Hostos Community College

Behavioral Intervention & Student Code of Conduct Manual

Aligned with Article XV of CUNY Bylaws and Henderson Rules

Presented by:
Student Development and Enrollment Management

S·D·E·M

OUR MISSION

Consistent with the mission of The City University of New York to provide access to higher education for all who seek it, Eugenio María de Hostos Community College was established in the South Bronx to meet the higher educational needs of people from this and similar communities who historically have been excluded from higher education.

The mission of Eugenio María de Hostos Community College is to offer access to higher education leading to intellectual growth and socio-economic mobility through the development of linguistic, mathematical, technological, and critical thinking proficiencies needed for lifelong learning and for success in a variety of programs including careers, liberal arts, transfer, and those professional programs leading to licensure.

The College takes pride in its historical role in educating students from diverse ethnic, racial, cultural and linguistic backgrounds, particularly Hispanics and African Americans. An integral part of fulfilling its mission is to provide transitional language instruction for all English-as-a-Second-Language learners along with Spanish/English bilingual education offerings to foster a multicultural environment for all students. Hostos Community College, in addition to offering degree programs, is determined to be a resource to the South Bronx and other communities served by the College by providing continuing education, cultural events, and expertise for the further development of the communities it serves.

TABLE OF CONTENTS

Purpose, Legal Framework, Core Principles 4

Section I: Henderson Rules: Expecations for Public Order 5

Section II: Penalties and Sanctions 7

- Faculty Guidelines for Managing Classroom Concerns 9
- Faculty & Staff Response Chart - Levels of Disruption 10
- Support Resources 11

Section III: Disciplinary Process Review 13

- Incident Reporting & Documentation 13
- CUNY Article XV Bylaws & Disciplinary Actions 14

PURPOSE

This manual serves to provide faculty and staff with clear guidelines for addressing student behavior, promoting a safe and respectful campus and learning environment consistent with CUNY's Henderson Rules and Article XV of the Bylaws.

In addition to serving as a resource for faculty and staff to report behaviors of concern involving matriculated students at Hostos Community College, this manual ensures academic freedom, safety, and respect for all members of the college community, consistent with our commitment to diversity, equity, inclusion, and justice.

Students have specific rights and responsibilities outlined in the CUNY By-laws, Article XV, which includes the right to free expression and association.

The student conduct process is used to investigate alleged violations of the rules and regulations for the main-tenance of public order and other college/CUNY policies.

LEGAL FRAMEWORK

- **Henderson Rules:** Rules for Maintenance of Public Order adopted by the CUNY Board of Trustees.
- **Article XV:** Governs student conduct, disciplinary procedures, and due process.
- **FERPA:** Protects student privacy in all reporting and disciplinary actions.

CORE PRINCIPLES

- Promote academic freedom and respectful discourse.
- Prevent and address disruptive behavior promptly.
- Uphold due process and student rights.
- Ensure safety for all individuals on campus.

SECTION I:
Henderson Rules: Expectations for Public Order

The Henderson Rules (Rules for Maintenance of Public Order) protect academic freedom and ensure safety across CUNY campuses. Faculty and staff play a key role in upholding these standards.

Core Henderson Rules for Maintenance of Public Order

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 pursuant to Article 129-A of the educational law.

The tradition of the University as a sanctuary of academic freedom and center of informed discussion is an honored one, to be guarded vigilantly. The basic significance of that sanctuary lies in the protection of intellectual freedom:

- The rights of professors to teach, of scholars to engage in the advancement of knowledge, of students to learn and to express their views, free from external pressures or interference. These freedoms can nourish only in an atmosphere of mutual respect, civility, and trust among teachers and students, only when members of the University community are willing to accept self-restraint and reciprocity as the condition upon which they share in its intellectual autonomy.

Academic freedom and the sanctuary of the University campus extend to all who share these aims and responsibilities. They cannot be invoked by those who would subordinate intellectual freedom to political ends, or who violate the norms of conduct established to protect that freedom. Against such offenders the University has the right, and indeed the obligation, to defend itself. We accordingly announce the following rules and regulations to be in effect at each of our colleges which are to be administered in accordance with the requirements of due process as provided in the Bylaws of the Board of Higher Education.

With respect to enforcement of these rules and regulations we note that the Bylaws of the Board of Higher Education provide that: The president, with respect to his education unit, shall:

a. Have the affirmative responsibility of conserving and enhancing the educational standards of the college and schools under their jurisdiction
b. Be the advisor and executive agent of the Board and of their respective College Committee and as such shall have the immediate supervision with full discretionary power in carrying into effect the Bylaws, resolutions, and policies of the Board, the lawful resolutions of the several faculties;
c. Exercise general superintendence over the concerns, officers, employees, and students of their educational unit."

RULES

The following behaviors are violations of the Code of Conduct and are subject to disciplinary actions and sanctions:

1. Obstruction of Rights and Educational Processes

A member of the academic community shall not intentionally obstruct and/or forcibly prevent others from the exercise of their rights. Nor shall he, she, they 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. Failure to Comply with Lawful Directions
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 and Equipment Use
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 or Damage to Property
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. Violence and Abuse against others
Each member of the academic community or an invited guest has the right to advocate his/her/their 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. Unauthorized Presence
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 the 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
Disorderly or indecent conduct on University/college-owned or controlled property is prohibited.

8. Possession of Weapons or Dangerous Instruments
No individual shall have in his, her, their possession a rifle, shotgun, or firearm or knowingly have in his, her, their possession any other dangerous instruments or material that can be used 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, their 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. Hazing and Endangerment
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 affiliation with any organization is prohibited.

10. Illegal Drugs
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. Alcohol
The unlawful possession, use, or distribution of alcohol by students or employees on University/college premises or as part of any University/college activities is prohibited.

SECTION II:
Penalties and Sanctions

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: admonition, warning, censure, disciplinary probation, restitution, suspension, expulsions, 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, or the applicable collective bargaining agreement, or the Bylaws or written policies of The City University of New York.

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 authorized 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 Trustees.

SANCTIONS

A. Admonition. An oral statement to the offender that he 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 cause far more severe disciplinary action.

C. Censure. Written reprimand for violation of specified regulation, including the possibility of more severe disciplinary sanction in the event of conviction for the violation of any University regulation 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 is permitted, shall be stated in the order of expulsion.

H. Complaint to Civil Authorities.

I. Ejection.

Adopted by the Board of Trustees of the City University of New York on June 23, 1969 as amended on October 27, 1980, May 22, 1989 and June 25, 1990.

Last Updated: 8/6/03 Reference: **Rules for Maintenance Of Public Order – The City University of New York**

FACULTY GUIDELINES FOR MANAGING CLASSROOM CONCERNS

1. Student Conduct & Faculty Responsibility

- Students must respect the rights, privileges, and property of others.
- Faculty are responsible for maintaining classroom control and a safe learning environment.
- Disruptive behavior should be reported through appropriate offices (Student Affairs, Public Safety, Title IX, Academic Integrity).

2. Faculty Expectations

- Maintain a learning environment free from interference.
- Clearly communicate expectations in the syllabus and review norms early.
- Encourage respectful, inclusive dialogue and monitor early signs of distress.
- Refer students to counseling or accessibility services when appropriate.
- Maintain professional boundaries, enforce policies consistently, ensure FERPA confidentiality, and understand escalation protocols.

3. Responding to Behavior

- Be brief and positive; avoid questioning or confronting distressed students publicly.
- Do not hover after addressing an issue—move on.
- Do not threaten students; if needed, leave and contact Public Safety, provide details, and resume if safe.
- Seek assistance from others when necessary.

4. Documentation & Compliance

- Document incidents in detail (who, what, when, where, why).
- Avoid assumptions about mental or emotional conditions—focus on observable behavior.
- Include expectations in the syllabus.
- All students, including those protected under ADA/Rehabilitation Act, are held to the same standards.

5. Support & Resources

- Faculty and staff may schedule a 30-minute consultation with Dean Johanna Gomez (718-518-6556) for student disciplinary guidance.

Sample Syllabus Language

“Help us maintain a learning environment where academic freedom thrives. Interference with instruction or services, refusal to comply with lawful directions, or unauthorized occupancy violates CUNY’s Rules for Maintenance of Public Order and mayl be referred to Student Conduct.”

FACULTY & STAFF RESPONSE CHART - LEVELS OF DISRUPTION

Imminent Threat / Emergency	Contact / Required Action
Threats, assault, suicidal ideation, extreme behavior changes	Public Safety | Chief Arnaldo Bernabe Phone: (718) 518-6888 | Room C-03 Email: Abernabe@hostos.cuny.edu Public Safety is available 24 hours a day Do NOT physically intervene.
Title IX / 504 / ADA Matters / Title VI	**Contact / Required Action**
Report sex-based misconduct, harassment, stalking, pregnancy accommodations, race and disability concerns	Chief Diversity Officer, Title IX Coordinator and 504/ADA Coordinator | Philip Oliveri, Esq. Phone: (718) 518-4284 Email: Poliveri@hostos.cuny.edu Associate Director, Deputy Chief Diversity Officer and Deputy Title IX Coordinator | Stephanie Oliviero, Esq. Phone: (718) 518-4326 Email: Soliviero@hostos.cuny.edu General Inquiries: OCD@hostos.cuny.edu
Concern (Not Emergency)	**Contact/Required Action**
Excessive Absences, Lateness, or Disagreements	Encourage Students to: • Schedule 1:1 meeting during office hours • Review syllabus & expectations • Refer to support services (Counseling, Accessibility, One Stop, CUNY CARES)
Classroom Disruption (Intervention Required)	**Contact / Required Action**
Profanity, refusal to follow directives	Public Safety | Chief Arnaldo Bernabe Phone: (718) 518-6888 | Room C-030 Email: Abernabe@hostos.cuny.edu Dean of Students | Johanna Gomez Phone: (718) 518-6556 | Room D-102D Email: Jgomez@hostos.cuny.edu Student Life Specialist | Juana Minaya Dean of Students Office Phone: (718) 518-6789 | Room D-101F Email: Jminaya@hostos.cuny.edu
Academic Integrity & Violations	**Contact / Required Action**
Copying, Cheating, Falsification, Forging, Plagiarism, Stealing, Unauthorized Use of AI, etc. - Do Not Issue Grade or Sanction until the Fact-Finding Process is Completed and Final Determination is Rendered.	Jason Buchanan | Chair, Education Depart. Associate Professor | Academic Integrity Officer Phone: (718) 518-4437 Email: Jbuchanan@hostos.cuny.edu To report an infraction, submit an Academic Integrity Form to the Academic Integrity Officer. All matters referred to the Academic

ADDITIONAL SUPPORT RESOURCES

Counseling and mental health services, academic support programs, campus safety contacts, and Student Affairs offices are available to assist faculty and staff in managing student concerns.

- **Accessibility Resource Center**
  Director, Marie Ortiz – Room M-216 | (718) 518-4263
  Mayortiz@hostos.cuny.edu

- **Counseling Center**
  Director, Fabian Wander – Room C-330 | (718) 518-4461
  Fwander@hostos.cuny.edu
  General Counseling Inquiries: infocounseling@hostos.cuny.edu

- **CUNY CARES**
  Specialist, Laura Cuevas – Room D-101M | (718) 664-2737 Ext. # 2737
  Lcuevas@hostos.cuny.edu

- **Office of Health Services**
  Nurse, Maria Vasquez – Room A-334C | (718) 518-6542
  Mavasquez@hostos.cuny.edu

- **One Stop Program**
  Coordinator, Madeline Cruz – Room D-101J | (718) 518-4141
  Mcruz@hostos.cuny.edu
  General One Stop Inquiries: (718) 319-7981

IN CRISIS? YOU ARE NOT ALONE

If a you or someone you know is experiencing a crisis, confidential help is available 24/7. Trained counselors are ready to listen, provide support, and connect you with resources.

CUNY Crisis Text Line

- Text CUNY to 741741 to connect with a trained crisis counselor via text message. This service is free, confidential, and available anytime.

Domestic Violence Support

- Call 800.621.HOPE (4673) – New York City's 24-hour Domestic Violence Hotline.
- Advocates can help with safety planning, shelter access, and emotional support.

National Sexual Assault Hotline

- Call 800.656.HOPE (4673)
- This hotline will connect you to a local crisis center for confidential support, medical guidance, and resources.

National Suicide Hotline

- Call or text 988 (or 800.273.TALK (8255))
- TTY users: Dial 711 then 988
- Chat: 988lifeline.org
- Available 24/7 for anyone experiencing emotional distress, suicidal thoughts, or concern for a friend or loved one.

ADDITIONAL RESOURCES

For more information on these policies, please visit The City University of New York policy website: policy.cuny.edu/general-policy/

The City University of New York: Academic Integrity Policy

Rules for Maintenance of Public Order: Henderson Rules

Student Conduct: Article XV

Title IX Policy: Combating Sexual Misconduct

Behavioral Intervention Team

- Dr. Althea Sterling, Vice President for Student Development and Enrollment Management
- Johanna Gomez, Associate Dean of Students
- Dr. Andrea Fabrizio, Ph.D Provost & Vice President for Academic Affairs
- Christine Dias-Singh, Executive Director of Human Resources
- Chief Arnaldo Bernabe, Director of Public Safety
- Eugene Sohn, Executive Counsel & Labor Designee

SECTION III:
Disciplinary Process Overview

CUNY Title XV establishes procedures to ensure that disciplinary matters involving alleged violations of College policy are addressed fairly, impartially, and in accordance with due process. These procedures apply to both students and employees.

When an incident or allegation is reported, the College conducts a preliminary assessment to determine whether the matter falls under Article XV of CUNY Bylaws and whether there is sufficient information to proceed. If so, the Respondent receives a written notice of charges outlining the alleged conduct, relevant policy provisions, potential sanctions, and applicable procedures. Respondents are advised of their due process rights, including the right to present their own account, be accompanied by an advisor or legal counsel at their own expense, and remain silent without any presumption of responsibility. An investigation and evidence review follows, during which relevant materials and witness statements are collected. A hearing or adjudicative process is conducted by an impartial decision-maker, allowing for a fair review of the information presented. After the process concludes, a written decision is issued. Where applicable, sanctions are imposed in accordance with Article XV of CUNY Bylaws. Appeal parties may appeal the outcome under defined grounds and timelines. Resolution once the appeal process is complete, the matter reaches final resolution.

INCIDENT REPORTING & DOCUMENTATION

Report, Report, Report! Document date, observed behavior in detail, actions taken, and referrals made. Retain records per CUNY guidelines.

CUNY ARTICLE XV BYLAWS & DISCIPLINARY PROCESSES

REPORT
An incident or allegation of prohibited conduct is reported to college official.

- *Example, Chief of Public Safety, Chief Student Affairs Officer, Dean of Students, Chief Compliance & Diversity Officer, etc.*

PRELIMINARY ASSESSMENT
A determination is made whether the matter falls under Article XV of CUNY Bylaws, Title IX, or other applicable policy and whether sufficient information exists to proceed. Title IX cases, for example, are immediately referred to the Compliance and Diversity Office/Title IX Coordinator for follow up.

WRITTEN NOTICE & DUE PROCESS RIGHTS
Written notice is issued outlining alleged conduct, applicable policies, procedures, and potential sanctions.

- *Respondents have the right to present their account, consult an advisor or legal counsel at their own expense, and remain silent without presumption of responsibility.*

DISCIPLINARY PROBATION
A student may be placed on disciplinary probation for a definite period. A copy of the disciplinary probation notice becomes a part of the student's file.

- While on probation, students may not hold offices in Student Government Organizations, Clubs or Societies or represent the college in any capacity.
- Further violations while on probationary status may result in suspension or expulsion from the college.
- A disciplinary hold will be placed on the student's record and will remain in place until completion of the disciplinary probation period.
- The student's readmission upon completion of disciplinary probation period may be contingent on other conditions, such as the completion of training that addresses specific behaviors, etc.

INVESTIGATION & ADJUDICATION
Relevant evidence and witness statements are reviewed during a fair and impartial hearing or adjudicative process.

- *As the Chair of the Behavioral Intervention Team (B.I.T.), the Chief Student Affairs Officer makes determination to either mediate student cases, activate the disciplinary probation sanction, or forward cases to the Faculty Student Disciplinary Committee for adjudication.*

WRITTEN DECISION & SANCTIONS
A written determination is issued.

- Sanctions are imposed if applicable and consistent with Article XV of CUNY Bylaws.
- Sanctions can include warning, mediation with or without conditions, referral to the Faculty Student Disciplinary Committee, etc.
- Violations to the Academic Integrity Policy are determined by the Academic Integrity Committee in Academic Affairs. The Academic Integrity Officer determines whether the infraction is severe enough to forward to the Faculty Student Disciplinary Committee for adjudication (i.e., theft of exam).

APPEAL
Parties may appeal the outcome based on established grounds and timelines.

- *Refer to Article XV of CUNY Bylaws*

FINAL RESOLUTION
Once the appeal process concludes, the matter is formally resolved and closed.

STUDENTS' RIGHTS AND RESPONSIBILITES

It is important that students understand their rights to due process. These rights are consistent at all City University of New York. These rights are housed in a document titled Article XV. This article is pur-suant to the bylaws set forth by CUNY. Every enrolled student and guest of the City University of New York is responsible for maintaining appropriate, professional behavior. Every student must follow all State, Federal and Local laws at all times during their enrollment. Additionally, all CUNY students must follow the Henderson Rules which are the outlined policies of the institution.

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