



ELMIRA
BUSINESS INSTITUTE

STUDENT CODE OF CONDUCT

ELMIRA BUSINESS INSTITUTE • EBI.EDU

ELMIRA CAMPUS:

Langdon Plaza
303 N. Main St.
Elmira, NY 14901
607-733-7177

VESTAL CAMPUS:

Vestal Executive Park
4100 Vestal Rd.
Vestal, NY 13850
607-729-8915

OVERVIEW

EXPECTATIONS FOR STUDENTS

Students are expected to abide by applicable laws and Elmira Business Institute policies and to conduct themselves in accordance with the guiding principles outlined herein, at all times. Explicit in these expectations is that students are responsible for making their own decisions and will accept the consequences of those decisions.

STANDARD OF PROOF

All student conduct cases will be decided on the burden of proof standard of a "preponderance of the evidence." This 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.

AUTHORITY

Authority over student conduct is vested in the Office of Student Affairs, specifically the Senior Vice President who may take immediate action at his/her discretion for any violation of the Code of Conduct. Action taken by the Office of Student Affairs is final and closes the matter. The Senior Vice President has delegated authority over student conduct to each Campus Director, who may delegate and exercise it consistent with Elmira Business Institute's Code of Conduct. The Campus Director has the authority to take appropriate, interim actions to protect the safety and well-being of the Elmira Business Institute Community.

Elmira Business Institute reserves the right to amend the Code of Conduct, as deemed necessary, in which case all enrolled students will be notified.

PROHIBITED CONDUCT

ALCOHOL POLICY

1. Possession or consumption of alcohol on-site, except for Elmira Business Institute sponsored events is prohibited.
2. Driving under the influence of alcohol.
3. Alcohol may not be consumed in any public area or classrooms.
4. Engaging in acts of public drunkenness, vandalism, disorderly conduct, harassment, or infringement of the rights or privacy of others.

ARSON

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

BULLYING

Bullying, which may be present in both cyber and physical spaces, is the systematic infliction of physical, verbal, or psychological distress by teasing, threat, intimidation, stalking, physical violence, harassment, or destruction of property.

DISORDERLY CONDUCT

1. Any conduct which impacts or disrupts the normal function of Elmira Business Institute.
2. Encouraging others to behave in a way that impacts or disrupts the normal function of Elmira Business Institute.

ENDANGERMENT

Any action that endangers the health, safety, or well-being of oneself, another person or group including: physical assault, unwanted touching of a non-sexual nature or actions that interfere with a student's academic success.

FAILURE TO COMPLY

1. Failure to comply with a directive from an Elmira Business Institute employee.
2. Failure to comply with a Security Guard.
3. Failure to comply with a lawful request from a law enforcement officer.
4. Providing false information or lying to Elmira Business Institute officials or law enforcement agencies.
5. Failure to complete issued conduct sanctions.

FALSIFICATION OF INFORMATION

Furnishing false or misleading information to the College or other similar forms of dishonesty including:

1. Knowingly making false statements to any College official or hearing body
2. Forgery
3. Alteration or misuse of College documents, records or identification, such as possessing a forged instrument.
4. Possession of a forged or false identification card or document.

GAMBLING

Engaging in or offering any activity of chance for money or other gain that violates New York State law.

GUEST POLICY

Elmira Business Institute is a safe and secure environment. All visitors are required sign in and wear an ID badge at all times when on property. With regards to visitors the following apply:

1. Class will not be interrupted for visitors.
2. Guests must be approved by campus administration before being permitted into Elmira Business Institute facilities.
3. Elmira Business Institute is an academic institution. With that in mind, no children are permitted in class, library, computer labs or reception area unattended.

HARASSMENT

Persistent conduct of a non-sexual nature, which creates an intimidating, hostile, or unsafe environment for another person.

ILLEGAL DRUGS

The unlawful dispensation, distribution, manufacturing, possession, or use of controlled substances on or off campus; the misuse of prescription drugs; and/or the possession of drug paraphernalia.

HAZING

Hazing is defined as any group or individual action or activity that endangers the mental or physical health or safety or which may demean, disgrace, or degrade any person, regardless of location, intent, or consent of participant(s). Although hazing is generally related to a person's initiation or admission into, or affiliation with, any group or organization, it is not necessary that a person's initiation or continued membership is contingent upon participation in the activity, or that the activity was sanctioned or approved by the organization, for a charge of hazing to be upheld. The actions of active, associate, new, and/or prospective members of an organization may be considered hazing. Hazing includes, but is not limited to:

1. Unreasonable interference with a student's academic performance.
2. Forced or coerced consumption of food, alcohol, drugs, or any other substance.
3. Forced or coerced wearing of apparel which is conspicuous and/or inappropriate.
4. Forced or coerced exclusion from social contact.
5. Branding.
6. Creation of unnecessary fatigue (including but not limited to acts that stem from forced physical activity, such as calisthenics and deprivation of sleep).
7. Deprivation of food.
8. Beating, whipping, or paddling in any form.
9. Line-ups and berating.
10. Physical and/or psychological shocks.
11. Personal servitude.
12. Kidnapping or abandonment.
13. Unreasonable exposure to the weather.
14. Any activity that would be viewed by a reasonable person as subjecting any person to embarrassment, degradation or humiliation.
15. Expectation of participation in activities that are unlawful, lewd or in violation of College policy.

RETALIATION

No person may harass or intimidate another person because of their participation in an investigation conducted by the College. Harassment or intimidation includes but is not limited to threats or actual violence against the person or their property, adverse educational or employment consequences, ridicule, taunting, bullying or ostracism.

SEXUAL ASSAULT/MISCONDUCT

Please see the Policy Against Gender Discrimination and Sexual and Other Misconduct.

THEFT

1. Unauthorized removal or possession of another student's property without their permission, including the use of another student's ID card.
2. Possession of stolen property.

UNAUTHORIZED USE, ENTRY, OR EXIT

1. Unauthorized entry into prohibited areas.
2. Propping doors or using propped doors to access a building.

VANDALISM

1. Damage or destruction to Elmira Business Institute Property.
2. Damage or destruction to a fellow student's property.

WEAPONS, FIREARMS AND EXPLOSIVES

1. All potentially dangerous weapons (i.e. firearms, replicas of firearms, bows and arrows, paintball guns, air rifles, pyrotechnics, knives, air pistols, firecrackers, fireworks, pellet guns, stun guns, Tasers, imitation weapons martial arts equipment, etc.) are prohibited everywhere on campus.
2. The use of any objects (causing them to be a weapon or to place others at risk) directed at people or buildings (i.e. throwing water balloons, snowballs, cans, bottles, swinging objects, etc.) that could result in injury is prohibited.

CONDUCT REFERRAL

When a potential violation of policies occurs, an Elmira Business Institute employee or fellow student writes a report of the potential policy violation. After the report has been submitted, the student(s) involved will receive a charge letter outlining their potential policy violations, information regarding the conduct process, and name and contact information of the conduct officer.

Incident reports from members of the College community may be made by filling out a security form with the campus security guard.

The incident reports are expected to include information setting forth the basics of the situation that is being reported for possible conduct action. It should specify:

- the individual(s) involved,
- the conduct or situation that is being referred,
- the day, date, time, and place of the violation.

The Conduct System is composed of an administrative hearing process. The purpose of an administrative hearing is to allow the conduct officer an opportunity to have an educational conversation with a student who is accused of violating the Code of Conduct.

SUSPENSION IN LIEU OF A HEARING

The Campus Director or Senior Vice President may suspend or expel a student without a hearing if there is reasonable cause to believe that a student's continued presence on the campus will be a danger to the student or other members of the campus community.

ADMINISTRATIVE HEARING OFFICER

An Administrative Hearing Officer serves as a conduct agent of Elmira Business Institute. The Campus Director will act as the official conduct officer for each campus (Elmira and Vestal). Individuals serving in such a position may make conduct decisions and impose sanctions up to and including suspension or expulsion from Elmira Business Institute.

COMMON CONDUCT SANCTIONS

The level of sanction will depend on the nature of the violation and will also take into account 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.

1. **Community Restitution** - An educational sanction offered by and at the discretion of a conduct officer. Community restitution consists of the assignment of tasks to be carried out over a specified period of time. Performance of these activities will be monitored by a conduct officer or individual appointed by the hearing body.
2. **Fines** - Fines may be imposed by the College for violation of College policies which infringe upon the rights of other members of the College community. The fine system was instituted to permit staff to educate students and reduce minor violations of College policy without necessarily initiating a major conduct record. A fine is just one of the options that can be levied during the conduct process. When damage to College property is involved, the student will also be billed the repair cost at the outside contractor rate. Conduct fines will be added to the student's account in the Business Office. Parents or guardians who inquire about the nature of a fine placed on their student's account may be provided information about behaviors or events that led to the fine.
3. **Restitution** - Repayment in money or service for a violation. In most cases, this sanction is imposed in conjunction with another sanction.
4. **Counseling** - Referral for a set period of time and a set number of sessions. This opportunity is provided to help the student identify problem(s) and work through them. Students may be required to pay for these services whether they are offered on or off campus.
5. **Probation** - A status in which a student is placed that is intended to serve as a warning and when specified to permit the conduct agent to exclude the student from particular activities and locations. Any violation of College policy by a student who is on Probation will result in the review of that student's status by the Dean of Students for possible suspension or expulsion. The hearing board will specify the length of the

sanction and activity or location exclusions. A violation of conduct probation or housing probation is considered to be any violation of Elmira Business Institute policy or any documentation for violating Elmira Business Institute policy.

6. **Suspension** - Exclusion of an individual (or organization) from all college activities and locations for a defined period of time. Any student who is suspended or expelled will not be a welcome visitor to campus and violation may result in the individual being arrested for trespassing on College property and if the student is suspended may result in expulsion.
7. **Expulsion** - Termination of student status and denial of access to all campus facilities and grounds. Expulsion is normally considered to be a permanent separation between the College and the student. Expelled students will not be welcome on campus and may be arrested for trespassing if found on College property.
8. **Transcript Notation for Violent Offenses** - Transcript Notation Process. 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"

Transcript notations for a student suspended or who choose to withdraw pending conduct investigation will remain on a transcript for a minimum of one year. After one years' time, a student may request to have the transcript notation removed by filing an appeal with the the Senior Vice President or her designee. 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 the Campus Director or Academic Dean 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/out patient 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).

APPEALS PROCESS

All appeals must be submitted in writing within three business days of the outcome notification. 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.

Appeals may only be filed on the following grounds:

1. That the initial hearing body substantially failed to observe the procedural requirements of the *Student Handbook* and such failure had an adverse effect on the outcome.
2. 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.

Appeals of decisions and sanctions imposed by an Administrative Hearing are made to the Senior Vice President of Elmira Business Institute. The results of an appeal will be sent in writing to the student within three business days of the date of the appeal. The Senior Vice President when acting as the appeal administrator, is authorized to lessen, 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. Although a conduct finding may be appealed as noted above, the sanction must be followed until such time as a response to the appeal is decided.

PARKING

ELMIRA CAMPUS

If you are a day student, you can obtain a parking permit at the nearby Centertown Parking Garage. You will be required to visit the garage to pick up your swipe card. The garage will require a \$5.00 deposit for the card, which will be returned to you when your parking pass is cancelled and upon returning the swipe card to the parking garage in good condition. Each student who has a current parking pass will be charged \$30.00 per month to his/her financial aid account.

If the parking garage option is not feasible, you are welcome to park in the surrounding areas/street parking near the College. Students will be responsible for ensuring they are not parking in tow away zones or restricted areas. Elmira Business Institute will not be responsible for any fees or penalties associated with where students park.

Evening students are able to use the back parking lot and along the streets. When parking in the back lot, please be aware that the first four (4) parking spaces are for handicap parking and violators will be towed. Students are prohibited from parking along the side of the building.

Handicapped parking is available at the student's request. Documentation is required to be filed in Elmira Business Institute's Administrative Office to have access. All other cars will be towed.

VESTAL CAMPUS

Students must park in specified Elmira Business Institute Student Parking located behind the EBI building in the Vestal Executive Park. If a parking violation takes place, one warning will be given to the student by the College.

Elmira Business Institute reserves the right to tow the car and will not be responsible for any fees or penalties associated with where students park.

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