



ELMIRA
COLLEGE

2026-2027
Code of Conduct &
Accountability

(updated June 2026)

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Expectations for Students

Students are expected to abide by applicable laws and College policies and will be held accountable for their actions in accordance with the principles outlined in this document. Explicit in these expectations is that students are responsible for making their own decisions and will accept the consequences of those decisions. Students are also responsible for complying with all other applicable College policies, including those governing sex-based discrimination, sexual harassment, and other conduct addressed under the [Title IX Policy](#).

Expectations for the College

The College, in general, will:

- View the student's first year as a transitional year.
- Intervene with appropriate measures when any student's health, safety and/or academic success are determined to be at risk.
- Provide timely support and intervention for students.
- Offer activities designed to support a safe and healthy campus culture.

Authority

Authority over student conduct is vested in the Office of Campus Life, specifically the Chief Conduct Officer, who may take immediate action at their discretion for any violation of the College's Code of Conduct & Accountability. Conduct decisions issued by the Office of Campus Life resolve the matter unless appealed through the procedures outlined in this Code. Students retain the right to appeal conduct decisions in accordance with the College's appeal procedures, except in cases explicitly stated as non-appealable due to urgency or safety. The Chief Conduct Officer may delegate and exercise this authority consistent with the College's Code of Conduct & Accountability. The Chief Conduct Officer has the authority to take appropriate, interim actions to protect the safety and well-being of the Elmira College community (students, faculty and staff).

The Office of Campus Life reserves the right to amend the College's Code of Conduct & Accountability, as deemed necessary, in which case the Chief Conduct Officer will notify the Elmira College community.

Jurisdiction

The College defines students as both graduate and undergraduate students, including clubs, organizations, and affiliated entities. Students must abide by the Code of Conduct & Accountability from the time they are accepted to the College through their last date of attendance, and always while living in College-owned housing. A student who violates College policies or fails to uphold accepted standards is

subject to conduct action. The student Code of Conduct & Accountability applies to all properties owned, leased, or used by the College. Students are expected to abide by local, state, and federal laws. The institution will not provide sanctuary for those who violate such laws, and the College reserves the right to refer a student through the conduct process when a student has been charged with criminal violations. The College's policy is to submit any criminal investigation to the local police department or sheriff's office. This includes any criminal violation, misdemeanor, or violent felony criminal activity. The College reserves the right to take conduct action for incidents that occur off campus that adversely affects the health, safety, rights, educational environment, or operations of the College community.. The College reserves the right to confiscate and dispose of any items which are deemed to violate the College's Code of Conduct & Accountability. The College reserves the right to conduct a search of student living spaces when reasonable suspicion exists that a violation of the Code of Conduct & Accountability or law has occurred, and such action is necessary to protect community safety or ensure policy compliance.

Standard of Proof

Elmira College uses a preponderance of the evidence standard in all student conduct matters which means the determination will be made on the basis of whether it is "more likely than not" that a student violated the Code of Conduct & Accountability. This is often equated as "50.01%" or "50 + a feather". The preponderance of evidence standard is also utilized to adjudicate incidents or situations that occur off-campus that fall under the jurisdiction outlined herein.

College Policies and Procedures

Rules for the Maintenance of Public Order

In compliance with Education Law Section 6430 of the Laws of the State of New York, Elmira College hereby adopts the following “Rules for the Maintenance of Public Order” which shall apply to all members (students, faculty, and staff) and organizations of the College community as well as visitors, guests, licensees, independent contractors, and invitees to college-sponsored activities on college-owned or College operated property. Nothing contained in these rules is intended, nor shall it be construed, to limit or restrict the freedom of speech or right to peaceful assembly. The Board of Trustees hereby authorizes the President of the College or President’s designee to enforce these rules as provided.

Freedom of Speech and Peaceful Assembly

Elmira College supports the rights of all members of our community to express their views and to peacefully and lawfully protest actions and opinions with which they disagree. Yet the right to free speech and expression is not absolute. The U.S. Supreme Court has made several exceptions to the expression of free speech, and some forms of speech may be limited, banned, or prosecuted. These include obscenity, defamatory speech such as libel or slander, threats of violence to a person or group of people, false advertising, and what are called “fighting words,” or speech that is meant to incite an immediate retaliation from the audience.

Elmira College bans these types of speech. In addition, human and civil rights laws, including the New York State Human Rights Law and Title VI of the Civil Rights Act of 1964, demand that institutions maintain a harassment-free environment for all students and employees, specifically those who belong to one of the protected classes named in these statutes. Elmira College students, faculty, and staff are expected to uphold the values that drive the College’s mission to provide a collaborative and supportive environment that enables students to become active learners, effective leaders, responsible community members, and globally engaged citizens. Each member of the Elmira College Community is expected to balance their right to freedom of speech with the need to maintain a civil and secure environment where faculty, staff, and students can freely exchange ideas and openly engage in deliberation, debate, and learning. All members of the EC Community and visitors shall comply with this Policy. This Policy is considered part of the conditions of employment and participation in EC sponsored events or programs. This Policy applies to speech and expression that takes place on the EC campus, at EC sponsored events or programs off campus, and while employees and students are traveling and/or studying abroad.

This policy also applies to speech and expression that occurs on electronic resources (e.g., EC computers and elmira.edu email accounts) and EC owned/maintained social media sites (e.g., Facebook, Instagram, and Twitter). Members of the Elmira College community who do not conform to this policy will be subject to disciplinary action as outlined in the Student Code of Conduct (pgs. 19-25) and Employee Handbook (pgs. 69-73). Violating these terms may also open the speaker to legal action off campus. Freedom of speech is a cherished and important part of American society and is central to the mission of higher

education. Elmira College is committed to supporting speech of all sorts, including speech that might be seen as offensive or unpopular. However, the College is also committed to protecting the rights of members of its community to enjoy an educational experience that is free from harassment. From its founding, Elmira College has been committed to supporting its students' rights to expression, debate, and the free and respectful exchange of ideas; it continues to support those rights today.

Violations

The following actions are prohibited:

- Possession or use of firearms, ammunition, fireworks, use of open flames, and/or other dangerous substances, weapons, or materials that are being used as or could be used as weapons at college sponsored activities or on college-owned or operated property unless previously approved by permit through the Office of Campus Safety. Elmira College adheres to all New York State laws regarding firearms, ammunition, fireworks, and other dangerous substances or weapons.
- Interrupting, impeding, hindering, inhibiting, restricting, blocking, stopping, halting, or bringing to a standstill an event, activity, or operation of the College including, but not limited to, teaching, guest lectures, research, college business, disciplinary proceedings, activities/programs sponsored by students, or Elmira College student clubs and organizations, or activities/programs sponsored by departments, divisions, or faculty, staff, or administration.
- Unauthorized entry into, tampering with, or use of facilities, property, services, or resources belonging to the College, its community members, guests, or licensees. This includes unauthorized access to or occupation of non-public areas on college premises including classrooms, seminar rooms, laboratories, library, faculty and administrative offices, auditoriums, event venues, meeting spaces, and recreational facilities. Use of classroom space after normal class hours for study purposes will not be deemed a violation of this policy.
- Any action or situation including harassment prohibited by law or college policy, intimidation, or other conduct that recklessly or intentionally endangers or threatens the health, safety, or welfare of any person on college-owned or leased property or at college-sponsored activities.
- Conduct that substantially impairs a person's access to college programs or activities, such that the person is effectively denied equal access to Elmira College's resources and opportunities on the basis of the person's race, color, religion, sex, sexual orientation, gender identity or expression, age, marital status, familial status, military status, national origin, or disability, or perceived membership in any of these classifications.
- Hazing, defined as intentionally or recklessly subjecting any person to the risk of bodily harm, or severe emotional distress, subjecting a person to treatment intended to put that person in a humiliating or disconcerting position, or causing or encouraging any person to commit an act that would be a violation of law or college regulations for the purpose of initiating, promoting, fostering, or confirming any form of affiliation with any group, including, but not limited to, registered organizations or athletic teams on College-owned or operated property or at college-sponsored activities.
- Theft, defacing, damaging, or destroying of personal or college owned or operated property, including files and records, belonging to Elmira College, its community members, visitors, guests,

licensees, independent contractors, or invitees.

- Refusing to provide identification such as an Elmira College ID or state issued license when requested to do so by a clearly identifiable College official (i.e. supervisor, vice-president, or public safety officer) acting in the performance of his or her duties.
- Attempting or inciting others to violate any provision of these Rules.

Applicability

These Rules shall apply to all persons, including students, employees (faculty, staff, or administrators), visitors, guests, licensees, independent contractors, or invitees, organizing and/or participating in any college sponsored activity or on any college owned operated property, or on any other property or facility used by Elmira College.

Violations of these rules by faculty and/or staff, or administrators will be addressed by the appropriate vice president and may result in the rescission of permission to use college-owned, leased, or operated property for future events.

The “Rules for the Maintenance of Public Order” apply to all members of clubs and organizations operating on college-owned, leased, or operated property. Violations of these rules by student clubs or organizations will be heard by the Chief Conduct Officer (or designee) and violations of the Rules for the Maintenance of Public Order may result in rescission of permission and/or revocation of that club or organization to operate on college-owned, leased, or operated property. If, in the judgment of the Chief Conduct Officer, student members of clubs or organizations have violated the Rules for the Maintenance of Public Order, the procedures established for adjudicating individual violations of these rules shall be followed.

Visitors, including guests, licensees, independent contractors, or invitees, shall at all times conduct themselves in a manner that is consistent with the Rules for the Maintenance of Public Order on college premises, and their privilege to remain on college property shall automatically terminate upon breach of these Rules. The College, in addition, reserves the right to withdraw, at any time, the privilege of an independent contractor, invitee, or licensee to be on college premises. A trespasser has no privilege of any kind to be on college property but is nevertheless subject to these Rules governing the maintenance of public order.

Removal from Premises

Any person while on college-owned or college-controlled premises who violates these Rules or refuses the request or command of an authorized Elmira College official to desist in any prohibited conduct may be ejected from the entire campus, from the property being utilized for an event, or any such premises where the conduct constitutes a substantial danger to public order on such premises.

Penalties

All the penalties listed below will be in addition to possible removal from campus and any criminal

penalty under the penal law or any other law to which a member of the campus community, visitor, guests, licensee, independent contractor, or invitee may be subject to.

Students: In the case of a student violator, penalties may include suspension, expulsion, or other appropriate disciplinary action in accordance with the Student Code of Conduct & Accountability. Individual student violations of the Rules will be heard through the College judicial system as constituted in section "Student Code of Conduct & Accountability", subject to the range of possible sanctions therein.

Faculty, Staff or Administration: In the case of a violation by an individual member of the faculty, staff, or administration, penalties for violations may include suspension or termination from employment, or other appropriate disciplinary action in accordance with the respective policies covering the individual.

Non-community members: Violations by non-community members, including invited or uninvited guests, licensees, or invitees, will result in the offender's immediate removal from the campus and possible criminal prosecution and/or permanent barring from the premises.

Organization: If a recognized or unrecognized club or organization authorizes conduct in violation of these Rules, penalties may include rescission of permission for that organization to operate on campus property.

Good Samaritan Policy

If Residence Life or Campus Safety staff are contacted to provide emergency care to an intoxicated or impaired student, the individual who sought assistance may not face disciplinary sanctions—even if their own alcohol or drug use is revealed—provided the intent was to help another student in need.

Missing Student Policy

It is the policy of Elmira College to investigate any report of a missing student who is enrolled and attending classes. This policy, with its accompanying procedures, establishes a framework for cooperation among members of the College community aimed at locating and assisting students who are reported missing.

A student is deemed missing when absent from the College, including during trips or athletic events, without known reason. All reports must be directed to Campus Safety at 607-735-1777. Campus Safety will lead the investigation in collaboration with Campus Life staff and determine the student's status.

Students may designate a confidential contact, to be notified within 24 hours if they are determined missing. This can be submitted via [MyEC](#). Only the Dean of Students and law enforcement officials may access this information.

If the missing student is under 18 and not emancipated, their custodial parent or guardian will be notified within 24 hours of a confirmed missing status. The College will notify local law enforcement within 24

hours of any report.

Elmira College will contact local police and other law enforcement agencies no later than 24 hours after the institution receives a report that any student is missing.

Given the various housing options at Elmira College, there is no formal procedure or prescribed timelines for monitoring whether students are present in their assigned student housing. Student welfare and safety is paramount to Elmira College; however, the institution recognizes and makes known its limitations in obtaining accurate and timely information on the whereabouts of students.

The Office of Campus Life shall have the responsibility to make the provisions of this policy and the procedures set forth below available to students.

Procedures:

Any report of a missing student, from whatever source, must immediately be directed to the Office of Campus Safety.

When a student is reported missing the Office of Campus Safety will:

1. Initiate an investigation;
2. Inform the Office of Campus Life;
3. Determine the status of the student;
4. Notify local law enforcement within 24 hours;
5. If the student is missing from a trip sponsored by the institution, the Office of Campus Safety, in collaboration with the staff member on the trip, will contact local law enforcement.

Upon determining the student is missing the Office of Campus Life will:

1. Notify the student's confidential contact within 24 hours of making the determination that the student is missing;
2. Notify the parent/guardian (if under 18 and not emancipated);
3. Inform Senior Officers;
4. Take any additional actions in the student's best interest.

Student Contact Information:

In addition to having the option to identify a "confidential contact person" as provided in this policy, all students are asked to submit emergency contact information and update it yearly. The Office of Residence Life will verify and collect emergency contact information from residential students during fall move in.

Student Notification of This Policy:

- Included on the Campus Life and Campus Safety webpages and on the student tab in [MyEC](#) Portal.
- Discussed during mandatory community gatherings at the beginning of each semester.

- Included in the Annual Campus Security and Fire Safety Report.

Residential Age Policy

The College defines the residential student age range as ages 17-26. Students outside this range may request on-campus housing, which will be considered on a case-by-case basis by the Office of Residence Life.

Commuter Policy

Students must obtain permission from the Associate Dean of Students to live off campus. Students may automatically qualify for off-campus residency if they meet one or more of the following criteria:

- Married;
- Living with and responsible for dependent children;
- Living with a parent/legal guardian in the Elmira area:
 - Students enrolled before Fall 2024: within 30 miles;
 - Students enrolling Fall 2024 or later: within 60 miles;
- Enrolled part-time;
- Military veterans (having been deployed and/or providing DD214 paperwork). ROTC, Reserves, or basic training do NOT receive exemption;
- 23 years of age or older on/by the start of Term I
- Sole homeowner (mortgage in student's name) within 30 miles of campus. Note: Properties owned by groups or family investments are not considered valid for this exemption.

Bicycles Policy

Bicycles must be stored overnight in the Meier Hall archway storage room. Daytime use may include racks across campus. Register your bicycle with Campus Safety to receive storage room access via your Student ID. Bicycles chained to fences, light posts, or stored in building interiors will be removed.

Parking Permits, Regulations & Registration Policy

All students and employees must register their vehicles within one week of arrival or within 24 hours of bringing the vehicle to campus. Register at the Campus Safety Office (710 Park Place, Elmira, NY 14901) or through [MyEC](#). It is strongly recommended that all students and employees park in College-provided parking lots. The College reserves the right to limit issuance so as to prevent exceeding the number of available spaces.

Registration requirements:

1. Valid N.Y.S. license and registration;
2. A vehicle must be operated by and registered to the applicant or a family member.

Sticker Policy:

- Stickers are valid for all campus lots but do not guarantee a reserved space.

- Stickers must be affixed to the bottom left corner on the rear windshield glass window.
- Lost/damaged stickers must be replaced within 24 hours.
- Stickers are non-transferable; misuse may result in revocation.
- The parking stickers issued by the College are the property of Elmira College.
- Parking Stickers do not need to be requested annually.
- Any changes, tampering with, or misuses of the stickers may result in the withdrawal of the stickers.

Parking Regulations

Parking in the following places is prohibited at all times:

1. Sidewalks, crosswalks, grass/lawns;
2. Driveways, doorways, or steps;
3. Fire lanes, hydrants, loading zones;
4. Unauthorized inner-campus roads;
5. Reserved spaces (e.g., Facilities, Auction Winners, Residence Life);
6. Handicapped spots without proper permits.

Only authorized College vehicles and emergency vehicles (patrol cars, ambulances, fire trucks) are authorized to drive on the inner campus roadways and walks. Insurance and safety regulations forbid parking of automobiles, motor scooters, and motor bikes inside or under cover of any building or extension of such a building.

Any vehicle on college property including but not limited to campus parking lots in violation of the above rules and parking regulations or not registered with Campus Safety is subject to being towed, at the vehicle owner's expense.

The fines may be imposed upon any person subject to these rules and regulations for any violations listed on the parking ticket. The registering of a vehicle at the College is held to constitute an agreement on the part of the registrant to abide by the College rules and regulations with regard to traffic and parking. All fines are to be paid at the Business Office located in McGraw Hall. Tickets not paid within ten days of issuance are subject to a \$10 late fee charge.

Parking Violation - Fines

Fines are detailed in the Parking Violation ticket received if a violation of the parking regulations occur. Review the list of fines for your reference including, but not limited to:

1. Tier 1: Warning - No Fine
 - a. First-time minor violations
2. Tier 2: \$25
 - a. Not in designated parking lot
 - b. Parked over line, occupying 2 parking spaces
 - c. Not in parking space, too far from curb

3. Tier 3: \$50
 - a. Not displaying registration decal
 - b. Parked on sidewalk, grass, or curb
 - c. Parked in loading zone
 - d. Blocking driveway or crosswalk
 - e. Parked in reserved area
 - f. Unauthorized driving on inner-campus roads or walkways
 - g. Handbook-Prohibited street parking
4. Tier 4: \$100
 - a. Parked in firelane or blocking hydrant
 - b. Parked in handicapped space

Parking Violation Appeals

Appeals must be submitted in writing within three business days of the violation. Appeal forms are available at the Campus Safety Office.

1. First appeal: Director of Campus Safety
2. Second appeal (if denied): Dean of Students, within three business days of the Director's decision

City of Elmira Odd-Even Parking Ordinance

The Elmira Police Department enforces an odd-even parking ordinance on city streets. Under this ordinance the following parking restrictions apply for the entire year:

- Between 2 a.m. and 7 a.m. on days with even numbers according to the calendar, vehicles may be parked only on the even (house numbers) side of the street.
- Between 2 a.m. and 7 a.m. on days with odd numbers according to the calendar, vehicles may be parked only on the odd (house numbers) side of the street.

Note: this does not apply where parking is otherwise restricted by signs and where parking is restricted or prohibited on one side of the street for a full city block. Questions may be directed to the Campus Safety or Elmira Police Department Traffic Bureau, 607-737-5640.

Reserved Handicapped Parking - Elmira College will only honor disability parking permits issued by the Department of Motor Vehicles or by Town Clerks.

Temporary Permits - permits valid in designated lots stated on the permit are issued to short-time staff and departments needing temporary parking in restricted areas.

Visitor Spaces – Parking spaces reserved for visitors are reserved 24 hours a day. Vehicles with current parking stickers are prohibited from parking in spaces reserved for visitors at all times.

Wellness Check Response Policy

The institution is committed to maintaining a safe and supportive living and learning environment. When wellness checks are conducted due to concerns about a student's safety or well-being, the following tiered response model will guide staff actions:

- Tier 1: Initial Outreach:
Wellness checks will be documented, and the student will receive outreach from a staff member offering resources and support.
- Tier 2: Elevated Support:
Students who require multiple wellness checks may be referred to the Behavioral Intervention Team or Counseling Services for proactive engagement and development of a wellness plan. Parent/guardian notification may be considered in accordance with applicable laws. The College will consider frequency, severity, and pattern of concern when determining whether elevated support or administrative review is warranted.
- Tier 3: Administrative Review:
Repeated wellness checks that indicate a pattern of concern will result in an administrative review by the Dean of Students and the Associate Dean of Students. Outcomes may include mandatory meetings, Student Success & Safety Plan review, or referral to the student conduct process if policy violations are involved.

Note: Wellness checks are not disciplinary in nature unless policy violations are present. The purpose of this model is to balance student care with community safety, ensuring consistent response while connecting students to appropriate support services.

Elmira College Policy Statement on Alcohol

Elmira College is committed to educating students about the legal, responsible, and safe use of alcohol. The College strives to maintain an academic environment that respects individual freedom while promoting the health, safety, and welfare of all community members.

In alignment with New York State law, the College has established policies governing the possession, consumption, and distribution of alcoholic beverages on campus. The College also sponsors educational programs that increase awareness of the physical, psychological, social, and behavioral effects of alcohol use.

Elmira College encourages students to make informed and responsible decisions regarding alcohol consumption. The College supports healthy, lawful, and safe social interaction and provides resources and assistance for students experiencing alcohol-related challenges. The misuse of alcohol is not tolerated, regardless of the student's age.

The College's primary responsibility is to preserve an environment conducive to academic success and personal development. All students have the right to quiet residential spaces, including on weekends.

Students are expected to behave respectfully and in ways that do not:

- Disrupt the residence halls,
- Infringe on others' rights to study or sleep,
- Damage College property,
- Bring discredit upon themselves or the College, or
- Compromise the rights, freedoms, or safety of others.

Elmira College is committed to educating students on risk-reduction strategies related to alcohol and other drug use. Staff will provide opportunities for students to develop responsible approaches to social situations involving these substances. This policy includes campus-wide education on the signs and symptoms of substance misuse, including overdose.

If students are experiencing alcohol-related difficulties, the College will provide support on campus and referrals to external resources as needed.

On-Campus:

- Clarke Health Center: (607) 735-1750 or extension 1750

Off-Campus:

- Alcoholics Anonymous: (607) 737-6733 or www.aa.org
- Alcohol Treatment Center (24-hour Hotline): (877) 478-5777
- Arnot Health St. Joseph's Hospital – "New Dawn" (Inpatient): (607) 737-7802
- Trinity of Chemung County: (607) 737-5215 for treatment; (607) 737-5218 for prevention:
<https://casa-trinity.org/>

Policies and Prohibited Conduct

Alcohol Policy

- Possession or consumption of alcohol by individuals under the age of 21 is strictly prohibited.
- Students aged 21 or older may possess and consume alcohol only in their assigned residence hall room or living space.
- Students aged 21 or older may not consume alcohol in the presence of individuals under the age of 21.
- Underage students may not knowingly possess, consume, or remain in a residential space where alcohol is being consumed or possessed in violation of College policy.
- Open containers of alcohol are not permitted on College premises, except within residence hall rooms, suites, or apartments assigned to students who are 21 or older and who do not share the space with underage students.
- Alcohol consumption is prohibited in public areas (e.g., the Fountain, quads, athletic fields, building lobbies, hallways, lounges), unless expressly permitted at College-sanctioned events.
- Engaging in acts of public drunkenness, vandalism, disorderly conduct, harassment, or infringement of the rights or privacy of others.
- The following are also prohibited:
 - Public intoxication or drunkenness.
 - Vandalism, disorderly conduct, harassment, or behavior that infringes on the rights or privacy of others.
 - Activities or paraphernalia that encourage rapid or excessive consumption of alcohol (e.g., beer funnels, drinking games, large beverage dispensers).
 - Alcohol consumption resulting in significant impairment, medical intervention, or transport attributable to alcohol use.
 - Providing alcohol to any individual under the age of 21.
 - Being under the influence of alcohol in violation of any College policy.
 - Possession or use of kegs, mini-kegs, or other large-quantity alcohol containers.

Arson

The willful, intentional setting of a fire to a structure, property, or vehicle.

Bias-Related or Hate Crime

A criminal act that intentionally targets a victim based on the victim's actual or perceived race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability, or sexual orientation.

Bullying

Bullying includes the infliction of physical, verbal, or psychological harm through teasing, threats, intimidation, stalking, harassment, physical violence, or property destruction. Bullying may occur in

person or through electronic communication.

Complicity

Acts of complicity; aiding, abetting, attempting, conspiring, hiring, willfully encouraging or being an accessory to any violation of Code of Conduct & Accountability.

Conduct that Threatens Health or Safety

Conduct that causes, attempts to cause, or threatens immediate physical harm to oneself or another person, including physical violence, credible threats, severe impairment, or other behavior that poses a direct and significant danger to health or safety.

Discrimination

Discrimination on the basis of the following protected classes: race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, criminal conviction, or any other characteristics protected under federal or state law **will not be tolerated** and will be adjudicated through the official student conduct process.

Disorderly Conduct

Behavior that disrupts, interferes with, or unreasonably disturbs the normal operations of the College or the rights of others, including but not limited to excessive noise, disruptive behavior, or conduct that interferes with teaching, learning, administrative functions, or residential living.

Endangerment

Any reckless or negligent action that creates a substantial risk to the health, safety, or well-being of oneself, another person, or the community, regardless of whether injury actually occurs.

Failure to Comply

- Failure to comply with a reasonable and legal directive from a College employee.
- Failure to comply with a lawful request from a law enforcement officer.
- Providing false information or lying to College officials or law enforcement agencies.
- Failure to complete college issued conduct sanctions.
- Failure to exit the building during a fire alarm.
- Failure to adhere to public health and safety guidelines implemented by the College during health emergencies (e.g., infectious disease outbreaks). This includes failure to follow directives related to quarantine, isolation, face coverings, testing, or other measures as required by the College or public health authorities.

Falsification of Information

Furnishing false or misleading information to the College, or engaging in other forms of dishonesty, including:

- Knowingly making false statements to any College official or conduct body.
- Forgery or alteration of College documents, records, or identification.
- Possession or use of forged, falsified, or unauthorized identification cards or documents.

Gambling

Participating in or offering any game of chance for money or personal gain in violation of New York State law.

Hall Sports

Engaging in sports or physically active games in residence halls, hallways, stairwells, or other indoor common spaces—except in designated recreational areas or with College-provided equipment in approved lounges.

Harassment

Repeated or severe non-sexual conduct that creates an intimidating, hostile, or unsafe environment for another person.

Hazing

Hazing includes any group or individual action that endangers the mental or physical health or safety of a person, or causes embarrassment, degradation, or humiliation—regardless of intent, location, or consent. Refer to [Stop Campus Hazing Act](#) for additional context.

Hazing is prohibited even if not a condition of initiation or membership, and applies to all members (active, new, prospective, or otherwise) of a group or organization.

Examples include, but are not limited to:

- Interference with a student's academic performance.
- Forced or coerced consumption of alcohol, drugs, or food.
- Forced wearing of conspicuous or inappropriate clothing.
- Exclusion from social contact or forced isolation.
- Physical abuse, such as paddling or branding.
- Psychological abuse, including berating or line-ups.
- Forced physical exertion or sleep deprivation.
- Food or water deprivation.
- Kidnapping, abandonment, or weather exposure.
- Servitude or degrading tasks.
- Any unlawful or College policy-violating activity expected of new or current members.

Illegal Drugs

The unlawful manufacture, distribution, possession, or use of controlled substances, including misuse of prescription medication and possession of drug paraphernalia, is prohibited.

Marijuana use is not permitted on campus, regardless of state law. As a recipient of federal funding, Elmira College must comply with federal law, which classifies marijuana as a Schedule I controlled substance. This includes both medical and recreational marijuana use.

Irresponsible Social Conduct

Failure to uphold responsible social behavior that reflects positively on the Elmira College community, whether in person or online. Students are expected to demonstrate good citizenship both on and off campus.

Pets

Students are not permitted to have pets on campus unless in approved pet-friendly housing.

The following exceptions apply:

- Fish in non-aggressive species, housed in aquariums no larger than 10 gallons.
- One small mammal (hamster, gerbil, fancy rat, or guinea pig) in a small-to-medium cage in ten-gallon size or dimensions of 20" L x 10" W x 12" H.
 - Students must complete and submit a Small Mammal Pet Policy Form to Residence Life prior to bringing a small mammal to campus.
- Approved Emotional Support Animal (ESA) or Service Animal
- Note: Meier Hall only permits fish; no other animals are allowed.

To apply for pet-friendly housing, contact the Office of Residence Life.

The following behaviors are strictly prohibited:

- Neglect: Failure to feed, water, clean up after, or attend to an animal's medical needs;
- Abuse: Physical harm, shouting, or improper handling;
- Abandonment: Leaving an animal without care or supervision;
- Improper confinement: Keeping an animal in a cramped, dirty, or unsafe space;
- Disruption: Allowing the animal to create ongoing disturbances (e.g., barking, damaging property).

Posting Policy

Any paper advertisements, flyers or posters for posting on campus must be approved and stamped by the Office of Campus Life. Events are limited to 20 copies and may only be posted in designated areas.

Prohibited Items or Actions

Students found in possession of prohibited items or engaging in prohibited actions will be fined \$25 per violation. The charge will be automatically added to the student's billing account when items are confiscated by Residence Life.

The following items/actions are strictly prohibited:

- Substances:
 - Possession of illegal drugs or drug paraphernalia.
 - Alcohol in first-year residence halls or by students under 21.
- Fire and Heat Hazards:
 - Open flames (candles, incense, hot wax devices).
 - Open fires, bonfires, fire pits, or homemade fireplaces.
 - Flammable liquids (e.g., lighter fluid, gasoline, propane, charcoal).
 - Fireworks.
 - Halogen lamps, neon signs, black lights, or heat lamps.
 - Charcoal, propane, electric, and portable grills of any kind are prohibited on campus, including outdoor use near residence halls.
 - Unauthorized use of wood-burning fireplaces (unless approved and trained by the Office of Residence Life).
- Cooking and Appliances:
 - Toasters, hot plates, popcorn poppers, griddles, irons, air fryers (unless in living space with a kitchenette).
 - Non-college microwaves (only approved microwaves in pantries or Microfridge rentals allowed).
 - Air conditioning units or personal space heaters.
 - Extension cords (except UL-rated surge-protected power strips with 3-prong plugs).
- Furniture and Room Modifications:
 - Removal of College furniture without written permission.
 - Blocking exits or paths with furniture.
 - Lofted beds not provided by the College.
 - Bed risers with electrical outlets or makeshift risers (e.g., bricks, wood).
 - Bed tents or draping fabric around beds.
 - Unauthorized modifications to College rooms, furnishings, walls, ceilings, floors, doors, fixtures, or infrastructure, including wallpaper, contact paper, paint, adhesive tiles, mounted fixtures, or other permanent or semi-permanent alterations.
 - Approved temporary decorations that do not damage surfaces may be permitted as outlined by Residence Life guidelines.
- Wall and Ceiling Decorations:
 - Hanging anything from ceilings, fire alarms, smoke detectors, or sprinklers.
 - Tapestries, flags, jerseys, or fabric items over 3'x5' on vertical surfaces (unless framed).
 - Posters may not cover more than 20% of wall space.
 - No more than one (1) flag/tapestry or (2) jerseys per student.

- Games and Fixtures:
 - Dartboards or wall-mounted games that may damage College property.
- Other:
 - Plug extenders, non-UL-rated adaptors.
 - Flushing any kind of “flushable” wipes (must be disposed of in trash).
 - Any item or behavior deemed a health or safety risk by College officials or in violation of New York State Fire Law.

Quiet Hours

Quiet hours in all residence halls are defined as:

- 10:00 p.m. to 8:00 a.m., Sunday through Thursday
- 2:00 a.m. to 10:00 a.m., Friday and Saturday

Courtesy hours are in effect 24/7, meaning residents must be respectful of noise levels at all times. During final examination periods, 24-hour quiet hours will be strictly enforced in all residential areas.

Per Elmira City Code, audible noise after 10:00 p.m. constitutes a noise ordinance violation. Therefore, all large outdoor gatherings must end by 9:59 p.m., including but not limited to:

- Gatherings at the fountain
- Gatherings behind the Cottages.
- Events on College quads and fields

Residential Guest Policy

A “guest” is defined as:

- A non-student who meets the College’s age requirements for residential guests
- An Elmira College student visiting a residence hall or room that is not their assigned space

Guests may stay on campus for up to three nights within a seven-day period, and no more than twice per month, provided all roommates approve. The College reserves the right to deny or remove guests from campus at their discretion. Guests who perpetually violate the College Code of Conduct & Accountability may be permanently banned from campus.

All overnight guests must be pre-registered with the Office of Residence Life before their arrival. Registration forms are available through the assigned Resident Assistant and on [MyEC](#).

Other guest policies are as follows:

- No one may sleep in public areas of the residence halls.
- Overnight guests are required to follow all policies outlined in the College Code of Conduct & Accountability. Elmira College students must assume responsibility for informing guests of the College’s regulations and are responsible for the actions of their guests.
- Accommodations are not available in the residence halls for parents or children.

- Guests must be accompanied by their host at all times while on campus.
- The College reserves the right to deny guest access based on known safety concerns, criminal history, active no-trespass orders, or other relevant information.
- Guest vehicles on campus must be registered with the Office of Campus Safety.
- The Offices of Residence Life and Campus Safety reserve the right to remove any guest from campus at any time to maintain community safety.

Retaliation

Retaliation by or against students, staff, faculty, administrators, or any other individual involved in a College investigation is strictly prohibited. This includes, but is not limited to:

- Threats or acts of violence
- Damage to personal property
- Adverse academic or employment consequences
- Ridicule, bullying, ostracism, or intimidation

Room Key Responsibility/ Lockout Fee

Students are responsible for the room key assigned to them at check-in. Lost keys incur a \$100 replacement fee.

Lockout assistance will result in an escalating fee schedule, starting at \$5 per incident, doubling with each subsequent lockout. Fees reset at the start of Term I and Term II.

Room Responsibility and Community Charges

Residents are responsible for damages, prohibited items, and policy violations occurring within their assigned room, suite, cottage, and shared common areas. Residents may also be held responsible for the actions of their guests.

Students must submit a completed Room Condition Report (RCR) within 24 hours of check-in. Failure to do so may limit or waive the student's ability to dispute damage charges unless otherwise approved by the Office of Residence Life.

Damage charges to shared community spaces may be divided among residents when individual responsibility cannot be determined. Students may request a review of assessed charges through the Office of Residence Life. A minimum administrative charge of \$25 may apply to community damage assessments.

At the end of the academic year, students are required to fully vacate their assigned space, remove all personal belongings, and dispose of trash in designated disposal areas. Failure to properly clean or vacate the space may result in cleaning, disposal, or removal charges.

Sexual Assault/Misconduct

Refer to the Policy Against Sexual Harassment and Other Sexual Misconduct, located at the end of this document.

Shirt/Shoes Requirements

Students must wear both a shirt and shoes when entering public buildings, including classrooms, administrative offices, the Campus Center, Clarke Health Center, and Gannett-Tripp Library.

Smoking & Electronic/Vapor Smoking Policy

Elmira College is a smoke-free campus. Smoking and vaping are prohibited on all College grounds, including the Murray Athletic Center.

- Smoking or vaping is not permitted within 50 feet of any building entrance.
- Smoking and vaping are prohibited in all College buildings and in outdoor areas covered by a permanent roof.
- Hookahs are not permitted on College property under any circumstances.

Solicitation

Solicitation and business operations on campus are subject to strict regulation:

- No individual or organization may sell products, promote services, or solicit funds on College property without prior written approval from the Office of Campus Life.
- Students are not permitted to operate a business from their residence hall room or any other College facility.
- Student organizations or individuals must obtain written approval from both the Office of Advancement and the Office of Campus Life before soliciting funds from any off-campus individuals, businesses, or organizations.

Tampering with Safety Equipment

Tampering with, misusing, or falsely activating safety equipment is strictly prohibited and includes:

- Triggering false fire alarms
- Tampering with fire extinguishers, fire alarms, sprinkler heads, or emergency exit signs
- Damaging or disabling proximity card readers or electronic door locks
- Disabling or tampering with security cameras or emergency phones
- Interfering with any safety equipment installed by the College

Violations will result in disciplinary action, and may also incur College and/or civil penalties, as the safety of our community is paramount.

Theft

Theft includes, but is not limited to:

- Unauthorized possession or removal of another person's property, including student ID cards
- Possession of stolen items

Unauthorized Use, Entry, or Exit

The following actions are prohibited:

- Unauthorized entry into restricted areas
- Climbing on fountains, statues, or other campus structures
- Using windows or unauthorized doors to enter or exit buildings
- Moving into a room without proper approval
- "Squatting" or hosting unregistered long-term guests
- Propping doors open or entering through propped doors
- Using another student's ID or key to access a building or room

Unauthorized Use of the EC Network

Proper use of College IT resources follows the same standards of common sense and courtesy that govern the use of other public facilities. Therefore, the basic premise of the AUP is that College IT resources are permitted to be used in order to perform and/or support legitimate instructional and/or research activities and work.

Examples of improper use include, but are not limited to:

- Any use of College IT resources unrelated to legitimate instructional or research computing if it interferes with another user's legitimate instructional or research computing;
- Any use of College IT resources that violates another person's intellectual property rights;
- Any use of College IT resources that violates another person's privacy;
- Any use of College IT resources that violates any other Elmira policy, any local, state or federal law, or which is obscene, defamatory, harassing, discriminatory, or may damage the College's good name and reputation;
- Any use of College IT resources resulting in commercial gain or private profit (other than allowable under the College's intellectual property policies).
- Any violation of the "Acceptable Use of Computers and Information Technology Resources" policy which can be found in [MyEC](#).

Uncivil Conduct

Uncivil conduct includes behavior directed toward another person that is intended to harass, intimidate, demean, alarm, or substantially interfere with that individual's ability to participate in the College community. This includes repeated unwanted communication through phone calls, text messages, email, social media, or other electronic means after being asked to stop.

Vandalism

Vandalism includes:

- Damaging or destroying College property
- Damaging or destroying another student's personal property
- Damaging or destroying community or neighboring property

Violation of Federal, State, or Local Law

Any student conduct that violates federal, state, or local law is also a violation of College policy.

Weapons, Firearms and Explosives

Possession or use of weapons and explosives is strictly prohibited on all College property. This includes, but is not limited to:

- Firearms and replicas
- Paintball guns, pellet guns, air rifles, air pistols, BB guns
- Bows and arrows, stun guns, Tasers
- Knives, martial arts equipment, pyrotechnics, firecrackers, and pepper spray

Additionally, the use of any object as a weapon, or in a manner that could cause harm (e.g., throwing water balloons or cans), is prohibited.

Exception: Water balloons, Nerf guns, and snowballs are allowed only during College-sanctioned events and must be used outdoors only.

Conduct Referral

When a potential violation of College policy occurs, a College staff member will document the incident in a report. This report will include all individuals present at the time or, if no one is present, those who reside in the space, along with observed facts.

Once the report is submitted, the involved student(s) will receive a notification letter outlining the potential policy violation(s), details of the conduct process, and the name and contact information of the conduct officer or board assigned to review the case.

Incident reports may also be submitted by any member of the College community through the College's [website](#). The form can be found in the homepage of [MyEC](#), or access directly here: [Elmira College Incident Report Form](#)

Reports should include the following:

- Name(s) of the individual(s) involved,
- A description of the conduct or situation,

- The date, time, and location of the incident.

The Chief Conduct Officer or their designee will review the report to determine the appropriate level within the conduct system for adjudication. Allegations that fall under the College's [Title IX Policy](#) are referred to the Title IX Coordinator and are addressed through the procedures outlined in that policy rather than this Conduct Process.

Conduct Process

The College adjudicates conduct cases through various formats, including individual meetings, group meetings, and Conduct Committee hearings. The Chief Conduct Officer determines the appropriate format for each case. This process does not apply to matters governed by the [Title IX Policy](#), which follow separate federally mandated procedures.

Administrative Hearings

Administrative hearings are conducted by a designated Conduct Officer—an administrator trained to investigate, adjudicate, and assign sanctions. These hearings provide an opportunity to:

- Review the facts of the case,
- Discuss possible outcomes,
- Engage the student in an educational conversation regarding their alleged conduct.

Conduct Committee

The Conduct Committee is authorized to deal with violations of the College's rules and regulations. The Conduct Committee is authorized to impose sanctions, including expulsion (as hereinafter defined) in appropriate situations. The Conduct Committee is composed of members of the College's Administration who have been trained to investigate, adjudicate, and sanction violations of the Code of Conduct & Accountability.

Hearing Procedures

Once an incident report is submitted, the following steps occur:

1. Referral
 - a. The Chief Conduct Officer assigns the report to a Hearing Officer or the Conduct Committee.
2. Notification
 - a. The accused student receives written notice including:
 - i. Alleged violation(s),
 - ii. Hearing details (time, date, and location) or appointment scheduling link,
 - iii. Contact information for the Hearing Officer.
3. Attendance
 - a. Students are required to attend their scheduled hearing. Failure to attend, without prior

notice of extenuating circumstances, may result in the hearing proceeding in the student's absence and potential sanctions being imposed.

4. Privacy
 - a. All hearings are closed to the public. The hearing process is designed to ensure fairness and consistency in the application of College policy.
5. Witnesses
 - a. Students wishing to present witnesses must notify the Chief Conduct Officer at least 24 hours in advance to confirm relevance. In administrative hearings, the Hearing Officer may independently contact witnesses if necessary.
6. Charge Updates
 - a. If new information is presented during a hearing, charges may be amended accordingly.
7. Outcome Notification
 - a. The Hearing Officer or Conduct Committee will provide a written decision that includes:
 - i. Whether the student was found "responsible" or "not responsible,"
 - ii. A rationale for the decision,
 - iii. Any sanctions imposed.

Hearing Rights

All students involved in a conduct hearing will be given the opportunity to:

- Present their version of events,
- Provide relevant information,
- Make summary statements, if applicable.

Notification to Parents Regarding Illegal Alcohol and Illegal Drug Use by Students

Elmira College recognizes that college is a time of personal growth and exploration. At the same time, alcohol and controlled substance use can result in serious harm to students and the campus community.

In accordance with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. §1232g; 34 CFR Part 99) and New York Education Law §6438-d, Elmira College maintains the following policy regarding notification of parents, guardians, or designated emergency contacts when students under the age of 21 are involved in alcohol- or controlled substance-related incidents.

Elmira College makes its policy on parental, guardian, or emergency contact notification publicly accessible in accordance with Education Law §6438-d through Elmira College official publications and institutional websites.

For students under the age of 21, Elmira College may notify a parent, guardian, or designated emergency contact when a student is found responsible for or involved in:

- Violation of College policies related to alcohol or controlled substances
- Violation of federal, state, or local laws involving alcohol or controlled substances

- Alcohol- or controlled substance-related medical emergencies, including hospitalization or overdose
- Other rule infractions involving alcohol or controlled substances that raise concern for student or community safety

Notification decisions are made on a case-by-case basis by the Chief Conduct Officer or their designee. The College considers relevant circumstances, including but not limited to:

- Severity of the incident or violation
- Whether the incident involved hospitalization, overdose, or other medical emergency
- Whether there is a significant concern for the health or safety of the student or others
- Whether there is a pattern of prior or repeated violations
- Any other relevant safety or welfare considerations

Lower-level violations (such as alcohol confiscation or underage possession/consumption without aggravating circumstances) typically do not result in notification.

However, medical emergencies involving alcohol or controlled substances, including hospitalization or overdose, will generally result in notification, consistent with FERPA's health and safety emergency exception.

For students under 18 years of age, Elmira College will notify a parent or legal guardian of any violation of law or College policy involving alcohol or controlled substances.

In accordance with FERPA (20 U.S.C. §1232g; 34 CFR Part 99) and New York Education Law §6438-d, Elmira College provides regular training to relevant administrators and staff, including on-call personnel and student conduct professionals.

This training includes:

- The FERPA health and safety emergency exception
- Appropriate disclosure of student information in emergencies involving alcohol or controlled substances
- Institutional responsibilities in responding to alcohol- or controlled substance-related hospitalizations or overdoses
- Procedures for timely and appropriate notification of parents, guardians, or emergency contacts

Training is conducted on a recurring basis as determined by the College and is incorporated into existing FERPA and student conduct training programs.

Role of the Advisor

Students may choose one advisor from among eligible staff or faculty members to assist them during conduct proceedings. Eligible advisors may include, but are not limited to, academic advisors or coaches; however, these individuals are not automatically assigned to serve in this role.

Students may ask their advisor to:

- Review information related to the conduct process prior to a meeting or hearing
- Attend a conduct meeting or hearing for support

Advisors are not automatically included in Conduct Committee proceedings. It is the student's responsibility to identify and invite an advisor and to notify the Conduct Hearing Officer at least 24 hours in advance of any meeting or hearing the advisor will attend.

Advisors do not have access to conduct records and must receive any necessary information directly from the student. Advisors do not participate in decision-making and may not speak or act on behalf of the student during any meeting or hearing. The student is responsible for presenting their own information and responding to questions.

Parents, guardians, or other family members may not serve as advisors and are not permitted to attend conduct meetings or hearings, except where required by law or approved as a reasonable accommodation.

Students are encouraged to use their advisor for guidance, preparation, and support throughout the conduct process.

For more information about the role of an advisor, students may meet with their assigned Conduct Hearing Officer.

Administrative Hearing Officer

An Administrative Hearing Officer serves as a conduct agent of the College. The Chief Conduct Officer may appoint individual college administrators to serve in the capacity of Administrative Hearing Officers. Individuals serving in such a position may make conduct decisions and impose sanctions up to conduct warning (as hereinafter defined). Administrative Hearing Officers are annually appointed by the Chief Conduct Officer.

Examples of Conduct Sanctions

The level of sanction will depend on the nature of the violation and will also consider the individual's conduct history. The following list of sanctions is not exhaustive. Conduct agents may impose any single sanction, a combination of sanctions, or any not prohibited by State and Federal Law.

- Housing relocation
 - Permanent or temporary housing reassignment
- Housing probation
 - A written reprimand for violating specified housing regulations. This status is assigned for a designated period and may lead to more serious consequences such as housing

suspension or removal if the student is found to be violating any institutional regulation(s) during the period.

- Housing suspension
 - Separation of the student from the residence halls for a definite period of time, without refund, after which the student is eligible to return. Conditions for readmission may be specified.
- Housing removal
 - Permanent separation of the student from the residence halls, without refund.
- Disciplinary warning
 - A notice in writing to the student that the student is violating or has violated institutional regulations.
- Disciplinary probation
 - A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulation(s) during the period.
- Suspension with Transcript Notation
 - Separation of the student from the College for a definite period of time, without refund, after which the student is eligible to return. Conditions for readmission may be specified.
- Expulsion with Transcript Notation
 - Permanent separation from the College, without refund.
- Deferred Suspension
 - Separation of the student from the College for a definite period of time with a delayed start time such as at the end of the term. Conditions for readmission may be specified.
- Restitution
 - Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
- Restriction from places, activities, events, or things
- Loss of privileges
 - Denial of specified privileges for a designated period of time.
- Creation of an educational program on a specific topic
- Community Service
- Referrals to on-campus or local health service providers
- Loss of on-campus parking
- No contact orders
- Mandated counseling
- Educational essay
- Educational Conversation

Disciplinary Holds

The Chief Conduct Officer (or designee) will place a student conduct hold on the records and registration of any student who fails to respond to a conduct notice or fails to complete a sanction as determined by the Conduct Committee. Any pending conduct matters must be resolved prior to re-registration or a

student's graduation whichever comes first. No student will be allowed to register until the pending disciplinary matter(s) is/are resolved. Student conduct holds may also affect financial aid.

The Chief Conduct Officer or Dean of Students (or designee) will place a student conduct hold on the records and registration of a student that is under suspension or expulsion from the institution. The student conduct hold will not be removed until the student's suspension status has expired and/or the requirements as set forth by the Conduct Committee and Code of Conduct & Accountability for readmission have been successfully met. This determination will be made by the Dean of Students (or designee).

Transcript Notation for Violent Offenses

As required by the Read Bill, effective October 5, 2015 all colleges and universities in New York are required to denote conduct outcomes on academic transcripts of students found in violation of any policy violation that is deemed a violent offense as defined by CLERY reportable crimes.

Transcript notations are applied at the conclusion of the conduct proceedings and appeals processes.

The following are examples of language that may appear on an academic transcript:

- "Expelled after a finding of responsibility for a code of conduct violation"
- "Suspended after a finding of responsibility for a code of conduct violation"
- "Withdrew with conduct charges pending"

If a student was suspended or withdrawn with charges and/or conduct investigation, the notation will remain on a transcript for a minimum of one year. After one year's time, a student may request to have the transcript notation removed by filing an appeal with the Dean of Students. If an appeal is not filed, the notation will be removed after seven years.

Transcript Notation Appeals Process

To file an appeal to have the transcript notation removed from an academic transcript a student must submit in writing to the Dean of Students the following:

- A statement describing the incident and what was learned over your time away from the institution.
- Documentation of successful completion of an in/outpatient program or therapy to address the conduct.
- Students who withdrew from the College prior to resolution of the conduct process will need to fulfill the sanctions found in absentia before being permitted to appeal.
- Transcript notations for students expelled are permanent and cannot be appealed.

Appeals will be read and a decision will be provided in writing within thirty days of submission.

Withdrawal Prior to Conduct Case Adjudication

A student who withdraws from the institution prior to an outcome of a pending conduct case should understand that the investigation will continue without their participation. A student can still be found responsible in their absence. Withdrawal from the institution will not protect a student from possible criminal or civil action(s).

Sanction Appeals Process

A request for an appeal must be submitted in writing within three business days of the outcome notification. The request for an appeal must clearly state the grounds on which an appeal is being requested and shall contain all appropriate supporting information to be considered as defined below.

Requests for an appeal may only be filed on the following grounds:

- That the initial hearing body substantially failed to observe the procedural requirements of the Student Code of Conduct & Accountability and such failure had an adverse effect on the outcome.
- New evidence that significantly alters the findings of fact, that was previously unknown to the respondent, has been discovered or verified and is now available during the appeal process.
- The sanction for the offense is inappropriate for the level of offense committed.

A request for an appeal of decisions and sanctions imposed by Administrative Hearing Officers are made to the Chief Conduct Officer. Requests for an appeal of decisions and sanctions imposed by the Chief Conduct Officer or the College's Conduct Committee are made to the Dean of Students, unless otherwise noted. The results of the request will be sent in writing to the student within three business days of the date of the appeal. In instances when a decision to process an appeal request cannot be made within three business days, notification will be sent to the requestor.

When a request for an appeal is submitted, the Chief Conduct Officer or the Dean of Students will determine if the request meets the threshold for an appeal. The presumption is that an appeal will not be granted unless compelling justification is provided. When the request for an appeal is made, the hearing officer and/or conduct committee that heard the case and imposed the sanction will be notified of the appeal and have the ability to respond in writing to the claim they failed to follow the procedural requirements, or that there is new evidence available that was previously unavailable. The hearing officer/ conduct committee will conclude whether or not the new information presented would have impacted their finding of the outcome. Based on this information, the decision to accept or deny the request for an appeal can be made.

If the appeal is accepted, the Chief Conduct Officer or Dean of Students may:

- Uphold the original decision;
- Modify the original sanction;
- Refer the case to a new hearing body for re-evaluation.

The Chief Conduct Officer or the Dean of Students, or designee, when acting as the appeal administrator,

is authorized to lessen or increase the sanction, dismiss the appeal, overturn the action of the initial hearing body, or affirm the actions of the initial hearing body. All appellate decisions are final. Students submitting an appeal should be aware that sanctions may be modified upward, downward, or remain unchanged.

Although a request to appeal a conduct sanction can be submitted as noted above, the sanction must be followed until such time as a response to the appeal is decided.

Interim Actions and Request for Appeals

Students who are alleged to have been involved in, or who are reasonably believed to have been involved in, a potential violation of the Code of Conduct & Accountability may be subject to an Interim Action when the College determines that immediate measures are necessary to protect the health, safety, welfare, educational environment, or operations of the College community.

Interim Actions are administrative measures intended to protect individuals and the College community and are not a determination that a student has violated College policy. Interim Actions may be imposed before the completion of the conduct process and will remain in effect pending resolution of the matter or until otherwise modified by the College.

Interim Actions may include, but are not limited to, contact restrictions with other individuals, housing relocations, restrictions from College activities or facilities, and Interim Suspension requiring temporary removal from College property and College-sponsored activities.

Students will be notified of an Interim Action in writing, which will include the rationale for the action. Once a student has been notified that an Interim Suspension is in effect and requires them to leave College property, the student is expected to leave College property within 30 minutes, unless otherwise directed by College officials. Residential students will have up to 30 minutes, under the direct supervision of College staff, to gather personal belongings from their room before leaving College property, unless otherwise directed by College officials.

If a student is unable to leave campus within the designated timeframe, the College may, at its discretion, provide temporary assistance in facilitating the student's departure from campus. Such assistance may include supervision by College personnel, transportation arrangements, communication with a parent, guardian, emergency contact, or other appropriate support person, and assistance in identifying temporary lodging options. Any costs associated with transportation, lodging, or other services provided on behalf of the student may be charged to the student's student account. The College is not responsible for securing or funding ongoing housing accommodations following an Interim Suspension.

If a student believes an Interim Action has been imposed in error or is no longer necessary, the student may submit a written appeal of the Interim Action to the Chief Conduct Officer within two (2) business days of notification of the Interim Action. In situations where the Chief Conduct Officer imposed the Interim Action, appeals shall be submitted to the Dean of Students.

The review will be limited to whether the Interim Action remains reasonably necessary to protect the health, safety, welfare, educational environment, or operations of the College community. The review is not an appeal of the underlying allegations or a determination of responsibility. Interim Actions remain in effect throughout the appeal process. The filing of an appeal does not stay, postpone, or invalidate an Interim Action unless the College determines otherwise in writing.

A decision regarding the appeal will be provided in writing within three (3) business days of receipt of the appeal. If additional time is required, the student will be notified of the delay and provided with an estimated timeline for resolution.

Return from Suspension

Students seeking return to campus after being placed on suspension:

1. Are eligible to apply after time away/date determined by sanctions.
2. Need to successfully complete all sanctions and meet all conditions to return as outlined in sanctions.
3. Must submit a thoughtful written request for reinstatement to the Dean of Students, demonstrating behavioral change, completion of required sanctions, and a plan for future success. If suspension was for drug/alcohol violations, evidence must include completion of a substance assessment or treatment plan.
4. If approved to return, will be placed on disciplinary probation for one (1) academic year upon return.

Title IX Policy

All students are protected against any act of sexual misconduct and each student has the right to exercise legal processes to address and resolve acts of sexual misconduct at Elmira College. If you (or someone you know) may have experienced a sexual assault or unwanted sexual contact of any kind, tell someone what happened. Help and support are available.

Cases involving allegations under Title IX are processed under the College's [Title IX Policy](#) and are not governed by the disciplinary procedures outlined in this Code.

Failure to comply with sanctions or directives issued through the Title IX process may be addressed under the Code of Conduct & Accountability.

Students' Bill of Rights

All students have the right to:

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

Rights in Cases Involving Sexual Assault, Domestic/Dating Violence and Stalking

Anyone reporting an incident of sexual assault, domestic or dating violence or stalking has the right to:

- Notify Campus Safety, Local Law Enforcement or the New York State Police.
- Emergency access to a Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault who shall be available upon the first instance of disclosure by a reporting individual and who can provide information, including options.
- Information, where applicable, of the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible;
- Know that the criminal justice process utilizes different standards of proof and evidence than the College's procedures and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney;
- If they are a student, to contact the College's Health and Counseling Center, where they may be offered confidential resources pursuant to applicable laws/College policies and can be assisted in obtaining services for reporting individuals; or to contact off-campus confidential resources;
- Disclose confidentially the incident and obtain services from the state or local government;

- Disclose the incident to the College's Responsible Administrators who can offer privacy or, in appropriate cases determined by the Title IX Coordinator, confidentiality, subject the College's Policy against Sexual Harassment and Other Sexual Misconduct;
- Make a report of sexual assault, domestic violence, dating violence, and/or stalking and consult the Title IX Coordinator and other appropriate College personnel for information and assistance. Reports shall be investigated in accordance with College
- policy. A reporting individual's identity shall remain private if that is what the reporting individual wishes, however privacy is not the same as confidentiality. Private
- information can be shared to implement and fulfill the College's obligations under the law and its policies and procedures;
- Disclose, if the accused is a College employee of the institution, the incident to Human Resources or to request that a private employee assist in reporting to Human Resources;
- Receive assistance from appropriate College representatives if interested in initiating legal proceedings in family court or civil court, such assistance to consist of facilitation in contacting appropriate local agencies who can provide direct assistance with court proceedings; and
- Withdraw a complaint or involvement from the College processes at any time.