



## **The CUNY By-Laws: Students' Rights**

### **ARTICLE XV STUDENTS**

#### **Section 15.0 PREAMBLE.**

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Student participation, responsibility, academic freedom, and due process are essential to the operation of the academic enterprise. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth.

Freedom to learn and to explore major social, political, and economic issues are necessary adjuncts to student academic freedom, as is freedom from discrimination based on racial, ethnic, religious, sex, political, and economic differentiations.

Freedom to learn and freedom to teach are inseparable facets of academic freedom. The concomitant of this freedom is responsibility. If members of the academic community are to develop positively in their freedom; if these rights are to be secure, then students should exercise their freedom with responsibility.

#### **Section 15.1 CONDUCT STANDARD DEFINED**

Each students enrolled or in attendance in any college, school or unit under the control of the Board of Trustees and every student organization, association, publication, club or chapter shall obey the laws of the city, state and nation, and the bylaws and the resolutions of the board, and the policies regulations, and orders of the college.

The faculty and student body at each college shall share equally the responsibility and the power to establish subject to the approval of the board more detailed rules of conduct and regulations in conformity with the general requirements of this article.

This regulatory power is limited by the right of students to the freedoms of speech, press, assembly and petition as applied to others in the academic community and to citizens generally.

#### **Section 15.2 STUDENT ORGANIZATIONS**

a. Any group of students may form an organization, association, club or chapter by filing with the duly elected student government organization of the college or school at which they are enrolled or in attendance and with an officer designated by the faculty of the college or school at which they are enrolled or in attendance (1) the name and purposes of the organization, association, club or chapter, (2) the names and addresses of its presidents and secretary or other offices corresponding in function to president and secretary.

However, no group, organization or student publication with a program against the religion, race, ethnic origin or identification or sex of a particular group or which makes systematic attacks against the religion, race, ethnic origin or sex of a particular group shall receive support from any fees collected by the college or be permitted to organize or continue at any college or school. No organizations, military or semi-military in character, not connected with established college or school courses, shall be permitted without the authorization of the faculty and the duly elected student government and the Board.

b. Extra-curricular activities at each college or school shall be regulated by the duly elected student government organization to insure the effective conduct of such college or school as an institution of higher learning and for the prevention of activities which are hereafter proscribed or which violate the standards of conduct of the character set forth in Bylaw Section 15.1. Such powers shall include:

1. The power to charter or otherwise authorize teams (excluding intercollegiate athletics), publications, organizations, associations, clubs or chapters, and, when appropriate in the exercise of such regulatory power, the power to refuse, suspend or revoke any charter or other authorization for cause after hearing on notice.

2. The power to delegate responsibility for the effective implementation of its regulatory functions hereunder to any officer or committee which it may appoint. Any aggrieved student or group whose charter or other authorization has been refused, suspended or revoked may appeal such adverse action by such officer or committee of student government or the duly elected student government. On appeal an aggrieved student or group shall be entitled to a hearing following the due process procedures as set forth in section 15.3 .

Following such hearing the duly elected student government shall have the authority to set aside, decrease or confirm the adverse action.

c. Any person or organization affiliated with the college may file charges with the Office of the Dean of Students alleging that a student publication has systematically attacked the religion, race, ethnic origin or sex of a particular group, or has otherwise contravened the laws of the City, State or Nation, or any bylaw or resolution of the Board, or any policy, regulation or order of the college, within a reasonable period of time after such occurrence. If the Dean of Students determines, after making such inquiries as he/she may deem appropriate, that the charges are substantial, he/she shall attempt to resolve the dispute, failing which he/she shall promptly submit the charges to the faculty-student disciplinary committee for disposition in accordance with the due process procedures. If the committee sustains the charges or any part thereof against the student publication, the committee shall be empowered to (1) reprimand the publication, or (2) recommend to the appropriate funding bodies the withdrawal of budget funds. The funding body shall have the authority to implement fully, modify or overrule the recommendations.

d. Each college shall establish a student elections review committee in consultation with the various student governments. The student elections review committee shall approve the election procedures and certify the results of elections for student governments, and student body referenda.

e. Student government elections shall be scheduled and conducted, and newly elected student government shall take office, in accordance with policies of the board, and implementing regulations.



## **Section 15.3 STUDENT DISCIPLINARY PROCEDURES**

### Complaint Procedures:

a) Any charge, accusation, or allegation which is to be presented against a student, and, which if proved, may subject a student to disciplinary action, must be submitted in writing in complete detail to the Office of the Dean of Students promptly by the individual, organization or department making the charge.

b) The Chief Student Affairs Officer of the college or his or her designee will conduct a preliminary investigation in order to determine whether disciplinary charges should be preferred. The Chief Student Affairs Officer or her or her designee will advise the student of the charge(s) against him or her, consult with other parties who may be involved or who have information regarding the incident, and review other relevant evidence.

Following this preliminary investigation, which shall be concluded within thirty (30) calendar days of the filing of the complaint, the Chief Student Affairs Officer or designee shall take one of the following actions:

(i) dismiss the matter if there is no basis for the allegation(s) or the allegation(s) does not warrant disciplinary actions. The individuals involved shall be notified that the complaint has been dismissed;

(ii) refer the matter to conciliation. If a matter is referred to conciliation, the accused student shall receive a copy of the notice required pursuant to section 15.3e of this bylaw; or

(iii) prefer formal disciplinary charges.

### Conciliation Conference:

c.) The conciliation conference shall be conducted by the counselor in the Office of the Dean of Students or a qualified staff or faculty member designated by the Chief Student Affairs Officer. The following procedures shall be in effect at this conference:

1. An effort will be made to resolve the matter by mutual agreement.

2. If an agreement is reached, the counselor shall report his/her recommendation to the Chief Student Affairs Officer for approval and, if approved, the complainant shall be notified.

3. If no agreement is reached, or if the student fails to appear, the counselor shall refer the matter back to the Chief Student Affairs Officer who will prefer disciplinary charges.

4. The counselor is precluded from testifying in a college hearing regarding information received during the conciliation conference.

### Notice of Hearing and Charges:

d.) Notice of the charge(s) and of the time and place of the hearing shall be personally delivered or sent by the Chief Student Affairs Officer of the college to the student at the address appearing on the records of the college, by registered or certified mail and by regular mail.

The hearing shall be scheduled within a reasonable time following the filing of the charges or the conciliation conference. Notice of at least five business days shall be given to the student in advance of the hearing unless the student consents to an earlier hearing.

e.) The notice shall contain the following:



1. A complete and itemized statement of the charge(s) being brought against the student including the rule, bylaw or regulation he/she is charged with violating, and the possible penalties for such violation.
2. A statement that the student has the following rights:
  - (i) to present his/her side of the story;
  - (ii) to present witnesses and evidence on his/her behalf;
  - (iii) to cross-examine witnesses presenting evidence against the student;
  - iv) to remain silent without assumption of guilt; and
  - v) to be represented by legal counsel or an advisor at the student's expense.
3. A warning that anything the student says may be used against him/her at a non-college hearing.

### **Faculty-Student Disciplinary Committee Procedures:**

- f) The following procedures shall apply at the hearing before the faculty-student disciplinary committee:
1. The chairperson shall preside at the hearing. The chairperson shall inform the student of the charges, the hearing procedures and his or her rights.
  2. After informing the student of the charges, the hearing procedures, and his or her rights, the chairperson shall ask the student charged to plead guilty or not guilty. If the student pleads guilty, the student shall be given an opportunity to explain his/her actions before the committee. If the student pleads not guilty, the college shall present its case. At the conclusion of the college's case, the student may move to dismiss the charges. If the motion is denied by the committee the student shall be given an opportunity to present his or her defense.
  3. Prior to accepting testimony at the hearing, the chairperson shall rule on any motions questioning the impartiality of any committee member or the adequacy of notice of the charge(s). Subsequent thereto, the chairperson may only rule on the sufficiency of the evidence and may exclude irrelevant, immaterial or unduly repetitive evidence. However, if either party wishes to question the impartiality of a committee member on the basis of evidence which was not previously available at the inception of the hearing, the chairperson may rule on such a motion. The chairperson shall exclude all persons who are to appear as witnesses, except the accused student.
  4. The college shall make a record of each fact finding hearing by some means such as a stenographic transcript, a tape recording or the equivalent. A disciplined student is entitled, upon request, to a copy of such a transcript, tape or equivalent without cost.
  5. The student is entitled to a closed hearing but has the right to request an open public hearing. However, the chairperson has the right to hold a closed hearing when an open public hearing would adversely affect and be disruptive of the committee's normal operations.
  6. The college bears the burden of proving the charge(s) by a preponderance of the evidence.
  7. The role of the Faculty-Student Disciplinary Committee is to listen to the testimony, ask questions of the witnesses, review the testimony and evidence presented at the hearing and the papers filed by the parties and render a determination as to guilt or innocence. In the event the student is found guilty, the committee shall then determine the penalty to be imposed.
  8. At the end of the fact-finding phase of the hearing, the student may introduce additional records, such as character references. The college may introduce a copy of the student's previous disciplinary record, where applicable, provided the student was shown a copy of the record prior to the

commencement of the hearing.

The disciplinary record shall be submitted to the committee in a sealed envelope and shall not be opened until after the committee has made its findings of fact. In the event the student has been determined to be guilty of the charge or charges, the records and documents introduced by the student and the college shall be opened and used by the committee for dispositional purposes, i.e. to determine an appropriate penalty, if the charges are sustained.

9. The committee shall deliberate in closed session. The committee's decision shall be based solely on the testimony and evidence presented at the hearing and the papers filed by the parties.

10. The student shall be sent a copy of the Faculty-Student Disciplinary Committee's decision within five (5) days of the conclusion of the hearing. The decision shall be final, subject to the student's right of appeal.

11. Where a student is represented by legal counsel the President of the college may request that a lawyer from the General Counsel's Office appear at the hearing to present the college's case.

## **Section 15.4 APPEALS**

An appeal from the decision of the Faculty-Student Disciplinary Committee may be made to the President who may confirm or decrease the penalty but not increase it. His/her decision shall be final except in the case of dismissal or suspension for more than one (1) term. An appeal from a decision of dismissal or suspension for more than one (1) term may be made to the appropriate committee of the Board of Trustees. Any appeal under this section shall be made in writing within fifteen (15) days after the delivery of the decision appealed from. This requirement may be waived in a particular case for good cause by the President or Board committee as the case may be. If the President is a party to the dispute, his/her functions with respect to an appeal shall be discharged by an official of the University to be appointed by the Chancellor.

## **Section 15.5 COMMITTEE STRUCTURE**

A) Each Faculty-Student Disciplinary Committee shall consist of two (2) faculty members and two (2) student members and a chairperson. A quorum shall consist of the chair and any two (2) members. Hearings shall be scheduled at a convenient time and efforts shall be made to insure full student and faculty representation.

B) The President shall select, in consultation with the head of the appropriate campus governance body or where the President is head of the governance body, its executive committee, three (3)

members of the instructional staff of that college to receive training and to serve in rotation as Chair of the Disciplinary Committees. If none of the chairpersons appointed from the campus can serve, the President, at his/her discretion, may request that a chairperson be selected by lottery from the entire group of chairpersons appointed by other colleges. The chairperson shall preside at all meetings of the Faculty-Student Disciplinary Committee and decide and make all rulings for the committee. He/she shall not be a voting member of the committee but shall vote in the event of a tie.

C) The faculty members shall be selected by lot from the panel of six (6), elected annually by the appropriate faculty body from among the persons having faculty rank or faculty status. The student members shall be selected by lot from a panel of six (6), elected annually in an election in which all students registered at the college shall be eligible to vote. In the event that the student or faculty panel or both are not elected, or if more panel members are needed, the President shall the duty to select the panel or panels which have not been elected No individuals on the panel shall serve on the panel for more than two (2) consecutive years.



D) In the event that the chairperson cannot continue, the President shall appoint another chairperson. In the event that a student or faculty seat becomes vacant and it is necessary to fill the seat to continue the hearing, the seat shall be filled from the faculty or student panel by lottery.

E) Persons who are to be participants in the hearings as witnesses or have been involved in preferring the charges or who may participate in the appeals procedures or any other person having a direct interest in the outcome of the hearing shall be disqualified from serving on the committee.

### **Section 15.6 SUSPENSION OR DISMISSAL**

The Board reserves full power to dismiss or suspend a student, or suspend a student organization for conduct which impedes, obstructs, or interferes with the orderly and continuous administration and operation of any college, school, or unit of the university in the use of its facilities or in the achievement of its purposes as an educational institution.

The Chancellor or Chancellor's designee, a President or any dean may in emergency or extraordinary circumstances, temporarily suspend a student, or temporarily suspend the privileges of a student organization or group for cause, pending an early hearing as provided in bylaw section 15.3 to take place within no more than seven (7) school days. Prior to the commencement of a temporary suspension of student, the college shall give such student oral or written notice of the charges against him/her and, if he/she denies them, the college shall forthwith give such student an informal oral explanation of the evidence supporting the charges and the student may present informally his/her explanation or theory of the matter. When a student's presence poses a continuing danger to person or property or an ongoing threat of disrupting the academic process, notice and opportunity for denial and explanation may follow suspension, but shall be given as soon as feasible thereafter.

### **Section 15.7 THE UNIVERSITY STUDENT SENATE**

There shall be a University Student Senate responsible, subject to the Board, for the formulation of university-wide student policy relating to the academic status, role, rights and freedoms of the student. The authority and duties of the University Student Senate shall not extend to areas of interest which fall exclusively within the domain of the student governments of the constituent units of the university. Consistent with the authority of the Board of Trustees, in accordance with the education law and the bylaws of the Board of Trustees, the University Student Senate shall make its own bylaws providing for the election of its own officers, the establishment of its own rules and procedures, for its internal administration and for such other matters as is necessary for its existence. The University Student Senate shall have the full rights and responsibilities accorded student organizations as provided in these bylaws. The delegates and alternate delegates to the university student senate shall be elected by their respective constituencies, or by their student governments from the elected members of the respective student governments.

### **Section 15.8 COLLEGE GOVERNANCE PLANS**

The provisions in a duly adopted governance plan shall not be inconsistent with the provisions contained in this article.



## **ARTICLE XVI STUDENT ACTIVITY FEES AND AUXILIARY ENTERPRISES**

### **Section 16.1 STUDENT ACTIVITY FEE**

The student activity fee is the total of the fees for student government and other student activities. Student activity fees, including student government fees collected by a college of the university shall be deposited in a college central depository and, except where earmarked by the Board, allocated by a college association budget committee subject to review by the college association as required in these bylaws.

### **Section 16.2 STUDENT ACTIVITY FEES USE - EXPENDITURE CATEGORIES**

Student activity fee funds shall be allocated and expended only for the following purposes:

1. Extracurricular educational programs;
2. Cultural and social activities;
3. Recreational and athletic programs;
4. Student government;
5. Publications and other media;
6. Assistance to registered student organizations;
7. Community service programs;
  
8. Enhancement of the college and university environment;
9. Transportation, administration and insurance related to the implementation of these activities;
10. Student services to supplement or add to those provided by the university;
11. Stipends to student leaders.

### **Section 16.3 STUDENT GOVERNMENT FEE**

The student government fee is that portion of the student activity fee levied by resolution of the board which has been established for the support of student government activities. The existing student government fees now in effect shall continue until changed. Student government fees shall be allocated by the duly elected student government or each student government where more than one duly elected student government exists, for its own use and for the use of student organizations, as specified in section 15.2 of these bylaws, provided, however, that the allocation is based on a budget approved by the duly elected student government after notice and hearing, subject to the review of the college association. Where more than only duly elected student government exists, the college association shall apportion the student government fees to each student government in direct proportion to the amount collected from members of each student government.

## **Section 16.4 STUDENT GOVERNMENT ACTIVITY DEFINED**

A student government activity is any activity operated by and for the students enrolled at any unit of the university provided, (1) such activity is for the direct benefit of students enrolled at the college, (2) that participation in the activity and the benefit thereof is available to all students enrolled in the unit or student government thereof, and (3) that the activity does not contravene the laws of the city, state or nation, or the published rules, regulations, and orders of the university or the duly established college authorities.

## **Section 16.5 COLLEGE ASSOCIATION**

The college association shall have responsibility for the supervision and review over college student activity fee supported budgets. All budgets of college student activity fees, except where earmarked by the Board to be allocated by another body, should be developed by a college association budget committee and recommended to the college association for review by the college association prior to expenditure. The college association shall review all college student activity fee, including student government fee allocations and expenditures for conformance with the expenditure categories defined in Section 16.2 of this article and the college association shall disapprove any allocation or expenditure it tract committee shall be empowered to develop all contract and budget allocation proposals subject to the review and approval of the auxiliary enterprise board.

## **Section 16.6 MANAGEMENT AND DISBURSEMENT OF FUNDS**

The College and all student activity fee allocating bodies shall employ generally accepted accounting and investment procedures in the management of all funds.

All funds for the support of student activities are to be disbursed only in accordance with approved budgets and be based on written documentation.

A requisition for disbursement of funds must contain two signatures; one, the signature of a person with responsibility for the program; the other the signature of an approved representative of the allocating body.

## **Section 16.7 REVENUES**

All revenues generated by student activities funded through student activity fees shall be placed in a college central depository subject to the control of the allocating body. The application of such revenues to the account of the income generating organization shall require the specific authorization of the allocating body

## **Section 16.8 FISCAL ACCOUNTABILITY HANDBOOK**

The chancellor or his/her designee shall promulgate regulations in a fiscal accountability handbook, to regulate all aspects of the collection, deposit, financial disclosure, accounting procedures, financial payments, documentation, contracts, travel vouchers, investments and surpluses of student activity fees and all other procedural and documentary aspects necessary, as determined by the chancellor or his designee to protect the integrity and accountability of all student activity fee funds.

## **Section 16.9 COLLEGE PURPOSES FUND**

- a. A college purposes fund may be established at each college and shall be allocated by the college president. This fund may have up to twenty five (25) per cent of the un-earmarked portion of the student activity fee earmarked to it by resolution of the board, upon presentation to the board of a list of activities that may be properly funded by the student activity fees that are deemed essential by the college president.
- b. Expenditures from the college purposes fund shall be subject to full disclosure under section 16.13 of these bylaws.
- c. Referenda of the student body with respect to the use and amount of the college purposes fund shall be permitted under the procedures and requirements of section 16.12 Of these bylaws.

## **Section 16.10 AUXILIARY ENTERPRISE BOARD**

- a. The auxiliary enterprise board shall have responsibility for the oversight, supervision and review over college auxiliary enterprises. All budgets of auxiliary enterprise funds and all contracts for auxiliary enterprises shall be developed by the auxiliary enterprise budget and contract committee and reviewed by the auxiliary enterprise board prior to expenditure or execution.
- b. The auxiliary enterprise board shall be considered approved for the purposes of this article if it consists of at least eleven (11) members, its governing documents are approved by the college president and the following requirements are met:
  1. The governing board is composed of the college president or his/her designee as chair, plus an equal number of students and the combined total of faculty and administrative members.
  2. The administrative members are appointed by the college president.
  3. The faculty members are appointed by the college president from a panel whose size is twice the number of the seats to be filled and the panel is elected by the appropriate college faculty governance body.
  4. The student members are the student government president (s) and other elected students and the student seats are allocated on a basis which will provide representation to each government, where more than one exists, as nearly as practicable, in proportion to the student enrollment by head count from the respective constituencies.
  5. The auxiliary enterprise board structure provides for a budget and contract committee composed of a combined total of faculty and administrative members that is one more than the number of student members. The budget and contract committee shall be empowered to develop all contract and budget allocation proposals subject to the review and approval of the auxiliary enterprise board.
  6. The governing documents of the auxiliary enterprise board have been reviewed by the board's general counsel and approved by the board.

## **Section 16.11 THE REVIEW AUTHORITY OF COLLEGE PRESIDENTS OVER STUDENT ACTIVITY FEE ALLOCATING BODIES AND AUXILIARY ENTERPRISE BOARDS**

- a. The president of the college shall have the authority to disapprove any student activity fee, including student government fee, or auxiliary enterprise allocation or expenditure, which in his or her opinion contravenes the laws of the city, state, or nation or any bylaw or policy of the university or any policy,



regulations, or order of the college. If the college president chooses to disapprove an allocation or expenditure, he or she shall consult with the general counsel and vice chancellor for legal affairs and thereafter communicate his/her decision to the allocating body or auxiliary enterprise board.

b. The president of the college shall have the authority to suspend and send back for further review any student activity fee, including student government fee, allocation or expenditure which in his or her opinion is not within the expenditure categories defined in section 16.2 of this article. The college association shall, within ten (10) days of receiving a proposed allocation or expenditure for further review, study it and make a recommendation to the president with respect to it. The college president shall thereafter consider the recommendation, shall consult with the general counsel and vice chancellor for legal affairs, and thereafter communicate his/her final decision to the allocating body as to whether the allocation or expenditure is disapproved.

c. The chancellor or his/her designee shall have the same review authority with respect to university student activity fees that the college president has with respect to college student activity fees.

d. All disapprovals exercised under this section shall be filed with the general counsel and vice chancellor for legal affairs.

e. Recipients of extramural student activity fees shall present an annual report to the chancellor for the appropriate board committee detailing the activities, benefits and finances of the extramural body as they pertain to the colleges where students are paying an extramural fee.

## **Section 16.12 REFERENDA**

A referendum proposing changes in the student activity fee shall be initiated by a petition of at least ten (10) percent of the appropriate student body and voted upon in conjunction with student government elections.

a. Where a referendum seeks to earmark student activity fees for a specific purpose or organization without changing the total student activity fee, the results of the referendum shall be sent to the college association for implementation.

b. Where a referendum seeks to earmark student activity fees for a specific purpose or organization by changing the total student activity fee, the results of such referendum shall be sent to the board by the president of the college together with his/her recommendation.

c. At the initiation of a petition of at least ten (10) percent of the appropriate student body, the college president may schedule a student referendum at a convenient time other than in conjunction with student government elections.

d. Where the referendum seeks to affect the use or amount of student activity fees in the college purposes fund, the results of the referendum shall be sent to the board by the college president together with his/her recommendation.

## **Section 16.13 DISCLOSURE**

a. The college president shall be responsible for the full disclosure to each of the student governments of the college of all financial information with respect to students activity fees.

b. The student governments shall be responsible for the full disclosure to their constituents of all financial information with respect to student government fees.

c. The student activity fee allocating bodies shall be responsible for the full disclosure of all financial information to its membership, to the college and to the student governments with respect to all of its



activities.

d. The auxiliary enterprise board shall be responsible for the full disclosure of all financial information to its membership, to the college and to the student governments with respect to auxiliary enterprises.

e. For purposes of the foregoing paragraphs, full disclosure shall mean the presentation each semester of written financial statements which shall include, but need not be limited to, the source of all fee income by constituency, income from other sources creditable to student activity fee accounts, disbursements, transfers, past reserves, surplus accounts, contingency and stabilization funds. Certified independent audits performed by a public auditing firm shall be conducted at least once year.

## **Section 16.14 STIPENDS**

The payment of stipends to student leaders is permitted only within those time limits and amounts authorized by the board.

## **CUNY Policy on Campus Disruptions**

The Board of Higher Education adopted the policy that the laws of the City, State and Nation apply equally to all persons both on and off campus and that neither students nor anyone else have any "right", at any time, to seize or forcibly occupy college or university property, or to interfere with its lawful use. In case of any such seizure, occupancy, or interference, the college authorities will meet with a limited number of representatives of the occupying group only after the seizure, occupancy or interference has ceased and only upon the understanding that such seizure, occupancy or interference will not be repeated. If the occupying group fails to vacate after public notification, all necessary steps should be taken to insure compliance with this notice to vacate.

Whenever offenders have been charged by the civil authorities, the disposition of such charges should be left to the courts, and there should be no subsequent "amnesty" or withdrawal of charges by the University or college or by anyone acting on their behalf.

## **CUNY Campus Behavior Code**

The Board of Higher Education in compliance with Chapter 191 of the Laws of 1969 (Henderson Act) adopted the following rules and regulations for the maintenance of public order on college campuses and other college property used for educational purposes:

### **I. Rules**

1. A member of the academic community shall not intentionally obstruct and/or forcibly prevent others from the exercise of their rights. Nor shall s/he interfere with the institution's educational processes or facilities, or the rights of those who wish to avail themselves of any of the institution's instructional, personal, administrative, recreational, and community services.

2. Individuals are liable for failure to comply with lawful directions issued by representatives of the university/college when they are acting in their official capacities. Members of the academic community are required to show their identification cards when requested to do so by an official of the college.

3. Unauthorized occupancy of university/college facilities or blocking access to or from such areas is prohibited. Permission from appropriate college authorities must be obtained for removal, relocation and use of university/college equipment and/or supplies.



4. Theft from or damage to university/college premises or property, or theft of or damage to property of any person on university/college premises is prohibited.
5. Each member of the academic community or an invited guest has the right to advocate his/her position without having to fear abuse, physical, verbal, or otherwise, from others supporting conflicting points of view. Members of the academic community and other persons on the college grounds shall not use language or take actions reasonably likely to provoke or encourage physical violence by demonstrators, those demonstrated against, or spectators.
6. Action may be taken against any and all persons who have no legitimate reason for their presence on any campus within the university/college, or whose presence on any such campus obstructs and/or forcibly prevents others from the exercise of their rights or interferes with the institution's educational processes or facilities, or the rights of those who wish to avail themselves of any of the institution's instructional, personal, administrative, recreational, and community services.
7. Disorderly or indecent conduct on university/college-owned or -controlled property is prohibited.
8. No individual shall have in his/her possession a rifle, shotgun or firearm or knowingly have in his/her possession any other dangerous instrument or material which can be used and is intended to inflict bodily harm on an individual or damage upon a building or the grounds of the university/college without the written authorization of such educational institution. Nor shall any individual have in his/her possession any other instrument or material which can be used and is intended to inflict bodily harm on any individual or damage upon a building or the grounds of the university/college.
9. Any action or situation which recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliations with any organization is prohibited.
10. The unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs or other controlled substances by university students or employees on university/college premises, or as part of any university/college activities is prohibited. Employees of the university must also notify the College Personnel Director of any criminal drug statute conviction for a violation occurring in the workplace not later than five (5) days after such conviction.
11. The unlawful possession, use, or distribution of alcohol by students or employees on university/college premises or as part of any university/college activity is prohibited.

## **II. Penalties**

1. Any student engaging in any manner in conduct prohibited under substantive Rules 1-11 shall be subject to the following range of sanctions as hereafter defined in the Appendix: admonition, warning, censure, disciplinary probation, restitution, suspension, expulsion, ejection, and/or arrest by the civil authorities.
2. Any tenured or non-tenured faculty member, or other member of the instructional staff, or member of the classified staff engaging in any manner in conduct prohibited under substantive Rules 1-11 shall be subject to the following range of penalties: warning, censure, restitution, fine not exceeding those permitted by law or by the Bylaws of the City University of New York or suspension with/without pay pending a hearing before an appropriate college authority, dismissal after a hearing, ejection, and/or arrest by the civil authorities, and, for engaging in any manner in conduct prohibited under substantive rule 10, may, in the alternative, be required to participate satisfactorily in an appropriately licensed drug treatment or rehabilitation program. A tenured or non-tenured faculty member, or other member of the instructional staff, or member of the classified staff charged with engaging in any manner in conduct prohibited under substantive Rules 1-11, shall be entitled to be treated in accordance with



applicable provisions of the Education Law or the Civil Service Law.

3. Any visitor, licensee, or invitee, engaging in any manner in conduct prohibited under substantive Rules 1-11 shall be subject to ejection, and/or arrest by the civil authorities.

4. Any organization which authorizes the conduct prohibited under substantive Rules 1-11 shall have its permission to operate on campus rescinded. Penalties 1-4 shall be in addition to any other penalty provided by law or The City University.

## **Appendix - Sanctions Defined**

A. Admonition. An oral statement to the offender that he/she has violated university rules.

B. Warning. Notice to the offender, orally or in writing, that continuation or repetition of the wrongful conduct, within a period of time stated in the warning, may be cause for more severe disciplinary action.

C. Censure. Written reprimand for violation of specified regulations, including the possibility of more severe disciplinary sanctions in the event of a conviction for the violation of any university regulations within a period stated in the letter of reprimand.

D. Disciplinary Probation. Exclusion from participation in privileges or extracurricular university activities as set forth in the notice of disciplinary probation for a specified period of time.

E. Restitution. Reimbursement for damage to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.

F. Suspension. Exclusion from classes and other privileges or activities as set forth in the notice of suspension for a definite period of time.

G. Expulsion. Termination of student status for an indefinite period. The conditions of readmission, if any are permitted, shall be stated in the order of expulsion.

H. Complaint to Civil Authorities.

I. Ejection.

J. Encumbrance. A student's records are encumbered when he/she has an outstanding financial obligation to the college. Transcripts, diplomas and other records will not be released to the student, to employers or to other schools, and the student may not register for subsequent semesters until the obligation is discharged. A student may also be encumbered for infractions of the rules and regulations.

## **RELIGIOUS BELIEFS AND CLASS ATTENDANCE**

Section 224A of the New York State Education Law grants students the following rights:

1) No person shall be expelled from or be refused admission as a student to an institution of higher education for the reason that he/she is unable, because of his/her 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 an institution of higher education who is unable because of his/her 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 the administrative officials of each institute of higher education to make available to each student who is absent from school because of his/her religious



believes an equivalent opportunity to make up any examination, study or work requirements which he/she 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 PM or on Sunday, similar or make-up 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 effecting the provisions of this section, it shall be the duty of the faculty and of 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 his/her availing himself/herself of the provisions of this section .

6) Any student, who is aggrieved by the alleged failure of any faculty or administrative officials 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 his/her rights under this section.

## **STUDENT RIGHTS CONCERNING EDUCATION RECORDS**

The Family Educational Rights and Privacy Act (FERPA), affords students certain rights with respect to their educational records. They are:

1) The right to inspect and review the student's education records. Students should submit to the registrar, dean, head of the academic department, or other appropriate official, written requests that identify the record (s) they wish to inspect. If the records are not maintained by the college official to whom the request was submitted, that official shall advise the student of the correct official to whom a request should be addressed.

All requests shall be granted or denied in writing within fifteen (15) days of receipt. If the request is granted, the student will be notified of the time and place where the records may be inspected. If the request is denied or not responded to within fifteen (15) days, the student may appeal. Additional information regarding the appeal procedures will be provided to the student if a request is denied.

2) The right to request the amendment of the student's education records that the student believes are inaccurate or misleading.

Students may ask the college to amend a record that they believe is inaccurate or misleading. They should write to the college official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the college decides not to amend the record as requested by the student, the college will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3) The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interest. A school official is a person employed by the university in an administrative, supervisory, academic or research, or support staff position; a person or company with whom the university has contracted; a person serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if access is reasonably necessary in order to



perform his/her instructional, research, administrative or other duties and responsibilities.

Upon request, the college discloses education records without consent to officials of another school in which a student seeks or intends to enroll.

4) The right to file a complaint with the U. S. Department of Education concerning alleged failures by the college to comply with the requirements of FERPA. The names, address of the office that administers FERPA are:

**Family Policy Compliance Office  
U. S. Department of Education  
600 Independence Avenue, SW  
Washington, D.C. 20202-4605**

In addition, the college will make the following "directory information" concerning current and former students available to those parties having legitimate interest in the information: a student's name, attendance dates, telephone listings, home address, present address, major and minor fields of study and degrees and awards received. By filing a form with the Registrar's office, a student may request that any or all of the above information not be released without his or her prior written consent. This form may be completed, withdrawn, or modified at any time.

## **STUDENT EMPLOYMENT**

A new law, effective September 1, 1987, requires verification of the identity and eligibility to work of all new employees. This also applies to those rehired, full or part-time, including U. S. citizens, permanent residents and non-immigrant visa holders.

Any student who works at a college must present the required documents before work is started, For most student's, a valid I. D. card and a social security card will be accepted. F-1 and J-1 foreign students should seek verification of employment eligibility for the Office of Foreign Student and Scholar Services, but only after a job offer has been made. After the documents are reviewed, students will be required to fill out and sign a Form I-9. These procedures must be completed before the first day of work.

## **AFFIRMATIVE ACTION AND NON-DISCRIMINATION POLICY**

The College does not discriminate on the basis of age, sex, sexual orientation, religion, race, color, national or ethnic origin, disability, veteran or marital status in its student admissions, employment, access to programs, and administration of educational policies. The College recognizes its obligation to provide students with equal consideration when seeking admission, financial aid, and access to student services, academic and athletic programs. The Office of Undergraduate and Graduate Admissions actively encourages and recruits applicants from traditionally underrepresented groups, and is committed to fostering a community in which a diverse student population can thrive in an atmosphere of respect and support for individual rights and expression.

The College believes in a policy of nondiscrimination, and as an educational institution maintains an ongoing program to assure compliance with federal legislation and university guidelines. The President, as Chief Executive Officer, has overall responsibility for the program. The President has designated the responsibility for the Affirmative Action Program to the Affirmative Action Officer ( Shuster Hall, Room 356, telephone 718-960-8111), Ms. Dawn Ewing-Morgan.



## **SEXUAL HARASSMENT**

Lehman College is committed to the principles and spirit of compliance with the Equal Employment Opportunity Commission Laws, which govern sexual harassment. Sexual harassment is illegal under Title VII of the Civil Rights Act of 1964, and Title IX of the Educational Amendments Act of 1972. Sexual harassment occurs when “unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a “sexual nature” are made a condition of employment or student status, are used in decisions affecting an employee or student, affect an employee’s work performance or student’s academic performance or create an overall intimidating, hostile or offensive working environment or student environment.

Lehman College is committed to maintaining and fostering a fair, humane and supportive environment for all its students, faculty, and staff. The College does not condone and will not tolerate sexual harassment.

The College adheres to the official policy of the Board of Trustees of the City University of New York, which explicitly prohibits sexual harassment throughout the university community. Sexual harassment is illegal under Federal, State, and City laws, and will not be tolerated within the university.

The University, through its colleges, will disseminate this policy and take other steps to educate the university community about sexual harassment. The University will establish procedures to ensure that investigations and allegations of sexual harassment are conducted in a manner that is prompt, fair, thorough, and as confidential as possible under the circumstances, and that appropriate corrective and/or disciplinary action is taken as warranted by the circumstances when sexual harassment is determined to have occurred. Members of the university community who believe themselves to be aggrieved under this policy are strongly encouraged to report the allegations of sexual harassment as promptly as possible. Delay in making a complaint of sexual harassment may make it more difficult for the college to investigate the allegations.

Complaints of sexual harassment by students and employees should be directed to the Affirmative Action Officer, or to the members of the Sexual Harassment Panel, who are available to students and employees. Aside from the Panel, the Sexual Harassment Education Committee holds the responsibility for educating the college community about policy and procedures.

The Affirmative Action Officer has the overall responsibility for ensuring compliance with sexual harassment rules and regulations. Information, complaints, and concerns should be directed to the Coordinator of the Sexual Harassment Panel and the Affirmative Action Officer or to the Deputy Coordinator of the Sexual Harassment Panel, Shuster Hall, Room 356, telephone 718-960-8111. Complaints may be directed to any other member of the Sexual Harassment Panel. A complete and current listing of the Sexual Harassment Panel members may be obtained directly from the Affirmative Action Office.

## **COMPUTER USER RESPONSIBILITIES**

Students may consult with individual faculty or departments regarding available computer facilities. Lehman College users of computer resources have several responsibilities to other users, the College, and third parties such as software suppliers. This document will specify these responsibilities, rules regarding the use of the system, and possible penalties for their violation.

1) Every user is required to have a valid authorized account. The user account allows one to utilize the



appropriate computer resources. Unauthorized use (for example, by theft or misappropriation) of a computer account is a criminal act subject to prosecution as a misdemeanor or felony. It is also a cause for suspension or termination from university status.

2) Each user is responsible for safeguarding his/her account. For a mainframe computer account, one should change one's password frequently. One should not give the password to anyone to prevent one's account from being used for unauthorized purposes. One should take all necessary precautions in protecting the account, no matter what type of computer resource is being used. Each user will be held responsible for any actions taken by anyone using their account.

3) Any attempt to circumvent the system protecting facilities may result in the violation of the right to privacy, property rights of the file owner or third party (such as a software supplier), and is therefore grounds for the imposition of severe penalties.

4) Any attempt to produce system failure or system performance degradation will be dealt with harshly.

5) Other activities that are illegal or against University regulations include altering or destroying data or programs belonging to others, copying material covered under the copyright laws and disclosing programs owned by others.

6) Sale of programming assignments shall be deemed to be a violation of Section 213-B of the New York State Education Law.

7) Student accounts are issued for the sole purpose of doing assigned class work. Student are expected to work on these assignments independently. Evidence of unauthorized group work will be considered cheating and dealt with accordingly.

8). Removing hard copy addressed to others, or copying files of others with authorization is prohibited. Submitting assignments prepared by others, and obtained in any manner, is considered cheating.

9) Preventing others from using the facilities is a violation of Rule 1 of the Disciplinary Regulations. This includes unauthorized attempts at repairing equipment, tampering with equipment, and unauthorized removal or relocation of equipment components.

10) The Directors of the Computer Centers may establish regulations for the orderly use of facilities. These regulations may include time limits on the use of terminals, priorities on the use of facilities, etc.

11) Abusing computer personnel, or users, is prohibited by the Disciplinary Regulations. Such abuse includes the sending of abusive or obscene messages (as defined by the Ethics Committee) via the electronic mail system of computers.

12) Use of college facilities for private purposes is not permitted unless prior authorized methods of monetary compensation are arranged.

The Senate Executive Committee, together with the Director of the Computer Center, shall form an Ethics Committee, which will, in conjunction with the Lehman College Administration and CUNY University Computer Center, investigate reports of violations of computer use rules. This committee shall recommend appropriate means of enforcing these regulations, and make recommendations and adjudicate questions of ethics in particular cases.



## **PENALTIES**

Any user found violating any of these regulations is subject to any/all of the following penalties:

- 1) Immediate suspension of computer privileges.
- 2) Academic penalties or disciplinary procedures under CUNY By-Laws which provide for sanctions including suspensions or dismissal.
- 3). Criminal procedures. Instructors will be immediately informed of the suspension of the computer accounts.