

STUDENT GRIEVANCE PROCEDURES

Introduction

Academic freedom is of paramount importance to Guttman Community College, its faculty and students. Guttman respects the right of its faculty to teach course content in a variety of different ways and expects that its staff will act professionally at all times. At the same time, Guttman recognizes its responsibility to provide students with procedures for appealing grades and for filing complaints about faculty or staff behavior which is not protected by academic freedom or administrative necessity, and is not covered by other procedures. Examples might include incompetent or inefficient service, neglect of duty, physical or mental incapacity or conduct unbecoming the staff.

In addition, Guttman has a variety of procedures for dealing with other issues that can arise in the academic setting, including violations of the college's code of academic integrity, behavioral misconduct, gender harassment, accommodation or discrimination concerns, and questions about the accuracy of student financial or academic records.

Determine the appropriate procedure

As a general matter, if you have a question about what procedure to follow in a particular situation, you should consult with your Program Coordinator, Guttman's Dean of Student Engagement or his/her designee, who will advise you about which procedure applies to the type of issue you have. Most situations will fall into one of the following areas:

- I. Grade Disputes
- II. Academic Integrity (e.g. dishonesty associated with an assignment that results in academic sanction)
- III. Student Conduct / Discipline (e.g. behavior or academic misconduct that results in disciplinary sanction)
- IV. Faculty or Staff Conduct (e.g. treatment or behavior unjustified by academic freedom)
- V. Harassment / Discrimination (e.g. violation of civil rights, education law or CUNY policy)
- VI. Student Records

Procedures specific to each area of concern follow.

Article I. Grade Disputes (CUNY Manual Policy 4.2.2)

At Guttman, the faculty is responsible for creating the curriculum and for establishing the standards by which students are evaluated in each course. Student mastery of the subject matter will be reflected in his/her grade. From time to time, a student may wish to appeal a grade that the student believes was contrary to their performance or the expectations set forth in the instructor's syllabus.

Informal resolution

Students must always attempt to resolve a grade dispute by first discussing the matter with the faculty member. Students may seek the assistance of their Program Coordinator to facilitate a resolution.

Appeal process

If your attempt to resolve the matter informally is unsuccessful, you may file a formal grade appeal in writing, with the Committee on Academic Appeals, using the [form](#) linked here.

(A) The appeal must be filed within thirty (30) days of receipt of the disputed grade. Your written material and all supporting documentary evidence, if any, should be as specific as possible in describing the issue of concern. State your case in simple, precise language; explain exactly why you feel your request should be considered. Check your appeal form and attachments for spelling or grammatical errors; avoid expressing frustration or anger. This is your chance to convince the reviewer(s) of the merits of your request.

(B) The Committee Chair will give a copy of your appeal to the faculty member with a caution stating there must be no retaliation of any kind against you for filing an appeal. The faculty member shall provide the Committee Chair with relevant material and supporting evidence for the original grade decision.

The Committee shall review the materials submitted by the student and faculty member, and may interview any person with relevant knowledge or information. A Committee request for additional information shall be supplied within ten (10) days. If the information requested is not timely supplied by the student, the appeal may be denied; if the information is not timely supplied by another party, the Committee may proceed on the basis of available data.

By way of example, issues that the Committee might consider include:

- Did the instructor communicate the method by which the grade would be determined?
- Was the method for determining the grade followed?
- Was the calculation of the grade mathematically correct?
- Were all students in the class graded with the same criteria?
- Was the student subject to extraordinary circumstances beyond his/her control, for which documentation is provided, that would justify changing the assigned grade?

The Committee on Academic Appeals shall issue a written decision within fifteen (15) days which either affirms the grade or recommends a change. The Committee's decision on the matter shall be final.

Article II. Academic integrity (CUNY Manual Policy 1.03)

All members of the Guttman community are responsible for academic integrity. Penalties for academic dishonesty – cheating on exams, plagiarism, falsifying documents, fabricating excuses for missed tests and so forth – may include academic sanctions such as course failure or grade reduction and/or disciplinary measures such as suspension or expulsion.

1. Examples of academic dishonesty

Academic dishonesty includes any act that involves fraudulently obtaining, for oneself or others, academic grades, credit or other recognition that is not properly earned. Examples include, but are not limited to, the following:

- Cheating on exams or assignments by copying from another student or using books, electronic devices, notes or other aids when not permitted
- Stealing, concealing, destroying or inappropriately modifying tests, classroom or other instructional materials, including posted exams, laboratory supplies or computer programs
- Helping other students on exams or assignments when not permitted
- Taking an exam or online course for someone else, or permitting someone else to take one's exam or course
- Fabricating or falsifying data or references, furnishing false information or tampering with the work of others
- Submitting substantial portions of the same paper in more than one course without permission of the instructors
- Plagiarizing: copying another's writing or paraphrasing it too closely without proper citation (even if only a part of your assignment, the instructor notes or e-presentation). This includes copying or 'cutting and pasting' material from websites without proper citation; presenting another's ideas as your own without appropriate acknowledgements, or failing to credit collaborators on assignments.
- Falsifying documents or records related to credit, grades, status (add/drops, grading, transcripts, permissions) or other academic matters
- Depriving others of access to essential materials by stealing, destroying, defacing or hiding them
- Altering an exam or paper after it has been graded to obtain a grade change
- Using commercial term paper or research services to do assigned projects or papers
- Fabricating excuses for missed assignments, tests or extensions of time
- Preventing relevant material from being academically evaluated
- Receiving unauthorized access to an exam prior to the test
- Coercing or offering favors to another for answers

See CUNY's Manual of General Policy, Article I Sections 1.03.1.1 – 1.03.1.4 (describing academic dishonesty). http://policy.cuny.edu/manual_of_general_policy/article_i/policy_1.03/text/#Navigation_Location

2. Responsibility of faculty

Guttman faculty are responsible for teaching courses, maintaining standards of academic achievement and providing direction to the student population. This section is designed to support maintenance of the spirit of integrity and academic honesty in the accomplishment of these goals.

- (A) Faculty members should provide information about course expectations, including participation, grading requirements and academic integrity in their syllabi, as well as details about what constitutes plagiarism or unacceptable levels of collaboration among students in the course. Faculty are encouraged to explain

to students what cheating is, and to discourage such activity by requiring, for example, alternate seating during exams; shutting off and storage of all electronic communication devices in closed containers before a test starts; the announced use of online programs (SafeAssign, Turnitin) to deter plagiarism, or handing out exams with questions organized in several different ways.

- (B) Proctors should be available to answer questions and help students follow Guttman's code of academic integrity. Proctors who see potential violations should advise the student to stop, record the name of those involved and report the incident to the course instructor or Academic Integrity Officer. Students may not be prevented from finishing an exam simply because cheating is suspected.
- (C) The Guttman Academic Integrity Officer serves as the initial contact person for faculty members who suspect an incident of academic dishonesty. The Academic Integrity Officer maintains and updates faculty Report Forms after each suspected incident is resolved. Report Forms are to be kept in confidential files specific to each student alleged to have violated Guttman's code of academic integrity, and shall be retained for the purpose of identifying repeat offenders, gathering data and assessing relevant policies. Unless the student is exonerated, decisions issued after adjudication by the Academic Integrity or Faculty-Student Disciplinary Committees also shall be placed in the student's confidential file.
- (D) A faculty member who suspects or learns of a potential violation of Guttman's standards of academic integrity shall inform the student(s) and investigate the matter, in consultation with the Academic Integrity Officer if appropriate. If the faculty member concludes that the circumstances warrant a sanction, the incident must be reported to the Academic Integrity Officer using the attached **Report Form**. Academic sanctions may range from an essay assignment on integrity code compliance, citation training or other assignment, to grade penalties, course grade reduction or failure.
 - (i) If the student admits to academic dishonesty, the faculty member's recommendation shall be final and noted as such by the Academic Integrity Officer on the Report Form.
 - (ii) If the student admits to academic dishonesty but contests the recommended academic sanction, the student may appeal the sanction through the Grade Dispute appeal process. (See Article I).
- (E) If the student does not admit a violation or, according to Academic Integrity Office records, has a prior finding of academic dishonesty on file, the faculty member shall recommend an appropriate academic sanction and refer the matter to the Academic Integrity Officer, who shall review the recommendation and arrange for adjudication by an academic integrity committee.
- (F) The Academic Integrity Officer may recommend disciplinary sanction in addition to academic sanction if:
 - (i) the violation is significant in nature,
 - (ii) the student previously violated the integrity code or
 - (iii) the student has withdrawn from the applicable course.

Significant violations include, by way of example only, forging a grade form or a transcript; stealing an exam from a professor or office; having a substitute take an exam or taking an exam for someone else; having someone else complete one's assignment or completing an assignment for another student; sabotaging another's work or willfully impeding a student from successfully completing an assignment.

(G) Once a report is initiated, the review process will be completed, whether or not the instructor or student remains with the school. Students who challenge an accusation in a course that is in progress must continue to attend class and complete all assignments; students found not guilty will receive their earned grade in the course.

3. Procedure in cases involving only academic sanction

To ensure consistency in treatment and freedom from inadvertent bias in the review process, any disputed accusation of dishonesty shall be heard by members of Guttman's Academic Integrity Committee. Each academic integrity hearing shall consist of two faculty and one student, drawn by lot from the membership of a standing Academic Integrity Committee of four faculty and two students, elected by majority of their voting respective constituencies on an annual basis. Faculty shall be elected for staggered two year terms; students for one year terms. The initial student members may be voted to the standing committee by the Student Government Association to serve until the next all-college student election is held. The Academic Integrity Officer may not serve on the Academic Integrity Committee. Any elected individual with a direct interest in the outcome of a particular hearing shall disqualify him/herself from service.

(A) Notice of charges

- (i) The student shall be given written notice of the charges and the time and place of the hearing by hand, certified or overnight mail; by regular mail and by electronic mail sent to all known email addresses at least five days before the scheduled hearing.
- (ii) The notice shall set forth:
 - (a) a description of the incident
 - (b) the rules, regulation or bylaw the student is charged with violating
 - (c) possible penalties
 - (d) the student's right to appear before the Committee
 - (e) the student's right to present witness statements or call witnesses
 - (f) the faculty/staff member's right to appear before the Committee

(B) Hearing procedure

The role of the hearing committee ("Committee") is to listen to the testimony, ask questions of the participants and witnesses, review the documentary and testimonial evidence and written submissions if any, and promptly render a decision on guilt or innocence. A faculty member shall serve as Chair. If the student is found to have committed the conduct charged, the Committee shall then determine the penalty to be imposed.

- (i) Hearings should proceed as follows: the person reporting the act of academic dishonesty summarizes the facts; witnesses and evidence may be presented. Respondent then responds; witnesses and evidence may be presented.
- (ii) Committee members may ask questions of any person present at any time, and may call additional witnesses with knowledge pertinent to the case to clarify any point of concern. Witnesses normally are present only for the duration of their own testimony. The Committee may permit any witness to be questioned by the student or faculty member involved or may require all questions be directed to

the Chair for his/her subsequent inquiry, and may dismiss any participant who engages in disruptive behavior.

- (iii) The Committee shall issue its written findings of fact and determination within fifteen (15) days to the Academic Integrity Officer, who shall forward copies of the decision to the student, faculty member and Provost. Committee findings may be based on testimony, documentary evidence, circumstantial evidence or a combination thereof, including witness credibility, observed communications or behaviors, changes in writing style, possession of accessible notes, devices or other prohibited material during an exam, unusual similarities in student work and so forth.
- (iv) If the Committee finds that no violation occurred, the Academic Integrity Officer shall remove all material relating to the incident from the student's confidential academic integrity file and destroy the material.
- (v) The Committee's decision shall be final.

4. Procedure in cases involving disciplinary sanctions

If both a disciplinary and an academic sanction is recommended, the college shall proceed first with the disciplinary proceeding and await its outcome before addressing the academic sanction. The student's grade shall be held in abeyance by using the PEN grade established for this purpose, pending the outcome of the action.

If a Faculty-Student Disciplinary Committee finds that a disciplinary violation occurred, the faculty member may reflect that finding in the student's grade. The student may appeal the finding in accordance with the appeals procedures set forth in Article III, or may appeal the grade imposed by the faculty member in accordance with the Article I Grade Dispute process.

When a matter proceeds to the Faculty-Student Disciplinary Committee, the Academic Integrity Officer shall promptly report its resolution to the faculty member and file a record of the resolution in the student's confidential academic integrity file, unless the suspected violation is held to be unfounded. If the Faculty-Student Disciplinary Committee finds that the alleged violation did not occur, then no sanction of any kind may be imposed and all materials related thereto shall be destroyed.

Article III. Student Conduct / Disciplinary Proceedings (CUNY Board of Trustee Bylaw Article 15)

Disciplinary proceedings are designed to address repeated or serious infractions of Guttman's academic integrity or student conduct code; gender-based offenses such as predatory activity, stalking, harassment or assault; discrimination based on protected characteristics, as well as other behaviors that unreasonably interfere with a student's ability to pursue his or her education or an employee's ability to perform his or her job. Any Guttman student, employee, organization, department or visitor who believes themselves a victim of student misconduct may file a charge or allegation with the Dean of Student Engagement against the student ('respondent'), which, if proved, may subject the respondent to disciplinary action.

Penalties may range from expulsion, conditional dismissal or suspension for one term or more, to campus or community service requirements, to removal from or loss of student club or extracurricular activity privileges, to retention subject to specified conditions and so forth. Depending on the circumstances, Guttman may implement emergency interim measures such as temporary suspension, 'no contact' orders, health or counseling service requirements, room or house or program reassignments until formal proceedings are complete.

Guttman will take every step necessary to protect persons involved in disciplinary proceedings in any capacity against retaliation for reporting an incident or for participating in a hearing or investigation of a complaint. Any staff, faculty member or student who retaliates against an individual or entity who complains of harassment or who participates in any capacity in the investigation of a complaint or a hearing, violates college policy and will be subject to sanction. Complaints of retaliation should be reported as violations of CUNY regulations or Guttman's conduct code.

Conversely, if any investigation or hearing reveals that a member of the Guttman community knowingly filed false accusations or knowingly gave false statements (as opposed to statements which, even if erroneous, were made in good faith), those individuals will be subject to appropriate action.

Guttman will maintain the confidentiality of the proceedings to the greatest extent possible, consistent with the law and its goal of conducting a thorough and complete investigation. Ongoing efforts will be made to safeguard the privacy and rights of all persons involved.

1. Preliminary investigation

Any charge against a student which, if proven, may subject that student to disciplinary action, must be communicated to the Office of Student Engagement by the individual, program or organization making the charge ('complainant'). The chief student engagement officer or designee shall conduct a prompt, thorough and impartial preliminary investigation to determine whether disciplinary charges should be filed. For all complaints, including any complaint of discrimination, harassment or violence, the investigator shall determine whether it is more likely than not that the alleged discrimination, harassment or violence occurred.

- (A) The chief student engagement officer/designee shall advise the respondent about the charges, explain to the respondent and complainant their rights, consult with persons who were involved or may have knowledge of the situation, and review other relevant evidence.
- (B) The preliminary investigation shall be concluded within thirty (30) calendar days of receipt of the complaint, unless the complaint involves two or more students or a matter that is also under investigation by law enforcement authorities, in which case the investigation shall be concluded within sixty (60) days.

If the matter has been previously investigated pursuant to CUNY's policy against sexual violence, the chief student engagement officer/designee shall utilize the report completed by Guttman's Title IX Coordinator.

(C) After completion of the investigation, the student engagement officer/designee shall:

- (i) dismiss the matter and notify the individuals involved if there is no basis for the charge or the allegations do not warrant disciplinary action,
- (ii) refer the matter to mediation (except in cases involving allegations of sexual assault or other forms of sexual misconduct), or
- (iii) file formal disciplinary charges.

If respondent withdraws from Guttman after an accusation is made or formal disciplinary charges are filed, the respondent is required to participate in the disciplinary hearing or otherwise resolve the pending charges. The student shall be barred from attending any CUNY campus, unit or program until a decision on the charges is made or the matter is otherwise resolved. If respondent fails to appear, the college may proceed with the disciplinary process in absentia. Any decision and sanction shall be binding.

2. Mediation

Guttman shall offer respondent and complainant an opportunity to participate in mediation before the disciplinary hearing in an effort to resolve the matter by mutual agreement (except in cases involving stalking, sexual assault or other forms of sexual violence). The conference shall be conducted by a qualified staff or faculty member designated by the Provost. The following procedures apply:

- (A) An effort shall be made to resolve the matter by mutual agreement.
- (B) If agreement is reached, the faculty/staff member conducting the conference shall report the consensus to the chief student engagement officer for approval. If approved, complainant and respondent shall be notified, and a written memorandum created to reflect the resolution and any consequences for non-compliance.
- (C) If no agreement is reached within a reasonable time or if respondent fails to appear, the faculty/staff member conducting the conference shall refer the matter back to the chief student engagement officer who may file disciplinary charges.
- (D) The faculty/staff member conducting the mediation conference may not present the case or testify in any hearing about information received during the mediation conference.

3. Notice of charges and pre-hearing document inspection

The hearing shall be scheduled within a reasonable time after filing of the charges or the mediation conference. Absent consent to an earlier date, the chief student engagement officer/designee shall give respondent and complainant at least seven days prior written notice of the charges and the time and place of the hearing, by (i) personal delivery or by certified or overnight mail, (ii) regular mail and (iii) electronic mail sent to all known email addresses. The complainant is also entitled to a copy of the charges as they relate to her/him/it, sent in the same manner.

The notice shall set forth:

- (A) An itemized statement of each charge filed against respondent that describes: (i) the specific conduct, (ii) each CUNY Rule for the Maintenance of Public Order (http://policy.cuny.edu/manual_of_general_policy/article_vi/policy_6.06/pdf/#Navigation_Location), policy, bylaw or regulation the student is charged with violating, and (iii) potential penalties for each such violation;
- (B) Respondent and complainant's right to attend and participate fully in the hearing to:
 - (i) present their side of the story
 - (ii) present witnesses and evidence on their behalf
 - (iii) cross-examine witnesses presenting evidence
 - (iv) remain silent without assumption of guilt
 - (v) be represented by legal counsel or an advisor at their expense. If requested, Guttman will assist in locating an advisor.
- (C) a warning that anything respondent says may be used against him/her at a non-college hearing.
- (D) Respondent is permitted one adjournment as of right. Additional requests for an adjournment must be made at least five days before the hearing date, and shall be granted or denied at the discretion of the Chair. If respondent fails to respond to the notice, appear on the adjourned date or request an extension, the college shall proceed in absentia. Any decision and sanction shall be binding.
- (E) At least five days before commencement of a disciplinary hearing, Guttman shall provide respondent, complainant and their designated representatives, if any, with similar and timely access to review any documents or other tangible evidence that the college intends to use at the hearing, consistent with restrictions imposed by the Family Education Rights and Privacy Act ('FERPA'). If the college seeks to introduce additional documents or other tangible evidence during or at some time prior to the hearing, respondent and complainant each shall be afforded the opportunity to review that material. If during the hearing, respondent submits documentary evidence, on request of the college or complainant, the Chair may direct respondent to produce such other documents as may be necessary in the interest of fairness.

4. Emergency Suspension

- (A) In emergency or extraordinary circumstances, the President or designee may temporarily suspend a respondent pending a hearing that is scheduled to take place within twelve (12) days. Such suspension shall be for conduct which impedes, obstructs, impairs or interferes with the orderly and continuous administration and operation of any college, school, or unit of the university in the use of its facilities or in the achievement of its purposes as an educational institution.
- (B) Before commencement of any temporary suspension, Guttman shall give respondent oral notice (to be confirmed via email sent to all known addresses) or written notice of the charges against her/him. If s/he denies the charges, the college shall give respondent an informal oral explanation of the evidence supporting the charges. Respondent may present informally his/her explanation or theory of the matter.

- (C) When a student's presence poses a continuing danger to person or property or an ongoing threat of disrupting the academic process, notice and opportunity for denial and explanation may follow the suspension, but shall be given as soon as feasible thereafter.
- (D) The complainant shall be notified in the event that an emergency suspension is imposed against respondent, and/or when the suspension is subsequently lifted, to the extent that the suspension involves the complainant, in the same manner as notice is given to respondent.

5. Committee Structure

- (A) Each Faculty-Student Disciplinary Committee (Committee) shall consist of two faculty members or one faculty member and one member of the Higher Education Officer (HEO) series, two student members and a Chair, who shall be a faculty member. Faculty representatives shall be selected by lot from a panel of four elected every two years by the faculty from among the full time faculty staff. HEO representatives shall be selected by lot from a panel of four appointed every two years by the President. Student representatives shall be selected by lot from a panel of four elected each year in an election during which all registered students may vote. In the event that additional panel members are needed, the President shall appoint representatives from each constituency. No person may serve on the panel for more than four consecutive years. In cases involving sexual assault, stalking and other forms of sexual violence, the President shall designate one Chair, two faculty/HEO members and two students who shall be specially trained and shall constitute the Faculty-Student Disciplinary Committee in all such cases.
- (B) The President shall select in consultation with the Council Executive Committee, two members of the faculty to receive training and serve in rotation as chair of the Committee. If none of the chairs appointed from Guttman can serve, the President, at her/his discretion, may request that a chair be selected by lottery from the entire group of chairs appointed by other colleges.
- (C) Hearings shall be scheduled promptly (including during the summers) at a time convenient to facilitate full student and faculty representation. A quorum shall consist of the Chair and any two Committee members, one of whom must be a student. The Chair shall preside at all meetings of the Committee and shall decide and make all rulings for the Committee. S/he shall not be a voting member of the Committee, but shall vote in in the event of a tie.
- (D) If a Chair cannot continue, the President shall appoint another Chair; if another Committee seat becomes vacant and must be filled to continue the hearing, that seat shall be filled from the respective faculty, HEO or student panel, by lottery.
- (E) Each academic year, the chief student engagement officer or designee shall identify one or more college employees to present evidence at hearings. This list shall be forwarded to the Office of the Vice Chancellor for Student Affairs and the Office of the General Counsel before the first day of the academic year.
- (F) Persons involved in filing the charges, who may participate in the hearing or appeals process in any capacity, or who have a direct interest in the hearing's outcome shall be disqualified from Committee service.

6. Hearing procedures

The role of the Faculty-Student Disciplinary Committee is to listen to the testimony, ask questions of the witnesses, review and assess all documentary and testimonial evidence presented during the hearing and in any papers filed by the parties, then render a determination. If respondent is found to have committed the conduct charged, the Committee shall determine the penalty to be imposed.

- (A) All Committee hearings are closed hearings, but respondent has the right to request an open public hearing. If the Chair determines that a public hearing would adversely affect or be disruptive of the Committee's normal operations, or when the complainant in a case involving allegations of sexual assault or sexual misconduct requests a closed hearing, the Chair may deny the request and hold a closed hearing. In the event of an open hearing, respondent must sign a written waiver permitting the disclosure of evidence introduced during the hearing.
- (B) The college, respondent and complainant each may have lawyers or other representatives act on their behalf during the pendency of a disciplinary action, which may include calling and examining witnesses and presenting other evidence. Any party intending to appear with an attorney shall give the other party five days' notice of such representation.
- (C) Guttman shall record each fact-finding hearing by stenographic transcript, an audio recording or equivalent means. A staff member must be assigned to each hearing whose sole responsibility is to ensure that the hearing is recorded in its entirety. No other recording of the proceeding is permitted. A respondent who is found to have committed the conduct charged may obtain a copy of the record on request without cost, on the condition that it is not to be disseminated except to respondent's representative or attorney. In the event of an appeal, both respondent and the complainant are entitled to a copy of the record on request, without cost, on the condition that it is not to be disseminated except to their representatives or attorneys.
- (D) The Chair shall preside at the hearing. Except for respondent and complainant, all persons who are to appear as witnesses shall be excluded.
 - (i) The Chair shall inform respondent of the charges, the hearing procedures and his/her rights. Before accepting testimony, the Chair shall then entertain any motion questioning the impartiality of any Committee member or adequacy of the notice of charge(s).
 - (ii) Thereafter, the Chair may rule on the admissibility of the evidence and may exclude material or testimony that is irrelevant, unreliable or unduly repetitive. The Chair may limit the number of witnesses and duration of the testimony presented by any party and/or their representative. In addition, if a party wishes to question the impartiality of a Committee member based on evidence which was not available at the start of the hearing, the Chair may rule on that motion.
- (E) After informing respondent of the charges and his/her rights, the Chair shall ask the student to respond.
 - (i) If respondent admits the conduct charged, s/he shall be given an opportunity to explain his/her actions to the Committee. The college shall be given an opportunity to respond and present evidence on the appropriate penalty.

- (ii) If respondent denies the conduct charged, the college shall present its case. The college bears the burden of proving each charge by a preponderance of the evidence ('more likely than not').
 - (iii) At the conclusion of the college's case, respondent may move to dismiss the charges. If the motion is denied by the Committee, the respondent shall be given an opportunity to present his or her defense.
- (F) If respondent is charged with sexual assault, stalking or other form of sexual violence, neither respondent nor complainant may cross-examine the other directly. Each party may provide written questions to the Chair for inquiry, or may cross-examine the other through a representative. If necessary, Guttman shall work with either or both to find a representative for this purpose.
- (G) At the end of the presentations, respondent and complainant may introduce individual character references. The college may introduce a copy of respondent's prior disciplinary record, including records from any CUNY institution the student has attended, provided respondent was shown a copy of the record before the hearing commenced. The prior disciplinary record shall be submitted to the Committee in a sealed envelope, bearing respondent's signature across the seal.
- (H) The Committee shall deliberate in closed session. The Committee shall issue its decision in writing, based solely on the testimony and evidence presented during the hearing and in papers filed by the parties. If respondent is found to have committed the conduct charged, the Committee may consult the disciplinary record, character evidence and other documents submitted by the parties and the college to determine an appropriate penalty. The Committee's decision shall be final, subject to any appeal.
- (I) Respondent shall be sent a copy of the Committee's decision within seven days after the hearing concludes or, if multiple parties are involved, within fourteen (14) days, by regular mail and electronic mail sent to his/her known email addresses. In cases involving a crime of violence or a non-forcible sex offense, complainant shall simultaneously receive a copy of the Committee's decision related to the offenses committed against complainant, as required by FERPA.

7. Disciplinary sanctions

- (A) When a hearing results in a penalty of dismissal or suspension for one term or more, the decision is a university-wide penalty. Respondent shall be barred from admission to any CUNY unit or program while the penalty is being served.
- (B) Disciplinary penalties shall be placed on respondent's transcript unless a mediation agreement, the Committee's decision or the decision on appeal (see below) expressly indicates otherwise.
- (C) A penalty other than suspension or expulsion shall be removed from respondent's transcript on written request of respondent to the chief student engagement officer, made at least four years after the penalty was completed, unless respondent has been found to have committed a subsequent violation.

8. Appeals

- (A) An appeal from a decision of the Faculty-Student Disciplinary Committee may be made to the President on the following limited grounds:

- (i) procedural error,
 - (ii) newly discovered evidence that was not reasonably available at the time of the hearing, or
 - (iii) the disproportionate nature of the penalty.
- (B) The President may remand for a new hearing or may modify the penalty either by increasing it (on appeal by complainant) or decreasing it (on appeal by respondent). If the President is a party to the dispute, her/his functions with respect to an appeal shall be discharged by a CUNY official appointed by the Chancellor or designee. If after the decision on appeal to the President, the penalty is one of dismissal or suspension for one term or more, an appeal may be made to the Board of Trustees' Committee on Student Affairs and Special Programs. The Board may dispose of the appeal in the same manner as the President.
- (C) All appeals shall be made in writing within fifteen (15) days after the delivery of the decision appealed from. This requirement may be waived in a particular case for good cause by the President or Board Committee, as the case may be. Within three days of receipt of an appeal, the President or Board Committee shall send a copy of the appeal to the other party. The recipient of the copy may submit a written opposition to the appeal within fifteen (15) days of receipt of the notice of appeal.
- (D) The President shall issue a decision within fifteen (15) business days after receipt of the appeal or the opposition papers, whichever occurs later. The Board Committee shall issue a decision within five (5) days of the meeting at which it reviews the appeal papers.

9. Action by the CUNY Board

The CUNY Board of Trustees reserves the authority to suspend or take other appropriate action against a student or student organization for conduct which impedes, obstructs or interferes with the orderly and continuous administration and operation of any college, school or unit of the University in the use of its facilities or in the achievement of its purposes as an educational institution, in accordance with Board procedures.

Article IV. Faculty or Staff Conduct (CUNY Manual Policy 5.20)

Students are encouraged to resolve complaints informally with faculty or staff. Students may seek the assistance of a Program Coordinator to facilitate an informal resolution.

1. Formal complaint

If you do not wish to pursue informal resolution, or your attempt to resolve the matter informally is not successful, you may file a written complaint with the academic dean/designee or human resource director/designee (the “investigator”). Only students in a faculty member's class or present in the setting where the staff conduct occurred may file a complaint against that individual.

- (A) The complaint must be filed within thirty (30) days of the alleged event. Your written material and supporting evidence, if any, must be as specific as possible in describing the conduct of concern.
- (B) The investigator shall give a copy to the faculty or staff member with a formal notice stating that the complaint itself does not imply that any wrongdoing has occurred and there must be no retaliation of any kind against the student for filing a complaint.
- (C) If the student or faculty/staff member has reason to believe that the investigator may be unable to deal with the matter in a fair and objective manner, or if the investigator is the subject of the complaint, the student or faculty/staff member shall advise the Provost of the reasons for that belief. If the request appears to have merit, the Provost may designate a different individual to investigate or ask the President to designate a senior administrator to serve in that capacity.
- (D) The President may re-assign any investigation at any time as appropriate, such as when an investigation is not completed in a timely manner or the designated individual is unavailable or unwilling to serve.
- (E) The investigator should meet with the student and faculty/staff member, separately or together, to discuss the complaint and try to resolve it. The investigator may seek the assistance of other people to mediate or facilitate informal resolution at any time.
- (F) If resolution is not possible, formal fact-finding shall commence.
 - (i) The student, faculty member and all other persons with relevant knowledge or information should be separately interviewed.
 - (ii) The identity of the student or faculty/staff member should not be revealed to others except to the extent necessary to conduct the investigation.
 - (iii) The student and faculty/staff member each may have a representative present during the initial meeting, the interview and any post-investigation meeting. Representatives may act as advisors only; they may not speak on behalf of the student or faculty/staff member.
- (G) Where there is strong preliminary evidence that:
 - (i) the complaint is meritorious and the student may suffer immediate and irreparable harm, the investigator may provide appropriate relief to complainant before the investigation is completed. The affected faculty/staff member may appeal the interim relief to the Provost.

(ii) the complaint, even taken as true and viewed in the light most favorable to the student, is clearly protected by academic freedom, the investigator shall issue a written report dismissing the complaint and setting forth the reasons for dismissal. A copy shall be sent to the student, faculty/staff member, Provost and chief student engagement officer. Guttman notes that academic freedom rights do not supersede the college's obligation to provide a discrimination and harassment-free work and learning environment.

(iii) the circumstances are of such severity as to warrant immediate action, disciplinary charges may be brought even though the investigative process is not yet complete. In that case, the investigation shall be automatically suspended and interim measures may be taken.

(H) At the end of the investigation, the investigator shall issue a written report setting forth his or her findings of fact and recommendations and shall send a copy to complainant, the faculty/staff member, the Provost and the chief student engagement officer. In ordinary cases, the investigation and written report should be completed within thirty (30) days of the date the complaint was filed.

2. Appeals procedure

If either the student or faculty/staff member is not satisfied with the fact finding report and recommendation, a written appeal to the Provost may be filed within ten (10) days of receipt.

(A) The Provost/designee shall convene and chair an appeals committee consisting of the chief student engagement officer or designee, two faculty members (or a faculty member and a HEO) and one student from the student senate (the "Appeals Committee").

(B) The Appeals Committee shall review the report's findings and recommendations, but shall not conduct a new factual investigation or overturn any factual findings unless the investigator's findings are clearly erroneous.

(C) If the Appeals Committee decides to reverse the investigator in a case where there was no investigation because of an erroneous finding that the alleged conduct was protected by academic freedom, the report may be remanded or reassigned for further proceedings.

(D) The Provost/designee shall issue a written decision setting forth reasons for the Appeals Committee determination within twenty (20) days of receiving the appeal. A copy of the decision shall be sent to the student, faculty/staff member, investigator and President.

3. Subsequent action

On issuance of the Appeals Committee decision, the appropriate college official shall decide what action to take, if any. For example, a report may be placed in the faculty/staff member's file or disciplinary charges may be filed. All actions taken, whether interim or final, must comply with all relevant CUNY bylaws, regulations and collective bargaining agreement procedures.

Article V. Harassment / Discrimination (CUNY Manual Policies ###, 5.061, 6.02, 6.09)

Guttman Community College seeks to create and maintain a safe environment in which all members of the University community—students, faculty and staff—can learn and work free from harassment, violence or discrimination. It is Guttman’s policy to admit and provide services for students, and to recruit, employ, retain and promote staff, without regard to race, color, creed, national origin, ethnicity, ancestry, religion, age, sex, sexual orientation, gender, gender identity, marital or partnership status, disability, genetic information, alienage, citizenship, military or veteran status, pregnancy (including childbirth and related conditions), status as a victim of domestic or other sexual violence, or any other legally prohibited basis, in accordance with federal, state and city law.

Guttman's policies on workplace and domestic violence apply to all acts of violence that occur in the workplace or classroom. The school’s sexual harassment policy prohibits many forms of unwelcome conduct, including sexual assault, partner violence and the physical or electronic stalking of students or staff.

These policies prohibit retaliation for reporting or opposing harassment or discriminatory behavior. In addition, during the course of any investigation or disciplinary process, if any person or third party acting on his/her behalf attempts to contact another participant in the process so as to harass, intimidate, threaten or coerce that individual in any way, Guttman reserves the right to bring disciplinary action against both individuals. Such conduct by any member of the Guttman community will not be tolerated.

In this context, Guttman enforces CUNY’s policies on:

- Sexual Misconduct ([1.1.15 policy link](#))
- Equal Opportunity and Nondiscrimination: ([6.02 link](#))
- Violence in the Workplace: ([6.09](#) and [5.061 links](#))

Students who experience harassment, sexual violence or discrimination should bring their complaint to one of the following campus officials/offices:

- Title IX Coordinator: Linda Merians, Room 706C, 646.313.8023
- Office of Public Safety: Anastasia Koutsidis, Room 027, 646.313.8001
- Office of Student Engagement: Carolee Ramsey, Room 201, 646.313.8061

Employees who experience harassment, sexual violence or discrimination should bring their complaint to one of the following campus officials/offices:

- Title IX Coordinator: Linda Merians, Room 706C, 646.313.8023
- Office of Public Safety: Anastasia Koutsidis, Room 027, 646.313.8001
- Human Resources: Elsie Yoesoep, Room 705, 646.313.8024

Visitors who experience harassment, sexual violence or discrimination should bring their complaint to one of the following campus officials/offices:

- Title IX Coordinator: Linda Merians, Room 706C, 646.313.8023
- Office of Public Safety: Anastasia Koutsidis, Room 027, 646.313.8001

Once any of the individuals above is notified about any harassment, violence or discrimination, s/he will coordinate with the appropriate college offices to investigate, prevent its recurrence, and address its effects.

Article VI. Student Records (CUNY Manual Policy 7.11)

The Family Educational and Privacy Rights Act (FERPA) gives students the right to inspect their own education records and to seek amendment of those records believed to be inaccurate. However, FERPA's provisions do not apply to your grades. For grade disputes, see Article I.

If you believe that information in your records is inaccurate, misleading or in violation of your privacy rights, you may request an amendment. Based on information and evidence that you produce, the Registrar or other responsible school official shall decide within a reasonable time whether to amend the record or not.

If the Registrar or appropriate official decides that the information was inaccurate, misleading or in violation of your rights of privacy, you will be notified and your record amended.

If your record is not amended, you will be notified and given the right to place a statement in the record stating why you disagree with the information in the record. That statement shall be disclosed whenever the contested part of the record is disclosed. You may also appeal the decision within 30 days of its receipt to CUNY's Office of General Counsel, 205 East 42 Street, New York, New York 10017, phone: 646-664-9200; fax: 646-664-2964 or to the Family Policy Compliance Office, U.S. Department of Education, 600 Maryland Avenue, SW Washington, D.C. 20202-8520, phone: 1-800-USA-LEARN (1-800-872-5327).