**Faculty-Student Disciplinary Committee Procedures**

There are certain standards of acceptable behavior established within the Bylaws of the City University of New York (CUNY). York College adheres to these standards to facilitate an environment that is conducive to learning and academic achievement. The central themes are Courtesy, Respect, Honesty, Integrity, and Safety.

There are circumstances when a determination has been established that a student has engaged in non-compliance with the procedures governing student conduct. These circumstances are investigated and assessed through disciplinary processes. These processes are structured so that students are given the opportunity to present their side of the story and gain valuable instruction relative to professional standards of behavior. Situations that are deemed hostile or unsafe are subject to emergency hearings (within seven days) rendered by an elected group of students and faculty appointed by the College President known as the Faculty Student Disciplinary Committee (FSDC).

Dispositions rendered by the FSDC can range from dismissal of charges to suspension from the College.  Adherence to the established standards of behavior is vital for furthering educational endeavors.

The goal in addressing matters of Student Discipline violations is to educate and provide students with information and activities that will contribute to their success.

SECTION 15.3. STUDENT DISCIPLINARY PROCEDURES

The following procedures shall apply at the hearing before the faculty-student disciplinary committee:

1. The chairperson shall preside over 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 respond. If the student admits the conduct charged, the student shall be given an opportunity to explain his/her actions before the committee and the college shall be given an opportunity to respond. If the student denies the conduct charged, 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 the 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 student who has been disciplined is entitled upon request to a copy of such a record 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 to have committed the conduct charged, the committee shall then determine the penalty to be imposed.
8. At the end of the presentations by both sides, 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 have committed the conduct alleged in 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 shall issue a written decision, which 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 days of the conclusion of the hearing, by regular mail and e-mail for students who have a college e-mail address. The chief student affairs officer is also encouraged to send the decision to any other e-mail address that he or she may have for the student. The decision shall be the final subject to the student's right of appeal.
11. Where a student is represented by legal counsel the president of the college or his or her designee may request that a lawyer from the general counsel's office appear at the hearing to present the college's case.
12. When a disciplinary hearing results in a penalty of dismissal or suspension for one term or more, the decision is a university-wide penalty, and the student will be barred from admission to any other unit of the university while the penalty is being served.
13. Disciplinary penalties shall be placed on a student’s transcript and shall remain there unless the committee’s decision, the decision on any appeal under section 15.4 below, or a mediation agreement expressly indicates otherwise.

**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 dismissals or suspension for one term or more. An appeal from a decision of dismissal or suspension for one term or more may be made to the board committee on student affairs and special programs. Any appeal under this section shall be made in writing within fifteen 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 committees 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 or his or her designee.

**SECTION 15.5. COMMITTEE STRUCTURE.**

1. Each faculty-student disciplinary committee shall consist of two faculty members and two student members and a chairperson, who shall be a faculty member. A quorum shall consist of the chair and any two members, one of whom must be a student. Hearings shall be scheduled promptly (including during the summers) at a convenient time and efforts shall be made to ensure full student and faculty representation.
2. The president shall select in consultation with the head of the appropriate campus governance body or where the president is the 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 committee. 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.
3. The faculty members shall be selected by lot from a panel of six elected biennially 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 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 have 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 consecutive years.
4. 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 respective faculty or student panel by lottery.
5. 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 his/her designee or a president or his/her designee 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 not more than ten (10) business days. Prior to the commencement of a temporary suspension of a 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.