

STUDENT CODE OF CONDUCT

LIM COLLEGE

PREAMBLE

Admission to LIM College carries with it the expectation that students will conduct themselves as responsible members of the LIM College community and in a professional manner while representing LIM College. This includes an expectation that students will obey all applicable laws; will comply with rules and regulations of the College; will maintain a high standard of integrity and honesty; will respect the rights, privileges and property of other members of the College community; will not interfere with legitimate College affairs; and be respectful at all times to members of the LIM College community and guests of the College.

LIM College may take appropriate disciplinary action when a student's conduct violates the Student Code of Conduct or other College policies. This Code covers inappropriate or unprofessional behavior at College sponsored events, in the classroom, in LIM College facilities, in LIM College student housing, LIM College sponsored programs, or while participating in internships or study abroad programs. Further, this Code covers student behavior that is determined to interfere with the College's educational responsibilities, its subsidiary responsibilities, or with the health and/or the safety of members of the LIM College community or guests.

The responsibility and commitment to secure and to respect general conditions conducive to the freedom to learn and self-development is shared by the students, faculty and staff at LIM College.

PURPOSE

The Code of Student Conduct provides a framework of standard acceptable behavior for students at LIM College. It is set forth to give students general notice of prohibited conduct and their rights and responsibilities where a violation of this Code has been committed. This Code should not be regarded as an exhaustive definition of misconduct. Students are responsible for understanding and complying with both the letter and spirit of this Code.

PROCEDURAL STANDARDS IN DISCIPLINARY PROCEEDINGS

1. Preponderance of the Evidence:
Burden of proof will be established by preponderance of the evidence under this Code in all formal proceedings except appeals.
2. Discipline:
Discipline for infractions of the Code of Conduct is intended to ensure procedural fairness to an accused student. Disciplinary procedures may vary in formality depending on the severity of the offense and the potential sanctions that may be imposed. LIM College will adhere to procedural fairness by requiring that in all situations the student be informed of the nature of the complaint against him or her, and that he or she be given a fair opportunity to refute them.
3. Violations of Law:
A student may be accountable under the College's disciplinary proceedings described here and also by law enforcement authorities. If a student is the subject of a drug related arrest, regardless if the student's arrest was associated with their LIM College attendance, he/she must notify the College, in writing, within 48 hours. If the violation of law occurs on LIM College property or at an LIM College sponsored program or event, the College may institute its own proceedings against the offender and, in addition, will refer the violation to the appropriate law enforcement authorities for disposition.

SECTION I. DEFINITIONS

1. LIM College:
LIM College may be referred to as the College, LIM, or Laboratory Institute of Merchandising.
2. LIM College community:
The term LIM College community includes but not limited to any person who is a faculty, staff, student or any person employed or contracted by LIM College or visiting the College. LIM College community also includes those associated in LIM College sponsored internships, study abroad, work projects, and other placements.
3. Clear and Convincing:
Conforming to or being the standard of proof which must show that the truth of the allegations is highly probable

4. Code:
Refers to the Student Code of Conduct, and may also be referred to as the LIM College Student Code of Conduct, or the LIM College Student Code, or the Student Code. LIM College's Academic Integrity Policy, housing policies and procedures, and computer use policy is also incorporated into the Code.
5. College Official:
Refers to any administrator, instructor, staff member or other LIM College employee or agent with authority to act on behalf of the College.
6. College premises or College Campus:
Includes all building, land, facilities and other property in possession of or used by LIM College, meaning all areas, owned, used, leased, or controlled by LIM College, including adjacent streets and sidewalks, including The 1760 Third Avenue residence, and the location at which any College sponsored event takes place domestic or abroad.
7. Complainant:
A person, persons, or organizations filing a complaint or incident report in which an alleged violation of the Code has occurred.
8. College Sponsored Activity:
Any activity on or off College premises which is initiated, funded, rented, aided, authorized or supervised by LIM College. This includes Co-ops, Work Projects, internships, study abroad, and events taking place in The 1760 Third Avenue Residence.
9. Disciplinary File:
A file held by the College containing formal written records of a student disciplinary record while at LIM. With the exception of cases of expulsion, the file will be destroyed seven (7) years after the student has severed his/her relationship with LIM College.
10. Judicial Hearing Body:
Refers to the judicial hearing officer or Disciplinary Hearing Board (DHB).
11. Judicial Hearing Officer or Hearing Officer:
Refers to anyone who has been designated by the College to hear, adjudicate or mediate student disciplinary cases. This includes, but is not limited to the Senior Vice President for Academic and Student Affairs, Vice President for Student Development, Vice President for Student Affairs, Associate Dean for Student Affairs, Associate Dean of Academic Affairs, Director of Housing and their designees.
12. Preponderance of the Evidence:
The standard of proof that the evidence is more credible and convincing than that presented by the other party or which shows that the fact to be proven is more probable than not.
13. Respondent:
Refers to the person, persons or organizations who are responding to a complaint or incident report that an alleged violation of the Code has occurred.
14. Student:
The term "student" includes any person who: 1) has accepted and registered as a student of LIM College, but has not yet graduated or officially transferred to another institution; or 2) is taking courses at the institution whether full-time or part-time, pursuing undergraduate, graduate, professional, continuing education, or distance learning courses whether matriculated or not.
15. Student Organization:
The term "student organization" means any number of persons or group who are currently registered or recognized by an official LIM College department, program or office, including, but not limited to student clubs, sports clubs, honor societies, intramural teams, and Greek letter organizations.
16. Expulsion:
The permanent separation of a student from LIM College. Students expelled from LIM College are not permitted to register for classes or be on the College premises at any time, for any reason.
17. Illegal and Controlled Substances:
As defined in New York Public Health Law §3306.

18. Reprimand:
A formal oral or written finding explaining the violation(s) and expectations regarding future behavior, which is placed in the student's judicial file. A reprimand may be included in either the formal or informal processes as described in this Code.
19. Residential Suspension or Expulsion:
An action that excludes (separates) a student from College sponsored housing permanently or for the period of the residential suspension.
20. Suspension:
An action that excludes (separates) a student from the College and/or College sponsored activities for a specified period of time. Suspended students are not permitted to register for classes or be on College premises or participate in College activities on or off campus for the period of the suspension. Conditions for the student's return may be established by the Disciplinary Hearing Board, Administrative Hearing Officer or College President as they deem appropriate. Any student or former student who has not officially completed a course of study at LIM College, who is convicted of a felony in a US Court of Law, can be subject to suspension or expulsion from LIM College pending a formal disciplinary hearing as per this Code.

SECTION II. JURISDICTION

Students and student organizations will be considered for disciplinary action under this Code whenever it is alleged that their conduct may be in violation of the Student Code of Conduct. For violations that do not occur on the LIM College campus and/or conduct that adversely affects the LIM College community. For violations that do not occur on LIM College property, action will be considered if College Officials decide that institutional interests are involved. Disciplinary action may be taken by LIM College for any act constituting a violation of the federal, state or city law or regulations when the act is believed to be contrary to LIM College's interests as an academic community, including acts that threaten the lives, health, safety, property or academic success of LIM College students and/or college officials. LIM College students and/or student organizations will be held responsible for the actions of their guests under this Code. Approved constitutions or charters governing organizational behavior may be subject to dual action under this Code and the constitution or charter of the organization, depending on the alleged violation. The chief Student Affairs officer of the institution (or their designee) will make a determination which document prevails.

SECTION III. STANDARDS & OFFENSES

All LIM College students are required to familiarize themselves with, as well as to conform to, College rules and regulations governing personal conduct on campus. The following represents conduct that may lead to disciplinary action. This list is not exclusive.

1. Academic Integrity:
Includes, but is not limited to, cheating, plagiarizing (including electronic plagiarism), or aiding and abetting another person in cheating or plagiarizing. Academic Integrity is covered under the LIM College Academic Integrity Policy. The Academic Integrity Policy including procedures for violation of the policy and sanctions can be found at www.limcollege.edu.
2. Professionalism and Respect towards others:
Students must refer to all faculty and staff by their appropriate title followed by their last name. Examples of such titles are President, Vice President, Dean, Dr., Professor, Mr. and Ms. Students should not refer to any staff or faculty member by his/her first name unless specifically requested by the individual staff or faculty member. In addition, failing to act in a professional and respectful manner to a member or members of the LIM College community is a violation of this Code.
3. Alcoholic beverages, illegal and controlled substances:
Using, selling, sharing or possessing alcoholic beverages, or illegal or controlled substances or being under the influence of alcohol or illegal or controlled substances on College premises or at College sponsored activities is prohibited. Alcohol consumption is allowed by students of legal age at LIM College sponsored events and College sponsored activities where pre-approved by the College. However, inappropriate or excessive alcohol consumption is not acceptable and the College, at its discretion for students of any age, may enforce a "no alcohol for students" policy at any given event without advance notice or warning.
4. Breach of campus safety:
Refers to a breach of campus safety and security, inappropriate equipment use, and obstruction of College operations. This includes any unauthorized taking, use of, or entry onto College property, premises, equipment or services.

5. Unauthorized use or possession of any member of the LIM College community's property.
6. Unauthorized use of the LIM College name.
7. College clubs and organizations:
Any College approved or unapproved organization or club violating College regulations concerning student organizations and clubs, the misuse of College facilities, name, supplies, materials, or the time, place and manner of public expression including, but not limited to, membership, participation in, or support of student organizations explicitly prohibited by the College are in violation of this Code.
8. Complicity:
Defined as aiding, abetting, attempting, conspiring, hiring, willfully encouraging or being an accessory to any violation of the LIM College Code of Conduct, or any federal, state or local law or regulation.
9. Computer use:
Any violation of the LIM College Computer Use Policy. The LIM College Computer Use Policy and associated sanctions for violations may be found in the Student Handbook or at www.limcollege.edu. Students found in violation of the LIM College Computer Use Policy may be adjudicated under this Code, the Computer Use Policy or both.
10. Disorderly conduct:
Activity that interferes with or obstructs the College's academic or non-academic activities, systems, or services.
11. Dress and Appearance:
Students are expected to be neat and clean and to exercise good judgment in their appearance pursuant to the College's professional setting. For some classes, internships, trips, etc., specific dress codes may be instituted, and failure to abide by those dress codes and expectations is a violation of the Code.
12. Failure to Comply to the directives of a College Official or to the health or safety procedures or directives by an LIM College, Federal, State or Local official.
13. False information:
Furnishing false information, forging, unauthorized altering or misusing of any document, record or instrument of identification, or withholding information from the College; deliberate disobedience or resistance, including failing to identify oneself upon request to College Officials; failing to show proper identification upon request, and falsely claiming to represent the College or a student organization or club.
14. Gambling:
Wagering on College premises for money or other things of value, except where permitted by law, is prohibited.
15. Harassment: physical, sexual, violent, and/or threatening behavior including hazing.
Harassment includes but it not limited to, personally belittling another on the basis of age, sex, race, color, disability, religion, sexual orientation, national/ethnic origin or economic status. Use of verbal, physical, written, electronic, or other means of communication to intimidate, harass, stalk, coerce, or interfere with the rights of other members of the College community. Threatening physical abuse or verbally abusing or endangering the health or safety of another person. Unwelcome sexual threats, demands, advances, requests for sexual favors and other verbal or physical conduct of a sexual nature regardless of the sex of the person at whom such conduct is directed.
16. Infringement of copyright or trademark laws.
17. Misuse of housing services:
Students living in or visiting LIM College housing facilities are bound by the rules and regulations outlined in the annual housing agreement, Educational Housing Services (EHS) housing policies and procedures, and the Housing and Residence Life Handbook.
18. Non-compliance:
Violation of other College policies and procedures are incorporated within this Code even if not specifically mentioned. For policies and procedures that have their own disciplinary procedures, the College, at its sole discretion, may choose to take action under either or both the Code and the individual policy or procedure.
19. Possession of weapons:

Possessing or using unauthorized firearms or other weapons on College controlled property. "Weapon" is broadly defined to include, but is not limited to, all firearms, including BB guns, knives, explosives, toys that resemble weapons, explosive fuels, dangerous chemicals, billy clubs and fireworks.

20. Solicitation:

Distributing advertisements, samples and engaging in direct sales or donations on College property or at College sponsored events without prior written authorization by the appropriate College Official or posting or littering the College with posters, flyers, or brochures on campus. Credit Card and loan solicitation is prohibited on the LIM College campus at all times. Solicitation of other banking information must be pre-approved in writing by the College.

21. Terms of sanctions:

Knowingly violating the terms of the sanctions imposed for prior Code offense.

22. Tobacco products:

Smoking is not allowed anywhere on the College premises, including the front entrances or at any College sponsored activities.

SECTION IV. IMMEDIATE & INTERIM DISCIPLINE

1. Interim and emergency suspension:

In situations where there is reasonable cause to believe a student's alleged behavior, conduct or and/or continued presence at the institution poses a danger to the health, safety, or general welfare of him/herself, others, the campus community, property, or continuation of normal LIM College functions, the Associate Vice President for Student Affairs or Vice President for Student Development or their designees, in concurrence with the Senior Vice President for Academic and Student Affairs or their designees, may temporarily restrict a student from specific LIM College facilities including residence halls, buildings and classrooms or temporarily suspend the student from LIM College for an interim period of time pending disciplinary proceedings.

A student under interim suspension is not allowed on any LIM College Campus or property nor may he/he contact any LIM College student, faculty, administrator or employee without express permission of the Associate Vice President for Student Affairs or the Vice President for Student Development or their designee. The student is entitled to an expedited disciplinary hearing as set forth in this Code to be commenced within five (5) calendar (excluding LIM holidays) days of the interim suspension. The student may request an extension at the time of the hearing for good cause shown, but he/she will remain on interim suspension until a decision is rendered.

2. Removal from Classroom:

Immediate exclusion from the classroom may be invoked by the instructor or LIM Official when the presence of the student in the class poses an immediate threat of harm to the student, to others, or to the continuation of normal classroom functions. Depending on the gravity of the violation, other agencies including law enforcement may be notified. Incidents must be reported to the Associate Vice President for Student Affairs, the Vice President for Student Development and/or the Assistant Dean for Student Academic Affairs as violations of the Student Code of Conduct.

SECTION V. INFORMAL DISCIPLINARY PROCEDURES

1. Reports of Violation with no incident report:

Upon receiving a complaint, report or learning of an alleged violation of the Student Code of Conduct or inappropriate behavior, a judicial hearing officer may choose to resolve the incident immediately or, where appropriate may request or create an incident report with regards to the incident. The resolution will be discussed between the administrator and student. If no incident report is created, no formal documentation of the incident will be created.

2. Report of Violation in which an incident report has been generated:

a. Informal Resolution When Student Admits to Violation of the Code:

The hearing officer, with the agreement of the student, may choose to resolve the issue informally when the student has admitted responsibility for a violation of the Code. Upon concluding the investigation, and with agreement of the student, the hearing officer will create a written sanction letter. At discretion of the administrator the letter may or may not be placed in the student's disciplinary file.

b. Informal Resolution by Hearing Officer when Student Denies the Allegations

If the student denies the allegations, and depending upon the severity of the allegations, the student may choose to have a hearing in front of the judicial hearing officer. The judicial hearing officer, depending upon the severity and nature of the violation, may require the student to have the alleged violation adjudicated by the DHB, however the judicial hearing officer may not require the student have the alleged violation adjudicated by the "Informal Resolution by Hearing Officer when Student Denies the Allegations" process.

i. Procedures for Informal Resolution by Hearing Officer when Student Denies the Allegations:

1. The Hearing Officer will establish a time to conduct the informal resolution meeting.
2. The student may bring written or visual evidence in support of his/her case.
3. The student will have the right to review (but not reproduce) all evidence in his/her disciplinary file pertaining to the alleged violation of the Code and all evidence the college intends to introduce.
4. The student will be given the right to present his/her case to the Judicial Hearing Officer.
5. The student may not be represented by counsel, an advisor, or any person, unless as an accommodation under the ADA. In such cases, that individual may not represent the student.
6. No witnesses may be called.
7. A formal decision letter will be sent within 14 calendar days of completion of the informal resolution process.
8. If the student is found responsible, the student will have the right to appeal the decision as outlined in the "Appeal" section of this Code.

3. Formal Resolution by Disciplinary Hearing Board (DHB). The following is the procedure for a Formal Resolution by the DHB:

a. Presentation of Code of Conduct Violations to the DHB:

- i. A student who has allegedly violated the Code (the Respondent) and has been referred to the DHB shall have the right to:
 1. Receive written notification of the alleged violations within fourteen (14) calendar days of the referral of the alleged violation to the DHB.
 2. The Respondent will be informed by the College of the date, time, and place of the hearing.
 3. The Respondent will have the right to call witnesses to testify on his/her behalf (see section 5 below).
 4. The Respondent will have the right to review the witness list to be called by the complainant.
 5. The Respondent is responsible for notifying and ensuring that any and all witnesses are present at the hearing. The failure to give timely notification may result in preclusion of the witness or witness's testimony.
 6. The Respondent must inform the DHB of any and all witnesses he/she intends to introduce at the hearing seven (7) calendar days before the hearing.
 7. The Respondent has the right to be advised by one advisor.
 - a. The advisor may not be an attorney.
 - b. The advisor may not speak on behalf of the Respondent.
 - c. The advisor may not question witnesses.
 8. The Respondent will have the right to question witnesses and review but may not reproduce written, visual or oral evidence in the case.
 9. A written decision will be made within fourteen (14) calendar days (excluding school holidays) following the conclusion of the hearing.
 10. A right to appeal the decision is set forth in the Appeal section of this Code should the Respondent be found responsible of violating the Code.
- ii. A student who has alleged a violation of the Code (the Complainant) shall have the right to call witnesses in support of the Complaint (see number 4 below):
 1. Be informed of the date, time, and place of the hearing proceedings.
 2. Have the right to call witnesses to testify on his/her behalf.
 3. The Complainant is responsible for notifying and ensuring that any and all witnesses are present at the hearing.

4. The Complainant must inform the DHB of any and all witnesses he/she intends to introduce at the hearing at least seven (7) calendar days before the hearing.
5. The Complainant will have the right to review the witness list to be called by the respondent.
6. The Complainant has the right to be advisor by one advisor.
 - a. The advisor may not be an attorney.
 - b. The advisor may not speak on behalf of the student.
 - c. The advisor may not question witnesses.
7. The Complainant has the right to be informed of the outcome of the hearing (but not the sanction if the Respondent is found responsible) if a written request is presented to the Judicial Hearing Officer no more than fourteen (14) calendar days after the hearing date.

4. Hearing before the DHB:

The DHB is composed of a minimum of one LIM College Staff Member, one LIM College Student, and one LIM College Faculty Member. A chair will be chosen at the time the board is convened. Hearings are closed to the public. The DHB may limit the time of the hearing and the number of witnesses. Character witnesses are not allowed; only witnesses with direct knowledge of the incident in question may be called.

If the Respondent fails to attend the disciplinary hearing, the hearing will be conducted and the DHB will render a decision in his/her absence.

5. Appeals:

If a Respondent is found responsible of a Code of Conduct violation by the judicial body, he/she may appeal the decision only on one or more of the following grounds:

- (1) The judicial body violated the procedures for the conduct of the hearing;
- (2) The sanctions imposed were disproportionate to the offense for which the student was found responsible; or
- (3) New information, that was not available and could not have been available at the time of the hearing has surfaced, the consideration of which would likely have resulted in a different conclusion or sanction.

A Complainant does not have a right of appeal.

a. Burden of Proof:

The burden of proof at the appellate level rests with the Respondent to show by clear and convincing evidence that an error has occurred during the disciplinary process or that new compelling information exists that did not exist at the time of the hearing.

b. Time Line for Appeals:

Appeals, including a written statement of the reasons for the basis of the appeal, must be submitted to the appeals hearing officer noted in the decision letter no later than ten (10) calendar days of the date of the written decision of the judicial body. If the judicial body's decision is not appealed within that time frame, that decision of the judicial body becomes final.

A written appeals decision of the appeal will be sent to the student within fourteen (14) business days of receipt of the appeal. The disposition of the appeal will be considered final.

SECTION VI. SANCTIONS ADMINISTERED BY A JUDICIAL BODY

1. Oral Reprimand:

A reprimand without the student having a right to a disciplinary hearing or appeal. Future violations of the Code may result in more severe disciplinary action.

2. Written Reprimand:

The student/respondent is issued a formal written reprimand of his/her violation of the Student Code of Conduct. The written reprimand will be placed in the student disciplinary file at the discretion of the judicial hearing officer.

3. Disciplinary Probation:

A reprimand with the added condition that, if the student is found responsible of a future violation of the College's Code of Conduct during a specified probationary period or while enrolled as a student at LIM College, the College may, within its discretion, suspend or expel the student.

4. **Disciplinary Suspension:**
Suspension from the College for a specified period of time. Upon completion of the period of suspension, the student will be considered for re-admittance in accordance with the academic admission standards that are in effect.
5. **Financial Restitution:**
Compensation for loss, damages, or injury to, or misappropriation of College property or the property of members or of visitors to the College.
6. **Alternative Sanctions:**
Additional or alternate sanctions, including, but not limited to, restrictions on participation or granted privileges in certain College activities, oral or written apologies, attendance at counseling sessions, participation in College or community service, etc.
7. **Expulsion:**
Permanent removal from the College.