Procedure:	Student Rights and Responsibilities	**Reference No.:**	4.4
Authority:	College President	**Cross Reference:**	Policy 1.2
Approved:	June 15, 1994		
Revised:	February 3, 2009		

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Introduction

Broome Community College supports freedom of speech, freedom of inquiry, freedom to dissent, freedom to assemble, and freedom to demonstrate in peaceful fashion. The college also stands for the right of students to pursue their legitimate educational goals without interference. Accordingly, the college encourages and expects its community to conduct itself in accordance with the general society's standards of polite behavior, the college's specific rules and regulations, and all applicable laws of the local, state and federal government.

Article 1
Admissions and Access

The admissions policy of Broome Community College is consistent with the purpose and role of an open-door higher education institution. Admission standards are stated clearly in the general catalog and, are based on the capacity of students to contribute to or profit from the particular educational programs they desire. The college makes clear to students the characteristics and expectations which it considers relevant to success in a chosen program. Admission to the college is not granted or denied on the basis of ethnic origin, race, religion, sex, sexual orientation, age, nationality, political belief or affiliation. Thus, within the limits of its facilities, Broome Community College is open to all students who are qualified according to its admission standards.

Article 2
The Classroom Environment

Free and open discussion, speculation, and investigation are basic to the academic process. Student performance is evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic matters.

Students are free to take reasoned exception to views presented in any course of study and to reserve judgment on matters of opinion, but they are responsible for learning the content of any course of study in which they are enrolled.

Students do have orderly procedures to follow in order to be protected against prejudiced or capricious academic evaluation. They, at the same time, are responsible for maintaining standards of academic performance established for each course in which they are enrolled.

An instructor may exclude from his/her course, any student who, in the instructor's judgment, has seriously impaired the ability of the class to achieve the objectives of the course, or who is guilty of offensive conduct toward the instructor or other members of the class. The student may appeal the instructor's action to the department chairperson who will, when necessary, detail the full grievance procedure to the student. (Copies of this procedure are available from department Chair people and other administrative offices.)

Article 3
Student Records

Students have a right to expect that institutional records will be safeguarded; that no information will be made available to unauthorized persons; that no information will be misused by college authorities; and information not pertinent to the students' role in the college not be recorded. Students will be given the opportunity to review the contents of their respective files upon written request and have the right to reply to any derogatory material. These responses become part of their files. Procedures for destruction of inactive records have been established that will safeguard the confidence in which they should be held.

Article 4
Student Organizations

It is recognized that students bring to the campus a variety of interests previously acquired and develop many new interests as members of the academic community. They are free to organize and join associations to promote their common interests.

Affiliation with an extramural organization does not of itself disqualify a student organization from institutional recognition.

Campus advisors are required for student organizations. Full details on campus procedures for clubs or organizations are available from the Director of Student Activities.

It must be remembered that the college will disallow any association that threatens its openness, receptivity to free inquiry, and the overall learning process.

Article 5
Student Publications

Student publications and the student press are valuable aids in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus.

Editors and managers of student publications will be free to develop editorial policies, and will be protected from arbitrary suspension and removal because of campus or public disapproval of their publication's policy or content. At the same time, editorial freedom of student editors and managers entails responsibilities to be governed by the canons of responsible journalism, such as the avoidance of libelous statements, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo. The student press will be free of censorship and advance approval of copy. However, the college does retain the right to have copy reviewed by an advisor before going to print for the purpose of helping student editors and managers in staying within the limits of responsible journalism.

In the event that a college administrator, the advisor, the Student Government, or the student press staff members recommend the removal of a student editor, due process (to involve a review committee and the right to appeal) will be adhered to and managed by the Vice President for Student and Community Affairs or his/her designee.

Article 6
Freedom of Inquiry and Expression

Students and student organizations are free to examine and discuss all questions of interest to them, and to express opinions publicly and privately. They are free to support causes by orderly means which do not disrupt the regular and essential operation of the institution. At the same time, it will be made clear to the academic and the larger community that in their public expressions or demonstrations students or student organizations speak only for themselves.

Students are allowed to invite and to hear any person of their own choosing. Routine procedures required by the college before a guest speaker is invited to appear on

campus are designed only to ensure that there is orderly scheduling of facilities and adequate preparation for the event, and that the occasion is conducted in a manner appropriate to an academic community. Institutional control of campus facilities will not be used as a device of censorship. It should be made clear to the academic and larger community that student sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed, either by the sponsoring group or the college.

No student or authorized visitor is subject to any limitation or penalty solely for the expression of his/her views nor for having assembled with others for such purpose. Peaceful picketing and other orderly demonstrations in public areas will not be interfered with. Public areas include sidewalks and parking lots but not areas such as lobbies, corridors, and rooms in buildings.

In order to afford maximum protection to the participants and to the institutional community, students or student groups will give the college administration reasonable advance notice of any planned assembly, picketing, or demonstration upon the grounds of the institution, its proposed locale, and intended purpose.

The peddling of newspapers or handbills which convey a point of view in the public areas of the college campus is protected by the First Amendment. Harassment or intimidation of members of the campus community by persons distributing literature supporting points of view or causes may require the removal of those persons from college property. It is recommended that any student group planning to distribute literature notify the college administration of its plans so that the administration is aware of the group activities. (If an off-campus group wishes to come on campus and distribute literature supporting a point of view or cause, it shall seek permission to do so from the college administration.)

Article 7
Institutional Authority and Civil Penalties

When activities of students result in violation of law or when students feel that their civil rights have been violated, institutional officials will be prepared to inform students of sources of legal counsel and may offer other assistance. Institutional authority will never be used merely to duplicate the function of general laws. Only where the institution's interests as an academic community are distinct and clearly involved will the special authority of the institution be asserted. The student who incidentally violates institutional regulations in the course of his/her off-campus activity, such as those relating to class attendance, will be subject to no greater penalty than would normally be imposed. Institutional action will be independent of community pressure.

The college will take no action affecting a student's status while his/her case is before the courts and awaiting final determination unless such action is necessary to protect the safety of the College community. If the student is convicted, the college will attempt to support the intent of the courts. If the court places a student on probation, the college

will cooperate with the court to determine the most desirable course of action for the student, the college, and society. Normally when an individual is returned to society, the intent of the court is to allow him/her to return to the position held before commission of the offense for which he/she was convicted. Thus, the college will normally allow such a student to remain in the institution or return to it unless there is evidence that his/her presence imposes a clear danger to other students, faculty, staff or guests of the college or to the orderly operation of the college.

Article 8
Student Property

Students and their property are not subject to search and seizure, by college authorities, except by officials designated by the College President, only when the immediate safety of the college community is threatened, and in accordance with State and Federal laws.

Article 9
Student Behavior

The following prohibitions pertaining to student conduct are considered essential to the educational mission and community life of the college. In general, College jurisdiction and disciplinary sanctions will be applied to incidents and conduct which occur on the College campus or at College-sponsored events or activities. However, jurisdiction and disciplinary sanctions may also be applied at the discretion of the College to conduct which occurs off campus and which adversely affects the College, the College community or the interests and mission of the College. Visitors on campus are also expected to abide by the prohibitions pertaining to student conduct and by all local, state and federal laws and ordinances. Visitors failing to do so may be asked to leave campus and may be declared Persona Non Grata.

1. Behavior which disrupts the learning environment.

2. Use, possession, and/or distribution of weapons, firearms, firecrackers, explosives and/or chemicals.

3. Use or possession of illegal or controlled drugs and/or alcohol.

4. Gambling.

5. Abusive and/or disorderly behavior.

6. Deliberate destruction and/or abuse and misuse of college property or facilities.

7. Theft from an individual, organization or agency, and/or department of the College.

8. Assault and battery, threats of violence, and/or intimidation.

9. Written, verbal, sexual and/or physical intimidation or harassment.

10. Violations of the College's Acceptable Use policy for computer access and use.

11. Failure to comply with reasonable requests of a College representative.

12. Any conduct which violates the laws of the United States, the State of New York, Broome County, and/or the Town of Dickinson.

The above list of prohibitions is not a full listing of unacceptable behavior in a college community. Other unacceptable behavior may also result in disciplinary action from the Vice President for Student Affairs (or his or her designee).

Academic dishonesty (such as cheating and plagiarism) or classroom behavior considered detrimental to the teaching-learning process will be addressed by the College's academic offices. A full statement on student academic dishonesty appears in the current College Catalog.

Article 10
Violation Penalties

The penalties for violation of student behavior and College conduct requirements are restitution, disciplinary warning, disciplinary probation, suspension and expulsion. These penalties do not preclude any legal action that may be taken as a result of violations of federal, state, county and/or town laws.

1. Restitution - In cases of damage, destruction, defacement, or theft of property, restitution is generally required.

2. Disciplinary Warning – An official notice to the student that his or her behavior is in violation of the Student Code of Conduct or other College regulation. Further violations will result in more severe disciplinary action. A student under disciplinary warning must meet those conduct requirements which may be determined in his/her case.

3. Disciplinary Probation- A disciplinary sanction informing the individual that his or her behavior is in serious violation of the Student Code of Conduct or other College regulation. During the probationary period, the student may be barred from participating in extracurricular activities, denied the use of certain College facilities, and/or assigned special duties. Any further violation during the probationary period may result in more severe action up to and including expulsion from the College.

4. Suspension- A mandatory separation from the College for a specific period of time. Students who are suspended are barred from enrolling at or visiting Broome

Community College during the period of the suspension. Students who are suspended from the College and who continue to violate the Student Code of Conduct are subject to further disciplinary action (expulsion) during the period of the suspension at the discretion of the College.

5. Expulsion- Termination of student status at Broome Community College with no promise of future readmission. Students who are expelled are permanently barred from enrolling at or visiting Broome Community College and from attending College-sponsored events.

   Violations of the Student Code of Conduct and other non-academic regulations are brought before the Vice President for Student Affairs (VPSA) for review. The VPSA will investigate the situation and make a decision regarding disciplinary action based on the outcome of the investigation. If the student wishes to appeal the VPSA's decision, he or she may do so by making a written request. The request for an appeal must be made in writing and received in the VPSA's office no later than ten (10) calendar days from the date of the initial disciplinary action. Appeals will be brought before the Disciplinary Hearing Committee.

In some instances, a student's behavior may be so egregious that immediate removal of the student from campus may be necessary to protect the campus environment. In the event that a student is immediately removed from campus, the VPSA will conduct an investigation as soon as possible after removal of the student from campus.

Article 11
Disciplinary Hearing Committee

If a student wishes to appeal the Vice President for Student Affairs' decision regarding a disciplinary sanction, he or she may request an appeal before the Disciplinary Hearing Committee (DHC). Depending upon the severity of the disciplinary violations, a suspended or expelled student may or may not be permitted to attend class during the hearing process. This decision rests with the VPSA.

1. Within ten (10) calendar days of receipt of a student's written request for an appeal, a Disciplinary Hearing Committee (DHC) meeting will be scheduled. (In the event that a student requests a disciplinary hearing during the last two weeks of a semester, the disciplinary hearing will be held as soon as possible during the next semester.)

2. The student failing to appear before the DHC will not hinder the DHC from conducting its meeting(s).

3. Prior to the scheduled DHC session any written statements by witnesses or involved persons will be supplied to the charged student by the chair of the Disciplinary Hearing Committee.

4. The DHC is composed of five individuals: three members of the college's professional staff identified by the College President and two students identified by the Student Assembly. The Chairperson will be one of the professional staff members. If any potential conflict of interest exists, an individual will be asked not to serve on the DHC and a replacement committee member will be determined by the College President or his or her designee. At least four of the five committee members must be present at the disciplinary hearing in order for the hearing to take place.

5. The DHC is not a court of law and is not bound by the technical rules of evidence but may hear or receive any testimony or evidence which is relevant and material to the issues presented by the charges and which will contribute to a full and fair consideration of the charge. A student against whom the charges are made may appear with a representative of his/her choice. However, the student must address the Disciplinary Hearing Committee, not the representative. Further, the student, not the representative, may question witnesses against him/her and may produce witnesses and documentary evidence in his/her own behalf.

6. There may be present at the requested hearing: the student charged and his/her representative and witnesses; other witnesses; and representatives of the College administration. Witnesses produced by the charged student may not be character witnesses. However, written character references may be submitted as evidence.

   A. Any persons accompanying the student must be announced, in advance, to the Disciplinary Hearing Committee Chair and VPSA.

   B. A record of the proceedings will be made. The proceedings may be recorded electronically, a stenographer may be present, or a member of the College's secretarial staff may take minutes. To protect the interests of everyone involved, the record will be considered confidential College property.

   C. The hearing is not open to the campus public. Only involved parties are admitted. However, a recording secretary or stenographer may be provided by the college to take minutes of the hearing.

   D. Within seven (7) calendar days after the close of a requested hearing, the hearing committee will report its findings and recommendations for disposition of the charges to the VPSA, together with a record of the proceedings. Within seven (7) calendar days thereafter the Committee Chair will inform the student in writing of the committee's decision. The student may appeal the committee's decision to the College President. The request for an appeal must be in writing and received in the President's Office no later than ten (10) calendar days from the date of the Disciplinary Hearing Committee's. The College President's decision is final.

   E. All of the above items concern disciplinary action for unacceptable behavior by a student in non-academic situations. For unacceptable behavior involving

academic issues other than student grades the same procedures will be followed except that the chief administrative officer will be the Vice President for Academic Affairs (or his/her designee) rather than the VPSA. For information about redress of grievances related to student grades, please refer to the Student Academic Appeals Procedure in the Student Handbook.

Notwithstanding the above disciplinary procedure, the College reserves the right to protect the learning environment by responding immediately to threatening or inappropriate behavior.

Students suspended or expelled from the College may not use the fact of such action or the consequences of such action as the basis for an academic grievance. Further, suspended or expelled students are responsible for any financial obligation which may have been incurred as a result of the disciplinary sanction.

Article 12
Other Complaint Procedures

Sometimes students have concerns and/or questions about College policy or feel they have not been treated fairly and/or appropriately by members of the College student body, staff or faculty. Students are encouraged to contact the VPSA when such problems arise to determine the best course of action.

1. Instances of alleged discrimination or harassment based on ethnic origin, race, religion, sex, sexual orientation, age, nationality, political belief or affiliation should be reported to the College's Affirmative Action Officer. He/she will explain to the student the procedures for claiming such discrimination.

2. Grievances involving grading or other classroom academic issues should first be discussed with the student's teacher. If there is no resolution to the problem, the student should see the appropriate academic department chairperson who will explain the grievance procedure to him/her.

3. Complaints against other students should be in writing to the VPSA. The VPSA will then decide what procedure(s) are appropriate to resolve the issue. Behavior problems are addressed in Articles 9-11. Discrimination and classroom problems are above in A and B. However, the nature of the complaint may involve resolutions not addressed in these Articles.

Additional Information: Please note that prohibited behavior (Article 9, H.) includes sexual assault. Also both the accused and the accuser in an allegation of sexual assault will be informed of the outcome of any campus disciplinary hearing committee regarding the allegation. Both the accused and the accuser shall have the right to have others present during the course of the hearing convened to review the allegation of sexual assault. Finally, both the VPSA and VPAA will seriously consider any request by the victim of a sex assault for assistance in changing academic or other arrangements relevant to the assault.