



# Behavioral Intervention and the Student Code of Conduct

*A Guide for Faculty and Staff*

Maintenance of Public Order - Code of Conduct



## Maintenance of Public Order - Code of Conduct

<https://www.cuny.edu/about/administration/offices/ovsa/policies/rules-for-maintenance-of-public-order/>

The Student Process bylaws (Article XV) were adopted by the Board of Higher Education at its meeting held November 23, 1970. This action provided the means by which administration, faculty, and students at each college of the University may administer a system of student conduct and discipline designed to maintain campus order and protect the rights of members of the college community.

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

1. **Obstruction of or interference** with institutional educational processes or facilities and the prevention of others from exercising their rights;
2. **Failure to comply** with lawful directions of college officials acting in the performance of their duties, including failure to comply with the reasonable directions of a member or agent of the College acting in the performance of their duty;
3. **Any unauthorized occupancy** of facilities owned or controlled by the institution or blockage of access to or from such facilities;
4. **Theft**, misappropriation, damage, or unauthorized sale of college property;
5. **Intimidation** or abuse of others who advocate their positions;
6. **Interference** with the right of any institution member or other authorized person to gain access to any activity, program, event, or facilities sponsored or controlled by the institution;
7. **Disorderly Conduct**. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, other groups, or individuals (e.g., public urination/defecation, participation in a disruptive or coercive demonstration);
8. Firearms, Ammunition and Other **Dangerous Weapons**. Possession of or use of firearms, ammunition, dangerous weapons of any kind, as well as replica/toy weapons. (Examples of prohibited items include but are not limited to: BB guns, pellet guns, explosive materials, paintball guns, water guns, cap guns, stun guns, Tasers, toy knives or other items that simulate firearms or dangerous weapons);
9. **Recklessly or intentionally endangering the physical or mental health of others**. These behaviors include but are not limited to actions causing bodily harm to another person, or reckless disregard for the health, safety, and welfare of any person. Also, engaging in threatening/intimidating or bullying behavior, which is so persistent, pervasive, or severe as to deny a person's ability to participate in the College community, and verbal threats and/or attempts to intimidate, including, but not limited to statements meant to provoke conflict with another person or which cause a reasonable fear for a person's safety;
10. **Drugs and other Controlled Substances**. The unlawful possession, use, or sale of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic, hallucinogenic drug, or marijuana). This offense includes the violation of any local ordinance, state, or federal law concerning drugs or controlled substances, on or off (ex. College sponsored events or trips off campus) college-owned or controlled property.

11. **Alcoholic Beverages.** The use and/or possession of alcoholic beverages on or off (ex. College sponsored events or trips off campus) college-owned or controlled property. This offense includes the violation of any University policy, local ordinance, state, or federal law concerning alcoholic beverages, on or off (ex. College sponsored event or trip off campus) College-owned or controlled property. See [CUNY's Drug and Alcohol Policy](#) for more details.
12. **Sexual Harassment (Misconduct).** Includes unwelcome conduct of a sexual nature, such as unwelcome sexual advances, request for sexual favors, and other verbal, nonverbal, graphic, and electronic communications or physical conduct that is sufficiently serious to adversely affect an individual's participation in employment, education, or other College activities. See [CUNY's Sexual Misconduct Policy](#) for more details.

### Assisting Students in Distress: Response Protocol

If someone you know may be experiencing mental health issues, the Counseling Center is here to help. For details on when to approach and refer a student, please consult our four-step referral process below. If you're still unsure if it's appropriate to make a referral, call the Counseling Center at 718-262-2272 to share your observations and concerns.

#### Emergency?

If a student is a danger to themselves or others, call Public Safety (718) 262-2222 and Student Development on (718) 262-2331 for an immediate response.

### Four-Step Referral Process

#### STEP 1: Identify

Recognize the warning signs. A student may exhibit behaviors or use language that signals they may be experiencing personal, social or psychological distress (e.g., withdrawal, disturbing speech/communication, or changes in mood or behavior.)

#### STEP 2: Listen

Focus on what they're saying and express concern. Speak to the student privately. Don't be afraid to ask, "How are you feeling?" Explain what you have heard or observed that makes you concerned about the student. "I'm concerned about..." Allow the student to talk and help them elaborate. Pick up on cues from their body language. Listen respectfully without judgment. Be careful not to overact with too much emotion or panic. Validate the difficult circumstances or feelings expressed and convey your concern for the student's well-being.

#### STEP 3: Refer

Recommend the student speak to a counselor in the Counseling Center. Explain how a professional may be able to assist them or help them navigate their challenge. Emphasize that the services are free and confidential. Normalize the process and involve the student in the referral. Make the initial contact by calling the Counseling Center at 718-262-2272. If the student is reluctant to accept a referral or you are uncomfortable suggesting services, call the Counseling Center and share your observations and concerns. A plan can be arranged to reach the students and to assess their emotional state.

## STEP 4: Follow Up

Communicate your continued concern and support by checking in with the student to determine whether they followed up on your recommendation. Continue to inquire periodically about how they are doing. Please remember that confidentiality limits the Counseling Center from providing information about a student without their written consent.

### How Can Disruptive Behavior be Prevented or Managed?

1. Model the behavior you expect of students
2. Include the Maintenance of Public Order/Code of Conduct on each course syllabus. Your syllabus is your contract with the student related to academic requirements, as well as required behaviors and conduct in the course. When you are reviewing the syllabus at the beginning of the semester, take time to review the Code of Conduct along with other requirements for the course. Students new to the college environment may not be familiar with working with other students, faculty or staff who may be different from themselves. This gives you the opportunity to set the tone of the classroom and conduct for the semester.
3. Clearly explain what consequences will occur if students violate your course contract.
4. Confer with colleagues on ways they prevent or respond to disruptive behavior.
5. If a student displays inappropriate behavior in the classroom, the faculty should pull the student aside and have a conversation about their concerns and expectations of the course. This is a suitable time to go over the behavior statements in your syllabus. It is important to be firm but compassionate.
6. If disruptive behavior continues, discuss consequences of their behavior including possible disciplinary action. If there are mental health concerns observed or stated, connect with the Counseling Center for recommendations.
7. If behavior persists and/or worsens, consult with Department Chairperson or Supervisor to determine next steps including submitting a report via [The Behavioral Intervention Team \(BIT\) portal](#).
8. The Behavioral Intervention Team will assess the situation and make recommendations for action. Such actions may range from a counseling or academic support referral to removal of the student from the college community by means of the appropriate University process. When appropriate, BIT will refer students, not deemed to be high-risk, to campus resources and services that will enable them to remain in good standing at York.

### What to Do When there is a Condition/High-Risk of Harm

1. **Do not meet alone with a potentially angry or hostile individual.** Always set up an appointment. This gives you the opportunity to develop a strategy.
2. Let a colleague know you will be meeting with a potentially violent student and have that colleague ready to assist as well as someone from Public Safety nearby.
3. Keep your door open.
4. Position yourself so you can exit the room quickly.

5. End the meeting if something does not feel right.
6. Avoid body language that appears challenging.
7. Establish the student's goal for the meeting. Establish your goal for the meeting. Negotiate a common goal and keep the student focused on the agreed upon goal.
8. Listen with intent. Pay careful attention to what is said. Let the student know you will help within your ability to reasonably do so.
9. Ask questions – it helps to gain control and understand the situation.
10. Neither agree with distorted statements nor attempt to argue. Do not be defensive.
11. If the student becomes overly emotional or angry and does not calm down; tell him/her/them that you will not continue unless he/she/they calm down. End the meeting if the behavior continues.
12. Never agree to leave or meet off campus or in an unmonitored location.

### **The Code of Conduct and Academic Integrity**

Within the organizational structure of the College, behavioral matters and the code of conduct are overseen by the Division of Enrollment Management and Student Affairs, whereas matters of academic integrity are overseen by the Division of Academic Affairs. There are separate policies and procedures guiding responses to each. A suspected or confirmed violation of the code of conduct is not necessarily an academic integrity issue. Similarly, a suspected or confirmed violation of the academic integrity policy is not necessarily a code of conduct issue.

A [separate website](#) devoted to academic integrity contains links to appropriate policies and procedures, the integrity officer's contact information, and a [forthcoming] faculty guide to academic integrity

While conceptually and structurally discrete, in practice behavioral and integrity concerns may present concurrently in some situations. As such, careful coordination between the two College Divisions is essential for promoting peaceful and professional conduct as well as academic integrity. In such situations, the integrity officer and the dean of students will collaborate with the faculty member and the student to propose a plan of engagement which addresses both sets of concerns consistent with the requirements of applicable policies and procedures.

### **Examples of Classroom Behavior Statements to Share During First Day**

1. Classroom attendance is a necessary part of this course. You are allowed no more than x number of unexcused absences.
2. Classroom participation is a part of your grade in this course. To participate you must attend class having prepared the materials for the day. Questions and comments must be relevant to the topic at hand.
3. You are expected to be on time. Class starts promptly at X. You should be in your seat and ready to begin class at this time. Class ends at Y. Packing up your things early is disruptive to others around you and to myself.
4. Raise your hand to be recognized.
5. Meaningful and constructive dialogue is encouraged in this class and requires a degree of

mutual respect, willingness to listen, and tolerance of opposing points of view. Respect for individual differences and alternative viewpoints will always be maintained in this class. One's words and use of language should be temperate and within acceptable bounds of civility and decency.

6. Classroom discussions should be respectful to everyone and relevant to the topic we are discussing. Everyone is entitled to their opinion. Classroom discussion is meant to allow us to hear a variety of viewpoints. This can only happen if we respect each other and our differences. Any discussion from class that continues on any listserv or class discussion list, should adhere to these same rules and expectations. Since every student is entitled to full participation in class without interruption, all students are expected to come to class prepared and on time and remain for the full class period. All electronic devices that generate sound and/or pictures must be turned off during class. Also, vaping in class will not be permitted.
7. Disruptive behaviors, including excessive talking, arriving late to class, sleeping, reading newspapers, using unauthorized electronic devices during class are not permitted. Repetitive and seriously disruptive behavior, e.g., fighting, using profanity, personal or physical threats or insults, damaging property, may result in your removal from class in accordance with policies and procedures outlined in the Code of Conduct and in consultation with the Office of the Vice President of Enrollment Management and Student Affairs.

### Statement for Online Classrooms

**\*NOTE:** According to the CUNY Policy on Acceptable Use of Computer Resources (2007), section IV, number 5, - students are held responsible for **False Identity and Harassment**: Users may not employ a false identity, mask the identity of an account or computer, or use CUNY Computer Resources to engage in abuse of others, such as sending harassing, obscene, threatening, abusive, deceptive, or anonymous messages within or outside CUNY.

### Support for Faculty, Staff, And Peers Working with A Distressed Student

See Something, Say Something, Do Something

See

#### Observe the Behavior

Since you may have frequent and/ or prolonged contact with a student, you are in a unique position to see a noticeable change or distress in a student.

Become familiar with symptoms of distress and attend to their occurrence.

#### Trust Your Instincts

If you feel uneasy about a student, consult with your supervisor, department chair, Public Safety, and/or the Counseling Center, etc. Early intervention can prevent more serious problems from developing.

## **Initiate Contact (Be Proactive)**

Don't ignore strange, inappropriate, or unusual behavior. Talk to the student privately, indicating concern in a direct or casual way? Can you be direct and matter-of-fact? (If addressing disruptive behavior, please see next page.)

## **Listen Carefully**

Allow the student time and latitude to express their thoughts and feelings. Don't minimize their concerns.

Students may struggle to articulate the cause of their distress. Do not be afraid to directly ask if the student is thinking of suicide or taking their life. And refrain from expressing personal or negative opinions.

## **Say**

### **Know Your Limits**

Students in distress often require a great deal of time and energy. If you believe a student's problems are more than you can handle, trust your instincts. You can connect the student to the large network of campus support that is available to them.

### **Clarify Your Role**

When supporting a student, be frank with the student about your expertise and role. Frame any decision to seek and accept help as an intelligent and wise choice. Emphasize that asking for help is a sign of strength. Respect the student's privacy and autonomy without false promises of confidentiality.

### **Offer Support and Assistance**

Make reflective comments — repeat the student's statements back to them to clarify their point of view and demonstrate understanding.

- Meet and talk privately to minimize embarrassment and defensiveness.
- Don't minimize student's distress.
- Don't challenge or argue.
- Don't assume a student's motivation for behavior.
- Do keep your voice low and speak slowly.
- Do convey your concern and your desire for their well-being.
- Clearly express your concerns, focusing on the specific/observable behavior(s), in non-disparaging terms.
- Offer supportive alternatives, resources, and referrals.
- Explore student support systems (on and off campus).
- If you have ANY concerns about self-harm, BE SURE to ask explicitly if student has thoughts or plans to harm or kill themselves e.g. "Have you been thinking of ending your life?"

## **Do**

### **Prepare**

Before you enter a situation where you are dealing with a distressed or distressing student:



- Have your resources at hand
- Know who to call for support in the moment
- Know how to make a referral

### **De-Escalate**

- Remain calm and non-threatening (consider tone of voice and posture/body position); people will often mirror your demeanor, minimizing escalation.
- Acknowledge student concerns; people in distress need to hear/feel that they are being heard.
- In the event student is not de-escalating and you have safety concerns, remove yourself/others and call for the appropriate support.

### **Refer**

- For safety concerns, always call York Public Safety first.
- Recommend services
- Encourage positive action by helping the student identify referrals and specific plans for connecting with resources.
- Call the support department with the student to assist in making a connection/appointment.
- When appropriate, make plans to follow up with the student on how referral went.

### **Consult**

- As part of supporting a student in distress, you may need additional support and guidance.
- Either before, during, or after a meeting with a student, you can consult with the campus support department listed on the resource page, as well as your department leadership and experienced colleagues.
- While it is generally recommended you consult openly with the student present, you may want to consult privately if there are any safety concerns. If necessary, find someone to stay with the student while you consult with appropriate resources.

### **Report**

For emergencies and students experiencing or currently in crisis, it is still critical to contact Public Safety at 718-262-2222 (24/7) and the Office of Student Development at 718-262-2331 for immediate response. They will assess the situation in consultation with Counseling Services, Health Services, and other student service areas as needed. You do not need to manage the situation or make an assessment on your own.

### **Distressed?**

Distressed students may be irritable, sad, angry, unduly anxious, withdrawn, confused, unable to concentrate, or exhibit bizarre speech or erratic behavior. They may show behaviors such as, but not limited to, a decline in quality of work, bizarre content or nihilistic themes in writings, marked changes in appearance or hygiene, or make implied or direct threats of self-harm.

The student may disclose:

- Depression or anxiety symptoms
- Death of a family member
- Relationship breaks
- Family and parent issues



- Identity concerns/conflicts
- Suicidal thoughts
- Concerns about themselves or loved ones contracting Covid-19, or other medical issue/hospitalization
- Feeling isolated or lonely due to quarantine/lockdown
- Financial concerns/unemployment concerns
- Distress over racial injustice or safety concerns for themselves or others

### **Confidentiality and FERPA**

While specific student records and information within offices like the Counseling Center and Ombudsperson are confidential by law (meaning information cannot be shared without consent or legal exception), we can always receive information and provide support through general consultation. The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student education records and DOES allow communication about a student when health and safety are a concern. Please note, observations made about a student's conduct, or comments and communication made by the students are NOT educational records and thereby do not fall under FERPA. Staff and Faculty are free and encouraged to share any health and safety concerns about a student with an appropriate campus entity.

### **Disruptive?**

Disruptive students interfere with the learning environment for themselves and other students. They behave in a manner that is disorderly, distracting, reckless, aggressive, paranoid, defiant, destructive and/or threatening. They may refuse to stop talking in class, continually interrupt class, or use language that is offensive and/or deliberately provocative. They may communicate threats via email, text, or phone calls.

For non-threatening disruptive behaviors in the classroom:

- Take the student aside, or meet with the student at the end of class
- Use a calm, non-confrontational approach
- Identify inappropriate behavior
- Review the classroom rules and policies
- Inform students of expected or required behavior moving forward
- Inform students of consequences if student's behavior does not conform to expectations
- Document your expectations in writing to the student in addition to your own notes
- Ask a student to leave as a last resort
- Before speaking to the student, you may consider cautioning the whole class/group about a particular behavior, rather than warning a single student.

### **Academic Indicators**

- Sudden decline in quality of work and grades
- Repeated absences
- Bizarre content in writings or presentations
- You find yourself doing more personal rather than academic counseling during office hours

### **Physical Indicators**

- Marked changes in physical appearance including deterioration in grooming, hygiene or weight loss/gain

- Excessive fatigue/sleep disturbance
- Intoxication, hangover, or smelling of alcohol
- Disoriented or “out of it”
- Garbled, tangential, or slurred speech

#### **Safety Risk indicators**

- Unprovoked anger or hostility
- Implying or making a direct threat to harm self or others
- Academic assignments dominated by themes of extreme hopelessness, rage, worthlessness, isolation, despair, acting out, suicidal ideations/violent behaviors — a “cry for help”
- Communicating threats via email, correspondence, texting, social media postings, or phone calls

#### **Psychological Indicators**

- Self-disclosure of personal distress — family problems, financial difficulties, contemplating suicide, grief
- Excessive tearfulness, panic reactions, irritability, or unusual apathy
- Verbal abuse (e.g., taunting, badgering, intimidation)
- Expressions of concern about the student by their peers