parenthood (Utica) .....	315.724.6146
Public Health Nursing Service (Herkimer) .....	315.867.1176
ACR Health (LBGTQ Services) .....	315.793.0661
.....	<a href="http://acrhealth.org">Http://acrhealth.org</a>
<b>HOSPITALS</b>	
Little Falls .....	315.823.1000
St. Elizabeth's (Utica) .....	315.798.8111
Mohawk Valley Health Services (Faxton-St. Luke's) .....	315.624.6000
<b>POLICE</b>	
Herkimer .....	315.866.4330
Frankfort .....	315.894.3594
Ilion .....	315.894.9911
Little Falls .....	315.823.1122
Mohawk .....	315.866.3460
NY State Police .....	315.866.7111
Herkimer County Sheriff .....	315.867.1167
Herkimer County Jail .....	315.867.1252
<b>PERSONAL &amp; FAMILY COUNSELING</b>	
Herkimer County Mental Health .....	315.867.1465
Community Mental Health Services of the Mohawk Valley (Herkimer Clinic) .....	315.866.7630
ICAN .....	315.801.7360
Samaritan Counseling Center of the Mohawk Valley (Herkimer Location) .....	315.824.5173
.....	<a href="http://www.samaritancentermv.com">http://www.samaritancentermv.com</a>

## **SECTION IV: RULES AND REGULATIONS**

### **MAINTENANCE OF PUBLIC ORDER AT HERKIMER COLLEGE**

Statement of Purpose: The following rules have been adopted by the Herkimer College Board of Trustees and are in compliance with Section 6450 of the Education law (filed with the Commissioner of Education and the Board of Regents on or before July 20, 1969, as required by that Section). The authority for the administration of regulations at the College shall rest with the College's chief administrative officer.

The concepts of academic freedom and an open exchange of ideas are essential to the mission of any educational institution. Herkimer College is committed to these ideals, and as a public institution is legally obligated to protect its members' First Amendment right of freedom of expression. Respect for this right requires that members of the College tolerate the expression of views that are contrary to their own, and recognize that the expression of ideas that are intolerant, bigoted or deeply offensive are entitled to First Amendment protection. Equally important, however, is the understanding that free expression carries with it the responsibility of civility and respect for others. The College views conduct intended to disparage or demean others as contrary to the pursuit of knowledge and rational discourse.

### **CRIME STATISTICS AVAILABILITY (CLERY ACT)**

A copy of Herkimer College's campus crime statistics as reported annually to the U.S. Department of Education will be provided upon request by the Campus Safety Committee. Please direct all such requests to the Office of the Dean of Students/Director of Athletics at 315.574.4009. Information can also be obtained from the U.S. Department of Education website at <http://ope.ed.gov/security/> or by going to the Campus Safety section of the Herkimer College website at <http://www.herkimer.edu/safety/> and clicking on the Security and Fire Safety Report page.

### **TIMELY WARNINGS**

In the event that an emergency situation arises, either on or off campus that, in the judgment of the President, Dean of Students/Director of Athletics, Director of Campus Safety or another College Designee, constitutes an ongoing or continuing threat, a campus wide "Timely Warning" will be issued. The warning will be issued through the NY Alert System, College e-mail system and website to students, faculty and staff, and will be posted on campus and in the campus residence halls as is appropriate.

# SIGN UP TODAY

For

# NY-ALERT

## Here's How:

1. Log on to [my.herkimer.edu](http://my.herkimer.edu) and click on Student Online Services (under Quick Links).
2. Select the Personal Information tab.
3. Select the link for Emergency Alert Contact Information (NY-Alert).
4. Follow directions to register with NY-Alert.

## Here's Why:

1. NY-Alert is the only notification system which will send emergency alerts directly to you.
2. You will receive emergency alert messages originating from Herkimer College and the State Emergency Management Office.
3. You choose the method(s) by which you will receive alerts: e-mail, phone, text messaging or fax.

**All Herkimer College students, faculty and staff are encouraged to sign up for NY-Alert, a statewide emergency notification system.**

**You will receive emergency alert messages, originating from the State Emergency Management Office or from Herkimer College via email, cell phone, text message and/or fax.**

Questions about NY-Alert? Please contact Campus Safety at [safety@herkimer.edu](mailto:safety@herkimer.edu)

# Procedures for Shelter in Place

When an imminent threat to the safety of the campus community exists, the Disaster Coordinator (Director of Campus Safety) will activate a Shelter in Place directive. The order will be given with a **SEVERE (Red)** or **MODERATE (Blue)** level. The level of shelter in place may change as the situation changes.

The instructions for each level of Shelter in Place are as follows:

## Severe (Code Red)

### Communicated with NY-Alert and Campus Siren

- You should immediately lock yourself and any other uninvolved persons in a classroom or office. If possible, cover windows or openings that have direct line of sight into the room. Phones should be set to silent so an intruder will not hear your phone, but you can still receive NY-Alert messages.
- Do not sound the fire alarm as this can place occupants in harm's way during an evacuation.
- Call 911 with any information that may be useful to responders (if you can).
- Try to remain as calm as possible.
- If you are outside, stay out of open areas and be quiet.

## Moderate (Code Blue)

### Communicated with NY-Alert

- You may move around within the buildings, but do not go outside. If you need to move between buildings, use the indoor connecting corridors.
- Do not sound the fire alarm as this can place others in harm's way during an evacuation.
- Call 911 with any information that may be useful to responders.
- Try to remain as calm as possible.
- If you are outside, try to get inside a building as quickly as possible.

Please note that in some cases, such as a tornado, you may be directed to evacuate classrooms and offices with windows and shelter in place in hallways, closets and other interior spaces away from windows.

Questions about NY-Alert? Please contact Campus Safety at [safety@herkimer.edu](mailto:safety@herkimer.edu)

## **BIAS CRIMES PREVENTION - HATE CRIMES AND THE LAW**

It is Herkimer College's mandate to protect all members of the Herkimer College Community by preventing and prosecuting bias or hate crimes that occur within the campus' jurisdiction.

Hate crimes, also called bias crimes or bias-related crimes, are criminal activity motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as their race, religion, ethnicity, gender, sexual orientation or disability. Hate/bias crimes have received renewed attention, particularly since the passage of the federal Hate/Bias Crime Reporting Act of 1990 and the New York State Hate Crimes Act of 2000 (Penal Law Article 485). Copies of the New York law are available from Campus Safety.

Penalties for bias-related crimes are very serious and range from fines to imprisonment for lengthy periods, depending on the nature of the underlying criminal offence, the use of violence or previous convictions of the offender. Perpetrators who are students will also be subject to campus disciplinary procedure where sanctions including dismissal are possible.

In addition to preventing and prosecuting hate/bias crimes, Herkimer College Campus Safety also assists in addressing bias-related activities that do not rise to the level of a crime. These activities, referred to as bias incidents and defined by the College as acts of bigotry, harassment, or intimidation directed at a member or group within the Herkimer College community based on national origin, ethnicity, race, age, religion, gender, sexual orientation, disability, veteran status, color, creed, or marital status, may be addressed through the College's Complaint Procedure or the campus conduct code. Bias incidents can be reported to Campus Safety as well as to Human Resources.

If you are a victim of, or witness to, a hate/bias crime on campus, report it to Campus Safety by calling 911 in an emergency, using a Blue Light or other campus emergency telephone, calling 315.866.0300, ext. 8616 or stopping by CA 138. Campus Safety will investigate and follow the appropriate adjudication procedures.

Victims of bias crime or bias incidents can avail themselves of counseling and support services from the campus by contacting the Counseling Center at 315.866.0300, ext. 8239 or in CA 136.

For general information on Herkimer College security procedures, see [www.herkimer.edu](http://www.herkimer.edu) or call 315.866.0300, ext. 8616. More information about bias-related and bias crimes, including up-to-date statistics on bias crimes, is available from the Office of the Dean of Students/Director of Athletics in CA 264.

## **SEXUAL VIOLENCE PREVENTION AND RESPONSE POLICY - SEXUAL ASSAULT AND THE LAW**

Herkimer College has programs in place to protect all members of the Herkimer College community from sexual assault, including programs for prevention and prosecution of these crimes that occur within the jurisdiction of Herkimer College Campus Safety. Herkimer College does not condone any type of sexual activity without proper consent. As defined, CONSENT is clear, unambiguous and voluntary agreement between the participants to engage in specific sexual activities.

NYS Law contains the following legal provisions defining the crimes related to sexual assault:

**Section 130.20 - Sexual Misconduct.** This offense includes sexual intercourse without consent and deviate sexual intercourse without consent. The penalty for violation of this section includes imprisonment for a definite period to be fixed by the court up to one year.

**Section 130.25/30/35 - Rape.** This series of offenses includes sexual intercourse with a person incapable of consent because of the use of forcible compulsion or because the person is incapable of consent due to a mental defect, mental incapacity, or physical helplessness. This series of offenses further includes sexual intercourse with a person under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed four years up to imprisonment for a period not to exceed 25 years.

**Section 130.40/45/50 - Criminal Sexual Act.** This series of offenses includes oral or anal sexual conduct with a person incapable of consent because of the use of forcible compulsion or because the person is incapable of consent due to a mental defect, mental incapacity, or physical helplessness. This series of offenses further includes oral or anal sexual conduct with a person under the age of consent. The penalties



for violation of these sections range from imprisonment for a period not to exceed four years up to imprisonment for a period not to exceed 25 years.

**Section 130.52 - Forcible Touching.** This offense involves the forcible touching of the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire. Forcible touching includes the squeezing, grabbing, or pinching of such other person's sexual or other intimate parts. The penalty for violation of this section includes imprisonment for a period of up to one year in jail.

**Section 130.55/60/65 - Sexual Abuse.** This series of offenses includes sexual contact with a person by forcible compulsion or with a person who is incapable of consent due to physical helplessness, or due to the person being under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed three months up to imprisonment for a period not to exceed seven years.

**Section 130.65-a/66/67/70 - Aggravated Sexual Abuse.** This series of offenses occurs when a person inserts a finger or a foreign object into the vagina, urethra, penis or rectum of another person by forcible compulsion, when the other person is incapable of consent by reason of being physically helpless, or when the other person is under the age of consent. The level of this offense is enhanced if the insertion of a finger or foreign object causes injury to the other person. The penalties for violation of these sections range from imprisonment for a period not to exceed seven years up to imprisonment for a period not to exceed 25 years.

## **AFFIRMATIVE CONSENT**

In order for individuals to engage in sexual activity of any type with each other, there must be clear affirmative consent. Whenever the term consent is used in this policy, it should be understood to mean affirmative consent as defined here. Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by word or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of affirmative consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression. Under this policy, "No" always means "No". At the same time, silence, or the absence of an explicit "No", cannot be assumed to indicate consent.

Consent to some form of sexual activity cannot be automatically taken as consent to any other sexual activity. Past consent to sexual activity cannot be presumed to be consent to engage in the same sexual activity in the future. Consent can be withdrawn at any time by expressing in words or actions that the individual no longer wants the sexual activity to continue and, if that happens, the other person must stop immediately.

Affirmative consent cannot be obtained by use of physical force, compelling threats, intimidating behavior, or coercion. Coerced sexual activity violates this policy just as much as physically forced sex violates this policy. Coercion happens when someone unreasonably pressures someone else for sex.

Certain conditions prevent a person from being able to consent. Consent cannot be given by a person if the following conditions or influences exist:

- **Incapacitation:** Incapacitation occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness, mental disability, being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. In order to give affirmative consent one must be of legal age, which is 17 in the state of New York. Use of alcohol or other drugs does not, in and of itself, negate a person's ability to give affirmative consent. However, depending on the degree of intoxication, someone who is under the influence of alcohol or drugs or other intoxicants may be incapacitated and therefore unable to consent. A person who has been drinking or using drugs is still responsible for ensuring that the other person provides affirmative consent to engage in sexual activity. An individual's incapacity may also be caused by the taking of so-called "date rape" drugs. Possession, use, and/or distribution of any of these substances (including Rohypnol, Ketamine, GHB, Burundanga, and others) is prohibited, and administering any of these drugs to another person for the purpose of inducing one to consent to sexual activity is a violation of this policy.

- **Coercion:** Coercion is unreasonable pressure for sexual activity. The degree of pressure is such that it deprives the person of the ability to make a choice as to whether or not she or he wants to engage in sexual activity.
- Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When one person makes it clear to another that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- **Force:** Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes, threats, intimidation (implied threats) and coercion that overcome resistance or produce consent.
- **Predatory Drugs:** A person under the influence of predatory drugs is also considered incapacitated. Predatory drugs, also called date rape drugs, include but are not limited to GHP (gamma hydroxybutyrate), Rohypnol, and Ketamine. These are odorless, colorless drugs that can easily be slipped into a drink. They can produce disorientation, loss of inhibition, and unconsciousness, and may also cause amnesia as an aftereffect. These drugs are fast-acting and more dangerous when combined with alcohol.

## **POLICY FOR ALCOHOL AND/OR DRUG USE AMNESTY IN SEXUAL AND INTERPERSONAL VIOLENCE CASES**

The health and safety of every student at the State University of New York and its State-operated and community colleges is of utmost importance. Herkimer College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence occurs, including but not limited to domestic violence, dating violence, stalking, or sexual assault, may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Herkimer College strongly encourages students to report incidents of domestic violence, dating violence, stalking or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking or sexual assault to Herkimer College officials or law enforcement will not be subject to Herkimer College's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking or sexual assault.

## **CAMPUS CLIMATE ASSESSMENT**

Climate assessments afford institutions the opportunity to better understand their campus and to make informed decisions when it comes to providing a safe educational environment. During designated years, each State University of New York State-operated and community college will conduct a uniform climate survey that ascertains student experience with and knowledge of reporting and college adjudicatory processes for sexual harassment, including sexual violence, and other related crimes.

The survey will address at least the following:

- Student and employee knowledge about:
  - The Title IX Coordinator's role;
  - Campus policies and procedures addressing sexual assault;
  - How and where to report sexual violence as a victim/survivor or witness;
  - The availability of resources on and off campus, such as counseling, health, academic assistance;
  - The prevalence of victimization and perpetration of sexual assault, domestic violence, dating violence, and stalking on and off campus during a set time period (for example, the last two years);
  - Bystander attitudes and behavior;
  - Whether victims/survivors reported to the College/University and/or police, and reasons why they did or did not report;
  - The general awareness of the difference, if any, between the institution's policies and the penal law; and
  - The general awareness of the definition of affirmative consent.

Every institution shall take steps to ensure that answers remain anonymous and that no individual is identified. Results will be published on the campus website providing no personally identifiable information shall be shared.

## STUDENTS' BILL OF RIGHTS

The State University of New York and Herkimer County Community College are committed to providing options, support, and assistance to victims/survivors of sexual assault, domestic violence, dating violence, and/or stalking to ensure that they can continue to participate in college-wide and campus programs, activities, and employment. All victims/survivors of these crimes and violations, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, have the following rights, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad.

All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure from the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution a courteous, fair and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few institutional representatives as practicable and not to be required to unnecessarily repeat a description of the incident;
8. Be free from retaliation by the institution, the accused and /or the respondent, and /or their friends, family and acquaintances within the jurisdiction of the institution;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process;
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justices, or judicial or conduct process of the College.

## SEXUAL VIOLENCE RESPONSE POLICY

The State University of New York and Herkimer County Community College wants you to get the information and support you need regardless of whether you would like to move forward with a report of sexual violence to campus officials or to police. You may want to talk with someone about something you observed or experienced, even if you are not sure that the behavior constitutes sexual violence. A conversation where questions can be answered is far superior to keeping something to yourself. In accordance with the Students' Bill of Rights, reporting individuals shall have the right to pursue more than one of the options below at the same time, or choose not to participate in any of the options below:

### REPORTING:

- To disclose confidentially the incident to a college or community official, who by law may maintain confidentiality, and can assist in obtaining services:
  - Counseling Center - 315.574.4034
  - YWCA Mohawk Valley Child Advocacy Center 7 Sexual Violence Services  
7 Rutger Park  
Utica, NY 13501  
315.724.6146 - 24-hour hotline
- To disclose *confidentially* the incident and obtain services from the New York State, New York City or county hotlines: <http://www.opdv.ny.gov/help/dvhotlines.html>. Additional disclosure and assistance options are catalogued by the Office for the Prevention of Domestic Violence and presented in several languages: <http://www.opdv.ny.gov/help/index.html> (or by calling 1.800.942.6906), and assistance can also be obtained through:
  - SurvJustice: <http://survjustice.org/our-services/civil-right-complaints/>;
  - NYSCADV: <http://www.nyscadv.org/>
  - Pandora's Project: <http://www.pandys.org/lgbtsurvivors.html>;
  - GLBTQ Domestic Violence Project: <http://www.glbtqdv.org/>;
  - RAINN: <https://rainn.org/get-help>;
  - Safe Horizons: <http://www.safehorizon.org/>

- (Note that these hotlines are for crisis intervention, resources, and referrals, and are not reporting mechanisms, meaning that disclosure on a call to a hotline does not provide any information to the campus. Reporting individuals are encouraged to additionally contact a campus confidential or private resource so that the campus can take appropriate action in these cases).
- To disclose the incident to one of the following college officials who can offer *privacy* and can provide information about remedies, accommodations, evidence preservation, and how to obtain resources. Those officials will also provide the information contained in the Student's Bill of Rights, including the right to choose when and where to report, to be protected by the institution from retaliation, and to receive assistance and resources from the institution. These college officials will disclose that they are private and not confidential resources, and they may still be required by law and college policy to inform one or more college officials about the incident, including but not limited to the Title IX Coordinator. They will notify reporting individuals that the criminal justice process uses different standards of proof and evidence than internal procedures, and questions about the penal law or the criminal process should be directed to law enforcement or district attorney.
  - Campus Safety - 315.866.0300, ext. 8616 or call 911
  - Donald M. Dutcher, Dean of Students/Director of Athletics (Title IX Coordinator) - 315.574.4009, CA 262
- To file a criminal complaint with Campus Safety and/or local police and/or state police:
  - Campus Safety - 315.866.0300, ext. 8616 or call 911
  - Herkimer Police Department - 120 Green Street, Herkimer, NY 13350- 315.866.4330
  - Dial 911 (for surrounding municipalities)
  - State Police 24-hour hotline to report sexual assault on a NY college campus - 1.844.845.7269
- To file a report of sexual assault, domestic violence, dating violence, and/or stalking, and/or talk to the Title IX Coordinator for information and assistance. Reports will be investigated in accordance with Herkimer County Community College policy and the reporting individual's identity shall remain private at all times if said reporting individual wishes to maintain privacy. If a reporting individual wishes to keep their identity anonymous, he or she may call the Office of the Director of Campus Safety - 315.866.0300, ext. 8336 - anonymously to discuss the situation and available options.
  - Donald M. Dutcher, Dean of Students/Director of Athletics (Title IX Coordinator) - 315.574.4009, CA 262
- When the accused is an employee, a reporting individual may also report the incident to the Human Resources Office and/or may request that one of the above referenced confidential or private employees assist in reporting to the Human Resources Office.
- Disciplinary proceedings will be conducted in accordance with applicable collective bargaining agreements. When the accused is an employee of an affiliated entity or vendor of the College, college officials will, at the request of the reporting individual, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and college policy.
  - Nicholas Laino, Senior Vice President for Admin & Finances - 315.866.0300, ext. 8332, RMCC 239
- You may withdraw your complaint or involvement from the process at any time.
- At the first instance of disclosure by a reporting individual to a college representative, the following information shall be presented: "You have the right to make a report to Campus Safety, local law enforcement, and/or state police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution."

## RESOURCES:

- To obtain effective intervention services:
  - Herkimer County Community College Counseling Center  
315.574.4034, CA 136
  - YWCA Mohawk Valley - Child Advocacy Center & Sexual Violence Services  
284 West Main St., Ilion, NY 13357  
315.866.4120 - 24-hour hotline
  - WellNow  
130 W Albany St, Herkimer, NY 13350  
315.619.3036

- Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Testing for STIs and emergency contraception is available at:
  - Bassett Healthcare - 321 E. Albany Street, Herkimer, NY 13350, 315.867.2700
  - Planned Parenthood, 1424 Genesee Street, Utica, NY 13502, 315.724.6146
- Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (commonly referred to as a rape kit) at a hospital. While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus and, in some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services.

Little Falls Hospital  
140 Burwell St  
Little Falls, NY  
315.823.1000

St Elizabeth Medical Center  
2209 Genesee St  
Utica NY  
315.798.8100

MVHS/Faxton St. Luke's  
1676 Sunset Ave  
Utica, NY  
315.624.5462

The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. More information may be found here: [http://www.ovs.ny.gov/files/ovs\\_rights\\_of\\_cv\\_booklet.pdm](http://www.ovs.ny.gov/files/ovs_rights_of_cv_booklet.pdm) or by calling 1.800.247.8035.

- To best preserve evidence, victims/survivors should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed.

#### **PROTECTION AND ACCOMMODATIONS:**

- When the accused is a student, to have the College issue a “No Contact Order”, consistent with college policy and procedure, meaning that continuing to contact the protected individual is a violation of college policy subject to additional conduct charges; if the accused and a protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person. Both the accused/respondent and reporting individual may request a prompt review of the need for and terms of a No Contact Order, consistent with Herkimer County Community College policy. Parties may submit evidence in support of their request. The campus will promptly review existing no contact orders at a party’s request, including requests to modify the terms of or discontinue the order. The parties can submit evidence to support their requests. If the campus finds it appropriate, it can even make a schedule for parties who seek to use the same facilities without running afoul of the no contact order.
- To have assistance from Campus Safety or other college officials in initiating legal proceedings in family court or civil court, including but not limited to obtaining an Order of Protection or if outside of New York State, an equivalent protective or restraining order.
- To receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with a college official who can explain the order and answer questions about it, including information from the Order about the accused’s responsibility to stay away from the protected person(s).
- The campus will promptly review existing interim measures and accommodations at the request of the party who is affected by that interim measure or accommodation. The parties can submit evidence to support their request.
- To an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension.
- To have assistance from Campus Safety in effecting an arrest when an individual violates an Order of Protection or, if outside of New York State, an equivalent protective or restraining order within the jurisdiction of Campus Safety or, if outside of the jurisdiction or to call on and assist local law enforcement in effecting an arrest for violating such an order.
- When the accused is a student and presents a continuing threat to the health and safety of the community, to have the accused subject to interim suspension pending the outcome of a conduct process. The campus will promptly review existing interim suspensions at a party’s request, including requests to modify the terms or discontinue it. Parties can submit evidence to support their request.
- When the accused is not a student but is a member of the college community and presents a continuing threat to the health and safety of the community, to subject the accused to interim measures in accordance with applicable collective bargaining agreements, employee hand books, and Herkimer County Community College policies and rules.

- When the accused is not a member of the college community, to have assistance from Campus Safety or other college officials in obtaining a persona non grata letter, subject to legal requirements and college policy.
- To obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment.
  - Donald M. Dutcher, Dean of Students/Director of Athletics (Title IX Coordinator) - 315.574.4009, CA 264

#### **STUDENT CONDUCT PROCESS:**

- To request that student conduct charges be filed against the accused. Conduct proceedings are governed by the procedures set forth in the Herkimer County Community College Student Code of Conduct (<http://www.herkimer.edu/experience/student-handbook/>), as well as federal and New York State law including the due process provisions of the United States and New York State Constitutions.
- Throughout conduct proceedings, the respondent and the reporting individual will have:
  - The same opportunity to be accompanied by an advisor of their choice who may assist and advise the parties throughout the conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Conduct.
  - The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial, timely, and thorough manner.
  - The right to an investigation and process conducted in a manner that recognizes the legal and policy requirement of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.
  - The right to receive advance written or electronic notice of the date, time and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions.
  - The right to have a conduct process run concurrently with the criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.
  - The right to offer evidence during an investigation and to review available relevant evidence in the case file.
  - The right to present evidence and testimony at a hearing, where appropriate.
  - The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.
  - The right to exclude prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis or treatment from admittance in college disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking or sexual assault may be admissible in the disciplinary stage that determines sanction.
  - The right to ask questions of the hearing officer, and via the hearing officer, indirectly request responses from other parties and any other witnesses present.
  - The right to make an impact statement during the point of the proceeding where the hearing officer is deliberating on appropriate sanctions.
  - The right to written or electronic notice about the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.
  - Access to at least one level of appeal of a determination before a panel, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest.
  - The right to have access to a full and fair record of a student conduct hearing, which shall be preserved and maintained for at least five years.
  - The right to choose whether to disclose or discuss the outcome of a conduct hearing.
  - The right to have all information obtained during the course of the conduct or judicial process to be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

- In student disciplinary proceedings involving domestic violence, dating violence, stalking, or sexual violence, the campus will allow parties to review available evidence held by the campus in accordance with college/university policy. Parties can also present available evidence as appropriate under campus policies.

*For crimes of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the Federal Clery Act established in 20 U.S.S. 1092(f)(1)(F)(i)(I)-(VIII), institutions shall make a notation on the transcript of students found responsible after a conduct process that they were “suspended after a finding of responsibility for a code of conduct violation” or “expelled after a finding of responsibility for a code of conduct violation”. For the respondent who withdraws from the institution while such conduct charges are pending and declines to complete the disciplinary process, institutions shall make a notation on the transcript of such students that they “withdrew with conduct charges pending”. Each institution shall publish a policy on transcript notations and appeals seeking removal of a transcript notation for a suspension, provided that such notation shall not be removed prior to one year after conclusion of the suspension, while notations for expulsion shall not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.*

## **EDUCATIONAL PROGRAMS**

Educational programs to promote awareness of rape, acquaintance rape, and sexual offenses are presented to the campus community. Campus Safety and Student Services staff provide programs for the benefit of all students, including residence hall students.

## **OTHER RESOURCES: EMERGENCY - 911**

Director of Campus Safety	CA 263, 315.866.0300, ext. 8336
Dean of Students/Director of Athletics	CA 262, 315.574.4009
YWCA Sexual Violence Services Hotline	315.866.4120
Herkimer Police Department	315.866.4330
New York State Police	315.866.7111

## **SEXUAL DISCRIMINATION AND SEXUAL HARASSMENT (TITLE IX)**

“No person in the United States shall, on basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving federal financial assistance”. - Title IX of the Educational Amendments of 1972 to the 1964 Civil Rights Act.

In accordance with federal and state laws and regulations, Herkimer College prohibits discrimination and harassment on the basis of race, color, national origin, political beliefs, age, religion, sex, gender identity, sexual orientation, marital status, military status, predisposing genetic characteristics, or disability, including pregnancy, in acceptance for and/or provision of services, employment, and access to services, programs and activities.

## **ATHLETIC EQUALITY**

Title IX governs the overall equality of opportunity and treatment in athletic programs while giving flexibility to choose sports based on student interest, geographic influences, budget restraints, and gender ratio. Herkimer College’s primary goal is to have equal opportunity for men and women to participate in intercollegiate and recreational programs.

## **ADDITIONAL DISCRIMINATION**

The most common applications of the Title IX law apply to Athletic Equality and Sexual Harassment. Title IX also applies to admissions, financial aid, academic matters, career services, counseling services, medical services, and all other programs and services available to Herkimer College students.

## **SEXUAL HARASSMENT**

The Equal Employment Opportunity Commission has amended its Guidelines on Discrimination Because of Sex, in order to clarify its position on the issue of sexual harassment, an unlawful employment practice.

1. “The guidelines define sexual harassment as: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
2. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment,
3. Submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or

4. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."
5. Though the guidelines are based on Title VII and apply only to sexual harassment in the workplace, consistent with SUNY's policy to ensure fair treatment to all individuals, protection for students is to be provided by these same guidelines.
6. Herkimer College has an existing formal grievance procedure for the benefit of its employees and students. The grievance procedure will be used for the review of any allegations an employee or student may have against another employee or student of Herkimer College.

### **COMPLAINT/BRIEVANCE PROCEDURE**

A grievance may be filed for ANY unlawful discrimination against someone in regard to race, color, national origin, religion, age, sex, disability or marital status, political beliefs, gender identity, sexual orientation, military status, predisposing genetic characteristics, or disability, including pregnancy. A formal complaint may be filed with a Campus Title IX Compliance Officer.

Each student of Herkimer College has an obligation to report discrimination and prohibited sexual harassment to an appropriate College official. Any student who believes he/she is the victim of discrimination or prohibited harassment should report it to a Campus Title IX Compliance Officer or any other faculty or staff member with whom he/she feels most comfortable.

All inquiries, complaints, grievances and investigations are treated with sensitivity seriousness, and confidentiality. Only when required by law or when there is an issue of safety will confidential information be shared with the appropriate individuals without the complainant's knowledge.

Herkimer College Campus Title IX Compliance Officers review, update, and implement current Title IX policies. They coordinate training and resources in order to ensure effective and timely responses to complaints, misconduct, discrimination, and/or harassment.

### **CAMPUS TITLE IX COMPLIANCE OFFICERS**

Nicholas Laino, Senior Vice President for Admin & Finances - CA 241 - Phone 315.866.0300, ext., 8332  
Donald Dutcher, Dean of Students/Director of Athletics - CA 264 - Phone 315.574.4009

### **FILING A COMPLAINT/GRIEVANCE**

Step 1: A complaint/grievance of discrimination and harassment may be made in the Human Resources

Office or the Dean of Students/Director of Athletics Office.

- For cases involving employees (complaints between employees and/or between employees and students), complaints should be filed with the Human Resource office.
- For cases involving students (complaints between students), complaints should be filed with the Dean of Students/Director of Athletics office.

*Faculty or staff members who receive a complaint from a student must immediately inform a designated Campus Title IX Compliance Officer.*

Step 2: If the resolution is unsatisfactory, a complaint can be made by completing the Student Complaint Form located at [www.herkimer.edu/complaint](http://www.herkimer.edu/complaint), selecting Student Life as complaint area.

### **FORMAL RESOLUTION (COMPLAINTS BETWEEN STUDENTS)**

Once a complaint of discrimination or prohibited harassment has been made, either in writing or orally, or observed discrimination or harassment has been reported, the designated Campus Title IX Compliance Officer (Dean of Students/Director of Athletics) will have 14 calendar days to investigate the complaint and communicate in writing a response to the grievant and the individual alleged to have committed the act, describing any actions that will be taken to redress the issue. While the investigation is being conducted, appropriate immediate steps to end the alleged discrimination and/or harassment will be taken. The Dean of Students/Director of Athletics then has the discretion of mediating the complaint, sending the case to an Administrative Hearing, or sending the case to the Judicial Review Board. The Dean of Students/Director of Athletics shall then be obligated to communicate in writing his/her decision to the grievant and the individual alleged to have committed the act, within 5 (five) Class days or 8 (eight) calendar days (whichever is shorter) after receiving the grievant's complaint.



## **FORMAL RESOLUTION (COMPLAINTS BETWEEN EMPLOYEES &/OR BETWEEN EMPLOYEE AND STUDENT)**

Once a complaint of discrimination or prohibited harassment has been made, either in writing or orally, observed discrimination or harassment has been reported, the designated Campus Title IX Compliance Officer (Human Resource Designee) will have 14 calendar days to investigate the complaint and communicate in writing a response to the grievant and the individual alleged to have committed the act, describing any actions that will be taken to redress the issue. While the investigation is being conducted, appropriate immediate steps to end the alleged discrimination and/or harassment will be taken. The Human Resource Designee then has the discretion of mediating the complaint.

The Human Resource Designee shall then be obligated to communicate in writing his/her decision to the grievant and the individual alleged to have committed the act, within 5 (five) class days or 8 (eight) calendar days (whichever is shorter) after receiving the grievant's complaint.

## **APPEAL PROCESS**

If the grievance has not been satisfactorily resolved by formal resolution, the grievant may then appeal the decision to the Appeals Board, within 5 (five) class days or 8 (eight) calendar days (whichever is shorter) after receiving the decision rendered. The Appeals Board shall then be obliged to give the grievant a hearing within 5 (five) class days or 8 (eight) calendar days (whichever is shorter) after of the receipt of the appeal.

The grievant and the individual alleged to have committed the act shall be notified in writing of the hearing at least seven (7) calendar days prior to the date set for such a hearing. At the hearing, the grievant and/or their representative, and the individual alleged to have committed the act and their representative, may appear and present oral and/or written statements either directly or through witnesses. The Appeals Board shall then be obliged to communicate his/her decision in writing together with his/her supporting reasons to the grievant and the individual alleged to have committed the act within 5 (five) class days or 8 (eight) calendar days (whichever is shorter) after the completion of the hearing. The decision made as a result of an appeal to the Appeals Board is considered final.

Herkimer College takes complaints of discrimination and prohibited harassment with the greatest of seriousness. For that reason, any individual who is found to have engaged in conduct which violates this policy will be subject to discipline. For students, discipline may include the possibility of suspension or expulsion from the College.

## STUDENT CODE OF CONDUCT

All persons enrolled as students (including those enrolled in an online 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:

1. Academic Dishonesty
  - 1.1. Cheating
  - 1.2. Plagiarism
  - 1.3. The writing of papers or projects for other students when the student submits that work as their own
2. Bias related incidents
3. Burglary
4. Theft
5. Robbery
6. Gambling
7. Criminal mischief
  - 7.1. Vandalism
  - 7.2. Malicious mischief
  - 7.3. Disorderly conduct
    - 7.3.1. Lewd, indecent, obscene or abusive conduct on College or College-related property, as well as within the surrounding community
    - 7.3.2. Intentional obstruction or disruption of teaching, administering, disciplinary proceedings, or other functions of the College, or inciting and/or encouraging others to do so
  - 7.4. Unauthorized use of College or private property while on any College or College-related properties, as well as within the surrounding community
  - 7.5. Creating a safety hazard by throwing objects into or out of residence hall windows or doors
8. Furnishing false information
  - 8.1. Providing false information on an Admissions Application
  - 8.2. Providing false information to any College official or employee
9. Failure to Comply
  - 9.1. Failure abide by disciplinary sanctions imposed by a judicial body or College official
  - 9.2. Refuse to, or fail to comply with the lawful direction of a College official, and/or to produce proper identification to a College official acting on behalf of the College
10. Fire Code Violations
  - 10.1. Gross negligence when cooking in residence halls (e.g., leaving food on a stove or in an oven and/or using oil to fry food) which causes the fire or smoke alarm to be activated
  - 10.2. Intentionally activating a fire or smoke alarm
  - 10.3. The failure to leave a building/residence hall in a timely fashion as a result of a fire alarm
  - 10.4. Tampering with or inappropriate use of any fire safety equipment (including but not limited to fire extinguishers, heat and smoke detectors, sprinklers, or pre-alarm covers)
11. Drug Violations
  - 11.1. Illegal sale, use, intent to distribute, or possession of narcotics or drugs (including synthetic drugs) and/or drug paraphernalia
  - 11.2. Reckless or intentional actions which endanger the mental or physical health or the forced consumption of drugs for the purpose of initiation into or affiliation with any organization (hazing). [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.]

12. Alcohol Violations
  - 12.1. Illegal sale, use, intent to distribute, or possession of alcohol
  - 12.2. The display of empty or refilled alcohol containers, as well as alcohol posters, signs, or advertising in residence hall windows is not permitted
  - 12.3. Social Host Violation - Resident students who choose to host large parties (10 or more people)
  - 12.4. Reckless or intentional actions which endanger the mental or physical health or the forced consumption of liquor for the purpose of initiation into or affiliation with any organization (hazing). 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
13. Weapons Violations on any College or College-related property
  - 13.1. Illegal use or possession of a weapon or dangerous instrument including stun guns, pellet guns, BB guns, air soft or soft air guns, paintball guns, Tasers, knives, etc.
  - 13.2. Unauthorized use or possession of firearms (including but not limited to: rifles, shotguns, pistols, revolvers, BB or pellet guns included), or other firearm
  - 13.3. Illegal fireworks, noxious chemicals and/or explosives
  - 13.4. Possession of any type of ammunition
14. Assault - including but not limited to:
  - 14.1. Sexual Assault
  - 14.2. Physical abuse and/or assault
  - 14.3. Other conduct that threatens or endangers the health and safety of any person
15. Harassment including but not limited to:
  - 15.1. Sexual Harassment
  - 15.2. Verbal abuse, threats, intimidation, harassment, coercion, bullying, stalking, domestic violence
  - 15.3. Other conduct that threatens or endangers the health and safety of any person
16. Fraud
  - 16.1. Possession of stolen property
  - 16.2. Possession and/or use of counterfeit money
  - 16.3. Fraudulent use of another person's credit card
17. Trespassing, 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
  - 17.1. Without authorization, remain in any building or facility after it is normally closed
  - 17.2. Distributing advertisements (flyers, postcards, etc.) that are non-college related in campus buildings or on cars parked on College or Housing Corporation property
18. Unauthorized use or misuse of the College's computer equipment and/or network
  - 18.1. Illegally downloading of music and/or video files
  - 18.2. Recording, broadcasting, streaming, or otherwise sharing of private information without authorization of any involved party; non-permissive recording of another person ("Stephanie's Law")
  - 18.3. Tampering with video surveillance equipment on College or Housing Corporation property
19. Claiming to speak or act in the name of the College without prior official authorization
  - 19.1. Any unauthorized use of the College's name or logo.
20. Infants of students, who are not properly supervised, are not allowed on campus for extended periods of time.
21. Operating a business out of any residence hall room or on campus without permission
22. Being barefoot, shirtless, and wearing lewd attire in any Herkimer College building are prohibited
23. Violation of other duly constituted College regulations and policies, including the HCCC Housing Corporation Handbook
24. Any violation to the HCCC Housing Corporation Contract or Residence Hall License and any of their published policies
25. Any violation of State or Federal laws.
26. COVID violations as outlined In the Uniform Sanctioning in Response to COVID-19 Student Violations:

## **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 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 the HCCC Housing Corporation are subject to the HCCC Housing Corporation rules as well as the Herkimer College Student Code of Conduct.

## **HEALTH RISKS ASSOCIATED WITH THE USE OF ILLICIT DRUGS AND ALCOHOL**

According to the National Institute on Drug Abuse (<http://www.drugabuse.gov>), drug addiction is a brain disease. The impact of addiction can be far reaching. Cardiovascular disease, stroke, cancer, HIV/AIDS, hepatitis and heart disease can all be affected by drug abuse (December 2012).

Alcohol affects every organ in the drinker's body and can damage a developing fetus. Intoxication can impair brain function and motor skills; heavy use can increase risk of certain cancers, stroke and liver disease (November 2014).

## **ALCOHOL USE POLICY**

No person shall possess, sell or give away alcoholic beverage in any building or on any property owned or controlled by Herkimer College, the HCC Foundation, including the HCCC Housing Corporation residence halls. Any exception needs the prior approval of the College President. Pen 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 the 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 the HCCC Housing Corporation rules as well as the Herkimer College Student Code of Conduct.

## **ALCOHOL AND OTHER DRUG (AOD) POLICY**

This policy on alcohol and other drugs governs the activity of all students, residents, and their visitors and guests. The service, distribution, sale, possession and/or consumption of alcoholic beverages or attempt thereof on the Herkimer College Campus and HCCC Housing Corporation property are **prohibited**.

Unlawful behavior involving alcohol, but **not limited to**: underage drinking; public intoxication; drinking and driving; and manufacturing and/or distributing, is **prohibited**.

The manufacture, distribution, sale, purchase, possession and/or use of any illegal drugs or controlled substances or attempts thereof, on the Herkimer College Campus and the HCCC Housing Corporation property, are **prohibited**. Persons violating these policies are subject to disciplinary action.

The disciplinary actions may include, but are **not limited to**: reprimand; disciplinary probation with or without specific conditions; referral to individual and/or group counseling at the student's expense; parental notification; and/or suspension.

A violation of this policy shall be considered a breach of the student housing contract and a violation of the Herkimer College Student Code of Conduct. Sanctions imposed under this policy are included on the student's judicial record and do not diminish or replace the penalties available under generally applicable federal, state, or local laws.

## **PROCEDURES FOR VIOLATIONS TO ALCOHOL AND OTHER DRUG (AOD) POLICY**

An Administrative Hearing will be scheduled for any student allegedly in violation of the policies stated here. In some instances, a formal warning can be administered. If the student is found responsible for the alleged violation, the following sanctions will be administered:

**First Offense**

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

**Second Offense**

1. May be temporarily removed from college housing.
2. Mandatory participation in a second level AOD education and intervention program. Substance abuse screening by Counseling Center. If recommended, referral to outside agencies for a higher-level substance abuse screening.
3. 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.
4. Additional sanctions, if deemed necessary.
5. Failure to comply with any sanction will result in an additional violation of "Failure to Comply", thus resulting in additional sanctions being administered.
6. Parental notification.

**Third Offense**

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

**GOOD SAMARITAN POLICY**

Students who seek medical attention in an alcohol and/or substance abuse related emergency should not be concerned with the potential disciplinary consequences for themselves and for the person in need of assistance.

Because the safety and security of Herkimer College students is a priority, the College has instituted a medical amnesty policy, also known as the Good Samaritan Policy.

This policy is applicable to the following parties:

- Student requesting medical assistance for one's self;
- Student requesting medical assistance for another person;
- Student for who medical assistance was provided.

When responding to such AOD violations, the College will consider the student's decision to request medical assistance as an act of good judgment, therefore not deserving of the typical range of AOD sanctions. Thus, if it is determined that the Good Samaritan Policy applies to a situation, the student(s) involved will not be subject to a violation of the AOD Policy.

This policy does not protect students who repeatedly violate college policies. Once a student receives medical amnesty, future amnesty is at the discretion of the Dean of Students/Director of Athletics. The Dean of Students/Director of Athletics also has the discretion to determine that this policy does not apply in more serious situations including: criminal possession of drugs; property damage; violence; etc.

**CODE ADMINISTRATION**

The Dean of Students/Director of Athletics, 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 of Students/Director of Athletics, or designee. Additionally, the College may apply to the public authorities for any aid which is deemed 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 Collee 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/Director of Athletics, in consultation with the Director of Campus Safety, shall review all alleged infractions involving students and shall determine whether an Administrative Judicial 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. For cases that may result in expulsion from the College, that case must be heard by the Judicial Review Board.

The College may temporarily suspend a student pending a hearing if, in the Dean of Students/Director of Athletics judgment, the student's continued presence at the 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 Dean of Students/Director of Athletics to discuss the decision and may bring counsel to the interview. An Administrative Judicial Hearing or Judicial Review Board Hearing should be convened within 10 class days of the suspension. If a student is incarcerated, and thus unable to attend a hearing, then the student will be instructed to contact the Dean of Students/Director of Athletics offices to schedule a hearing upon their release.

- a) ADMINISTRATIVE JUDICIAL HEARING - The Dean of Students/Director of Athletics may conduct an Administrative Judicial Hearing or appoint an Administrative Judicial Hearing Officer(s) to conduct a hearing. Possible sanctions as a result of an Administrative Judicial hearing include but are not limited to: reprimand; removal from residences operated by the HCCC Housing Corporation; restitution; disciplinary probation with or without specific conditions; deferred suspension; fines; and/or suspension from the College for a designated period of time.
- b) JUDICIAL REVIEW BOARD HEARING - The Judicial Review Board consists of at least 6 (six) members (made up of no more than four each students, faculty/staff or administrator) present for a hearing to be held. Board members are appointed by the President of the College. Possible sanctions include, but are not limited to reprimand, removal from residence operated by the HCCC Housing Corporation, restitution; fines; disciplinary probation with or without specific conditions/ deferred suspension; 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 record.
  - 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 may result in the suspension or expulsion 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 or expulsion
    - Removal from residences operated by the HCCC Housing Corporation

*The following procedures apply to all disciplinary hearings:*

- a) The student shall be informed of the infraction(s) they are 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 Judicial Hearing Officer or before the Judicial Review Board, shall have the right to be assisted in their defense by an advisor of their choice, or be represented by an attorney. 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. The burden of proof shall rest upon the official(s) bringing the charge(s).
- c) The student shall be given the opportunity to testify and to present evidence and witnesses. The student shall notify the Dean of Students/Director of Athletics of which person(s) they will have present at the hearing no later than 24 hours before the hearing.
- d) All matters upon which the decision may be based must be introduced into evidence at the proceedings. New evidence received during or after the hearing, but prior to a decision being rendered, could affect the outcome of the hearing. All parties will be allowed the chance to review and speak to the new evidence prior to the final decision being made. The decision shall be based solely upon such matters.

## **RULES OF DECORUM**

### **Purpose of the Rules of Decorum**

Title IX hearings are not civil or criminal proceedings and are not designed to mimic formal trial proceedings. They are primarily educational in nature, and the U.S. Department of Education, writing about Title IX in the Final Rule "purposefully designed these final regulations to allow recipients to retain flexibility to adopt rules of decorum that prohibit any party advisor or decision-maker from questioning witnesses in an abusive, intimidating, or disrespectful manner." 85 Fed Reg. 002, 30319 (May 19, 2020). The Department has determined that institutions "are in a better position than the Department to craft rules of decorum best suited to their educational environment" and build a hearing process that will reassure the parties that the institution "is not throwing a party to the proverbial wolves." Id.

To achieve this purpose, institutions may provide for reasonable rules of order and decorum, which may be enforced through the removal of an advisor who refuses to comply with the rules. Id., at 30320. As the Department explains, the removal process "incentivizes a party to work with an advisor of choice in a manner that complies with a recipient's rules that govern the conduct of a hearing, and incentivizes colleges and universities to appoint advisors who also will comply with such rules, so that hearings are conducted with respect for all participant." Id.

At base, these Rules of Decorum require that all parties, advisors of choice and institutional staff, treat others who are engaged in the process with respect.

The rules and standards apply equally to all parties and their advisors regardless of sex, gender or other protected class, and regardless of whether they are in the role of complainant or respondent.

## **RULES OF DECORUM**

1. The following Rules of Decorum are to be observed in the hearing and applied equally to all parties (meaning the complainant and respondent) and advisors:
2. Questions must be conveyed in a neutral tone
3. Parties and advisors will refer to other parties, witnesses, advisors, and institutional staff using the name and gender used by the person and shall not intentionally mis-name or mis-gender that person in communication or questioning.
4. No party may act abusively or disrespectfully during the hearing toward any other party or to witnesses, advisors, or decision-makers.
5. While an advisor may be an attorney, no duty of zealous advocacy should be inferred or enforced with this forum.
6. The advisor may not yell, scream, badger, or physically "lean in" to a party or witness's personal space. Advisors may not approach the other party or witnesses without obtaining permission from the Hearing Officer.
7. The advisor may not use profanity or make irrelevant *ad hominem* attacks upon a party or witness. Questions are meant to be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question
8. The advisor may not ask repetitive questions. This includes questions that have already been asked by the Hearing Officer or Board Members, the advisor in cross-examination, or the party or advisor in direct testimony. When the Hearing Officer determines a question has been "asked and answered" or is otherwise not relevant, the advisor must move on.

- Parties and advisors may take no action at the hearing that a reasonable person in the shoes of the affected party would see as intended to intimidate that person (whether party, witness or official) into not participating in the process or meaningfully modifying their participation in the process.

### **WARNING AND REMOVAL PROCESS**

The Hearing Officer shall have sole discretion to determine if the Rules of Decorum have been violated. The Hearing Officer will notify the offending person of any violation of the Rules.

Upon a second or further violation of the Rules, the Hearing Officer shall have discretion to remove the offending person or allow them to continue participating in the hearing or other part of the process.

When the Hearing Officer removes a party's advisor, the party may select a different advisor of their choice, or accept an advisor provided by the institution for the limited purpose of cross-examination at the hearing. Reasonable delays, including the temporary adjournment of the hearing, may be anticipated should an advisor be removed. A party cannot serve as their own advisor in this circumstance.

The Hearing Officer shall document any decision to remove an advisor in the written determination regarding responsibility.

For flagrant, multiple, or continual violations of this Rule, in one or more proceedings, advisors may be prohibited from participating in future proceedings at the institution in the advisor role on a temporary or permanent basis. Evidence of violation(s) of this agreement will be gathered by the Title IX Coordinator, Director of Campus Safety, or a designee of either and presented to the Dean of Students/Director of Athletics for cases involving students; Director of Human Resources for cases involving employees/other appropriate staff member. The advisor accused may provide an explanation or alternative evidence in writing for consideration by the Dean of Students/Director of Admissions for cases involving students; Director of Human Resources for cases involving employees/other appropriate staff member. Such evidence or explanation is due within 15 (fifteen) calendar days of receipt of a notice of a charge of re-disclosure or improper access to records. There shall be no right to a live hearing, oral testimony, or cross-examination. The Dean of Students/Director of Athletics for cases involving students; Director of Human Resources for cases involving employees/other appropriate staff member shall consider the evidence under a preponderance of the evidence standard and issue a finding in writing. If the finding is Responsible, shall include a sanction. The finding shall be issued in writing to all parties and advisors (if there is a current case pending) within 30 (thirty) days unless extended for good cause. There is no appeal of this finding. Sanctions shall be higher for intentional re-disclosure of records than for negligent re-disclosure. In the event that an advisor is barred permanently or for a term from serving in the role as advisor in the future, they may request a review of that bar from the Dean of Students/Director of Athletics for cases involving students; Director of Human Resources for cases involving employees/other appropriate staff member, no earlier than 365 (three hundred sixty-five) days after the date of the findings letter.

### **RELEVANT QUESTIONS ASKED IN VIOLATION OF THE RULES OF DECORUM**

Where an advisor asks a relevant question in a manner that violates the rules, such as yelling, screaming, badgering, or leaning-in to the witness or party's personal space, the question may not be deemed irrelevant by the decision-maker simply because of the manner it was delivered. Under that circumstance, the decision-maker will notify the advisor of the violation of the Rules, and, if the question is relevant, will allow the question to be re-asked in a respectful, non-abusive manner by the advisor (or a replacement advisor, should the advisor be removed for violation of the Rules). See, 85 Fed. Reg. 30331.

### **APPEAL PROCEDURE**

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 Appeals Board within 5 (five) class days or 8 (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 Appeals Board shall consider the written appeal and may base 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 Appeals Board shall, within 5 (five) class days or 8 (eight) calendar days (whichever is shorter) make their 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 5 (five) class days or 8 (eight) calendar days (whichever is shorter).



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*\*More information can be found in the current College Catalog*